

CITY OF UNION CITY

**MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF MAY 1, 2003, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

**I. ROLL CALL: Commissioners Anderson, Kelley, Lew, and Sweeney
Absent – Vice-Chair Savage**

STAFF PRESENT: Mark Leonard (Economic and Community Development Director); Mark Evanoff (Manager Redevelopment), Grant Cramond (City Engineer); John Bakker (Assistant City Attorney); Joan Malloy (Planning Manager); and Kris Fitzgerald (Administrative Assistant)

II. APPROVAL OF MINUTES:

The minutes for the regular Planning Commission meeting of April 17, 2003 were approved.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. SITE DEVELOPMENT REVIEW SD-13-02; VARIANCE V-07-02, USE PERMIT UP-02-03: The proposed project consists of constructing a 6,120 square foot church on a site approximately 17,500 square feet in area. The applicant is seeking Site Development Review approval and a Variance to allow 25 parking stalls on site, where up to 56 parking stalls are required. The applicant is also seeking a Use Permit for the church use as is required by the Private Institutional zoning district where the proposed project is located. The project site is located at 33459 and 33435 Mission Boulevard at the corner of E-Street in Decoto (Assessor Parcel Numbers 486-3-32, 33 and a portion of 486-3-34-1). The subject site is currently zoned PI, Private Institutional and has a General Plan Land Use designation of PI, Private Institutional. A Negative Declaration has been prepared.**

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Anderson asked how the availability of on-street parking was determined.

Ms. Malloy replied that she used the lengths of the blocks to determine how many cars could be accommodated on each nearby street to the project.

Commissioner Anderson asked about the landscaping policy on page 6, paragraph 3 and why condition #14 requires a landscape plan which appears to contradict.

Ms. Malloy replied that the landscaping policy statement covers a broad range of items and condition #14 was added to cover this particular site.

Commissioner Anderson stated that condition #19 should have a “shall” for the second sentence.

Commissioner Kelley asked about the lots next to the site and whether it has been estimated what number of off-street parking spaces will be generated by the redevelopment of those lots.

Mr. Leonard stated that those lots would probably be developed with a mixed use with possibly residential along 2nd Street and commercial uses along Mission Boulevard. He said that there is no plan yet, nor a developer selected.

Commissioner Lew asked about the status of Tom’s Flowers being relocated.

Mark Evanoff, Redevelopment Manager, replied that the city has retained a relocation consultant to work with the shop owner.

Commissioner Lew asked about the carpet shop being closed

Mr. Evanoff replied that the shop is closed and is now owned by the Redevelopment Agency.

Commissioner Lew asked about the status of the Decoto Lounge.

Mr. Evanoff replied that the property is owned by the Redevelopment Agency and the building will be demolished next week.

Commissioner Lew asked what the street lighting would be.

Ms. Malloy replied that it would be standard City street lighting.

Grant Cramond, City Engineer, stated that street lighting would be done to standards for street lighting.

Commissioner Lew asked if that would be sufficient lighting for the parking lot of the church.

Mr. Cramond stated that there are separate standards for on-site lighting versus street lighting and that an analysis would have to be done to make sure that the light levels met the standards.

Commissioner Lew asked if the city was requiring the applicant to provide sufficient lighting in addition to what is coming from the street lighting.

Ms. Malloy said that it is not a condition of approval but it may be a condition of the Building Code.

Commissioner Lew asked about the parking lot and whether there would be parking allowed by the north wall.

Ms. Malloy stated that it is not a parking area.

Mr. Leonard replied that parking probably would not be allowed along that wall because it would not allow enough room to for the other cars to back up.

Commissioner Lew asked if there were any conditions in the staff report that applied to that area.

Mr. Leonard replied that parking there would depend on meeting dimensional standards and if it does not then staff should add a condition that the north wall area should be posted or red painted "No Parking".

Commissioner Lew asked about condition #68, and wanted to know what the approval consists of.

Ms. Malloy stated that gives Environmental Programs the chance to review the site prior to any changes to the site.

Mr. Cramond stated that Environmental Programs always reviews plans prior to issuance of permits.

Commissioner Lew asked about condition #69 and if there are going to be lease agreements for this property.

Mr. Leonard stated there will not be any lease agreements on this site. He said that staff will remove mention of lease agreements from condition #69.

Commissioner Lew questioned why there is only one handicap parking space shown on the plan.

Mr. Leonard stated that Building Division reviewed the plan and one handicap parking space meets the code.

Commissioner Lew asked about condition #36 and whether that included seismic codes.

Mr. Leonard stated that the seismic safety standards are implemented through the Building Division and would include those codes.

Chairperson Sweeney asked about condition #31 and could it be clarified.

Mr. Leonard said that table of the Building Code refers to how many plumbing fixtures are required for restrooms in a building.

Chairperson Sweeney said that the statement should read, "The applicant shall provide bathroom facilities count per Table 4.1 of the Plumbing Code.

Ms. Malloy agreed to change to condition #31.

Chairperson Sweeney asked about condition #46 which asks for a photometric lighting plan. She wanted to know if the lighting plan would take into account what might be built in the future north of the property.

Mr. Leonard stated that building setbacks would allow for any current and future streetlights to be available to illuminate the site. He stated that the lighting plan would need to take future uses in the area into consideration.

Chairperson Sweeney stated her concern about the late hours of the use of the bldg and that the parking areas might not be well illuminated.

Mr. Leonard suggested adding a sentence to condition #46 that states "lighting plan shall take into account potential future uses of the property to the north".

Chairperson Sweeney asked about condition #50 providing for street improvements and does this include removing unnecessary curb cuts and removing red painted curbing where no longer needed.

Mr. Cramond stated that it does include those items.

Chairperson Sweeney said that along 2nd street there are areas where the red paint was not removed.

Mr. Leonard said that it would be added to the conditions.

Commissioner Kelley asked about condition #9 where the trash enclosures areas would be placed.

Ms. Malloy replied that there is a small area in the landscaping area where the trash enclosure could be placed. She stated that the applicant expects to only generate a small amount of trash.

Commissioner Kelley asked about the outside of the building and wanted to know where the external vents are.

Mr. Leonard stated that on there are vents on the north elevation and on the east and west elevations near the roof peak.

Chairperson Sweeney opened the public hearing.

Arthur L. Clark, MWM Architects, 2333 Harrison Street, Oakland, CA 94612, architect for the project stated that in regards to the lighting they don't anticipate that overflow from the street will provide enough lighting and that an analysis will be done to take that into account. He also said that the trash enclosure site plan indicates several landscape areas that could be used. Even though parking is at a premium they might even put the trash enclosure on the north wall by extending the landscape median. He said that the mechanical mezzanines on the building on the 2nd street side where it appears to be windows they are really vents. He also stated that there would not be any equipment on the roof of the building.

Commissioner Anderson asked about the thickness of the building walls and would it be 6 inch or 8 inch?

Mr. Clark said that since the building is 45 feet wide and either 6 inch or 8 inch depth would be workable and he would be willing to work with staff on that.

Commissioner Anderson asked about the exterior lighting for the building, not the public safety lighting.

Mr. Clark replied that they would consider additional lighting in addition to the public safety lighting for the building.

Commissioner Lew asked what would the fence along the north wall be made of.

Mr. Clark said that it would be either a wall or a fence but he is not sure what type.

Commissioner Lew asked staff about the property line to the north and whether a fence would be required.

Mr. Leonard stated it has not been considered at this time. He said that it depends on what type of future development goes there. He said that on this application a fence was not required.

Commissioner Lew asked about the first floor and whether there is a private restroom for the pastor.

Mr. Clark said there would be a shower, sink, vanity and toilet.

Commissioner Lew asked why a kitchen was not required for this building.

Mr. Clark referred the question to the applicant. He said kitchen was not for preparing food but for rewarming already prepared food.

Chairperson Sweeney asked about why the landscape plan shows only 3 types of plants and whether the final landscape plan would provide more variety.

Mr. Clark replied that staff has asked the applicant to provide a more dense landscape plan and they intend to do that.

Chairperson Sweeney stated that along Mission Boulevard what is proposed is very low growing.

Mr. Clark stated that there will be low shrubs and ground cover against the base of the building.

Chairperson Sweeney would like to see an increase to the plant variety and color and that it be larger to offer more cover.

Chairperson Sweeney stated that she likes the elevations and the roofline over the main entrance on 2nd Street, however, on the west elevation there are two windows on the 1st floor that are windows that light the stairwell and are they decorative.

Mr. Clark stated that they are decoration only.

Chairperson Sweeney asked if those elements or something similar can be carried over to some of the more plain areas such as the western edge of the south elevation by the rounded arch in the blank area.

Chairperson Sweeney stated that she would like to see something similar on the north elevation since it will be more visible to drivers on Mission Boulevard. She would like something to break up the plain area on that side. She also asked that it include the north elevation closest to Mission Boulevard.

Chairperson Sweeney asked about the east elevation which fronts on Mission Boulevard and wanted the two small windows in the dark band, that are bathroom windows, to be altered to look less like bathroom windows.

Chairperson Sweeney suggested that the center top window on the east elevation on the 2nd floor have some kind of arch element or scoring to create more presence.

Mr. Leonard clarified that Chairperson Sweeney was talking about the center top window on the east elevation.

Mr. Clark stated that those are not really windows they are for ventilation purposes only.

Chairperson Sweeney just wanted something to add to the overall look of the building.

Chairperson Sweeney asked about condition #70 to handle the storm water runoff, and whether the landscaped areas shown in the parking lot are to be used to handle the storm water runoff.

Mr. Clark stated no the landscaped areas are raised and surrounded by curbs.

Chairperson Sweeney asked how the storm water would be routed out of the parking lot.

Mr. Clark said there will be a catch basin that will be designed to collect the water.

Chairperson Sweeney asked if there will be a way to route the storm water thru the vegetation to clean up the water.

Mr. Clark stated that there is not enough area to do this.

Chairperson Sweeney asked about the condition for members of the congregation to avoid parking on the street in front of the residences and to avoid using the markets parking area.

Reverend Jerald Simpkins, 4326 Palmdale Street, Union City, CA, 94587 stated that he would try to encourage the congregation to avoid those areas.

Chairperson Sweeney asked if the limit to 280 people for the congregation is a problem.

Reverend Simpkins stated that it is not a problem.

Chairperson Sweeney asked about the provision about public art and if they could try to combine the public art with the church sign.

Reverend Simpkins said that it would be a good idea.

Chairperson Sweeney said that issue would go to the Arts Council.

Commissioner Lew asked why the kitchen was omitted from the building.

Reverend Simpkins said that there was not enough room for a kitchen and that most of the food brought in would be already prepared and only needed to be warmed up.

Commissioner Lew asked where the food preparation would take place.

Mr. Clark said that it would be on the 1st floor in the multi purpose area where there will be a long counter space that could accommodate a microwave and refrigerator.

Commissioner Lew asked if there will there be any lettering on the church itself besides the street address.

Reverend Simpkins said that yes there would be but it has not been decided yet.

Reverend Simpkins asked about condition #18 and #19 for the times of use. He stated that there are two specific services that occur outside the permitted times and he would like those to be included in the conditions. The first one is called a watch service "Bringing in the new year" and the other is a sunrise service on Easter.

Chairperson Sweeney said that they could include the two hours before sunrise, and the watch night service, which should end by 1:00 am.

Hugh McNamara 32238 Mercury Way, Union City stated that at St. Anne's church drivers still park in the marked red areas.

Reverend Simpkins asked about condition #19 and activities outside of the building and if they could have amplified music outside with City approval.

Chairperson Sweeney asked staff how the City provides permits for approval of amplified music.

Ms. Malloy stated that there are amplified permits but they are normally for public property, it would have to be determined what the activities would be.

Chairperson Sweeney asked if the amplified music would be in the parking lot.

Reverend Simpkins stated they might have rummage sales, raffles or barbeque in the parking lot.

Mr. Leonard stated his concern about liberalizing the condition because there is not a procedure for accommodating this type of request. He would like the condition to remain the same.

Commissioner Lew stated that the parking lot is too small for these kinds of activities and she would be worried about safety of the people in the parking lot.

Chairperson Sweeney closed the public hearing.

Chairperson Sweeney asked about condition #17 burrowing owl survey, and wanted to clarify that the survey should be done before the site is disturbed. She would like the condition to be in three parts: "Part A, grading foundation; Part B clearing of any land; Part C before demolition or relocation of any structures".

Commissioner Anderson stated that it should be done before any work is done on the site.

Chairperson Sweeney wants this to be required at this site because directly across the Mission Boulevard there is good foraging for the burrowing owls.

Mr. Leonard went over the changes that the Planning Commission made to the conditions. Condition #17 - the first line "Prior to issuance of a grading, foundation or building permit and prior to any onsite activity including removal or relocation of any building a site survey..."

- Condition #18 - words added at the end “except for the Easter sunrise service and on New Years.
- Condition #19 - last sentence “No amplified music shall be permitted outside the building”.
- Condition #22 - add four words to the end “and in the market”.
- Condition #23 - one sentence added to the end of the condition that reads, “The public art may be combined with the main sign for the church.”
- Condition #31 - shall read as follows “the applicant shall provide bathroom facilities count per table 4.1 of the Plumbing Code”.
- Condition #46 - add new sentence at the end “The lighting plan shall take into account future potential uses of the site to the north”.
- Condition #51 - add new sentence to the end “Existing red curbs shall be painted out where not needed”. Add a new condition that states, “The north property line shall be signed or red painted “no parking” if required by the fire department”.
- Condition #69 – change the sentence in middle to say “these documents should be submitted at least 30 days prior to the submission of plans and specifications for building permit(s)”.
- Add a new condition – “The following enhancements shall be made to the elevations as follows:
 - a. North elevation shall contain a window light on the left side of the main entry similar to the ones shown on the west elevation.
 - b. East elevation shall be enhanced with two window lights, one on each end.
 - c. Middle upper window shall be arched or otherwise scored.
 - d. North elevation shall contain a peak roof element similar to that on the west elevation over the left entry.
 - e. Two window lights shall be added to each end of the north elevation, one on each end.
 - f. South elevation shall have a similar window to the west of the arched doorway.

Commissioner Lew asked about adding condition #14 requiring more variety to the plant count

Ms. Malloy replied that should read, “Landscape along 2nd Street should screen the outer doors and it could be a hedge type element and increasing the plant palette with more color and more variety of plant materials.”

Commissioner Anderson made a motion to accept Site Development Review SD-13-02, Variance V-07-02 and Use Permit UP-02-03 with the conditions as changed.

Commissioner Lew seconded the motion.

AYES:	4 (Lew, Kelley, Anderson, Sweeney)
NOES:	0
ABSENT:	1 (Savage)
ABSTAINED:	0

Mr. Leonard stated that this item would go on the City Council consent calendar at the May 13th meeting at 7:00 p.m.

2. DISPOSITION AND DEVELOPMENT AGREEMENT WITH THE SOLID ROCK CHURCH OF GOD IN CHRIST: The Planning Commission needs to find that the Disposition and Development Agreement with the Solid Rock Church of God in Christ is consistent with the goals and policies of the General Plan. The

Disposition and Development Agreement is a component of the Purchase and Sale Agreement and Option to Purchase. A Negative Declaration has been prepared.

Mark Evanoff, Redevelopment Agency Manager, presented the staff report.

Chairperson Sweeney asked about page 9 article 4 of the Disposition and Development Agreement, and do those conditions nullify the conditions that are in the Site Development Review staff report.

Mr. Evanoff stated that it would not.

Chairperson Sweeney asked about page 20 at the top, permitted transfers, section C, she thought that the agreement was between the Redevelopment Agency and a corporation.

Mr. Evanoff stated that the intent is to include all of the designated representatives of the Solid Rock Church.

John Bakker, City Attorney, stated that if in the future the agency were to approve the sale of the property to an individual then this would be a permitted transfer.

Chairperson Sweeney stated that if that was the case then this agreement would no longer be in effect.

Mr. Bakker stated that this provision is added to agreements to protect against situations that might occur in a probate transfer.

Commissioner Lew asked who created this document.

Mr. Evanoff stated that it was created by agency counsel, Jack Nagle, and representatives of the Solid Rock Church.

Commissioner Lew asked if both parties have agreed to the document.

Mr. Evanoff stated that they have both agreed.

Commissioner Lew asked why the agreement does not contain an arbitration clause.

Mr. Evanoff replied that there are many different opportunities for remediation and arbitration is just one.

Mr. Bakker stated that parties could enter voluntarily into arbitration even though it is not in the agreement.

Commissioner Lew asked on page 26 who is the Executive Director.

Mr. Evanoff replied that the Executive Director would be the Interim City Manager.

Mr. Bakker stated that the Redevelopment Agency is a separate legal entity that has the Interim City Manager as its Executive Director.

Commissioner Lew asked if the agency has done any research to see if the developer has the financial resources to carry out this project.

Mr. Evanoff stated that the developer would be responsible to the Redevelopment Agency to provide that information.

Commissioner Lew asked if the agency has checked for any liens on any properties.

Mr. Evanoff stated that the title report shows there is a \$350,000 lien on the property and the title company would be responsible to pay off those liens.

Commissioner Lew asked what happens next to the parcel.

Mr. Evanoff stated that first a burrowing owl survey will be done and then work to relocate Tom's Flowers.

Chairperson Sweeney opened the public hearing

Jaynelle Bell, Bell and Associated, 675 Hegenberger Road, Suite 205, Oakland, CA 94621, representing Solid Rock Church, stated that at one time the church was partially owned by an individual. She stated that the disclosure documents were provided to the church.

Chairperson Sweeney closed the public hearing

Chairperson Sweeney moved to accept the Disposition and Development Agreement with the Solid Rock Church of God In Christ.

Commissioner Lew seconded the motion.

AYES:	4 (Anderson, Kelley, Lew, Sweeney)
NOES:	0
ABSENT:	1 (Savage)
ABSTAINED:	0

The meeting was adjourned for a short break at 8:55 p.m.

The meeting was reconvened at 9:05 p.m.

- 3. ZONING TEXT AMENDMENT AT-02-03**, Initiated by the City of Union City, a request to modify **Chapter 18.32, Residential Districts** to allow as a permitted use secondary dwelling units within single-family residential districts citywide. Design and development criteria for secondary units would be retained, and Administrative Site Development Review would continue to be required for second-story additions and detached accessory structures. This Zoning Text Amendment is proposed to bring the City's Zoning Title into compliance with AB 1866, which amended Government Code 65852.2. This project is statutorily exempt from the California Environmental Quality Act (CEQA) per section 15282(i).

Joan Malloy, Planning Manager, presented the staff report.

Chairperson Sweeney asked where it states that there must be a bathroom and kitchen for the secondary unit.

Ms. Malloy stated that it would have to be added to page 6 under design.

Chairperson Sweeney asked how to tell the difference between an accessory unit and a detached unit, perhaps there could be a definition of terms.

Ms. Malloy stated that definitions are located in section 18.08.

Chairperson Sweeney asked about page 4 of the exhibit, one of the rules having been deleted, what if someone wanted an accessory structure with a sink.

Ms. Malloy stated that staff does not currently review single story attached units additions to the home. They are normally done as over the counter reviews.

Commissioner Anderson asked about the rules of architectural review

Ms. Malloy stated that staff retained the Administrative Site Development Review requirement for detached structure and second story additions, and removed the requirement for ASD review for secondary units. If a property owner created a second unit by changing the interior of the home or adding a single story addition, the project would be reviewed over the counter when they apply for building permits which are required.

Commissioner Anderson asked about costs to the city, would there be some fees.

Ms. Malloy said that people would still need to apply for building permits, plan checks, and capital facilities fees would cover some of the costs but we may need to amend capital facility fee structure to specifically address secondary units.

Commissioner Anderson spoke of his concerns about parking.

Mr. Leonard replied that regarding parking, unlike today's standards where you can only have a secondary unit in a RS6000 zone, on large lots there is an opportunity to add off street parking. Now we are allowing secondary units in all residential areas, including small lots and if we apply an off-street parking requirement that may prohibit the construction of a secondary unit.

Ms. Malloy read from the legislation regarding the regulations for off street parking. The regulations allow tandem parking and parking in set back areas. The state regulations allow parking for secondary units in a manner that is inconsistent with current City standards.

Ms. Malloy stated that tandem parking is currently not accepted and that we try to minimize by ordinance parking in front yard and side yard setbacks.

Mr. Bakker stated that the legislation allowed the city to specify the needs for additional parking. If tandem parking is ok in this context then it could be argued to be allowed in other areas.

Commissioner Kelley stated that several cities wrote to oppose this legislation complaining about the lack of review and public hearings for secondary units.

Mr. Leonard stated that Ms. Malloy raised the point, that our design review standards would be contrary to the state law. However, if we have no design review, then people are going to design their additions with bathrooms and kitchens to call them second units so that they can get out of the current design review requirements for second story additions and detached structures. The staff tried to make a standard review standard and slightly risk legislative challenge.

Commissioner Kelley stated that he believes that housing advocacy groups are going to go after cities that do not comply with this legislation.

Mr. Leonard said that is a possibility but our record to create affordable housing in various types of situations is very strong.

Mr. Bakker stated that particularly if you don't require parking spaces for the secondary units.

Commissioner Kelley stated that we should not make a requirement for additional parking.

Commissioner Lew asked if illegal secondary units today would then be approved retroactively.

Mr. Leonard stated that they would have to come in and get permits to legally establish them.

Commissioner Lew asked if there is a possibility that the City would require them to tear it down.

Mr. Leonard stated yes if they are not to standard. He also stated that conversion of garages to living units is still not legal unless the garage space is replaced with another garage space.

Commissioner Lew asked if it is anticipated seeing building designs that will go up to the property line.

Ms. Malloy stated that yes it could happen especially in the RS4500 where zero lot line exists.

Chairperson Sweeney asked about page 9, 18.32.60 where it talks about site area and under A it states that there will be no more than one dwelling unit on each site.

Mr. Leonard stated that it is probably an oversight and will be removed.

Commissioner Kelley asked why was the side yard set back for the principal dwelling deleted

Ms. Malloy stated the side yard set back for principal residences is 12 feet and there seems to be no need and it would be overly restrictive to single family residence citywide.

Chairperson Sweeney opened the public hearing.

Barry Ferrier, 32212 Allison Drive, Union City, is very concerned that many of the homes will start putting in these secondary units.

Chairperson Sweeney said that the maximum size of the secondary unit would be 640 square feet.

Mr. Ferrier stated that in the Decoto district coverage could be no more than 50 percent of the lot area.

Chairperson Sweeney stated that you still have to meet district standard and include the secondary unit

Ms. Malloy said that it is 50 percent coverage in most districts, 60 percent in the Decoto district.

Mr. Ferrier stated that he could be looking at a lot of extra roofs from his backyard.

Chairperson Sweeney stated it is limited to 12 feet.

Mr. Ferrier said that roofs can go up to 30 feet, but with this you are almost requiring a flat roof.

Chairperson Sweeney replied that if it is attached to the house then it must match the existing home, if it is detached then it must meet the new standard.

Mr. Ferrier said that across the street from him that there are already 2 granny units on the lots. These are custom built homes. Do relatives have to occupy them?

Chairperson Sweeney stated that they do not. She said that the State has changed the rules and we have to comply.

Mr. Ferrier stated that he could see all his neighbors building these units to bring in income to pay for the first unit and increasing the parking problem with too many people living inside.

Ms. Malloy stated that secondary units can only be a one-bedroom unit.

Mr. Leonard stated that we may need to increase the height requirement to make the roof pitch consistent with the pitch of the primary structure. He said that perhaps it should be 12 feet or greater for a roof pitch to be consistent with the primary structure.

Chairperson Sweeney stated that this is only for detached units and an attached unit does not have the 12-foot restriction.

Mr. Leonard stated that is correct.

Commissioner Anderson asked if the size can be exceeded.

Ms. Malloy stated that it is limited to 640 square feet or up to 25 percent of the primary residence.

Chairperson Sweeney stated that the 25 percent pertains only to conversions wholly contained within the existing principal unit.

Mr. Bakker stated on page 6 item D, it states that a secondary unit cannot exceed 640 square feet even if they are attached to the primary unit.

Commissioner Kelley asked where does 640 square feet come from.

Mr. Bakker said that it was in the old city regulations.

Commissioner Kelley asked if there was any specifications to size in the state legislation.

Ms. Malloy replied that it states a maximum of 1200 square feet.

Chairperson Sweeney said that we can impose standards on second units including but not limited to parking, height, set back, lot coverage, architectural review, and maximum size.

Mr. Bakker stated that in the legislation it says no minimum or maximum size may preclude an efficiency unit to be constructed according to local development standards.

Mr. Ferrier asked about the 640 square foot building and how close to the fences may it come.

Mr. Leonard stated that a zero lot line refers to a side zero and so it could go right up to the side property line which may or may not be the location of the fence. He said that in terms of the rear, there is still a standard rear yard.

Mr. Ferrier wanted to know how close it could be built to his residence.

Mr. Leonard stated that a detached secondary unit would have to be detached by 10 feet from main dwelling and then it must be setback 15 feet from the rear property line.

Mr. Ferrier asked how close to the sides can it be built.

Mr. Leonard stated 5 feet.

Commissioner Lew asked if the intent of the legislation is to increase affordable housing, can we zone all secondary units as affordable housing.

Chairperson Sweeney asked how would you do selective deed restriction on only part of the property.

Mr. Bakker was not sure we could impose such a restriction at the zoning level.

Chairperson Sweeney stated that without subdividing the property it might be difficult to place a restriction on only part of the property.

Mr. Bakker stated that these units are not for sale only for rent.

Commissioner Lew feels that the intent of the legislation may not be met.

Mr. Bakker stated that they are affordable by design; with more units housing becomes cheaper.

Commissioner Lew asked can you limit the number of people living in the unit.

Mr. Leonard stated that through the housing code we can probably limit occupancy in these units.

Ms. Malloy stated that staff frequently gets requests for secondary units for extended families.

Chairperson Sweeney closed the public hearing.

Chairperson Sweeney moved for approval of Zoning Text Amendment AT-02-03 with the following changes: addition of separate kitchen and bathroom in the unit and deletion of 18.32.060 A; and make alterations to the height of the unit, the height will be 12 feet or higher to match the roof pitch of the primary dwelling on the lot.

Commissioner Lew seconded the motion.

The motion passed by the following vote:

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

VI. SUPPLEMENTAL STAFF REPORTS:

- A. **CONTINUED REPORTS:** None.
- B. **NEW REPORTS:** None.

VII. COMMISSION MATTERS:

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

Mr. Leonard stated that there were no referrals to the City Council's last meeting.

- B. Upcoming applications for the Regular Planning Commission meeting for May 1, 2003.
 - KB homes project
 - Pineda property
 - Epicurean International

Mr. Leonard passed out a roster from city clerk. Mr. Leonard asked each commissioner if his or her information could be given to the public. All commissioners agreed that the information was public and also provided corrections to the list.

Mr. Leonard asked the commissioner if the June 5th meeting could be moved to May 29th. All of the commissioners agreed with the change of date.

X. GOOD OF THE ORDER:

None.

XI. ADJOURNMENT:

The meeting adjourned at 10:00 p.m.

APPROVED:

CATHI SWEENEY, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY