

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF MARCH 4, 2004, 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, Savage and Sweeney**

**STAFF PRESENT:** Joan Malloy (Planning Manager); Tina Gallegos (Assistant Planner); Grant Cramond (Engineer III) and Kris Fitzgerald (Administrative Assistant).

**II. APPROVAL OF MINUTES:**

The minutes for the Regular Planning Commission meeting of February 19, 2004 were approved with minor corrections.

**III. ORAL COMMUNICATIONS: None.**

**IV. WRITTEN COMMUNICATIONS: None.**

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS: None**

**B. NEW HEARINGS:**

1. **TENTATIVE PARCEL MAP TPM 8348;** Initiated by Sarah D. Borjal, property owner, a request to approve a Tentative Parcel Map to subdivide a property located at 4235 Horner Street (APN: 482-0010-023-00) into three (3) parcels. Parcel 1 will be 14,110 square feet, Parcel 2 will be 7,214 square feet, and Parcel 3 will be 6,325 square feet. No structures are being proposed at this time. The proposed project is categorically exempt under Section 15315, Class 15 of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Lew asked if there were any other plans submitted and why is the division of the parcel as shown recommended.

Ms. Gallegos stated that there were previous plans to make Maiden Lane a court however; there were problems with access for fire vehicles. Therefore, City staff felt that cutting the road through the parcel was the best solution.

Commissioner Lew asked how is it beneficial to connect Maiden Lane with Coventry Way.

Ms. Gallegos stated that there is a requirement for a turn around for fire vehicles which could not be met by the proposed court.

Commissioner Lew asked what is the turn around for.

Joan Malloy, Planning Manager, stated that the turn around is a cul-de-sac and the project was not able to meet the standards for the fire department and through access was the logical alternative.

Commissioner Lew stated her concerns that this proposal required the applicant to give up a significant amount of land for the new roadway.

Ms. Gallegos stated that there is an existing easement on Parcel 2 that cannot have anything built on it and Parcel 1 is only a 7,000 square foot lot and could not be divided into two 4,500 square foot lots.

Ms. Malloy stated that the third lot has an existing building on it.

Commissioner Lew asked why the business is allowed in that location.

Ms. Malloy stated that the business is a legal non-conforming use.

Commissioner Lew asked why the applicant is being made responsible for the fire hydrant from condition #13.

Grant Cramond, Engineer III, stated that a minimum distance from an existing fire hydrant is required and usually an applicant is required to place a fire hydrant.

Ms. Malloy stated that the condition requires the applicant to upgrade the fire hydrant as the Fire Department felt that the existing service was not up to standard for a new development.

Commissioner Lew asked why it was being required now, as there are no homes being proposed at this time.

Ms. Malloy stated that this is when public utilities would be established as part of the map process.

Commissioner Lew would like to add a condition to require the applicant to clean up the lots.

Ms. Gallegos stated that a condition can be added.

Commissioner Sweeney stated that she believes that conditions #36 and #37 belong under different sections of the conditions of approval.

Ms. Malloy stated that these are general standard conditions from Environmental Programs Division and that it is more a matter of the way the conditions are labeled.

Commissioner Anderson asked where the transition is from 30 feet to 36 feet in the width of the new road.

Ms. Malloy stated that it transitions to 30 feet right about the curve.

Commissioner Anderson asked why the street is only going to be 30 feet wide because the requirement is for 36-foot wide roadways.

Ms. Malloy replied that Maiden Lane is 30 feet and staff felt that in response to the odd configuration of the lot and the already minimum depth that is there that this would be a way of

merging the two streets together. Ms. Malloy stated that street parking would be allowed only on one side of the street.

Commissioner Anderson asked if there was room for a 36-foot wide roadway.

Ms. Malloy referred the question to the applicant.

Commissioner Anderson stated that 36-foot roadways are part of the General Plan.

Ms. Malloy stated that the City Engineer felt that this section was adequate and acceptable.

Commissioner Anderson stated that the General Plan says streets will be 36 feet wide.

Chairperson Savage opened the public hearing.

Yev Philipovitch, 2631 Corte Elena, Pleasanton, CA, stated that he did not feel that the condition for the fire hydrant was necessary because the hydrant is too far away from their project and asked the Commission to delete it. Mr. Philipovitch does not understand the traffic signalization fee and why it is being required for this project. Mr. Philipovitch stated that they could make more parcels and stated that the city wanted it that way. Mr. Philipovitch asked why condition #19 was added, as there are no parking lots for this project.

Commissioner Lew asked if there is an alternative subdivision map.

Mr. Philipovitch stated that this was the one that the City agreed to allow.

Bolivar Puyol, 195 Second Ave., #11, San Francisco, CA 94118, stated that they proposed several different subdivisions to the city. Mr. Puyol stated that the street through scheme does take a significant amount of property away from the property owners, however fire wanted this for emergency vehicle access. However even a court would take away a lot of land from the property because of the large turning radius required for the emergency vehicles. Mr. Puyol stated that parcels on the north side of the street will be very shallow in depth and taking into account setbacks requirements a 36-foot wide street would make the lots too narrow and unusable. Mr. Puyol stated that is why they went with the 30 foot street which transitions back to the 36 feet at Coventry Way. Mr. Puyol stated that this would allow for more buildable land for the property owners.

Commissioner Anderson asked what the depth of the parcels on the north side is.

Mr. Philipovitch stated that the distance between lots 1 and 2 is 69.77 feet and the distance between lot 2 and lot 19 of Tract 6097 is 85 feet. Mr. Philipovitch stated that part of the problem is a 20-foot easement for sanitary sewer and water, which they cannot build upon.

Mr. Puyol stated that the setback requirements for this area are 20-foot front setback and 15-foot rear setbacks and they end up with only about 25 feet of buildable area.

Commissioner Sweeney asked about the parcel on the south side.

Mr. Philipovitch stated that lot 3 has an existing building and would not provide adequate space for another house with the sewer line running through the lot. Mr. Philipovitch stated that if the existing building is removed in the future it is possible that the lot could be split again.

Commissioner Sweeney asked if they are proposing to build a residence on lot 3.

Mr. Philipovitch stated that they are not planning to build anything on lot 3.

Commissioner Sweeney asked why not push the line back down on lot 3 so that street could be 36 feet wide.

Mr. Puyol stated that there would be a problem with the transition at the west side of the property. Mr. Puyol stated that it would create a difficult angle and the turning radius would not be correct. Mr. Puyol stated that lot 3 is very large and could be subdivided in the future.

Mr. Philipovitch stated that if they move the street to the south, that would make the turn from Coventry Way a little bit sharper and would not provide a good street.

Ms. Malloy stated that it appears that if the south side was widened it would have to transition back to 30 feet at the sanitary sewer line and that would not be practical.

Mr. Puyol stated that the fire hydrant they are providing is within the project and the one being requested is not within the project boundaries.

Mr. Puyol stated that there is already an existing fire hydrant and they will be relocating it.

Chairperson Savage closed the public hearing.

Commissioner Anderson stated that conditions #17 and #25 appear to be duplicates.

Ms. Gallegos stated that one can be deleted.

Commissioner Anderson asked if condition #19 does apply to this project.

Ms. Malloy stated that it could be deleted.

Commissioner Anderson asked if condition #22 applies to this project.

Ms. Malloy recommend keeping that condition because storm water controls are being refined and the City would prefer that the storm water treatment be as much on private property as possible to minimize the impacts on the public system.

Commissioner Anderson asked if condition #21 applies to this project.

Ms. Malloy stated that not at this time but it may in the future.

Ms. Malloy recommended retaining condition #21.

Commissioner Lew asked if condition #20 contained a typo with the letter "A".

Ms. Gallegos stated that the typo would be corrected.

Commissioner Lew stated that the applicant had a question about the traffic signalization fee.

Ms. Malloy stated that all new development is required to contribute to the City's signalization fee regardless of whether it is commercial or residential development.

Commissioner Lew asked if that meant a new signal would be installed there.

Ms. Malloy stated that it was not required at this time.

Commissioner Lew asked if condition #14 applied to this project.

Ms. Gallegos stated that there are sidewalks and landscaping areas and this is a standard condition of approval.

Commissioner Lew stated that there is not a condition that specifies the width of the streets.

Ms. Gallegos stated that is correct.

Ms. Malloy stated that the streets are proposed as a part of this map.

Commissioner Lew confirmed that a condition is not needed because it is on the map.

Ms. Malloy stated that if the Planning Commission wants to modify the map then they would need to make a condition of approval.

Commissioner Lew stated that Maiden Lane has no sidewalks and that people are parking on both sides of the street. Commissioner Lew doesn't know if there is a benefit to widening the street through the new project area.

Commissioner Sweeney stated that she is willing to accept the map as proposed.

Chairperson Savage stated that the road is not a heavily traveled road.

Commissioner Sweeney went over the modifications to the conditions of approval:

- Delete condition #19
- Correct the typographic error in condition#20
- Delete condition #25
- Add a condition to require a general cleanup of the site

Commissioner Sweeney made a motion to recommend to the City Council approval of Tentative Parcel Map 8348 and make findings 1 through 4 subject to the modified conditions of approval and adopt a resolution confirming this action.

Commissioner Lew seconded the motion.

AYES	5 (Anderson, Kelley, Lew, Savage, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	0

A citizen from the audience asked if there were homes approved to be built on the properties.

Chairperson Savage stated that when new homes are proposed there will be a public hearing and notices will be sent out.

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:**

1. **SITE DEVELOPMENT REVIEW SD-03-04;** Initiated by Twelve Star Builders on behalf of the owners, the applicant is proposing to construct a two-story 5,641 square foot building on an existing vacant lot. The proposed uses include a bakery and two additional retail spaces. The project site is identified as Assessor's Parcel Number APN: 483-0076-009-01 and is zoned CC, Community Commercial. The property is located on Dyer Street, approximately 300 feet south of the Alvarado Boulevard intersection. The project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines under Section 15332, Class 32.

Continued to March 18, 2004 at the request of the applicant.

**B. NEW REPORTS:** None.

**VII. COMMISSION MATTERS:**

- A. The staff reviewed the Planning items from the February 24, 2004 City Council meeting.
- B. The staff listed the upcoming applications for the Regular Planning Commission meeting for March 18, 2004.

**X. GOOD OF THE ORDER:**

Commissioner Kelley will not be at the March 18 Planning Commission meeting.

**XI. ADJOURNMENT:**

The meeting adjourned at 7:48 p.m.

**APPROVED:**

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ROSEMARY SAVAGE, CHAIRPERSON

**ATTEST:**

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MARK LEONARD, SECRETARY