

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF MAY 20, 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, and Sweeney
ABSENT: Commissioner Savage**

STAFF PRESENT: Mark Leonard (Director, Economic and Community Development); Joan Malloy (Planning Manager); Tina Gallegos (Assistant Planner); Kit Faubion (Assistant City Attorney); and Kris Fitzgerald (Administrative Assistant).

- II. APPROVAL OF MINUTES:**

The minutes for the Regular Planning Commission meeting of May 6, 2004 were approved as submitted.

- III. ORAL COMMUNICATIONS:**

Satish Narayan, 964 Collins Court, Hayward, CA, stated that the lighting over the Economic and Community Development counter is not sufficient when attempting to read plans, etc.

- IV. WRITTEN COMMUNICATIONS: None.**

- V. PUBLIC HEARINGS:**

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. ZONING TEXT AMENDMENT AT-04-04, Initiated by the City of Union City to amend the zoning text in Section 18.105.150, Fee Accounts of Chapter 18.105, Development Impact Fees, to consolidate the Public Buildings and Transit Facilities, to add two new projects and to remove specific account percentages. The City Council would adopt specific account percentages by resolutions as part of the Capital Facilities Fee updates. The City has determined that the above amendments are exempt from further environmental review, pursuant to Section 15061(b)(3) and 15273 of the California Environmental Quality Act (CEQA) Guidelines.**

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Sweeney asked why the same item is being called out in two different sections.

Ms. Malloy replied in order to allow for flexibility the verbiage was changed.

Commissioner Kelley asked why percentages were chosen in the first place.

Mark Leonard, Director, Economic and Community Development, replied that originally the City received advice to do it this way. Mr. Leonard stated that this has constrained the City too much.

Commissioner Kelley asked if the percentages were put in place to make sure there was a certain level of funding for projects.

Mr. Leonard replied that there was discussion about the needs of City projects and levels of funding available.

Commissioner Kelley asked what is the average amount that is collected from this fee.

Kit Faubion, Assistant City Attorney, stated that these are fees are based on a Development Impact Fee study and that determines the impact on City facilities. Ms. Faubion stated the allocation comes from that.

Mr. Leonard replied that he estimates that if 100 units are developed the City is collecting about \$890,000.00 in this fee.

Commissioner Lew asked if the City is considering implementing a Mello-Roos District.

Mr. Leonard replied that the City is still considering it. Mr. Leonard stated that the Citizen's Budget Advisory Committee will recommend to the City Council to apply a Mello-Roos district to all new development, since new development does not pay its way.

Commissioner Lew asked if there is a Mello-Roos District then will the City still collect the Capital Facilities Fees.

Ms. Malloy stated yes.

Commissioner Lew asked how these costs passed on.

Mr. Leonard stated that the developers pass on the costs to the homebuyers.

Commissioner Lew asked if the two parking garages could be combined.

Ms. Malloy stated that currently they are itemized differently in the technical memo and therefore they should remain as separate items.

Commissioner Lew asked why it is limited to two on the list.

Ms. Malloy stated they would have to ask the consultant to revise the technical memorandum, making new findings for each project. Ms. Malloy stated that it should not change at this time.

Commissioner Lew asked why not just use "park improvements" instead of "community park improvements".

Mr. Leonard stated that he does not want to change language at this time and this term was used in the technical memorandum.

Ms. Malloy stated that a draft of the technical memorandum was received yesterday and a public meeting will be held on June 1st.

Commissioner Lew asked that the Planning Commission receive a copy of the technical memorandum.

Commissioner Anderson opened the public hearing.

Commissioner Anderson closed the public hearing.

Commissioner Kelley stated his concerns as to removing the percentages from the fees in that it would threaten funding levels.

Ms. Malloy clarified that the City Council would adopt percentages when they review the fee, so the percentages would not be eliminated.

Commissioner Sweeney made a motion to approve Zoning Text Amendment AT-04-04 making the findings 1-5, and recommending the City Council adopt a resolution confirming this action.

Commissioner Lew seconded the motion.

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

- SATISH NARAYAN, 1405 I STREET – Administrative Site Development Review ASD-18-04 and Variance V-02-04**, Initiated by Satish Narayan, on behalf of property owner, Narinder Deogun, the applicant is requesting Administrative Site Development Review approval to allow a first floor expansion and second story addition to serve as a secondary dwelling unit. The applicant is also requesting a Variance from the rear yard setback standard. The property is located at 1405 I Street (APN: 486-0045-008-00). This project is considered Categorically Exempt per Section 15301, Class 1(e) and 15305, Class 5(a).

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Kelley asked why a one-hour separation is being required between the units.

Ms. Gallegos stated that the one-hour firewall is required by the Building Code.

Commissioner Kelley asked why City Council resolution No. 2556-03 has not been used previously.

Ms. Malloy stated that this is a new City Council resolution that was adopted to apply a Capital Facilities Fee to secondary units since they contribute to impacts on City facilities.

Commissioner Lew asked what is meant by a substandard rear yard.

Ms. Gallegos stated that the rear yard is currently 7 feet 3 inches wide and the applicant is proposing to continue that size. Ms. Gallegos stated that the term “non-conforming” would be more accurate than “substandard”.

Commissioner Lew asked if the secondary unit could be a rental unit.

Ms. Gallegos stated that it could be.

Commissioner Lew asked in regards to condition #13 how the water supply pipes will be routed.

Mr. Leonard replied that the water pipes could go through the ceiling.

Commissioner Anderson asked to move condition of approval #14 to the Fire Department section.

Ms. Malloy stated that it could be moved.

Commissioner Anderson asked if condition #19 was meant to apply to residential development.

Ms. Malloy stated that we do want to protect the adjacent properties, especially with the secondary unit from light spillage.

Commissioner Anderson opened the public hearing.

Satish Narayan, 964 Collins Ct., Hayward, CA, thanked staff for all of their help. Mr. Narayan stated that a one-hour wall separation is part of the Building Code. Mr. Narayan stated that there will be a covered area, which would have a covered light, and they would make sure it wouldn't shine into the neighbor's property.

Commissioner Anderson asked if the applicant had any problems with condition #19.

Mr. Narayan stated that he is comfortable with it the way it is.

Commissioner Sweeney asked where the fence would be in relation to the entry to the second unit.

Mr. Narayan stated that he hasn't gotten that far but he pointed out an area where he believed that it would go.

Commissioner Sweeney stated that it would be a logical place but would like staff to check with the Fire Department to make sure that it is not a safety hazard.

Commissioner Sweeney stated that the right side elevation is very plain and there are no roof vents on that side.

Mr. Narayan stated that it is an omission and that they should have roof vents.

Commissioner Sweeney asked to add a condition to add round roof vents on the right side elevation.

Commissioner Sweeney stated that the rear elevation shows trim around the door and the window on the deck but that the other doors and windows don't have any trim.

Mr. Narayan stated that they hadn't planned to do it that way but would be willing to make some changes.

Commissioner Sweeney stated that she especially would like to see both upstairs windows and the window on the end of the house near 14th St. trimmed but would prefer to see all the windows trimmed out.

Commissioner Anderson closed the public hearing.

Commissioner Lew asked how accurate the color drawings are.

Ms. Gallegos stated that staff would require color samples before final approval.

Commissioner Lew stated her concerns that the colors be checked before they are used.

Ms. Malloy stated that staff would seek to make the colors compatible with the neighborhood.

Commissioner Lew reiterated the changes to the conditions of approval:

- Have the Fire Department review the fence and exit for the secondary unit.
- Round roof vents added to the right side elevation.
- All windows will be trimmed out.

Commissioner Lew made a motion to approve Administrative Site Development Review ASD-18-04 and Variance V-02-04 making the findings 1-6, and with conditions of approval as modified and adopting a resolution confirming this action.

Commissioner Sweeney seconded the motion.

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

VII. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

1. **GREEN OAKS DEVELOPMENT CENTER, 38 UNION SQUARE, - Administrative Use Permit AUP-01-04,** Initiated by Jaime Rivera, on behalf of Green Oaks Development Center, the applicant is requesting Administrative Use Permit approval to allow the expansion of an existing adult day care for developmentally disabled adults (Green Oaks Development Center) at 38 Union Square (APN 87-19-01-25). The day care is requesting approval to expand into an adjacent vacant tenant space within the existing building and to increase the number of day care clients from 30 to 60 adults. The day care is proposed to expand into a 1,800 square foot tenant space, bringing the total square footage of the day care to 3,544 square feet. Notice is also give that this project is categorically exempt per Section 15301, Class 1a of the California Environmental Quality Act (CEQA) Guidelines.

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Anderson asked what construction will be taking place in regards to condition #1.

Ms. Malloy stated that this is a standard condition of approval and means that they are bound by the exhibits that have been submitted to the City. Ms. Malloy stated that they are not doing any exterior improvements.

Commissioner Anderson asked if there will be any construction done.

Mr. Leonard referred the question to the applicant.

Mr. Leonard stated that the City Attorney has suggested a modification to condition #1.

Ms. Faubion stated instead of saying “all actual site improvements” replace with “building modifications and uses shall be”.

Commissioner Lew asked why condition #7 restricts clients from entering the hallway.

Commissioner Sweeney stated that when the first application came forward there was concern that there would be no supervision in the hallway and there was concern for clients wandering off.

Commissioner Lew asked where the drop off and pick up of clients is going to occur.

Ms. Malloy referred to the applicant.

Commissioner Kelley asked about the change of zoning in this area.

Ms. Malloy stated that the zoning change has not been fully implemented, the City Council has it under consideration and it has not had a second reading yet. Ms. Malloy stated that in the SMU district this would still be considered a Use Permit.

Commissioner Anderson stated that the drawings have “Golden Oaks” on them and the reports have “Green Oaks” and wanted to know which is correct.

Mr. Leonard stated that it should be “Green Oaks”.

Commissioner Anderson opened the public hearing.

Jamie Rivera, 38 Union Square, stated that due to feng shui reasons they changed the name to Green Oaks Development Center. Ms. Rivera stated that when clients arrive they enter either Suite B or Suite C with Suite B being the primary entrance. Ms. Rivera stated that if approved for expansion will also use Suite A for an entrance/exit. Ms. Rivera wanted to know if the red curb could be changed to a loading/unloading only curb.

Commissioner Sweeney asked if it is the curb on the street.

Ms. Rivera stated that it is the curb on the sidewalk.

Commissioner Anderson closed the public hearing.

Commissioner Lew asked who would handle the curb issue.

Ms. Malloy stated that it will be a Fire Department decision.

Commissioner Sweeney made a motion to approve Administrative Use Permit AUP-01-04 making the findings 1-3, and subject to the stated conditions of approval, making a resolution confirming this action.

Commissioner Lew seconded the motion.

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

VIII. COMMISSION MATTERS:

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting of June 3, 2004.

IX. GOOD OF THE ORDER:

Commissioner Lew remarked that she was glad to see the start of construction at Williams Plaza.

Commissioner Sweeney stated that she attended a meeting for the master developers of the PG &E site.

X. ADJOURNMENT: 8:10 pm.

APPROVED:

ROSEMARY SAVAGE, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY

