

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF JULY 7, 2005, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Lew, Savage, Sison, Sweeney and Chairperson Anderson

STAFF PRESENT: Mark Leonard (Director, Economic and Community Development); Tina Gallegos (Assistant Planner); Vern Smith (Housing and Community Development Coordinator); Christine Friday (Economic Coordinator); Mark Evanoff (Redevelopment Agency Manager); Steve Sprotte (Management Analyst); Carlos Jocson (City Engineer); Kit Faubion (City Attorney); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The minutes of the Regular Planning Commission Meeting of June 16, 2005 were approved as submitted

III. ORAL COMMUNICATIONS:

Hugh McNamara stated that the new garbage company, Allied Waste, has not started out doing a good job. He stated that they missed many pickups in his area and hopes that the situation will improve.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS:

1. **FILIPINO COMMUNITY OF ALAMEDA COUNTY AND VICINITY, 3939 SMITH ST., Tentative Parcel Map TPM 8621;** Vincent Wong, applicant, representing the property owners, Filipino Community of Alameda County and Vicinity, is requesting approval to subdivide a 16,200 square foot parcel into two (2) lots. Parcel 1 will retain the existing building with some modifications and will be 11, 200 square feet. Parcel 2 will be 5,000 square feet. No new structures are being proposed at this time.

Commissioner Sison recused himself from this agenda item and left the chambers.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Lew asked what the zoning code means by “continued use and preservation of the property”.

Mark Leonard, Director, Economic and Community Development, stated that it means to preserve the structure as a historical element in the community.

Commissioner Lew asked if that included the structure at the rear of the building.

Mr. Leonard stated that the structure at the rear of the building is not part of this application. Mr. Leonard stated that when the applicant applies for a Site Development Review the City will have an architectural historian look at the home and determine whether or not it was part of the original structure.

Commissioner Lew asked if the application is approved tonight then the issue about the garage could go either way.

Mr. Leonard stated that is correct.

Commissioner Lew asked if condition #6 includes both lots.

Ms. Gallegos replied that it does cover both lots.

Commissioner Lew asked what type of construction or demolition activities are allowed in this application.

Mr. Leonard stated that this application does not propose any type of demolition or construction activity.

Commissioner Lew stated her concerns about loss of parking spaces for lot #1 even though there is a shared easement.

Ms. Gallegos stated that the Planning Commission can grant relief from the off street parking requirement if it can be demonstrated that there is sufficient on street parking. Ms. Gallegos stated that there are eight (8) parallel parking spaces on the building frontages and the City parking lot is right across the street.

Commissioner Lew asked if the shared parking will be on lot #2.

Ms. Gallegos stated that is correct.

Commissioner Sweeney asked if both lots will still be zoned the same after the lot split.

Ms. Gallegos replied that they would.

Commissioner Sweeney asked what the status of the prior Use Permit and the Variance will be in relation to this application and if they will have to reapply for them.

Mr. Leonard stated that the Variance for the garage is unaffected by this application, however, the use of the garage for living quarters is proposed to change. Mr. Leonard suggested adding a condition to remove the allowance for living quarters in the rear building.

Commissioner Sweeney asked if they would need a new Use Permit for public assembly.

Mr. Leonard stated that would be a separate action.

Commissioner Sweeney asked if recording the restriction on the deed of the property would negate the prior Use Permit.

Mr. Leonard suggested adding a new condition to require that the applicant apply for an amendment to the Use Permit prior to recording the final map.

Commissioner Sweeney asked if this would require a separate Use Permit for public assembly.

Mr. Leonard stated that would be correct.

Commissioner Sweeney asked what is the requirement for parking spaces.

Ms. Gallegos stated that it is 19 spaces.

Commissioner Sweeney asked how many parking spaces are required for each use.

Ms. Gallegos stated that the office space would require 19 spaces.

Commissioner Sweeney asked how many parking spaces are required for the public assembly building.

Mr. Leonard stated there is a parking requirement that differentiates between seating and/or capacity as calculated under the Uniform Building Code whichever is greater. Mr. Leonard stated that he believes that it works out to about one space per one hundred square feet of space.

Commissioner Sweeney asked how big the garage building is.

Ms. Gallegos stated that the garage is about 480 square feet.

Commissioner Sweeney asked if there are any street parking spaces in front of lot #1.

Ms. Gallegos replied that there are 8 parking spaces along Smith Street and Vallejo Street.

Mr. Leonard stated that there is only one street parking space for parcel #2 only.

Commissioner Sweeney asked if future owners would be subject to these restrictions.

Mr. Leonard stated that whatever arrangements are made today would encumber future owners.

Commissioner Sweeney asked if that was for a specific number of spaces.

Mr. Leonard replied that it was written for the use of the entire parking area for both parcels.

Commissioner Sweeney asked what would happen if a new owner of the smaller parcel decides to demolish the garage and build a larger building on the lot.

Mr. Leonard replied that it is all dependent on how the encumbrance is written. Mr. Leonard stated that if it specifies a number of spaces then it would limit the development of the smaller lot.

Commissioner Sweeney asked if a new building was built on the smaller lot would it have to meet the current setback rules or would the Variance cover the new building.

Mr. Leonard stated that the Variance would cover a future structure if it is rebuilt. Mr. Leonard stated that the Variance runs with the land.

Commissioner Sweeney asked if a two story structure could be built where the garage is now using the three foot setback.

Mr. Leonard stated they would have to research the Variance, if the Variance states a one story structure then that is all that could be built.

Commissioner Sweeney suggested adding a condition of approval to amend the Variance to specify a one story structure.

Commissioner Sweeney stated her concerns about creating an unusable lot with this parcel map.

Chairperson Anderson asked if there are current loans on the property.

Mr. Leonard stated that the loans will have to be paid off.

Chairperson Anderson asked if the loans affect the ownership of the property.

Vern Smith, Housing and Community Development Coordinator, stated that there are two loans on the structure that were made for the rehabilitation of the structure. Mr. Smith stated that if ownership changes then the loans would have to be paid off.

Chairperson Anderson asked who is the owner of the lot.

Mr. Smith stated that the FCAV owns the lot.

Chairperson Anderson suggested adding a condition of approval regarding the architectural historians' examination of the building.

Mr. Leonard stated that it would be done.

Chairperson Anderson would like to add the following wording to the end of condition #14 “. . .and to the uses and regulations of the Commercial district”.

Commissioner Sweeney suggested making it a separate condition.

Commissioner Sweeney asked if the applicant has any problems with the changes to the Use Permit and Variance that the Planning Commission is proposing for the property.

Steven M. DeLucchi, Attorney at Law, stated that he is representing the Filipino Community of Alvarado and Vicinity and referred the question to the architect.

Vincent Wong, Architect, stated that he cannot answer because they haven't made any future plans.

Commissioner Sweeney stated that if that is the case perhaps the application should be continued until a Site Development Review application can come to the Commission.

Kit Faubion, City Attorney, stated that according to staff the Use Permit currently encompasses the entire property. Ms. Faubion stated that if the Commission feels that it is appropriate they can impose a condition requiring that the Use Permit be amended to reflect the land division.

Mr. DeLucchi stated that after speaking with members of the FCAV they have no objection to the new conditions.

Commissioner Lew asked why they want to divide the lot.

Mr. DeLucchi replied that the primary purpose is to preserve the assets and to be able to put together financing to preserve the historical structure.

Commissioner Lew asked if they were planning on selling either of the lots.

Mr. DeLucchi referred them to the staff report.

Commissioner Sweeney asked how many parking spaces there are.

Mr. DeLucchi stated that they are creating six new spaces, three on lot one and three on lot two.

Mr. Wong stated that there are eight street parking spaces and there are eleven on site parking spaces.

Commissioner Sweeney asked if the porte cochere is not removed how many parking spaces will be lost.

Mr. Wong replied that it would be two parking spaces.

Lupe St. Denis, spoke against the subdivision of this parcel. She stated that tearing down the porte cochere would only give them two more parking spaces. She feels that the porte cochere is a historical part of the property. She feels that if the Filipino Community is hard up for money they should sell the property as one parcel.

Matt Taylor spoke about the map that Ms. Denis has which is dated 1925 and shows both the garage and the porte cochere. Mr. Taylor stated that he believes that the property should be kept intact and preserved. Mr. Taylor spoke about the possible sale to unknown persons of the property. Mr. Taylor feels that the economic impact to other properties in the area if this application is approved would be devastating. Mr. Taylor feels that the City has an owner interest in the property because of the loans made to the group.

Donna Sacramento stated that her parents were part of the FCAV but she is not a member. Mrs. Sacramento stated that the property was supposed to be for social gatherings and to house Filipino members of the community.

Frank Sacramento has asked to sit in on the board meetings for the FCAV and has not been contacted. He stated that he believes that this house was designed by Julia Morgan, who also designed Hearst Castle, Fairmont Hotel, etc. He believes that the porte cochere has been part of the house since it was built.

Pam, President of the FCAV, says that the organization means a lot to the community. She hopes that the Planning Commission will agree to the lot split. She says that the lot is a legacy to the FCAV but they will not change the building.

Pat Gascascos, on FCAV board of directors, stated that the building was in foreclosure many years ago and they raised money to save the building. She wants to make use of the building in a better way.

Myrla Raymundo, UC Historical Musuem, asked why conditions #7 thru #14 are necessary if this is only a parcel subdivision.

Carlos Jocson, City Engineer, stated that these are standard conditions of approval and will need to also be on the final map as well.

Mrs. Raymundo stated that the building is on the historical site list and she would like to preserve the building. She stated that the building is in great decay and no funding is available to preserve it. She does not see the building destroyed. Mrs. Raymundo was in favor of the lot split so that the FCAV could get money to fix the building.

Mr. Taylor stated that he has photographs showing the house as it is from 1947 including the porte cochere. Mr. Taylor said that if the FCAV needs money they should sell the property as a whole rather than subdividing it. Mr. Taylor stated that there are already parking problems on Smith Street and this project could aggravate the issue.

Mr. Leonard stated that staff did not say that the property was fifty years old but rather the subdivision of the property was at least fifty years old. Mr. Leonard stated that he never said that the porte cochere was an add-on or part of the original structure. Mr. Leonard stated that the staff report requires that a historical architect look at the structure before any changes are made.

Mr. DeLucchi stated that the application was made by the owner, FCAV, and once the subdivision is done the FCAV will continue to own both shares. Mr. DeLucchi agreed that the condition to have an architectural historian look at the porte cochere is appropriate. Mr. DeLucchi stated that this project will create six additional parking spots on the property and that there is a public parking lot adjacent to the property. Mr. DeLucchi urged the Planning Commission to approve the subdivision. Mr. DeLucchi stated that the City is more like a mortgagee holding loans against the property and has no ownership interest in the property.

Commissioner Lew asked if the property has recently been appraised.

Mr. DeLucchi replied that to his knowledge it has not.

Mrs. Raymundo stated her concerns that if the house is sold to a new owner then the FCAV might no longer have a place to meet.

A citizen stated that the FCAV was trying to raise money to fix the building and that there are only two low-income tenants living there now. He said that they are trying to preserve the legacy of the Filipino's.

Chairperson Anderson asked how many tenants were living there.

The citizen stated that there were six tenants but some have been relocated.

Chairperson Anderson asked how much rent they were paying.

The citizen stated that they were paying \$300.00 a month each.

Chairperson Anderson stated that they were making \$1,800.00 per month from the tenants.

Chairperson Anderson asked what happened to the other tenants.

The citizen said that they were moving out.

Chairperson Anderson asked if you were depending on that income to keep the building up why did you give it up.

The citizen stated that by subdividing the property they would be able to get more flexible financing to help upkeep the building.

Mrs. St. Denis replied to Mr. Taylor's comments about the neighborhood.

Chairperson Anderson closed the public hearing.

Commissioner Sweeney suggested that before a motion is made on the application that the conditions of approval should be amended.

Mr. Leonard stated that the City has no business interfering in the private ownership of the property and if the Planning Commission is most concerned about the porte cochere they might want to see if the applicant would be willing to leave it in place at the expense of two parking places.

Mr. Leonard summarized the changes to the conditions of approval:

- Prior to final map approval the use permit shall be modified.
- Applicant shall record deed restriction for shared parking between lot #1 and #2.
- Prior to Site Development Review an architectural historian shall review the changes to the building
- Deed restriction for parking easement shall specify 9 spaces.
- Deed restriction prohibiting living quarters on lot #2
- Amend Variance to lot #2 to permit only a one-story building.
- Add a condition that both parcels would conform to existing zoning and commercial standards.
- Add a condition to amend the Use Permit to reflect the property subdivision.

Commissioner Sweeney made a motion to recommend to the City Council denial of Tentative Parcel Map TPM 8621, making the following findings 1 – that the proposed project is not consistent with the General Plan and that this subdivision will create a new parcel that is unusable for normally permitted uses within the zoning due to the necessary restrictions of the parking easement that will in effect create a private parking lot separate from the building that it serves; 2 – that the proposed project will be detrimental to the public health, safety and welfare of the community or materially injurious to properties or improvements in the vicinity in that the loss of the integrity of this historical property affects historical properties immediately in the vicinity by changing the historical setting for the entire neighborhood; 3 – that the proposed project is not consistent with the purposes of the zoning ordinance because the newly created lot is not usable under the existing zoning regulations; subject to the amended conditions of approval and adopting a resolution confirming this action.

Commissioner Lew seconded the motion.

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

Commissioner Lew stated her concerns that the subdivision of this property to solve a financial problem is a very serious matter and believes that the subdivision should be the last step and the applicant should consider alternatives.

Commissioner Savage stated her concerns about the parking issues and feels that this will adversely affect the other historical structures in the area.

B. NEW HEARINGS:

1. **PACIFIC WEST GYMNASTICS, 32920 ALVARADO-NILES RD, SUITE 200, Use Permit UP-04-05;** The applicants, Jade McLean and Evelyn Paradis, are requesting approval of a Use Permit UP-04-05 to allow the establishment of a gymnastics school within a 13,102 square foot tenant space in the Dowe Business Park. The tenant space is located at 32920 Alvarado-Niles Road, Suite 200 (APN 475-0150-009-01), on the northwesterly part of the business park. The subject property is zoned ML, Light Industrial, and has a General Plan Designation of ML, Light Industrial. This project is categorically exempt under Section 15301, Class 1(a), Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, stated that the applicant has withdrawn this application.

VI. SUPPLEMENTAL STAFF REPORTS:

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

VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS:

A. **CODE ENFORCEMENT UPDATE:**

Mr. Leonard present the staff report.

B. **ECONOMIC DEVELOPMENT UPDATE:**

Christine Friday, Economic Development Coordinator, spoke about upcoming site visits.

C. **UPDATE ON ROUTE 84:**

Mark Evanoff, Redevelopment Manager, presented the staff report.

D. **DOWN PAYMENT PROGRAM UPDATE:**

Vern Smith, Housing and Economic Development Coordinator, presented the staff report.

E. **REHABILITATION PROGRAM UPDATE:**

Vern Smith, Housing Coordinator, presented the staff report.

F. **APPROVED RDA BUDGET FOR FY 05/06 AND FY 06/07**

Steve Sprotte, Management Analyst, presented the staff report.

VIII. COMMISSION MATTERS:

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

B. Upcoming applications for the Regular Planning Commission meeting of July 21, 2005.

IX. GOOD OF THE ORDER:

Commissioner Lew stated her appreciation for the work that Ms. Honda and Ms. Gallegos have done and is sorry to see them leave Union City.

X. ADJOURNMENT: 10:00 p.m.

APPROVED:

TIKISA ANDERSON, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY