



**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
ON THURSDAY, JULY 21, 2022, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD  
UNION CITY, CA 94587  
AND VIA TELECONFERENCE**

1. **ROLL CALL:** Vice Chairperson Lee Guio, Commissioner JoAnn Lew; Commissioner Ed Mack Agbuya; and Commissioner Kevin Finnerty

**STAFF:** Carmela Campbell (Economic & Community Development Director); Derek Farmer (Planning Manager); Alex Mog (Deputy City Attorney); Denisse Anzoategui (Administrative Assistant); Brandon H. DeLucas (Associate Planner)

2. **APPROVAL OF MINUTES:** None.

3. **ORAL COMMUNICATIONS:** None.

4. **WRITTEN COMMUNICATIONS:** None.

5. **PUBLIC HEARINGS:**

A. **CONTINUED HEARINGS:** None.

B. **NEW HEARINGS:** None.

6. **SUPPLEMENTAL STAFF REPORTS:**

A. **CONTINUED HEARINGS:** None.

B. **NEW REPORTS:**

1. **Study Session for draft amendments to Title 18, Zoning of the Union City Municipal Code, to update Chapters 18.24, 18.31, 18.32, 18.34, and 18.72.**

Alex Mog, Deputy City Attorney provided an overview of SB 9 and defined the State laws.

Brandon DeLucas, Associate Planner presented the staff report. The presentation was given in sections and the Commission was able to pause for discussion.

Chapter 18.31 SB 9 Subdivisions and Development Projects

Commissioner Lew stated that she only had one question regarding page 5 of Exhibit B, and that she only read the redline version. Commissioner Lew referred to Section C which talked about urban lot splits, and the following criteria that shall be met. Commissioner Lew asked if

the section that stated that either the owner of the parcel being subdivided or any person acting in concert with the owner was taken directly from SB 9.

Mr. DeLucas replied yes, and that it is a requirement under State Law. Mr. DeLucas noted that Mr. Mog had alluded to it during his presentation and that is why there is just a slight wording difference to apply it, but it is still what is required under State Law.

Commissioner Lew replied that Mr. Mog had a different explanation. Commissioner Lew noted that Mr. Mog had said that if there are two owners on the adjacent parcels, and they were not acting in concert then they would go ahead with the lot splits on both properties. Commissioner Lew asked for clarification.

Mr. Mog replied that they must be adjacent parcels and they must be working in concert with each other for it to be prohibited.

Commissioner Lew clarified that it's not because they're on adjacent parcels and they're not working together on the lot split. Commissioner Lew asked why would that be, when the end result would be the same.

Mr. Mog explained that the Legislature wanted to avoid a developer coming in and buying five houses in a row and turning them all into four-unit spots. Mr. Mog added that they did not want to stop individual property owners from doing it. Mr. Mog further added that the result is the same thing.

Commissioner Lew replied that it was too bad the City would buy into that political arm twisting.

Mr. Mog replied that it is a requirement from the State.

Commissioner Lew replied that it is too bad that politicians can make these kinds of laws and the City must say yes. Commissioner Lew added that she did not see anything wrong with the developer coming in and buying certain lots. Commissioner Lew explained that kids can decide that after their parents pass away to sell to a developer.

Mr. DeLucas assured Commissioner Lew that they would work with Mr. Mog to ensure consistency with State Law. Mr. DeLucas then noted that staff is still tweaking some of the language to clean it up. Mr. DeLucas explained that this is an evolving document as this is an evolving law and that the City is following best practices for its implementation. Mr. DeLucas also noted that it may also be tweaked if they receive feedback from the attorneys.

Commissioner Lew asked if the Commission would be seeing a Desk Item with the corrections at the following meeting.

Mr. DeLucas replied that if the Commission would like, he could add an exhibit showing the corrections from the Study Session to the final, but that the Planning Commission would be recommending the one with the clean changes.

Commissioner Lew replied that she could do that but asked if it would be changing the draft to be updated as well. Commissioner Lew asked if some of the corrections that were listed in the Desk Item would be corrected in the updated draft for the next meeting.

Mr. DeLucas assured Commissioner Lew that the document would be updated for the next meeting and would include all the feedback from the Commission and any additional feedback that staff and the City attorneys will have during their review.

Commissioner Lew stated that she needed a red line version that notes the corrections are in there.

Carmela Campbell, Economic & Community Development Director noted that part of the issue is that the Commission has already received a redline version, and it will not show as updated text from what they currently have. Ms. Campbell explained that what Mr. DeLucas was suggesting is that staff can provide a third exhibit to show what changed from Exhibit B, which is the current red lined version.

Commissioner Lew replied that she doesn't need that many copies. Commissioner Lew added that she is looking for a version that shows all the corrections they will make, and what corrections the City Attorney recommends.

Ms. Campbell confirmed that Commissioner Lew was not looking for a version showing what's changed from what she is currently reviewing, and staff would just provide her with Exhibit B when they come back for a formal recommendation and will show all the changes discussed that evening or in the Desk Item.

Commissioner Agbuya stated that he did not have any questions but thought that the overlays staff had presented were good.

Commissioner Finnerty asked with the SB 9 lot split, will it change the way the City does single-family zoning as indicated on the site map on page four of the staff report. Commissioner Finnerty provided an example of an RS 6000 lot and the split of that lot. Commissioner Finnerty stated that it would seem to him that they would now be creating an RS 2400 and then RS 3600 based on his understanding of how the others were titled.

Mr. DeLucas replied that they would not rezone any property, and this is really meant for the underlying zoning to stay the same. Mr. DeLucas added that even in the lot split scenario, that property will be zoned RS 6000 and that is its underlying zoning. Mr. DeLucas continued that the SB 9 standard only applies to units that are created under it. Mr. DeLucas also added that an existing house would still be subject to the requirements of the zoning district, and an ADU would be regulated under the ADU ordinance. Mr. DeLucas further explained that they are not modifying zoning; this is a unique situation where they are required to do this lot split and reduce lots below the minimums. Mr. DeLucas also stated this is a unique situation and that there may be feedback or best practices down the line that determine maybe something should possibly be changed, but at this time there is not. Mr. DeLucas clarified that the underlying zoning will stay the same and if it is an R 5000 lot, it will remain R 5000.

Commissioner Finnerty thanked Mr. DeLucas for that comment. Commissioner Finnerty asked if an owner sold after 10 years and there had been split according to SB 9, and the lot sold is 40% of the original at 2,400 square feet, then how would it be identified as the property wouldn't meet the requirement of the RS 6000 district. Commissioner Finnerty asked if staff was suggesting waiting and crossing that bridge when they get there.

Mr. DeLucas replied that at this time they are not proposing to add new zoning districts. Mr. DeLucas repeated that how State law is worded, it is just allowed under the existing zoning, and they must allow this. Mr. DeLucas added that in the future, let's say five years down the line, he bought a property that was subdivided under SB 9, then the units are regulated under SB 9, but the fencing would be regulated under the existing residential chapter as referred to in the ordinance. Mr. DeLucas added that any additions done to those units would still have to comply with those requirements for SB 9, even though the underlying zoning is for RS 6000. Mr. DeLucas added that it's kind of like that for ADUs, when you add an ADU, the ADU itself is regulated by Chapter 18.34, but the property itself is still RS 6000 and would still be the case in the units that will be regulated to meet the requirements under 18.31 as proposed, but anything else with the underlying property would revert to the underlying zoning district.

Vice Chairperson Guio noted that there was a mention of HOAs and that HOAs are not subject to these requirements. Vice Chairperson Guio assumed that all the HOA documents have nothing about this written into their bylaws but asked if there will be a requirement in the future or a need for it to be addressed.

Mr. Mog replied that the City does not enforce or interpret HOA documents, those are private agreements. Mr. Mog added that if someone comes to the City, the City just applies whatever the standards are and if they are not allowed by HOA rules, then that is between the property owner and HOA. Mr. Mog added that the HOA can amend the rules, and there are likely HOAs that have restrictions on subdividing because it is a process anyone could go through now and is not ministerial.

Ms. Campbell added that another way ADUs are different than SB 9 units, is that HOAs cannot prohibit the development of an ADU, however, that the same restriction is not on SB 9 units.

Vice Chairperson Guio referred to the locations close to BART and noted the differences of requirements for garages. Vice Chairperson Guio added that he was aware of the requirements and changes there have been with respect to properties close to transit, and he wanted to make sure whether there was anything else that was affected beside what was mentioned that evening.

Mr. DeLucas replied that for the purpose of SB 9, that is the only one that waives the parking requirements when you are within a half mile of BART or a high-quality transit corridor, and there may be additional laws that are not part of these updates. Mr. DeLucas deferred to Ms. Campbell or Mr. Mog for further information if needed.

Vice Chairperson Guio asked if Union City has any earthquake fault zones.

Mr. DeLucas replied that the City does, and some of it was addressed. Mr. DeLucas added that Union City already has areas zoned as Open Space that are in the fault zone, and they are not

buildable, so the City does not have that many issues with the earthquake fault zone. Mr. DeLucas added that the City may have one or two properties at the end of Appian that would fall into that earthquake fault zone, so they would not be able to, but most other properties would be unaffected from that.

Vice Chairperson asked if the earthquake fault zone is determined by some state agency.

Mr. DeLucas replied that it would be the Alquist-Priolo Act that identified where the fault zone is within Union City.

Ms. Campbell added that the way the Act is set up, it restricts any development within 50 feet of an active fault, and there is an area beyond where you still may be in the earthquake fault zone. There is potential for you to be able to develop but you would need to obtain a geotech report and comply with all the building standards. Ms. Campbell followed up that they do not have many of those that are not already zoned open space.

Vice Chairperson Guio noted that Mr. Mog mentioned housing withdrawn from the rental market and asked for clarification.

Mr. Mog replied that they may have heard about the Ellis Act, and that in some jurisdictions with the just cause eviction ordinance, where they cannot evict someone from a residential unit unless there is just cause, basically because they violated their term or one of the very specific exceptions. One of the exceptions is if you are going to withdraw the unit from the rental market. That is your right, but the State Legislature is saying that if you take advantage of that law, you cannot go through this process for 15 years.

Vice Chairperson Guio noted that there is mention of 12-inch eaves required and noted that there are already homes without 12-inch eaves in the City. Vice Chairperson Guio asked if you could still do a separation if you did not have 12-inch eaves.

Mr. DeLucas responded that this requirement could be waived by the Director if it is consistent with the existing development, or it is part of a complete architectural design.

#### Chapter 18.24: Bulk Regulations and Chapter 18.32: Residential Districts

Commissioner Agbuya asked that if a lot is split into two, would they allow a manufactured home to be placed there.

Mr. DeLucas replied that this is a separate chapter, and that is the regular residential section, under that section, this affects all residential R & RS Districts, and there is a category that you can do a manufactured home and it specifies certain criteria and is not related to the SB 9 subdivision.

Commissioner Agbuya asked if it was in general.

Mr. DeLucas replied yes.

Commissioner Agbuya asked about the kitchen and when that permit is issued, are there people that are going to be able to pick up food from these homes.

Mr. DeLucas replied that what it generally allows you to do is run that kitchen, and they do not get to use Door Dash or any delivery service. Mr. DeLucas added that they can basically have a dining room set up and have people eat on site or pick up from you directly. Mr. DeLucas added that there are a few homes in Decoto which prepare food like tamales and you can pick them up or eat them right there. Mr. DeLucas added that this has been approved and we have to allow it and just update the code to reflect it.

Commissioner Agbuya asked if this was a County Law or State Law.

Mr. DeLucas replied that it is a State Law that allowed counties to opt in, and Alameda County opted in. Mr. DeLucas added that the City was not given an option and has to abide the permitted use long as the County Health Department allowed it.

Commissioner Agbuya asked if there is a cap on the number of kitchens that can operate in a neighborhood and if there would be any control over that.

Mr. DeLucas replied no, not that he was aware of. Mr. DeLucas added that they must allow it, and the only authority the City may have is that it can require a business license, everything else is managed by the Health Department. Mr. DeLucas added that there is a restriction of 30 meals in a week, but the County regulates that and oversees tracking. Mr. DeLucas stated the City would be involved unless there was a nuisance, but otherwise the City has no authority under state law.

Commissioner Finnerty asked for clarification regarding Exhibit B and stated that he was looking for where it says no accessory building or structure shall be constructed on any lot prior to the time of construction. Commissioner Finnerty confirmed they didn't mean an ADU and just another kind of accessory building.

Mr. DeLucas replied that the requirement is in the ADU chapter as well, specifying for ADUs but for that section, yes, it is talking about a shed or garage as an accessory structure. Mr. DeLucas stated that it is just that, so it cannot be there before the main house because what is it an accessory to. Mr. DeLucas stated that the main house needs to be built before a garage or shed could be added. Mr. DeLucas described an ADU as an accessory dwelling unit, and the chapter states it will need to be built either in conjunction when you propose a new house and it can be built together, or it needs to be built with a house that is already established.

Commissioner Finnerty asked if staff would permit a property owner to build an ADU and allow that to be the primary residence while the main home is being built.

Mr. DeLucas replied that in theory if the ADU was proposed and built and said that it was the first primary structure and they met all those requirements, they could build that smaller unit first and then redesignate it as an ADU and build the primary residence. Mr. DeLucas added that the first structure on the property needs to meet the requirements under the zoning code and not the ADU code, and yes, in theory a small house can be built first, and then redesignated if it meets all the requirements for a regular house at the beginning.

#### Chapter 18.34: Accessory Dwelling Units

Commissioner Lew asked if a second story ADU with a separate entrance, as long as it met all the requirements, and is a rental, could be an ADU.

Mr. DeLucas replied that it can be, if they met the requirements under the ADU ordinance, which again, cannot be rented for less than 30 days, but part of the structure can be rented to a longer-term tenant.

Commissioner Lew asked what would happen in the case that a property owner decided to sell the property including the ADU, and a buyer snaps it up, thinks it is a good deal as a second story, and eventually converts the ADU into part of the single-family home. Commissioner Lew asked if there would be a problem with that.

Mr. DeLucas replied no, but that they would need to convert that space and would be required to internally link it back together and make it consistent, along with removing the second kitchen and making it a part of the main home again. Mr. DeLucas suggested that it would be cost prohibitive.

Commissioner Lew replied that it was good to know because once an ADU, it should not always be permanently an ADU because she thought that the property owner should have a say in how they want to use their property.

Commissioner Finnerty referred to Chapter 18.34.2(d) and noted that ADUs shall maintain a minimum five-foot separation from other structures on the parcel and asked if they were talking about just accessory buildings and not about the primary residence.

Mr. DeLucas replied that this would apply to detached ADUs. Mr. DeLucas added that they would have to be five feet from the main structure if it is a detached ADU. Mr. DeLucas also added that an attached ADU is attached to the house and if there is a rear addition for an ADU, that ADU needs to be five feet from a shed. Commissioner Finnerty noted that the word detached was struck out in the first part of the sentence from Exhibit B, page 35, Section d.

Mr. DeLucas stated that staff would review and make a correction if needed.

Commissioner Finnerty noted garage conversions into ADUs and asked about the requirements for small economy kitchens in JADUs versus ADUs.

Mr. DeLucas noted the previous question regarding ADUs that can be converted from the garage and would not require parking to be replaced. Mr. DeLucas explained that plans will be submitted to the Building Division for review to ensure that it meets the requirements of having a full cooking facility. Mr. DeLucas added that an ADU is defined as having separate living facilities, so they would have to have a full kitchen. Mr. DeLucas added that it would contain a cooking facility, a sink, and a refrigerator. Mr. DeLucas added that a JADU is where you would not be required to have a permanent cooking facility, only a sink and preparation space.

Commissioner Finnerty asked if it was to be an addition to the house, would it have to have absolute separation from the house itself even though it has been built on as an addition or can it have a lockout door that you might see in a hotel.



Mr. DeLucas replied that it is not under the current code, but one of the edits proposed is to allow for that door. Mr. DeLucas added that Ms. Campbell waived the requirement for a recent applicant that was doing an attached ADU for their grandparents and wanted their kids to be able to access that unit and say hi to their parents. Mr. DeLucas also added that there are requirements under the Building and Fire code of how that separation must be, including fire rate and lockable from both sides. Mr. DeLucas confirmed that it would be allowable under the current proposed code.

Vice Chairperson Guio asked what the difference would be from installing a sink in a bedroom to having a JADU.

Mr. DeLucas replied that if you put a sink in it, it would be considered a JADU, and you would be required to apply for a permit. Mr. DeLucas then added that the JADU could be rented out. Mr. DeLucas stated that if you have just a bedroom and bathroom and are operating a boarding situation, then it is just renting a room and that is regulated differently. Mr. DeLucas stated that under the code, there is a provision under the permitted uses section of the residential code that says that boarding should not include more than two guests. Mr. DeLucas noted the differences in response to Vice Chairperson Guio's questions. Mr. DeLucas explained that if an applicant came in and told him they would like to add a sink to a bedroom, then he would provide them with JADU requirements where all they would need to do is add an exterior door, so they don't have to necessarily walk through the main house along with a food preparation facility.

Vice Chairperson Guio noted that it seems like a code enforcement issue too, because people could do that and not say anything. Vice Chairperson Guio followed up on Commissioner Lew's comments of establishing a second floor ADU that has a separate door and internal stairs and then a homeowner decides to use it as part of the main residence and asked if it would be possible.

Mr. DeLucas replied yes and referred to his example earlier of multigeneration families living in their own separate area. Mr. DeLucas explained that they could still be rented separately but the Commissioners could choose to make modifications and convert it back into a main part of their normal home if they go through the building permit process.

Vice Chairperson Guio stated that the intent is to increase housing and talking about going the other way would be going against the intent.

Mr. DeLucas added that most likely people will make use of the ADUs as is, and they could have aging grandparents, their young adult children, or rentals that will help supplement their mortgage so that they are able to stay in Union City. Mr. DeLucas added that staff has not faced the scenario of homeowners wishing to convert an ADU back, not because it is not allowed but because the second unit is an asset.

#### Chapter 18.72: Administrative Site Development Review

Commissioner Finnerty assumed that the Commission would be receiving some time to take into consideration the last request by staff on what items should be appearing before the Planning Commission.

Mr. DeLucas replied that they are open to feedback throughout the process and when it is brought back to the Commission then you can propose modifications to the language when recommended to the City Council. Mr. DeLucas stated that any feedback may be provided now, during the hearing, or in a written comment to staff, or at the next meeting.

Commissioner Finnerty referenced his comments that were addressed in the Desk Item and asked if there was a need for comment in the public hearing or if it could be assessed by staff.

Mr. DeLucas replied that the Desk Item is part of the record and would include the two edits that were referenced.

Commissioner Finnerty referred to the last bullet under number four of the Desk Item, which was regarding noticing the community about SB 9 and asked if he could further discuss then or perhaps during the Good of the Order.

Mr. DeLucas asked the Vice Chairperson if it would be appropriate to allow Commissioner Finnerty to provide feedback now since it was part of the item being discussed.

Vice Chairperson Guio agreed.

Commissioner Finnerty noted the effect that SB 9 may have on the aesthetics of neighborhoods or sustainability for community services as the housing density increases. Commissioner Finnerty suggested that there be a proposal of getting information out to the community especially if the City begins to see a lot of applications for lot splits coming up through SB 9. Commissioner Finnerty stated that there may be residents wondering what happened to their neighborhood. Commissioner Finnerty noted that they could say that when they moved into their neighborhood it had certain aesthetics but then suddenly, they see changes occurring on properties and may ask why that is occurring. Commissioner Finnerty explained that educating the community may save the City some problems or questions from being raised later.

Commissioner Lew referred to the question of the kind of projects the Planning Commission would see. Commissioner Lew stated that she believed staff was already reviewing projects that fit the neighborhood and checking off all of the requirements. Commissioner Lew stated that they do not have to see those projects. Commissioner Lew continued that she would rather start defaulting to the City's requirements and allow them to decide what should or shouldn't be seen by the Planning Commission. Commissioner Lew also added that it would save a lot of time for most of the applicants if they didn't have to go to a Planning Commission meeting and sit through some of the things that they know will be approved anyway. Commissioner Lew suggested that something that requires going to the City Council should still be reviewed.

Mr. DeLucas replied that any Site Development Review project that goes to the City Council is automatically brought to the Planning Commission for their recommendation which is slightly unique for Union City. Mr. DeLucas explained that in other jurisdictions he has worked in, often times Site Development Reviews just go to the Planning Commission and the Planning Commission is the deciding body. Mr. DeLucas added that it's only if it is appealed that the City Council calls it up to themselves and those projects go to the City Council.

Commissioner Lew recalled that there was a time when the Planning Commissioners did not read their packages. Commissioner Lew also stated that she thought that the City is doing a

great job. Commissioner Lew stated that the Director or Administrator is doing a great job in enforcing their requirements and following through on the Zoning Codes.

Ms. Campbell thanked Commissioner Lew for her comments and asked to clarify a few things. Ms. Campbell stated that staff typically does not bring new single-story or two-story homes to the Commission. Ms. Campbell recalled that a few years back there was discussion about bringing larger homes where there was interest and what staff tried to do was identify a specific size. Ms. Campbell recalled they received feedback where there was not really any benefit to expanding the process. Ms. Campbell stated that 3,500 square feet is the minimum that would come to the Commission. Ms. Campbell recalled that the home on Santa Susana was the one that began the discussion. Ms. Campbell asked Mr. Farmer if he recalled the size of the home.

Mr. DeLucas replied that it was approximately 5,000 square feet.

Mr. Farmer agreed and stated that it was approximately 4,800 to 5,000 square feet.

Commissioner Lew noted that it got approved anyway.

Mr. Farmer noted that the other thing about the residence that is distinct is that it is on a very busy intersection and there was a lot of scrutiny to the design aspects as well as the size of that residence.

Ms. Campbell thanked Mr. Farmer for the feedback, as they don't automatically refer new homes to the Commission. Ms. Campbell suggested that if it is in the opinion of the Zoning Administrator, that if the proposed project will be a matter of public interest or controversy, they can route it up to the Planning Commission. Ms. Campbell added that if they know they have gotten a lot of feedback on an application, staff can automatically route it without having to identify in the code a specific threshold for bringing new single-family homes to the Planning Commission.

Commissioner Lew stated that she didn't recall that the house on Santa Susana had a lot of neighborhood complaints. Commissioner Lew added that there may have been one or two families that objected to it, but in the end their input wasn't listened to by the majority of the Planning Commissioners. Commissioner Lew noted that she walks by frequently and was even asked by the contractors if she was interested in a job for them. Commissioner Lew expressed concern over the privacy as she can see into the windows. Commissioner Lew added that they don't have obscured windows.

Ms. Campbell replied that they are not required to add obscure glazing like a neighbor with a new two story because they are on a corner, and it is up to them.

Commissioner Lew replied that they need to put up a fence.

Ms. Campbell replied that she believes a fence is one of the last things that will go up.

Mr. Farmer noted that another issue is the fact that because it is on a corner, they must have the site clearance requirements for the corner location. Mr. Farmer added that the limitations to just allow a three-foot fence to extend along the side to a point that allows for the site clearance around the corner.

Commissioner Lew stated that they have a three-foot fence which you can look right over and see into their windows. Commissioner Lew added that they should at least have some shutters.

Ms. Campbell confirmed with the Commissioners that there may not be a desire to have new single-family homes come up to the Commission.

Vice Chairperson Guio agreed and replied that he did not know if the number is 3,500 or 5,000 square feet for homes, but he recalled that the home mentioned was significantly different from what was in the neighborhood. Vice Chairperson noted that it could just be more of a subjective thing.

Ms. Campbell noted that because of its visibility and size, they tended to get feedback at the Planning Commission meetings versus through the typical process, which is mailing out a notice of a project that will be approved in the future. Ms. Campbell once again stated that the City would just defer to staff when it's appropriate.

Vice Chairperson Guio asked for the next chapter.

Mr. DeLucas concluded his presentation and noted the Desk Item that was prepared in response to questions and feedback submitted by Commissioners Lew and Finnerty. Mr. DeLucas also noted Commissioner Finnerty's request for feedback from staff regarding public outreach and stated that staff would be creating handouts and materials explaining the process. Mr. DeLucas also mentioned that he attended an ADU fair hosted by the County Assessor's office and mentioned to those in attendance who were interested about the current meeting.

Commissioner Finnerty noted that he was pleased with staff's response, but he was hoping as applications for SB 9 are coming in, that the public is made aware, and that the information is shared with the public. Commissioner Finnerty explained that he hopes to have a plan in place to manage the splitting of lots or the addition to ADUs and JADUs, and there being some conscious forethought, and not done haphazardly. Commissioner Finnerty emphasized that he hoped the City would remain aesthetically pleasing and continue to keep services that the City already provides sustainable.

Commissioner Lew referred to question two from the Desk Item and stated there was some confusion about whether a lot split or no lot split can have up to four units, and that the response still talked about the total of up to four dwelling units when not located on a site subject to an approved or proposed lot split.

Mr. DeLucas referred to a slide of the presentation. Mr. DeLucas identified the example and noted that in the situation they would be allowed a maximum of two SB 9 units. Mr. DeLucas explained that those are a primary unit or an SB 9 unit that is constructed according to 18.31, per parcel, however you can still do either one accessory dwelling unit and or junior ADU, and you have two more units for a total of four. Mr. DeLucas added that in a non-lot split situation then you could have a maximum of the two SB 9 units or one primary SB 9. Mr. DeLucas then stated that a property with two main units would allow a JADU and an ADU under 18.34, and that is how they would get four total units on a single property.

Commissioner Lew asked if the JADU is contained within the footprint of the primary residence or the ADU.

Mr. DeLucas replied yes.

Commissioner Lew asked if there was a limit to people living in these units.

Mr. DeLucas replied no, not per the Union City code and asked if Mr. Mog could perhaps provide more information.

Mr. Mog replied State Law prohibits local governments from restricting family/household member size. Mr. Mog added that there are building occupancy requirements but those tend to be built based on size and not necessarily bedroom count. Mr. Mog added that the general answer is no and that the zoning code does not have the ability to limit how many people occupy the structure.

Commissioner Lew stated that it could be a lot of people. Commissioner Lew also added that she already lived next door to a home that has at least five cars and while they can park three in the driveway, the kid was complaining that her landscaping was in the way of where he parks his car.

Mr. DeLucas replied that parking is an issue, especially throughout Union City. Mr. DeLucas added that the Commission has heard plenty of comments from the public, just regarding concerns about parking especially when it comes to multiple generational homes. Mr. DeLucas recalled that when he lived at home, five members of his family had a vehicle in addition to his parent's RV. Mr. DeLucas added that a discussion at a previous meeting noted that often the garage is not used for parking. Mr. DeLucas noted that vehicles are in the driveway, or street, or in extreme cases on their landscaping.

Commissioner Lew stated that Union City is very auto centric and would not change soon. Commissioner Lew added that the new generation is so spoiled. Commissioner Lew stated that she told her kids they needed to move out and they did with their vehicles.

Mr. DeLucas explained that his agreement with his parents would be that if he was in school, he could live at home no rent because school was already 15 or 16 grand a semester. Mr. DeLucas added that it is a very common situation as it is so expensive to move out now and people are having to live at home. Mr. DeLucas noted that the State is thinking about that with the implementation of ADUs and SB 9. Mr. DeLucas also noted that granny-flats and ADUs are for grandparents or kids because many of them can't live on their own when rent for a single bedroom is \$2,500. Mr. DeLucas added that if you're not making a great amount of money, you can't afford that, unless you're living with other people in one bedroom.

Commissioner Lew stated that they don't even need to talk about ADUs, JADUs, or SB 9 to know that many households are just very crowded.

Vice Chairperson Guio noted that the presentation was informational only and would not require any action.

**7. ECONOMIC DEVELOPMENT REPORTS: None.**

**8. COMMISSION MATTERS:**

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

Ms. Campbell reported that the City Council Site Development Review associated with Planning Area 3 in Station East was reviewed and approved at the July 12,

2022, meeting.

- B.** Upcoming applications for the Regular Planning Commission meeting for August 4, 2022.

Ms. Campbell informed the Planning Commission that the meeting would be cancelled. Ms. Campbell added that they would potentially bring up the amendments at the second meeting in August.

**9. GOOD OF THE ORDER:**

Commissioner Lew provided updates on the City's most recent Bicycle and Pedestrian Committee (BPAC) meeting.

Ms. Campbell noted a disturbance that occurred during the meeting and encouraged everyone to walk out to their car together.

Vice Chairperson Guio announced the Sister Cities festival that would be occurring on August 7, 2022.

Vice Chairperson Guio noted that the previous night the City held the Welcome Back Commissioners event where there was an update from Mayor Carol Dutra-Vernaci.

**10. ADJOURNMENT: 9:22 PM**