

CITY OF UNION CITY

**MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF JANUARY 17, 2002, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Allen, Mattos, Raymundo, Savage, and Sweeney

STAFF PRESENT: Mark Leonard (Community Development Director); John Bakker (Interim Assistant City Attorney); Carlos Jocson (City Engineer); Vern Smith (HCD Coordinator); Mark Evanoff (Redevelopment Agency Manager); Joan Malloy (Planning Manager); Kevin Reese (Chief Building Official); Ralph Kachadourian (Associate Planner); Aki Irani (Associate Planner) and Patti Wiersma (Administrative Assistant)

II. APPROVAL OF MINUTES:

The minutes for the regular Planning Commission meeting of December 20, 2001, were approved as corrected.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS:

- 1. PLANNING COMMISSION'S RECOMMENDATION FOR DRAFT GENERAL PLAN AND FINAL ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN: Public Hearing to review the Planning Commission's final recommendation on the General Plan Update and the Final Environmental Impact Report for the General Plan Update.**

Joan Malloy, Planning Manager, presented the Staff Report

Commissioner Raymundo referred to Policy ED-A.1.16 and suggested that it read "The City, *in collaboration with the Chamber of Commerce and local businesses*, shall, through the development and implementation of an Economic Development Strategic Marketing Plan, etc." She asked why the golf course Policy was deleted.

Mr. Leonard explained that the City Council felt it was best to keep the General Plan as it was stated when Measure II was passed in 1996, as they did not want to presume what the voters might say when it goes up for a vote of the people.

Commissioner Raymundo TR-A.1.4 asked why the Policy states “if financially feasible”, as it means it probably wouldn’t be done.

Mr. Leonard stated that staff did not want to make a flat-out statement that those types of Public Works projects would be done, unless the funds were available to do them. “Financially feasible” was included to recognize that there are going to be competing demands for General Fund and Redevelopment monies.

Commissioner Raymundo stated that Alameda County has been working to develop a standard protocol for suggested guidelines for response to reports of suspected Anthrax attacks, and stated that she thought the City of Union City should adopt guidelines for use in our own jurisdiction. She stated that she would like to include a policy regarding bioterrorism attacks.

Commissioner Sweeney suggested that it be made part of the emergency plan, which covers a number of contingencies.

Mr. Leonard stated that the General Plan tries to cover broad events and keep the policies general. He explained that a general policy regarding maintaining and updating an emergency plan can refer to a number of different emergencies, and not be limited by narrowing it down to specific emergencies.

Commissioner Sweeney stated that the wording that Commissioner Raymundo is providing could be part of the emergency plan.

Mr. Leonard stated that could be passed along to the reviewers of the emergency plan.

Commissioner Sweeney stated that she believed a few items that were brought up at the City Council work sessions were missed. She stated that the Economic Development Implementation programs do not address business retention. She stated that she would like to add an Implementation program that the City will develop a marketing plan for business retention.

Mr. Leonard stated that it is stated in ED-A.1.16, but could be added to Implementation ED-A..2.

Commissioner Sweeney suggested rewording of ED-A.1 to make it easier to understand, by turning the long sentence into two sentences. She stated her interpretation of LU-A.5.7 is that it is for regular, full time daycare, and she thought it was intended to be short term.

Mr. Leonard stated there was a discussion at the work session of a concept of a “Kidspark”, which is a separate childcare center, intended for short term use, such as for shoppers.

Commissioner Sweeney stated the way it is worded sounds like it’s a regular daycare center, and she believes the City Council meant short term.

Ms. Malloy stated that the discussion came about primarily in regards to Union Landing, which is a regional commercial center. She stated that one of the dominant goals is to provide uses that are tax-sales generating.

Commissioner Sweeney suggested that the Policy be broken down into two sentences and that it be made clear that it refers to short-term daycare.

Mr. Leonard stated that the concept of accessory daycare could be added to other uses, which would be the primary use, and also add the concept of short-term daycare.

Commissioner Sweeney pointed out one minor grammatical correction to Policy LU-A.6.1. She stated that she would like to revert to the original wording in Policy LU-B.1.15.

Mr. Leonard explained that they were trying to allocate other resources other than just a staff person, to implement the Station District Plan.

Commissioner Sweeney stated her concern that it may take a backseat to other normal City business, with the downturn in the economy, and she wanted to see it promoted as an important function.

Commissioner Raymundo recommended wording the Policy, "The City shall allocate adequate resources, i.e. hire a staff person, etc."

Commissioner Mattos stated that would also give the City the flexibility to reallocate current personnel as different projects come to a close.

Commissioner Sweeney referred to Policy LU-B.4.7 and stated that she would like to provide a local solution to accommodate displaced service stations, and Mr. Leonard stated that the Policy could state, "The City shall plan for appropriate *nearby* zones."

Commissioner Allen asked if it has been established that the service stations are going to be moved, or is it still being evaluated.

Mr. Leonard stated that there is no plan currently to move any of the service stations, but private, as well as public redevelopment changes in the future could result in changes, and their importance is being recognized.

Commissioner Sweeney referred to Policy PF-A.1.1 asked what type of public facility is transportation (roadway system or transit system).

Ms. Malloy stated it could be roadway, transit system, bicycle paths, etc.

Commissioner Sweeney suggested placing a period after "Alameda County" in Policy PF-I.1.1, in order to make the Policy more flexible.

Commissioner Sweeney referred to Public Facilities Policy and Implementation regarding library services and thought "expansion" should be included.

Mr. Leonard stated that there were two concepts from the City Council, the first being expanded services on other side of town, and the second concept was to assume the management of the libraries in Union City. He stated that the Policy is written to recognize both concepts. He stated that staff would clarify that.

Commissioner Sweeney referred to Policy NHR-A.1.3, and requested that the portion referring to the report of the findings should be reinstated, and not deleted.

Ms. Malloy stated that staff was trying to make the policies more clear and stronger, and incorporate the mitigation measures to protect the resources. The intent was to strengthen it, to make sure the resources were protected.

Commissioner Sweeney stated that if a report is not required as part of the application process, the mitigation measures recommended by the biologist preparing the survey would not be known

Commissioner Sweeney reviewed the items that she observed were overlooked in Exhibit A that were brought up by the City Council at their work session, and Ms. Malloy stated that the changes had been made, but were possibly overlooked in the Exhibit.

Commissioner Sweeney suggested that “public access” be added to Section B-1. She stated that one of the council members wanted Policy YFSH-E.1.13 reworded to state “additional” dog park, as one is already in progress. She stated that the City Council expressed the need to include the need for one-story disabled accessible units in all developments in the Community Design Element, and suggested that it could be added to Policy CD-A.1.6. She stated the City Council wanted to add a Policy for a bike path along the west side of the 511 border. She stated there was discussion by the City Council to reword Policy CD-B.2.2, from “transit stop” to “transit station” or “transit facility”, so it would have a little more substance.

Commissioner Mattos referred to Implementation YFSH-E.11, and requested in the policy where it states that the City shall “expand” swimming opportunities be changed to “explore” swimming opportunities.

Commissioner Sweeney recommend changing the land use for the Soares' Ranch from Office Commercial to Open Space. She suggested shortening Policy TR-E.1.1 to “The City shall consider transportation impacts, transportation mitigation, and developer transportation fees when reviewing proposed land use projects (change “weigh” to consider” and eliminate the economic development impact).

Commissioner Raymundo stated that Policy NHR-C.1.1 should be changed to “ The City shall continue to encourage and support the Union City Historical Museum.” She stated that she would like to change Policy NHR-C.1.3 to “The City shall maintain public landmarks.”

Mr. Leonard stated that the Ordinance states that when a resource is designated a local landmark, the City shall do everything to help maintain those resources in the community, but it does not require the preservation of those resources. He stated that it gives the City the opportunity to find ways to buy or find other organizations that might be able to step forward to help maintain the resources. He stated that the language in the revised Policy more actively reflects the Ordinance.

There was some discussion regarding public landmarks and the fact that the City does not own all of them, and it was decided to maintain the revised wording.

Chairperson Savage opened the Public Hearing.

Barry Ferrier, 32212 Allison, stated that he is concerned about first and second pages in Exhibit A, regarding the Economic Development Element. He referred to Implementation ED-A.1, and stated that he feels that a full-time staff person should represent Economic Development, and not just an action team consisting of City staff and Chamber of Commerce. He stated that not all businesses in the Chamber of Commerce represent Union City. He stated that it needs to be ensured that the intent of the General Plan

is included in the Economic Development Strategic Marketing Plan, and that it not be allowed to be tilted by developers and brokers.

Chairperson Savage closed the Public Hearing.

Commissioner Sweeney stated that she thinks Mr. Ferrier's comments are well thought out and she would like to see both the Policy and Implementation measure indicate that the Economic Development Strategic Marketing Plan will reflect the goals and policies of the General Plan. She agreed with Mr. Ferrier in that we have seen both the ebb and flow of proposals over the years, many of which were based on the market, but not necessarily in line with what the City had stated its goals to be. She stated that the Marketing Plan should reflect the contents of the General Plan, and is not a standalone document. She stated that she thought that the General Plan Policy Document should not specify who is on the Action Team, and the members should be determined when the team is developed. She suggested specific membership be limited, and let the City Manager's office decide who they want to serve on the action team.

Mr. Leonard suggested adding "other representatives" to Policy ED-A.1.16.

Commissioner Raymundo asked if the City has an Economic Development Director, and Mr. Leonard stated that the position is vacant and staff is looking at what needs to be done in order to successfully implement the program, and it was suggested that a strategy needs to be developed, to determine how the function of Economic Development will be carried out.

Chairperson Savage stated that she would like to see the redesignation of Dry Creek and Soares' Ranch to Open Space.

Commissioner Sweeney moved that the Planning Commission recommend that the City Council certify the Final EIR, including adoption of findings, a Mitigation Monitoring and Reporting Program, and Statement of Overriding Consideration and adopt Public Review Draft 3 and Addendum, City of Union City General Plan (AG-2-01) as set forth in Exhibit A, with the changes suggested, based on the information 1-3 contained in the record. She further recommended that the Planning Commission adopt a Resolution recommending that the City Council certify the Final EIR and adopt Public Review Draft 3 and Addendum, City of Union City General Plan, hereafter known as the 2002 General Plan.

Commissioner Raymundo seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

Commissioner Mattos stated that she thinks they all deserve a round of applause, after all the work on the General Plan, and Commissioner Sweeney thanked the staff for their outstanding effort and work.

2. **AUP-01-01, ADMINISTRATIVE USE PERMIT:** Jaime Rivera, as applicant, has submitted an application for an Administrative Use Permit (AUP-01-01) to allow the establishment of an adult day care center for developmentally disabled adults between the ages of 18 and 59 years to be located within a professional office building located at 38 Union Square. The applicant is proposing to occupy Units B, C and E of the building. The subject property (APN 087-19-001-25) is located on the north side of Union Square, east of the Bay Area Rapid Transit (BART) Station in Union City. The project site is located within the CBD (Commercial BART) zoning district.

Aki Irani, Associate Planner, presented the Staff Report.

Chairperson Savage invited the applicant to come up.

Francyn Joyce Altamira, 18460 Allendale Ave., Saratoga, speaking on behalf of Golden Oaks Developmental Center, stepped up to the podium.

Commissioner Mattos stated her concerns about bathrooms, smoking areas, and supervision, etc. She asked if there are going to be any outside activities.

Ms. Altamira stated none, other than walking to local places.

Commissioner Mattos asked if there will be walking trips, or if they will be using public transportation.

Ms. Altamira stated that they will use public transportation or a van. The clients will be going out in two groups of four, and will be accompanied by an activity leader.

Commissioner Mattos asked what will happen if a client is not picked up at 2:30 p.m.

Ms. Altamira stated they will call the client's home or their care provider, and if they are not picked up, staff will transport them to their home. If no one is at home, they will be referred to Social Services.

Commissioner Mattos stated that she thinks they are offering a wonderful program, and commended the applicant, but stated she is not comfortable with the location. She asked what measures would ensure the client's safety if they go out.

Ms. Altamira stated they will be accompanied by a staff person.

Jaime Rivera, 2939 Sorrento Way, stated that they will have an understanding with the Farmers Insurance agent that the movement of the clients will be monitored, and if he sees someone go outside he will inform staff. He stated that one of the staff will be outside all the time.

Chairperson Savage asked if clients are allowed to go to the restroom unaccompanied.

Mr. Rivera stated that staff will be responsible for their whereabouts at all time.

Commissioner Sweeney stated her concern that people will wander and get lost. She stated that she was under the impression that a staff member would accompany them to bathroom.

Ms. Altamira stated that the clients will be assisted when going to the bathroom, and to maintain the staff/client ratio, the assistant program administrator or designated staff will assist the client when they go to the bathroom or outside for a smoke.

Commissioner Sweeney asked if there would be a situation where there could be an opportunity to go outside unattended.

Ms. Altamira stated that the program was designed to always know where the clients are, and that a group of clients will be assigned to a staff person. She stated that there will be staff meetings every day from 8:00 a.m. to 8:30 a.m., which will allow the staff to become familiar with clients who may have a tendency to wander.

Commissioner Sweeney stated that if someone is attending them when they are out of the classroom that would probably suffice. If they are allowed to go to the restrooms unattended, they are setting themselves up for a problem, and that is what the City is trying to avoid.

Chairperson Savage opened the Public Hearing.

Chairperson Savage closed the Public Hearing, as no one came up.

Commissioner Sweeney referred to Condition No. 8 asked what action the City could take.

Mr. Leonard stated that the City has noise standards, and violations are quantifiable, so mitigation measures would have to be in place, such as ceasing a particular activity or some other measure such as keeping doors closed, etc.

Commissioner Raymundo moved that the Planning Commission approve Administrative Use Permit (AUP-01-01) subject to the findings 1-3 and Conditions of Approval. She further moved that the Planning Commission adopt the Resolution for the Administrative Use Permit.

Commissioner Allen seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

Commissioner Mattos stated that she did have other questions, but was not given the opportunity to ask them. She stated that she would have liked to have known more about the training of the staff, as it was her understanding that the director would be in Saratoga and only available by phone most of the time.

Mr. Leonard thanked applicant for refining the plans so the questions were answered, and welcomed them into the community.

Ms. Altamira assured the Planning Commission that she will be able to devote her time to Golden Oaks, even though she will be in Saratoga. She stated that the staff will be going to training, such as non-violent crises intervention and anger management, in order to enable them to deal with difficult people. She stated that she would like the community, especially psychology or special Ed students to have the opportunity to observe and interact with the clients.

B. NEW HEARINGS:

1. **USE PERMIT UP-01-02; BUILDING #3 WILLOWBROOK BUSINESS PARK:** Initiated by Jeffrey Logan, Koll Development Company, as applicant, a request to allow warehouse and distribution uses within Building #3 of the Willowbrook Business Park. The recently constructed Willowbrook Business Park at 1651–1745 Atlantic Court and 1600 Whipple Road is located in the Central Bay Industrial Park and warehouse, wholesale and distribution uses are considered conditional uses in the ML, Light Industrial zoning district. This application request will allow the entire 89,200 square foot building (Building #3), at 1745 Atlantic Court, to be used for two warehouse/distribution business uses.

Ralph Kachadourian, Associate Planner, presented the Staff Report and gave a Power Point presentation.

Chairperson Savage invited the applicant to come forward.

Paul Vert, President of Young's Holding, Inc., which owns Willowbrook, came up to the podium.

Commissioner Sweeney asked if Building # 2 is being used for warehouse use.

Mr. Vert stated Building #2 is being leased to Young's Market Company, and the Northern California Sales offices were relocated from Hayward into that building. He stated that there is 28,000 sq. ft. of office and 20,000 sq. ft. of warehouse.

Commissioner Sweeney asked why the warehouse use of that building is not being discussed at this time.

Mr. Leonard stated that the office use requirement is 25% of each building, and the building is in excess of the minimum 25%. He stated that when the project was originally planned, there were some statements made that the 25% would be determined on a project-wide basis. The way the Zoning Ordinance reads, it states building by building. The Use Permit for Building #3 is being reviewed, to allow the warehouse space to exceed what the Zoning Ordinance standard is. He stated that the entire development is still within the 25% overall concept for this business park.

Commissioner Raymundo asked if the 25% includes all the buildings.

Mr. Vert stated that it does, that the intent was that the project would be a mixed use, and they have worked with staff to come up with the configuration. He stated that Building #3 is designed as a warehouse, and Buildings #1 and #2 are designed for more office uses. He stated that Building #2 has 60% of office area.

Commissioner Raymundo asked what products are being housed in Building #3.

Mr. Vert stated Toyota stores automotive parts, and Ryerson-Tull has finished metal products.

Commissioner Raymundo asked how many employees will be provided for Union City.

Mr. Vert stated that Young's Market has approximately 75 people working out of Building #2. Ryerson-Tull has approximately 25 people, but they have not signed a lease, pending the outcome of the Planning Commission Meeting. He stated that they will be a perfect tenant for that building, and it is extremely important for Young's Holdings to get them as a tenant.

Commissioner Sweeney stated that there should be a total of 55,000 sq. ft. in office space over the entire project, with Young's using 28,000, which leaves 26,600 ft. left in the remaining buildings. She asked Mr. Vert if he realistically thinks they can meet the 25% office space requirements.

Mr. Vert stated that they feel confident they can meet the 25% office requirement, since Building #1 will be primarily office use. He stated that they are currently talking to a biotech company to lease the building. He asked the Planning Commission to consider what Young's Holdings has done for the entire project. He stated that the City is looking for good tenants, and they are providing them.

Commissioner Sweeney stated that she appreciates the fabulous turnaround in that property that has occurred as the result of the efforts of Young's Market. She stated that at the time the project was approved for mixed use, they could not foresee such a warehouse-intensive use of the largest of the buildings on site. She stated that at the time it was discussed that the Planning Commission wanted to see it moved forward as a business park, and the expectation was for 25% office use.

Mr. Leonard pointed out that Building #1 is ideal for office/light manufacturing/R & D facility, and probably 100% of that space will be office, and will probably meet the goals, as originally stated.

Chairperson Savage opened the Public Hearing.

Mr. Barry Ferrier stated that when the development originally came to the Planning Commission, he wanted to see the buildings be two or three stories, to work with the future General Plan. He stated that he became excited when he found out there might be a tenant from Emeryville. He stated he wants to see the buildings full in Union City, and he hopes the project will get approved.

David A. Berger, City Manager, stated that from time to time he will come before the Planning Commission regarding economic development opportunities. He stated he personally asked Mr. Vert to come up from Los Angeles to represent the company. He stated that the company has made a substantial investment in Union City, and in the current difficult economic times, we need to compete effectively in the marketplace. He stated that Ryerson-Tull is an outstanding company, and he is in favor of being somewhat more flexible, in order to fill a quality project with a quality tenant. He encouraged the Planning Commission to approve the application.

Commissioner Raymundo asked if there are tenants for Building #3.

Mr. Berger stated Toyota is already there and Ryerson-Tull will be the second and final tenant for that building. He thanked the Planning Commission for the opportunity to comment on the project.

Commissioner Mattos stated that she agrees with Mr. Berger, and that especially in these economic times, the City needs to take advantage of maximizing the projects that come before the Planning Commission. She urged the Commission to be a little more flexible at this time.

Chairperson Savage closed the Public Hearing.

Commissioner Allen moved that the Planning Commission approve the Conditional Use Permit (UP-01-02) making the specific findings 1-4 in support of this approval. He further moved that the Planning Commission adopt a Resolution confirming this action.

Commissioner Mattos seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

- SITE DEVELOPMENT REVIEW SD-08-01; USE PERMIT UP-01-01; WILLIAMS PLAZA**: Initiated by Mrs. William Lee, applicant and property owner, a proposal to renovate the vacated 15,000 (±) square foot Ranch Hand Foods meat packing building located at 30593 Union City Boulevard at the northwest corner of Bettencourt Way. The applicant's proposal is to renovate and remodel the existing building for light industrial and office uses, including a restaurant use. The property is situated on 1.49-acre parcel in the ML, Light Industrial zoning district.

Ralph Kachadourian, Associate Planner, presented the Staff Report and gave a Power Point presentation.

Commissioner Raymundo stated that she is pleased to see the placement of public art on the site. She referred to Condition No.4, and stated that she thought it should be approved prior to start of the development, versus prior to start of construction.

Mr. Leonard explained the reason the Condition is stated prior to occupancy is because the Arts Council process can be lengthy.

Commissioner Raymundo requested that Condition No. 70 should include something regarding minimizing odors.

Mr. Leonard stated that a Condition can be included to be consistent with what has been done with other projects, to control the odors from the restaurant kitchen.

Commissioner Sweeney asked about the driveway entrance on Bettencourt and the landscaped planter divider in the middle. She proposed that this short divider be eliminated, in order to make it easier for people to make right-hand turns into the driveway.

Carlos Jocson, City Engineer, stated that would be up to the applicant's engineer to remove it.

Commissioner Sweeney asked about the false window treatment, and Mr. Kachadourian stated that it can be best explained by the architect for the project.

Commissioner Mattos stated that she liked the planting of the "W", and suggested that this area for the "W" be bermed, for more visibility and also to take away from the parking lot.

Mr. Leonard stated that a condition regarding berming can be added.

Chairperson Savage invited the applicant to come up.

Marvin Smitherman, 1401 Red Hawk Circle, Suite J102, Fremont, stated that they have worked long and hard and commended Mr. Kachadourian's work and on his high standards. He gave a background of the project. He referred to Condition No.8 regarding the permit expiring after 12 months, and asked the Planning Commission to consider 18 months instead of 12 months. He stated that they designed a floral "W" to honor and memorialize William Lee, who passed away. He stated that he would like to have the Planning Commission view the "W" as public art, as they believe that nature is art.

Commissioner Raymundo asked Staff if the 12 months time frame for the application approvals is standard, and Mr. Leonard stated that it is an Ordinance requirement. The applicant can request a six-month administrative extension, prior to the expiration.

Mr. Smitherman stated that not only is the "W" public art, but also is very personal art for the family, and in addition to the "W" there will be some very beautiful landscaping.

Commissioner Raymundo stated that she believes the "W" is public art.

Mr. Leonard suggested that the public art be deferred to the Arts Council for approval, as the Condition states. He stated that the Condition could be slightly amended, to allow the "W" concept to be forwarded to the Arts Council.

Mr. Smitherman stated that the landscaped planter divider provides a corridor and also gives a heightened visual alignment with the center of the building. He stated that it could be eliminated.

Commissioner Sweeney clarified that she only suggested eliminating the shorter landscaped planter divider, near the sidewalk at the entry.

Mr. Jocson stated that the applicant will be required to put in a minimum 28' wide driveway, and the applicant stated that can be done.

Commissioner Raymundo asked how many tenants will occupy the building, and Mr. Smitherman stated they are not sure, depends on what the market will allow. He stated that once the project is approved, they can start looking for tenants.

Chairperson Savage invited the architect to come up.

Thomas Liu, Architect, Thomas Liu & Associates, explained the false window design.

Commissioner Sweeney asked if the building will have more than one color, and Mr. Liu explained that a different color will be used around the false windows, and there will be two additional colors used on the exterior.

Chairperson Savage opened the Public Hearing.

Mr. Ferrier stated that he is excited to see that corner being developed. He requested that the berms be raised high enough to block out some of the parking lot.

Todd Stanford, 109 Pear Lane, stated his concern with the space being shared with a semiconductor fabrication/assembly business and the possibility of toxic or hazardous materials.

Chairperson Savage explained that is addressed by Condition No. 60, and she read the Condition.

Chairperson Savage closed the Public Hearing.

Commissioner Sweeney stated that she would like to add a Condition limiting the Use Permit for the restaurant to 3900 sq. ft. of dining area, because of parking.

Commissioner Mattos commended the applicant for the attractive design and the improvement it will make of the area. She explained the application process and stated that she is not comfortable extending it, because she does not want to set a precedence. She asked staff how much the application fee is for an extension of a permit.

Mr. Leonard stated that as an administrative extension, it would be under \$400.

Commissioner Mattos stated that she would be more comfortable in sticking with the 12-month application approval time period, and if the applicant needed an extension, they could apply for it before the approvals expire.

Commissioner Mattos moved that the Planning Commission approve Site Development Review (SD-08-01) and Conditional Use Permit (UP-01-01) subject to the stated conditions with changes, making the specific findings A-E in support of this approval. She further moved that the Planning Commission adopt a resolution confirming this action.

Commissioner Raymundo seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

- VARIANCE V-03-01; LENNARCOMMUNITIES/GREYSTONE HOMES**: Sandi Wiley of Lennar Communities/Greystone Homes is requesting

variances for two newly constructed single-family homes from the front yard building setback standards of 10 feet to allow 7 foot and 8 foot building setbacks. The properties are located at 106 Windflower Lane (Lot 98) and 110 Windflower Lane (Lot 100) in the Foothill Glen/Rosewalk Development off Mission Boulevard (Tract 6922). The properties are located in the RS-6000D, Single Family Residential (DIPSA) zoning district.

Ralph Kachadourian, Associate Planner, presented the Staff Report and gave a Power Point presentation.

Commissioner Mattos stated that the footprints of other homes need to be looked at, so this will not be an issue again.

Mr. Kachadourian stated that when the other 39 lots are submitted for plan check, plot plans will also be submitted, and staff will make sure the plot plans reflect the adequate setbacks.

Chairperson Savage opened the Public Hearing.

Todd Stanford, 109 Pear Lane, asked where the lots are located, and Mr. Kachadourian showed him. He expressed his concern that the homes do not match the Catellus homes in the area, and that they were originally going to be smaller. He stated that he doesn't believe that the architecture of the new homes match the Catellus homes, and if changes are going to be made in future, he thinks they should stick with same type of architecture. The amount of space in the yards seems to be less because the homes are larger than what was originally intended. He asked if there is a standard for the amount of space that a home should have in the backyard.

Mr. Kachadourian explained that there are setback standards, and typically with these small lots they are 15 ft.

Mr. Stanford stated that the lots are behind his house, and are elevated about six feet. His issue is with privacy, with the houses being taller and close to his. He stated that in the future those issues should be taken into consideration.

Mr. Leonard stated that he has a problem with small single-family lots because it is difficult to maintain privacy. He stated that his philosophy if we are going to have developments with small lots, then they should be attached housing. He stated that he thinks this kind of development is a mistake, and the minimum lot size should be a minimum of 4500 sq. ft.

Commissioner Mattos asked what size the lots are in that development, and Mr. Leonard stated they go down to a minimum of 3450 sq. ft.

Chairperson Savage closed the Public Hearing.

Commissioner Sweeney stated the fact that the homes have been built and the setback problem is on the front of the building, she will make a motion to approve the variance.

Commissioner Sweeney moved that the Planning Commission approve Variance (V-03-01) subject to the stated Condition of Approval, making the specific findings 1-9 in support of the approval. She further recommended that the Planning Commission adopt a Resolution confirming this action.

Commissioner Allen seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

1. AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE UNION CITY COMMUNITY REDEVELOPMENT PROJECT:

The Planning Commission is asked to take the following actions:

- a. Determine the *Amended and Restated Redevelopment Plan* is consistent with the *General Plan*.
- b. Recommend adoption of the *Amended and Restated Redevelopment Plan* to the City Council.
- c. Recommend Certification of the *Final Environmental Impact Report* on the *Amended and Restated Redevelopment Plan*.

Mark Evanoff, Redevelopment Agency Manager, presented the Staff Report.

Commissioner Sweeney stated that she appreciated that the time and effort was taken in the Final EIR to seek alternatives for the Intermodal Station District, and complimented staff and consultants for doing such a thorough job.

Commissioner Raymundo asked about the demolition of structures and if the Historical Ordinance will be adhered to.

Mr. Evanoff stated that the Agency will be purchasing specific buildings along Mission Boulevard and Union City Boulevard, none of which are designated as historical buildings.

Chairperson Savage opened the meeting for public comment.

Mr. Ferrier complimented the staff and consultants for putting together the information, but stated he has not had enough time to read it all. He stated that there is a lot of good information in it, and he has no issues at this time.

Commissioner Sweeney asked if the list of projects listed in the document are ones that have to be done, or are some of them already accomplished.

Mr. Evanoff stated that some of the projects are underway, and some are proposed. It is a five-year implementation program that covers from 1999 to 2004. He stated the list was put together by the Redevelopment Project Area Committee. He stated that there will be additional opportunities for the public to comment on the document. The Redevelopment Project Area Committee is having its meeting on January 28, 2002. There will be a formal Public Hearing before the City Council and Redevelopment Agency Board on February 26, and the City Council and Agency Board will take action on the First Reading on March 12, 2002, with the final reading on March 26, 2002.

Chairperson Savage closed the meeting for public comment.

Commissioner Sweeney moved that the Planning Commission adopt the Resolution reporting on and recommending adoption of the Amended and Restated Redevelopment Plan for the Union City Community Redevelopment Project.

Commissioner Raymundo seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

- 2. RESOLUTION FINDING CONFORMITY WITH THE GENERAL PLAN OF THE PROPOSED DISPOSITION OF PROPERTY BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF UNION CITY FOR DEVELOPMENT OF FIVE AFFORDABLE SINGLE FAMILY HOMES IN THE DECOTO NEIGHBORHOOD:** The Planning Commission is asked to adopt a Resolution of Conformity for a Disposition and Development Agreement for the development of affordable single-family homes on two sites in the Decoto neighborhood. The two sites are 503 Decoto Road and 3354 4th Street, and constitute a total of five lots.

Vern Smith, HCD Coordinator, presented the Staff Report.

Commissioner Allen asked what the prices of the homes will be.

Mr. Smith stated that at this point in time the target price will be approximately \$188,300.

Commissioner Raymundo asked if the document is the same as the one for the prior acquisition of properties.

Mr. Smith stated that it is essentially the same as the one used for the E Street Housing Project, but modified because of slight variations, in that it is a turnkey project and there will be no write down from the Agency.

Chairperson Savage opened the meeting for public comment.

There was no public comment.

Chairperson Savage closed the meeting for public comment.

Commissioner Raymundo moved that the Planning Commission adopt the Resolution finding conformity with the General Plan for those actions set forth in the Resolution.

Commissioner Sweeney seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

VII. COMMISSION MATTERS:

- A. Upcoming applications for the Regular Planning Commission Meeting of February 7, 2002.

VIII. GOOD OF THE ORDER:

Commissioner Mattos asked about the kiosks in front of the theater at Union Landing. Mr. Leonard stated they are owned by Sufi, are on wheels, so are not permanent fixtures, and will fade into the background when the public plaza is developed.

Commissioner Mattos stated that she heard a disturbing comment regarding Babies R Us at the City Council meeting and asked if there is an issue that it is not doing so well.

Mr. Leonard stated that he has not heard anything to corroborate the statement made by a resident at the City Council meeting. He stated that his own observation is that it is doing quite well.

Commissioner Raymundo stated that there is a pond of water between Lowes and the gas station on Alvarado-Niles. Mr. Leonard stated staff is aware of the problem and that it will be taken care of, in that area is part of the area the City is purchasing for the bus transit center. The front half is going to be used for the reconfigured service station, which will be more linear along Alvarado-Niles Road, and the Bus Transit Center will be in the back portion.

IX. ADJOURNMENT:

The meeting adjourned at 10:35 p.m.

APPROVED:

ROSEMARY SAVAGE,

CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY