

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF MARCH 16, 2006, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

**STAFF:** Joan Malloy (Planning Manager); Janice Lum (Assistant Planner); Avalon Evans (Assistant Planner); Carlos Jocson (City Engineer); John Bakker (City Attorney); Mark Evanoff (Redevelopment Agency Manager), Christine Friday (Economic Development Coordinator); Kris Fitzgerald (Administrative Assistant).

**II. APPROVAL OF MINUTES:** The regular Planning Commission Minutes of March 2, 2006 were approved as submitted.

**III. ORAL COMMUNICATIONS:** None.

**IV. WRITTEN COMMUNICATIONS:** None.

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:** None.

**B. NEW HEARINGS:**

- 1. APPEAL OF THE ZONING ADMINISTRATOR'S CONDITIONS OF APPROVAL OF ADMINISTRATIVE SITE DEVELOPMENT REVIEW ASD-16-05;** Initiated by Misako Hill, of PlanCom, Inc., representing Cingular Wireless, a request to appeal the conditions of approval of an Administrative Site Development Review application (ASD-16-05) for the installation of a Cingular wireless communication facility on an existing PG & E tower. The project site is zoned CN (Neighborhood Commercial), and is located at Mission Boulevard and Appian Way. This project is considered Categorically Exempt per Section 15303, Class 3, of the California Environmental Quality Act (CEQA) guidelines.

Janice Lum, Assistant Planner, presented the staff report.

Commissioner Anderson asked how far the Marina wall will extend.

Ms. Lum replied that the new wall would extend to the older style wall and the transition between the two walls will be screened by landscaping.

Commissioner Anderson asked how long the wall would be.

Ms. Lum replied that it would be approximately 75 to 100 feet.

Commissioner Anderson asked if this would be the only place on Mission Boulevard that would have a Marina style wall.

Joan Malloy, Planning Manager, stated that this would be the only portion on Marina wall on the eastern side of Mission Boulevard. Ms. Malloy stated that there is an extensive amount of Marina wall on the western side of Mission Boulevard.

Commissioner Anderson stated that he felt the Marina wall would be out of place.

Commissioner Anderson asked if the gate could be placed less conspicuously

Ms. Malloy stated that there is currently access to the site from Veneto Way.

Commissioner Anderson asked why a large gate is needed on Mission Boulevard.

Ms. Malloy referred the question to the applicant.

Commissioner Sweeney stated that condition #9 ends with a colon and asked if that is correct.

Ms. Lum replied that the last line should be deleted.

Commissioner Sweeney stated that she understands why staff is requesting a Marina wall at this location because it will be much more visible.

Commissioner Sison stated that since PG & E needs access to all sides of the tower it is going to be difficult to compel them to accept any proposal.

Ms. Malloy stated that the applicant is seeking approval from the City to install their cellular equipment and based on that approval, staff is seeking to improve the frontage with landscaping and the Marina wall.

Commissioner Sison asked if it is appropriate to condition an applicant to perform something that due to a third party they may not be able to.

Ms. Malloy stated that PG & E is the property owner.

John Bakker, City Attorney, stated that if PG & E says no then Cingular does not get to build their facility.

Commissioner Sison asked if PG & E is requiring access on all four sides of the tower as a safety issue and if we require the wall does that interfere with the safety of the tower.

Mr. Bakker stated that PG & E is subject to a number of safety regulations and they will not let anything happen on the site that would interfere with that.

Chairperson Lew opened the public hearing.

Misako Hill, Cingular Wireless, stated that they are in agreement with all of the conditions of approval except for condition #8. Ms. Hill stated that PG & E has contacted City staff to tell them that the solid masonry wall along Mission Boulevard is not feasible. Ms. Hill stated that PG & E has stated that this is a transitional tower and for that reason they need access to all four sides. Ms. Hill provided an alternative to the solid masonry wall by placing a redwood fence in the center and connect it to masonry walls on each side. Ms. Hill stated that this way if there were an emergency PG & E could remove the wood fence easily and perform their work and the wood fence can be easily replaced.

Commissioner Sweeney asked if there is gate in the wood portion of the fence or is it solid fence.

Ms. Hill replied that it could be either but PG & E would prefer a gate opening.

Commissioner Sweeney asked how much clearance is required.

Ms. Hill replied that PG & E requires clearance for a maintenance vehicle.

Commissioner Sweeney asked if she knows the exact dimensions needed by the maintenance vehicles.

Ms. Hill stated that she did not know.

Commissioner Sweeney asked if there were decorative lattice on top of the wood fence and who would be responsible for maintaining it.

Ms. Hill replied that Cingular can be conditioned to maintain the lattice.

Commissioner Sison asked if PG & E has reviewed and approved this plan.

Ms. Hill replied that PG & E has reviewed the plan but they have not given her any comments.

Commissioner Sison asked for specific requirements from PG & E.

Commissioner Sison stated that without specific requirements from PG & E he is unsure of how to vote on this application.

Ms. Hill stated that she could ask PG & E for their requirements.

Mr. Bakker stated that if the commission wants to approve this particular compromise without knowing if PG & E is agreeable to it, then the commission can approve the application this evening with specific limits on it. Mr. Bakker stated that if PG & E did not approve of what the commission had approved then the applicant could come back to the commission with another proposal. Mr. Bakker suggested continuing the application and getting some specifics from PG & E.

Commissioner Anderson stated that the commission should require the fence to at least look like the other fence in color, maybe painted.

Commissioner Savage stated that she prefers it to be a gate and not a fence that could be put back.

John Haley, Union City, stated that the fencing issue is a relatively minor consideration on this application. Mr. Haley stated that the current gate goes nowhere because on the other side is nothing but dirt and you can't get a truck in there in the winter time. Mr. Haley stated that in order to have access to that area they will need to put in gravel or blacktop. Mr. Haley stated that under the tower there is a lot of ground that needs to be deep disked every year to control the weeds. Mr. Haley stated that the wind blows the weed seeds into the community garden area. Mr. Haley stated that the gravel access road off of Veneto goes over a creek and when the creek floods it destroys part of the access road. Mr. Haley stated that the City has to repair the road every year. Mr. Haley suggested that the road be blacktopped for everyone's safety and convenience. Mr. Haley pointed out that where the current equipment room is located tends to be flooded every few years. Mr. Haley asked about the electro magnetic radiation levels. Mr. Haley feels that there should be some type of remediation for high levels. Mr. Haley stated that they are grateful for the use of the property for the community gardens.

Ms. Hill stated that she will have to discuss with PG & E about paving the road. Ms. Hill stated that all of Cingular's facilities are operated in compliance with FCC regulations for public exposure to radio frequency emissions.

Chairperson Lew asked if there was a way to test.

Ms. Hill stated that there is.

Chairperson Lew asked if it is done regularly.

Ms. Hill stated that it is done as required by FCC regulations.

Chairperson Lew asked if they kept records.

Ms. Hill replied that they do.

Chairperson Lew asked if they are available to the public.

Ms. Hill stated that they are available to the public.

Chairperson Lew asked if they were aware of the flooding conditions.

Ms. Hill stated she was not and would have to discuss it with PG & E.

Carlos Jocson, City Engineer, stated that the county does not keep local flood records. Mr. Jocson stated that the City keeps records for the City.

Chairperson Lew asked if there are records for flooding on Mission Boulevard.

Mr. Jocson replied that he did not know but Mr. Haley's information is very useful and suggested that Cingular might need to elevate their pad.

Ms. Hill stated that she will let Cingular know about the flooding.

Mr. Haley stated that although Cingular might be in compliance with FCC levels for RF emissions he thinks that perhaps they should look at the number of people in the area.

Commissioner Sweeney stated that as a City we are limited in the placement.

Mr. Bakker stated that the City does not have the power to regulate RF emissions beyond that which is set out in the FCC regulations and there is a federal law prevents the commission from considering it at all.

JJ Amaya, Union City, asked why this tower was selected by Cingular.

Ms. Hill stated that the Cingular wireless engineers are the ones who pick where to install more antennas.

Chairperson Lew closed the public hearing.

Commissioner Sweeney stated that she would support continuing this application to get answers to whether PG & E actually requires that access at that point due to the condition of the ground.

Commissioner Sweeney stated that she thinks that when PG & E needed to have access to that area they

could remove that part of the wall, do their work and replace the wall. Commissioner Sweeney is unswayed by the suggestion that they are going to haul a huge piece of equipment in there tomorrow because they would never get it back out of the mud. Commissioner Sweeney would like to see PG & E justify the suggestion that we cannot demand a Marina wall across the frontage on Mission Boulevard given their access from the back. Commissioner Sweeney stated that if they do need access from the front then that area needs to be paved or deeply graveled so that the access is available on an emergency basis. Commissioner Sweeney stated that if that is the case then we can also explore paving the access road from Veneto as well.

Commissioner Anderson stated that it should be continued so that PG & E can comment. Commissioner Anderson stated that he would prefer the fence look consistent with the wall.

Commissioner Sison supported continuing the project.

Chairperson Lew stated that she supports Commissioner Sweeney's suggestions. Chairperson Lew stated that she is strongly opposed to a wooden fence and would like to see the area blacktopped.

Ms. Malloy stated that in order to provide clear direction to the applicant she believes that the commission wants the following: a uniform color; no wood; a strong preference for a wall, but if wood is used, it should be fully integrated into the appearance of the wall; a gate was mentioned as a possible option; requirement for paving both from Veneto and from the access point on Mission Boulevard; and adding the conditions for graffiti and debris removal. Ms. Malloy asked for the applicant to clarify the minimum opening for access that PG & E might require.

Commissioner Anderson made a motion to continue Administrative Site Development Review ASD-16-05 to Planning Commission meeting of April 6, 2006.

Commissioner Sweeney seconded the motion.

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

- 2. NEW WORLD VAN LINES, 33373 LEWIS STREET, Use Permit UP-03-06, Administrative Site Development Review ASD-07-06;** the applicant, John Morrison is requesting Administrative Site Development and Use Permit approval to locate a moving company in an existing warehouse in the ML (Light Industrial) zoning district at 33373 Lewis Street (APN: 475-0080-014). This project is categorically exempt under Section 15301, Class 1(a), Existing Facilities, of the California Environmental Quality Act (CEQA) guidelines.

Avalon Evans, Assistant Planner, presented the staff report.

Commissioner Savage stated that she is surprised that staff is conditioning the project to remove the fence because it is a security issue.

Commissioner Sweeney referred to condition #12 and asked if all the vehicles they will be using will be tractor trailers.

Ms. Evans replied that is what the applicant has stated.

Commissioner Sweeney stated that she wants to make sure that they are not parking bobtails or other types of trucks on the aggregate and removing only those that have semis.

Commissioner Sweeney asked if the condition could say “trucks’ instead of “tractors”.

Ms. Evans stated that she was told that they would only be using trailers with tractors and that the tractors could be separated and parked appropriately.

Commissioner Sweeney asked if the employee vehicles could be parked on the aggregate during the day.

Ms. Evans replied that the condition could be reworded.

Ms. Malloy stated that there is an employee parking lot on site for automobile parking.

Commissioner Anderson asked how the applicant will access the aggregate area.

Ms. Evans pointed out the traffic flow pattern on the plan.

Commissioner Anderson asked if the current paved area is designed to accommodate the weight of the trucks.

Ms. Evans stated that she doesn’t know.

Commissioner Anderson asked if the commission needs to condition the project so that the applicant will have pavement strong enough to hold these trucks.

Mr. Jocson stated that the loading dock area is already concrete and was designed for large trucks.

Commissioner Sweeney referred to condition #12 and asked to change “impervious” to “pervious”.

Chairperson Lew asked what was meant by “both sides” in regards to the question of having sidewalks on both sides of the street or the parcel.

Ms. Evans stated that she meant both sides of Lewis Avenue.

Chairperson Lew stated that there are no sidewalks on the other side of the street. Chairperson Lew stated that there is a sidewalk in front of San Marino Plastering which is a neighbor to this parcel.

Mr. Jocson stated that policy is not to require sidewalks in industrial areas because we do not expect a lot of pedestrian traffic in these areas.

Chairperson Lew stated that San Marino Plastering has a sidewalk and public art.

Mr. Jocson stated that he did not see the need to extend existing sidewalks in this area.

Ms. Malloy stated that this is a reuse of an existing building and San Marino Plastering was a brand new project that came in in the last four years and to require those type of public street improvements of this existing, built out site might be detrimental to the project.

Chairperson Lew opened the public hearing.

John Morrison, Oakland, CA, thanked staff for their work on this project.

David Marx, New World Van Lines, Chicago, IL, stated that has no problem upgrading the fencing but does not want to move it 25 feet back. Mr. Marx stated that if the fence is moved back then there would be no place to park their trucks.

Ms. Malloy stated that it is code requirement that no fences over 3 feet in height are allowed within the setback area in industrial zones.

Mr. Marx stated that if that is the case then they will have to walk away from the project.

Commissioner Anderson asked why is the fence that is currently there allowed.

Ms. Malloy stated that she believes that the fence was put up by the property owner to contain the property.

Mr. Bakker stated that it may be a legal non-conforming use in the sense that it was put there before the setbacks were in place.

Mr. Marx stated that he needs a fence and he would be willing to plant shrubbery in front of the current fence because they need to protect the trailers and their contents.

Commissioner Anderson asked what are the fencing requirements.

Mr. Marx stated that he is willing to remove barb wire and put in some tall shrubbery in front of the fence.

Commissioner Anderson asked what the fence standard is.

Ms. Malloy replied that the Zoning Ordinance requires any fence over three feet high to be outside of the front yard setback.

Commissioner Anderson asked what could be done to make the current fence acceptable.

Ms. Malloy stated that the current fence was only put up to secure the property and was not approved through a Site Development Review.

Mr. Bakker stated that at this point it is an illegal fence.

Chairperson Lew called for a recess at 8:30 pm

Chairperson Lew called the meeting to order at 8:43

Mr. Marx asked if an additional driveway could be cut out at the grass area.

Mr. Jocson replied that he would just need to apply for an encroachment permit.

Mr. Marx stated that with the additional driveway they would be able to move the fence back and provide shrubbery in front of the fence and still provide adequate access to the truck parking area.

J. J. Amaya, Union City, CA stated that he is in favor of any new business that will park their vehicles on their property rather than out in the public street. Mr. Amaya stated that if the fence has been up for some time and no one has complained about it, he doesn't see why it should have to be removed.

Yolanda Triana, Union City, CA stated that she has worked for a trucking company and she knows how hard it is to park those trailers. Ms. Triana stated that she didn't feel that the fence should be an issue.

Chairperson Lew closed the public hearing.

Ms. Evans reiterated the changes to the conditions of approval:

- Change to condition #12 to read "pervious surface".
- Add that no more than 4 trailers can be parked on the aggregate to the end of condition #12.
- Add the 3 desk items.

Commissioner Sison made a motion to approve Use Permit UP-03-06 and Administrative Site Development Review ASD-07-06, making findings 1 - 7, and with the amended conditions of approval and adopting resolutions confirming this action.

Commissioner Anderson seconded the motion.

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

- 3. AVALON AT UNION STATION PROJECT DRAFT EIR; a public hearing to consider the environmental impacts of a proposed transit-oriented development called Avalon at Union Station located at 14-44 Union Square adjacent to the BART parking lot in Union City. Proposed is a 438-unit apartment community housed in two five-story buildings. The City of Union City has studied the effects that this project may have on the environment and has determined that although the project may have significant effects on the environment, mitigation measures can be incorporated into the project which will avoid or mitigate the impacts.**

Janice Lum, Assistant Planner, presented the staff report.

John Courtney, Lamphier Gregory, stated that the draft EIR has three functions. The first is to identify significant and potentially significant environmental impacts. The second is to propose mitigation measures to reduce those impacts to less than significant where feasible and third is to evaluate the three alternatives to the project that is currently proposed.

Commissioner Anderson asked if there are proposed bicycle lanes on both sides of Union Square.

Ms. Malloy replied that a bicycle facility is identified in the General Plan for Union Square.

Commissioner Anderson asked how wide would Union Square have to be to have bicycle lanes on both sides.

Ms. Lum stated that Union Square is currently 48 feet wide and the recommendation is from Fehr and Peers to include bicycle lanes on Union Square.

Chris Mitchell, Fehr and Peers, stated it will be a matter of restriping, by reducing parking width to 7 feet and a reduction in the travel lane width from 16 feet to 11 feet that will accommodate a 6 foot bicycle lane in both directions.

Commissioner Anderson asked what would Union Square be designated as.

Mr. Jocson replied that it will be a minor collector road.

Mr. Mitchell stated that they are not proposing to widen the road just to change the striping.

Commissioner Sweeney asked if a center left turn lane will be required on Union Square.

Mr. Mitchell replied that it would not be required.

Chairperson Lew asked where the public pedestrian access is to the greenway and the bridge over the canal.

Ms. Lum pointed it out on the site plan.

Chairperson Lew asked how a pedestrian on Union Square would be able to access that bridge.

Ms. Malloy stated that it has not been fully determined. Ms. Malloy stated that there could be access through the flood control property. Ms. Malloy stated that they would also discuss with the applicant to provide access through the development.

Chairperson Lew asked if the trail is currently open.

Ms. Malloy stated that it is not open to the public at this time.

Commissioner Sweeney asked how many levels above grade is the parking structure for Building A.

Ms. Malloy stated that there are five levels but you can also park on the top level.

Commissioner Sweeney asked if the parking structure is taller than the buildings.

Ms. Malloy stated that there is one level of parking above the roof.

Commissioner Sweeney asked why there is a discrepancy between the figures that the Alameda County Congestion Management Agency gives for peak PM trips and the figures that are in the Draft EIR.

Ms. Malloy stated that typically the CMA responds to the General Plan build out and land use identified for this property. Ms. Malloy stated that this project is within those guidelines.

Commissioner Sweeney referred to mitigation measure 3.15-2 and asked if there is existing right of way to accomplish this intersection improvement or would it require the removal of a building adjacent to the intersection.

Mr. Mitchell stated that planning is still on-going for that roadway. Mr. Mitchell stated that widening that street to accommodate that mitigation may also have other impacts to pedestrians, bicycles and transit that may not be consistent with other City policies and it might come down to implementing those mitigations or adopting a statement of overriding considerations that acknowledges that there might be other impacts.

Mr. Jocson stated that this is the conflict that we are trying to avoid.

Commissioner Anderson asked if mitigation measure 3.15-2 can be accomplished.

Mr. Mitchell stated that it is technically feasible but it might have impacts in other areas.

Commissioner Anderson stated that if the mitigation measure cannot be accomplished then the EIR should reflect that fact.

Mr. Courtney stated that the decision on whether or not a mitigation measure can be accomplished politically or economically is beyond the scope of the EIR. Mr. Courtney stated that the EIR identified it as a technically feasible mitigation measure that the City may want to apply to the project to reduce the impact to a level of less than significant, if the City decides there are reasons that that mitigation measure can't be implemented, then it goes away. Mr. Courtney stated that you might have to accept this as new significant unavoidable impact and do a statement of overriding consideration.

Ms. Malloy stated that this has been identified as an impact at build out and is not a direct response to this project and is based on the build out of the BART property. Commissioner Sweeney asked if the single Quint in the Fire Department will be adequate to fight a fire in a building of this size and height.

Mr. Mitchell stated that using the significance criteria, development of this nature would not require a new facility. Mr. Mitchell stated that it does not look at individual equipment requirements.

Commissioner Sweeney clarified that buying single pieces of equipment is not within the scope of the EIR.

Commissioner Sweeney asked where the multiplier to determine the number of new students comes from.

Mr. Mitchell replied that it comes from the EIR for the General Plan.

Chairperson Lew opened the public hearing.

J. J. Amaya, Union City, CA stated that this development will create many impacts to current residents just trying to get to the store. Mr. Amaya asked what is the proposed population at build out of Union City. Mr. Amaya feels that there is a lot of building going on with no end in sight. Mr. Amaya suggested that the delivery alley behind the Safeway be named a street because he thinks that a lot of people will use it as a short cut. Mr. Amaya hopes that there will be more planning involved in this area so that it does not turn out like Union Landing. Mr. Amaya asked if these new buildings will be providing their own security or will they be depending on the Union City Police Department. Mr. Amaya asked if the Safeway and Marina foods are enough to service all of the development going in. Mr. Amaya stated his concerns that not enough adequate youth services will be provided with all of the new development.

Yolanda Triana, Union City, CA stated her concern with the size of this project and being built in an area with a high crime rate. Ms. Triana asked if all of the parking is at one end of the project. Ms. Triana stated her biggest concern is children and the fact that there is nothing for the kids. Ms. Triana would like the developer to add an entertainment area for kids in the development.

Barry Ferrier, Union City, CA stated his concerns that residents trying to make a left turn out of the new project will not be able to see oncoming vehicles because of the curve. Mr. Ferrier stated that BART traffic will be a problem. Mr. Ferrier stated that he is concerned that the visuals of this project will be ugly with cars visible from the parking structure.

Chairperson Lew closed the public hearing.

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:**

1. **BON VERSOZA, 33715 11<sup>TH</sup> STREET, Administrative Site Development Review ASD-08-06, ASD-09-06, ASD-10-06;** the applicant, Bon Versoza, is seeking Administrative Site Development Review approval to construct three (3) new 2, 894 square foot, two-story single family homes on three separate parcels located at 33715 11<sup>th</sup> Street, lots 14, 15 and 16 (APN:486-0033-058-00). This project is categorically exempt under Section 15332, in-fill development projects, of the California Environmental Quality Act (CEQA) guidelines.

Avalon Evans, Assistant Planner, presented the staff report.

Commissioner Anderson asked who owns the alley adjacent to the third lot.

Ms. Evans replied that it is City property.

Commissioner Anderson referred to condition #39 and asked why we are asking the property owner to clean up City property.

Mr. Jocson replied that because it is adjacent to the applicant's property he thought it fair to ask them to clean it up.

Commissioner Sweeney asked why the condition for the prevention of filling in the gap between two driveways with concrete or hardscape is not included.

Ms. Malloy stated that it can be handled either through deed restriction or in the case of large tracts with Site Development Review. Ms. Malloy stated that it can be added to this project if the commission desires.

Commissioner Sweeney stated that these houses are going to look like cookie cutter houses and she does not want to see the area between the driveways filled in to create one big driveway.

Commissioner Sweeney referred to condition #15 and suggested that none of the garage doors shall match.

Commissioner Savage stated that plans A and C look too similar and she would like to see something changed.

Ms. Evans stated that one of the plans will have fully mullioned windows and the stone used along the bottom will have to be different.

Commissioner Sweeney suggested three different front door styles.

Commissioner Sweeney asked if there would be different shapes of columns on lots #14 and #15.

Chairperson Lew suggested varying the landscaping with different types of shrubs and trees in different places. Chairperson Lew suggested a hedge along the property line between the homes that would keep them from filling in the area with concrete. Chairperson Lew suggested using drought tolerant trees and mulch.

Commissioner Anderson asked to eliminate condition #39 because it is not a subdivision and he does not see why the applicant needs to clean up the City's property.

Chairperson Lew asked what the City plans to do with the alley way.

Mr. Jocson stated that there are no plans for it right now and the City may abandon it in the future, however, it might be needed for a crossing area.

Chairperson Lew asked how big it is.

Mr. Jocson stated that it is not even 25 feet and in order to use it they would have to acquire property from this development or from the other side.

Commissioner Sison agreed with Commissioner Anderson and suggested deleting condition #39.

Ms. Evans noted that it is a one-time condition and not an on-going condition.

Commissioner Sison stated that it should be clarified then.

Commissioner Sweeney has no problem as long as it is a one-time condition.

Commissioner Savage stated that she is comfortable if it is a one-time condition.

Chairperson Lew suggested revising the condition.

Commissioner Anderson still objects to the condition.

Bon Versoza, Union City, CA stated that family has no problem cleaning up the property in question one time.

Commissioner Sweeney asked if they have any problems with the restrictions on the area between the driveways.

Mr. Versoza stated that there is no problem.

Chairperson Lew invited anyone from the audience who wanted to speak on this matter.

J. J. Amaya, Union City, CA stated that in the past he wanted to use this property for a community garden but was told he couldn't because of contamination. Mr. Amaya has suggested other uses but was always told that property was contaminated. Mr. Amaya stated his concerns about the tanks that are supposedly on the property and whether they have been removed. Mr. Amaya stated his concerns about whether there had been any testing done on the underground aquifers. Mr. Amaya feels that the neighbors should be notified in advance of when the concrete cap is going to be broken up and removed. Mr. Amaya feels that the alleyway should be sealed off so that it is not a potential hazard to pedestrians.

Mr. Versoza stated that there is clearance that was given by the water department for this property.

Lorenzo Perez, Union City Fire Department, Hazardous Materials, stated that in the closure report by the Alameda County Water District they made 11 test drills in 2000. Mr. Perez stated that 8 water samples were taken from the property and they were clean.

Chairperson Lew asked if the tanks are still on site.

Mr. Perez stated that the two tanks were removed in 1991.

Chairperson Lew asked why the concrete slab was placed on the property.

Mr. Perez stated that he did not know why it was put there.

Mr. Amaya stated that he didn't see any work taking place on that property and he wants to make sure the property is clean.

Mr. Perez stated that the boring were done in January 4 – 7, 2000 and the holes are only two inches in diameter. Mr. Perez stated that the tanks were removed in 1991.

Commissioner Sweeney asked to add the construction hours condition of approval.

Commissioner Sweeney asked to add a condition for dust control for concrete removal.

Commissioner Anderson asked if there is going to be any additional noise mitigation for these homes.

Ms. Malloy stated that current building codes will provide fairly good sound attenuation.

Ms. Evans went over the changes to the conditions of approval:

- Add to condition #14 that each property will use different plant material and locations and include hedges at the property lines.
- Add a condition for lots 14 and 16 to have different shaped columns.
- Add a condition for deed restriction prohibiting paving over landscape strips between adjacent driveways.
- Add a condition to require 3 different front door styles.
- Add the standard construction hours condition of approval
- Add a condition regarding dust control.
- Change condition #39 to prior to issuance of occupancy permits.
- Change condition #15 so that no garage doors shall match.

Commissioner Sweeney made a motion to approve Administrative Site Development Review ASD-08-06, Administrative Site Development Review ASD-09-06, and Administrative Site Development Review ASD-10-06, making findings 1 - 5, and with amended conditions of approval and adopting resolutions confirming this action.

Commissioner Anderson seconded the motion.

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

**VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS:**

**A. ECONOMIC DEVELOPMENT UPDATE**

Christine Friday, Economic Development Coordinator, presented the staff report.

**B. INTERMODAL STATION UPDATE**

Joan Malloy, Planning Manager, presented the staff report.

**C. CODE ENFORCEMENT REPORT**

Joan Malloy, Planning Manager, presented the staff report.

**D. HOUSING UPDATE**

Joan Malloy, Planning Manager, presented the staff report.

**E. MISSION BOULEVARD MIXED USE UPDATE**

Mark Evanoff, Redevelopment Agency Manager, 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 April 6, 2006.

**IX. GOOD OF THE ORDER:**

Commissioner Anderson asked to make the Zoning Ordinance more friendly by adding more drawings and charts.

Chairperson Lew noted that the signal light at Dyer Street and Alvarado Boulevard has been fixed so that she doesn't have to wait so long to get through.

Mr. Jocson noted that one of the loops was broken and has now been fixed.

**X.     ADJOURNMENT: 11:15 p.m.**

**APPROVED:**

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**JO ANN LEW, CHAIRPERSON**

**ATTEST:**

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**MARK LEONARD, SECRETARY**