

**CITY OF UNION CITY
AGENDA FOR THE SPECIAL PLANNING COMMISSION MEETING
OF MAY 31, 2007, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

- I. **ROLL CALL:** Commissioners Anderson, Lew, Saini, Singh, and Chairperson Sison
Absent: Commissioner Sweeney

STAFF: Mark Leonard (Director, Economic and Community Development); Joan Malloy (Planning Manager); Carmela Campbell (Senior Planner); Mark Evanoff; Steve Sprotte; Farooq Azim (Principal Civil Engineer); John Bakker (City Attorney); Kris Fitzgerald (Administrative Assistant).

- II. **APPROVAL OF MINUTES:** The regular Planning Commission Minutes of May 17, 2007 were approved submitted.

III. **ORAL COMMUNICATIONS:**

Barry Ferrier, 32212 Allison, Union City, referred to the Duckett Wilson project on Alvarado Boulevard and Dyer Street and stated that there is an issue with the sign location. Mr. Ferrier stated that the sign located on Alvarado Boulevard and it still blocks the view of drivers exiting onto the street. Mr. Ferrier feels that this is a hazardous situation and asks that it be looked into.

IV. **WRITTEN COMMUNICATIONS:**

Letter received from Jack Balch, Balch Enterprises offering a tour of the facility that was received by the Planning Commission.

V. **PUBLIC HEARINGS:**

A. **CONTINUED HEARINGS:** None.

B. **NEW HEARINGS:**

1. **SPRINGFIELD HOLDINGS, INC., 33377 CROATIAN WAY, Modification of Tentative Tract Map (TTM 7800) and Use Permit UP-05-06;** the applicant is requesting modification to delete the condition of approval requiring a private roadway maintenance agreement for Croatian Way. TTM 7800 was approved on September 12, 2006 to allow the creation of four (4) condominium tenant spaces in an existing 10,297 square foot building with 9,758 square feet of common area at 33377 Croatian Way (APN: 475-0111-054-00). Use Permit (UP-05-06) approval was also obtained to allow automotive repair and service uses. This project is categorically exempt under Section 15301, Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines.

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Anderson stated that he understands the attorney's ruling that the applicant can't be forced to make an agreement and asked if that means that the commission can't require the applicant to do

exactly what the applicant did as a condition, to resurface and to maintain the street, with or without an agreement.

John Bakker, City Attorney, stated that the concern was that we were asking the applicant to obtain the signatures of others that he does not have a business relationship with.

Commissioner Anderson asked if there was a maintenance agreement filed with the original subdivision.

Mr. Bakker stated that they don't believe there was an agreement.

Commissioner Anderson asked why it was not done.

Mr. Bakker stated that typically when property owners enter into an arrangement whereby a shared easement exists or shared driveway exists, the property owners, themselves, would want a maintenance agreement so they are all protected. Mr. Bakker stated that it may have been the assumption by the City when this was originally approved.

Commissioner Anderson asked if condition #6 can be modified so that there is language that assigns responsibility for repair and maintenance of that road to the applicant instead of deleting the condition.

Mr. Bakker stated that we could, however, because of the way that subdivisions work once the map is final the conditions no longer have any legal effect. Mr. Bakker stated that what we try to accomplish by requiring a maintenance agreement was to have an agreement that survives the final map process.

Commissioner Anderson asked that once the map is final that means the street doesn't have to be maintained by anyone.

Mr. Bakker stated that the status quo would remain and there is no collective obligation to maintain it and so one owner cannot ask the other property owners to assist financially to fix the road.

Commissioner Anderson asked would it make any difference to have the condition remain instead of deleting it.

Mr. Bakker replied that it will not be legally enforceable but it might have some political impact.

Commissioner Anderson stated that it does not seem smart to have a road that will not be maintained by anyone.

Mr. Bakker stated that the Code Enforcement process can be used to ensure that the roadway is maintained, it is just that a maintenance agreement would have been better.

Commissioner Lew asked if the property owners have presented a CC&R to the City for review as required in condition #5.

Ms. Malloy replied that she was not aware of any brought in for review but it is required before the final map can be approved. Ms. Malloy stated that this amendment to the map will also have to go to the City Council for approval.

Commissioner Lew asked if the repaving of Croatian Way requires striping.

Ms. Malloy replied that it does not because it is a private street.

Commissioner Lew asked if there is any requirement for red curbing and if parking is allowed on the street.

Farooq Azim, Principle City Engineer, replied that it would be up to the Fire Department to ask if it is necessary. Mr. Azim stated that he would ask the Fire Department to review the street and see if parking can be prohibited on the street.

Commissioner Lew would like to look at the need for red curb painting or signage to indicate no parking, or whether parking is allowed on one side and not the other. Commissioner Lew stated that even though it is a private driveway, the City can enforce certain regulations or rules if it has to do with public safety.

Mr. Azim agreed with that.

Commissioner Singh stated that if we abandon that driveway, then in the future there are potholes, there should be some kind of regulation to enforce that instead of just leaving the condition out.

Mark Leonard, Director, Economic and Community Development, replied that the situation with this private street is like any private driveway. The City has its property maintenance standards which we could enforce if the street becomes unsafe or unserviceable or nonnegotiable by public safety vehicles. Mr. Leonard stated that there is nothing unusual about not having a property maintenance agreement between the property owners, as far as the City is concerned, because we would still have the same regulatory authority to impose the standards of the municipal code.

Chairperson Sison opened the public hearing.

Mike Hahn, 33377 Croatian Way, stated that they did talk to all the other owners about a maintenance agreement and had verbal agreements with all of them but after spending several thousand dollars on attorney's fees and getting the agreement to them, they changed their minds and would not sign. Mr. Hahn stated that they did do an asphalt overlay and slurry coat over the private driveway; it cost over \$21,000 dollars and they expect it to last 15 to 20 years. Mr. Hahn stated that all the owners stated that they don't have any problem working together to make repairs in the future.

Commissioner Lew asked what the status is of the CC&R's.

Mr. Hahn stated that it is still in progress.

Commissioner Lew asked if the other owners understand that they are going to be expected to agree to the CC&R's.

Mr. Hahn replied that he is not clear if they are a part of the association.

Mr. Bakker stated that the CC&R's are only for the future condominium property owners, they would not apply to the other property owners that are along Croatian Way.

Chairperson Sison closed the public hearing.

Commissioner Lew made a motion to recommend to the City Council approval of the modification to Tentative Tract Map TTM 7800 and Use Permit UP-05-06, with modified conditions of approval, making findings 1 – 6, and adopt a resolution confirming this action.

Commissioner Anderson stated that the findings are mis-numbered and that should be corrected before being sent to the City Council.

Commissioner Anderson seconded.

AYES	5 (Anderson, Lew, Saini, Singh, Sison)
NOES	0
ABSTAIN	0
ABSENT	1 (Sweeney)

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

- Study session to review of Design Guidelines for Blocks 2, 3, and 4 in Station District:** Per the City Council's direction, staff has been working with ROMA Design Group to prepare design guidelines for the high-density, mixed-use development proposed by Barry Swenson Builders. These design guidelines will provide the framework for design development of the 9 acre site located on the former PG&E property. The Design Guidelines include a vision for the area, phasing strategies, building heights, ground level uses and treatments, building setbacks, servicing and the review process. These design guidelines will be incorporated into the Exclusive Negotiating Agreement that will be approved by the City Council.

Joan Malloy, Planning Manager, presented the staff report.

Boris Dramov, consultant, made a presentation.

Commissioner Anderson asked what would they consider for temporary use of the retail ready space.

Mr. Dramov replied that either office or commercial use or maybe even public use, but not for residential use.

Commissioner Anderson asked if the design guidelines should include a philosophy about how to maintain the look that it had when it was first built into the future.

Mr. Dramov asked if he meant maintenance.

Commissioner Anderson replied maintenance and security and any other issue that would keep it looking like it was built. Commissioner Anderson asked if it is appropriate to include a philosophy on how to keep the area looking as it was first built.

Ms. Malloy replied that there are goals at the front of the document from the General Plan goals and policies and there will be additional opportunities to comment and it would be entirely appropriate to layout long range philosophy of vision and maintenance and other issues related to that.

Commissioner Anderson asked should that be done tonight or will that come up at a later meeting.

Ms. Malloy asked if he wanted it added to the guidelines.

Commissioner Anderson asked where should something like that should go.

Ms. Malloy replied that the overall vision can go in the guidelines and when more detailed efforts are required that would be addressed in the project development.

Carmela Campbell, Senior Planner, stated that maintenance can also be addressed through the project approvals such as the Site Development Review.

Ms. Campbell stated that design guidelines typically set out the vision and don't necessarily deal with on-going maintenance.

Mr. Dramov stated that design guidelines typically deal only with the physical design of the place; maintenance, on-going operations and maintaining quality is an important aspect that can be built into the agreements with the developer, which go along with the guidelines.

Commissioner Anderson asked how the residential development unit density is going to be figured.

Mr. Dramov replied that the density measure is over the land and what you are talking about is 5 or 6 story podium type buildings and then the taller towers which are going to range up to 16 and 25 stories.

Commissioner Anderson asked of the 9 acres, how you would estimate the amount of acreage that would hold residential units.

Mr. Dramov replied that the total acreage is 9 acres.

Commissioner Anderson stated that he knows it is 9 acres but some of that will be roadway, some will be other uses.

Mr. Dramov replied that the 9 acres is net acreage that does not include roadways but does include the promenade area and the secondary plaza area.

Commissioner Saini asked why the density is being increased from 80 to 135 units per acre.

Ms. Malloy replied that it is to accommodate the addition of residential towers as a type of development for the district. Ms. Malloy stated that this proposal came from Barry Swenson Builder in response to a request for proposal of development in the station area that was released by the Redevelopment Agency last summer. Ms. Malloy stated that Barry Swenson Builder was selected as the Master Developer and that proposal included this high level of density. Ms. Malloy stated that Barry Swenson Builder have built several towers in the San Jose area which are similar to what is being proposed here. Ms. Malloy stated that it will make the project economically viable.

Commissioner Saini asked how are City services going to be upgraded to meet the additional demand.

Ms. Campbell replied that the Fire Department is embarking on a study to determine what needs will be created by this development and other City departments will also be looking at this.

Commissioner Saini asked based on the examples shown in the presentation what kind of successes they have had and what kind of problems have occurred.

Ms. Malloy stated that the Oakland project is still leasing and the Essex project is fully occupied and is quite successful. Ms. Malloy stated that the Emeryville Bay Street, which is a little different because it has a strong retail center, is fully occupied and the other Emeryville project is fully occupied as well. Commissioner Saini asked if they had considered building two 10 – 16 buildings instead of one 18 – 24 buildings.

Mr. Dramov stated that it was thought that the taller building would create some variety in the landscape or townscape. Mr. Dramov stated that it is also a question of the building up the demand and how much can be absorbed from a development standpoint at a time. Mr. Dramov stated that building a very tall building means that you are putting a lot of units on the market and there is some concern about doing that all at once. Mr. Dramov thinks that the 10 – 16 floors still allows quite a bit of flexibility in terms of the size and the height but trying to go to more taller buildings didn't seem appropriate on 11th Street and we felt that it was better to have it somewhat detached. Mr. Dramov stated that at the same time it gives some diversity to the overall height and character of the area as a whole.

Commissioner Saini asked if there will be mid-level parking.

Mr. Dramov replied that parking standards are in the development guidelines.

Ms. Malloy stated that in the guidelines the actual parking dimensions and designs of the stalls are outlined.

Commissioner Saini asked if these towers will be LEED certified or green buildings.

Ms. Campbell replied that the applicant is intending on incorporating green building measures into the project but they are not and nor are they required to seek LEED certification.

Commissioner Saini asked if would be shortsighted on the City's part to not request a developer to consider those things now.

Ms. Campbell stated that we are currently putting together a sustainability element for the General Plan and one of the issues that has come up is whether or not we can require private industry to build to green building standards. Ms. Campbell stated that we are strongly encouraging the applicant to incorporate green building measures.

Commissioner Saini asked if any of the example buildings had any green building measures.

Mr. Dramov replied that he did not believe they did.

Commissioner Saini offered a suggestion that using Santana Row as an example there are a lot of pedestrian walkways that back up traffic and Commissioner Saini suggested putting in a tunnel or an overpass from the promenade to the plaza to avoid that kind of traffic back up.

Ms. Malloy stated that they are trying to develop the pedestrian environment at the street level and that certain intersections will be signalized to help facilitate pedestrian access but it will be entirely at grade within the district.

Mr. Dramov stated that it is difficult to make grade separated pedestrian crossing safe and comfortable for people. Mr. Dramov does not believe there will be a traffic problem with the way the pedestrian crosswalks are designed.

Commissioner Saini stated that Union Landing had a lot of issues with parking and pedestrian access and he does not want to see that repeated.

Commissioner Lew stated that she is pleased to see more density in the area.

Commissioner Lew asked for a description of the pedestrian accessibility in that area. Commissioner Lew feels that the size of the blocks and distance from one point to another is not realistic in terms of pedestrian accessibility.

Mr. Dramov pointed out on the map several routes.

Jim Adams, Roma Design, stated that the length of the block is 1300 feet.

Commissioner Lew stated that it is more compact than she realized.

Commissioner Lew asked the distance from the KB town homes to the Intermodal station to the BART.

Mr. Adams pointed out the routes on the map.

Commissioner Lew stated that what you envision is that someone living there would not have to drive.

Ms. Campbell stated there is a walkability chart in the design guidelines.

Commissioner Anderson asked how the phasing of construction will affect the walkability of the project.

Ms. Malloy stated that the overall project is slated to take about 15 years with about 4 years between each block development.

Commissioner Anderson asked how the phasing relates to the development of the things that people would walk toward, like the Intermodal Station and BART. Commissioner Anderson asked if it will be possible to walk through if that part is not going to be developed for the next 20 years.

Mr. Dramov stated that the idea of the whole project is to phase a whole series of public improvements along with the private development. Mr. Dramov stated that we are fortunate that 11th Street is being built right now so we are starting to build the basic framework of walkability. Mr. Dramov stated that the first phase of BART is going to be under construction right now. Mr. Dramov stated that in subsequent phases that will allow the passage to be created in the new Intermodal station to be built on the Union Pacific tracks. Mr. Dramov stated that there is a program for the plaza improvements to be phased in as development occurs. Mr. Dramov stated that it is the public/private that allows each phase of development to enhance the walkability.

Commissioner Anderson asked if Phase 1A and Phase 1B are completed what does that mean in terms of being able to get to Alvarado-Niles in terms of construction that would allow that to happen.

Mr. Dramov stated that the idea is that by the time that Phase 1 A and B is built, the plaza area would also be constructed. Mr. Dramov stated that he doesn't think that by that time the entire passage through BART will yet be completed.

Commissioner Anderson asked how much time will there be between the time that Phase 1 A and B and the plaza are completed and to be able to get from the plaza to BART by walking through.

Mr. Dramov stated that he cannot give a specific answer due to funding cycles and other construction projects that are to occur in the area. Mr. Dramov stated that it is the intention is to do it as quickly as possible.

Ms. Malloy responded that there will be a lapse in time before we get the east side of BART open and that does rely on regional funding sources. Ms. Malloy stated that it would be around 2012.

Commissioner Anderson asked when the date is for Phase 1.

Ms. Malloy stated that we expect them to be under construction in 2009. Ms. Malloy stated that it is about a 2 year process for each development. Ms. Malloy stated that they will be occupying in about 2010 or 2011.

Mr. Dramov stated that if we stay on schedule on this phasing it is not that far away.

Commissioner Lew asked if this was going to be a construction zone for the next 50 years.

Mr. Dramov stated that it will be a construction zone for awhile.

Ms. Malloy stated that we will be relying on Railroad Avenue as that source to feed the construction activities along those blocks.

Commissioner Lew asked while construction is going on how safe is it for pedestrians to also be walking in those areas.

Ms. Malloy stated that they will be appropriately protected. She stated that 11th Street will have sidewalks will be between 10 and 20 feet wide when construction is complete.

Commissioner Lew referred to page 9 and asked where the wood construction is going to be used.

Mr. Dramov replied that if wood construction is used, before wood is delivered to the site they want to make sure that there is access for the fire truck, and that is a Fire Department requirement.

Ms. Campbell stated that the town home product might have some combustible materials above the podium.

Commissioner Lew asked would this include wood framing.

Ms. Campbell stated that it would and there are different components and different construction types.

Ms. Malloy stated that this is very similar to the AvalonBay project with wood frame construction above the podium structure and these same requirements were applied to AvalonBay.

Commissioner Lew referred to page 2 and asked why they are only having 15% affordable units with the higher density and what range of affordability are we looking at.

Ms. Malloy stated that it will be all ranges of affordability and the 15% is the required by redevelopment law and the City's Inclusionary Housing ordinance.

Commissioner Lew asked whether 15% is the minimum or the maximum.

Ms. Malloy stated that it is the minimum.

Commissioner Lew asked if they could consider going higher than 15% considering the density that we are building at now.

Mark Leonard, Director, Economic and Community Development, replied that we can explore that. Mr. Leonard stated that the issue becomes cost because when you reduce the rest number of market rate units the project economics are affected. Mr. Leonard stated there is a fine balance between the number of affordable units that you can take off the market because the cost to build the project doesn't change.

Commissioner Lew stated that it is something they can look at now rather than later. Commissioner Lew would like to see higher numbers of affordable units because we are allowing higher density and we can be creative in terms of where they are going to be placed in the project.

Ms. Campbell stated that the ordinance does not have anything built in for higher density, so that we might have to change the ordinance.

John Bakker, City Attorney, responded that the Redevelopment Agency owns the property and they can ask the developer anything it wanted to do, including asking the developer to put more affordable units in the project. Mr. Bakker stated that from a regulatory standpoint, the ordinance stated 15% and that would be what could be required of the applicant from a land use regulatory standpoint. Mr. Bakker stated that in order to do this project they are going to need a General Plan amendment and they could volunteer to produce additional units in order to encourage the City to approve the General Plan amendment. Mr. Bakker stated that there are mechanisms to get additional units out of the project.

Commissioner Lew asked if it is possible.

Mr. Bakker stated it may affect the price that the agency would be paid for the property because it would impact the economics of the project and they wouldn't be able to pay as much for the property.

Ms. Campbell stated that there is a complicated funding mechanism for us to fund the plaza and part of that comes from the sale of the land which is based on selling the market rate units. Therefore, the more affordable units we have the less money we will get towards the plaza and the public building.

Commissioner Lew asked if all of the residential units being constructed on these three blocks will be for sale.

Mr. Leonard stated that he did not know if that had been determined yet.

Jessie Thielen, Barry Swenson Builder, stated that all the market rate housing on the site will be for sale. Ms. Thielen stated that we will be partnering with Mid-Peninsula housing on the 15% affordable housing on the site and that will most likely be for rent and that would be for the low to very low income qualifications.

Commissioner Lew asked if they have selected a building, site or phase to start with.

Ms. Thielen stated that they are planning the affordable units for block 4 and block 2.

Commissioner Lew asked if any would be in the first phase.

Ms. Thielen replied there would not.

Commissioner Lew asked why not.

Ms. Thielen replied that it is to get the feasibility of Phase 1 as high as possible and to help provide subsidy for the affordable phases. Ms. Thielen stated that profit generated from the initial phase that would go towards the affordable or the future infrastructure for future phases.

Commissioner Lew asked if that was legal.

Chairperson Sison asked to keep the focus on the design guidelines.

Commissioner Lew asked whether the architecture has been settled on for this project.

Mr. Dramov replied that it has not been settled. Mr. Dramov stated that when you design high rise development, you go towards a more modern vernacular or you run into some real problems. Mr. Dramov stated that you will see the designs as the submittals are made first of the schematic design and then of the phase 1 that will have elevations and plans. Mr. Dramov stated that we want attractive buildings regardless of the style and want the buildings to express human qualities and people feel comfortable with it. Mr. Dramov stated that dictating style is one of the hardest things to do because no matter what style it can be done badly in that style.

Commissioner Lew asked if the design guidelines set a style.

Mr. Dramov stated that the guidelines do not set a style standard.

Commissioner Lew stated that it does require that all the blocks be consistent.

Mr. Dramov stated that they should be compatible with some diversity.

Commissioner Lew asked if it would be different period architecture in the same area.

Mr. Dramov stated that it should not look like that.

Commissioner Lew asked what is the benefit of street parking.

Mr. Dramov stated that there is a very significant benefit for commercial and visitor parking. Mr. Dramov stated that it is easier to handle visitor parking on the curbside and for commercial development on street parking is essential. Mr. Dramov stated that they have found that on street parking makes for a better pedestrian environment. Mr. Dramov stated that it separates the moving cars from the pedestrians; people coming in and out of cars adds to the activity on the street and the feeling of safety and comfort on the street as well.

Commissioner Lew asked what they anticipate the speed limit will be on 11th Street.

Mr. Dramov stated that he does not know that.

Farooq Azim, City Engineer, stated that it has not been decided and a traffic study should be done.

Commissioner Lew stated that there are quite a few crosswalks planned for that area, mainly at the main intersections and she expects there may be a lot of jaywalking. Commissioner Lew thinks the speed limit should be 25 mph.

Mr. Azim stated that a traffic study will have to be done to establish that.

Commissioner Saini asked how far K Street is from Decoto Road.

Mr. Dramov stated that it is about 210 feet.

Commissioner Saini asked if they have considered not allowing a left turn onto Decoto Road from Block 6a.

Chairperson Sison asked if the design guidelines should include the traffic flows.

Ms. Malloy replied that several traffic studies have been done. Ms. Malloy stated that with the new proposal from Barry Swenson Builders, the first step after the ENA is signed will be to embark on environmental analysis and the first topic will be traffic. Ms. Malloy stated that environmental review process will be started in about a month.

Chairperson Sison asked if that will come to the Planning Commission for review.

Ms. Malloy replied that it will.

Chairperson Sison stated that the Planning Commission will have an opportunity to review each phase, every aspect of the development; however, at this point we should be focusing on the design guidelines.

Commissioner Singh asked if there is a design for the tunnel from the BART Station to the PG & E property.

Mr. Dramov replied that it really an at-grade crossing that goes under the tracks and the specific design has not been completed but it is going to use the current fare area to extend.

Commissioner Singh stated that it should be looked at closely because there are many problems with the ones in San Francisco with homeless people sleeping in them and we don't want to let that happen here.

Mr. Dramov stated that the ones in San Francisco are below ground and the one for Union City will be at grade.

Commissioner Singh asked how soon the tunnel will be completed.

Chairperson Sison stated that this was discussed by Commissioner Anderson and it is dependent on funding and they expect it to be done in 2012 and Phase 1 will be completed in 2010.

Commissioner Singh stated that it is very important to build it as soon as possible.

Chairperson Sison asked where the funding for the tunnel will come from.

Mr. Leonard stated it is really important to understand that the BART tracks are already elevated but there is a set of railroad tracks right next to it at grade and they have to be lifted up. Mr. Leonard stated that is where we need the funding and the elevation will start in the Decoto neighborhood, across Decoto Road and it will have to extend to the BART station and beyond. Mr. Leonard stated that it is an expensive project. Mr. Leonard stated that there is some regional momentum to help us fund that facility.

Ms. Malloy stated that there are several sources of possible funding for this, including Regional Measure 2 funding. Ms. Malloy stated the MTC accepted our request for \$20 million dollars for the east side of BART to be forwarded on the FTA proposal. Ms. Malloy stated that we are seeking additional funds to open up the backside of BART because that was not part of Dumbarton Rail. Ms. Malloy stated that we have been successful so far in acquiring funding from a variety of state and regional sources. Ms. Malloy stated that we believe we have a viable project that has regional support and will be successful as we continue to move forward on this.

Commissioner Singh referred to Block 5 and asked if the cost impact is why the design is away from 11th Street and Decoto Road.

Mr. Dramov asked if he meant putting the parking structure there.

Commissioner Singh replied yes.

Mr. Dramov stated that was an original consideration to concentrate additional parking in that area and there may be other proposals to look at distributing the parking more.

Commissioner Singh noted that someone coming from Decoto Road would have to go to Block 5 to park and then walk back. Commissioner Singh thinks the parking should be closer to Decoto and 11th to cut down on the exhaust emissions.

Mr. Dramov stated that would be correct if it were closer to Decoto, on the other hand, at the time that this was done, it was felt that the higher value of the commercial development being closer to Decoto Road was more important than the additional travel. Mr. Dramov stated that it could be looked at again.

Mr. Leonard stated that a lot of the traffic coming in to this area will be coming from Route 84 otherwise known as Option 2. Mr. Leonard stated that route is closer to Block 5 than the Decoto Road side. Mr. Leonard stated that we need to keep in mind what will be happening with the circulation. Mr. Leonard stated that in addition, the Pacific States Steel site, which is elevated and will be developed with light industrial and office uses, may use this parking structure for some of its parking. Mr. Leonard stated that it is very strategically located in a place that is available to not only to the transit users but also to the steel mill site.

Commissioner Singh asked if there will be a bike lane on Railroad Avenue.

Ms. Malloy stated that Railroad Avenue will be a shared roadway but there will be bike lanes on 11th Street that go all the way down to 84 and connect to a regional path system at that point.

Commissioner Anderson asked how much space is going to be allocated to the tunnel.

Ms. Malloy stated that the width of the tunnel is between 20 and 30 feet and the length under BART is 60 feet and the railroad right of way is about 80 feet.

Commissioner Anderson asked if it is feasible to use some of that space for very tiny retail for people walking through.

Ms. Malloy stated that will be a decision for BART and for the operators of the station. Ms. Malloy stated they have their own policies for retail on their property.

Commissioner Anderson asked if we had any control.

Ms. Malloy replied no.

Chairperson Sison stated that since Block 3 faces the plaza and the fine arts pavilion, he would prefer to see the tower over on the Railroad Avenue side rather than the 11th Street side, if it is feasible.

Chairperson Sison stated that it is to keep the plaza open rather than having a tower looming over the area. Chairperson Sison stated that the location of the towers on Block 1 and Block 4 is OK because they are farther away from the plaza area. Chairperson Sison suggested moving the tower on Block 3 over to the Railroad Avenue side opposite corner of the 18 to 24 story tower rather than having them next to each other.

Mr. Leonard observed that the structure is strategically placed with regards to the sun angles. Mr. Leonard stated that the sun is going to be in a direction around the tower whereby no shadows will be cast on the plaza.

Chairperson Sison stated he is not so concerned with the shadows but having buildings looming over the plaza area.

Commissioner Lew made a motion to recommend approval of the design guidelines to the City Council including the comments from tonight's session and adopt a resolution confirming this action.

Commissioner Anderson seconded.

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

- 2. Study session to review proposed parking principles for the Station District** -
The study session will provide a briefing of the Watry Parking Study and staff recommendations to approach the future parking demand anticipated in the Station District.

Joan Malloy, Planning Manager, presented the staff report.

Michelle Wendler, Watry Design, made a presentation.

Commissioner Anderson asked if there are any comparative studies that compare the cost of a revolving shuttle to the cost of building a parking structure.

Ms. Wendler replied that it has been done in many situations and the analysis of the cost to provide a shuttle can be done. Ms. Wendler stated that it has been done for university campuses, however, one is a capital cost and one is an operations cost.

Steve Sprotte, Management Analyst, made a presentation of the proposed parking principles.

Mr. Sprotte stated that their intent is to bring the principles to the commission and to the City Council and to have them adopted.

Commissioner Anderson asked what information supports principle #2.

Ms. Malloy replied that there has not been anything to address tandem parking in the MTC study to date. Ms. Malloy stated that in AvalonBay it was used in a limited fashion on the two bedroom and larger units. Ms. Malloy stated it was allowed through a Variance. Ms. Malloy stated it does allow for more efficiency within the structured parking.

Commissioner Anderson stated his concern that if we are developing guidelines, then those guidelines should be supportable, so that we know they will produce results we want. Commissioner Anderson stated he would have a problem with principle #2 because there is nothing to support it.

Mr. Sprotte replied that it is a good point. Mr. Sprotte stated that it would be a marketing issue of the developer, if they feel they can sell units with tandem parking, then that would be the proof.

Mark Leonard, Director, Economic and Community Development, stated that one way to get a handle on it is to look at where tandem parking has already been used. Mr. Leonard stated that there are projects in the Bay Area where we could look at and get plans from which show how the stalls are provided in tandem.

Mr. Sprotte expanded on the six parking principles from the staff report.

Commissioner Anderson asked if the six principles are listed in any order.

Mr. Sprotte replied that except for the first one, there is no particular priority or order.

Commissioner Anderson suggested adding a preamble that states that the principles are not ordered according to priority.

Mr. Sprotte stated that they don't even need to be numbered.

Commissioner Anderson asked if there is a standard that requires parking be provided on the site that the development takes place and if you are going to share it, wouldn't you have to change that standard.

Ms. Malloy stated that we do allow shared parking among users but you are correct that when a development comes before the Planning Commission, we evaluate to be sure that it is providing adequate services including parking.

Commissioner Anderson asked if we change the ordinance for this, then will it be changed for the whole city or is this just for this district.

Ms. Malloy replied that it would be focused on the Station District.

Commissioner Saini asked who will provide parking for the residential complexes.

Mr. Sprotte stated the developer would.

Commissioner Saini asked if that means that for the 18 – 24 story towers there will be parking underground.

Mr. Sprotte replied it will be included on their site.

Commissioner Saini asked if there would be multiple layered parking.

Ms. Malloy replied that it will be three levels of parking, one below grade and two above grade and then additional residential above that.

Ms. Wendler stated that each individual block has three levels below the actual residential or retail components and it will be one level completely below grade and two levels above grade which will be screened by retail or housing along the 11th Street and the letter streets.

Commissioner Saini asked how they would enforce parking rules.

Mr. Sprotte replied that it will be either paid or permitted parking.

Commissioner Saini suggested using some sort of technology to help keep track of the cars in the parking structure, e.g. Fastrack.

Commissioner Saini suggested adding a principle that will include alignment of traffic flow with the parking structures.

Mr. Sprotte stated that it could be added to principle #3 or #4.

Commissioner Saini asked where the off-site parking is to be located.

Mr. Sprotte stated that there was an idea to explore using the Quarry Lakes parking lot on the other side of Alvarado-Niles Road.

Ms. Malloy stated that there might be satellite lots along Mission Boulevard.

Mr. Leonard stated that when preparing the 2002 General Plan, staff found that the Marketplace shopping center will be redeveloped and that might be an opportunity to look at a shared parking arrangement.

Commissioner Saini stated shuttling people in is not a good idea. Commissioner Saini stated that people using BART to go to the city might not want to add another 20 – 25 minutes of commute time of shuttling from the parking lot to the station.

Mr. Sprotte stated that Ms. Wendler pointed out that you might not want to have all of your transit parking to be off-site.

Ms. Wendler stated the way to control that is by what you charge. Ms. Wendler stated that if you charge more for close in parking and less for off-site parking, then people will chose accordingly.

Commissioner Saini suggested studying UC Berkeley's parking because they appear to make a lot of money off of it.

Mr. Sprotte stated that you probably don't make a lot of money off of it because you have to pay for the enforcement program.

Commissioner Saini stated that he does not believe that there is enough BART parking during peak hours.

Ms. Malloy stated that the City will be building a substantial amount of parking in the station district but initially the parking is needed when the BART site is under construction. Ms. Malloy stated that parking

will be redirected to the PG & E site. Once the reconfiguration is complete the PG & E lot will be available for overflow parking.

Commissioner Saini stated that Palo Alto has created a lot of new parking and new traffic flows. Commissioner Saini suggested that changing the circulation from the parking structures to use Railroad Avenue to get to Decoto Road to help ease traffic.

Mr. Sprotte stated that we looked at it.

Chairperson Sison asked what would be the impact on parking supply when the price of gas goes up to \$8 to \$10 a gallon.

Mr. Sprotte suggested that demand will likely decrease.

Ms. Wendler stated that there isn't enough data to determine the effect of the price of gasoline on parking demand.

Commissioner Lew stated that she agrees with the six principles. Commissioner Lew is pleased to see a plan to provide parking incrementally. Commissioner Lew asked where in the principles does it address the issue of having to provide parking immediately.

Mr. Sprotte stated that we would provide more surface parking and charge more for it.

Ms. Malloy pointed out that structured parking is expensive and takes some lead time to construct, so I don't know if there is a quick response if there is a problem.

Commissioner Lew asked if we can get BART to do a parking structure.

Ms. Malloy replied that BART is planning to build a parking structure. Ms. Malloy stated that they currently have about 1100 parking spaces on site and they plan to build a parking structure and redevelop their other parcels for revenue generation.

Commissioner Lew thought the report was excellent.

Commissioner Singh asked if there are any traffic projections for the next 5 years for the use of 11th Street versus Railroad Avenue.

Ms. Malloy stated that a traffic study has not been done on the Barry Swenson proposal. Ms. Malloy stated that Railroad Avenue has always been considered a reliever route. Ms. Malloy stated it is right in, right out only because of the railroad tracks but will allow users to get out of the development easily. Ms. Malloy stated that if you go towards Route 84, which will be a four lane parkway, it will be also be a reliever route for Decoto Road.

Commissioner Singh asked if there will be curb parking on 11th Street.

Ms. Malloy replied that there will be some limited curb side parking on 11th Street.

Commissioner Singh stated that he likes the smaller parking spaces.

Mr. Leonard stated that those dimensions work best when you have a non public structure where the public isn't going in and out on a regular basis and works better for residential structures.

Commissioner Saini asked if a Ford Expedition will fit into the smaller space.

Commissioner Singh stated that it will fit.

Chairperson Sison would add one more principle that the City should validate their assumptions and information from the previous six as parking is always going to be a dynamic issue and there are so many factors that can influence the supply and demand. Chairperson Sison suggested setting milestones since this is such a long term project.

Barry Ferrier, Union City, referred to the chart on page 29 and asked what is the square footage per parking space. Mr. Ferrier noted that there is a big variance in the cost per square foot of the parking in the report scenarios.

Mr. Sprotte stated that the square footage for garages varies between office, retail and residential. Mr. Sprotte stated that cost becomes higher when you go below grade.

Ms. Wendler replied that the square foot per stall for the options are in the detail summation charts for each drawing. Ms. Wendler stated that for example in option #4 is 369 square foot per stall. Ms. Wendler stated that for all the options that we drew for this report use a 9 foot by 18 foot stall with a 24 foot drive aisle and the reason for the 24 foot drive aisle is because the width of the site would not accommodate a 26 foot drive aisle for 90 degree parking. Ms. Wendler stated that they used a ramping system that would accommodate the best square foot per stall as well as the typical user. Ms. Wendler stated that the main difference in all of these options has to do with the first three options are stand alone parking structures and all they calculate is the square footage associated with parking and those are the lowest numbers. Ms. Wendler stated that options #4 and #5 incorporate one level of retail in a small area of the ground floor of that structure. Ms. Wendler stated that option #6 incorporates office space. Ms. Wendler stated that option #7 is a taller structure.

Mr. Ferrier stated that anything that requires parking enforcement or shuttles is expensive. Mr. Ferrier suggested minimizing staffing where possible. Mr. Ferrier suggested using technology where possible. Mr. Ferrier suggested designing structures that can be added onto easily in the future. Mr. Ferrier asked what the time frame is for recovering costs.

Chairperson Sison stated that a study would have to be done to determine that.

Mr. Sprotte stated that it was addressed in a study that it would take about \$10.00 a day for parking to pay off the structure over 25 years. Mr. Sprotte stated that at this point, parking doesn't pay for itself.

Commissioner Saini asked if the parking fees would be just for the commuters or would retail parking patrons also have to pay.

Mr. Sprotte replied that we would not be able to differentiate between the two nor would we want to. Mr. Sprotte stated that the retail or commercial users might have some sort of validation to reduce their cost.

Commissioner Saini suggested that staff might want to reconsider that. Commissioner Saini stated that downtown Palo Alto is very successful because parking is free.

Commissioner Anderson moved to recommend approval of these guidelines to the City Council. Commissioner Lew seconded.

AYES 5 (Anderson, Lew, Saini, Singh, Sison)
NOES 0
ABSTAIN 0
ABSENT 1 (Sweeney)

VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS: None.

VIII. COMMISSION MATTERS:

- A. Alvarado Place shopping center expansion—appeal of Zoning Administrator’s interpretation of a condition of approval requiring recessed arches on Starbucks Coffee shop building

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Singh asked if the work had already been done or is still in process.

Ms. Malloy replied it is still under construction but it is approaching completion.

Mark Leonard, Director, Economic and Community Development, stated that it is essentially done.

Commissioner Singh stated that it wouldn’t be appropriate to knock this out and rebuild it.

Mr. Leonard stated that it would be a major problem and expense for the applicant to have to reframe this out and rebuild the wall. Mr. Leonard stated that upon looking at the building, quite a bit of detail is provided. Mr. Leonard stated that staff is comfortable with what was done but felt that given the way the condition was written we needed to get a final sign off from the Planning Commission.

Commissioner Singh asked if the material used is as strong as what was recommended by the Planning Commission.

Mr. Leonard stated that it is according to the Building Code.

Commissioner Anderson referred to the three options of the staff report and feels that most of the options have already been done.

Commissioner Anderson asked if the only realistic option is to accept what has been done. Commissioner Anderson noted that one option which asked for further enhancement of the wall through additional design features, which may include applied foam detail and accents have already been done.

Ms. Malloy stated that option was intended to take the foam that has been provided already and rather than rebuilding the entire wall, which to put the recessed arches in would require, but perhaps to articulate, thicken or provide more prominent arch by applying additional materials. Ms. Malloy stated that alternatively would be to say “yes” this does meet the intention of the condition of approval.

Commissioner Anderson stated that the middle option, which was to approve the wall design as built, is really the same as the third option, which is to approve it with the enhancements because that is the way it has been built.

Ms. Malloy replied that option requires the applicant to do more than what has already been provided.

Commissioner Anderson stated that it looks like it has already been done.

Ms. Malloy stated that they have done all of that and this would add more.

Commissioner Lew stated that this is a deviation from what the City approved and in doing so, she thinks there was some cost savings, in terms of what was built and what should have been built.

Ms. Malloy referred the question to the applicant.

Commissioner Lew asked if this was the general way that staff handles changes or modifications like this. Commissioner Lew stated she doesn't remember very many of these coming back before the Planning Commission for approval but she is sure that there are other projects that had deviations and they were just accepted.

Mr. Leonard stated that is true. Mr. Leonard stated that the reason that this came back to the Planning Commission is because it was an issue of the Planning Commission at the hearing and was specifically called out by the Planning Commission. Mr. Leonard stated that if it wasn't an issue, staff would make the determination at the staff level as to whether it was a minor deviation which had no significant affect on the quality of the development but because the commission specifically talked about this we felt obligated to bring it back to you for action.

Commissioner Lew confirmed that this is in reference to the May 3rd meeting.

Chairperson Sison asked if the deviation was discussed with anyone at the site to determine how it occurred.

Mr. Leonard stated that there was some discussion after it was noted by the Building Inspectors. Mr. Leonard stated that the applicant was notified and he wanted to show staff the finished quality by completing the painting and adding the latticework. Mr. Leonard stated once that was done, staff was comfortable that the building looks very enhanced and it met the intent of the commission's discussion. Mr. Leonard stated that is why staff is recommending the commission accept the building as is. Mr. Leonard stated that in terms of how this could be changed, there has not been much discussion about that.

Chairperson Sison asked how and why the deviation occurred.

Patrick Conway, Duckett Wilson, stated that he didn't think it was a major issue with the commission. Mr. Conway stated that it was brought up by a resident. Mr. Conway stated that a number of things were added to enhance that elevation and those were all incorporated. Mr. Conway stated that there was not much in cost savings because they used the 2' x 6' to frame the wall and if it had been recessed they would have used 2' x 4's which means there would be a two inch recessment from that plane. Mr. Conway stated that there would not have been a material

cost savings in the construction. Mr. Conway stated that the thickness of the foam gives more depth and another plane to work with and is used throughout the development.

Chairperson Sison asked if there were other recessed arches in the area.

Mr. Conway stated that on all the storefront elevations there is a recessed element which is deeper recessed where the sign band is. Mr. Conway stated that he had spoken with staff about possible additional enhancements.

Chairperson Sison asked if the recessed arch requirement is unique to the building in that complex.

Mr. Conway replied that the recessed arches are not unique. Mr. Conway stated that most of the arches are located in the canopies of the buildings.

Chairperson Sison noted that the Starbucks sign is located in the recessed arches.

Mr. Conway stated that having to make the recesses now would be a very significant undertaking. Mr. Conway stated he is very willing to work with staff.

Chairperson Sison asked was this an architectural decision to put in relief rather than recessed arches.

Mr. Conway stated that he wasn't sure where the disconnect occurred.

Commissioner Lew asked what is going to protect the wall and if there will be landscaping between the drive thru aisle and the tile wall.

Mr. Conway replied that there is a two or three foot landscape planned for the area between the drive aisle and the wall.

Commissioner Lew asked if there will be curbing to protect the landscaping.

Mr. Conway replied yes.

Commissioner Lew asked when the store will open.

Mr. Conway replied that Starbucks has planned on opening on June 15, 2007.

Barry Ferrier, 32212 Allison Way, Union City, stated that he is the citizen who spoke at the May meeting and also spoke at the original hearing. Mr. Ferrier stated that it was Commissioner Sweeney who followed up on his comments and asked that it be recessed. Mr. Ferrier stated that he understands that it would be difficult to change it now but his objection is still that it is a lot of wall very close to Alvarado Boulevard. Mr. Ferrier stated that the idea was not to see a sheer wall from Alvarado Boulevard. Mr. Ferrier stated that the squares really stand out because they are so bright. Mr. Ferrier stated that the rest of the building looks nice but he still thinks the arches don't look right. Mr. Ferrier stated that the white area under the squares is overwhelming. Mr. Ferrier asked to break up the area with painting or something.

Commissioner Anderson asked what the applicant had in mind when they were discussing what extra enhancements did he have in mind.

Mr. Conway stated that they did not have any thing specific in mind. Mr. Conway stated that they have jammed a lot of detail on a single facade. Mr. Conway stated that by the time the last two shops get leased and signage goes up, he thinks the best solution will be to paint the inside of the arch or the arch itself with the approved beige color.

Commissioner Anderson asked about the inset tile and whether it would be a good idea to continue that style in the other arches so they look the same.

Mr. Conway thinks it might be too much tile and would prefer to use paint.

Commissioner Lew stated that when you look at a construction project you need to keep stepping back to look at the big picture. Commissioner Lew stated that she does not have a problem with this and she does not want to delay the opening of the store.

Commissioner Singh stated that he would leave it up to staff.

Commissioner Anderson agreed to leave it up to staff.

Chairperson Sison stated that a lot of applicants come back for revisions to any requirements and had this been an unintentional oversight he probably would have had no problems or had the applicant come before the commission but to take it upon themselves to make a change. Chairperson Sison stated that he takes his responsibilities as a planning commissioner seriously and if we had said that the design serves the intent of the requirement, and then we could have said we prefer not to have a blank wall and do what you want with it. Chairperson Sison stated we had specific requirements and it does not appear that this was unintentional. Chairperson Sison stated that he does not expect to follow up on all the projects nor should staff have to follow up, it is the responsibility of the applicants to ensure that they are in compliance with the requirements that we set. Chairperson Sison stated that he will have a problem voting for this motion.

Commissioner Lew stated that she works for an agency that does lots and lots of building construction and there are always mistakes and deviations and you don't necessarily say that it is intentional or unintentional.

Commissioner Anderson moved to recommend approval of the wall design with further enhancements to accent the walls to staffs satisfaction.

Commissioner Lew seconded.

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

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

C. Upcoming applications for the next Regular Planning Commission meeting for June 21, 2007.

IX. GOOD OF THE ORDER:

Commissioner Saini – Whipple Road east from I-880 towards Mission Boulevard needs reflectors in the center divider area especially by the railroad tracks at Central Avenue.

Commissioner Lew stated that she enjoyed the Watry report and the Station Design guidelines report but she found missing were the credits (who prepared and/or contributed to the report) and the work cited references for the report. Commissioner Lew would like to see this information in future reports.

Chairperson Sison thanked the staff and consultants for their hard work and good presentations.

X. ADJOURNMENT: 10:40 p.m.

APPROVED:

REY SISON, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY