

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF NOVEMBER 15, 2007, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

**STAFF:** Mark Leonard (Director, Economic and Community Development); Avalon Schultz (Assistant Planner); Janice Lum (Assistant Planner); Mike Rodriguez (City Attorney); Kris Fitzgerald (Administrative Assistant).

**II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of November 1, 2007 were approved with corrections.**

**III. ORAL COMMUNICATIONS: None.**

**IV. WRITTEN COMMUNICATIONS: None.**

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS: None.**

**B. NEW HEARINGS:**

- 1. GENERAL PLAN AMENDMENT, AG-01-07, Environmental Sustainability; the City is proposing to add a new element on Environmental Sustainability to the General Plan. The Element will focus on how the City can act as a leader, facilitator and educator in promoting environmental sustainability. The proposed Environmental Sustainability Element includes the following sections: General, Green Government, Green Business, Green Design and Green Transportation. This project is considered categorically exempt under Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines.**

Avalon Schultz and Janice Lum, Assistant Planners, presented the staff report.

Chairperson Anderson asked which of the documents from the staff report and the desk item will be voted on this evening.

Ms. Schultz replied that Exhibit A includes the text of the Draft Environmental Sustainability Element and the deletion of the text that is currently in Section F of the Community Design Element.

Chairperson Anderson asked if there are any further changes.

Ms. Schultz replied that there are no more changes.

Chairperson Anderson asked if the motion should reference the updated version of Exhibit A.

Ms. Schultz replied that it would be the desk item that was given to the commission this evening.

Commissioner Sweeney stated that she assumed that the material in Section F was going to be rolled into the new element and that the tone of our current environmental sustainability document as proposed is much less action-oriented. Commissioner Sweeney gave an example from the General section on implementation programs and noted that there are very few items that require actual action. Commissioner Sweeney stated that this new document seems to be a kinder and gentler approach. Commissioner Sweeney stated that it does not appear that we are moving in the direction of developing actual programs. Commissioner Sweeney stated that she is disappointed in the tone of the language. Commissioner Sweeney noted that in the old Section F there were policies that required amenities or facilities dedicated to the City to be designed to reduce the cost of operations and maintenance and that is not included in the new Exhibit A. Commissioner Sweeney stated that there was some very strong language in the old Section F that really promoted, not just that our view that this was something that is important to the City, but spoke to our expectation that there would be action, not only on the part of the City but on the part of every part of the community to move these goals forward. Commissioner Sweeney stated that she was disappointed that we are losing the old policy statement that we would require the use of energy efficient and energy conserving design and construction techniques and instead we are encouraging their use. Commissioner Sweeney stated that she is a little uncomfortable with the language we have in the current element. Commissioner Sweeney stated her concern that two crucial policies were dropped from the element. Commissioner Sweeney referred to policy ES-A.2.2 and asked if that only referred to the City.

Ms. Schultz replied that it is not intended to read that way and should be changed to include the entire community. Ms. Schultz noted that the first step of quantifying has been done.

Commissioner Sweeney asked to have it clarified.

Ms. Schultz suggested it read “The City shall quantify Union City’s greenhouse gas emissions.”

Commissioner Sweeney suggested that it also belongs in a different section having to do with green government, so if that is not the intent then it needs to be changed.

Ms. Schultz stated that it is meant to cover citywide.

Commissioner Singh asked how is the progress of emissions going to be monitored on an on-going basis.

Ms. Schultz replied that there are technology programs available to quantify the actions taken in cubic tons of carbon. Ms. Schultz stated that certain actions such as green building techniques and energy saving practices have been converted to carbon tons and that is how most cities track their progress. Ms. Schultz noted that most of Union City’s greenhouse gas emissions come from traffic driving on Interstate 880.

Commissioner Singh asked if a gas analyzer is being installed near Interstate 880 to monitor the gas emissions.

Ms. Schultz replied that it is done by estimation. Ms. Schultz stated that the City is working with ICLEI and they have already started some of these programs through the City Manager’s office and more information will be coming forward on steps to take for reduction goals.

Commissioner Sweeney asked to change the wording from “its greenhouse gas emissions” to citywide greenhouse gas emissions” and change the wording to “citywide reduction goals, implementation, and monitoring”.

Commissioner Sweeney referred to ES-A.5 and asked if the tracking is only for city government or is it for the entire city.

Ms. Schultz referred to ES-A.2 and stated that it was the most directly related to the policy under discussion.

Commissioner Sweeney asked why it was not ES-A.5.

Ms. Schultz replied that that is more related to the entire program and not specifically the emissions.

Commissioner Sweeney asked if the citywide programs need a citywide implementation plan.

Ms. Lum stated that would be under ES-A.2.

Commissioner Sweeney stated that all that requires is participation in a project to assist us, it does not in any way talk about implementation measures, monitoring, setting reduction goals, that is not being implemented. Commissioner Sweeney stated that policy to set a reduction goal, figure out how to do it and monitor it is not reflected if all we are doing is participating in this project.

Ms. Schultz stated that perhaps it is not clear that by participating in the ICLEI process all of those things are going to be accomplished.

Commissioner Sweeney asked if it required that we do all of them.

Commissioner Sweeney stated that she is seeking something more action-oriented. Commissioner Sweeney does not want to just participate in a group; she wants to do the actions that our policy calls for. Commissioner Sweeney stated that her concern with the current document is that it does not appear to be action-oriented.

Commissioner Sweeney stated that the wording in this document is very gentle and in her experience, the gentler that we are the less enforceable as a General Plan action it is.

Commissioner Lew suggested that staff explain the ICLEI project, as she had attended a seminar that provided information about it.

Ms. Lum stated that after the emissions inventory is performed, then you would set a reduction goal and then the result of the ICLEI project is to create a local climate action plan which would identify a whole host of implementation strategies that would be very specific to Union City.

Mark Leonard, Director, Economic and Community Development, stated that perhaps we could be more specific about the ICLEI process which would show the action. Mr. Leonard stated General Plans set very lofty and non-specific goals and Specific Plans are a better planning tool because they set very specific actions to be taken. Mr. Leonard suggested rewording the policy to describe the ICLEI process and what it takes to participate in it.

Ms. Lum noted that she worked on the original Green Building General Plan Element and stated that it is very difficult because you want to be broad enough in the language to work and coordinate with all these

other agencies who have already invented all these programs. Ms. Lum stated that they wanted to capture this idea of implementing programs that have already developed by other agencies.

Mr. Leonard agreed with the idea but suggested that the commission is looking for action beyond participation.

Commissioner Sweeney agreed with Mr. Leonard. Commissioner Sweeney stated that she understands that we want to use information and programs that are already available but it doesn't say that we are actually going to do anything. Commissioner Sweeney wants language that says we are actually going to set goals and implement measures to reach that goal.

Chairperson Anderson asked if adding something to the implementation section that says the City is going to have an implementation plan to cover the results of participating in all the different programs.

Mr. Leonard stated that we should cite the specifics and implement very specific measures. Mr. Leonard suggested that the implementation portions of each section be rewritten to specify exactly what we are going to be doing.

Ms. Lum stated that is part of the difficulty because in some cases we don't know exactly what we are going to be doing.

Commissioner Sweeney stated that she understands the difficulty but if there is a policy goal then there needs to be an implementation plan.

Ms. Schultz suggested adding to the end of the sentence "the City shall inventory its emissions citywide, shall set a reduction goal, etc." Ms. Schultz asked for the commissions input on what other items in the element they want to see very straightforward implementation of because one of the most difficult aspects of putting together this element was looking at the fine line between encouraging the community to do things in a more sustainable way and requiring it to be done. Ms. Schultz stated that staff had not received clear feedback from the commission and council on making anything more than Bay-friendly landscaping and civic buildings mandatory.

Chairperson Anderson stated that whatever programs we do use we need to have a way to collect, evaluate and determine if the program is working. Chairperson Anderson stated that the same level of detail that is given to the ICLEI program needs to be used for all other programs.

Commissioner Lew stated that they should be careful that this General Plan element doesn't become a specific plan.

Commissioner Sweeney stated that there will not be a specific plan for sustainability.

Commissioner Lew stated that there should be if they are going to be implementing different programs.

Ms. Schultz stated that we would implement through our practices either codifying it in the municipal code or as a City policy.

Chairperson Anderson stated that this document should set the direction of what we intend to do but not necessarily how we will do it.

Commissioner Crosby referred to ES-A.2.2 and stated that it appears to be clear direction for the City.

Chairperson Anderson replied that it was only one component of the overall program and there are other programs to be implemented to become more sustainable.

Commissioner Crosby asked if the implementation program only applies to the greenhouse gas emissions.

Chairperson Anderson stated that the implementation should be for the whole program.

Chairperson Anderson stated that the element should not be so specific as to hamstring anyone but it ought to provide direction or path that is clear so that people can see where you are headed.

Ms. Lum stated that staff made a decision not to be specific because there will be some trial and error in these programs and we need to learn from that. Ms. Lum stated that they wanted to build in flexibility into the element but still have that strong sense of direction or pathway we are taking.

Commissioner Sweeney stated that she does not want to list specific programs because that is not farsighted in the way of the General Plan. Commissioner Sweeney stated that she wants to make sure that we are actually doing something and that we are making it clear that this is an action-oriented element. Commissioner Sweeney noted that the language being deleted from section F of the Community Design element is very strong and it is not asking for specific programs but it is requiring certain performance standards and the new element is not as strong in this regard which is not in the City's best interest.

Commissioner Sweeney suggested retaining and carrying forward from section F of the Community Design Element, CD-F.1.3, CD-F.1.4, CD-F.1.5 and CD-F.1.7 to the new element.

Ms. Schultz stated that part of the reason that those were eliminated was that an ordinance was adopted requiring a certain level of environmental performance in public buildings.

Commissioner Sweeney replied that would take care of CD-F.1.3.

Ms. Lum stated that these were added concurrently to create the policy framework for the program.

Commissioner Sweeney stated that she would prefer to see those four policies rolled forward into the general section.

Ms. Schultz asked if the commission would like policy ES-D.1.1 to be combined with the old policy statement.

Ms. Lum stated that it had already been moved to the new document.

Ms. Schultz suggested that the item could be continued to the next meeting and all of tonight's changes could be made.

Commissioner Lew asked if the four policy statements that Commissioner Sweeney wants to keep have been codified in the Union City Municipal Code.

Ms. Lum stated that green buildings and bay friendly landscaping were added to the municipal code and these were added to keep the General Plan and the municipal code consistent.

Commissioner Lew asked if they were still needed in the General Plan since they have been codified.

Commissioner Lew stated that she does not want to see a lot of redundancy. Commissioner Lew noted that the Economic and Community Development Department has assumed the burden of implementing this sustainability element.

Ms. Lum suggested retaining section F of the Community Design Element and changing the name of the chapter and keeping the Environmental Sustainability element at broader level so it won't be conflicting in tone.

Commissioner Lew agreed with that suggestion.

Ms. Schultz stated that they want to make it as clear as possible and not be duplicative. Ms. Schultz stated everything in the General Plan is on an even level with no one element being more important than another.

Commissioner Singh asked if we are encouraging businesses in Union City to become green businesses.

Ms. Schultz replied that staff has started to give out information to business owners about making their businesses green.

Ms. Schultz stated that funding sources have not been identified for more restrictive policies and enforcement which has restricted what staff can do.

Commissioner Singh suggested that staff encourage businesses to go green and would like to see that in the General Plan.

Ms. Schultz replied that it is in there.

Commissioner Singh does not feel that the language is strong enough.

Mr. Leonard referred to page 6, section c of the staff report and asked for suggestions on how to make it stronger.

Chairperson Anderson stated that it would be difficult to rewrite the element at the meeting and asked for suggestions to staff for the next draft.

Commissioner Sweeney referred to section CD-F.4 of the Community Design Element and asked to retain the implementation plans that refer to energy efficiency and energy conservation guidelines because they are very important and should be made widely available.

Commissioner Sweeney referred to section CD-F.5 of the Community Design Element and asked to retain the implementation plan for design standards for energy self sufficiency and generation projects.

Chairperson Anderson asked if CD-F.4 and CD-F.5 could be done effectively without CD-F.1.

Commissioner Sweeney replied that we already have the ordinance.

Ms. Lum stated that a piece of it is codified.

Commissioner Sweeney stated that it is the standard for public projects and that has been done.

Commissioner Lew referred to CD-F.4 and asked if it should say "shall" instead of "should".

Ms. Schultz stated that staff would be comfortable with changing it to “shall.”

Ms. Lum stated that they could also remove the word “developers” to make it cover a larger group.

Commissioner Lew stated she was not as concerned about that.

Commissioner Sweeney referred to policy ES-B.1.5 of Green Government and stated that the word “prioritize” does not appear to be used properly and that perhaps it should be “priority” or some other word, so that the policy is not just about making a list but actually performing the actions. Commissioner Sweeney noted that “prioritize” also appears in some other sections and should be changed there as well.

Commissioner Crosby suggested “conduct.”

Commissioner Sweeney suggested “develop”, “undertake”, or “establish.”

Commissioner Sweeney also suggested changing “education” to “education programs.”

Commissioner Sweeney referred to the Green Business section and asked to add another implementation stating that the City shall recognize certified green businesses in the community through actions such as listings on the city website, awards certificates and/or ceremonies. Commissioner Sweeney feels that having a listing of green businesses on the city website is a very powerful statement and it is one way for the City to endorse and encourage kind of activity.

Chairperson Anderson stated that it the City Attorney should look at that to make sure that there is no liability for the City from endorsing or appearing to endorse certain businesses.

Commissioner Sweeney stated that she thought that if you gave an award that you could do that but closer scrutiny is called for.

Commissioner Sweeney referred to policy ES-D.1.5 and asked to add “tree preservation” in addition to “tree planting” because she wants people to see the value in keeping trees.

Commissioner Sweeney referred to ES-D.1.4 and noted that the word “prioritize” should be changed.

Commissioner Sweeney referred to the section on Green Transportation and asked to have the City promote the use of public transit by providing information about public transit for all City activities, meetings and events. Commissioner Sweeney gave an example of sending out a public hearing notice and on the notice putting information about what bus lines serve the meeting location or for a large event letting riders ride for free. Commissioner Sweeney wants to make public transit information integral to public notices whether it is a policy or implementation.

Commissioner Sweeney referred to ES-E.1.1 and suggested changing the wording from “reducing parking requirements” to “changing parking requirements” because those changes could include reduced requirements, unbundling parking, shared parking, or paid parking.

Chairperson Anderson opened the public hearing.

Barry Ferrier, 32212 Allison Way, Union City, stated his concerns that the introduction spoke only of future generations and not the current generation. Mr. Ferrier suggested adding the word “preserve” to the last sentence of the introduction so that it reads “preserve and improve. . .” Mr. Ferrier suggested looking at ways to get water from the Bay in addition to conservation practices. Mr. Ferrier suggested

adding the water district, park district and sewer district in addition to the other agencies listed in ES-A.3. Mr. Ferrier suggested adding other cities for coordination purposes especially in regards to traffic light synchronization to reduce traffic issues. Mr. Ferrier suggested adding something about public/private partnerships. Mr. Ferrier spoke about using people movers. Mr. Ferrier agreed with Commissioner Sweeney's comments on changing the word "prioritize". Mr. Ferrier suggested that there should be new alternatives or types of public transportation, such as the people movers.

Chairperson Anderson closed the public hearing.

Commissioner Sweeney made a motion to continue General Plan Amendment AG-01-07 to the Planning Commission meeting on December 6, 2007.

Commissioner Lew seconded.

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

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:** None.

**VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS:** None.

**VIII. COMMISSION MATTERS:**

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

**B.** Upcoming applications for the next Regular Planning Commission meeting for December 6, 2007.

**IX. GOOD OF THE ORDER:**

Commissioner Crosby stated that the water fountain in the park at the Brookstone subdivision is not working.

Commissioner Singh noted that on Dowe Avenue between Alvarado-Niles Road and Atlantic Street there are no street lights working for about a half mile of road.

Commissioner Sweeney stated that there is a line of sheds on display in the Lowe's parking lot and she believes that that type of display is prohibited.

Commissioner Sweeney stated that it looks like the height of the materials in the garden section is higher than the wall at the Lowe's store.

**X. ADJOURNMENT:** 8:40 p.m.

**APPROVED:**

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**TIKISA ANDERSON, CHAIRPERSON**

**ATTEST:**

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**MARK LEONARD, SECRETARY**