

CITY OF UNION CITY

**MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF APRIL 17, 2003, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Anderson, Kelley, Lew, Savage, and Sweeney

STAFF PRESENT: Mark Leonard (Economic and Community Development Director; Carlos Jocson (City Engineer); John Bakker (Assistant City Attorney); Joan Malloy (Planning Manager); Aki Honda (Associate Planner); and Kris Fitzgerald (Administrative Assistant)

II. APPROVAL OF MINUTES:

The minutes for the regular Planning Commission meeting of March 27, 2003 were approved with corrections.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. SITE DEVELOPMENT REVIEW SD-02-03; USE PERMIT UP-01-03; ZONING TEXT AMENDMENT AT-01-03; VARIANCE V-01-03:**
Initiated by Ahmad Mohazab, of Tecta Associates, on behalf of the property owner, Lolita Pineda, the applicant is requesting approval to construct a 6,069 square foot, two-story office and commercial building on an approximately 7,200 square foot property on the northwest corner of Union Landing and Alvarado Niles Road located on vacant property identified as 31210 Alvarado Niles Road (APN 463-60-29) in the City of Union City. The project entails a request for a Zoning Text Amendment, AT-01-03, to modify the Union Landing Commercial zoning district to allow dental offices within this zoning district. The applicant is requesting approval to allow a dental office use to occupy the second floor of the proposed building. The project also entails a Use Permit application, UP-01-03, requesting approval to allow the establishment of a restaurant use in this building in the Union Landing Commercial zoning district. Further, the applicant is requesting approval of Site Development Review and Variance applications to allow the construction of the two-story building with reduced front and rear yard setbacks. The current General Plan designation for the project site is CR (Retail Commercial) and the current Zoning designation is CUL (Union Landing Commercial).

Aki Honda, Associate Planner, presented the staff report.

Chairperson Sweeney asked where the Union Landing monument sign is going to be placed when Alvarado-Niles Road is widened.

Ms. Honda stated that it is on a separate parcel.

Mark Leonard, Director Economic and Community Development, replied that the Union Landing monument is on its own parcel, is setback enough, and should not need to be moved.

Chairperson Sweeney asked if the bus stop is included in the fourteen-foot right-of-way that is needed to widen Alvarado Niles Road.

Carlos Jocson, City Engineer, replied that it is not included.

Commissioner Lew stated that she noticed that there is a dental office along the driveway by Albertsons from Alvarado Niles and why is this project different from the existing dental office.

Mr. Leonard replied that a very small portion of Union Landing was designated Community Commercial and that is why neighborhood serving uses were allowed. Albertsons is considered a neighborhood serving use as it doesn't have a sub-regional draw. The Syufy property got a designation different from the rest of Union Landing. The planning concept was to zone the rest of Union Landing to attract outside shoppers to assist in our economic development, so it was a way of structuring the zoning to capture more outside business.

Commissioner Lew asked for clarification that the reason staff is recommending denial does not have to do with the Text Amendment request.

Mr. Leonard replied that the only item that staff is recommending approval of is the Zoning Text Amendment to allow dental offices on the second floor. The basic issue is the special consideration that the applicant is requesting for setbacks, which in this case, would then interfere with the City's ability to widen Alvarado Niles Road.

Commissioner Lew asked about condition #12 and whether it is our plan to limit it public art to fountains and sculptures.

Ms. Honda answered that those were just examples of different types of art that could be placed on the site and is not limited to these types.

Commissioner Kelley asked if the bus stop would stay in the same location after widening Alvarado-Niles Road.

Mr. Leonard replied that it could either stay there or it might move a little to the west. It would have to be engineered.

Mr. Jocson stated that the bus stop locations are actually determined by the Transit Division. Usually they can relocate the stop within certain limits or they may decide not to use that location at all. The traffic study shows that Alvarado-Niles Road will be widened in the future.

Commissioner Kelley asked how close we are to widening Alvarado-Niles Road.

Mr. Jocson replied that the study indicates that we will need to widen by 2015.

Commissioner Kelley asked if the applicant has addressed trash pickup and delivery with potential restaurant uses.

Ms. Honda replied that they have not had any information from the applicant regarding this issue.

Commissioner Kelley asked about the impact for emergency vehicle access.

Ms. Honda replied that because the back of the building has openings in terms of windows and a doorway, the building code requires that there be a minimum ten-foot setback, however, there is only a four-foot setback between the property line and the building. The Building Department and the Fire Department for emergency access purposes would like to see a minimum twenty-foot emergency vehicle access and "no build" easement rather than a ten-foot setback which would require a new condition of approval. It requires that an easement be recorded on the property and would encumber not only this property but the hotel property as well.

Commissioner Anderson asked if the revenue stream from this project has been calculated.

Mr. Leonard stated that it has not been calculated. Restaurants generate a little sales tax, and any kind of office development or dental offices does not generate sales taxes. The building itself would generate a little bit of property tax increment to the Redevelopment Agency since it is in a redevelopment area. Staff does not believe that the sales taxes off of the restaurant would be a compelling factor.

Commissioner Anderson asked if the sales tax generated would cover services.

Mr. Leonard stated that it depends upon the type of restaurant, for example T.G.I.Friday's generates many calls for services and whatever the City is receiving in tax revenue probably does not pay for the City's services. It is a difficult question to answer since it is unknown what type of restaurant would be opened there.

Commissioner Anderson asked about strip center type development definition and does this project fit that category.

Mr. Leonard replied that it does not.

Commissioner Anderson asked if private security for the site was addressed in the application.

Mr. Leonard stated that this point was not addressed. It is not a requirement. Typically private security is asked for when there are businesses that would generate substantial crowds.

Commissioner Anderson asked about who would be taking over the long-term management of the site.

Mr. Leonard referred the question to the applicant.

Commissioner Anderson referred to page 17, between conditions #70 and #71 and stated that there is a sentence that doesn't have a number. He asked if that sentence should have its own number.

Mr. Leonard stated that the sentence is part of condition #70. It is a request that the applicant complete a worksheet to be submitted the City to evaluate the water quality controls.

Commissioner Anderson felt that it should have a "shall" in the sentence.

Mr. Leonard said that was not necessary but could be added if the Commission deems it necessary.

Commissioner Anderson asked about the landscaping for the project site.

Ms. Honda showed a slide that indicated minimal landscaping for the site.

Commissioner Anderson stated that there is a policy goal that there should be more landscaping at Union Landing.

Mr. Leonard said that this application does not meet the minimum required landscaping policy. That minimum is 15 percent of the site area.

Commissioner Anderson asked how does the Commission address this issue.

Mr. Leonard said that the Commission would have to make a finding that the applicant doesn't have to meet or cannot meet the landscaping policy or otherwise modify the project to meet the requirement.

Commissioner Anderson asked about parking allocated at the site.

Mr. Leonard stated that there has been a long recorded easement on the Holiday Inn Express parcel to serve as parking for this property.

Commissioner Anderson asked if because the parking area is being used by 2 different businesses does that fit the definition of joint use parking.

Mr. Leonard said that given the use of the 2 sites, perhaps the question should be is there enough parking to meet the city ordinance and the answer is yes.

Commissioner Anderson asked if the Commission wanted to grant the Variance for the setbacks what reason would they use.

Mr. Leonard said that the findings are in the staff report on page 8 and the Commission should make findings based upon the ordinance requirements.

Commissioner Anderson wanted to know if there were any special reasons to excuse the project from meeting the requirements.

Mr. Leonard said that he was not convinced that there were any reasons.

Commissioner Kelley asked if there was any estimation for the revenue impact if they adopt the Zoning Text Amendment.

Mr. Leonard said that it would be a near zero impact, the reason is that at this time everything out at Union Landing is mostly on the first floor with the exception of the hotel. This allows non-revenue generating uses above the first floor only, i.e., dentists, so given how Union Landing has developed there should be no impact.

Chairperson Sweeney asked about the widening of Alvarado-Niles Road and if there would be a sloping bank or retaining wall.

Mr. Jocson said that the City would determine at the time of the design phase what would be needed.

Chairperson Sweeney asked if the wall would have to be built now because of the proximity of the new building.

Mr. Jocson said given the design of the new building and the fact that they would like to maximize their space that it would be prudent of them to consider installing a retaining wall at the proper setback.

Chairperson Sweeney asked about the additional driveway off of Alvarado-Niles Road and whether that driveway was on this property.

Mr. Jocson said that the new driveway was not on the property. The reason they are providing a second driveway for the Holiday Inn Express is because the City will be closing the median on Union Landing Boulevard and to mitigate this impact a new driveway is being provided for Holiday Inn Express.

Chairperson Sweeney asked if the driveway would be put in regardless of what type of construction goes on at this site.

Mr. Jocson stated that that was correct.

Chairperson Sweeney opened the Public Hearing.

Ahmad Mohazab, Tecta Associates, 55 Grant Avenue, Suite 600, San Francisco, CA 94108, is the project architect for the new property owner, which is currently in escrow. The project originally was approved in 1993 for a three-story building. He was originally going to ask for a continuance and direction for the project. His client is a dentist and wants to locate his offices on this property. He said that he would like a Zoning Text Amendment for a dental office for a conditional use that would not set a precedent for other properties in the area. He also represents Martin Yan of the Yan Can restaurants. He has shown the property to Mr. Yan who has shown an interest in having a restaurant in Union City. If, however, the City does not want a restaurant, he would pursue a retail store instead. He feels that this site is worthy of getting a Variance. His client has a property that does not permit the full setbacks. Mr. Mohazab referred to a plan with a twenty-foot setback. This makes a smaller building with a twenty-foot setback for a one-story building. A one-story building doesn't really pay on this site. His client is the user of this property and he has to be able to make the payments on the property. Mr. Mohazab asked if a twenty-foot setback is acceptable for a one-story bldg, then why does he need a twenty-five foot setback for a two-story bldg. Mr. Mohazab said that he spoke with planning and public works staff about the possibility of widening Alvarado-Niles Road and was told that it would not be widened at this time. Mr. Mohazab asked what the city staff is going to do about the handicap access ramp, sign and dental office that are

currently located at the Albertsons driveway. If Alvarado-Niles is being widened a one-story building would be just as much in the way as a two-story building. Mr. Mohazab is not sure how to resolve the problem with the rear setback because the hotel is not going to give them an easement. Mr. Mohazab is prepared to come back to the Planning Commission with a building that is setback twenty-feet. Mr. Mohazab said that he really needs a two-story building.

Commissioner Anderson asked what are the options for this property instead of a two-story building.

Mr. Mohazab said that he has prepared two alternative plans; one is a two-story building with a twenty-foot setback, instead of the fifteen-foot setback. The other is a one-story building with twenty-foot setback. This would result in a building size of approximately 2,877 square foot. Mr. Mohazab believes that the second story is a necessary element. Mr. Mohazab said that the landscaping and the plaza at the front of the building were originally intended to have outdoor seating for the restaurant. Mr. Mohazab said that the reason there is no landscaping around the back of the building is that the City asked for continuous sidewalk all the way around the back of the building. Mr. Mohazab said that they also provided windows on the back of the building to open onto the hotel side of the property so that the hotel is not surrounded on three sides by blank walls.

Commissioner Anderson asked about how much distance there would be between the hotel and the new building.

Mr. Mohazab said there would be about thirty-five feet from the hotel.

Commissioner Anderson said to assume that the new building meets all the setback requirements.

Mr. Mohazab said that there is a twenty-five foot driveway, ten feet from the driveway to the wall, so maybe forty feet.

Commissioner Anderson asked about the stream of profit and if they have worked out what the City would get out of it.

Mr. Mohazab said that he has not because they have gone back and forth on what the City would allow. The Economic Development Department recommended a spa. Mr. Mohazab has a client who operates a spa and they might be able to find a client for that use.

Commissioner Kelley asked how viable it was to put outdoor seating next to a four to six lane road.

Mr. Mohazab said that it is just like putting outdoor seating at Pasta Pomodoro next to a two-lane road and a parking lot.

Commissioner Kelley asked if there would be any separation between the outdoor area and the sidewalk.

Mr. Mohazab said there is no intention to put a wall or anything there. However, Yan and his development people have been to this site and are very interested.

Commissioner Kelley wanted to know where deliveries would be made and trash picked up for the restaurant on the first floor.

Mr. Mohazab said that originally they had an agreement with the old hotel to rebuild the trash area to accommodate both properties. If that is not possible then they would have to design an indoor trash room. Mr. Mohazab said that deliveries would be from the front during off hours.

Chairperson Sweeney asked if the Planning Commission granted a continuance so the applicant could come back with a twenty foot setback would that include drawings that depict how this project would look after the widening of Alvarado-Niles Road.

Mr. Mohazab said he would ask the City Engineer to provide plans to show how the widening would be accomplished. However, he would provide plans with a twenty-foot setback.

Chairperson Sweeney stated that her concern is that they are constructing a building that will be three feet below the current grade of the roadway. Any road widening of the roadway will continue the road at its current elevation and there will be a very minimal distance between the building and the finished edge of the roadway. The City is asking for an additional six-foot public utility easement, which would barely be accommodated up to the edge of the building at a three-foot elevation. Chairperson Sweeney asked how this would be accomplished.

Mr. Mohazab asked if she would consider asking that question of the City Engineer. Mr. Mohazab said that this would also involve the other dental office because they are at the same elevation and there is also a three-foot high handicap ramp in that setback area.

Chairperson Sweeney asked if his position is that he would come back with a different plan with the anticipation that the road-widening plan is not going to happen and especially that the six-foot public utility easement is not real.

Mr. Mohazab said that he would work with the City Engineer to resolve these issues.

Chairperson Sweeney asked about the recorded parking easement. Chairperson Sweeney referred to a document that referenced a map that was not included that showed where the forty-eight parking spaces for the project are and wanted to know where the spaces are.

Mr. Mohazab said that the parking spaces are adjacent to and north of the project. They are the first two rows near to the existing driveway on Union Landing Boulevard.

Chairperson Sweeney asked for confirmation that the hotel property owner granted the applicant's property parking spaces directly in front of the existing hotel.

Mr. Mohazab stated that it had been done this way because there had been a restaurant approved for this site several times.

Chairperson Sweeney asked if the construction of the parking spaces would not need to be done.

Mr. Mohazab said that the only thing they would have to do would be to redo the handicap parking spaces because they don't meet grade requirements.

Chairperson Sweeney asked the applicant if there would be any problem with the requirement in the mitigated declaration, which states that the applicant shall dedicate 14 feet of land for the future road widening of Alvarado-Niles Road.

Mr. Mohazab stated that there would be no problem.

Commissioner Kelley stated that the City received a letter from the Holiday Inn Express stating that they were concerned about the financial impact of the new building. Commissioner Kelley asked the applicant how his project would impact the hotel.

Mr. Mohazab stated if a restaurant was allowed in our building it would positively benefit the hotel by giving the hotel patrons an additional place to go. Their intent is not to visually block the hotel, however the hotel can no longer be seen from Interstate 880 because it is already being blocked by other recently constructed buildings.

Commissioner Kelley asked how does the height of the top of the building compare with the height of the sign on the hotel.

Mr. Mohazab was not sure.

Mr. Leonard believes that the monument sign for Union Landing Theaters is about sixteen feet high.

Mr. Mohazab stated he would have to look at his plans and see how tall the building would be. Mr. Mohazab said that the building would be thirty-three feet tall minus the three-foot grade and therefore about thirty-feet from the roadway grade.

Mr. Leonard stated that he has a letter dated from 2001 to Dr. Pineda that states due to the increase in traffic in the area there is a possibility of widening Alvarado-Niles Road. Also, that the land being taken for the widening would not be a straight line from Union Landing Boulevard to Dyer Street. Instead, as the future widening gets closer to Dyer Street the amount of land needed from the frontage strip becomes less.

Mr. Jocson says that the plan shows they would need less and less land as they near Dyer Street. It is only at the corner of Alvarado-Niles Road and Union Landing Boulevard that they do not have the right-of-way.

Mr. Mohazab requested a copy of the City Engineer's plan for the widening of Alvarado-Niles Road.

Chairperson Sweeney closed the Public Hearing.

Chairperson Sweeney asked the staff about the Zoning Text Amendment and would that apply to the entire commercial Union Landing area. She wanted to know if there was any possibility of changing the zoning of this particular parcel to a Community Commercial Zone along the lines of what was done to accommodate the In-N-Out application by changing the specific parcel only.

Mr. Leonard replied that the hotel is an existing use and staff would not want to recommend the change because the hotel would become non-conforming. It may be more than just redesignating this property. It would require restructuring the text and also it would be a General Plan Amendment.

Chairperson Sweeney agrees with staff that she does not want to reinstate the first floor medical and dental offices in Union Landing, but would like to find other options.

Chairperson Sweeney addressed the signage of the existing hotel being blocked. She would like to ensure that there are limitations so that the proposed project being built would not block the signage on top of the hotel.

Mr. Leonard stated there are computer programs that would allow study this, however, we do not have that software.

Commissioner Anderson said there are four items before them. He stated that we can only vote on what we have before us. Commissioner Anderson said that they could not vote on the Zoning Text that was before them because they can't find evidence to support the Use Permit or Variance.

Commissioner Anderson said that his biggest problem with the Site Development Review was the letter from the hotel concerning the impact to their business. Commissioner Anderson wanted to know if they should deny the project or should we continue the project to allow for more discussion and more opportunity to make changes.

Chairperson Sweeney stated that the willingness of the applicant to ask for continuance is a good sign, but the redesign needs to fit in this area.

Commissioner Lew stated that as the City grows more and more, parcels are developed and one parcel is left. It is going to be difficult to develop these remaining sites. Commissioner Lew feels that the Owner/Applicant is at a serious disadvantage.

Janis Taylor-Watson, 3244 Santa Carlos Way spoke about the problem with traffic in that area, U-turns, people having trouble crossing the roads, cars driving into fences and houses in the area. She stated that she feels that more development would be detrimental for the area.

Chairperson Sweeney asked if the future fourteen-foot widening would be added on the north side only.

Mr. Jocson replied only on the north side.

Chairperson Sweeney clarified that it is only the north side between the Holiday Inn Express and the service driveway into Albertsons.

Commissioner Kelley said that the Zoning Text Amendment that would permit second story dental offices would be reasonable but he is concerned that a two-story building at this location would be detrimental to the Holiday Inn Express. He is also concerned with regards to the trash and the way supplies would be delivered to a restaurant at this location. He would have a difficult time voting for any of these changes.

Commissioner Anderson stated that he had a solution, his first inclination was to deny without prejudice but would like to give the applicant an opportunity to see what he can do. He would like everyone to consider a continuance.

Chairperson Sweeney stated that she would support a continuance.

Commissioner Anderson moved to continue Site Development Review SD-02-03; Use Permit UP-01-03; Zoning Text Amendment AT-01-03; Variance V-01-03.

Mr. Leonard requested the Commission to continue each of the items. Mr. Leonard requested to ask the applicant what would be a good date for him to come back to the Planning Commission.

Mr. Mohazab said that he had until June before the property falls out of escrow. He asked the Planning Commission what their direction would be. He wanted to know if they would approve a two-story building.

Mr. Mohazab said that if he could not get a Zoning Text Amendment for a second floor dental office then he would not come back. Mr. Mohazab said that if he can't get a Variance from a twenty-five foot setback then he wouldn't come back.

Commissioner Lew asked what happened if the Planning Commission denies the application.

Mr. Leonard stated that the Zoning Text Amendment, if the applicant wishes to pursue it, would require City Council review, even if the Commission denied the application. Mr. Leonard stated that if the Planning Commission denies the application it could be appealed.

Mr. Mohazab said that he would attempt to get his materials ready for the May 15, 2003 meeting of the Planning Commission.

Commissioner Kelley says he doesn't see a problem with a Zoning Text Amendment for second floor dental offices as a conditional use.

Commissioner Anderson moved to continue to the May 15, 2003 Planning Commission meeting Site Development Review SD-02-03; Use Permit UP-01-03; Zoning Text Amendment AT-01-03; Variance V-01-03.

Chairperson Sweeney seconded.

The motion passed by the following vote:

AYES:	3 (Sweeney, Anderson, Savage)
NOES:	2 (Lew, Kelley)
ABSENT:	0
ABSTAINED:	0

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

- 1. SITE DEVELOPMENT REVIEW SD-01-03: Joe Sordi, on behalf of KB Home South Bay, Inc., has submitted an application for Site Development Review for the design and layout of 52 one- and two-story, single-family residences on an approximately 8.1 acre site located at 33155 Railroad Avenue (APN 486-0036-039-02 and 486-0036-040). The project site is located on Railroad Avenue between D Street and the Dry Creek Channel.**

Chairperson Sweeney adjourned the meeting for a 10-minute break.

Meeting resumed at 8:45 pm

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Anderson asked what the roofing material was.

Ms. Malloy said that the roofs are of concrete tile roofs and they are barrel vaulted or a flat style.

Commissioner Anderson asked about page 11 and the sentence between conditions #27 and 28. He feels that it needs it's own number.

Ms. Malloy said that it is part of condition #27, which reflects the landscape plan, however, we could add it if necessary.

Commissioner Anderson wants to put a "shall" statement on that sentence.

Chairperson Sweeney pointed out that many of the conditions have more than one statement that uses the word "shall".

Commissioner Anderson asked about condition #27 and what happens to the landscape maintenance after the 2 years period is up.

Mr. Jocson stated that the City takes over the landscape maintenance of the public areas.

Commissioner Anderson asked about conditions #57 and #71 the five feet of encroachment on everyone's property as part of the right-of-way, including the driveways and part of the front yard.

Ms. Malloy replied that in this particular development on the roadways the actual right-of-way is forty-six feet, thirty-six feet curb-to-curb and behind the curb there is a six-foot public utilities easement.

Commissioner Anderson asked why is there a need for an encroachment permit.

Mr. Leonard stated that whenever there is a cut from private property onto public property we require an encroachment permit so that we can be sure that the cut is done safely and to city standards.

Commissioner Anderson asked to what date this item would be continued.

Mr. Leonard stated it would be continued to May 15, 2003.

Commissioner Anderson asked how high the sound walls are on Railroad Avenue.

Mr. Leonard stated they are nine feet tall on Railroad Avenue between the rear of the homes on the side yards.

Commissioner Kelley spoke of his concern about the wall that is adjacent to the future city park with regards to safety and graffiti. He asked if instead of having the five homes in this layout to have four homes back-to-back and a street that went around on the park side.

Mr. Leonard stated that is not the subject of this application. All we are reviewing is the design of the homes. The subdivision layout has already been approved.

Commissioner Savage asked how tall the wall is in front of the Citation Homes Development along Railroad Avenue.

Mr. Leonard stated he would have to look it up; he believes that it is at least 8 feet.

Commissioner Lew asked about the traffic conditions at Whipple Road and Railroad Avenue and the impact that this project would have.

Ms. Malloy said that no traffic study was done. This has been considered residential property for many years and what was worked through the General Plan Amendment and the Zoning Map Amendment was the size of the lots and park area.

Commissioner Lew asked if the intersection of Railroad Avenue and Whipple Road has been looked at recently.

Mr. Jocson said that traffic counts have not been done recently. Mr. Jocson said that there is a project that includes that intersection which is to widen the intersection so that buses may make the right turn to the school safely. Mr. Jocson also stated that that section of Whipple Road from Central Avenue to Mission Boulevard is not a truck route.

Commissioner Lew stated she is concerned about the amount of traffic that would be added to the area with cars going to Mission Boulevard and Interstate 880. Commissioner Lew feels that there is a problem with cars trying to turn left onto Railroad Avenue and cars backing up on Whipple Road. She would like the City to look at that intersection in the future.

Mr. Jocson stated that he could request a study, but he assumed 2 cars per unit for a total of 104 cars and he estimated trips generated would be twice that for about 208 trips and that it would not substantially impact the existing traffic on Whipple Road at peak times.

Commissioner Lew feels that that intersection is already a problem. She wanted to bring it to the City Engineer's attention.

Mr. Jocson stated at the Commissioner's direction he could request from the developer to calculate the trips generated by this project.

Commissioner Lew stated that on Exhibit A, page 1, it shows Eleventh Street running parallel to the park and is that going to be called Eleventh Street.

Ms. Malloy stated that the street adjacent to the park would carry a new name, "Green Street."

Commissioner Lew asked about the conditions of approval and why some are written stating they must be completed to a certain standard and some must be completed to the City's satisfaction.

Mr. Jocson says it is the City's attempt to be flexible in working with the developer in order to get a satisfactory product.

Commissioner Lew asked if there have been any problems in the past with this type of wording.

Mr. Jocson stated no, but perhaps the wording can be improved.

Commissioner Lew stated she was pleased to see a waste management plan referring to the Construction and Demolition Ordinance.

Commissioner Lew asked about the iron fence around Dry Creek.

Ms. Malloy said that there is a pathway along the top of the bank, however, there are a couple of issues, one is safety and keeping people out of the creek and the other is that often Alameda County Flood Control District requires fencing. This has been the typical treatment when there are parks adjacent to a flood control facility.

Commissioner Lew asked how tall would the fence be.

Ms. Malloy replied that the fence would be six feet tall.

Chairperson Sweeney spoke of her concerns about size of the homes. There are fourteen homes with potential of seven bedrooms, fifteen homes with potential of six bedrooms, so that more than half of the homes that are proposed for this development have the potential to have six or seven cars associated with each home. Chairperson Sweeney feels that this has been drastically understated in regards to the amount of cars for each home in this development and she feels that these homes are too large for these lots.

Chairperson Sweeney asked about condition #14 in regards to the noise reductions strategy by using sound rated windows to reduce the interior noise level. She wanted to know how we will know if it is effective.

Ms. Malloy said that they would defer to the sound engineer to certify the construction techniques. They make recommendations on window types and sound walls for noise insulation.

Chairperson Sweeney wanted to know at what point in the process is that determination made.

Ms. Malloy said that it could be made prior to issuance of building permits.

Chairperson Sweeney said that if the sound rated windows is not effective then the design of the homes would have to be changed.

Mr. Leonard feels that what Chairperson Sweeney is pointing out is a process issue that ought to be refined in the conditions and in this particular case, since this site is subject to some unusual noises because of three railroad lines as well as Railroad Avenue itself. Perhaps we ought to have the sound consultant review the building plans prior to the issuance of the building permits, to be sure that the measures that are designed into the homes will be effective in his opinion. We should get a sign off by the sound consultant on the plans that are submitted prior to the issuance of building permits.

Chairperson Sweeney would like to see that added to the conditions.

Chairperson Sweeney asked if there was going to be parking available for park users along Green street.

Mr. Leonard stated that it is a public street and it is designed at a width that would allow parking on both sides.

Chairperson Sweeney asked if there would be parking along Eleventh Street by the sound wall.

Mr. Leonard stated that there would be.

Chairperson Sweeney asked if there was no parking along Railroad Avenue.

Mr. Leonard stated that is correct.

Chairperson Sweeney stated that she wanted to make sure there was adequate parking available for the homes with seven bedrooms.

Chairperson Sweeney noticed that as part of this development, the City is asking for an overlay of the street surface on D Street and Railroad Avenue and that as part of the Tentative Tract Map there is full curb and gutter on Railroad Avenue. Chairperson Sweeney asked if there would be curbing across the street on Railroad Avenue.

Mr. Jocson replied that there would not be curb and gutter on the east side.

Chairperson Sweeney stated that it was required of the Citation Homes Development, which is how the City got the curb across the street.

Mr. Jocson replied that there will be an asphalt curb but not the full curb and gutter on the east side.

Chairperson Sweeney noticed that there would be a gap.

Mr. Jocson stated that the City doesn't have the right-of-way to build anything other than that curb there.

Chairperson Sweeney stated that she understood that the City could not put a sidewalk in but she was suggesting putting in an actual concrete curb because right now it is asphalt to dirt.

Mr. Jocson stated that they would like the applicant to match what has been built at the Citation Homes Development.

Chairperson Sweeney asked if that work must be specified in the conditions.

Mr. Leonard stated yes.

Chairperson Sweeney invited the applicant to speak.

Joe Sordi, KB Home, 6700 Koll Center Pkwy, Pleasanton, CA is looking forward to working with the City to replace a dilapidated industrial use and replacing it with some great designs and a project that is going to make a marked improvement.

Mr. Sordi addressed two conditions #61 and #63 that they still have concerns about, the requirement for a tot lot and hydroseeding the park area. Mr. Sordi said that their attorney wrote a letter to staff requesting that these two conditions be deleted from the staff report. Mr. Sordi said that their opinion is that the park

related conditions were assessed at the time of the Vesting Tentative Tract Map and the map was approved in November of 2001. Mr. Sordi said that the City has had its opportunity to make conditions and that the owner, Mr. Gary Johnson, accepted the conditions that were approved in November 2001.

Mr. Sordi stated that there is also a problem with condition #60. There are submissions with respect to the work plan and the clean up that need to be clarified. Mr. Sordi stated that in the next couple of weeks he will meet with staff to walk through and bring them up to date on the strategy to move forward with respect to the clean up of the site and they would like a chance to refine condition #60 perhaps to set some more specific expectations as to what is being included in the work plan and to possibly move forward with the grading operation for the residential homes in conjunction with the clean up on the site.

Mr. Sordi also wanted to address some of the questions and issues brought up by the Commission. With respect to the traffic analysis for this project, there was a Negative Declaration done at the time of the Vesting Tentative Tract Map in November 2001 and it concluded there was no negative or adverse traffic impact, so they would not be open to doing any additional traffic counts at this point with respect to that intersection because we believe that the issue has been addressed and resolved.

Mr. Sordi stated that one of the other conditions that were already addressed by the Vesting Tentative Tract Map included the off-site issues of utilities and street improvements. Positions were discussed and the developer was not asked to do any improvements on the other side of Railroad Avenue. Mr. Sordi said that he could go back and discuss with his engineers the cost to put in curbing on the other side of Railroad Avenue. Mr. Sordi said that more than likely they would not be interested in doing the curbing. Mr. Sordi stated that he is in favor of the sound conditions and having them the evaluated and having the building permits signed off on by an acoustical engineer.

Mr. Sordi said that he was open to questions and that Ralph Strauss, the architect, was also here to answer any questions.

Chairperson Sweeney stated she is impressed with this development. She feels that the one story home is nicely done. They don't have a massive roof area, that is often seen on one story homes and she appreciates the attempts to reduce the mass of Plans 3 and 4 with the recesses and projections. She likes the roofline variety and the efforts at second story set backs.

Chairperson Sweeney stated her concerns about the siting of the homes. There are homes where the side of the home is exposed to Railroad Avenue and there is a sound wall that runs between the rear corners of the homes. In particular, Lots #28, #44, and #45 are all Plan 4 and the man door from the garage opens onto directly onto Railroad Avenue, so there is no one overseeing that area.

Mr. Sordi replied that is correct, there would be a man door opening onto Railroad Avenue.

Chairperson Sweeney clarified that the man door would be opening onto an area described by one of the conditions as a heavily landscaped area to break up the sound wall.

Mr. Sordi stated that is correct and that they can put in stepping stones or other landscaping in that area.

Chairperson Sweeney asked if the developer was going to provide extra security of some sort on those man doors. She believes that it will be a security issue on the Plan 4 homes along Railroad Avenue.

Mr. Sordi asked what is meant by extra security.

Chairperson Sweeney gave examples of additional fencing, stronger doors to deter break-ins.

Mr. Sordi replied that perhaps some type of security door could be provided.

Chairperson Sweeney asked about fences on the long side of Lot #6 and Lot #20. Chairperson Sweeney asked if they were side yard fences and if they were six feet tall.

Mr. Sordi replied that the fences are six feet tall.

Chairperson Sweeney asked about the landscaping that is being provided for Lots #6 and #20 and would there be landscaping in the front and then along the street side yard between the fence and the street.

Mr. Sordi replied that is correct, the landscaping would wrap around from front to side.

Chairperson Sweeney asked if they would have a problem if asked to provide heavier landscaping up against those fences so it is not just a blank fence with a little strip of grass.

Mr. Sordi stated that would not be a problem and that he would be open to the change to increase landscaping on side yards.

Chairperson Sweeney asked why Lot #1, which is on the corner of Green Street and Railroad Avenue and backs onto the park, has nine foot precast concrete wall, while Lots #2, 3, 4, and 5 have an eight foot concrete wall. She wanted to know if there were any provisions for a transition from one height to the other.

Mr. Sordi said that they would be glad to step it down. The sound report required a nine-foot wall wrap around the back yard for Lot #1 but not the other lots, however, they could match it and make all of them nine feet tall or they can step it down to eight feet.

Chairperson Sweeney asked about transition of the eight-foot concrete wall that wraps around Lot #5 to the six-foot wooden fence up to the house.

Mr. Sordi said that the fence should wrap all the way around to the house. Mr. Sordi suggested that since it is not a sound requirement they could put a production wood fence from the concrete wall to the house instead of just wrapping the concrete wall all the way around.

Chairperson Sweeney said she has no problem with the wood fence as long as the height is matched.

Mr. Leonard asked for clarification of which fence is being discussed and if Chairperson Sweeney wants the wall to step down to meet the fence.

Mr. Leonard pointed out that fences or walls can only be three feet in height in the first twenty feet for visibility purposes. Mr. Leonard stated that from the front to a certain point there would either be no fence or a three-foot high fence.

Chairperson Sweeney stated that she was concerned with the fence that goes between the building and the concrete wall, not the fence that goes out to the street.

Chairperson Sweeney asked if there might be a gate at that site.

Mr. Sordi said that he didn't think so.

Chairperson Sweeney asked if there was a twenty-foot front yard set back.

Mr. Leonard agreed that there is a twenty-foot front yard set back.

Chairperson Sweeney said then that would be where the three-foot fence would go.

Mr. Leonard said either a three-foot fence or no fence at all.

Chairperson Sweeney said that because it is next to the park that lot would presumably have a fence in the front yard.

Mr. Sordi stated that perhaps there should be a three-foot wall in the first twenty feet and then step it up to the eight-foot wall at the rear of the lot.

Chairperson Sweeney asked if the sound study had dictated the eight-foot wall around the lot.

Mr. Sordi replied that it was not needed for Lots #2 through #5; they just attempted to match what had to be done for Lot #1. Mr. Sordi said that according to the sound study, they were not required to do any sound fencing for Lots #2 through #5.

Chairperson Sweeney said that possibly the rear fences could be stepped down from the nine-foot fence at Lot #1 to a standard height fence by the time it gets to Lot #5. Chairperson Sweeney said that she was trying to avoid what was done in the past where fences abruptly changed heights.

Mr. Leonard said that we just have to make sure that we are not creating an interface problem between the homes and the park by stepping down the fence.

Chairperson Sweeney said that we need to be sensitive to the fact that there will be a concrete wall just five feet from the building.

Chairperson Sweeney asked about the models that have stone veneer across the front and does the stone veneer wrap to where the fence line will be.

Ralph Strauss, SDG Architects, Inc., 1240 Central Boulevard, Suite B, Brentwood, CA 94513, said that according to the plans when the stone is on the face of a house it would turn a corner and go back to the fence.

Chairperson Sweeney asked about windows in the garages. She noticed that Plan 4 is the only plan that has windows in the garage. She wanted to know why none of the other plans have windows in the garages.

Mr. Strauss said that there could be windows in the garage doors.

Chairperson Sweeney asked about the vents in the roofline, she felt that they were very rectangular and industrial looking. She wanted to know if there is any way there could there be some variety.

Mr. Strauss said that it might be possible; they just have to meet certain ventilation requirements for the attics.

Chairperson Sweeney asked why did the roofline appear clipped on Plan 3B. She wanted to know if there was any particular interior space issue.

Mr. Strauss said that it was not an interior problem but an exterior issue. Mr. Strauss said that on many of the plans down the right side there is some very nice articulation on the sides stepping in towards the rear, that creates a step in the roof.

Chairperson Sweeney asked if the side elevation enhancements for the corner lots could be placed on the other lots.

Mr. Strauss stated that would add substantial expense. Mr. Strauss said that they worked with staff for many months to enhance the fronts of the homes.

Chairperson Sweeney asked if the enhancements could be placed on the lots that back onto the park.

Mr. Sordi stated that it would be an enhanced rear elevation. Mr. Sordi said that it might be possible.

Chairperson Sweeney asked if the three Plan 4 homes facing onto Railroad Avenue could have something done to vary the roofline or treatment.

Mr. Strauss said that it might be done by using different elevations.

Chairperson Sweeney said that she is concerned that if one of the styles is more popular than the others we could end up with three of the same elevations facing onto Railroad Avenue.

Chairperson Sweeney asked the condition state that on Lots #28, #44, #45 shall be one of each of the three available styles.

Commissioner Kelley asked about what the dimensions are of Lots #44 and #45

Mr. Sordi believes that they are all approximately fifty-five feet; it might go a foot or two either way but to allow for the additional side setback on the corner lots.

Chairperson Sweeney asked about the new condition #9 that removed the sentence regarding the integral color coat for the final color coat on the exterior walls.

Ms. Malloy replied that the applicant pointed out that there are three different color schemes for each model as well as within those color schemes three colors and that providing an integral color on each of those schemes would be a very complicated process.

Chairperson Sweeney asked about condition #11 the removal of fireplaces but not the chimney.

Mr. Leonard said that every home will have a chimney but the builder will offer fireplaces as an option. The builder wanted to keep fireplaces as an option and staff wanted to keep the chimneys for the sake of the exterior elevations.

Mr. Sordi said that one of the things that they try to provide more choices to the buyers. Mr. Sordi said that today's buyers don't necessarily want a fireplace that competes for space within the home.

Chairperson Sweeney asked if at a future date a future buyer could retrofit the home for a fireplace. Chairperson Sweeney asked if the chimney is an architectural element or a functioning chimney that doesn't have a fireplace attached.

Mr. Sordi replied that the chimney would be functional.

Mr. Leonard suggested adding a change to condition #11 to add "functional chimneys".

Commissioner Kelley said that he would rather remove the chimneys and fireplaces all together.

Chairperson Sweeney said that if the house has a chimney, then there is a possibility of using it. She believes that putting it on as an architectural element is frivolous.

Commissioner Kelley asked if it could be left up to the buyer whether or not there is a chimney at all on the house.

Mr. Strauss said that it would add more variety to the streetscape and the homes. Mr. Strauss wanted to clarify that if there is no fireplace the chimney would not be functional.

Chairperson Sweeney stated if it is just a decoration then she is not that interested in having them.

Commissioner Kelley asked if a house didn't have a fireplace why would they want a chimney as well.

Mr. Strauss replied that they have never been asked to place a chimney when there isn't a fireplace as well.

Commissioner Kelley stated that he believes that this places additional restrictions that aren't necessary.

Mr. Strauss asked if it is possible to remove the chimneys when there is no fireplace.

Commissioner Lew asked why the word "fireplace" was deleted from condition #11.

Mr. Leonard said that it was done at the request of the applicant. Mr. Leonard stated that if the Commission wanted the houses to have fireplaces then he would recommend that condition #11 read as it was originally written in the March 27 report.

Commissioner Lew stated that she has a fireplace and she can burn wood or a gas log and that she thought that was standard.

Mr. Leonard said fireplaces and chimneys were required for the KB Home development "California Rosecrest." It was considered to be an amenity that helps to upscale the community.

Commissioner Lew stated that she believes that it provides heat as well as the furnace. She stated that she spoke with Air Quality Control because air quality standards prevent wood burning on certain days but there is no problem with a gas log as an alternative to the furnace.

Mr. Leonard stated that all fireplaces have to meet very strict Bay Area Air Quality Management standards so we only allow certain types of fireplaces.

Commissioner Lew asked if we require gas fireplaces.

Mr. Leonard responded affirmatively.

Commissioner Lew asked why the applicant does not want fireplaces in the plans.

Mr. Strauss stated that homebuyers demand a lot of variety and some buyers have very large televisions that if the fireplace is put in the plan there is not room for their television in the media niche, especially wide screen and plasma televisions. Therefore, some buyers would rather have a larger entertainment center than a fireplace.

Commissioner Lew asked if they are building homes now without fireplaces.

Mr. Strauss replied that they are building homes like that all over the place including California and Reno but he does not know the percentage of units being sold without fireplaces.

Commissioner Lew asked if that was the trend to make fireplaces optional.

Mr. Strauss replied that it is.

Commissioner Lew asked which cities are approving these types of plans.

Mr. Strauss replied that every city that they are currently working in has approved these types of plans, including Seaside, Brentwood, Pleasanton and the entire Bay Area and Central Valley.

Commissioner Lew asked how long this change has been going on.

Mr. Strauss replied that it has been a gradual change from wood burning fireplaces to non-wood burning fireplaces and that, in fact, in some areas wood burning fireplaces are no longer allowed to be put in. It has been perhaps for the last ten years.

Commissioner Lew asked are these considered upscale homes.

Mr. Strauss replied that they are considered very nice homes.

Commissioner Anderson asked if the applicant wants condition #11.

Mr. Strauss said that his preference is that if there is a fireplace then there is a chimney and if there is no fireplace then there is no chimney.

Commissioner Anderson stated that condition #11 states that you should have fireplaces and chimneys on all residences within the development. He asked if that is how they want it to read.

Chairperson Sweeney stated that the condition was revised in the April 17, 2003 staff report.

Commissioner Anderson noted that he was looking at the old report.

Chairperson Sweeney stated that it was changed to take out the fireplaces and leave the chimneys and she feels that it is up to the buyers and what they want.

Mr. Strauss replied that they would rather leave it to the homebuyer to decide what upgrade they want to purchase.

Commissioner Lew asked why the chimneys are still there.

Mr. Strauss replied that they were asked by staff to show the chimneys.

Commissioner Lew asked if they were going to come back with drawings of homes without chimneys.

Mr. Strauss replied that he could bring drawings of homes without chimneys.

Chairperson Sweeney stated that there is a condition for a burrowing owl survey prior to issuing the grading permit and it is a standard condition. However, condition #68 stated that the grading permit can be obtained if deemed necessary by the City Engineer. She feels that condition #68 should be removed.

Mr. Jocson replied that condition #68 could be removed.

Chairperson Sweeney asked about condition #76 which states that trees will be replaced on site according to the tree ordinance, does that include trees that would be placed on site in addition to prior existing trees. She would like to know if that means extra trees could they go in the park.

Ms. Malloy said that the trees could go along the wall adjacent to the pathway.

Chairperson Sweeney asked would they be in addition to the ones we see here or was it counting the ones we are already getting.

Ms. Malloy stated that the calculations on how many trees would be required has not been done. Ms. Malloy stated that many of the trees around the perimeter are of poor quality.

Chairperson Sweeney stated that she thinks that most, if not all of the street trees will be replaced. Chairperson Sweeney asked if replacement trees could be used in the park.

Chairperson Sweeney asked would it be better to remove the words "on site" so that the trees could be placed where they are needed.

Mr. Leonard replied that he would agree.

Chairperson Sweeney asked about conditions #54 and #108 which both talk about complying with the laws and regulations of a number of agencies, however the two lists are not the same. There are overlaps and differences. She asked if perhaps the two conditions could be combined.

Mr. Leonard said that they would rewrite the conditions.

Chairperson Sweeney asked about condition #87 that talks about the ground water wells and asked how deep the wells extend below finish grade.

York Gorzolla, Manager, Environmental Programs, stated that typically a well is abandoned to the total depth of the well and approximately five feet below the bottom of the well. The entire structure of the well is removed and replaced with a combination of cement and a grout which prevents any water from leaking into the well.

Chairperson Sweeney asked if any of these wells are located under yards or buildings.

Mr. Gorzolla stated that he did not have the map with him and does not know definitely.

Chairperson Sweeney asked if these were strictly groundwater wells or are any are these monitoring wells.

Mr. Gorzolla stated that they are monitoring wells. Mr. Gorzolla stated that they are quite small.

Chairperson Sweeney stated she is concerned that this is a problem for homeowners who might want to put in a fishpond because we do not know how deep it will be.

Mr. Gorzolla replied that if the wells are destroyed correctly there should be no adverse impact by the construction of swimming pools, fishponds or other routine residential activities.

Chairperson Sweeney opened the public hearing.

Chairperson Sweeney closed the public hearing.

Commissioner Lew moved that Site Development Review SD-01-03 be continued to Planning Commission meeting of May 15, 2003.

Chairperson Sweeney seconded

AYES:	5 (Sweeney, Anderson, Savage, Lew, Kelley)
NOES:	0
ABSENT:	0
ABSTAINED:	0

B. NEW REPORTS:

- MODIFICATION OF SITE DEVELOPMENT REVIEW SD-08-01:**
Initiated by Steven Rajninger, Locus Architecture, on behalf of the owner David Lee, the applicant is requesting a modification to SD-08-01 to alter the architectural appearance of the building from the originally approved plans. Specific architectural changes requested include lowering the parapet of the building and providing a screen wall to screen roof top mechanical equipment and removing several small skylights. The applicant is proposing to renovate and remodel an existing building for office, light industrial and restaurant uses that will create approximately 24,000 square feet of useable space. The building is located

at 30593 Union City Boulevard at the northwest corner of Bettencourt Way. The property is situated on a 1.49 acre parcel in the ML, Light Industrial zoning district.

Joan Malloy, Planning Manager, presented the staff report.

Chairperson Sweeney asked about the fact that previous approval had a three-color scheme, however the image that was shown is in monochrome.

Ms. Malloy said that this is a rendering done by the architect on a computer and may not look exactly like the original drawing.

Chairperson Sweeney stated that she has no problem with the changes, except that she would like to see an additional color on the building, especially across the back where it looks very plain.

Ms. Malloy stated that the applicant originally proposed a monochromatic building and that the treatment of the mesh trellises and the window treatments would be an accent color, but they are very flexible and open to additional color.

Commissioner Lew made a comment that the public art was approved by the Arts Council.

Commissioner Lew stated that the landscaping did not look the same as in the original approval.

Ms. Malloy stated that the only modifications are to the parapet and the mechanical screen, there is no request to modify the landscaping.

Chairperson Sweeney opened the public hearing.

Thomas Lui, Thomas Lui & Associates, 20710 Carneil Avenue, Saratoga, CA, representing the applicant, stated that the reason for the monochromatic color scheme was to make the building look as high-tech instead of the typical neighborhood shopping mall. He said they wanted the skylights, trellis and mesh screens to be the accent to the building color.

Commissioner Kelley asked about the location and design of the sign for the building.

Mr. Lui stated that there would be one big sign on the corner of Union City Boulevard and Bettencourt Way. He stated that was the original proposal approved the last time and the only other option is to put the sign on the building itself.

Chairperson Sweeney stated that she would really like to see some additional color on the building. She would at least to like to see a highlight on the building.

Chairperson Sweeney asked about condition #11, which talks about the three-color scheme would be the same as the original approval.

Commissioner Kelley asked how long term enforcement of building colors is done.

Chairperson Sweeney stated that there is a provision for approval before repainting a building, but otherwise it would be from complaints form the public.

Commissioner Savage moved that the Planning Commission approve Modification of Site Development Review SD-08-01 making no changes to the conditions.

Commissioner Lew seconded the motion.

AYES: 5 (Sweeney, Anderson, Savage, Lew, Kelley)
NOES: 0
ABSENT: 0
ABSTAINED: 0

VII. COMMISSION MATTERS:

A. City Council Work Session, April 29, 2003 – Identify agenda items for the meeting.

Mr. Leonard presented a proposed agenda. The Commission provided comments. Mr. Leonard summarized their comment as follows:

1. Design Review expectations
2. Status and Updates on the Intermodal Station District
3. City Councils vision for future development - Park land versus in lieu fees, land for faith based organizations, economic development (housing development)
4. Appeals process
5. Trade offs for varying from zoning regulations versus obtaining amenities.
6. Topics for discussion – Community building, housing options, sustainable development, Zero Energy homes

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

Mr. Leonard stated there were no Planning Commission referrals.

C. Upcoming applications for the Regular Planning Commission meeting for May 1, 2003.

1. Site Development Review SD-13-02; Variance V-07-02; Use Permit UP-02-03. – Reverend Simpkins Church on Mission Boulevard.
2. Zoning Text Amendment AT-02-03 for secondary dwelling units.

X. GOOD OF THE ORDER:

Commissioner Kelley asked if there has been any direction from the city council regarding comprehensive hillside planning.

Mr. Leonard stated that the initiative from 1996 does not allow any development above the Pea Vine of any kind. Therefore, looking at the land below the Pea Vine a maximum of three hundred units on one hundred acres of land are potentially developable. Mr. Leonard stated that only the lower levels can be developed, the upper areas cannot be developed.

Chairperson Sweeney stated that she believes that if someone wanted to develop, they would have to make a plan for the entire area.

Mr. Leonard stated that was correct.

Commissioner Lew stated that the City has a very aggressive graffiti abatement program, however, there is a home at 4801 Rose that is in need of their services.

XI. ADJOURNMENT:

The meeting adjourned at 10:40 p.m.

APPROVED:

CATHI SWEENEY, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY