

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF DECEMBER 4, 2008, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Raymond Gonzales Jr., Jo Ann Lew, Froilan (Roy) Panlilio, Gurnam (Gary) Singh, and Chairperson Tikisa Anderson

STAFF: Mark Leonard (Director, Economic and Community Development); Joan Malloy (Planning Manager); Carmela Campbell (Senior Planner); Avalon Schultz (Associate Planner); Mike Rodriquez (Assistant City Attorney); Farooq Azim (Principle Engineer); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of November 20, 2008 were approved as submitted.

III. ORAL COMMUNICATIONS:

Mayor Mark Green introduced the following former Planning Commissioners, who spoke in recognition of Mark Leonard's 24 years of service to the Planning Commission: Matty Rousseau, Jaime Jaramillo, Manny Fernandez, via telephone Jim Lamona and Lindsay Roberts and Van Crandall, Alice Arce, Lynne Mattos, Maureen Hart, Cathi Sweeney, Carol Dutra-Vernaci, Myrla Raymundo, Elizabeth Ames, Lamont W. Allen, Rosemary Savage, and Rey Sison.

The Commission took a 30 minute break for cake and punch.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS: None.

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

- 1. A. Study Session for General Plan Amendment AG-02-08:** The City is proposing minor updates to the General Plan Land Use Diagram, the Station District Core Area Concept Plan, and the Station District Core Area Land Use Diagram so that these figures are consistent with the current circulation and land use vision for the Station District area. The text of the Station Mixed-Use Commercial district is also proposed to be updated to reflect the comprehensive vision for the area. No changes in land use density or buildout are proposed.

B. Study Session for Zoning Text Amendment AT-06-08, Use Permit UP-11-08, and Site Development Review SD-04-08: Mid-Peninsula Housing Coalition is seeking Site Development Review approval to construct a mixed-use residential and commercial project with 160 multi-family units and approximately 7,000 square feet of commercial flex space. The project proposal includes a Zoning Text Amendment to reduce the parking standard from 1.5 parking stalls per unit to 1.3 parking stalls per unit. A Use Permit for a mixed-use development that includes Blocks 3 and 4 is also proposed.

The Union City Redevelopment Agency owns Blocks 3 and 4 and has entered into an Exclusive Negotiating Agreement with Barry Swenson Builder for Block 3 and Mid-Peninsula Housing Coalition for Block 4. As such, the Agency and Barry Swenson Builder are co-applicants for the Use Permit that governs mixed-use development for Blocks 3 and 4.

Joan Malloy, Planning Manager, presented the staff report.

David Baker presented the design component of the project.

Commissioner Panlilio asked what will the traffic flow look like.

Ms. Malloy replied that at this time all the side roadways are two way streets.

Commissioner Panlilio referred to the pedestrian access from 11th Street to BART and asked if it would be underground, above ground or at the same level as the street.

Ms. Malloy replied that the long range plan is to open up the east side of BART and everything will be at the same grade.

Commissioner Panlilio commented that he would like to see the traffic signals synchronized so that the drivers' will not be wasting gas.

Commissioner Singh stated that the project looks great.

Commissioner Singh asked if the studio unit needs to have 1.5 parking spaces.

Nevada Merriman, Mid-Peninsula Housing, replied that it would be an average to cover all 161 units.

Commissioner Singh asked where the loading zone space will be.

Ms. Merriman replied that they are working with staff to identify that space.

Mr. Baker pointed out on the plan a loading area on Railroad Avenue that would be for the residential units, commercial units and trash enclosures.

Commissioner Singh asked how the trash will be handled.

Mr. Baker replied that there will be trash chutes and compactors in the building and then the trash will be taken to a room inside to wait for the collection trucks.

Commissioner Lew asked if Railroad Avenue is open for vehicular traffic at this time.
Ms. Malloy replied that it would be with two-way traffic and open to vehicles, pedestrians and bicycles.

Commissioner Lew asked if Railroad is open now.

Ms. Malloy replied no, it is not open now; it is in the design phase.

Commissioner Lew asked if it will be open when the Mid-Peninsula project begins.

Ms. Malloy stated that it would be open when the Mid-Peninsula project is ready to be occupied.

Commissioner Lew asked if it would be built concurrently with the Mid-Peninsula project.

Ms. Malloy replied that a good portion will be built in anticipation of the Mid-Peninsula project but the final treatment will be just prior to occupancy.

Commissioner Lew asked if M Street is open for vehicular traffic.

Ms. Malloy replied that it would be built at the same time as Railroad Avenue.

Commissioner Lew asked what are the private areas and what are the public areas for the Mid-Peninsula project and will it be turned over to someone else after it is built.

Ms. Merriman replied that they intend to manage this building for the life of the project.

Commissioner Lew asked if it would be similar to the Mission Gateway project.

Ms. Merriman replied that it would be similar and there is space for a management office on site.

Commissioner Lew asked if there is public access to the commercial space on the street.

Ms. Merriman replied that is correct.

Commissioner Lew asked if public access to the open space areas would be prohibited within the development.

Mr. Baker replied that there are several options for ensuring security for the residents and pointed them out on the plans.

Commissioner Lew noted that the drawings do not show any fencing or locked gates and she is concerned about the security of the residents.

Commissioner Lew asked why over one quarter of the units are one bedroom units.

Ms. Merriman replied that is directed toward the single, professional adult but the unit mix is not set in stone and they would be happy to hear comments from the commission. Ms. Merriman stated that they are to a certain degree limited by their financing structures.

Commissioner Lew asked if there were more two bedroom units instead of one bedroom units would there be fewer units overall.

Ms. Merriman replied that in most cases that would be correct but it depends on the mix. Commissioner Lew asked if they had done a survey looking at the needs of renters.

Ms. Merriman replied that they could do further investigation of the demographics and provide a report to the commission once they have proposed a final mix.

Keri Lung, Mid-Peninsula Housing, stated that occupancy of the one bedroom unit does allow for families and in the lower income levels there are single parents with children living in one bedroom because that is what they can afford.

Commissioner Lew stated that she thought that wasn't allowed.

Ms. Lung stated that they are allowed two individuals per bedroom plus one.

Commissioner Lew asked if the commercial space will be leased.

Ms. Merriman replied that they will be rented.

Commissioner Lew asked who are the typical lessees.

Ms. Merriman replied that there are a variety of tenants that would find these units attractive.

Commissioner Lew asked if they build-to-suit.

Ms. Merriman replied that they can and they can combine units if needed.

Commissioner Lew asked if the commercial spaces are affordable.

Ms. Merriman replied that they are not part of the affordable housing metric.

Commissioner Lew confirmed that they are planning to charge market rates for the commercial space.

Ms. Merriman replied that is correct.

Commissioner Gonzales asked if the public can see into the pool area to deter mischievous activity or if it is hidden from view.

Mr. Baker replied that there should be management offices that will overlook that area.

Commissioner Gonzales noted that there are solar panels on the building and asked who will manage the generation of the electricity and will it be sold or will discounts be given to the residents.

Mr. Baker noted that this drawing shows where the panels might go. Mr. Baker stated that there are two types of solar panels. Mr. Baker stated that photovoltaic panels are expensive and would only generate a fraction of the electricity that would be needed for the building. Mr. Baker stated that the solar hot water would go directly to heating the water for all the units and would help with LEED certification and is much less expensive to install.

Commissioner Gonzales asked if the photovoltaic would help reduce the cost to the residents.

Mr. Baker stated that it would reduce the operating cost of the building. Mr. Baker stated that the electricity required for just the common areas is very high and even a very large photovoltaic system would only cover about half of that.

Ms. Merriman stated that the management company is very proactive in helping tenants to sign up for programs to reduce help their utility costs.

Commissioner Gonzales asked how the affordable housing tenants are selected for the project.

Ms. Merriman stated that it would be articulated in the regulatory agreements, which are not finalized at this point.

Mark Leonard, stated that typically, preference is given to those people who currently live or work in Union City.

Commissioner Gonzales noted that there might be many good candidates who work for the school district among others.

Ms. Merriman stated that when there is a preference, a pool of applicants is selected and then those who meet the preference criteria would rise to the top.

Commissioner Gonzales referred to the flex commercial sites and asked what type of commercial uses are being sought for these spaces.

Ms. Merriman replied that it could be a hairdresser, an individual that has their own business, any one that might want to be near the BART station and have the flow of customers in the area.

Carmela Campbell, Senior Planner, noted that the flex commercial space was also intended to allow for office use. Ms. Campbell stated that commercial use can also be office use under the Zoning Code.

Commissioner Gonzales asked when moving the location of the civic facility will it still have the same amount of square footage as it is shown now on the map Exhibit A1.

Ms. Malloy stated that there is not so much a change in the square footage just that it has been moved and the shape changed to create the pedestrian promenade.

Commissioner Gonzales asked if it would be consistent with the previous building landscaping layout.

Ms. Malloy replied that it would.

Commissioner Gonzales asked where passengers would board if a passenger train rail ran through the area.

Ms. Malloy replied that the passenger rail would be within the Union Pacific Railroad right-of-way. Ms. Malloy stated that there is a ten foot area that has been set aside in anticipation of the rails space needs and passengers would be entering into the transit station off the East Plaza and boarding the trains there.

Commissioner Gonzales asked if it is the City's intention to only have high density next to the BART station.

Ms. Malloy replied that the intention is to have parcels with the highest density closer to the BART station.

Commissioner Gonzales stated that after reading the supporting materials he is supportive of lowering the parking to 1.3 per unit.

Ms. Malloy noted that BART did a survey several years ago and 40 per cent of the residents of the Verandas Apartments are regular riders on BART.

Commissioner Gonzales asked if Barry Swenson Builder is still going to be involved in development of this area.

Ms. Malloy replied that they still have an exclusive negotiating agreement and will be involved in the development of blocks 2 and 3. Ms. Malloy stated that block 4 has been released so that the affordable housing component can move ahead.

Chairperson Anderson referred to Exhibit A3 and if the amount of parking space has changed.

Ms. Malloy replied that the lot sizes are generally the same.

Chairperson Anderson asked about how many parking spaces would that area accommodate.

Ms. Malloy replied that it could be up to 900 spaces but it would be a huge parking garage. Ms. Malloy stated that they are looking at around 400 – 500 spaces.

Chairperson Anderson asked how that compares with the previous configuration.

Ms. Malloy replied that the previous plan identified approximately 2400 parking spaces and it is unrealistic that the 1200 car threshold will be met.

Chairperson Anderson noted that where it is located it will not be just transit parking.

Chairperson Anderson asked if the parking needed for this project to be viable will be available.

Ms. Malloy replied that they continue to look at the parking requirements for the area. Ms. Malloy stated that last year a parking study was done for this area and how to provide the same amount of parking without using structured parking which is very expensive. Ms. Malloy stated that an alternative is to build it incrementally. Ms. Malloy noted that they are trying to decrease parking demand because that is an area for pedestrians.

Chairperson Anderson asked if on-street parking will be allowed on the west side of the BART Station and along Union Square.

Ms. Malloy replied that it will be allowed in front of Avalon bay and the Verandas.

Chairperson Anderson asked how the timing of the Use Permit will work with this project.

Ms. Malloy replied that it could be handled with the Development and Disposition Agreement (DDA) between the City and Mid-Peninsula or it could be tied to commencement of construction.

Chairperson Anderson asked if a DDA had been used on any previous projects.

Mr. Leonard stated that DDA's have been used on multi-phase projects such as Pacific States Steel project.

Chairperson Anderson referred to the storage area and the bicycle parking with 200 square feet per unit and asked if the storage area description and the bicycle parking area description are identical.

Ms. Campbell replied that there is a provision in the code that allows for substitution of bicycle parking for storage area.

Chairperson Anderson asked for an explanation of the phrase "but the space shall not be divided into two or more locations" in the Zoning Code.

Ms. Campbell stated that what it is meant to address is the issue of breaking up the 200 square feet and putting it into separate places. Ms. Campbell stated that for example, there could be some of the area in the garage and some of the area in the unit itself but there could not be a third location.

Chairperson Anderson stated that it reads more that it cannot be broken up at all and has to be in one contiguous location.

Chairperson Anderson stated his concerns that there is a requirement for storage space and there is a requirement for bicycle parking space and there cannot be any substitution both must be present.

Ms. Campbell replied that the wording in Chapter 18.28 is a little confusing and staff tried to address it in Chapter 18.38.190 but perhaps they need to go back and make it consistent.

Ms. Malloy asked if he would like to see the bicycle parking separated.

Chairperson Anderson replied that is not his intent.

Chairperson Anderson asked if they are able to substitute a bicycle parking space for storage space would that mean that every tenant would have a bicycle parking space.

Ms. Merriman replied that they would be able to choose what they store in their space.

Chairperson Anderson stated that the requirements for bicycle parking requires racks or something like that and that would make it difficult to store other things in that space.

Peter McKenzie, David Baker + Partners, stated that they made the assumption that bicycles could be stored in the room and there could be a little rack in that room. Mr. McKenzie stated that he has seen this done in New York. Mr. McKenzie stated that it would be tight to get 200 square feet for 160 units in the building right now.

Chairperson Anderson stated that they might want to go with the storage units and find someplace else for the bicycle racks.

Commissioner Panlilio noted that all the flex commercial is on 11th Street and asked if the loading dock would be along Railroad Avenue.

Mr. McKenzie replied that is correct.

Commissioner Panlilio stated his concerns that there is a long distance between the loading area and the commercial space.

Mr. McKenzie stated that most of the businesses would be small and only get deliveries from UPS, etc. Mr. McKenzie suggested that there be a loading zone up front.

Commissioner Panlilio asked if the parking spaces will be connected to the units; for example will each story of the parking garage have a corresponding entrance to the living units on that same floor.

Mr. McKenzie noted that in one building the tenants have to leave the building to enter the parking garage but in the other building there is access from each floor.

Commissioner Panlilio stated his concern for that particular situation and asked where will the handicap tenants park.

Mr. McKenzie replied that there will be handicap stalls near the elevator in the garage.

Commissioner Panlilio asked how many and where are the elevators located in the buildings.

Mr. McKenzie replied that there is one elevator per building and one elevator in the garage.

Commissioner Panlilio referred to the parking along 11th Street and asked if it would be hourly parking or permitted parking.

Ms. Malloy stated that staff is in the process of evaluating a parking plan for the whole district. Ms. Malloy stated that next year BART is going to paid parking in their lot. Ms. Malloy stated that the City would also like to go to paid parking as well, including 11th Street and other streets in the station area.

Commissioner Panlilio asked if the parking garage will be closed for the security of the tenants.

Mr. McKenzie replied that it will have a gate.

Commissioner Gonzales asked if there will be lighting and security cameras in the parking garage.

Ms. Merriman replied that they do plan to have a safety camera and sufficient lighting to meet the code.

Commissioner Singh referred to the east side parking lot and asked how many stories that will be.

Ms. Malloy replied that it has not been planned at this time.

Commissioner Gonzales suggested that there be some type of traffic speed reducing measures on 11th Street.

Ms. Malloy replied that it will be looked into as the area is developed.

Chairperson Anderson opened the session to the public.

Shabnam Singh, 35117 11th Street, Union City, asked what kind of businesses will be allowed in the commercial spaces.

Mr. Leonard stated that the types of businesses will be community serving retail and offices. Mr. Leonard stated that it could be a salon, flower shop, mail facility, smallish grocery store or drug store.

Ms. Singh asked if restaurants would be possible.

Mr. Leonard stated that it could be.

Chairperson Anderson called for a five minute recess.

Chairperson Anderson called the meeting to order.

- 2. Study Session for a General Plan Amendment for the Horner/Veasby Area:**
The City is proposing to amend the General Plan text to update the goals and policies for the Horner/Veasby Area. The proposed goals and policies address the infrastructure challenges and the economic development vision for the Area.

Avalon Schultz, Associate Planner, presented the staff report.

Commissioner Gonzales asked if the City will have low-interest loans available to help with building the infrastructure of this area.

Mark Evanoff, Redevelopment Agency Manager, stated that one of the steps the Redevelopment Agency will take after the Zoning Text Amendment process is complete is to issue a request for proposals for a Master Developer. Mr. Evanoff stated that the agency currently owns about one half acre in the Horner/Veasby area. Mr. Evanoff stated this would be the opportunity for the property owners to work together and submit one joint proposal or for one property owner to take the lead and issue a proposal. Mr. Evanoff stated that an outside developer could also step in with a proposal. Mr. Evanoff stated that the agency is not going to have a lot of dollars to put into the project but the agency can work with the property owners to bring tools to facilitate the construction of the infrastructure. Mr. Evanoff stated that the agency can help possibly with some minor land acquisitions but there is not funding to acquire the entire 17 acres.

Commissioner Gonzales asked if the owners would have to amend or modify their title ownership to collaborate with other landowners to implement this infrastructure overhaul.

Mr. Evanoff replied that would be a business decision by the property owners in terms of how they want to structure their new entity. Mr. Evanoff stated eventually the properties would need to be consolidated and the property owners would work out a process of selling their land so that larger parcels can be assembled. Mr. Evanoff stated that the ideal situation would be to have one 19 acre parcel for that area and then leasing it out to various uses. Mr. Evanoff stated that having a development with several single parcels would be very difficult to implement.

Commissioner Gonzales asked what will the City do if the landowners do not collaborate.

Mr. Evanoff stated that the City's perspective is to have policies that encourage cooperation because as was outlined in the staff report and studies it would not be economically feasible to develop individually.

Commissioner Gonzales asked what about properties that might be in probate or under a legal problem.

Mr. Evanoff replied that the Master Developer could approach the agency to work with agency tools for property acquisitions.

Commissioner Gonzales asked if any landowners facing any future buyouts of their existing lots or land by a city or government entity. Commissioner Gonzales asked if in the future they would be able to capitalize on the future of their land once it is developed.

Mr. Evanoff replied that a redevelopment agency can only pay fair market value and would not be able to buy someone out on anticipated future value. Mr. Evanoff stated that in terms of redevelopment law, an appraisal is commissioned and an agency is obligated to pay fair market value to a property owner. Mr. Evanoff stated that state law does not provide for paying an inflated value in anticipation of future value.

Commissioner Gonzales asked if funding received from the Federal government cover the full cost to install a new levy west of the Horner/Veasy area.

Mr. Evanoff replied that it is his understanding that the flood control district does have the funding to construct the levy.

Commissioner Gonzales asked would there be a larger cost by bringing in dirt for the liquefaction scenario.

Mr. Evanoff replied with the flood control district completing the new levy that would take the area out of the flood plain so there would not be a need for property owners to bring in more dirt to get out of the flood plain. Mr. Evanoff stated that the liquefaction issue will still have to be dealt with after the new levy is constructed.

Commissioner Gonzales asked how many residences could potentially be impacted by redevelopment now.

Mr. Evanoff replied that there are five residential homes in the area and two are owner occupied.

Commissioner Gonzales asked what they would do.

Mr. Evanoff replied that it is up to the residences. Mr. Evanoff stated that new state law states that the agency does not have the authority to condemn owner occupied single family units.

Commissioner Lew noted that on one of the PowerPoint slides there is a home shown that is an exception to the area and most of the other homes are well maintained and that in the future a more balanced presentation should be made so that it does not mislead the public or misleading anyone on the commission that did not have an opportunity to go out to the site.

Commissioner Lew noted that it is very difficult to write policy statements; however, in attachment 1 there does not appear to be any policy. Commissioner Lew asked if the majority of the text that describes this area was taken from one or both of the studies.

Ms. Schultz replied that it was prepared by staff with input from both of the studies.

Commissioner Lew stated that she prefers to not let consultants dictate to the City. Commissioner Lew stated that the City has a vision and goals and the City should set the policy and use the studies as guidance. Commissioner Lew stated that perhaps the studies should be used for a Specific Plan for this area and the General Plan amendment should look like the current General Plan. Commissioner Lew stated that the policy statements should be brief and ambiguous enough to invite discussion and solutions but specific enough to not allow developers to get off track. Commissioner Lew stated her concerns about the General Plan amendment text. Commissioner Lew feels that it should be much briefer and in

keeping with the current General Plan and descriptions of the areas. Commissioner Lew referred to page 2 of 4, first goal, policy #1 and stated that she did not understand it at all and thinks it was miss-written.

Ms. Schultz replied that there is a typo and it should say “ensure”.

Commissioner Lew referred to goal #2 and stated that there is too much in one goal and it should be broken out into two or three separate goals.

Commissioner Lew referred to goal #2, policy#2, second line and suggested changing the line to read “effectively overcome the infrastructure and economic challenges”.

Commissioner Lew referred to page 3, #4-16 and stated that she doesn't feel that these are policy statements. Commissioner Lew stated that some appear to be zoning statements, some appear to be solutions.

Commissioner Lew referred to #9 and stated that it was a solution and shouldn't be in the General Plan.

Ms. Schultz replied that it is the City's policy that under a master developer scenario it would abandon those roads.

Commissioner Lew stated that should be part of a proposal from the developer.

Ms. Schultz stated that the City Council provided direction to prepare policies that related to the specific challenges of the district.

Commissioner Lew feels that these items should be part of a Specific Plan not the General Plan.

Commissioner Lew noted that none of the studies addressed the residential areas and asked if that was purposely omitted.

Ms. Schultz replied that the area is zoned ML, Light Industrial and residential uses are not permitted.

Commissioner Lew asked how long the area has been zoned ML.

Mark Leonard, Director, Economic and Community Development, replied for at least 24 years.

Commissioner Lew stated that there are other sections of the General Plan that would need to be amended to be consistent with the proposed amendment and asked when they will be amended.

Ms. Schultz replied that the intent is to only replace the section in the Land Use element that relates to the Horner/Veasby area.

Mr. Leonard stated that there may be other sections of the General Plan that should be looked at concurrently but they will not be addressed in as much detail as the Land Use Element will be.

Commissioner Lew stated that she doesn't feel that the other sections should be left out because the primary purpose for doing this is for economic development.

Commissioner Lew asked if there are any historical structures or monuments in the area.

Mr. Leonard replied that there may be a monument on the Union Sanitary District property. Mr. Leonard stated that there are no designated historical structures in the area.

Commissioner Lew asked if when the Alvarado Business Park was developed did it have similar problems to the Horner/Veasby area.

Mr. Leonard replied that it did not.

Commissioner Lew asked what will happen to the existing businesses in the Horner/Veasby area.

Mr. Leonard replied that it will be up to the property owners and businesses to work together. Mr. Leonard stated that if the Redevelopment Agency purchased any properties with businesses on them, they would have a relocation obligation but redevelopment funds are limited. Mr. Leonard stated that the City may be able to assist the property owners in putting in some of the infrastructure but that would depend upon the response to the master developer approach.

Commissioner Lew noted that some of these existing businesses are not the type that would be able to stay in the light industrial area.

Commissioner Singh stated that there should be a strong manufacturing identity within Union City.

Commissioner Singh asked if the property owners have been surveyed about their wishes.

Mr. Evanoff stated that there have been a couple of meetings with the property owners. Mr. Evanoff stated that the meetings were more focused on the infrastructure challenges.

Commissioner Singh asked how many homes are in the area.

Mr. Evanoff replied that there are five homes in the area and two are owner-occupied.

Commissioner Singh asked if they have been spoken in.

Mr. Evanoff replied that they have spoken with four out of the five and some have indicated an interest in selling long-term and one has indicated that they want to stay for awhile.

Commissioner Singh asked if there is a soil contamination problem.

Mr. Evanoff replied that a Phase I assessment has been done and it looked at the historic uses of the area but does not take any actual soil samples. Mr. Evanoff stated that based on the results of the Phase I it was recommended to do the Phase II which takes soil samples. Mr. Evanoff stated that it may just be surface soil contamination from the existing uses and there may be some underground tanks that would need to be looked at.

Commissioner Singh asked if there was any plan to connect Horner Street to Benson Road.

Mr. Evanoff replied that right now they are limited to Whipple Road and Bettencourt Street. Mr. Evanoff stated that the ideal situation, from the City perspective, would be to take Whipple Road to Union City Boulevard but to do that would require getting a permit from the California Public Utilities Commission because they do not want to have any at grade crossings over railroad tracks. Mr. Evanoff stated that it is a multi-million dollar project.

Commissioner Singh noted that the standard sewer line is eight inches and asked who is going to pay to upgrade the line from six inches to eight inches.

Mr. Evanoff stated that is one of the issues to be dealt with.

Commissioner Singh stated that he thinks they need to get a master developer to work this out. Commissioner Panlilio noted that California Mortgage owns several of the properties in the area.

Mr. Evanoff replied that California Mortgage had loaned the prior property owner quite a bit of money and then the owner defaulted and California Mortgage foreclosed on the property and now they are trying to sell it to recoup their money.

Commissioner Panlilio asked if it was going to be difficult to sell the property at this time.

Mr. Evanoff replied that it would especially because one of the properties has no sanitary service and has a failed septic tank.

Commissioner Panlilio stated that some of the property owners did not feel that they had been contacted. Commissioner Panlilio stated that he would like to see the area developed.

Chairperson Anderson asked what fraction of the total area is subject to liquefaction.

Mr. Evanoff replied that it is about half of the area.

Chairperson Anderson stated that the solution of taking out soil and replacing it would probably require an environmental impact report (EIR).

Mr. Evanoff stated that he cannot answer whether an EIR would be required but to mitigate the liquefaction would require pounding the soil down or bring in bracing devices under the foundations of the buildings.

Chairperson Anderson asked if the roadways would be affected by liquefaction.

Mr. Leonard replied that the roadways do not support buildings and so are built differently.

Chairperson Anderson asked if removing the soil could be done without an EIR.

Mr. Leonard replied that a proposal to develop the area would undergo an environmental assessment.

Chairperson Anderson referred to #12 of the text amendment and asked what it refers to.

Ms. Schultz replied that it requires that new buildings be built outside of the flood plain. Ms. Schultz explained that additional fill could be brought in or if the levy is built then it would be out of the flood plain.

Mr. Leonard stated that is in response to federal regulations.

Chairperson Anderson opened the session to the public.

Miroslav Kolias, 4813 Horner St., property owner, stated that he had not been contacted by the City. Mr. Kolias asked what is the fair market value of his property.

Mr. Evanoff stated that the fair market value of a property is established after an appraisal is performed.

Mr. Koliass asked what the City paid for the property that they recently purchased.

Mr. Evanoff stated that that property was valued higher because there were 10 rental units on it. Mr. Evanoff stated that the Redevelopment Agency paid about \$850,000.00 for that property.

Mr. Koliass noted that all the units on that property have been demolished.

Mr. Evanoff replied that is correct.

Mr. Evanoff stated that the Redevelopment Agency helped relocate all of the families living there and three of the families were able to purchase homes with their relocation benefits.

Mr. Koliass stated that prospective property purchasers would be dissuaded by the cost of putting the infrastructure in and it would lower the value of the property.

Mr. Leonard stated that to sell or develop properties individually would be very difficult economically and that is why the City is encouraging the property owners to work together.

Mr. Koliass stated that he thinks the City is the final beneficiary to all this development and thinks the City should be contributing more.

Mr. Koliass asked if there are any prospective developers.

Mr. Evanoff replied that no one has contacted the City and the City would need to issue a Request for Proposals so that the development community would be aware of the opportunity.

Mr. Koliass asked if the City would be willing to buy the properties.

Mr. Evanoff replied there are not enough agency funds to acquire all 17 acres.

Marie Marcello, 4837 Horner St., stated that she doesn't think the property owners will benefit from this and she doesn't have the money to do this.

Mr. Koliass asked what would happen if the property owners don't want to do anything.

Mr. Evanoff stated that it is all up to the property owners. Mr. Evanoff stated that the non-conforming residential uses can continue but if they decide to change the use to industrial then bringing the property into conformance would be required.

Mr. Koliass asked if there were any time limit.

Ms. Schultz stated that if the residential use is discontinued for six months then a new use would have to conform to the code.

Mike Rodriguez, Assistant City Attorney, replied that there are legal considerations as well.

Patrick Barrera, 4849 Horner Street, requested that other pictures of houses from the area be used.

Barry Ferrier, 32212 Allison, asked if the property owners would be allowed to sell the residences as residences even though they are non-conforming uses.

Mr. Rodriguez replied that they can do that.

Tony Raigo, 3rd Street, Fremont, CA, asked if all the property owners are not on board with this and don't want to move forward is there a consequence; i.e. will the City buy them out or do eminent domain. Mr. Raigo asked if the property owners can get together and develop the property and be a part of the end benefit and maybe come out farther ahead.

Mr. Evanoff stated that the lateral scenario is the ideal situation and because then the property owners would reap the benefit of the improvements and the higher value of the land that will be created.

Mr. Leonard stated that if the property owners do not want to work together, then the City would try to find a developer to come in and buy the properties on their own. Mr. Leonard stated that the developer would negotiate individually with the property owners. Mr. Leonard stated that if the developer could not acquire all the properties but could propose a logical development, the City could approve that and then wait for the rest of the property owners to find a developer to do the same thing for them. Mr. Leonard stated that if that scenario doesn't work the City has two choices; one is to wait for something to change or to condemn the industrial properties. Mr. Leonard stated that the City would not do that unless the developer said that they would reimburse the City for its expenses. Mr. Leonard stated that is an unlikely scenario.

Mr. Raigo stated that at one time he tried to put a shop on his father-in-laws property but he was told that it was zoned Agriculture and that he could not do it. Mr. Raigo asked if the property had been rezoned.

Mr. Leonard stated not in long time.

Commissioner Gonzales urged the property owners to work together towards a solution.

VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS:

VIII. COMMISSION MATTERS:

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting for December 18, 2008.

IX. GOOD OF THE ORDER:

Commissioner Lew expressed her appreciation to Mark Leonard for his past work with the Planning Commission and wishes him the best in retirement.

Commissioner Singh expressed his thanks to Mark Leonard.

Commissioner Panlilio expressed his gratitude to Mark Leonard and congratulated him on his retirement.

Chairperson Anderson expressed his appreciation to Mark Leonard.

Commissioner Gonzales expressed his thanks to Mark Leonard.

X. ADJOURNMENT: 11:05 p.m.

APPROVED:


TIKISA ANDERSON, CHAIRPERSON

ATTEST:


MARK LEONARD, SECRETARY