



**AGENDA  
CITY OF UNION CITY**

**Tuesday, July 28, 2015  
7:00 PM**

**COUNCIL CHAMBERS  
34009 ALVARADO NILES ROAD**

**I. CALL TO ORDER**

I.a. Pledge of Allegiance

I.b. Roll Call

*Mayor Carol Dutra-Vernaci  
Vice Mayor Jim Navarro  
Councilmember Emily Duncan  
Councilmember Lorrin Ellis  
Councilmember Pat Gacoscos*

**II. UNFINISHED BUSINESS - None**

**III. PROCLAMATIONS AND PRESENTATIONS**

III.a. Proclamation in Honor of the Union City National Little League's Sweep of the District 45 Tournament of Champions

III.b. Proclamation in Honor and Recognition of Outstanding Community Service by Good Samaritan, Carol Schulz

III.c. Proclamation in Honor and Recognition of Outstanding Community Service by Good Samaritan, Junior Zuniga

III.d. City Services Academy Graduation

**IV. ORAL COMMUNICATIONS**

*Comments from the audience on non-agenda items will be accepted for a period of 30 minutes. Speakers are limited to three minutes each. Persons wishing to speak must complete a speaker card available at the rear of the Council Chamber or from the City Clerk. If the number of speakers exceeds the time allotment, cards will be shuffled and 10 speakers chosen at random. The remaining speakers may speak under Section XI of the agenda.*

## **V. CONSENT CALENDAR**

*All matters listed on the Consent Calendar are considered routine in nature and will be enacted by one motion. If discussion is required on a specific item, it will be removed from the Consent Calendar and considered separately.*

### **V.a. Waived Further Reading of Proposed Ordinance**

(This permits reading the title only in lieu of reciting the entire text of any proposed Ordinance.)

### **V.b. Approve the Minutes of the Regular City Council Meeting Held on July 14, 2015**

### **V.c. Adopt a Resolution to Accept Work for the Whipple Road Pavement Rehabilitation Project, CityProject No. 13-10; Federal Project No. STPL-5354**

### **V.d. Adopt a Resolution to Accept Work for the Wheelchair Ramp Project, City Project No. 15-03**

### **V.e. Adopt a Resolution Amending the Adopted Biennial Operating Budget for Fiscal Years 2015-16 and 2016-17 and the Five-Year Capital Improvement Plan for Fiscal Year 2015-16 through 2019-20 per Resolution No. 4763-15**

### **V.f. Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Contractor Erpelding Training and Consulting**

### **V.g. Adopt a Resolution Approving the Replacement of Network Infrastructure Equipment through Sole Source Provider Entisys and the Subsequent Financing of that Replacement Purchase with Key Government Finance, Inc.**

### **V.h. Adopt a Resolution Approving the Reclassification of One Administrative Assistant III to Deputy City Clerk, Amending the Authorized Positions List and Amending the Operating Budget for Fiscal Years 2015/2016 and 2016/2017 to Incorporate Salary Adjustments Associated with the Reclassification**

## **VI. PUBLIC HEARINGS**

### **VI.a. Hold a Public Hearing (Published Notice) to Introduce an Ordinance Amending the Union City Municipal Code by Adding Chapter 15.78 to Establish an Expedited Streamlined Permitting Process for Small Residential Rooftop Solar Systems.**

### **VI.b. Hold a Public Hearing (Published Notice) to Introduce an Ordinance Approving Zoning Text Amendment, AT-15-002, Amending Chapters 18.08, 18.36, 18.38, 18.39 and 18.40 to Allow for Live Music at Restaurants and Modify Definitions and Standards Related to Food Service, Commercial Entertainment and Recreation Uses**

VI.c. Adopt a Resolution Amending the Master Fee Schedule for Fiscal Year 2015/2016 in Order to Incorporate Established Business License Taxes for Professional Services Subcategories and to Update the Annual Rates for Municipal Solid Waste, Organic Waste, Recycling, and Storm Water Runoff Surcharge

**VII. CITY MANAGER REPORTS**

VII.a. Review of Draft Land Use Concepts and Criteria

**VIII. SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY - None**

**IX. AUTHORITIES AND AGENCIES - None**

**X. CITY COMMISSION / COMMITTEE REPORTS - None**

**XI. SECOND ORAL COMMUNICATIONS**

**XII. SCHEDULED ORAL COMMUNICATION - None**

**XIII. ITEMS REFERRED BY COUNCIL**

Oral Reports by Mayor and Councilmembers on meetings of County or Regional Board and Commissions

*Alameda County Fire Department Advisory Commission  
Alameda County Library Advisory Commission  
Alameda County Mayors Conference  
Alameda County Transportation Commission (ACTC)  
Alameda County Waste Management Authority (WMA)  
Association of Bay Area Governments (ABAG)  
City of Union City Audit Subcommittee  
City of Union City Youth Violence Prevention & Intervention  
Advisory Committee  
Disaster Council  
Dumbarton Rail Corridor Policy Advisory Committee  
East Bay Economic Development Alliance (EDA)  
East Bay Regional Communications System Authority (EBRCSA)  
Economic Development Advisory Team (EDAT)  
Housing Authority of Alameda County  
League of California Cities, East Bay Division (LOCC)  
New Haven Unified School District Joint Sub-Committee  
Oakland Airport Community Noise Management Forum  
Oversight Board to the Successor Agency to the Union City  
Redevelopment Agency  
Teen Center Project Updates  
Union City Chamber of Commerce*

**XIV. GOOD OF THE ORDER**

**XV. CLOSED SESSION - None**

**XVI. ADJOURNMENT**

*A complete agenda packet is available for review at City Hall or on our website [www.unioncity.org](http://www.unioncity.org)*

*Any writings or documents provided to a majority of City Council members regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall, located at 34009 Alvarado-Niles Road, Union City, California, during normal business hours.*

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested person must request the accommodation at least two working days in advance of the meeting by contacting the City Clerk at (510) 675-5348.*





## Agenda Item

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### ATTACHMENTS:

Description	Type
☐ Proclamation for UCNLL	Exhibit

# CITY OF UNION CITY PROCLAMATION



## *Congratulating the Union City National Little League for Sweeping the District 45 Tournament of Champions*

*WHEREAS, it has come to the attention of the City of Union City that a group of local 8 to 16 year old athletes and their adult chaperones are celebrating a successful youth baseball season; and*

*WHEREAS, the successful season of the **Union City National Little League** culminated in a complete sweep of the District 45 Tournament of Champions at every division level, an achievement accomplished for the first time in over ten years; and*

*WHEREAS, the **Union City National Little League** Minor Pirates, Major Braves, Junior Giants, and Senior Giants competed against teams from Union City, Hayward, San Leandro, San Lorenzo and Castro Valley; and*

*WHEREAS, the City recognizes that participation in organized athletics helps build character and teaches a wholesome sense of good sportsmanship among our youth; and*

*WHEREAS, to excel in any one sport, a young person must demonstrate a combination of physical ability, dedication, enthusiasm and hard work; and*

*WHEREAS, a striking example of this is the achievement of the **Union City National Little League**; and*

*WHEREAS, we honor the coaches and adult volunteers of the **Union City National Little League** who have given of their time and patience to share their skills and talents that led these young athletes to win the District 45 Tournament of Champions.*

*NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Union City does hereby recognize and congratulate the players, coaches and volunteers of **Union City National Little League** for their sweep of the District 45 Tournament of Champions, for representing the City of Union City in such an outstanding way, and for setting a fine example of behavior, conduct, and performance for teams to follow in the future.*

*Dated this 28<sup>th</sup> day of July 2015*

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*CAROL DUTRA-VERNACI, Mayor*

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*JIM NAVARRO, Vice Mayor*

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*EMILY DUNCAN, Councilmember*

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*LORRIN ELLIS, Councilmember*

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*PAT GACOSCOS, Councilmember*



## Agenda Item

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### ATTACHMENTS:

Description	Type
☐ Proclamation Honoring Outstanding Community Service by a Good Samaritan	Resolution

**CITY OF UNION CITY**  
**PROCLAMATION**



*In Honor and Recognition of  
Outstanding Community Service by a Good Samaritan*

*WHEREAS, on June 3, 2015, Carol Schulz, while shopping at the local Safeway Supermarket, heard another shopper yelling for assistance in apprehending a fleeing robbery suspect; and*

*WHEREAS, after seeing the suspect break away from an elderly victim, Carol Schulz, at risk to her own safety and well-being, assisted in the apprehension of the robbery suspect by grabbing the suspect and yelling for other shoppers for assistance; and*

*WHEREAS, Carol Schulz remained at the store to cooperate with the police and provide a detailed statement leading to the arrest and pending prosecution of the suspect; and*

*WHEREAS, Carol Schulz displayed generous and selfless service toward her fellow community-members; and*

*WHEREAS, it is important that all persons of the City of Union City know of and appreciate the heroism and selfless acts that certain citizens perform without consideration of their own safety, and the civic responsibilities shared by all to safeguard and support each other in times of need.*

*NOW, THEREFORE, the City Council of the City of Union City, does hereby proclaim the heroism, service and compassion shown by Carol Schulz as outstanding and encourage all residents of the City of Union City honor her good deed for a senior citizen in a time of need.*

*DATED this 28th day of July 2015*

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*CAROL DUTRA-VERNACI, Mayor*

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*JIM NAVARRO, Vice Mayor*

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*EMILY DUNCAN, Councilmember*

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*LORRIN ELLIS, Councilmember*

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*PAT GACOSCOS, Councilmember*



## Agenda Item

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### ATTACHMENTS:

Description	Type
☐ Proclamation Honoring Outstanding Community Service by a Good Samaritan	Resolution

**CITY OF UNION CITY**  
**PROCLAMATION**



*In Honor and Recognition of  
Outstanding Community Service by a Good Samaritan*

*WHEREAS, on June 3, 2015, Junior Zuniga, while shopping at the local Safeway Supermarket, heard other shoppers yelling for assistance in apprehending a fleeing robbery suspect; and*

*WHEREAS, after seeing the suspect break away from an elderly victim and another shopper, Junior Zuniga, at risk to his own safety and well-being, assisted in the apprehension of the robbery suspect by tackling the suspect and holding him down until police officers arrived at the store; and*

*WHEREAS, Junior Zuniga remained at the store to cooperate with the police and provide a detailed statement leading to the arrest and pending prosecution of the suspect; and*

*WHEREAS, Junior Zuniga displayed heroism, and generous and selfless service toward his fellow community-members; and*

*WHEREAS, it is important that all persons of the City of Union City know and recognize the heroism and selfless acts performed by certain citizens without consideration of their own safety, and the civic responsibilities shared by all to safeguard and support each other in times of need.*

*NOW, THEREFORE, the City Council of the City of Union City, does hereby proclaim the heroism, service and compassion shown by Junior Zuniga as outstanding and encourages all residents of the City of Union City to honor his good deed for a senior citizen in a time of need.*

**DATED** this 28<sup>TH</sup> day of July 2015

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*CAROL DUTRA-VERNACI, Mayor*

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*JIM NAVARRO, Vice Mayor*

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*EMILY DUNCAN, Councilmember*

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*LORRIN ELLIS, Councilmember*

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*PAT GACOSCOS, Councilmember*



## Agenda Item

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### ATTACHMENTS:

Description	Type
☐ Draft Minutes of the Regular City Council Meeting Held on July 14, 2015	Exhibit

**MINUTES  
CITY OF UNION CITY  
CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY MEETING**

**Tuesday, July 14, 2015  
7:00 PM**

**COUNCIL CHAMBERS 34009  
ALVARADO NILES ROAD**

**I. CALL TO ORDER**

Vice Mayor Navarro called the meeting to order at 7:00 p.m.

**I.a. Pledge of Allegiance**

Vice Mayor Navarro led the salute to the flag.

**I.b. Roll Call**

Present: Councilmembers Duncan, Gacoscos, Ellis\*, Vice Mayor Navarro

Absent: Mayor Dutra-Vernaci

\* Councilmember Ellis arrived at 7:06 p.m.

**II. UNFINISHED BUSINESS - None**

**III. PROCLAMATIONS AND PRESENTATIONS - None**

**IV. ORAL COMMUNICATIONS**

Hugh McNamera expressed concern about the overgrowth of weeds and the fire hazard they present.

**V. CONSENT CALENDAR**

It was moved by Councilmember Duncan, seconded by Councilmember Gacoscos to approve consent calendar items V.a through V.f. The motion was carried by the following voice vote: AYES: Councilmembers Duncan, Gacoscos and Vice Mayor Navarro. NOES: None. ABSTAIN: None. ABSENT: Councilmember Ellis, Mayor Dutra Vernaci.

**V.a. Waived Further Reading of Proposed Ordinance**

(This permits reading the title only in lieu of reciting the entire text of any proposed Ordinance.)

**V.b. Approved the Minutes of the Special and Regular City Council Meetings  
Held on June 23, 2015**

**V.c. Approved the Minutes of the Joint City Council/ Successor Agency to the  
Community Redevelopment Agency Meeting Held on June 29, 2015**

**V.d. Adopted **Resolution No. 4766-15** for the Award of Contract for Casa Verde  
Park Trails and Playground Improvements, City Project No. 14-16**



V.e. Adopted **Resolution No. 4765-15** Approving an Amendment to the Compensation Plan to Reflect Adjustments Identified in the FY 2015-16 and FY 2016-17 Adopted Budget

V.f. Adopted **Resolution No. 4768-15** Adopting the Investment Policy for Public Funds

## VI. PUBLIC HEARINGS

VI.a. Public Hearing for Renewal of Landscape & Lighting District No. 3

Public Works Director Cheng presented the staff report and responded to questions from Council. Councilmembers provided comment.

Vice Mayor Navarro opened the public hearing to accept public comment.

Being no public comment, Vice Mayor Navarro closed the public hearing.

It was moved by Councilmember Gacoscos, seconded by Councilmember Duncan to Adopt **Resolution No. 4769-15** Confirming the Assessment and Diagram as Described in the Annual Engineer's Report and Ordering the Levy for the Landscape and Lighting Maintenance District No. 3 for Fiscal Year 2015/16. The motion was carried by the following voice vote: AYES: Councilmembers Duncan, Gacoscos, Ellis, and Vice Mayor Navarro. NOES: None. ABSTAIN: None. ABSENT: Mayor Dutra Vernaci.

VI.b. Adopt a Resolution Amending the Master Fee Schedule for Fiscal Year 2015-16

Administrative Services Director Glasser presented the staff report and responded to questions from Council. Councilmembers provided comment.

Vice Mayor Navarro opened the public hearing to accept public comment.

Being no public comment, Vice Mayor Navarro closed the public hearing.

It was moved by Councilmember Ellis, seconded by Councilmember Gacoscos to Adopt **Resolution No. 4770-15** Amending the Master fee Schedule for Fiscal Year 2015-16, in Order to Incorporate All of the Existing Fees, Taxes, Assessments, Surcharges, and Service Charges in the City of Union City and to Adjust Certain Existing Leisure Services Park Reservation Fees, and to continue the public hearing to the next regularly scheduled Council meeting on July 28, 2015. The motion was carried by the following voice vote: AYES: Councilmembers Duncan, Gacoscos, Ellis, and Vice Mayor Navarro. NOES: None. ABSTAIN: None. ABSENT: Mayor Dutra Vernaci.

## VII. CITY MANAGER REPORTS - None

## VIII. SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY

VIII.a Adopted a Resolution of the Successor Agency to the Community Redevelopment Agency of the City of Union City Authorizing the Issuance of Refunding Bonds, Approving the Form of Indenture in Connection Therewith and Authorizing Actions Related Thereto

Administrative Services Director Glasser presented the staff report and responded to questions from Council. Councilmembers provided comment.

It was moved by Councilmember Duncan, seconded by Councilmember Gacoscos, to Adopt **Successor Agency Resolution No. 21-15** Authorizing the Issuance of Refunding Bonds, Approving the Form of Indenture in Connection Therewith and Authorizing Actions Related Thereto. The motion was carried by the following voice vote: AYES: Councilmembers Duncan, Gacoscos, Ellis, and Vice Mayor Navarro. NOES: None. ABSTAIN: None. ABSENT: Mayor Dutra Vernaci.

VIII.b Adopt a Resolution of the Successor Agency to the Community Redevelopment Agency of the City of Union City Authorizing the Hiring of Firms and Professionals for the Purpose of Issuance of the Refunding Bonds

Administrative Services Director Glasser presented the staff report and responded to questions from Council. Councilmembers provided comment.

It was moved by Councilmember Ellis, seconded by Councilmember Gacoscos, to Adopt **Successor Agency Resolution No. 22-15** Authorizing the Hiring of Firms and Professionals for the Purpose of Issuance of the Refunding Bonds. The motion was carried by the following voice vote: AYES: Councilmembers Duncan, Gacoscos, Ellis, and Vice Mayor Navarro. NOES: None. ABSTAIN: None. ABSENT: Mayor Dutra Vernaci.

**IX. AUTHORITIES AND AGENCIES - None**

**X. CITY COMMISSION / COMMITTEE REPORTS - None**

**XI. SECOND ORAL COMMUNICATIONS - None**

**XII. SCHEDULED ORAL COMMUNICATION - None**

**XIII. ITEMS REFERRED BY COUNCIL**

Oral Reports by Mayor and Councilmembers on meetings of County or Regional Board and Commissions

*Alameda County Fire Department Advisory Commission* – Nothing reported.

*Alameda County Library Advisory Commission* – Councilmember Gacoscos stated she attended the Advisory Commission meeting on July 8 where the budget report for 2015/16 was received. Councilmember Gacoscos reported she was elected Vice Chair for a two-year term. Other business included retreat planning and the decision to meet bi-monthly rather than quarterly.

*Alameda County Mayors Conference* – Vice Mayor Navarro stated he will attend the Mayors Conference on July 15.

*Alameda County Transportation Commission (ACTC)* – Councilmember Duncan stated she attended the ACTC meeting on June 25 on behalf of Mayor Dutra-Vernaci. The significant item from this meeting was that the funding for the East/West Connector was unanimously approved as part of the consent calendar.

Councilmember Duncan stated she attended the Programs and Projects Committee meeting on July 13 where the East Bay Greenway Project was a topic of discussion.

Councilmember Duncan stated she will attend the ACTC Annual retreat on July 17.

*Alameda County Waste Management Authority (WMA)* – Councilmember Ellis stated he attended the WMA meeting on June 24, where it was announced that Gary Wolfe will retire at the end of the calendar year. He also reported the recycling outreach program was costing eight cents less per parcel than anticipated.

Association of Bay Area Governments (ABAG) – Nothing reported.

City of Union City Audit Subcommittee – Nothing reported.

*City of Union City Youth Violence Prevention & Intervention Advisory Committee* – Councilmember Duncan stated she attended the UCYVP meeting on July 1 where the committee prepared for the UCPD Justice and Equality Summit.

*Disaster Council* – Nothing reported.

*Dumbarton Rail Corridor Policy Advisory Committee* – Nothing reported.

*East Bay Economic Development Alliance (EDA)* – Nothing reported.

*East Bay Regional Communications System Authority (EBRCSA)* – Nothing reported.

*Economic Development Advisory Team (EDAT)* – Councilmember Duncan stated she will attend the EDAT meeting on July 15.

*Housing Authority of Alameda County* – Nothing reported.

*League of California Cities, East Bay Division (LOCC)* – Nothing reported.

*New Haven Unified School District Joint Sub-Committee* – Nothing reported.

*Oakland Airport Community Noise Management Forum* – Nothing reported.

*Oversight Board to the Successor Agency to the Union City Redevelopment Agency* – Vice Mayor Navarro stated he attended the meeting on June 29.

*Teen Center Project Updates* – Nothing reported.

*Union City Chamber of Commerce* – Nothing reported.

#### **XIV. GOOD OF THE ORDER**

Councilmember Duncan stated she attended the Union City Police Department (“UCPD”) Justice and Equality Summit on June 11.

Councilmember Duncan commended Police Chief McAllister and felt it was an excellent first step. She hoped next time more youth would be involved.

Councilmember Ellis requested weed abatement services for various lots throughout the City.

Councilmember Gacoscos stated she attended a meeting on June 30 with business and city leaders from South Korea, where interest in establishing business in Union City was expressed.

Councilmember Gacoscos stated she installed six (6) new officers of the Union City Historical Museum.

Councilmember Gacoscos stated she attended the July 11 UCPD Justice and Equality Summit and commented on the positive press the event was given.

Councilmember Gacoscos stated the Sister Cities Festival would be held on August 30 with ticket prices set at \$20.00.

Vice Mayor Navarro stated he participated in a ride-along with Captain Lopez-Vaughan on the evening of July 4 and noted Cpt. Lopez-Vaughan's respectful response to residents.

Vice Mayor Navarro stated he also attend the UCPD Justice and Equality Summit on July 11.

Vice Mayor Navarro requested an update on the Alvarado Beautification project.

Director Malloy responded to Vice Mayor Navarro's question and stated there had been preliminary actions performed and a full report would be brought back in August or September.

Vice Mayor Navarro requested an update on the Veterans Memorial project.

City Manager Acosta stated the City's transmission of funds to Tri-CED were complete. Supervisor Valle and Former Councilmember Fernandez stated the project's expected completion would be prior to Veteran's Day, 2016.

**XV. CLOSED SESSION - None**

**XVI. ADJOURNMENT**

Vice Mayor Navarro adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Anna M. Brown,  
City Clerk



## Agenda Item

**DATE:** 7/28/2015

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** MINTZE CHENG, PUBLIC WORKS DIRECTOR

**SUBJECT:** ACCEPTANCE OF WORK FOR THE WHIPPLE ROAD PAVEMENT REHABILITATION PROJECT, CITY PROJECT NO. 13-10, FEDERAL PROJECT NO. STPL-5354 (036)

The Contractor, MCK Services has completed the pavement improvements of the Whipple Road Pavement Rehabilitation Project. All the necessary paperwork and reports are submitted to the City. Thus, staff recommends project acceptance by the City Council.

### **BACKGROUND**

The Whipple Road Pavement Rehabilitation included pavement improvements on Whipple Road between Amaral Street and Ithaca Street. This project consists of a 1½ inch asphalt overlay of this section of Whipple Road and included the following components: grinding/milling of existing pavement, replacement of non-compliant ADA ramps, replacement of traffic signal detection systems, installation of new thermoplastic pavement markings, and adjustment of utility structures.

### **DISCUSSION**

Bids were received for this project on October 28, 2014. The contract was awarded to the low bidder, MCK Services, Inc. of Concord, California on November 13, 2014 in the amount of \$849,211.04. The project was substantially completed in April, 2014 and all final project punch-list items have now been resolved.

The final construction contract cost for the project work is \$892,591.23. The final construction cost was \$43,380.19 above the original contract amount. The increase from the original contract is primarily accounted for by an increase in the amount of pavement base repairs or digouts. City staff directed the contractor to complete the additional digouts as the condition of the existing pavement had severely deteriorated. In addition there were a total of four (4) contract change orders for a variety of construction related items such as disposal of yellow thermoplastic pavement markings with lead content, additional pavement marking items, and adjustment of existing utility structures.

The project is partially funded through the Metropolitan Transportation Commission (MTC) One Bay Area Grant (OBAG) Program with an amount of \$659,945 programmed for the construction phase of the project. The funds for the OBAG Program are a combination of Federal Surface Transportation Program (STP), Transportation Alternatives (TA) and Congestion Mitigation and Air Quality (CMAQ) monies.

Project construction related costs to date are as follows:

Construction Contract ( <u>MCK Services</u> )	\$ 892,591.23
Daily Inspection/Material Testing Services Contract ( <u>Ghirardelli Associates consultant</u> )	\$ 43,948.88
Estimated Project Management/Administration ( <u>City Staff</u> )	\$ 20,000.00
<b>TOTAL</b>	<b>\$ 956,540.11</b>

**FISCAL IMPACT**

The Federal grant for the construction phase of the project is a fixed amount of \$659,945.70. Public Works staff estimates the total construction phase of the project is at \$956,540.11. The City of Hayward will provide funding of a portion of the project in an estimated amount of \$115,000. In addition, the City will be reimbursed by Union Sanitary District in the amount of \$13,650 and AT&T in the amount of \$16,500 for the costs of their utility adjustments.

The City of Union City will fund the remaining portion of the project costs in an amount estimated to be \$151,444. The City portion of the project funding will be from a combination Measure B Ped and Bike Fund (Fund 2543) and Measure F, Vehicle Registration Fee Fund (Fund 2544). Sufficient funds are available in the current fund balance for the project.

**RECOMMENDATION**

It is recommended that the City Council adopt the attached resolution accepting the Whipple Road Pavement Rehabilitation Project from MCK Services for the final contract amount of \$892,591.23.

**Prepared by:**

Michael Renk, Civil Engineer, III

**Submitted by:**

Mintze Cheng, Public Works Director

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> Exhibit A - Notice of Completion	Exhibit
<input type="checkbox"/> Exhibit A - Notice of Acceptance and Completion	Exhibit

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
ACCEPTING IMPROVEMENTS FOR THE  
WHIPPLE ROAD PAVEMENT REHABILITATION PROJECT  
CITY PROJECT NO. 13-10  
FEDERAL PROJECT NO. STPL-5354(036)**

**WHEREAS, MCK SERVICES, INC.,** has successfully completed the improvements for *WHIPPLE ROAD PAVEMENT REHABILITATION PROJECT, City Project No. 13-10, Federal Project No. STPL-5354(036)*, per plans and specifications; and

**WHEREAS,** the work has been completed to the satisfaction of the Director of Public Works; and

**WHEREAS,** the project is funded with Federal monies through the Metropolitan Transportation Commission (MTC) One Bay Area Grant (OBAG) Program with an amount of \$659,945 programmed for the construction phase of the project. The funds for the OBAG Program are a combination of Federal Surface Transportation Program (STP), Transportation Alternatives (TA) and Congestion Mitigation and Air Quality (CMAQ) monies; and

**WHEREAS,** said project's local required City funds in the amount of \$151,444 will be from a combination Measure B Ped and Bike Fund (Fund 2543) and Measure F, Vehicle Registration Fee Fund (Fund 2544) and sufficient funds are available within said funds to accept this project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Union City does hereby accept the improvements in the final amount of **\$892,591.23** for *the WHIPPLE ROAD PAVEMENT REHABILITATION PROJECT, City Project No. 13-10, Federal Project No. STPL-5354(036); and*

**BE IT FURTHER RESOLVED** that the City Clerk of the City of Union City be directed to record the Notice of Completion with the Office of the County Recorder of Alameda County, California; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Union City does hereby authorize the City to release a retention in the amount of **\$44,629.56** to *MCK SERVICES, INC.* for the completion of improvements of *City Project No. 13-10, Federal Project No. STPL-5354(036)*, in accordance with the plans and specifications on file at the Office of the Director of Public Works.

**CERTIFICATE OF COMPLETION**  
**(Sec. 4005 Government Code)**

**TITLE: WHIPPLE ROAD PAVEMENT REHABILITATION PROJECT, CITY PROJECT NO. 13-10, FEDERAL PROJECT NO. STPL-5354(036)**

I, MINTZE CHENG, Public Works Director of the City of Union City, County of Alameda, State of California, do hereby certify as follows:

- a. That this project, pavement rehabilitation of Whipple Road between Amaral Street and Ithaca Street in Union City; and
- b. That contract agreement was approved by the City Council for the amount of **\$ 849,211.04**; and
- c. That the adopted and approved plans and specifications have been changed in the following respects:

	<b>CONTRACT CHANGE DESCRIPTION</b>	<b>AMOUNT</b>
	Original Contract	\$ 872,711.04
	Increase in Quantities	\$ 65,492.14
	Decrease in Quantities	\$ (70,047.10)
CCO #1	Lower Utility Structures at Huntwood Intersection	\$ 4,935.00
CCO #2	Disposal of Yellow Thermoplastic Pavement Marking (Lead Contaminated)	\$ 3,446.64
CCO #3	Additional Pavement Marking and Striping (Items not included on Bid Schedule)	\$ 11,653.51
CCO #4	Adjust Water Valve Box - City of Hayward	\$ 4,400.00
<b>Total Construction Contract Cost to City</b>		<b>\$ 892,591.23</b>

- d. That the work performed has been done in accordance with such plans and specifications.
- e. That MCK Services, Inc. performed the work, at a total cost of **\$ 892,591.23** including the above noted contract change description.
- f. That the Final retention amount of **\$ 44,629.56** will be released after 35 days of the project's acceptance.

Dated: \_\_\_\_\_, 2015.

\_\_\_\_\_  
MINTZE CHENG, P.E.  
PUBLIC WORKS DIRECTOR



PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

The City of Union City  
And is Exempt from Fee  
Per Government Code  
Sections 6103 and 27383

WHEN RECORDED MAIL TO:

The City Engineer  
The City of Union City  
34009 Alvarado Niles Road  
Union City, CA 94587

(THIS SPACE FOR RECORDER'S USE ONLY)

**NOTICE OF COMPLETION  
AND NOTICE OF ACCEPTANCE**

General Contract or Assessment Proceedings

**TITLE: WHIPPLE ROAD PAVEMENT REHABILITATION PROJECT, CITY PROJECT  
NO. 13-10, FEDERAL PROJECT NO. STPL-5354(036)**

NOTICE IS HEREBY GIVEN that I, MINTZE CHENG, as The Public Works Director of the City of Union City, County of Alameda, California, on the 28<sup>th</sup> day of July, 2015, did file with the Department of Public Works of said City, the Certificate of Completion of the following described work, the contract for which was heretofore awarded to MCK Services, Inc., P.O. Box 5697, Concord, CA 94524 and entered into on November 13, 2014, in accordance with the specifications for said work filed with said Department of Public Works and adopted by the Director of Public Works of said City.

That said work and improvements, pavement rehabilitation improvements to Whipple Road between Amaral Street and Ithaca Street in Union City.

were actually accepted by the Director of Public Works of the City of Union City on the 28<sup>th</sup> day of July, 2015, and that the name of the surety on the Contractor's bond for labor and materials on said contract is the Fidelity and Deposit Company of Maryland.

That the following work has been completed: pavement rehabilitation improvements to Whipple Road between Amaral Street and Ithaca Street in Union City.

Dated: \_\_\_\_\_, 2015.

\_\_\_\_\_  
MINTZE CHENG, P.E.  
PUBLIC WORKS DIRECTOR





## Agenda Item

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**DATE:** 7/28/2015

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** MINTZE CHENG, PUBLIC WORKS DIRECTOR

**SUBJECT:** ACCEPTANCE OF CONTRACT FOR 2014-15 WHEELCHAIR RAMP PROJECT, CITY PROJECT NO. 15-03

Rosas Brothers has since completed the work to the engineer's plans and specifications. Public Works staff recommends City Council accept the 2014-15 Wheelchair Ramp Project from Rosas Brothers Construction of Oakland for the final contract amount of \$206,238.00.

### **BACKGROUND**

As part of the ongoing project to upgrade the existing handicapped accessible ramps throughout the City, in order to be in compliance with the Americans Disability Act (ADA) guidelines, the City prepared construction documents to upgrade 98 ramps. Bids were opened on February 26<sup>th</sup>, and the low bid was Rosas Brothers Construction of Oakland, CA in the amount of \$235,200.00. Rosas Brothers Construction, Inc. has completed the 2014-15 Wheelchair Ramp Project. The project was completed in accordance with project plans and specifications and Rosas Brothers Construction, Inc. has supplied the City with all required bonding as specified in the contract.

### **DISCUSSION**

This project consists of the removal and construction of 86 wheelchair ramps and 12 truncated dome retrofits in compliance with the current Caltrans ADA standards.

The work locations are attached as Exhibit C. These work locations were selected to compliment the recent road work that has been performed in these areas.

In addition, a contract change order was made to repair a section of sidewalk by Old Alvarado Park. The section of sidewalk was broken to allow the connection of a water line for the Leisure Services trailers recently relocated to the park.

### **FISCAL IMPACT**

Funding for the 2014-15 Wheelchair Ramp Project is budgeted under the Measure B Bike and Pedestrian funds (Fund 2543) and State Gas Tax (Fund 2510). Sufficient funds are available to conclude this contract.

**RECOMMENDATION**

It is recommended that the City Council adopt the attached resolution accepting the 2014-15 Wheelchair Ramp Project from Rosas Brothers Construction of Oakland for the final contract amount of \$206,238.00.





**Prepared by:**

Murray Change, Civil Engineer, I

**Submitted by:**

Mintze Cheng, Public Works Director

**ATTACHMENTS:**

Description	Type
 Resolution	Resolution
 Exhibit A - Certificate of Completion	Exhibit
 Exhibit B - Notice of Completion	Exhibit
 Exhibit C - Project Work Location	Exhibit

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
ACCEPTING IMPROVEMENTS FOR THE 2014-15 WHEELCHAIR RAMP  
PROJECT CITY PROJECT NO. 15-03**

**WHEREAS, ROSAS BROTHERS CONSTRUCTION, INC.,** has successfully completed the improvements for **2014-15 WHEELCHAIR RAMP PROJECT, City Project No. 15-03,** per plans and specifications; and

**WHEREAS,** the work has been completed to the satisfaction of the Director of Public Works; and

**WHEREAS,** said project is budgeted by a combination of City's Measure B Bike & Pedestrian (Fund 2543) and State Gas Tax (Fund 2510) funds and sufficient funds are available within said funds to accept this project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Union City does hereby accept the improvements in the final amount of **\$206,238.00** for the **2014-15 WHEELCHAIR RAMP PROJECT, City Project No. 15-03; and**

**BE IT FURTHER RESOLVED** that the City Clerk of the City of Union City be directed to record the Notice of Completion with the Office of the County Recorder of Alameda County, California; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Union City does hereby authorize the City to make a final retention payment in the amount of **\$10,311.90** to **ROSAS BROTHERS CONSTRUCTION, INC.** for the completion of improvements of **City Project No. 15-03** in accordance with the plans and specifications on file at the Office of the Director of Public Works.

**CERTIFICATE OF COMPLETION**  
**(Sec. 4005 Government Code)**

**TITLE: 2014-15 WHEELCHAIR RAMP PROJECT; CITY PROJECT NO. 15-03**

I, MINTZE CHENG, Public Works Director of the City of Union City, County of Alameda, State of California, do hereby certify as follows:

- a. That this project, wheelchair ramp upgrades and truncated dome installation at various streets in Union City; and
- b. That contract agreement was approved by the City Council for the amount of **\$235,200.00**; and
- c. That the adopted and approved plans and specifications have been changed in the following respects:

	<b>CONTRACT CHANGE DESCRIPTION</b>	<b>AMOUNT</b>
	Original Contract	\$ 205,200.00
	Increase in Quantities	\$ 450.00
	Decrease in Quantities	\$
	C.C.O. No. 1	\$ 588.00
Total Construction Contract Cost to City		\$ 206,238.00

- d. That the work performed has been done in accordance with such plans and specifications.
- e. That **ROSAS BROTHERS CONSTRUCTION, INC.** performed the work, at a total cost of **\$206,238.00** including the above noted contract change description.
- f. That the Final retention amount of **\$ 10,311.90** will be released after 35 days of the project's acceptance.

Dated: \_\_\_\_\_, 2015.

\_\_\_\_\_  
MINTZE CHENG, P.E.  
PUBLIC WORKS DIRECTOR

[Rev. 02/23/09]

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

The City of Union City  
And is Exempt from Fee  
Per Government Code  
Sections 6103 and 27383

WHEN RECORDER MAIL TO:

The City Engineer  
The City of Union City  
34009 Alvarado Niles Road  
Union City, CA 94587

(THIS SPACE FOR RECORDER'S USE ONLY)

**NOTICE OF COMPLETION  
AND NOTICE OF ACCEPTANCE**

General Contract or Assessment Proceedings

TITLE: **2014-15 WHEELCHAIR RAMP PROJECT;  
PROJECT NO. 15-03**

NOTICE IS HEREBY GIVEN that I, MINTZE CHENG, as Public Works Director of the City of Union City, County of Alameda, California, on the 28th day of July, 2015, did file with the Department of Public Works of said City, the Certificate of Completion of the following described work, the contract for which was heretofore awarded to Rosas Brothers Construction, Inc. of 4731 Coliseum Way, Oakland and entered into on March 10, 2015, in accordance with the specifications for said work filed with said Department of Public Works and adopted by the Public Works Director of said City.

That said work and improvements, located at: Various Streets, Union City

were actually accepted by the Public Works Director of the City of Union City on the 28<sup>th</sup> day of July 2015, and that the name of the surety on the Contractor's bond for labor and materials on said contract is The RLI Insurance Company.

That the following work has been completed: wheelchair ramp upgrades and truncated dome installation.

Dated: \_\_\_\_\_, 2015.

\_\_\_\_\_  
MINTZE CHENG  
PUBLIC WORKS DIRECTOR

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION (GOVT. CODE 27361.6)  
(additional recording fee applies)

STATE OF CALIFORNIA )  
 )  
COUNTY OF ALAMEDA )

MINTZE CHENG, being first duly sworn, deposes and says:

That she is the duly appointed Public Works Director of the City of Union City, California; that she has read the foregoing Notice of Completion and Notice of Acceptance and knows the contents thereof, and that the same is true of her own knowledge except as to the matters therein stated on her own information and belief, and as to those matters that she believes it to be true.

---

MINTZE CHENG, P.E.  
PUBLIC WORKS DIRECTOR

Subscribed and sworn to before me  
This \_\_\_\_\_ day of \_\_\_\_\_, 2015

---

CITY CLERK in and for the City of Union City,  
County of Alameda, State of California

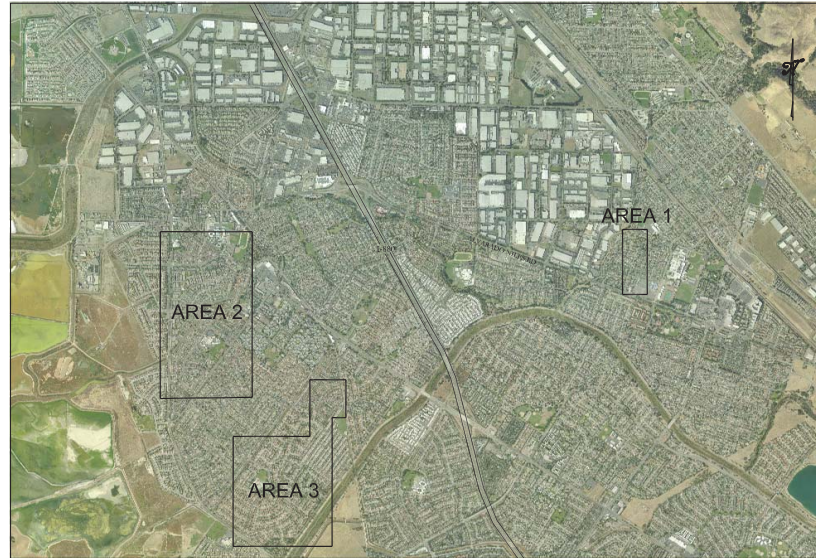


# Exhibit C

# CITY OF UNION CITY

## GENERAL NOTES:

1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CITY OF UNION CITY AND THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, STANDARD SPECIFICATIONS AND STANDARD PLANS, LATEST REVISION.
2. CONTRACTORS SHALL KEEP THE CITY POLICE (510-471-1365), AND PUBLIC WORKS DEPARTMENT INFORMED DAILY REGARDING EXCAVATIONS, BARRICADES, AND DETOURS.
3. CONTRACTOR SHALL NOTIFY PUBLIC WORKS: THE CITY ENGINEER OR HIS REPRESENTATIVE AT LEAST TWO (2) DAYS PRIOR TO COMMENCING WORK.  
(CITY ENGINEER - 510-675-5301, PROJECT ENGINEER - 510-675-5311.)
4. CONTRACTOR SHALL LEAVE AN EMERGENCY TELEPHONE NUMBER WITH THE ABOVE DEPARTMENTS
5. CONTRACTOR SHALL CONTACT THE UNDERGROUND SERVICE ALERT (1-800-227-2600) AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF WORK FOR UTILITY LOCATIONS.
6. "NO PARKING" SIGNS SHALL BE FURNISHED BY THE CONTRACTOR TO ADEQUATELY COVER THE WORK AREA AND BE POSTED AT LEAST 72 HOURS PRIOR TO THE EFFECTIVE TIME OF PARKING RESTRICTIONS.
7. ALL STORM DRAIN CURB INLETS SHALL BE PROTECTED FROM CONSTRUCTION RELATED DEBRIS. FILTER FABRIC NEEDS TO COVER THE CATCH BASIN AND CURB INLET.
8. THE CONTRACTOR SHALL COMPLY WITH THE RULES AND REGULATIONS OF THE STATE CONSTRUCTION SAFETY ORDERS.
9. CONTRACTOR SHALL MAINTAIN THE SITE(S) IN SAFE AND CLEAN CONDITION AT ALL-TIMES DURING CONSTRUCTION.
10. THE CONTRACTOR SHALL POSSESS A CLASS A OR CLASS C-8 LICENSE AT THE TIME THIS CONTRACT IS AWARDED.
11. THE CONTRACTOR SHALL INSPECT THE PROJECT SITE PRIOR TO SUBMITTING A BID IN ORDER TO OBSERVE AND DETERMINE THE EXISTING JOB SITE CONDITIONS.
12. WORK HOURS FOR THIS PROJECT IS BETWEEN THE HOURS OF 8:00 AM TO 5:00 PM DURING THE WEEK DAYS, 8 AM TO 5 PM WEEKENDS WITH APPROVAL, UNLESS OTHERWISE NOTED.
13. THE CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR SHALL BE REQUIRED TO ASSUME COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT. THESE PLANS DO NOT INCLUDE COMPONENTS NECESSARY FOR CONSTRUCTION SAFETY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING THE COURSE OF THE PROJECT.
14. THE CONTRACTOR SHALL INSPECT THE PROJECT SITE PRIOR TO SUBMITTING A BID IN ORDER TO OBSERVE AND DETERMINE THE EXISTING JOB SITE CONDITIONS.
15. THE CONTRACTOR SHALL PROVIDE INGRESS AND EGRESS FOR PRIVATE PROPERTY ADJACENT TO THE WORK THROUGHOUT THE PERIOD OF CONSTRUCTION.
16. CONTRACTOR SHALL PROVIDE ACCESS FOR PEDESTRIANS AND BICYCLISTS AT ALL TIMES.



PROJECT SITE  
NTS

PROJECT NO. 15-03

## SHEET INDEX:

1. TITLE SHEET
2. DETAILS
3. AREA 1: DALTON WAY  
AREA 3: ANTIOCH ST, BROCKWAY ST, DINUBA ST, DOWNIEVILLE ST, DINUBA CT, MONROVIA ST, NORWALK ST, NILAND ST, KORBEL ST, KORBEL CT, KELSO ST, NOVATO ST, HOLT ST
4. AREA 2: FREDI ST, QUEENSBORO WY, QUEEN ANNE DR, VICTORIA AVE, VICTORIA CT, CABELLO ST, LUPE CT, GRANITE CT, FELDSPAR CT, REGENTS BLVD, QUEEN ANNE CT, DARCELLE DR, DEBORAH DR, ROCHELLE DR, TERI CT, DANA CT

## LEGEND

-  REMOVE EXISTING & CONSTRUCT ADA COMPLIANT WHEELCHAIR RAMP WITH TRUNCATED DOME, COMPLETE
-  INSTALL TRUNCATED DOME ONLY



CITY OF UNION CITY

34009 ALVARADO-NILES ROAD  
UNION CITY, CA 94583  
T 510.675.5305 F 510.489.9468

BY	DATE	REVISION

UNION CITY 2014-15 WHEELCHAIR RAMP PROJECT

TITLE SHEET

ALAMEDA COUNTY

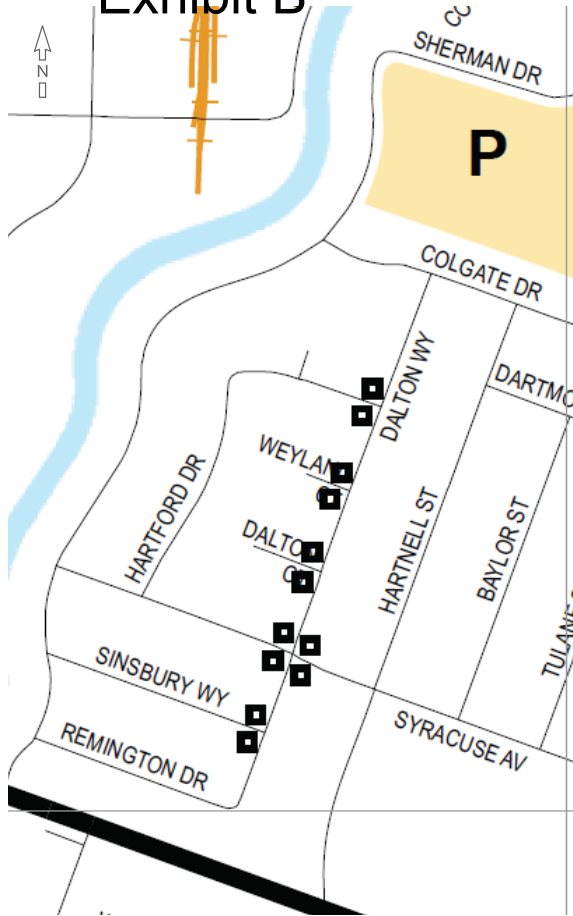
CALIFORNIA

SHEET 01

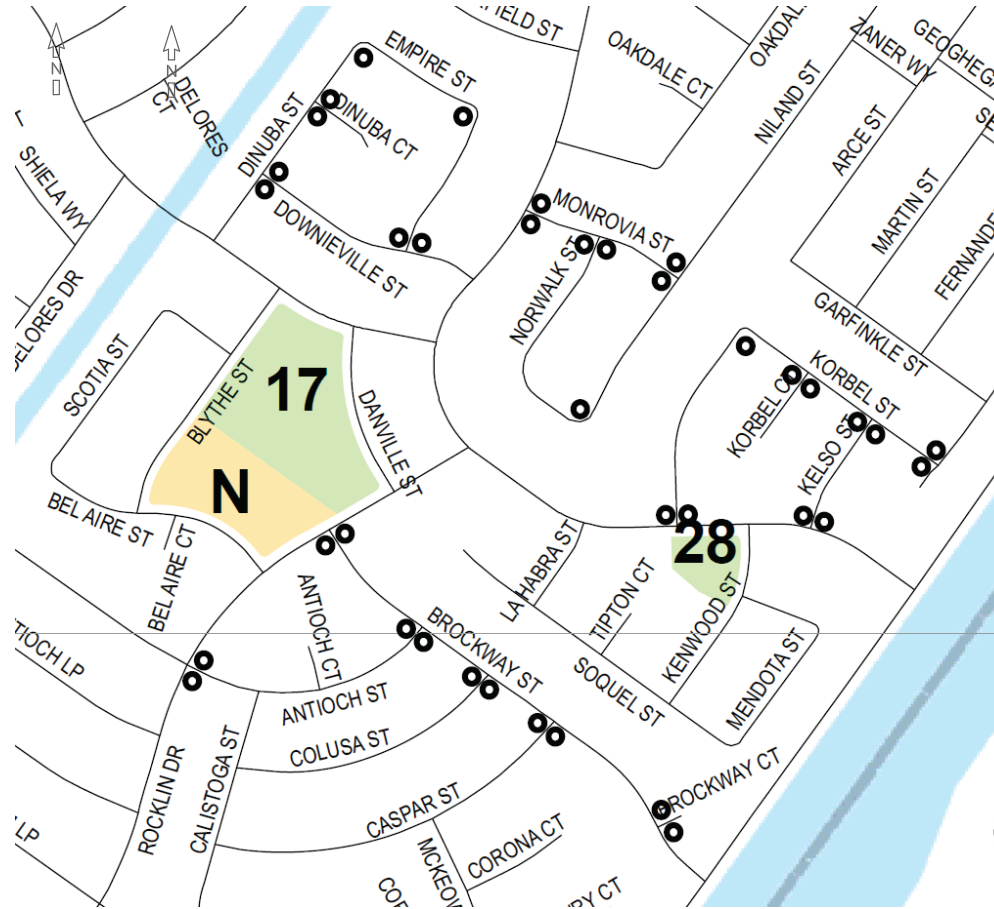
OF 04

SCALE: NTS

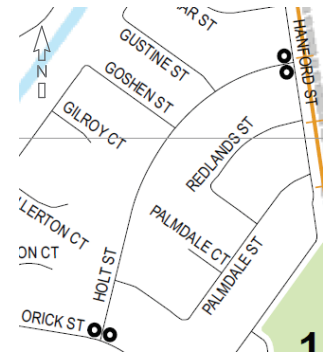
# Exhibit B



AREA 1  
Dalton Way



AREA 3  
Various Streets



AREA 3  
Holt Street

NOTES:

- 1. SEE SHEET 2
- 2. CONTACT CITY PRIOR TO CONSTRUCTION IF DISCREPANCIES FOUND.



CITY OF UNION CITY

34009 ALVARADO-NILES ROAD  
UNION CITY, CA 94583  
T 510.675.5305 F 510.489.9468

BY	DATE	REVISION

UNION CITY 2014-15 WHEELCHAIR RAMP PROJECT

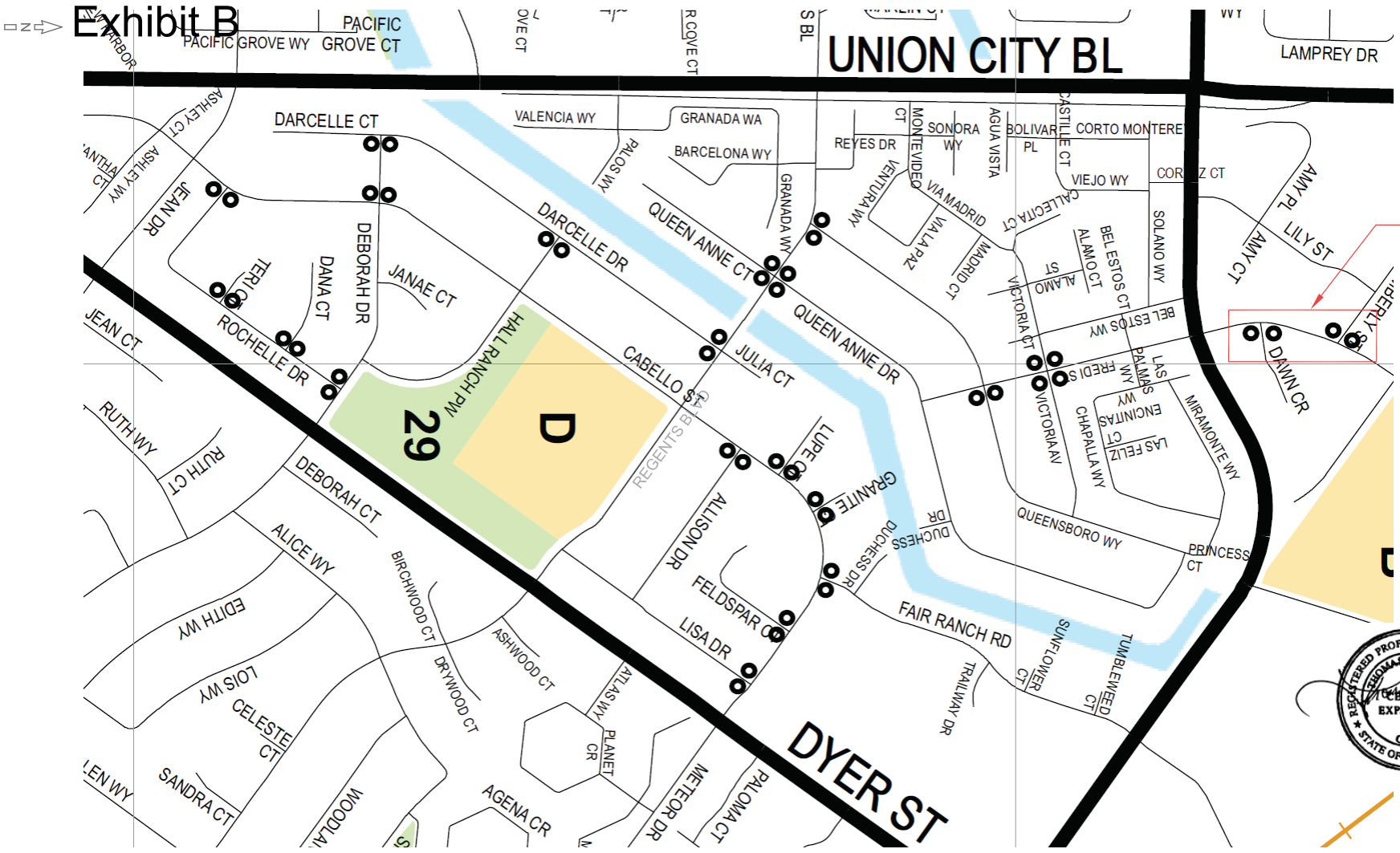
## WORK LOCATIONS

ALAMEDA COUNTY

CALIFORNIA

SHEET	03
OF	04
SCALE:	NTS

# Exhibit B



NEAR SCHOOL  
WORK HOURS:  
8:30AM TO 2:30PM



NOTES:  
1. SEE SHEET 2 & 3



**CITY OF UNION CITY**  
34009 ALVARADO-NILES ROAD  
UNION CITY, CA 94583  
T 510.675.5305 F 510.489.9468

BY	DATE	REVISION

UNION CITY 2014-15 WHEELCHAIR RAMP PROJECT  
**WORK LOCATIONS**  
ALAMEDA COUNTY CALIFORNIA

SHEET	04
OF	04
SCALE:	NTS



**DATE:** 7/28/2015

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** DAVE GLASSER, ADMINISTRATIVE SERVICES DIRECTOR

**SUBJECT:** **ADOPT A RESOLUTION AMENDING THE ADOPTED BIENNIAL OPERATING BUDGET FOR FISCAL YEARS 2015-16 AND 2016-17 AND THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2015-16 THROUGH 2019-20 PER RESOLUTION NO. 4763-15.**

This report seeks City Council to adopt a resolution amending the Adopted Biennial Operating Budget for FY 2015-16 and 2016-17 and the Five-Year Capital Improvement Plan for FY 2015-16 through 2019-20 per Resolution No. 4763-15.

**BACKGROUND**

The Proposed Biennial Operating Budget covering Fiscal Year (FY) 2015-16 and FY 2016-17 and Five-Year Capital Improvement Plan for Fiscal Years 2015-16 through 2019-20 was adopted by the City Council on June 23, 2015 per Resolution No. 4763-15.

Staff has discovered items on the resolution needing correction discussed below.

**DISCUSSION**

At the June 23<sup>rd</sup> regular meeting, staff presented the City Council with the following appropriations requests and revenue estimates for all City funds:

<b>APPROPRIATION REQUESTS</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>
Operating	\$76,424,105	\$78,748,059
Capital Outlay	\$1,831,227	\$754,423
Debt Service	\$13,297,888	\$13,451,103
Transfer Out	\$1,767,000	\$1,767,000
Capital Improvement Plan	\$12,725,990	\$35,016,884
<b>TOTAL REQUESTS</b>	<b>\$106,046,210</b>	<b>\$129,737,469</b>
<b>REVENUE ESTIMATES</b>	<b>\$105,728,953</b>	<b>\$128,939,814</b>

At the same meeting, the City Council adopted the resolution approving the Proposed Biennial Operating Budget covering FY 2015-16 and 2016-17 and Five-Year Capital Improvement Plan for FY 2015-16 through 2019-20.

Staff however, now discovered that there were errors in the dollar amounts shown on the Resolution as the adopted Debt Service budget for FY 2015-16 and 2016-17.

<b>DEBT SERVICE APPROPRIATION REQUESTS</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>
As shown on Staff Report & Attachments	\$13,297,888	\$13,451,103
As shown on the Resolution	\$13,272,580	\$13,425,795
<b>DIFFERENCE (General Fund)</b>	<b>\$25,308</b>	<b>\$25,308</b>

The difference of \$25,308 on both fiscal years represents the operating budget adjustment # 4 – Network Infrastructure Replacement as shown in the June 23<sup>rd</sup> staff report. The budget increase is needed to cover the costs of the VoIP back end servers/appliances which are under a lease agreement.

**FISCAL IMPACT**

No fiscal impact as the requested amendments are already incorporated in the previously reported General Fund projected operating surplus of \$37,814 in FY 2015-16 and \$65,634 in FY 2016-17.

**RECOMMENDATION**

It is recommended that the City Council adopt a resolution amending the Biennial Operating Budget for FY 2015-16 and 2016-17 and the Five-Year Capital Improvement Plan for FY 2015-16 through 2019-20 adopted under Resolution No. 4763-15.

**Prepared by:**

ANITA CASTILLO, INTERIM BUDGET MANAGER

**Submitted by:**

DAVE GLASSER, ADMINISTRATIVE SERVICES DIRECTOR

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Resolution-Amending the Adopted Biennial Operating Budget for Fiscal Years 2015-16 and 2016-17 and Five-Year Capital Improvement Plan for Fiscal Years 2015-16 through 2019-20	Resolution



**RESOLUTION NO. XXXX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
ADOPTING THE BIENNIAL OPERATING BUDGET  
FOR FISCAL YEARS 2015-16 AND 2016-17  
AND  
APPROVING THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN  
FOR FISCAL YEARS 2015-16 THROUGH 2019-20**

**WHEREAS**, the City Manager has proposed an annual operating budget for Fiscal Years 2015-16 and 2016-17 and a five-year Capital Improvement Plan (CIP) for Fiscal Years 2015-16 through 2019-20, a copy of which is on file in the office of the City Clerk; and

**WHEREAS**, the City Council has examined, and deliberated on with input from the public, the budget;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Union City as follows:

1. That the proposed operating budget of **\$76,424,105** in FY 2015-16 and **\$78,748,059** in FY 2016-17 is hereby adopted as the operating budget for the City of Union City.
2. That the proposed capital outlay budget of **\$1,831,227** in FY 2015-16 and **\$754,423** in FY 2016-17 is hereby adopted as the capital outlay budget for the City of Union City.
3. That the proposed debt service budget of **\$13,297,888** in FY 2015-16 and **\$13,451,103** in FY 2016-17 is hereby adopted as the capital debt service budget for the City of Union City.
4. That the proposed transfers out budget of **\$1,767,000** in FY 2015-16 and **\$1,767,000** in FY 2016-17 is hereby adopted as the transfers out budget for the City of Union City.
5. That the proposed Capital Improvements Plan (CIP) budget of **\$12,725,990** in FY 2015-16; **\$35,016,884** in FY 2016-17; **\$65,323,208** in FY 2017-18; **\$21,630,000** in FY 2018-19; **\$3,250,000** in FY 2019-20, is hereby adopted as the CIP budget for the City of Union City.
6. That the City Manager may delegate the authority to implement this resolution to the Administrative Services Director, who functions as the Finance Director.
7. That the City Manager is authorized and directed to transfer funds from one activity to another within a given fund, at such times as are appropriate, in accordance with generally-accepted accounting principles and consistent with the objectives as outlined in the approved budget.
8. That the City Council hereby adopts a policy to establish an administrative contingency reserve under the City Manager's discretion which is equal to 0.50% of annual General Fund appropriations.
9. That the Council hereby adopts a policy to establish a minimum General Fund fund balance which is not less than 20% of General Fund appropriations.

10. That the City Council hereby adopts a policy to set aside 50% of any General Fund annual operating balance (surplus), net of transfers, for payments made either directly or to irrevocable trust accounts, for the purpose of reducing unfunded liabilities associated with City retirement obligations (i.e., PERS) and/or Other Post-Employment Benefits (OPEB, i.e., retiree medical benefits).
11. That the City Council hereby adopts a policy to establish an Economic Development Enterprise Fund (EDEF), to be funded through allocations from sources of "one-time" City revenues such as development fees, surplus property sales proceeds, and/or GF fund balance transfers, and to be applied to business retention, business attraction, and commercial property investment expenses determined by the City Council to be in the best interests of the City. The specific allocation policies for revenue streams to implement the EDEF shall be adopted by separate resolution of the City Council.
12. That any monies received during the two fiscal years of this budget, as a consequence of grants approved by the City Council, are hereby appropriated for the purposes for which the grant has been approved, and the City Manager is authorized to expend such monies and make payments in accordance with the terms, conditions and purposes of the grant.
13. That any contract for professional services, supplies, or capital expenditures included in the annual budget that exceeds \$50,000 shall be executed by the City Manager only upon approval of the City Council.
14. The City Manager may authorize transfer of funds between non-salary and benefit accounts (material & supplies, contractual services and capital outlays) within the same fund within a department and approve transfers in salary and benefits accounts within the same fund. Transfers between funds require City Council approval.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on the 28<sup>th</sup> day of July, 2015 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

CAROL DUTRA-VERNACI  
Mayor

ATTEST:

---

ANNA M. BROWN  
City Clerk

---

BENJAMIN T. REYES, II  
City Attorney



## Agenda Item

---

**DATE:** 7/28/2015

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** DAVID GLASSER, DIRECTOR OF ADMINISTRATIVE SERVICES

**SUBJECT:** ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CONTRACTOR ERPELDING TRAINING AND CONSULTING

This authorization request, if approved, will establish an annual support services contract with a contractor used by the City's Information Technology division on an ad-hoc / as needed basis for the past fifteen years.

### **BACKGROUND**

The scope of services and complexity of systems provided and supported by the City's Information Technology (IT) Division of the Administrative Services Department continues to increase. As a result the City's IT Division requires additional support services.

### **DISCUSSION**

The City has successfully utilized a Microsoft Certified Windows Architect / Senior Infrastructure Consultant; Thomas Erpelding for the past fifteen years to support IT division. While Erpelding Consulting specializes in short-term projects and ad-hoc trouble shooting the needs of the City's IT division continues to grow along with it the increased reliance on outside support. The establishment of this general support contract enables the City's IT division to have the resources required to provide the support needed to the City's Departments.

### **FISCAL IMPACT**

No additional funds are required. The Administrative Services Department / Information Technology Division FY 2015-2016 budget includes funding for this contract.

### **RECOMMENDATION**

It is recommended that the City Council adopt a resolution allowing the City Manager to enter into a Professional Services Agreement with Contractor Erpelding Consulting.

### **Prepared by:**



Geoffrey Fisher, Manager of Information Technology

**Submitted by:**

David Glasser, Director of Administrative Services

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> RESOLUTION FOR AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ERPELDING CONSULTING	Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ERPELDING CONSULTING FOR SOFTWARE TRAINING AND SUPPORT SERVICES**

**WHEREAS**, Erpeldng Consulting has provided high-quality software training and support services to the City of Union City for over fifteen (15) years, and is completely familiar with the City's needs; and

**WHEREAS**, the entire consulting agreement, contract or appointment document between Erpelding Consulting and the City of Union City has been reviewed by this body and is attached hereto and incorporated herein by reference; and

**WHEREAS**, the consulting agreement of Erpelding Consulting will be extend through June 30, 2016; and

**WHEREAS**, the hourly rate paid to Erpelding Consulting will be \$130.00 for scheduled work; and

**WHEREAS**, the hourly rate paid to Erpelding Consulting will be \$200.00 for emergency call-out work; and

**WHEREAS**, funds sufficient to cover all costs associated with the proposed agreement have been appropriated in the Fiscal Year (FY) 2015-2016 Operating Budget; and

**WHEREAS**, the City Council hereby certifies the nature of the contract with Erpelding Consulting as described herein and detailed in the attached consulting agreement document and that this contract is necessary to assist and support the planning, design, installation and implementation, technical and operational support, and training, required to support and assist the City's Information Technology Division of the Administrative Services Department.

**NOW, THEREFORE, BE IT RESOLVED:** that the City Council hereby authorizes and directs the City Manager or his designee to execute a professional services contract with Erpelding Consulting as described herein and detailed in the attached document; and

**BE IT FURTHER RESOLVED:** that an executed copy of said agreement has been reviewed and approved by the City Attorney as to form and legality, and maintained on file by the City Clerk.



## Agenda Item

---

**DATE:** 7/28/2015

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** DAVE GLASSER, ADMINISTRATIVE SERVICES DIRECTOR

**SUBJECT:** **ADOPT A RESOLUTION APPROVING THE REPLACEMENT OF NETWORK INFRASTRUCTURE EQUIPMENT THROUGH SOLE SOURCE PROVIDER ENTISYS AND THE SUBSEQUENT FINANCING OF THAT REPLACEMENT PURCHASE WITH KEY GOVERNMENT FINANCE, INC.**

A resolution has been prepared for the City Council's consideration. The proposed lease contract will replace the network infrastructure equipment; routers, switches, firewall, and voice over IP (VoIP) appliances.

### **BACKGROUND**

The City's current network (computer) infrastructure hardware is comprised of components which have been added as the network needs have grown. As a result in addition to being old technology, many parts of the network infrastructure are past "End of Life", "End of Support" and are out of warranty. The entire network infrastructure needs to be replaced.

In order to normalize annual replacement costs for computing equipment, the City began a program in 2008 to move all computer equipment into a lease program. This prevents spiking of costs in any one year and allows the City to remain current in its equipment; thereby lessening maintenance costs on aging items.

Other than some specialized systems in the Police Department, the network infrastructure is the last major component of the City's computer systems which need to move under a lease/replacement schedule which will ensure the annual technology replacement costs are reduced and the components remain current technology.

### **DISCUSSION**

Staff requests authorization to lease the network infrastructure equipment and software support (the specific parts and components list are not attached for network security reasons). To reduce the year to year cost and achieve an appropriate use cycle, staff selected a seven (7) year replacement lease cycle. The Total Principal Amount is \$1,055,563.30. Yearly payments of: \$153,879.67 will be made from FY 2015-2016 through FY 2021-2022.

Under the Proposed Two-Year Operating Budget FY 2015-16 and FY 2016-17 (page OP458), \$128,572 each is appropriated for FY2015-16 and FY2016-17. Prior to adoption of the proposed budget, the appropriation was increased by \$25,308 each year to cover the entire yearly lease payments on the network infrastructure equipment as shown on Table I below:

Table I – Annual Budget for Network Infrastructure Equipment

Budget Type: Debt Service	FY 2015-16	FY 2016-17
Per Proposed Budget (page OP458)	\$128,572	\$128,572
Budget Adjustment	\$25,308	\$25,308
<b>Adopted Budget</b>	<b>\$153,880</b>	<b>\$153,880</b>

This equipment would be purchased from Entisys Solutions, Inc. and financed by Key Government Finance, Inc. Entisys is a registered Western States Contracting Alliance / National Association of State Procurement Officials (WSCA / NASPO) vendor with the State of California and is providing the specified computing equipment under Indirect Contract No. B27164-CA. The State of Minnesota is “Lead State” for this procurement. Staff has examined the cooperative purchasing agreement and is satisfied that it meets the requirements of the Government Code sections 6500, 6502 et. al., and that all competitive bidding requirements have been met.

**FISCAL IMPACT**

The approval of this report would allow City staff to enter into an agreement to purchase necessary network infrastructure equipment from Entisys Solutions, Inc. and Key Government Finance, Inc to finance that purchase through a Fair Market Value lease. Since current budgetary allocations are sufficient to cover these new annual leasing costs, no further appropriations are requested.

**RECOMMENDATION**

It is recommended that the City Council adopt a resolution approving the replacement network infrastructure equipment through sole source provider Entisys and the subsequent financing of that replacement purchase with Key Government Finance, Inc.

**Prepared by:**

Geoffrey Fisher, Manager of Information Technology

**Submitted by:**

David Glasser, Administrative Services Director

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> City Council Resolution - Network Infrastructure Project	Resolution

**RESOLUTION NO.**

**ADOPT A RESOLUTION APPROVING THE REPLACEMENT OF NETWORK INFRASTRUCTURE EQUIPMENT THROUGH SOLE SOURCE PROVIDER ENTISYS AND THE SUBSEQUENT FINANCING OF THAT REPLACEMENT PURCHASE WITH KEY GOVERNMENT FINANCE, INC.**

**WHEREAS**, the City's Two-Year Operating Budget includes appropriations in the amount of \$153,880 in FY 2015-16, \$153,880 in FY 2016-17 for the purchase or lease of network infrastructure equipment; and

**WHEREAS**, the City's Information Technologies (IT) division wishes to purchase \$1,010,420.04 worth of equipment before sales tax to replace obsolete network infrastructure equipment at City Hall that is end-of-life, out-of-support and out of warranty; and

**WHEREAS**, security considerations preclude the listing of the network infrastructure hardware and software to be leased by adoption of this resolution; and

**WHEREAS**, the IT division wishes to finance this purchase with a Fair Market Value (FMV) lease with Key Government Finance containing the following terms:

- Leasing Term of Seven (7) Years;
- Effective Interest Rate of 3.099%;
- Annual Lease Payments of approximately \$153,879.67
- Total Lease Payment Value of \$1,010,420.04; and

**WHEREAS**, it is estimated that this lease will have payments of \$153,879.67 in FY 2015-16, \$153,879.67 in FY 2016-17, and \$153,879.67 in FY 2017-18, and \$153,879.67 in FY 2018-19, and \$153,879.67 in FY 2019-20, and \$153,879.67 in FY 2020-21, and \$153,879.67 in FY 2021-22; and

**WHEREAS**, this equipment will be purchased from Entisys Solutions, Inc. and financed by Key Government Finance, Inc., wherein Entisys is a registered Western States Contracting Alliance / National Association of State Procurement Officials (WSCA / NASPO) vendor with the State of California and is providing the specified computing equipment under Indirect Contract No. B27164-CA; and

**WHEREAS**, staff recommends that the City Council approve the replacement of City Hall computing equipment through sole source provider Entisys and the subsequent lease financing of that replacement equipment with Key Government Finance, Inc.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Union City hereby approves the replacement of City Hall computing equipment through sole source provider Entisys and the subsequent seven year lease financing of that equipment with Key Government Finance, Inc. and authorizes the City Manager (or designee) to execute all necessary agreements and amendments thereto required to lease said equipment on behalf of the City.



## Agenda Item

**DATE:** 7/28/2015

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** ANTONIO E. ACOSTA, CITY MANAGER

**SUBJECT:** RESOLUTION APPROVING THE RECLASSIFICATION OF ONE ADMINISTRATIVE ASSISTANT III TO DEPUTY CITY CLERK, AMENDING THE AUTHORIZED POSITIONS LIST, AND AMENDING THE OPERATING BUDGET FOR FISCAL YEARS 2015-16 AND 2016-17 TO INCORPORATE THE ASSOCIATED SALARY ADJUSTMENTS

A resolution has been prepared approving the reclassification of one Administrative Assistant III to Deputy City Clerk, amending the Authorized Positions List and amending the operating budget for fiscal years 2015-16 and 2016-17 to incorporate salary adjustments associated with the reclassification. Staff recommends adoption of the proposed resolution.

### **BACKGROUND**

The incumbent has performed many duties on the level of a Deputy City Clerk since January of 2015. Since this time, the incumbent has also been learning the numerous facets, complexities, and unique legislative and administrative tasks required of City Clerk staff. The incumbent has completed several training courses offered by City Clerks Association of California (CCAC) and has started the Technical Track for Clerks Institute in pursuit of the Certified Municipal Clerk (CMC) designation.

### **DISCUSSION**

The level of skill and execution of assignments required of an assistant to the City Clerk is generally performed by an individual in the job classification of Deputy City Clerk. Reclassifying the incumbent to the position of Deputy City Clerk will more appropriately align performance expectations with job classification.

### **FISCAL IMPACT**

Fiscal impact of the reclassification is \$4576.00 for FY 2015-16, and \$7838.00 for FY 2016-17. Further detail is provided in the table below:

<b>Position</b>	<b>Total Compensation</b>
-----------------	---------------------------

	<b>FY2015-16</b>	<b>FY2016-17</b>
Deputy City Clerk-Step 1	\$103,992	\$114,800
Admin Assistant III-Step 2	\$99,346	\$106,962

**RECOMMENDATION**

It is recommended that the City Council adopt a resolution approving the reclassification of one Administrative Assistant III to Deputy City Clerk, amending the Authorized Positions List and amending the operating budget for fiscal years 2015-16 and 2016-17 to incorporate the salary adjustments associated with the reclassification.



**Prepared by:**

Anna M. Brown, City Clerk

**Submitted by:**

Antonio E. Acosta, City Manager

**ATTACHMENTS:**

Description	Type
 Draft Reso for Reclassification, Authorized Position List Adjustment and Budget Adjustment	Resolution
 Budget Change Request Form	Exhibit

**RESOLUTION NO. XXXX-15**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING THE RECLASSIFICATION OF ONE ADMINISTRATIVE ASSISTANT III TO DEPUTY CITY CLERK, AMENDING THE AUTHORIZED POSITIONS LIST, AND AMENDING THE OPERATING BUDGET FOR FISCAL YEARS 2015-16 AND 2016-17 TO INCORPORATE THE ASSOCIATED SALARY ADJUSTMENTS**

WHEREAS, the Operating Budget for Fiscal Years 2015/2016 and 2016/2017 was originally approved by City Council on June 23, 2015; and

WHEREAS, the Personnel Rules and Regulations require the City Council adopt an Authorized Positions List, for all authorized positions; and

WHEREAS, the following items are in need of adjustment:

- Authorized Position List adjustment, eliminating one Administrative Assistant III (FTE) from the City Clerk Department and adding one Deputy City Clerk to the City Clerk Department (FTE) for Fiscal Years 2015-16 and 2016-17
- Operating Budget Expenditure adjustments in the amount of:
  - +\$4,576 for FY 2015-16 (1110-1401-14001-1xxxx)
  - +\$7,838 for FY 2016-17 (1110-1401-14001-1xxxx)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Union City amends the Authorized Positions List for the City Clerk's Department and amends the Operating Budget for Fiscal Years 2015/2016 and 2016/2017 to incorporate the salary adjustments associated with the reclassification.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on the 28th day of July, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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CAROL DUTRA-VERNACI  
Mayor

ATTEST:

---

ANNA M. BROWN  
City Clerk

APPROVED AS TO FORM:

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BENJAMIN T. REYES, II  
City Attorney



## REQUEST FOR BUDGET TRANSFER OR SUPPLEMENTAL APPROPRIATION

Nature of adjustment:

Inter-account Transfer [    ]

Additional Appropriation [ X ]

Approved by Council Action/Resolution # \_\_\_\_\_

INCREASE BUDGET OF THIS ACCOUNT		DECREASE BUDGET OF THIS ACCOUNT	
Account Number	Amount	Account Number	Amount
1110-1401-14001-1xxxx (FY 2015-16)	\$4,576		
1110-1401-14001-1xxxx (FY 2016-17)	\$7,838		

**Reason for request:**

To incorporate the salary adjustments associated with a classification change within the City Clerk's Office from one Administrative Assistant III (Step 2) to one Deputy City Clerk (Step 1)

**REQUIRED: IF A CAPITAL PROJECT BUDGET IS BEING DECREASED, EXPLAIN HOW THE DECREASE WILL IMPACT THE PROJECT (ELIMINATE PROJECT, POSTPONE PROJECT, REDUCE SCOPE, NO IMPACT, OTHER)**

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Availability of funds approved by Administrative Services Director: \_\_\_\_\_

City Manager approval: \_\_\_\_\_



## Agenda Item

**DATE:** 7/28/2015

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** JOAN MALLOY, ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** HOLD A PUBLIC HEARING (PUBLISHED NOTICE) TO INTRODUCE AN ORDINANCE AMENDING THE UNION CITY MUNICIPAL CODE BY ADDING CHAPTER 15.78 TO ESTABLISH AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

In 2014, the State of California enacted AB 2188, requiring cities to adopt an ordinance by September 30, 2015 to establish an expedited, streamlined process for permitting small residential rooftop solar energy systems. In order to comply with the specific requirements of AB 2188, staff developed a new ordinance to add Chapter 15.78 to the Union City Municipal Code. Staff recommends that the Council adopt the proposed ordinance.

### **BACKGROUND**

By improving the efficiency of solar permitting statewide, AB 2188 will help lower the cost of solar installations and further expand the accessibility of solar to more California homeowners who want to control their electricity bills and generate their own clean energy. In addition, making solar energy more affordable will help the State reach its renewable energy and greenhouse gas reduction goals, and create more jobs.

Types of solar energy systems that fall within the scope of AB 2188;

- Residential rooftop installed photovoltaic systems (PV) up to 10 kW ac or hot water systems up to 30 kW thermal.
- Systems must be installed on a single family residence or a duplex.
- The installation cannot exceed the City's maximum height requirements.

In order to comply with the law;

- The permitting processes used by the City to review plans, issue permits and inspect solar systems must substantially conform to the recommendations, standard plans, and checklists found in the most updated version of the Office of Planning and Research's "Solar Permitting Guidebook" (OPR Guidebook).
- The City must make the OPR Guidebook available on our webpage.
- The City must accept "electronic" submittal of permit applications, and

- The City may conduct only one inspection on a solar system, and that inspection must be provided in a timely manner.

## **DISCUSSION**

The Building Division previously enacted many of the proposed streamlined permitting and inspection process that are required by AB 2188. The City's current fees and inspection process comply with AB 2188 and the OPR Guidebook recommendations. The City's solar plan review process is a single review/approval by the Building Official.

AB 2188 does not specify a timeline for plan review. The OPR Guidebook recommends processing PV permits over the counter or within 1-3 days. Union City will differ from the OPR Guidebook recommendations. Over the counter approval is not feasible, and for the "electronic applications," the recommended one to three day turnaround time is faster than the City's typical permit review (10 business days). If the City was to accept the OPR Guidebook recommended timelines for plan review/permit issuance, PV permit applications would assume a higher priority than other types of permit reviews, and depending on volume, could necessitate additional staffing in order to meet the guidelines, or could result in delays in processing other permits.

The City has not received any complaints from the PV industry about the City's current plan check turnaround times. The City will continue to perform PV reviews in a timely manner that is compliant with State Law requirements, and consistent with the City's standard plan review timelines, current staffing levels, and workload.

The City will not be implementing an on-line application and payment system and related infrastructure for PV permit applications. Such a system is not required under state law and may be costly. Staff has not received quotes, but the City of Los Angeles reportedly spent over \$200,000 on their automated system.

## **FISCAL IMPACT**

There is no projected fiscal impact associated with this new ordinance.

## **RECOMMENDATION**

Staff recommends that the City Council:

1. Find the Ordinance is not subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that the ordinance does not have the potential for causing a significant effect on the environment.
2. Introduce Ordinance as shown in Exhibit "A" amending the Union City Municipal Code, by adding Chapter 15.78- "Draft Ordinance Expedited Streamlined Permitting Process for Small Residential Rooftop Solar Systems".
3. Direct the City Clerk to post and publish a summary of the Ordinance in accordance with Government Code Section 36933(c)(1).

## **Prepared by:**

Kevin Reese, Chief Building Official

## **Submitted by:**

Joan Malloy, Economic and Community Development Director

**ATTACHMENTS:**

Description	Type
 Draft Ordinance with Exhibit	Ordinance

**ORDINANCE NO. XX-15**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADDING CHAPTER 15.78 “EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS” TO THE UNION CITY MUNICIPAL CODE**

**WHEREAS**, the City Council recognizes the importance of “green technology”; and

**WHEREAS**, the City Council wishes to continue promoting green building and alternative energy measures; and

**WHEREAS**, it is the policy of the State of California to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems; and

**WHEREAS**, California Government Code section 65850.5 requires that, on or before September 30, 2015, every city, county, or city and county adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

**WHEREAS**, the City Council seeks to implement Government Code section 65850.5 by creating an expedited, streamlined permitting process for small residential rooftop solar energy systems.

**THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The above recitals are true and correct and made a part of this Ordinance.

**SECTION 2. CEQA.** Approval of the amendments is exempt from further environmental review under the general rule in the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. No further environmental review is required.

**SECTION 3. Findings.** The City Council makes the following findings in support of approving this Ordinance, based on the whole of the record before it.

1. The City has a substantial interest in complying with Government Code section 65850.5 by creating an expedited, streamlined permitting process for small residential rooftop solar energy systems.

2. The amendments are consistent with the City’s efforts to promote and encourage the installation and use of solar energy systems.

**SECTION 4. Approval.** The City Council hereby approves the amendments to the Municipal Code, more particularly, adding Chapter 15.78 as shown in attached Exhibit A, which is incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

**SECTION 5. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 6. Publication and effective date.** Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

## EXHIBIT A

### CHAPTER 15.78 EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

#### 15.78.010 Purpose.

The purpose of this Ordinance is to adopt an expedited, streamlined solar permitting process for small residential rooftop solar energy systems that complies with the Solar Rights Act and AB 2188, as codified in Government Code section 65850.5.

#### 15.78.020 Definitions.

For the purpose of this chapter, the following terms shall have the following definitions:

“Solar Energy System” means either of the following:

A. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

B. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

“Small residential rooftop solar energy system” means all of the following:

A. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

B. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City of Union City and all state and City of Union City health and safety standards, as applicable.

C. A solar energy system that is installed on a single or duplex family dwelling.

D. A solar panel or module array that does not exceed the maximum legal building height as defined by the City of Union City.

“Electronic submittal” means the utilization of one or more of the following:

A. Email;

B. The Internet;

C. Facsimile.

“Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

“Common interest development” means any of the following:

- A. A community apartment project.
- B. A condominium project.
- C. A planned development.
- D. A stock cooperative.

“Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

“Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

A. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

B. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

#### **15.78.030 Applicability.**

A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the City.

B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit.



### **15.78.040 Solar Energy Systems Requirements.**

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Codes.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

### **15.78.050 Expedited Permit Submittal Standards**

- A. The City shall adopt the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research for use as a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review.
- B. The *California Solar Permitting Guidebook*, which contains a checklist of all requirements for small rooftop solar energy systems eligible for expedited review, shall be made available on the publicly accessible City of Union City Website.
- C. The applicant of a small residential rooftop solar energy system may submit the permit application and associated documentation to the City's Building Division in person, by mail, or electronic submittal together with any required permit processing and inspection fees.
- D. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature, to the extent required by State Law.

### **15.78.060 Applicant Verification**

Prior to submitting an application, the applicant shall:

- A. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
- B. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately

sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

**15.78.070 Permit Review and Inspection Process.**

- A. Upon confirmation by the Building Official of the application and supporting documentation being complete and meeting the requirements of the *California Solar Permitting Guidebook* checklist, the Building Official shall administratively approve the application and issue all required permits or authorizations.
- B. Review of the application shall be limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements.
- C. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.
- D. The City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
- E. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
- F. Only one inspection shall be required and performed by the Building Official for small residential rooftop solar energy systems eligible for expedited review. The inspection shall be done in a timely manner and should include consolidated inspections.
- G. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Ordinance.

**15.78.080 Fees.**

Fees shall be assessed as set forth in the fee schedule adopted by the City. All fees prescribed for the permitting of small residential rooftop solar energy system must comply with California Government Code Section 65850.55, California Government Code Section 66015, California Government Code Section 66016, and California Health and Safety Code Section 17951.

2481997.1



## ATTACHMENTS:

Description	Type
☐ Staff Report - AT-15-002 - Live Music Amendments	Exhibit
☐ Draft Ordinance - AT-15-002 - Live Music Amendments	Ordinance
☐ Exhibit A - AT-15-002 - Live Music Amendments	Exhibit
☐ Exhibit B - AT-15-002 - Live Music Amendments	Exhibit
☐ PC Study Session Report - AT-15-002 - Live Music Amendments	Exhibit
☐ PC Study Session Minutes - AT-15-002 - Live Music Amendments	Exhibit
☐ PC Public Hearing Staff Report - AT-15-002 - Live Music Amendments	Exhibit
☐ PC Public Hearing Minutes - AT-15-002 - Live Music Amendments	Exhibit
☐ PC Reso 14-15 - AT-15-002 - Live Music Amendments	Exhibit



## Agenda Item

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**DATE:** JULY 28, 2015

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** JOAN MALLOY, ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR

**CC:** ANTONIO E. ACOSTA, CITY MANAGER

**SUBJECT:** PUBLIC HEARING (PUBLISHED NOTICE) TO INTRODUCE AN ORDINANCE APPROVING MUNICIPAL CODE AMENDMENT, AT-15-002, TO AMEND CHAPTERS 18.08, 18.36, 18.38, 18.39, AND 18.40 TO ALLOW FOR LIVE MUSIC AT RESTAURANTS AND MODIFY DEFINITIONS AND STANDARDS RELATED TO FOOD SERVICE, COMMERCIAL ENTERTAINMENT, AND RECREATION USES

### **EXECUTIVE SUMMARY**

The City of Union City is proposing to modify Title 18, Zoning, of the Municipal Code to:

- Establish a review process and standards for live music at full-service/sit-down restaurants;
- Permit in-line fast food/quick service restaurants with no drive through where full-service/sit-down restaurants are permitted by right and conditionally permit stand-alone fast food/quick service restaurants with or without drive through windows;
- Remove restaurants from the list of conditionally permitted uses in the ML District; and
- Add definitions of key terms and clarify language related to food, entertainment, and recreation uses.

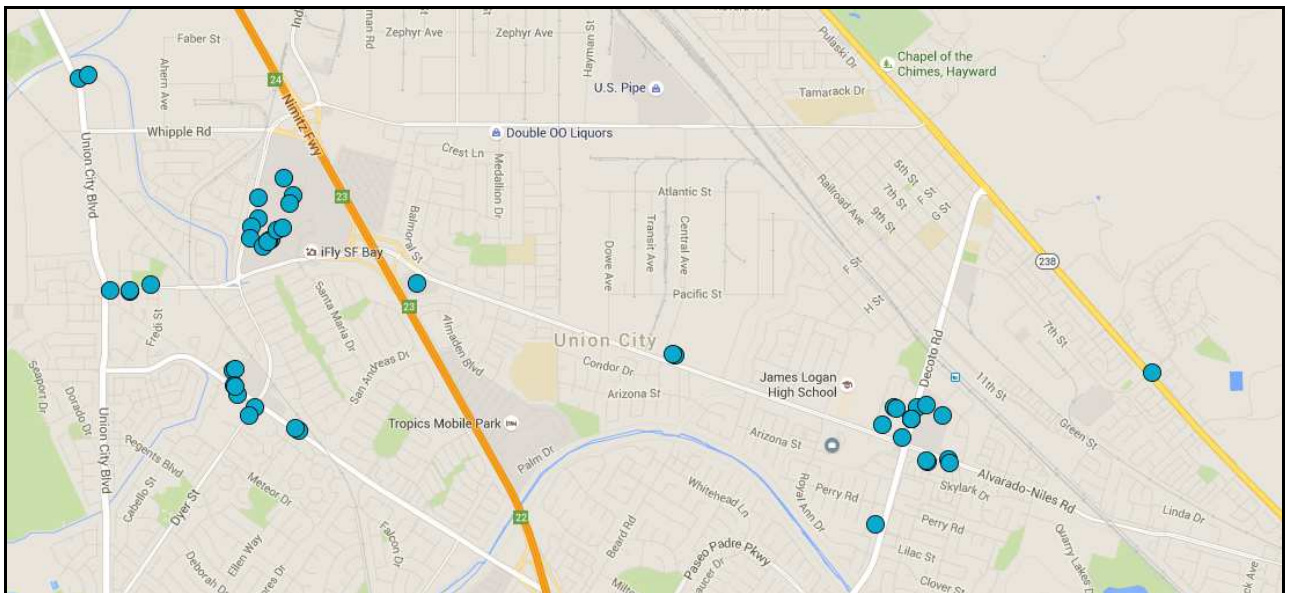
The Planning Commission held a study session on this item on June 4, 2015 and provided input to staff on key decision points. The Commission held a public hearing at its July 2, 2015 meeting and unanimously recommended approval to the City Council. Staff recommends that the City Council hold a public hearing and introduce the attached Ordinance approving AT-15-002.

## **BACKGROUND**

As reported at the Planning Commission and City Council joint session on February 5, 2015, staff is proposing amendments (AT-15-002) to the Zoning Ordinance to establish a process for sit-down restaurants to offer live entertainment. Sit-down, or full-service, restaurants are characterized by waiter service and payment after a meal is consumed. Staff is proposing these amendments because the Zoning Ordinance does not directly address entertainment at restaurants and an increasing number of restaurants have approached staff requesting to add entertainment as an amenity. Live entertainment can add vibrancy and excitement to an area, but proper management is essential to minimize possible impacts such as noise, over-crowding, and loitering. The proposed amendments will expand entertainment options for local restaurants and will set forth performance standards to help ensure a safe and inviting atmosphere for all.

The following map shows the location of existing sit-down restaurants throughout the city. Restaurants are largely clustered in the following established commercial areas:

- Union Landing (CUL District)
- Alvarado Historic District (CS District)
- Alvarado-Niles Road/Decoto Road Intersection (CC District)
- Alvarado Boulevard/Dyer Street (CC District)



**Fig. 1 - Sit-down Restaurants Citywide**

From time-to-time, restaurants have requested to add entertainment. Some of these requests have been for background music as an amenity for diners. Others have been for entertainment as the main attraction after normal dining hours have ended. Requests for entertainment have included single acoustical musicians, full amplified bands, karaoke, and DJs. Lacking clear regulations in the code, staff concluded that acoustical background music would be appropriate in a restaurant setting and communicated this to restaurants seeking to add entertainment. For a time, this was sufficient to address such requests, but it has come to staff's attention that a handful of businesses are offering live entertainment without any approvals. It has become clear that local businesses require

straightforward guidelines on what type of entertainment is allowed at restaurants and what distinguishes restaurants from bars/nightclubs/lounges from a land use perspective.

The Police Department has an interest in creating appropriate standards for entertainment uses given the potential for impacts associated with noise, loitering, and intoxication. In the past, third-party promoters have hosted events at local venues leading to serious overcrowding and policing issues. At times, local business owners were caught off guard and may have even contacted law enforcement themselves to help manage these situations. Planning staff has worked closely with Police Department representatives to consider a set of policies that would expand opportunities for entertainment while maintaining appropriate order. Police Department staff members are typically the only City personnel on duty after hours when entertainment occurs and it is important that they are comfortable with enforcing any proposed regulations.

Clear guidelines will reduce confusion and create a level playing field for all businesses.

Staff also took this opportunity to recommend other restaurant/food service related amendments to the code. The other amendments add and amend definitions related to restaurants and entertainment; more liberally accommodate in-line fast food restaurants; and remove restaurants from the Light Industrial (ML) zoning district. All of these recommended amendments are discussed in detail below.

## **DICUSSION**

The proposed Zoning Text Amendments (AT-15-002), as shown in Exhibit A to the attached draft Ordinance, would create opportunities and establish clear performance standards for live music at full-service/sit-down restaurants. Additionally, staff is proposing to make related amendments related to food service, entertainment, and recreation uses.

Specifically, the proposed amendments would:

- Add and amend key definitions
- Establish a review process and performance standards for live music at restaurants;
- Clarify language pertaining to commercial entertainment, food service uses, and commercial recreation uses for internal consistency;
- Permit in-line fast food/quick service restaurants with no drive through wherever full-service/sit-down restaurants are permitted;
- Conditionally permit stand-alone fast food/quick service restaurants; and
- Remove restaurants from the list of conditionally permitted uses in the ML District.

## **New and Amended Definitions**

Staff is proposing to amend Chapter 18.08 to add and amend definitions of key terms in order to clearly distinguish various land uses from one another. The following new definitions are proposed:

- Bar;
- Comedy Club;

- Commercial Entertainment;
- Nightclub; and
- Third-Party Promoters.

Staff is also recommending that the “commercial recreation facility” definition be amended to provide examples of possible uses, including health clubs and sports facilities. This expanded definition will help differentiate commercial recreation facilities from commercial entertainment facilities, which include bowling alleys, skating rinks, and live performance theaters.

At this time, staff is also recommending that the “retail and carry out food” definition be modified to require limited seating as opposed to no seating. Virtually none of the food service uses listed as examples (doughnuts, ice cream, frozen yogurt, sandwiches, etc.) typically operate without seating. Instead, it is common for such uses to have limited seating and staff proposes that the definition reflect this. Without the proposed change, uses with any amount of seating, no matter how incidental, have had to be processed as fast food/quick service food uses, which often required some type of planning review. This modification will streamline the permitting process for food service uses.

### **Review Process for Live Music**

The proposed amendments clearly specify which zoning districts allow live entertainment at restaurants and what type of review process is required in each district. The Zoning Ordinance requires a range of review levels for different land uses, including:

- Permitted (ministerial, no discretionary review required);
- Administrative Use Permit (staff-level discretionary review required);
- Conditional Use Permit (Planning Commission discretionary review required); and
- Unpermitted (not listed in the code, therefore not allowed).

There are a variety of available approaches when considering entertainment at restaurants. Typically, cities address entertainment at restaurants through some combination of:

- Regulating alcohol sales (i.e., beer and wine vs. hard liquor);
- Regulating when alcohol sales occur (i.e., before or after 11:00 p.m.);
- Distinguishing between types of entertainment (i.e., amplified vs. non-amplified); and/or
- Regulating the timing of entertainment (i.e., ends before or after 9:00 p.m.).

Unlike many nearby cities, Union City does not have a history of regulating alcohol sales at restaurants. Therefore, staff is recommending that a discretionary review process be established to evaluate live music at restaurants along with clear and enforceable performance standards.

Based on Commission feedback, the proposed amendments would permit unamplified live music at full-service/sit-down restaurants without a discretionary review, subject to compliance with the Noise Ordinance. Amplified live music at full-service/sit-down restaurants would require an Administrative Use Permit (staff-level) review process in all

Zoning Districts that permit sit-down restaurants (CPA, CC, CN, CVR, CS, CC subarea of CUL, and CSMU). In the MS District, where full-service/sit-down restaurants require a CUP, amplified live entertainment would also require a CUP. Staff is recommending that restaurants be removed from the list of conditionally permitted uses in the ML District, which is geared exclusively towards industrial businesses and business-serving uses.

The AUP and CUP discretionary review processes would provide an opportunity to review compliance with performance standards and require a higher degree of investment and involvement from applicants. It will also allow for a revocation process should compliance issues occur.

### **Performance Standards for Live Music**

The proposed performance standards in Section 18.36.195 are intended to maintain a restaurant atmosphere, as opposed to a nightclub atmosphere. The standards would set a baseline for all restaurants offering amplified live music. Additional conditions specific to the circumstances of an application could also be applied through the AUP or CUP review process.

The proposed performance standards would allow live music up until 11:00 p.m., which is a standard cut off time used in other cities' codes when delineating restaurants from nightclub-type uses. The proposed performance standards include maintaining a restaurant atmosphere by disallowing third-party promoters, cover charges, drink minimums, stages, and dance floors, which are all associated with a nightclub environment. Staff is also recommending that restaurants be required to offer a full menu and derive a minimum of 50 percent of sales from food, which is consistent with ABC's license requirements for "bona fide eating establishments."

The performance standards address safety and security by requiring the submission of a security plan for review and approval by the Police Department as part of the AUP application. The security plan must address, at a minimum, security staffing, emergency exiting, training, and exterior lighting. The proposed standards also require the maximum occupant load to be posted and windows be kept clear when music is being performed.

Several "good neighbor" standards are also proposed, including compliance with the Noise Ordinance and taking reasonable actions necessary to inhibit loitering.

The proposed amendments would expand entertainment offerings at restaurants throughout Union City. Entertainment can help provide excitement and vitality to an area and can draw in new customers. It is important that clear guidelines be established to control for possible negative impacts and create a level playing field for all businesses. Lastly, staff wishes to promote environments where patrons feel safe and the activities don't create a burden on the Police Department's resources.

### **Review Process for Fast Food/Quick Service Restaurants**

Staff is also proposing to amend the review process for fast food/quick service uses, which are defined as requiring payment prior to consumption, having food or beverages



prepared to order for immediate consumption on or off site, and no table service. Examples include Starbucks, Fuddruckers, Chipotle, etc. Fast food/quick service restaurants without a drive through are currently required to obtain an AUP prior to locating in the CN, CC, and CS Districts. In the CC Subarea of the CUL District, full-service/sit-down restaurants are permitted and fast food/quick service restaurants require a CUP.

Staff is recommending that in the above-listed districts, in-line fast/food quick service restaurants without a drive through be permitted outright with no discretionary review. Restaurants are heavily regulated through the Alameda County Environmental Health Department and Union Sanitary District. Requirements for trash enclosures have been codified in Chapter 7.04, Solid Waste Management. In light of the regulatory framework, staff does not find that the discretionary review process for in-line fast food/quick service restaurants results in added value. Staff is seeking to eliminate an unnecessary review process, which will result in more efficiency for businesses.

For stand-alone fast food/quick service restaurants, however, staff is recommending that a full CUP be required. The CUP process will allow for a thorough evaluation of any associated traffic and parking impacts, which tend to be greater for larger, stand-alone restaurant sites as opposed to in-line sites.

### **Public Outreach**

Staff hosted an outreach meeting for restaurant managers on May 6 at the Alvarado Resource Center. Staff hand delivered invitations to restaurant managers in Union Landing and the Alvarado Historic District to provide information on the text amendment process and solicit feedback. Representatives from three restaurants attended the meeting and provided input. One of the restaurants in attendance expressed that entertainment at restaurants is important culturally and stated their preference for entertainment to be more than just accessory to the primary restaurant use. Staff responded by reiterating that the City cannot craft different rules for different genres of music or cultural events, so whatever intensity of entertainment is permitted at one restaurant could be permitted at ALL restaurants. Attendees also inquired about the ability to collect cover charges for televised events. Staff explained that cover charges are not common for restaurants and that staff would be recommending cover charges not be permitted.

Staff has coordinated with the major Union Landing property owners, which have been largely supportive of the proposed changes. Robert Atkinson of SyWest Development Company, one of two primary property owners in Union Landing, submitted correspondence for the Commission's consideration at the June 4 Study Session requesting that:

- Only amplified music require a discretionary approval;
- Amplified music trigger an AUP process rather than a full CUP; and
- A CUP process not be established for restaurants selling alcohol so that Union Landing remains competitive.

The proposed amendments in Exhibit A are consistent with the above recommendations as they pertain to Union Landing.

Forty-eight sit-down restaurants were notified of the study session and Planning Commission and City Council hearing dates. Staff has not received any inquiries or comments as of the date of this report.

### **Planning Commission Feedback**

At the Planning Commission Study Session on June 4, 2015, staff presented a zoning framework that would accommodate live music at full-service/sit-down restaurants. These recommendations were based upon the discussions with businesses and property owners in Union City, research of several Bay Area cities' regulations and standards, and interviews with staff from several of those cities. At the study session, the Commission asked clarifying questions and provided feedback to staff on:

- What type of entertainment should be allowed at restaurants – staff recommended live music performances only;
- Where entertainment should be permitted – staff recommended all zones that allow sit-down restaurants except for the ML District;
- How entertainment at restaurants should be reviewed – staff recommended a discretionary AUP or CUP review process for entertainment specifically since Union City does not currently regulate alcoholic beverage sales at restaurants; and
- When entertainment at restaurants should be allowed and what performance standards should apply – staff recommended entertainment at restaurants end by 11:00 p.m. and that businesses be required to maintain a restaurant atmosphere, promote security and safety, and ensure “good neighbor” behaviors.

The Commission largely agreed with staff's recommendations on the above key points. The Commission discussed what types of entertainment would be appropriate at restaurants and settled on live music. The Commission also directed staff to make non-amplified live music (acoustic guitars, mariachis, etc.) permitted by right with no discretionary review required.

The Commission discussed how the new regulations would impact existing businesses offering live music and staff clarified that ALL restaurants would be required to obtain a discretionary approval prior to amplified live music being permitted.

Staff drafted the proposed amendments in response to the Commission's feedback at the study session. On July 2, 2015, the Commission considered the proposed amendment language. A copy of the staff report and minutes from the June 4, 2015 and July 2, 2015 Planning Commission meetings are included as Attachments 2-5.

At the public hearing, the Commission received a public comment from a representative of Gerry's Grill requesting that amplified live music be permitted until midnight. Staff explained that the 11:00 p.m. cut off was largely consistent with how other cities distinguish between restaurants and nightclub-type venues and clarified that the standards adopted by Council will apply across all cultures, genres, and types of cuisine. In most commercial locations, an applicant could pursue a Use Permit as a bar/club/lounge to have entertainment past 11:00 p.m. In Union Landing, where bars/clubs/lounges are not permitted, 11:00 p.m. would be the cutoff time for live music as the code is currently

drafted. The Commission discussed the need to fairly apply the standards and opted to recommend the 11:00 p.m. cut off time to the City Council.

The Commission did not suggest any changes to the draft Text Amendments presented on July 2, 2015.

## **CEQA**

The Commission found that the proposed amendments to the City's Municipal Code are exempt from further environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and no additional action under CEQA is required.

## **Conclusion**

The proposed Zoning Text Amendments (AT-15-002) would expand entertainment offerings citywide by creating a review process and performance standards for live music at full-service/sit-down restaurants throughout Union City. The amendments would also remove restaurants from the list of conditionally permitted uses in the ML District, permit in-line fast food/quick service restaurants with no drive through wherever full-service/sit-down restaurants are permitted, and various clean-ups to word definitions related to food service, commercial entertainment, and recreation uses.

## **FISCAL IMPACT**

There are no direct fiscal impacts as a result of adopting the proposed text amendments.

## **RECOMMENDATION**

Staff recommends that the City Council introduce the attached ordinance to approve Zoning Text Amendment, AT-15-002, to amend chapters 18.08, 18.36, 18.38, 18.39, and 18.40 to:

- Establish a review process and standards for live music at full-service/sit-down restaurants;
- Permit in-line fast food/quick service restaurants with no drive through where full-service/sit-down restaurants are permitted by right and conditionally permit stand-alone fast food/quick service restaurants with or without drive through windows;
- Remove restaurants from the list of conditionally permitted uses in the ML District; and
- Add definitions of key terms and clarify language related to food, entertainment, and recreation uses.

If the Ordinance is introduced, the second reading would occur on August 11, 2015 and the provisions would become codified 30 days later on September 10, 2015.

Once the code amendment is effective, any restaurant seeking to provide entertainment would need to apply for the appropriate permit.

Prepared by: Avalon Schultz, AICP, Senior Planner

Submitted by: Joan Malloy, Economic and Community Development Director

Approved by: Tony Acosta, Interim City Manager

Attachment 1: Draft Ordinance of the City Council of the City of Union City to Amend Title 18

1. Exhibit A to Draft Ordinance: Municipal Code as Amended
2. Exhibit B to Draft Ordinance: Municipal Code as Amended in redline for reference.

Attachment 2: Planning Commission Study Session Staff Report (June 4, 2015)

Attachment 3: Planning Commission Study Session Minutes (June 4, 2015)

Attachment 4: Planning Commission Public Hearing Staff Report (July 2, 2015)

Attachment 5: Planning Commission Public Hearing Minutes (July 2, 2015)

Attachment 6: Planning Commission Public Hearing Resolution (July 2, 2015)

**ORDINANCE NO. XX-15**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING ZONING TEXT AMENDMENT, AT-15-002, TO AMEND CHAPTERS 18.08, 18.36, 18.38, 18.39, AND 18.40 TO ALLOW FOR LIVE MUSIC AT RESTAURANTS AND MODIFY DEFINITIONS AND STANDARDS RELATED TO FOOD SERVICE, COMMERCIAL ENTERTAINMENT, AND RECREATION USES**

**GENERAL RECITALS**

**WHEREAS**, the City of Union City is proposing Zoning Text Amendment, AT-15-002, to amend Chapters 18.08, 18.36, 18.38, 18.39, and 18.40 of the Municipal Code to create a framework to review and approve live music at restaurants, streamline the review process for in-line quick-service/fast-food restaurants, make restaurants unpermitted in the ML, Light Industrial, Zoning District, and modify definitions and standards related to food service, commercial entertainment and recreation uses; and

**PLANNING COMMISSION REVIEW**

**WHEREAS**, a study session was held at the Planning Commission on June 4, 2015 to introduce the proposed Zoning Text Amendments and provide an opportunity for the Planning Commission and public to provide feedback on the proposed Zoning Text Amendments; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed Zoning Text Amendments on July 2, 2015 at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report dated July 2, 2015 and all written and oral testimony; and

**CITY COUNCIL REVIEW**

**WHEREAS**, the City Council held a duly noticed public hearing on the proposed amendments on July 28, 2015, at which time all interested parties had the opportunity to be heard. The City Council considered a staff report dated July 28, 2015 and incorporated herein by reference, the Planning Commission recommendation, and all written and oral testimony before taking action on the amendments; and

**WHEREAS**, the amendments to the Municipal Code propose to amend Chapters 18.08, 18.36, 18.38, 18.39, and 18.40 as shown in Exhibit A and in red-lined version in Exhibit B for reference, which exhibits are attached and incorporated herein by reference.

**THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The above recitals are true and correct and made a part of this ordinance.

**SECTION 2. CEQA.** Approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

**SECTION 3. Findings.** The City Council makes the following findings in support of approving this ordinance, based on the whole of the record before it.

1. That the proposed Municipal Code Amendments are consistent with the General Plan; and
2. That the proposed Municipal Code Amendments are necessary and desirable to achieve the purposes of Title 18.

**SECTION 4. Approval.** The City Council hereby approves the amendments to the Municipal Code, more particularly Chapters 18.08, 18.36, 18.38, 18.39, and 18.40 of the Municipal Code as shown in attached Exhibit A, which is incorporated herein by reference and available for review in the City Clerk's office during normal business hours. For reference purposes, a red-lined copy of the amendments is shown in attached Exhibit B, which is incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

**SECTION 5. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 6. Publication and effective date.** Within fifteen (15) days from and after adoption, this ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This ordinance shall take effect and be enforced thirty (30) days after its adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on July 28, 2015, by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS

APPROVED:

---

Carol Dutra-Vernaci, Mayor

ATTEST:

---

Anna Brown, City Clerk

APPROVED AS TO FORM:

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Benjamin T. Reyes II, City Attorney

## Chapter 18.08 DEFINITIONS

### 18.08.035 Arcade.

An “arcade” is any establishment, room or place with four (4) or more coin-operated or computer gaming amusement devices available to the public and where the playing of such devices is the principal activity of the premises.

### 18.08.036 Arcade, accessory.

An “arcade (accessory)” is the operation of three (3) or fewer coin-operated or computer gaming amusement devices where such devices are clearly accessory to the principal business of the establishment and occupy no more than ten percent (10%) of the gross floor area.

### 18.08.073 Bar.

“Bar” means a business where alcoholic beverages (including beer, wine, liquor, and mixed drinks) are sold for on-site consumption as a primary use, which is not part of a larger full service/sit down restaurant. Includes taverns, wine bars, pubs, lounges, and similar establishments where any food service is subordinate to the sale of alcoholic beverages.

### 18.08.074 Bed and breakfast establishment.

“Bed and breakfast establishment” means a building of residential character containing no more than five (5) sleeping units for rent by tourists on a temporary basis not to exceed a stay exceeding fourteen (14) calendar days in any month. A bed and breakfast establishment may also serve meals to guests as part of the guest fee and shall provide for a resident-manager.

### 18.08.075 Bicycle parking facility.

A “bicycle parking facility” is a device that is used to securely store bicycles. A bicycle parking facility can either be a bicycle locker or rack designed and installed in conformance with the design criteria listed in Section 18.28.080 or 18.28.090.

### 18.08.076 Bingo games.

“Bingo games” means the establishment of a game of chance open to the public in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random in accordance with Section 326.5 of the California State Penal Code and Chapter 5.32 of the Union City Municipal Code. For the purposes of the zoning ordinance, bingo games shall include conduct of such games as either the primary use of land or as a use that is accessory to a primary use of land.

### 18.08.077 Biotechnology.

“Biotechnology” is the industrial use of living organisms (or parts of living organisms) in applications in medicine, agriculture, or other products. Biotechnology can include fermentation and plant and animal hybridization, which may include animal testing, protein separation technologies, and genomics and combinational chemistry.



18.08.172 Comedy club.

A “comedy club” is a commercial establishment that offers comedy stage shows and charges either a fee for admission or requires a purchase of items at the venue.

18.247 Commercial entertainment.

“Commercial entertainment” means an indoor establishment providing participant or spectator entertainment for a fee or admission charge, including live performance theaters, bowling alleys, ice and roller skating rinks, and other similar activities determined to be substantially similar to the above by the Economic and Community Development Director. This use does not include adult businesses, which are separately defined.

18.08.264 Food—Retail and carry out.

A “retail and carry out food store” is a store which serves food or non-alcoholic beverages for immediate consumption not on the premises, but usually in the vicinity of the store. A retail and carry out food store is usually characterized as an establishment which serves food altered in texture and/or temperature on a customer-demand basis; puts such food in non-sealed packages or edible containers; requires payment for such food prior to consumption; and provides limited seating or other physical accommodations for on-premises dining. Examples of this type of facility include, but are not limited to, delicatessens and other stores with limited seating which sell doughnuts, croissants, ice cream, frozen yogurt, cookies, whole pizzas and sandwiches. A food store is not considered retail and carry out food.

18.08.415 Nightclub.

A “nightclub” is a facility that provides amplified live entertainment and/or dancing and serves alcoholic beverages on the premises.

18.080.492 Pool room/hall

A “pool room/hall” is a building or portion thereof having within its premises three (3) or more pool tables or billiard tables, or combination thereof, regardless of size, and whether activated manually or by the insertion of a coin, token or other mechanical device.

18.08.497 Promoter, third-party.

A “third-party promoter” is a professional hired to arrange performances for entertainers at venues and publicize events through the press, radio, posters, emails, social media, and/or online advertising.

18.08.505 Recreation facility, commercial.

“Commercial recreation facility” means an indoor recreation facility that is operated as a business and open to the general public for a fee, including health club/fitness centers, badminton, racquetball, hockey, soccer, or swimming facilities, and other similar activities determined to be substantially similar to the above by the Economic and Community Development Director.

**Chapter 18.36 COMMERCIAL DISTRICTS**

18.36.020 Permitted uses.

A. A use that is not listed is not a permitted use. In addition to uses lawfully established on the effective date of this title, the following uses shall be permitted in a C district when the symbol “X” is marked in the column beneath the C district:

<b>PERMITTED USES</b>	<b>CPA</b>	<b>CN</b>	<b>CC</b>	<b>CVR</b>	<b>CS</b>
Apparel and accessory stores		X	X	X	X
Automobile sales (new vehicles only)			X		
Bakeries with retail sales		X	X		X
Banks/savings and loans (excluding check cashing businesses)	X	X	X		X
Business services (photocopying and small printing shops, computer and data processing, graphic design, sign shops)	X	X	X	X	X
Educational and instruction uses (business, beauty, computer, dance, martial arts, etc.) with an occupant load of less than fifty (50) through the Uniform Building Code	X	X	X	X	X
Entertainment and recreation uses (excluding video arcades, pool rooms/halls and dance halls) with an occupant load of less than fifty (50) through the Uniform Building Code	X		X	X	X
Food, fast food/quick service restaurant, in line only		X	X		X
Food, full service/sit down restaurant	X	X	X	X	X
Food, retail and carry out food store		X	X		X
Food stores, excluding convenience markets		X	X		X
Furniture and home furnishings			X		X
General merchandise/retail stores		X	X		X

<b>PERMITTED USES</b>	<b>CPA</b>	<b>CN</b>	<b>CC</b>	<b>CVR</b>	<b>CS</b>
Health services (medical, dental, physical therapy and pharmacies)	X	X	X	X	X
Live music (non-amplified) at full service/sit down restaurants subject to the provisions of Section 18.36.195(A)	X	X	X	X	X
Lodges and meeting halls			X	X	
Lodging (hotel and motel)				X	
Miscellaneous small repair services (watches, clocks, jewelry, small countertop appliances)		X	X		X
Miscellaneous limited retail typically found in office buildings or hotels	X			X	
Nurseries and garden stores (without outdoor storage)		X	X		X
Office	X	X	X	X	X
Personal services (laundry, dry cleaning, beauty parlor, barbershop, nail salon, shoe repair, travel agency, tailor, photography studio, etc.)	X	X	X	X	X
Pet grooming (no overnight boarding of animals)		X	X		X
Public buildings and grounds	X		X		X
Residential uses, within the Old Alvarado and Mission Boulevard neighborhoods, located above ground floor commercial uses		X	X		X
Seasonal sales lots for holiday trees and pumpkins subject to the provisions of the Policy Statement for the Regulation of Seasonal Sales Lots	X	X	X		X
Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X	X

18.36.030 Conditional uses.

The following conditional uses shall be permitted in a C district, upon the granting of a use permit, when the symbol “X” is marked in the column beneath the C district:

- A. Approval by Zoning Administrator (refer to Chapter 18.54 for a detailed description of the administrative use permit process).

<b>CONDITIONAL USES</b>	<b>CPA</b>	<b>CN</b>	<b>CC</b>	<b>CVR</b>	<b>CS</b>
Automotive rental agencies with minor parking requirements, involving no automotive repair or vehicle washing on site	X		X	X	
Day care	X	X	X		X
Educational and instructional uses (business, beauty, computer, dance, martial arts) with an occupant load of fifty (50) or more through the Uniform Building Code		X	X		
Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B)	X	X	X	X	X
Outdoor dining/seating areas	X	X	X	X	X
Outdoor flower display along the street frontage of a permanently established florist in Union City		X	X		X
Veterinarian offices and small animal hospitals including short-term overnight boarding of animals for medical purposes and incidental care such as bathing and trimming, provided that all operations are conducted within a completely enclosed building			X		
Any other use determined by the Zoning Administrator to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X	X

B. Approval by Planning Commission (refer to Chapter 18.56 for a detailed description of the use permit process).

<b>CONDITIONAL USES</b>	<b>CPA</b>	<b>CN</b>	<b>CC</b>	<b>CVR</b>	<b>CS</b>
Adult business, only where located at least 1,000 feet away from a school, day care, or faith based facility			X		
Arcades, computer gaming, pool rooms/halls			X		X
Automotive sales—Used vehicles, permitted only in conjunction with new car sales			X		
Automobile washing, including the use of mechanical conveyors, blowers and steam cleaners			X		
Bars, nightclubs, comedy clubs, and lounges		X	X	X	X
Body art		X	X		
Check cashing			X		

<b>CONDITIONAL USES</b>	<b>CPA</b>	<b>CN</b>	<b>CC</b>	<b>CVR</b>	<b>CS</b>
Church uses with existing buildings built for and previously occupied by a church		X			
Convenience markets		X	X		X
Cybercafé		X	X		X
Discount clubs			X		
Drive-in/drive-through uses		X	X		
Entertainment and recreation uses with an occupant load of fifty (50) or more through the Uniform Building Code			X	X	X
Farmers markets, when coordinated in conjunction with the City or the Chamber of Commerce		X			X
Food, fast food/quick service restaurant, stand alone		X	X		X
Guns and/or ammunition sales			X		
Health services (including, but not limited to: laboratories, drug treatment clinics, palm reading)	X		X		
Hospitals, sanitariums and nursing homes	X		X		
Liquor stores		X	X		X
Lodging (hotel and motel)			X		
Lumber or other building materials with outdoor storage or display			X		
Massage	X	X	X		X
Mortuaries, crematoriums and funeral homes			X		
Nurseries and garden stores with outdoor storage			X		
Public utility and public service pumping stations, power stations, electrical substations, service groups and storage tanks		X	X		X
Retail tobacco store, only where located more than 1,000 feet from another such use and a “sensitive use.” Distance shall be measured from the closest exterior wall of the structure or portion of the structure in which the use is located to the property line of the “sensitive use”			X		
Service stations with the following operational characteristics: 1. All operations, except for the sale of gasoline and the washing of automobiles, are conducted in a building enclosed on at least three (3) sides, pump islands located no closer than twenty (20) feet to any property line, and alcoholic beverages not sold on site		X	X		
2. Minor automobile service, such as engine tune-ups, oil change, tire sales and service, brake service and smog check			X		

3. The rental of trailers as an incidental part of the service station operation			X		
4. The rental of hand tools, garden tools, and other similar equipment as an incidental part of the operation of the service station		X	X		
5. Gas station marketeers subject to the provisions of the Gas Station Marketeer Policy Statement		X	X		
Superstores			X		
Any other use determined by the Planning Commission to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X	X

18.36.195 Standards for Live Music at Full Service/Sit Down Restaurants

The following standards shall apply in the following Zoning Districts: CPA, CC, CN, CVR, CS, CSMU, CUL, and other districts as specified in the district regulations.

A. Non-amplified live music at full service/sit down restaurants is permitted outdoors until 8:00 p.m. and indoors until 11:00 p.m. subject to compliance with the Union City Community Noise Ordinance in Chapter 9.40.

B. Amplified live music at full service/sit down restaurants is permitted with an administrative use permit approval as detailed in Chapter 18.54 and shall fully comply with the following standards:

1. Amplified live music shall not be permitted outdoors.
2. Amplified live music shall end by 11:00 p.m.
3. Third-party promoters, cover charges, and drink minimums shall be prohibited.
4. Dance floors and stages shall be prohibited.
5. A full food menu shall be offered and food sales shall be 50 percent or more of the total gross sales.
6. The maximum occupant load shall be clearly posted.
7. Windows shall remain clear and unobstructed.
8. A security plan addressing, at a minimum, security staffing, emergency exiting, staff training, and exterior site lighting shall be submitted for review and approval by the Police Department as part of the discretionary review.
9. Live music shall conform to the Union City Community Noise Ordinance in Chapter 9.40.
10. The business owner and/or operator shall take reasonable actions necessary to inhibit loitering, shouting, fighting, and other activities that would disturb the peace.
11. By accepting a discretionary permit, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittees' hosting of live music.

## **Chapter 18.38 STATION MIXED USE COMMERCIAL (CSMU) DISTRICT**

### 18.38.020 Permitted uses.

The following uses shall be permitted:

- A. Commercial Uses as Part of a Mixed Use Project.
  - 1. Apparel and accessory stores, excluding thrift stores;
  - 2. Bakeries with retail sales;
  - 3. Banks/savings and loans, excluding check cashing businesses;
  - 4. Business services, such as photocopying services and small printing shops, computer and data processing, graphic design, sign shops;
  - 5. Food stores, up to twenty-five thousand (25,000) square feet, excluding convenience markets;
  - 6. Health clubs;
  - 7. General merchandise/retail stores, excluding adult business stores, clearance center/dollar stores, pawn shops, second hand/thrift stores, and retail tobacco stores;
  - 8. Health services, such as medical, dental, optical, physical therapy and pharmacies;
  - 9. Live music (non-amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(A)
  - 10. Professional offices;
  - 11. Restaurants and cafés, in-line only (not as stand-alone buildings);
  - 12. Retail food outlets, such as bagel, coffee, candy and tea stores (with minimal or no seating), in-line only (not as stand-alone buildings);
  - 13. Specialty wine shops.
- B. Civic Uses.
  - 1. Cultural activities, such as museums, art galleries and libraries, performing arts;
  - 2. Public buildings and grounds, community centers and community services; and
  - 3. Public services and administrative offices, such as police and fire stations, post offices, and public parking lots and structures.
- C. Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

### 18.38.030 Conditional uses.

The following conditional uses shall be permitted in the CSMU district upon the granting of a use permit:

- A. Approval by Zoning Administrator (refer to Chapter 18.54 for a detailed description of the administrative use permit process).
  - 1. Adult and child day care facilities;
  - 2. Educational and instructional uses, such as business, beauty, computer, dance, martial arts, tutorial services;
  - 3. In-line fast food restaurants;
  - 4. Sidewalk cafés per Section 18.36.190;
  - 5. Exterior sidewalk ATMs (automated teller machines), when there is adequate security and lighting and adequate queuing area that does not impede pedestrian or vehicular traffic flow (drive-thru ATMs are not permitted);

6. Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B);

7. Outdoor displays, such as flowers or newspapers, in conjunction with an existing adjacent business;

8. Personal services, such as laundry, dry cleaning, beauty parlor, barbershop, nail salon, shoe repair, travel agency, tailor, photography studio, and similar uses; and

9. All other uses determined by the Zoning Administrator to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

B. Approval by City Council (refer to Chapter 18.56 for a detailed description of the use permit process).

1. Bars and nightclubs;

2. Commercial recreation facilities, excluding video arcades;

3. Convenience markets;

4. Farmers' markets, when in conjunction with the City or the Chamber of Commerce;

5. Mixed use developments;

6. Lodging, hotels and motels;

7. Research and development (R and D)/flex space with no nuisance characteristics;

8. Residential uses:

a. High-density residential development,

b. Senior housing,

c. Live/work units (specific uses allowed in the live/work units are set forth in Section 18.38.032);

9. Transportation facilities, such as heliports and bus transfer facility or passenger rail facilities; and

10. Any other use determined by the Planning Commission to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

18.38.032 Permitted and conditional uses for live/work units.

A. Purpose. The purpose of live/work units is to allow the flexible use of space for joint residential occupancy and nonresidential activity (as live/work is defined in Section 18.08.298 of the Municipal Code) to meet the changing needs of the Union City community and to encourage small, independent, and creative businesses and artistic endeavors. The City strongly encourages commercial uses in live/work units.

B. Location. The location of live/work units shall be determined through the conditional use permit process with approval by the City Council.

C. Uses. The following list the uses that shall be permitted or conditionally permitted in live/work units.



Use	Permitted	Conditional - Zoning Administrator Approval
Artisans (custom tailoring and dress making and sales, custom shoe making and sales, cottage food operators consistent with the California Homemade Food Act, artisanal food making, photography studios, multi-media production)	X	
Apparel and accessory stores	X	
Bakeries (not consistent with the California Homemade Food Act)		X
Business services (copy and small print shops, graphic design, sign shops)	X	
Cybercafé		X
Educational and instruction (including, but not limited to, business, computer, dance, martial arts)		X
Florist	X	
Food, fast food/quick service restaurant, in-line only		X
Food, full service/sit down restaurant		X
Food, retail and carry out food store, in-line only		X
Food stores, excluding convenience markets	X	
Furniture and home furnishings	X	
General merchandise/retail stores	X	
Live music (non-amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(A)	X	
Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B)		X
Miscellaneous small repair services (including, but not limited to, computers, bikes, watches, clocks, jewelry)	X	
Nurseries and garden stores	X	
Office, professional	X	
Outdoor dining/seating areas		X
Outdoor displays or activities		X
Personal service, non-touch (including, but not limited to, laundry and dry cleaning with pick up and drop off only, shoe repair, travel agency, tailor)	X	
Personal service, touch (including, but not limited to, beauty parlor, nail salon, body art)		X
Pet grooming (no overnight boarding of animals)	X	

**Chapter 18.39 UNION LANDING COMMERCIAL (CUL) DISTRICT**

18.39.040 Permitted uses.

To facilitate coordinated, yet distinct development areas within Union Landing, a development proposal shall include only those uses consistent with its development type. The following uses shall be permitted within a commercial development in Union Landing, when the symbol “X” is marked in the column beneath the appropriate development type on Table 18.39.040. A use that is not listed is not permitted.

**Table 18.39.040  
Permitted Uses By Development Type**

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
General merchandise retail under 75,000 square feet, including:				
Antique stores	X	X	X	
Appliance stores	X	X	X	
Art supply stores	X	X	X	
Beauty supply stores			X	
Bedroom and bathroom linen sales	X	X	X	
Book stores	X	X	X	
Bridal and tuxedo sales stores	X	X	X	
Camera and photo retail stores (excluding film processing stores)	X	X	X	
Cell phone stores			X	
Clothing and clothing accessories	X	X	X	
Consumer electronic sales under 5,000 square feet, excluding cell phone stores			X	
Consumer electronic sales 5,000 square feet and over, excluding cell phone stores	X	X	X	
Copying and printing service			X	
Craft, hobby shops and frame shops	X	X	X	
Day spas***			X	
Drugstores, vitamin stores, pharmacies and sundries			X	
Department stores	X	X		
Fabric sales	X	X	X	
Florist			X	

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Furniture and home furnishings sales, including patio furniture and barbeque stores	X	X	X	
Gift, stationery and office supply stores			X	
Housewares	X	X	X	
Jewelry stores	X	X	X	
Lamp stores and household fixture sales	X	X	X	
Liquor and beverage stores over 12,000 square feet	X	X		
Live music (non-amplified) at full service/sit down restaurants subject to the provisions of Section 18.36.195(A)		X	X	
Luggage and leather stores	X	X	X	
Magazine and newspaper stands			X	
Music retail stores, including the sale of musical instruments such as pianos	X	X	X	
Party supply stores	X	X	X	
Pet supply stores	X	X	X	
Retail stock brokerage office				X
Shoe stores	X	X	X	
Sporting goods and bicycle sales (no gun sales)	X	X	X	
Supermarkets			X	
Toy/educational stores	X	X	X	
Video, CD and DVD rental			X	
Any other retail sales use determined by the Economic and Community Development Director to be the same or similar to the above list	X	X	X	
General merchandise retail over 75,000 square feet, excluding superstores, general hardware, building materials, and landscape supply stores	X	X		
Business, commercial and professional services including finance, insurance, real estate offices, law offices, etc.				X
Personal services including beauty and barber shops, nail care, dry-cleaning establishments, etc. Laundries, health clubs, medical, dental and health care offices are excluded			X	
Banks and credit unions			X	
Indoor theaters without alcoholic beverage sales			X	

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Food service:				
Full service/sit down restaurant in-line or stand-alone			X	
Fast food/quick service restaurant, in-line only			X	
Retail and carry out food store, in-line only			X	
Dental, medical and optical offices				X
Hotel	X	X		X

\* Key to development type abbreviations:

SRC— Subregional commercial development;

SRSC— Subregional specialty commercial development;

CC— Community commercial development;

OC— Office commercial development.

\*\* Supermarkets and food stores shall mean any store where fifty percent (50%) or more of the total floor area of the store is devoted to prepackaged food and grocery sales.

\*\*\* A day spa shall mean an establishment that consists of more than one thousand two hundred fifty (1,250) square feet of gross floor area that offers a spa service membership program or a combination of massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses and may include a combination of non-medical personal services such as hair, nail, skin care, and hair removal treatments or other services typically found in a beauty shop. A day spa shall not mean a beauty shop, barber shop, or nail care establishment that does not provide a combination of massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses.

18.39.050 Conditionally permitted uses.

To facilitate coordinated, yet distinct development areas within Union Landing, the following uses shall be permitted within a commercial development upon granting of a use permit, when the symbol “X” is marked in the column beneath the appropriate development type on Table 18.39.050. A use that is not listed is not permitted.

A. Approval by Zoning Administrator (refer to Chapter 18.54 for a detailed description of the administrative use permit process).

**Table 18.39.050(A)**  
**Uses That Require an Administrative Use Permit By Development Type**

	Development Type			
	SRC	SRSC	CC	OC
<b>Conditionally Permitted Uses</b>				
Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B)		X	X	
Outdoor dining/seating areas		X	X	

B. Approval by Planning Commission (refer to Chapter 18.56 for a detailed description of the use permit process).

**Table 18.39.050(B)**  
**Uses That Require a Conditional Use Permit By Development Type**

	Development Type			
	SRC	SRSC	CC	OC
<b>Conditionally Permitted Uses</b>				
General merchandise retail under 75,000 square feet, including:				
Auto supply store			X	
Camera and photo stores		X		
Consumer electronic sales under 5,000 square feet, excluding cell phone stores	X	X		
Florist		X		
Gift, stationery and office supply stores	X	X		
Hardware, building materials and garden supply stores with no outdoor storage	X	X	X	
Jewelry stores				X
Liquor and beverage stores			X	
Mattress sales	X	X		
Specialty food stores** less than 30,000 square feet in size	X	X	X	
Any other retail sales use determined by the Planning Commission to be the same or similar to the above list	X	X	X	
Business, commercial and professional services including finance, insurance, real estate offices, law offices, etc., above the first floor			X	
Banks and credit unions		X		X
Discount clubs	X			
Indoor theaters with alcoholic beverage sales			X	
Food service:				
Fast-food/quick service restaurants, in-line only		X		

Conditionally Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Fast-food/quick service restaurants, stand-alone, where end-user has been identified			X	
Full service/sit down restaurant in-line or stand-alone		X		
Retail and carry out food store in-line only		X		
Spas***		X		
Drive-in and drive-through food services, any category			X	
Commercial entertainment	X			
Residential, ancillary residential units provided that the residential use is located above the ground floor of a commercial development and provided that retail commercial services, and/or office uses comprise at least seventy percent (70%) of the total floor area of the building in which the residential use is located				X
Retail stock brokerage office		X		
Superstores	X			
Utility customer service center		X		

\* Key to development type abbreviations:

SRC—Subregional commercial development;

SRSC—Subregional specialty commercial development;

CC—Community commercial development;

OC—Office commercial development.

\*\* Supermarkets and food stores shall mean any store where fifty percent (50%) or more of the total floor area of the store is devoted to prepackaged food and grocery sales.

\*\*\* A day spa shall mean an establishment that consists of more than one thousand two hundred fifty (1,250) square feet of gross floor area that offers a spa service membership program or a combination of massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses and may include a combination of non-medical personal services such as hair, nail, skin care, and hair removal treatments or other services typically found in a beauty shop. A day spa shall not mean a beauty shop, barber shop, or nail care establishment that does not provide a combination of massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses.

**Chapter 18.40 INDUSTRIAL DISTRICTS**  
**Article II. ML (Light Industrial) District Regulations**

18.40.230 Conditional uses permitted.

The following uses may be permitted upon granting of a use permit pursuant to the procedures under Chapter 18.56. Only the specific uses listed under each category may be considered for a use permit in the ML district. Other uses that may fall within the category heading may not be considered unless they are found similar to the listed uses as provided for in subsection K of this section.

A. Food and kindred products manufacturing:

Breweries.

B. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing:

Fur finishing and dyeing, but not including tanning and curing;

Leather and leather products finishing and dyeing, but not including tanning and curing.

C. Lumber and wood products:

Lumber yards, with accessory office and employee facilities in a completely enclosed building;

Pallet assembly located within a completely enclosed building, with accessory pallet storage within the same enclosed building as assembly.

D. Paper and allied products manufacturing:

Converted paper and paperboard products;

Paper products;

Paperboard container/boxes;

Pulp goods.

E. Chemicals and allied products manufacturing:

Candle manufacturing, not including rendering;

Drugs, including medicinal chemicals and pharmaceutical preparations;

Paraffin products;

Paints, varnishes, lacquers, enamels, shellac, turpentine and allied products;

Plastics products;

Soap, detergents, and cleaning preparations, perfumes, cosmetics and other toilet preparations (not including refining or rendering of fats and oils);

Synthetic rubber products.

F. Stone, clay, and glass products:

Concrete products fabrication, excluding batch plants;

Ceramic products manufacture including bathroom and kitchen fixtures and equipment.

G. Fabricated metal products manufacturing:

Cutlery, hardware and hand tools, die and pattern making, metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils;

Machinery including heavy machinery and appliances;

Machine tools;

Mass transit equipment assembly;

Metal finishing and plating;

Motor vehicles, motorcycles and motor vehicles equipment and parts;

Precious or semi-precious metal products.

H. Electrical and electronic equipment:  
Electronic components or equipment manufacturing.

I. Miscellaneous manufacturing and uses:

Automotive repair and service, including auto body and paint shops;

Contractors located in a completely enclosed building, with accessory outdoor storage of equipment or supplies;

Equipment rental, with accessory office and employee facilities in a completely enclosed building;

Industrial planned unit development, consistent with the requirements of Chapter 18.44;

Painting, enameling and lacquering shops;

Public utilities, power stations, electric substations, service groups, and storage tanks;

Recycling facilities located within a completely enclosed building and accessory outdoor drop-off/sorting and storage of equipment;

Retail sales of new recreational vehicles, with accessory office and employee facilities in a completely enclosed building, and the sale of service and parts in a completely enclosed building;

Sandblasting;

Service stations subject to the following conditions:

1. All operations except the sale of gasoline and oil and the washing of automobiles shall be conducted in a building enclosed on at least three (3) sides,

2. Gasoline pump island shall be located not closer than twenty (20) feet to any property line,

3. No sale of alcoholic beverages or food products,

4. No service station marketeer;

Warehouse, wholesale and distribution uses that exceed twenty-five thousand (25,000) square feet (in a building constructed after 1996) or do not produce retail sales taxes or do not generate one (1) job for each one thousand five hundred (1,500) square feet of floor area.

J. Business support services such as food oriented retail, health, and childcare in adaptable "flex" space development.

K. Any other use determined by the Planning Commission to be essentially the same or very similar to the above conditional uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.



**Chapter 18.40 INDUSTRIAL DISTRICTS**  
**Article III. MS (Special Industrial) District Regulations**

18.40.330 Conditional uses permitted.

The following uses may be permitted upon granting of a use permit pursuant to the procedures under Chapter 18.56. Only the specific uses listed under each category may be considered for a use permit in the MS district. Other uses that may fall within the category heading may not be considered unless they are found similar to the listed uses as provided for in subsection F of this section.

A. Furniture and Fixtures Manufacturing.

Cabinet makers.

B. Printing, Publishing and Allied Industries.

Publishing, printing and binding of newspapers, periodicals, books, cards, forms, blank books and circulars.

C. Chemicals and Allied Products Manufacturing.

Candle manufacture not including rendering;

Plastics injection molding and extrusion;

Pharmaceutical preparations.

D. Fabricated Metal Products Manufacturing.

Precious or semi-precious metal products;

Machine shops, not involving the use of drop hammers or punch presses with a rated capacity of over twenty (20) tons.

E. Miscellaneous Manufacturing and Uses.

Automobile sales of new vehicles;

Animal clinics and hospitals;

Child day care facilities;

Discount clubs;

Health clubs and recreational facilities;

Health services (medical, dental, physical therapy and pharmacies);

Hospitals, sanitariums or nursing homes for mental or drug or liquor addict cases;

Industrial planned unit development, consistent with the requirements of Chapter 18.44;

Motion picture production;

Professional trade schools and colleges;

Public and quasi-public educational or recreational uses;

Restaurants, fast food/quick service with no drive-through, in-line only;

Restaurants, full service/sit down;

Retail and carry out food stores, in-line only;

Specialty trade contractors when located within a completely enclosed building;

Superstores;

Transit and passenger railroad stations;

Union halls;

Used car sales and service allowed only as an accessory use to new automobile sales;

Warehouses, wholesale and distribution uses (not including mini-warehouses and storage of flammable liquids) that exceed five thousand (5,000) square feet, and do not serve as a

point of sale for taxable goods and/or generate one (1) job per one thousand five hundred (1,500) square feet of floor area.

F. Any other use determined by the Planning Commission to be essentially the same or very similar to the above conditional uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

18.40.340 Accessory uses permitted.

A. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same lot are permitted.

B. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same lot are permitted only upon the granting of a conditional use permit pursuant to the provisions of Chapter 18.56.

1. Non-amplified live music at full service/sit down restaurants is permitted.

2. Amplified live music at full service/sit down restaurants requires a Conditional Use Permit and is subject to the standards in 18.36.195(B)(1-11).

C. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

D. Accessory structures and uses shall be located within the area of the lot allowed for principal structures and uses and shall conform to the required front, side and rear yard setbacks.

## Chapter 18.08 DEFINITIONS

18.08.~~021-035~~ Amusement room or a Arcade.

An “~~amusement room or~~ arcade” is any establishment, room or place with four (4) or more coin-operated or computer gaming amusement devices available to the public and where the playing of such devices is the principal activity of the premises.

18.08.~~022-036~~ Amusement room or a Arcade, accessory.

An “~~amusement room or~~ arcade (accessory)” is the operation of ~~more than~~ three (3) or fewer coin-operated or computer gaming amusement devices ~~of a business providing commercial recreation facilities~~ where such devices are clearly accessory to the principal business of the establishment and occupy no more than ten percent (10%) of the gross floor area.

18.08.073 Bar.

“Bar” means a business where alcoholic beverages (including beer, wine, liquor, and mixed drinks) are sold for on-site consumption as a primary use, which is not part of a larger full service/sit down restaurant. Includes taverns, wine bars, pubs, lounges, and similar establishments where any food service is subordinate to the sale of alcoholic beverages.

18.08.~~073-074~~ Bed and breakfast establishment.

“Bed and breakfast establishment” means a building of residential character containing no more than five (5) sleeping units for rent by tourists on a temporary basis not to exceed a stay exceeding fourteen (14) calendar days in any month. A bed and breakfast establishment may also serve meals to guests as part of the guest fee and shall provide for a resident-manager.

18.08.~~074-075~~ Bicycle parking facility.

A “bicycle parking facility” is a device that is used to securely store bicycles. A bicycle parking facility can either be a bicycle locker or rack designed and installed in conformance with the design criteria listed in Section 18.28.080 or 18.28.090.

18.08.~~075-076~~ Bingo games.

“Bingo games” means the establishment of a game of chance open to the public in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random in accordance with Section 326.5 of the California State Penal Code and Chapter 5.32 of the Union City Municipal Code. For the purposes of the zoning ordinance, bingo games shall include conduct of such games as either the primary use of land or as a use that is accessory to a primary use of land.

18.08.~~076-077~~ Biotechnology.

“Biotechnology” is the industrial use of living organisms (or parts of living organisms) in applications in medicine, agriculture, or other products. Biotechnology can include

fermentation and plant and animal hybridization, which may include animal testing, protein separation technologies, and genomics and combinational chemistry.

18.08.172 Comedy club.

A “comedy club” is a commercial establishment that offers comedy stage shows and charges either a fee for admission or requires a purchase of items at the venue.

18.247 Commercial entertainment.

“Commercial entertainment” means an indoor establishment providing participant or spectator entertainment for a fee or admission charge, including live performance theaters, bowling alleys, ice and roller skating rinks, and other similar activities determined to be substantially similar to the above by the Economic and Community Development Director. This use does not include adult businesses, which are separately defined.

18.08.264 Food—Retail and carry out.

A “retail and carry out food store” is a store which serves food or non-alcoholic beverages for immediate consumption not on the premises, but usually in the vicinity of the store. A retail and carry out food store is usually characterized as an establishment which serves food altered in texture and/or temperature on a customer-demand basis; puts such food in non-sealed packages or edible containers; requires payment for such food prior to consumption; and provides ~~no~~ limited seating or other physical accommodations for on-premises dining. Examples of this type of facility include, but are not limited to, delicatessens and other stores with ~~out~~ limited seating which sell doughnuts, croissants, ice cream, frozen yogurt, cookies, whole pizzas and sandwiches. A food store is not considered retail and carry out food.

18.08.415 Nightclub.

A “nightclub” is a facility that provides amplified live entertainment and/or dancing and serves alcoholic beverages on the premises.

18.080.492 Pool room/hall

A “pool room/hall” is a building or portion thereof having within its premises three (3) or more pool tables or billiard tables, or combination thereof, regardless of size, and whether activated manually or by the insertion of a coin, token or other mechanical device.

18.08.497 Promoter, third-party.

A “third-party promoter” is a professional hired to arrange performances for entertainers at venues and publicize events through the press, radio, posters, emails, social media, and/or online advertising.

18.08.505 Recreation facility, commercial.

“Commercial recreation facility” means an indoor recreation ~~facilities~~ facility that is operated as a business and open to the general public for a fee, including health club/fitness centers, badminton, racquetball, hockey, soccer, or swimming facilities, and

other similar activities determined to be substantially similar to the above by the Economic and Community Development Director.

**Chapter 18.36 COMMERCIAL DISTRICTS**

18.36.020 Permitted uses.

A. A use that is not listed is not a permitted use. In addition to uses lawfully established on the effective date of this title, the following uses shall be permitted in a C district when the symbol “X” is marked in the column beneath the C district:

<b>PERMITTED USES</b>	<b>CPA</b>	<b>CN</b>	<b>CC</b>	<b>CVR</b>	<b>CS</b>
Apparel and accessory stores		X	X	X	X
Automobile sales (new vehicles only)			X		
Bakeries with retail sales		X	X		X
Banks/savings and loans (excluding check cashing businesses)	X	X	X		X
Business services (photocopying and small printing shops, computer and data processing, graphic design, sign shops)	X	X	X	X	X
Educational and instruction uses (business, beauty, computer, dance, martial arts, <u>etc.</u> ) <u>with an occupant load of less than fifty (50) which are not categorized as an A-occupancy</u> through the Uniform Building Code	X	X	X	X	X
Entertainment and recreation uses (excluding video arcades, pool rooms/halls and dance halls) <u>with an occupant load of less than fifty (50) which are not categorized as an A-occupancy</u> through the Uniform Building Code	X		X	X	X
<u>Food, fast food/quick service restaurant, in line only</u>	-	<u>X</u>	<u>X</u>	-	<u>X</u>
Food, full service/sit down restaurant, <del>No drive-through window</del>	X	X	X	X	X
Food, retail and carry out food store, <del>No drive-through window</del>		X	X		X
Food stores, excluding convenience markets		X	X		X
Furniture and home furnishings			X		X
General merchandise/retail stores		X	X		X

PERMITTED USES	CPA	CN	CC	CVR	CS
Health services (medical, dental, physical therapy and pharmacies)	X	X	X	X	X
<u>Live music (non-amplified) at full service/sit down restaurants subject to the provisions of Section 18.36.195(A)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Lodges and meeting halls			X	X	
Lodging (hotel and motel)				X	
Miscellaneous small repair services (watches, clocks, jewelry, small countertop appliances)		X	X		X
Miscellaneous limited retail typically found in office buildings or hotels	X			X	
Nurseries and garden stores (without outdoor storage)		X	X		X
Office	X	X	X	X	X
Personal services (laundry, dry cleaning, beauty parlor, barbershop, nail salon, shoe repair, travel agency, tailor, photography studio, etc.)	X	X	X	X	X
Pet grooming (no overnight boarding of animals)		X	X		X
Public buildings and grounds	X		X		X
Residential uses, within the Old Alvarado and Mission Boulevard neighborhoods, located above ground floor commercial uses		X	X		X
Seasonal sales lots for holiday trees and pumpkins subject to the provisions of the Policy Statement for the Regulation of Seasonal Sales Lots	X	X	X		X
<del>Sit down restaurants (full service, counter service, delicatessen)</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X	X

18.36.030 Conditional uses.

The following conditional uses shall be permitted in a C district, upon the granting of a use permit, when the symbol “X” is marked in the column beneath the C district:

- A. Approval by Zoning Administrator (refer to Chapter 18.54 for a detailed description of the administrative use permit process).

CONDITIONAL USES	CPA	CN	CC	CVR	CS
Automotive rental agencies with minor parking requirements, involving no automotive repair or vehicle washing on site	X		X	X	
Day care	X	X	X		X
Educational and instructional uses (business, beauty, computer, dance, martial arts) <del>which are categorized as an A-occupancy through the Uniform Building Code, or result in a change in the occupancy designation with an occupant load of fifty (50) or more through the Uniform Building Code</del>		X	X		
<del>Food, fast food/quick service restaurant, no drive-through window</del>		<del>X</del>	<del>X</del>		<del>X</del>
<u>Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Outdoor dining/seating areas	X	X	X	X	X
Outdoor flower display along the street frontage of a permanently established florist in Union City		X	X		X
Veterinarian offices and small animal hospitals including short-term overnight boarding of animals for medical purposes and incidental care such as bathing and trimming, provided that all operations are conducted within a completely enclosed building			X		
Any other use determined by the Zoning Administrator to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X	X

B. Approval by Planning Commission (refer to Chapter 18.56 for a detailed description of the use permit process).

CONDITIONAL USES	CPA	CN	CC	CVR	CS
Adult business, only where located at least 1,000 feet away from a school, day care, or faith based facility			X		
<del>Amusement (video-a</del> Arcades, computer gaming, pool rooms/halls)			X		X
Automotive sales—Used vehicles, permitted only in conjunction with new car sales			X		
Automobile washing, including the use of mechanical conveyors, blowers and steam cleaners			X		
Bars, nightclubs, <u>comedy clubs</u> , and lounges		X	X	X	X
Body art		X	X		
Check cashing			X		



CONDITIONAL USES	CPA	CN	CC	CVR	CS
Church uses with existing buildings built for and previously occupied by a church		X			
Convenience markets		X	X		X
Cybercafé		X	X		X
Discount clubs			X		
Drive-in/drive-through uses		X	X		
Entertainment and recreation uses <u>with an occupant load of fifty (50) or more through the Uniform Building Code</u>			X	X	X
Farmers markets, when coordinated in conjunction with the City or the Chamber of Commerce		X			X
<u>Food, fast food/quick service restaurant, stand alone</u>		<u>X</u>	<u>X</u>		<u>X</u>
Guns and/or ammunition sales			X		
Health services (including, but not limited to: laboratories, drug treatment clinics, palm reading)	X		X		
Hospitals, sanitariums and nursing homes	X		X		
Liquor stores		X	X		X
Lodging (hotel and motel)			X		
Lumber or other building materials with outdoor storage or display			X		
Massage	X	X	X		X
Mortuaries, crematoriums and funeral homes			X		
Nurseries and garden stores with outdoor storage			X		
Public utility and public service pumping stations, power stations, electrical substations, service groups and storage tanks		X	X		X
Retail tobacco store, only where located more than 1,000 feet from another such use and a “sensitive use.” Distance shall be measured from the closest exterior wall of the structure or portion of the structure in which the use is located to the property line of the “sensitive use”			X		
Service stations with the following operational characteristics: 1. All operations, except for the sale of gasoline and the washing of automobiles, are conducted in a building enclosed on at least three (3) sides, pump islands located no closer than twenty (20) feet to any property line, and alcoholic beverages not sold on site		X	X		
2. Minor automobile service, such as engine tune-ups, oil change, tire sales and service, brake service and smog check			X		

3. The rental of trailers as an incidental part of the service station operation			X		
4. The rental of hand tools, garden tools, and other similar equipment as an incidental part of the operation of the service station		X	X		
5. Gas station marketeers subject to the provisions of the Gas Station Marketeer Policy Statement		X	X		
Superstores			X		
Any other use determined by the Planning Commission to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X	X

18.36.195 Standards for Live Music at Full Service/Sit Down Restaurants

The following standards shall apply in the following Zoning Districts: CPA, CC, CN, CVR, CS, CSMU, CUL, and other districts as specified in the district regulations.

A. Non-amplified live music at full service/sit down restaurants is permitted outdoors until 8:00 p.m. and indoors until 11:00 p.m. subject to compliance with the Union City Community Noise Ordinance in Chapter 9.40.

B. Amplified live music at full service/sit down restaurants is permitted with an administrative use permit approval as detailed in Chapter 18.54 and shall fully comply with the following standards:

1. Amplified live music shall not be permitted outdoors.
2. Amplified live music shall end by 11:00 p.m.
3. Third-party promoters, cover charges, and drink minimums shall be prohibited.
4. Dance floors and stages shall be prohibited.
5. A full food menu shall be offered and food sales shall be 50 percent or more of the total gross sales.
6. The maximum occupant load shall be clearly posted.
7. Windows shall remain clear and unobstructed.
8. A security plan addressing, at a minimum, security staffing, emergency exiting, staff training, and exterior site lighting shall be submitted for review and approval by the Police Department as part of the discretionary review.
9. Live music shall conform to the Union City Community Noise Ordinance in Chapter 9.40.
10. The business owner and/or operator shall take reasonable actions necessary to inhibit loitering, shouting, fighting, and other activities that would disturb the peace.
11. By accepting a discretionary permit, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittees' hosting of live music.

## Chapter 18.38 STATION MIXED USE COMMERCIAL (CSMU) DISTRICT

### 18.38.020 Permitted uses.

The following uses shall be permitted:

- A. Commercial Uses as Part of a Mixed Use Project.
  - 1. Apparel and accessory stores, excluding thrift stores;
  - 2. Bakeries with retail sales;
  - 3. Banks/savings and loans, excluding check cashing businesses;
  - 4. Business services, such as photocopying services and small printing shops, computer and data processing, graphic design, sign shops;
  - 5. Food stores, up to twenty-five thousand (25,000) square feet, excluding convenience markets;
  - 6. Health clubs;
  - 7. General merchandise/retail stores, excluding adult business stores, clearance center/dollar stores, pawn shops, second hand/thrift stores, and retail tobacco stores;
  - 8. Health services, such as medical, dental, optical, physical therapy and pharmacies;
  - 9. Live music (non-amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(A)
  - 10. Professional offices;
  - 11. Restaurants and cafés, in-line only (not as stand-alone buildings);
  - 12. Retail food outlets, such as bagel, coffee, candy and tea stores (with minimal or no seating), in-line only (not as stand-alone buildings);
  - 13. Specialty wine shops.
- B. Civic Uses.
  - 1. Cultural activities, such as museums, art galleries and libraries, performing arts;
  - 2. Public buildings and grounds, community centers and community services; and
  - 3. Public services and administrative offices, such as police and fire stations, post offices, and public parking lots and structures.
- C. Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

### 18.38.030 Conditional uses.

The following conditional uses shall be permitted in the CSMU district upon the granting of a use permit:

- A. Approval by Zoning Administrator (refer to Chapter 18.54 for a detailed description of the administrative use permit process).
  - 1. Adult and child day care facilities;
  - 2. Educational and instructional uses, such as business, beauty, computer, dance, martial arts, tutorial services;
  - 3. In-line fast food restaurants;
  - 4. Sidewalk cafés per Section 18.36.190;
  - 5. Exterior sidewalk ATMs (automated teller machines), when there is adequate security and lighting and adequate queuing area that does not impede pedestrian or vehicular traffic flow (drive-thru ATMs are not permitted);

6. Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B);

67. Outdoor displays, such as flowers or newspapers, in conjunction with an existing adjacent business;

78. Personal services, such as laundry, dry cleaning, beauty parlor, barbershop, nail salon, shoe repair, travel agency, tailor, photography studio, and similar uses; and

89. All other uses determined by the Zoning Administrator to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

B. Approval by City Council (refer to Chapter 18.56 for a detailed description of the use permit process).

1. Bars and nightclubs;

2. Commercial recreation facilities, excluding video arcades;

3. Convenience markets;

4. Farmers' markets, when in conjunction with the City or the Chamber of Commerce;

5. Mixed use developments;

6. Lodging, hotels and motels;

7. Research and development (R and D)/flex space with no nuisance characteristics;

8. Residential uses:

a. High-density residential development,

b. Senior housing,

c. Live/work units (specific uses allowed in the live/work units are set forth in Section 18.38.032);

9. Transportation facilities, such as heliports and bus transfer facility or passenger rail facilities; and

10. Any other use determined by the Planning Commission to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

18.38.032 Permitted and conditional uses for live/work units.

A. Purpose. The purpose of live/work units is to allow the flexible use of space for joint residential occupancy and nonresidential activity (as live/work is defined in Section 18.08.298 of the Municipal Code) to meet the changing needs of the Union City community and to encourage small, independent, and creative businesses and artistic endeavors. The City strongly encourages commercial uses in live/work units.

B. Location. The location of live/work units shall be determined through the conditional use permit process with approval by the City Council.

C. Uses. The following list the uses that shall be permitted or conditionally permitted in live/work units.

Use	Permitted	Conditional - Zoning Administrator Approval
Artisans (custom tailoring and dress making and sales, custom shoe making and sales, cottage food operators consistent with the California Homemade Food Act, artisanal food making, photography studios, multi-media production)	X	
Apparel and accessory stores	X	
Bakeries (not consistent with the California Homemade Food Act)		X
Business services (copy and small print shops, graphic design, sign shops)	X	
Cybercafé		X
Educational and instruction (including, but not limited to, business, computer, dance, martial arts)		X
Florist	X	
Food, fast food/quick service restaurant, <u>in-line only</u>		X
Food, full service/sit down restaurant		X
Food, retail and carry out food store, <u>in-line only</u>		X
Food stores, excluding convenience markets	X	
Furniture and home furnishings	X	
General merchandise/retail stores	X	
<u>Live music (non-amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(A)</u>	<u>X</u>	
<u>Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B)</u>		<u>X</u>
Miscellaneous small repair services (including, but not limited to, computers, bikes, watches, clocks, jewelry)	X	
Nurseries and garden stores	X	
Office, professional	X	
Outdoor dining/seating areas		X
Outdoor displays or activities		X
Personal service, non-touch (including, but not limited to, laundry and dry cleaning with pick up and drop off only, shoe repair, travel agency, tailor)	X	
Personal service, touch (including, but not limited to, beauty parlor, nail salon, body art)		X
Pet grooming (no overnight boarding of animals)	X	

**Chapter 18.39 UNION LANDING COMMERCIAL (CUL) DISTRICT**

18.39.040 Permitted uses.

To facilitate coordinated, yet distinct development areas within Union Landing, a development proposal shall include only those uses consistent with its development type. The following uses shall be permitted within a commercial development in Union Landing, when the symbol “X” is marked in the column beneath the appropriate development type on Table 18.39.040. A use that is not listed is not permitted.

**Table 18.39.040  
 Permitted Uses By Development Type**

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
General merchandise retail under 75,000 square feet, including:				
Antique stores	X	X	X	
Appliance stores	X	X	X	
Art supply stores	X	X	X	
Beauty supply stores			X	
Bedroom and bathroom linen sales	X	X	X	
Book stores	X	X	X	
Bridal and tuxedo sales stores	X	X	X	
Camera and photo retail stores (excluding film processing stores)	X	X	X	
Cell phone stores			X	
Clothing and clothing accessories	X	X	X	
Consumer electronic sales under 5,000 square feet, excluding cell phone stores			X	
Consumer electronic sales 5,000 square feet and over, excluding cell phone stores	X	X	X	
Copying and printing service			X	
Craft, hobby shops and frame shops	X	X	X	
Day spas***			X	
Drugstores, vitamin stores, pharmacies and sundries			X	
Department stores	X	X		
Fabric sales	X	X	X	
Florist			X	

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Furniture and home furnishings sales, including patio furniture and barbeque stores	X	X	X	
Gift, stationery and office supply stores			X	
Housewares	X	X	X	
Jewelry stores	X	X	X	
Lamp stores and household fixture sales	X	X	X	
Liquor and beverage stores over 12,000 square feet	X	X		
<u>Live music (non-amplified) at full service/sit down restaurants subject to the provisions of Section 18.36.195(A)</u>		X	X	
Luggage and leather stores	X	X	X	
Magazine and newspaper stands			X	
Music retail stores, including the sale of musical instruments such as pianos	X	X	X	
Party supply stores	X	X	X	
Pet supply stores	X	X	X	
Retail stock brokerage office				X
Shoe stores	X	X	X	
Sporting goods and bicycle sales (no gun sales)	X	X	X	
Supermarkets			X	
Toy/educational stores	X	X	X	
Video, CD and DVD rental			X	
Any other retail sales use determined by the Economic and Community Development Director to be the same or similar to the above list	X	X	X	
General merchandise retail over 75,000 square feet, excluding superstores, general hardware, building materials, and landscape supply stores	X	X		
Business, commercial and professional services including finance, insurance, real estate offices, law offices, etc.				X
Personal services including beauty and barber shops, nail care, dry-cleaning establishments, etc. Laundries, health clubs, medical, dental and health care offices are excluded			X	
Banks and credit unions			X	
Indoor theaters without alcoholic beverage sales			X	

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Food service: <del>Full service/sit down restaurant Restaurants, full service in-line _and_ stand-alone only (typically identified where food is made to order with table service and payment is made after consumption)</del> <del>Fast food/quick service restaurant, in-line only with no drive through</del> Retail and carry out food store, in-line <u>only</u> (including bagel shops, ice cream shops, candy and confectioner shops, delicatessens, cookies, specialty coffee shops, and retail bakeries and whole pizza)			X	
			<u>X</u>	
			X	
Dental, medical and optical offices				X
Hotel	X	X		X

\* Key to development type abbreviations:

SRC— Subregional commercial development;

SRSC— Subregional specialty commercial development;

CC— Community commercial development;

OC— Office commercial development.

\*\* Supermarkets and food stores shall mean any store where fifty percent (50%) or more of the total floor area of the store is devoted to prepackaged food and grocery sales.

\*\*\* A day spa shall mean an establishment that consists of more than one thousand two hundred fifty (1,250) square feet of gross floor area that offers a spa service membership program or a combination of massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses and may include a combination of non-medical personal services such as hair, nail, skin care, and hair removal treatments or other services typically found in a beauty shop. A day spa shall not mean a beauty shop, barber shop, or nail care establishment that does not provide a combination of massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses.

18.39.050 Conditionally permitted uses.

To facilitate coordinated, yet distinct development areas within Union Landing, the following uses shall be permitted within a commercial development upon granting of a use permit, when the symbol “X” is marked in the column beneath the appropriate development type on Table 18.39.050. A use that is not listed is not permitted.



A. Approval by Zoning Administrator (refer to Chapter 18.54 for a detailed description of the administrative use permit process).

**Table 18.39.050(A)**  
**Uses That Require an Administrative Use Permit By Development Type**

Conditionally Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
<u>Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B)</u>		X	X	
<u>Outdoor dining/seating areas</u>		X	X	

B. Approval by Planning Commission (refer to Chapter 18.56 for a detailed description of the use permit process).

**Table 18.39.050(B)**  
**Conditionally Permitted Uses That Require a Conditional Use Permit By Development Type**

Conditionally Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
General merchandise retail under 75,000 square feet, including:				
Auto supply store			X	
Camera and photo stores		X		
Consumer electronic sales under 5,000 square feet, excluding cell phone stores	X	X		
Florist		X		
Gift, stationery and office supply stores	X	X		
Hardware, building materials and garden supply stores with no outdoor storage	X	X	X	
Jewelry stores				X
Liquor and beverage stores			X	
Mattress sales	X	X		
Specialty food stores** less than 30,000 square feet in size	X	X	X	
Any other retail sales use determined by the Planning Commission to be the same or similar to the above list	X	X	X	
Business, commercial and professional services including finance, insurance, real estate offices, law offices, etc., above the first floor			X	
Banks and credit unions		X		X

Conditionally Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Discount clubs	X			
Indoor theaters with alcoholic beverage sales			X	
Food service: Fast-food/quick service restaurants, in-line <del>only (including food made for immediate consumption, pre-paid, with no table service, such as, sandwich shops, hot dog and hamburger sales, pizza slices, fried chicken, fish and chips, and the like)</del> Fast-food/quick service <del>(see description above)</del> restaurants, stand-alone <del>restaurants</del> , where end-user has been identified <del>Full service/sit down restaurant Restaurants, full-service in-line and/or stand-alone only (typically identified where food is made to order with table service and payment is made after consumption)</del> Retail and carry out food store in-line <del>or stand alone</del> only <del>(including bagel shops, ice cream shops, candy and confectioner shops, delicatessens, cookies, specialty coffee shops, and retail bakeries and whole pizza) with no drive-through</del>		X	<del>X</del>	
<del>s</del> Spas***		X		
<del>Drive-in and D</del> drive-through food services, any category			X	
Commercial entertainment <del>including video arcades, skating rinks, dancehalls, bowling alleys, etc., not including indoor theaters</del>	X			
Residential, ancillary residential units provided that the residential use is located above the ground floor of a commercial development and provided that retail commercial services, and/or office uses comprise at least seventy percent (70%) of the total floor area of the building in which the residential use is located				X
Retail stock brokerage office		X		
Superstores	X			
Utility customer service center		X		

\* Key to development type abbreviations:

- SRC—Subregional commercial development;
- SRSC—Subregional specialty commercial development;
- CC—Community commercial development;
- OC—Office commercial development.

\*\* Supermarkets and food stores shall mean any store where fifty percent (50%) or more of the total floor area of the store is devoted to prepackaged food and grocery sales.

\*\*\* A day spa shall mean an establishment that consists of more than one thousand two hundred fifty (1,250) square feet of gross floor area that offers a spa service membership program or a combination of massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses and may include a combination of non-medical personal services such as hair, nail, skin care, and hair removal treatments or other services typically found in a beauty shop. A day spa shall not mean a beauty shop, barber shop, or nail care establishment that does not provide a combination of massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses.

**Chapter 18.40 INDUSTRIAL DISTRICTS**  
**Article II. ML (Light Industrial) District Regulations**

18.40.230 Conditional uses permitted.

The following uses may be permitted upon granting of a use permit pursuant to the procedures under Chapter 18.56. Only the specific uses listed under each category may be considered for a use permit in the ML district. Other uses that may fall within the category heading may not be considered unless they are found similar to the listed uses as provided for in subsection K of this section.

A. Food and kindred products manufacturing:

Breweries.

B. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing:

Fur finishing and dyeing, but not including tanning and curing;

Leather and leather products finishing and dyeing, but not including tanning and curing.

C. Lumber and wood products:

Lumber yards, with accessory office and employee facilities in a completely enclosed building;

Pallet assembly located within a completely enclosed building, with accessory pallet storage within the same enclosed building as assembly.

D. Paper and allied products manufacturing:

Converted paper and paperboard products;

Paper products;

Paperboard container/boxes;

Pulp goods.

E. Chemicals and allied products manufacturing:

Candle manufacturing, not including rendering;

Drugs, including medicinal chemicals and pharmaceutical preparations;

Paraffin products;

Paints, varnishes, lacquers, enamels, shellac, turpentine and allied products;

Plastics products;

Soap, detergents, and cleaning preparations, perfumes, cosmetics and other toilet preparations (not including refining or rendering of fats and oils);

Synthetic rubber products.

F. Stone, clay, and glass products:

Concrete products fabrication, excluding batch plants;

Ceramic products manufacture including bathroom and kitchen fixtures and equipment.

G. Fabricated metal products manufacturing:

Cutlery, hardware and hand tools, die and pattern making, metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils;

Machinery including heavy machinery and appliances;

Machine tools;

Mass transit equipment assembly;

Metal finishing and plating;

Motor vehicles, motorcycles and motor vehicles equipment and parts;

Precious or semi-precious metal products.

H. Electrical and electronic equipment:  
Electronic components or equipment manufacturing.

I. Miscellaneous manufacturing and uses:

Automotive repair and service, including auto body and paint shops;

Contractors located in a completely enclosed building, with accessory outdoor storage of equipment or supplies;

Equipment rental, with accessory office and employee facilities in a completely enclosed building;

Industrial planned unit development, consistent with the requirements of Chapter 18.44;

Painting, enameling and lacquering shops;

Public utilities, power stations, electric substations, service groups, and storage tanks;

Recycling facilities located within a completely enclosed building and accessory outdoor drop-off/sorting and storage of equipment;

**Restaurant;**

Retail sales of new recreational vehicles, with accessory office and employee facilities in a completely enclosed building, and the sale of service and parts in a completely enclosed building;

Sandblasting;

Service stations subject to the following conditions:

1. All operations except the sale of gasoline and oil and the washing of automobiles shall be conducted in a building enclosed on at least three (3) sides,

2. Gasoline pump island shall be located not closer than twenty (20) feet to any property line,

3. No sale of alcoholic beverages or food products,

4. No service station marketeer;

Warehouse, wholesale and distribution uses that exceed twenty-five thousand (25,000) square feet (in a building constructed after 1996) or do not produce retail sales taxes or do not generate one (1) job for each one thousand five hundred (1,500) square feet of floor area.

J. Business support services such as food oriented retail, health, and childcare in adaptable "flex" space development.

K. Any other use determined by the Planning Commission to be essentially the same or very similar to the above conditional uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

**Chapter 18.40 INDUSTRIAL DISTRICTS**  
**Article III. MS (Special Industrial) District Regulations**

18.40.330 Conditional uses permitted.

The following uses may be permitted upon granting of a use permit pursuant to the procedures under Chapter 18.56. Only the specific uses listed under each category may be considered for a use permit in the MS district. Other uses that may fall within the category heading may not be considered unless they are found similar to the listed uses as provided for in subsection F of this section.

A. Furniture and Fixtures Manufacturing.

Cabinet makers.

B. Printing, Publishing and Allied Industries.

Publishing, printing and binding of newspapers, periodicals, books, cards, forms, blank books and circulars.

C. Chemicals and Allied Products Manufacturing.

Candle manufacture not including rendering;

Plastics injection molding and extrusion;

Pharmaceutical preparations.

D. Fabricated Metal Products Manufacturing.

Precious or semi-precious metal products;

Machine shops, not involving the use of drop hammers or punch presses with a rated capacity of over twenty (20) tons.

E. Miscellaneous Manufacturing and Uses.

Automobile sales of new vehicles;

Animal clinics and hospitals;

Child day care facilities;

Discount clubs;

Health clubs and recreational facilities;

Health services (medical, dental, physical therapy and pharmacies);

Hospitals, sanitariums or nursing homes for mental or drug or liquor addict cases;

Industrial planned unit development, consistent with the requirements of Chapter 18.44;

Motion picture production;

Professional trade schools and colleges;

Public and quasi-public educational or recreational uses;

Restaurants, fast food/quick service with no excluding drive-in-through restaurants, in-line only;

Restaurants, full service/sit down;

Retail and carry out food stores, in-line only;

Specialty trade contractors when located within a completely enclosed building;

Superstores;

Transit and passenger railroad stations;

Union halls;

Used car sales and service allowed only as an accessory use to new automobile sales;

Warehouses, wholesale and distribution uses (not including mini-warehouses and storage of flammable liquids) that exceed five thousand (5,000) square feet, and do not serve as a

point of sale for taxable goods and/or generate one (1) job per one thousand five hundred (1,500) square feet of floor area.

F. Any other use determined by the Planning Commission to be essentially the same or very similar to the above conditional uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

18.40.340 Accessory uses permitted.

A. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same lot are permitted.

B. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same lot are permitted only upon the granting of a conditional use permit pursuant to the provisions of Chapter 18.56.

1. Non-amplified live music at full service/sit down restaurants is permitted.  
2. Amplified live music at full service/sit down restaurants requires a Conditional Use Permit and is subject to the standards in 18.36.195(B)(1-11).

C. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

D. Accessory structures and uses shall be located within the area of the lot allowed for principal structures and uses and shall conform to the required front, side and rear yard setbacks.



**DATE:** JUNE 4, 2015

**TO:** PLANNING COMMISSION

**FROM:** JOAN MALLOY, ECONOMIC & COMMUNITY DEVELOPMENT  
DIRECTOR

**SUBJECT:** STUDY SESSION TO ESTABLISH ENTERTAINMENT STANDARDS FOR  
RESTAURANTS – PROPOSED TEXT AMENDMENT (AT-15-002)

#### **A. BACKGROUND**

As reported at the Planning Commission and City Council joint session on February 5, 2015, staff is proposing amendments (AT-15-002) to the Zoning Ordinance to establish a process for sit-down restaurants to offer live entertainment. Sit-down, or full-service, restaurants are characterized by waiter service and payment after a meal is consumed. Staff is proposing these amendments because the Zoning Ordinance does not directly address entertainment at restaurants and an increasing number of restaurants have approached staff requesting to add entertainment as an amenity. Live entertainment can add vibrancy and excitement to an area, but proper management is essential to minimize possible impacts such as noise, over-crowding, and loitering. The proposed amendments will expand entertainment options for local restaurants and will set forth performance standards to help ensure a safe and inviting atmosphere for all.

#### **Current regulatory framework**

Title 18 of the Municipal Code, the Zoning Ordinance, distinguishes between bars/nightclubs/lounges, restaurants, and entertainment and recreation uses. These terms are presently undefined, which the amendments will need to address.

Bars/nightclubs/lounges require Conditional Use Permit (CUP) approval in most commercial zones and are not permitted in Union Landing or industrial areas. Bars/nightclubs/lounges may offer entertainment if approved through the CUP process. If dancing is offered, a Dance Permit is required from the Police Department per Chapter 9.28 of the Municipal Code.

Unlike bars/nightclubs/lounges, which are subject to a CUP process, sit-down restaurants are largely permitted outright in commercial areas regardless of whether they sell beer, wine, or cocktails. As discussed below, Union City does not have a history of regulating alcohol sales at restaurants. Sit-down restaurants do, however, require CUP approval in most industrial areas. Sit-down restaurants with full bars are typically permitted throughout Union Landing; however, the code is largely silent on what, if any, entertainment can be offered at restaurants.



Chapter 18.36, Commercial Districts, which does not include regulations for Union Landing and the Station District, specifies that “entertainment and recreation uses (excluding video arcades, pool rooms/halls and dance halls)” are permitted in all standard commercial districts as long as they are not classified as an A-occupancy (typically 50 persons or more). Those that are classified as an A-occupancy are only permitted in the CC and CN Districts upon issuance of a CUP. Staff interprets the “entertainment and recreation” category as applying to commercial entertainment and recreation uses such as karate studios, bowling alleys, badminton courts, etc., rather than entertainment venues, which would fall under the bars/nightclub/lounges category. Definitions for these use categories will be brought forward as part of the proposed text amendments.

The following table shows what approval process is currently required for sit-down restaurants and bars/nightclubs/lounges in various commercial and industrial zoning districts.

**Approval Process by Zoning District**

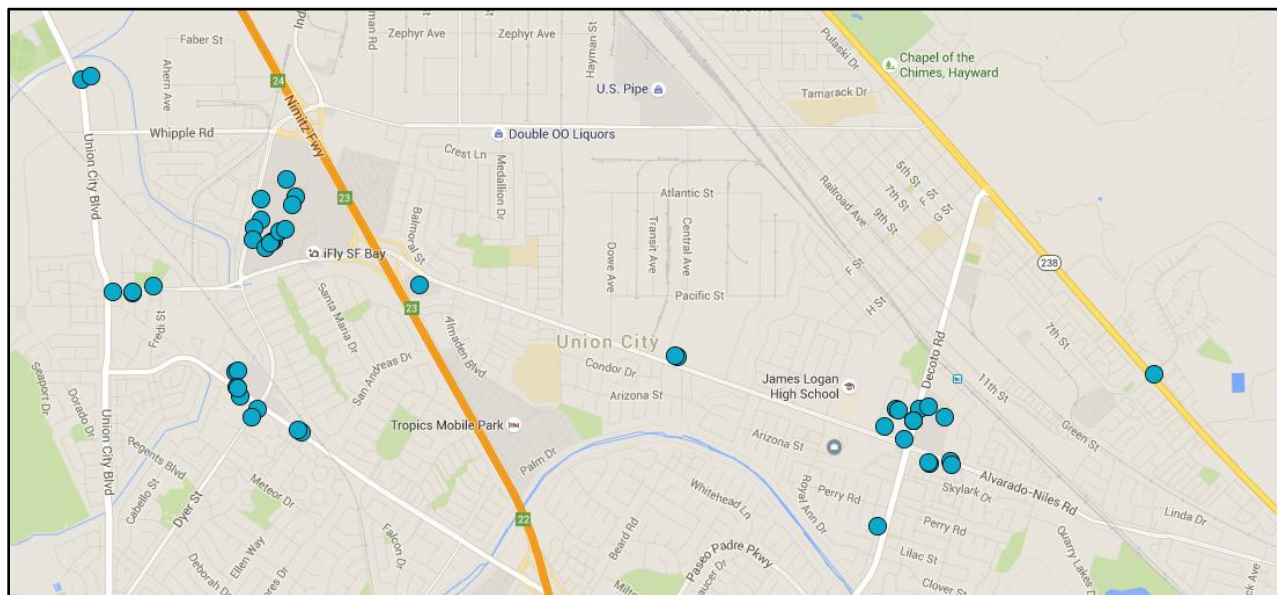
	CPA	CN	CC	CVR	CS	CUL	CSMU	MG	ML	MS	RDC
Sit-Down Restaurants	P	P	P	P	P	P/C <sup>1</sup>	P	U	C	C	C
Bars/Clubs/Lounges	U	C	C	C	C	U	C	U	U	U	U

<sup>1</sup> Sit-down restaurants are permitted in the CC Subarea of the CUL District and require a CUP in the SRSC Subarea.

P – Permitted  
C – Conditionally Permitted  
U – Unpermitted

The following map shows the location of existing sit-down restaurants throughout the city. Restaurants are largely clustered in the following established commercial areas:

- Union Landing (CUL District)
- Alvarado Historic District (CS District)
- Alvarado-Niles Road/Decoto Road Intersection (CC District)
- Alvarado Boulevard/Dyer Street (CC District)



**Fig. 1 - Sit-down Restaurants Citywide**

From time to time, restaurants have requested to add entertainment. Some of these requests have been for background music as an amenity for diners. Others have been for entertainment as the main attraction after normal dining hours have ended. Requests for entertainment have included single acoustical musicians, full amplified bands, karaoke, and DJs. Lacking clear regulations in the code, staff concluded that acoustical background music would be appropriate in a restaurant setting and communicated this to restaurants seeking to add entertainment. For a time, this was sufficient to address such requests, but it has come to staff's attention that a handful of businesses are offering live entertainment without any approvals. It has become clear that local businesses require straightforward guidelines on what type of entertainment is allowed at restaurants and what distinguishes restaurants from bars/nightclubs/lounges from a land use perspective.

The Police Department has an interest in creating appropriate standards for entertainment uses given the potential for impacts associated with noise, loitering, and intoxication. In the past, third-party promoters have hosted events at local venues leading to serious overcrowding and policing issues. At times, local business owners were caught off guard and may have even contacted law enforcement themselves to help manage these situations. Planning staff has worked closely with Police Department representatives to consider a set of policies that would expand opportunities for entertainment while maintaining appropriate order. Police Department staff members are typically the only City personnel on duty after hours when entertainment occurs and it is important that they are comfortable with enforcing any proposed regulations.

Clear guidelines will reduce confusion and create a level playing field for all businesses.

## **B. DISCUSSION**

Staff will be preparing amendments to the Zoning Ordinance to expand opportunities for entertainment and establish clear guidelines. Specifically, the Zoning Ordinance will need to be amended to address the following key topics:

- Definitions of bars/nightclubs/lounges, restaurants, entertainment, etc.;
- Appropriate zoning districts for entertainment;
- Review process for entertainment at restaurants; and
- Performance standards to maintain a restaurant atmosphere.

While staff is not recommending any modifications to the City's alcohol sales requirements, staff will be seeking confirmation of the City's current policies.

An overview and recommendation on each of the above topics is included below for the Commission's consideration.

The purpose of this study session is to accept feedback from the Commission and the public before staff prepares a detailed set of amendments to be presented in redlined format at a future Planning Commission public hearing.

## Definitions

Chapter 18.08 will be updated to add and amend definitions of key terms in order to clearly distinguish various land uses from one another. Staff intends to update or add definitions for the following terms:

- Bar;
- Comedy Club;
- Commercial Entertainment;
- Recreation Facility;
- Live Entertainment;
- Sit-Down Restaurant;
- Lounge;
- Nightclub; and
- Promoters.

## Review Process

The proposed amendments will clearly specify which zoning districts allow for live entertainment at restaurants and what type of review process is required in each district. The Zoning Ordinance requires a range of review levels for different land uses, including:

- Permitted (ministerial, no discretionary review required);
- Administrative Use Permit (staff-level discretionary review required);
- Conditional Use Permit (Planning Commission discretionary review required); and
- Unpermitted (not listed in the code, therefore not allowed).

## Approaches from other Cities

There are a variety of available approaches when considering entertainment at restaurants. Typically, cities address entertainment at restaurants through some combination of:

- Regulating alcohol sales (i.e., beer and wine vs. hard liquor);
- Regulating when alcohol sales occur (i.e., before or after 11:00 p.m.);
- Distinguishing between types of entertainment (i.e., amplified vs. non-amplified); and/or
- Regulating the timing of entertainment (i.e., ends before or after 9:00 p.m.).

The policy frameworks of Walnut Creek, Pleasanton, Livermore, Hayward and Fremont are summarized below as representative of these various approaches.

Many cities require Conditional Use Permit (CUP) review for restaurants serving alcohol. As discussed during the recent movie theater text amendments, Union City does not have a history of regulating alcohol sales at restaurants. Under the current regulations, restaurants of any kind, even fast-food/quick-service restaurants could conceivably obtain an ABC license to sell beer, wine, or full alcoholic beverages for consumption on site. Historically, staff has not recommended that a CUP be required for restaurants to sell alcoholic beverages due to the sufficiency of ABC's standard license requirements and enforcement procedures. However, the issue of alcohol regulation is central to many cities' handling of entertainment at restaurants and it may be a topic the Commission wishes to consider.

**Walnut Creek** regulates entertainment at restaurants primarily through alcohol regulation. They approach the issue by establishing different levels of review depending on what time alcohol is served. For example, in its Commercial Pedestrian Zone, eating and drinking establishments that serve wine, beer, or full alcoholic beverages before 11:00 p.m. require an Administrative Use Permit (AUP) while those serving past 11:00 p.m. require a full CUP. Walnut Creek updated their code in 2012 to address the issue of restaurants morphing into nightclubs after hours and an increase in violent behavior associated with bars and clubs. According to Walnut Creek staff, entertainment at restaurants is now limited to one or two performers that are clearly ancillary to the dining experience. Walnut Creek's time-based approach ensures a higher level of review for restaurants that serve alcohol after normal dinnertime hours have passed, which is when a nightclub environment is most likely to occur.

**Pleasanton** has established a set of hospitality guidelines for its downtown area that encourage entertainment so long as it complies with various performance standards. Pleasanton's code distinguishes between different types of entertainment and the hours it is offered. As in Walnut Creek, a CUP is required for restaurants or bars serving alcohol after 11:00 p.m. Further, Pleasanton permits indoor music downtown until 11:00 p.m. as an accessory use to restaurants and bars. Non-amplified and amplified music is permitted outdoors until 9:00 p.m. and in the transition zone (closer to residential uses). Indoor amplified music must also end by 9:00 p.m. Adherence with local noise standards and a variety of "good neighbor" standards is also required. Pleasanton also encourages property owners in its downtown Specific Plan Area to include a deed disclosure in property conveyance documents and lease agreements that references the Downtown Pleasanton Hospitality Guidelines.

**Livermore** has a downtown specific plan that allows restaurants to have ancillary entertainment so long as a full menu is provided at all times. If entertainment is more than ancillary or dancing is involved, then a CUP is required under the bar/nightclub/lounge category. Downtown Livermore has a "Notice of Right to Downtown Operations" deed disclosure requirement that advises buyers and tenants that the area is subject to high levels of activity and impacts that may include noise, odors, traffic congestion, high levels of lighting, etc.

**Hayward** permits restaurants to sell alcoholic beverages as long as they maintain a minimum of 60 percent gross receipts from the sale of meals and maintain food service at all times. Restaurants can offer live or recorded music until midnight as long as noise ordinance standards are met. Dancing requires a cabaret license and bars and nightclubs require CUP approval.

**Fremont** requires Zoning Administrator or CUP approval for restaurants serving liquor after midnight in most zones. Additionally, the Fremont Police Department requires places selling alcohol and offering entertainment to obtain a special entertainment license from the Police Chief. The entertainment license provisions are in the process of being updated in response to an increase in restaurants transforming into nightclubs after hours. The recent amendments divide the police license into two classes – one for accessory entertainment such as at restaurants and one for primary entertainment uses such as nightclubs. These licenses are tied to the entertainment operator rather than to the business location. The Fremont Police Department reviews each application from a security standpoint and often requires video surveillance for larger sites. The permits currently run for two years; however, Fremont PD will soon be recommending extending the permit timeframe to five years and adjusting the application fees.

The above examples are included to demonstrate how other localities address entertainment at restaurants.

Recommended Process

Staff recommends that entertainment at restaurants require a discretionary review, either through the Administrative Use Permit (staff-level) or Conditional Use Permit (Planning Commission) process. A discretionary review process would provide an opportunity to review compliance with adopted performance standards and require a higher degree of investment and involvement from applicants.

Further, through a discretionary review process, the Zoning Administrator or Commission could rescind a restaurant’s approvals should compliance issues occur. Absent a discretionary review process, code enforcement and ultimately business license revocation are the primary tools available to address issues. It would be far preferable to rescind the right to entertainment through an AUP or CUP revocation process than to require a business to shut down altogether if issues surrounding entertainment occur.

The Commission should discuss whether it has an interest in reviewing requests from businesses to add entertainment through a CUP process, which entails a public hearing at the Commission, or whether it would prefer for staff to make the decisions on these requests through the AUP process. The following chart compares the timeframes and fees for the different levels of review.

**Comparison of Review Processes**

	Permitted	Administrative Use Permit	Conditional Use Permit
<b>Decision Maker</b>	None (no application required)	Zoning Administrator	Planning Commission
<b>Public Hearing</b>	No	No	Yes
<b>Notification</b>	None (no application required)	300’ Radius	Newspaper notice and 300’ Radius
<b>2014-2015 Fees</b>	None (no application required)	\$672	\$1,737
<b>Expected Timing</b>	None (no application required)	1-2 months	3-4 months

Recommended Zoning Districts

Unlike several of the examples listed above from other cities, Union City does not have one centralized downtown area in which to focus hospitality uses. Staff will be recommending that live entertainment be added as an option for all Zoning Districts that allow sit-down restaurants (CPA, CC, CN, CVR, CS, CUL, CSMU, MS, and RDC), with the exception of the ML District, which is geared exclusively towards industrial businesses and business-serving uses. This would create an option for **ALL** existing sit-down restaurants to pursue adding entertainment. A discretionary review process would hopefully be required to evaluate specific locations and requests for entertainment. Restaurants located in the MS and subareas of the CUL District, where restaurants are conditionally permitted, could seek to amend their CUPs to add entertainment if they desired.

An alternate approach would be to only allow entertainment in the CUL, CS, CVR, and CSMU Districts which correspond with Union Landing, the Alvarado Historic District, Crowne Plaza, and the Station District. This would preclude restaurants located in the CC District at the intersections of Alvarado-Niles Road/Decoto Road and Dyer Street/Alvarado Boulevard as well as restaurants located in the MS District, which include Mexico Lindo, Rose Garden, Chaplin's and Kabila.

The Commission should discuss where restaurants with live entertainment would be appropriate and provide feedback to staff accordingly.

### **Performance Standards**

Once it is determined where live entertainment would be appropriate and which type of discretionary review process should apply, the code must also be amended to include a set of performance standards. Staff is recommending that performance standards be included in the Municipal Code, which will make it easier for enforcement. It is likely that the Police Department will be responsible for enforcement after normal business hours when entertainment is most likely to occur and most City staff is gone for the day. The performance standards would set a baseline for all restaurants offering live entertainment. Additional conditions pertaining to the circumstances of specific applications could also be applied through the AUP or CUP review process.

The performance standards discussed in greater detail below are intended to maintain a restaurant atmosphere, as opposed to a nightclub atmosphere. These standards are meant to help business owners and managers clearly understand the type of entertainment that can be provided as an amenity at restaurants and what type of environment they will be responsible for maintaining to minimize impacts on neighboring businesses

### Restaurant Atmosphere Standards

***Types of Live Entertainment*** - After careful consideration and discussions with Police Department representatives, staff is recommending that entertainment at restaurants be limited to live music performances. Generally speaking, DJs, karaoke, and the like are more indicative of a bar/nightclub/lounge setting and would not be conducive to maintaining a restaurant atmosphere. Restaurants located in zones that allow bars/nightclubs/lounges with CUP approval could seek additional types of entertainment (as a bar or nightclub) through the CUP review process. Staff is not recommending that televised events be regulated as entertainment because televisions are so common that it would be impractical to monitor and enforce.

The City cannot distinguish between different genres of music (i.e., jazz, classical, hip hop, R&B, rock, country, etc.). All restaurants could have whatever intensity of entertainment (three-piece band, unamplified, amplified, with drums, without drums, etc.) is deemed appropriate. It should be noted that amplified performances in smaller spaces can be quite loud. Staff has noted several complaints on Yelp from diners upset by local restaurants offering amplified music. Several reviews mention the difficulty of holding a conversation and communicating with wait staff. Staff is not currently recommending a limit on the number of performers or type of instruments that could be permitted. The Commission may wish to discuss whether to place a limit on the number of performers and whether the specifics of a given space (i.e., size, stand-

alone or in-line, etc.) would have any bearing on this determination. Or it may wish to leave this question up to businesses and property owners to decide.

**Promoters** – Promoters work to arrange shows for bands at venues and publicize events through the press, radio, posters, emails, social media, and/or online advertising. Past events publicized by promoters have resulted in overwhelming attendance and policing issues. Staff recommends that promoters not be permitted for restaurants since entertainment is an accessory use and not the primary attraction. A bar/nightclub/lounge with CUP approvals would be allowed to use promoters unless conditions of approval regulated this issue.

**Cover Charges** – Cover charges are typically collected at music venues and nightclubs when live entertainment is the primary use and a key attraction. The focus of these amendments is to allow restaurants to offer live music as an amenity for diners, not to transform restaurants into nightclub environments. As such, staff is recommending that cover charges not be allowed. If restaurants wish to offer special events and are looking to offset costs associated with the entertainment (musicians, televised pay-per-view events, etc.), they are welcome to offer a special menu with special prices; however cover charges or payment for entry would not be permitted.

**Drink Minimums** – Drink minimums are associated with bar/nightclub/lounge type settings, not restaurants. Staff recommends that drink minimums not be permitted.

**Stages and Dance Floors** – Stages and dance floors are not typical of a restaurant environment and can lead to issues with occupancy limits, accessibility, and fire sprinklers. Staff recommends that stages and dance floors not be permitted at restaurants.

**Food Service** - Staff recommends requiring that restaurants derive a minimum of 50 percent of sales from food, which is consistent with ABC’s license requirements for “bona fide eating establishments.” Additionally, staff recommends that the performance standards require a full menu to be offered when entertainment is provided to maintain a restaurant environment.

#### Safety and Security Standards

**Posted Occupancy** – It is imperative that businesses abide by the maximum posted occupancy. The maximum allowed occupancy is calculated by the Chief Building Official based on Building Code requirements for the specific use and attributes of a space (square footage, exits, etc.). Restaurants must comply with the maximum posted occupancy and will not be permitted to re-configure tables and chairs in an effort to accommodate additional patrons/spectators. The Fire Department has the authority to enforce the posted occupancy.

**Blacking Out Windows** – Staff recommends that windows be required to remain clear and unobstructed when live entertainment is offered. This will enable the Police Department to see into spaces during routine patrols and will encourage compliance with other performance standards. Additionally most restaurants are located in retail commercial areas and blacked out windows are not consistent with a retail space.

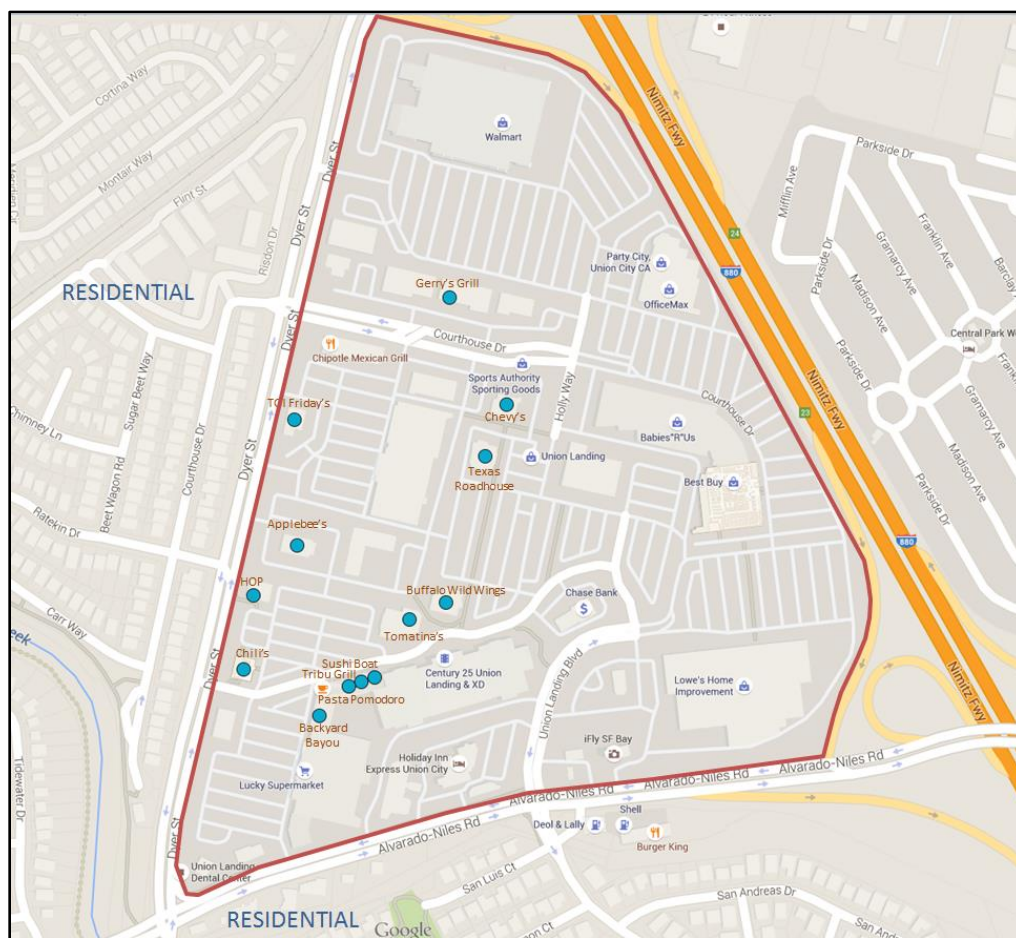
**Security Plan** –One of the primary reasons staff is recommending a discretionary review process is to provide the Police Department with an opportunity to review a security plan for each application. Security plans should addresses topics such as emergency exiting, training, security



staffing, lighting, etc. It should also be noted that Union Landing has a Property and Business Improvement District (PBID) that funds three dedicated full-time sworn Union City Police Officers at Union Landing. Funding is based on parcel size and calls for service. The Union Landing officers would be primarily responsible for enforcement of entertainment regulations within the center.

### Good Neighbor Standards

**Noise** – There are 13 sit-down restaurants in Union Landing that could potentially apply for live entertainment as a result of the proposed text amendments (see map below). Noise impacts related to off-site uses as well as tenant-to-tenant impacts need to be considered. Union Landing is bounded by residential uses to the west of Dyer Street and to the south of Alvarado-Niles Road. Past entertainment events at restaurants along Dyer Street have resulted in complaints by residents. All businesses must comply with the noise ordinance standards contained in Title IV, Offences against the Public Peace. The Noise Ordinance limits noise on commercial properties to 12 dBA above the local ambient when measured at the property line. The Noise Ordinance limits noise on residential properties to 10 dBA above ambient. An exemption for noise produced 8:00 a.m. – 8:00 p.m. would not apply to most live entertainment offerings, which are likely to occur in the evening. Noise complaints from adjacent tenants could be resolved through property managers in multi-tenant complexes. Alternatively, the Commission could consider whether it would like to require businesses to make acoustical improvements if complaints arise as it has done when conditioning uses with the potential for noise impacts in industrial zones.



**Fig. 2 - Union Landing Sit-down Restaurants**



**Hours** – Staff recommends that restaurants be allowed to offer entertainment until 11:00 p.m. This provides ample time for diners to enjoy their meals and live entertainment. Allowing entertainment beyond 11:00 p.m. would result in more of a bar/nightclub/lounge setting. This limitation (11:00 p.m.) is largely consistent with other Cities’ regulations that staff has researched.

**Good Neighbor Policies** –Staff recommends requiring restaurants with entertainment to abide by standards similar to Pleasanton’s “Good Neighbor Policy” for downtown businesses, which requires that they:

- Ensure patrons’ compliance with noise, parking and smoking requirements;
- Pick up litter created by their business and patrons on a regular basis in front of their business and by adjacent neighboring businesses and residences;
- Ensure their patrons do not loiter in front of their business and by adjacent neighboring businesses and residences, and, if needed, work with City staff regarding the installation of enforceable no loitering signage; and
- Post signage near exit doors alerting patrons to residential neighbors (as appropriate).

### **California Environmental Quality Act**

Staff will recommend that approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the proposed Municipal Code Amendment will have a significant effect on the environment.

### **Public Outreach**

Staff has been in discussions with the primary Union Landing property managers about the proposed amendments. The property managers have expressed support for the framework outlined above. They have an interest in discouraging nightclub-type environments, which can cause impacts on neighboring tenants as well as property maintenance issues related to smoking, loitering, and trash.

Staff hosted an outreach meeting for restaurant managers on May 6 at the Alvarado Resource Center. Staff hand delivered invitations to restaurant managers in Union Landing and the Alvarado Historic District to provide information on the text amendment process and solicit feedback. Representatives from three restaurants attended the meeting and provided input. One of the restaurants in attendance expressed that entertainment at restaurants is important culturally and stated their preference for entertainment to be more than just accessory to the primary restaurant use. Staff responded by reiterating that the City cannot craft different rules for different genres of music or cultural events, so whatever intensity of entertainment is permitted at one restaurant could be permitted at ALL restaurants. Attendees also inquired about the ability to collect cover charges for televised events. Staff explained that cover charges are not common for restaurants and that staff would be recommending cover charges not be permitted.

Forty-eight sit-down restaurants were notified of the study session and tentative Planning Commission and City Council hearing dates. Staff has not received any inquiries or comments as of the date of this report.

## **Conclusion**

Staff is preparing Zoning Text Amendments (AT-15-002) to expand entertainment offerings at restaurants throughout Union City. Entertainment can help provide excitement and vitality to an area and can draw in new customers. It is important that clear guidelines be established to control for possible negative impacts and create a level playing field for all businesses. Lastly, staff wishes to promote environments where patrons feel safe and the activities don't create a burden on the Police Department's resources.

There are several key decision points that the Commission should discuss and provide feedback to staff during the study session, including:

- **What** type of entertainment should be allowed at restaurants – staff recommends live music performances only;
- **Where** entertainment should be permitted – staff recommends all zones that allow sit-down restaurants except for the ML District;
- **How** entertainment at restaurants should be reviewed – staff recommends a discretionary AUP or CUP review process for entertainment specifically since Union City does not currently regulate alcoholic beverage sales at restaurants; and
- **When** entertainment at restaurants should be allowed and what performance standards should apply – staff recommends entertainment at restaurants end by 11:00 p.m. and that businesses be required to maintain a restaurant atmosphere, promote security and safety, and ensure “good neighbor” behaviors.

## **C. RECOMMENDATION**

This is an informational report. No Planning Commission action is required. This is an opportunity for the Planning Commission to ask questions and provide feedback. A Planning Commission public hearing is tentatively scheduled for July 2, 2015.

**AVALON SCHULTZ, AICP**  
**SENIOR PLANNER**

Commissioner Lew moved that the Planning Commission adopt the Mitigated Negative Declaration, making the specific findings 1-4; approve Tentative Parcel Map 10110 (TPM-15-001), making the findings 1 – 7, with the amended condition of approvals, and adopt Union City Municipal Code Section 17.20.100, making the findings 8-9, with the amended conditions and adopt a resolution confirming these actions.  
Commissioner Guio seconded.

AYES	5 (Gonzales, Guio, Lew, Mann, Sweilem)
NOES	0
ABSTAIN	0
ABSENT	0

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:**

**1. ENTERTAINMENT STUDY SESSION TO ESTABLISH STANDARDS FOR RESTAURANTS – ZONING TEXT AMENDMENT (AT-15-002)**

Avalon Schultz, Senior Planner, presented the staff report.

Commissioner Lew stated that one of her concerns is the noise impacts on the residential areas around Union Landing area. Commissioner Lew stated that she agrees with live music being allowed. Commissioner Lew asked if a restaurant has piped in music through speakers is that will count as entertainment.

Ms. Schultz replied that it would not count.

Commissioner Lew asked if one performer playing live music would be considered part of the live entertainment definition.

Ms. Schultz replied that it would be under staffs’ recommendation but the Planning Commission could amend the definition. Ms. Schultz stated that some Cities’ live entertainment definition excludes a single unamplified performer.

Commissioner Lew asked whether poetry readings where someone is playing soft music in the background would be part of the definition of entertainment.

Ms. Schultz replied that it would not be for restaurants specifically. Ms. Schultz stated that there are not many cafes in Union City but there is one that would like to have this type of entertainment but they don’t have a kitchen so they would not be considered a restaurant. Ms. Schultz stated that they could get a Use Permit as a lounge for a variety of activities.

Commissioner Lew referred to mariachi bands that roam around restaurants playing music and stated that she really likes it and doesn’t think of it as being very loud. Commissioner Lew asked if a mariachi band would fall under the entertainment definition.

Ms. Schultz replied that it would fall under the definition of entertainment but the definition will be crafted with the Commission’s input. Ms. Schultz stated that some cities differentiate whether the music is unamplified or

amplified to determine whether it needs a process. Ms. Schultz stated that generally if it is amplified music then those cities will require a discretionary review.

Commissioner Lew stated that she agrees with that and if it is not amplified music they shouldn't need to get a special permit. Commissioner Lew asked about special events at a restaurant that are very intermittent, such as a birthday party where they want to bring in a group of singers and they are going to have amplified music. Commissioner Lew asked if that restaurant has to come to the City to get a special permit for that occasion.

Ms. Schultz replied that they have not considered any exceptions for single occurrences and she thinks that for the most part restaurants can host parties but if amplified music requires a Use Permit then they would have to apply for one. Ms. Schultz stated that if we build in too many exemptions or caveats then people will look for a way to avoid the process. Ms. Schultz recommended creating a bright line.

Commissioner Lew asked if a restaurant is in business now and they are going to have a one-time event would they have to go through the process.

Ms. Schultz replied that currently entertainment is not clearly allowed at any restaurants so any restaurant that wants to have entertainment after the code is amended would need to come in for whatever process is identified.

Commissioner Lew asked how all the existing restaurants will be notified.

Ms. Schultz replied that all the existing sit-down restaurants were sent a notice about the study session and after the code is updated staff would send a letter to all the restaurants notifying them of the new policies.

Joan Malloy, Economic and Community Development Director, stated that there was a restaurant managers' meeting where all sit down restaurant managers were invited to attend, staff did some outreach to restaurants that have expressed some interest in having live entertainment.

Commissioner Lew asked if certain restaurants are located in the ML or MS zoning district.

Ms. Schultz replied that they are all in the MS, Special Industrial zoning district.

Commissioner Lew stated that she agrees with staff's recommendation for removing restaurants from the ML District as long as it doesn't impact the four existing restaurants located in the MS zoning district. Commissioner Lew stated that the appropriate review process depends on whether staff gets a public response and if we get comments from the public objecting to a certain restaurant having live music then it would be good to refer it to the Planning Commission but other than that she would let the City make the determination. Commissioner Lew stated that she agrees with allowing music up to 11:00 p.m. and the performance standards that are listed. Commissioner Lew stated that she likes the idea of the City being proactive and taking control of this. Commissioner Lew referred to a coffee shop that used to be on Smith Street and every once in a while there would be some type of live entertainment or meetings and asked if that would be excluded from this ordinance.

Ms. Malloy replied that they do not fall into this because they are not a sit-down restaurant. Ms. Malloy stated that the issue becomes that one of the coffee shops has expressed interest in having comedy club evenings and they may at some point apply for a liquor license staff is looking at when it starts to look more like a lounge or nightclub than a coffee shop.

Ms. Schultz stated that cafes generally fall under the fast food/quick service definition. Ms. Schultz stated that we don't have a separate café definition or use in the code.

Ms. Malloy stated that the businesses in Union Landing and the businesses in the MS district don't really have an avenue for accommodating live entertainment at all and this will provide an avenue for that.

Commissioner Lew stated that hotels with sit down restaurants t would probably have music in their lounge or bar area so they probably wouldn't come in to ask for entertainment in the hotel restaurant.

Ms. Schultz replied that is correct. Ms. Schultz stated that if they did want to have entertainment at the restaurant staff would recommend allowing that process.

Commissioner Mann stated that it would be good to have a single slide showing what the City's competitors are doing, e.g. Fremont, Hayward and Newark. Commissioner Mann stated that we don't want to put additional burdens that would drive businesses away. Commissioner Mann asked how the City addresses sports bars. Commissioner Mann asked for data from the police department regarding restaurants that may have had music and had fights occur to help the Commission make their decisions. Commissioner Mann stated that near where he works they have outside amplified music and people are eating lunch, dancing and exercising and it is a part of a culture where you have young people attracted to that sort of environment. Commissioner Mann stated that we need to balance between security and flexibility. Commissioner Mann stated that he agrees with the rest of the requirements, including removing restaurants from the ML District to make it clear. Commissioner Mann asked for more clarity about live performances.

Ms. Malloy stated that Ms. Schultz has worked very hard with the Police Department to strike a balance between giving businesses much more freedom to have a wide variety of music. Ms. Malloy stated that what we cannot do is decide which music we like, which restaurant manager we like, which restaurant we think does a good job and which restaurant we think does a bad job.

Lt. Doug Calcagno, Union City Police Department, stated that it's important for the Commission to consider the worst case scenario when drafting regulations Lt. Calcagno stated that it is rarely the poetry readings that result in Police involvement, but that events involving intoxication can. Lt. Calcagno also stated that the Police Department needs clear regulations to enforce.

Commissioner Guio stated that he pretty much agrees with staff's recommendations. Commissioner Guio stated that he would lean more towards the AUP process instead of CUP. Commissioner Guio asked if he had a fast food restaurant and was bringing in someone to play guitar where that would fit.

Ms. Schultz replied that staff is recommending no live performances at fast food restaurants; only full service sit down restaurants would be given this opportunity to have entertainment.

Commissioner Guio asked how this would impact some of the restaurants, especially Tribu Grill in Union Landing.

Ms. Schultz replied that her understanding is that Tribu Grill has been pushing the envelope in terms of the entertainment that they are offering which goes until midnight. Ms. Schultz stated that is not officially sanctioned and staff feels that 11:00 p.m. is a reasonable compromise.

Commissioner Guio asked if there were any other restaurants that would be impacted.

Ms. Schultz replied that every sit-down restaurant would be impacted.

Commissioner Guio asked about single occurrences, similar to a grand opening or one night use by a band.

Ms. Schultz replied that staff would recommend that the same rules apply regardless if it is the first time or the 100<sup>th</sup> time.

Commissioner Guio clarified that it would not be allowed.

Ms. Schultz replied that it would require a review process.

Commissioner Guio stated that in some parts of the country there are restaurants that have a dance floor and after a certain time they turn into a dance/bar and asked if that would be allowed here.

Ms. Schultz replied that in the parts of town where bars and lounges are allowed they would have to apply for a Use Permit as a lounge and in their Statement of Use they would say that they will be a restaurant by day and then after a certain time will turn into a restaurant/lounge. Ms. Schultz noted that bars, nightclubs and lounges are not allowed in Union Landing.

Commissioner Guio asked if street performers are covered.

Ms. Schultz replied that street performances are not covered as sit-down restaurants.

Commissioner Guio asked if a group of food trucks wanted to have live music how would staff handle this.

Ms. Schultz replied that the only way food trucks can go onto commercial property is if they get a special event permit as part of an on-going organized event. Ms. Schultz stated that it would have to have a discretionary permit and entertainment could be evaluated. Ms. Schultz stated that staff has only discussed entertainment at sit down restaurants so that would not apply to food trucks. Ms. Schultz stated that staff hasn't distinguished between indoors and outdoors and that is something that the commission may want to weigh in on. Ms. Schultz stated that there are some areas in Union Landing that have out door patios and we haven't proposed any distinction and it is something that would be reviewed during the Use Permit review.

Commissioner Sweilem stated that he supported staff's recommendations as presented. Commissioner Sweilem noted that there are three officers assigned to Union Landing and asked what their hours are.

Lt. Calcagno replied that during the day it is anywhere from 11:00 a.m. to 1:00 a.m. and that the three officers work throughout the whole week so it does vary.

Commissioner Sweilem asked if they are always present in Union Landing.

Lt. Calcagno replied yes.

Commissioner Sweilem asked if the property owners are paying for this. Commissioner Sweilem asked if we allow places to have entertainment will that be taxing the police officers. Commissioner Sweilem asked if we should ask those establishments that want entertainment to pay more to have more officers.

Ms. Malloy replied that the Property Business Improvement District (PBID) is based not only the size of the parcel but also the calls for service so if a business has a higher calls for service then they will pay more proportionally. Ms. Malloy stated that by limiting it to 11:00 p.m. and providing these kinds of clear parameters staff hopes that it will be implemented well and not become a policing issue.

Lt. Calcagno stated that larger crowds and drinking generally attracts more police service. Lt. Calcagno stated that if the Police Department knows in advance about events they are able to staff for them.

Commissioner Sweilem stated that the Police Department has a policy to charge persons for false alarms that they have to respond to and asked if it would be possible to consider establishing such charges to those establishments that cause additional police service.

Ms. Malloy replied that she will confer with the City Attorney and they will be looking into how it might be handled.

Commissioner Sweilem stated that if we have increased calls for service then we will need additional officers to handle them and this could be trouble for the City budget. Commissioner Sweilem asked how involved the Code Enforcement officers in the decision making of this program are.

Ms. Schultz replied that at first it would be the Police Department going into an establishment and informing them that they are operating past the time limit. Ms. Schultz stated that the Police Department can also forward the information about the violation to staff and they can write a letter to the violator. Ms. Schultz stated that generally when a Use Permit or Administrative Use Permit is approved staff uses that to write letters informing the violator that they are in violation of the terms of the approval and if there are further complaints they could be subject to a revocation hearing.

Ms. Malloy stated that depending on how the code is written, if it is a violation of the Municipal Code, they could also be cited.

Chairperson Gonzales stated that he is concerned with making the restaurants pay for more policing costs if they have more calls for service and thinks that would discourage restaurant owners from even offering entertainment. Chairperson Gonzales suggested that perhaps the restaurant owner could pay for their own private security to reduce the burden on the police.

Lt. Calcagno stated that there are varying levels of success on private security so it does depend on the security company and their track record. Lt. Calcagno stated that the good ones are pretty expensive. Lt. Calcagno stated that in some cases it is cheaper to pay for overtime for an officer than a security company.

Chairperson Gonzales stated that he feels that mariachi bands should be part of the entertainment.

Ms. Schultz clarified that Commissioner Lew does not think unamplified music should require a review process.

Ms. Malloy stated that under Commissioner Lew's suggestion, mariachis would be permitted as an unamplified entertainment as well as guitar, violin or a jazz trio, as long as it is unamplified.

Chairperson Gonzales stated that he has never seen an amplified mariachi band. Chairperson Gonzales stated that his brother is a comedian and has performed all over the Bay Area and asked if the commission thinks that comedians belong in Union City. Chairperson Gonzales clarified that he is asking if a comedian should be in the definition of entertainment.

Commissioner Guio replied that he thinks that is a performance and if he is going to a restaurant to eat he would go there to eat and if he wanted to see a comedian then he would go to where the comedian would be.

Chairperson Gonzales asked if that comedian happened to be in the restaurant would you go.

Commissioner Guio replied if he just wanted dinner then the answer is no.

Commissioner Sweilem agreed with Commissioner Guio that it should be in a separate setting from the restaurant.

Commissioner Lew stated that if she doesn't have to pay extra for it she doesn't mind. Commissioner Lew stated that she is all for comedians being included in as entertainment but it is live music we are supposed to be talking about.

Chairperson Gonzales asked if the commission is allowed to discuss the definition.

Ms. Malloy replied the first item is what type of entertainment should be included and staff is recommending music performances and the Commission is perhaps suggesting that we should be a little more liberal and also accommodate items other than music such as comedy and poetry reading. Ms. Malloy stated that what we are looking for is some consensus from the commission on what they think is appropriate.

Chairperson Gonzales stated that he is in agreement with other points and would be in favor of using the Administrative Use Permit process unless for some reason the Police Department feels otherwise.

Ms. Schultz stated that the Administrative Use Permit process provisions allow for the Zoning Administrator to refer any item of public interest to the Planning Commission.

Chairperson Gonzales asked what the cutoff for serving alcohol in Union City is.

Ms. Schultz replied that the State sets it at 2:00 a.m. Ms. Schultz stated that there is nothing in our code that restricts how long a restaurant can be open.

Chairperson Gonzales opened the public hearing.

Barry Ferrier, 32212 Allison Way, Union City, CA, stated that he has no problems with what he heard this evening. Mr. Ferrier asked if the three Police Officers in Union Landing are restricted to only answering calls in Union Landing.

Lt. Calcagno replied that they are available to respond to calls outside of Union Landing depending on the severity of the call.

Chairperson Gonzales closed the public hearing.

Commissioner Lew stated that she is concerned that outdoor amplified music would disturb residents and other patrons in the proximity. Commissioner Lew stated that she thinks we should establish some type of standard, depending on the residents in the area, other businesses or restaurants, that we would take that into consideration on whether to allow amplified music outside. Commissioner Lew stated that some restaurants have outdoor seating and in the summer time it would be nice to sit outdoors and hear music but it could be disturbing. Commissioner Lew asked if the new homes being built in the Station District have double paned windows.

Ms. Malloy replied that standard windows in California are required to be double paned. Ms. Malloy stated that she doesn't think that any of them are triple pane unless they are by the railroad tracks. Ms. Malloy stated that all residential developments have to meet interior noise standards.

## **2. REVIEW OF THE DRAFT GENERAL PLAN BACKGROUND REPORT CHAPTERS 4 – 6**

Carmela Campbell, Planning Manager, presented the staff report.

Commissioner Sweilem referred to Chapter 4, section 4, page 4-91, and asked if they could make mention of the extra efforts of the Police Department to do outreach with the community.

Ms. Malloy replied that she thinks that a couple of sentences could be added on the focus of community policing and engagement with the community. Ms. Malloy stated that she thinks it would fit nicely with the discussion of the Youth Violence Prevention and Intervention.

Commissioner Guio referred to the Community Health and Quality of Life section and asked if anyone has looked at the underlying factors of why some areas have longer lives compared to other areas.



# DESK ITEM VI. B 1.



## Agenda Item

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**DATE: JUNE 4, 2015**

**TO: PLANNING COMMISSION**

**FROM: JOAN MALLOY, ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: DESK ITEM FOR ENTERTAINMENT STUDY SESSION**

Staff received the attached correspondence from Robert Atkinson of SyWest Development Company. SyWest is one of two primary property owners in Union Landing.

Mr. Atkinson is requesting:

- That only amplified music require a discretionary approval;
- That amplified music trigger an AUP process rather than a full CUP; and
- That a CUP process not be established for restaurants selling alcohol so that Union Landing remains competitive.

From: Robert\_Atkinson@sywest.com [mailto:Robert\_Atkinson@sywest.com]  
Sent: Thursday, June 04, 2015 5:22 PM  
To: Avalon Schultz  
Cc: jed\_craig@sywest.com; candice\_martinez@sywest.com  
Subject: June 4 - Entertainment Amendments Study Session tonight (proposed July 2nd PC Hearing and July 28th CC Hearing)

Avalon,

Pursuant to our discussion today, we have reviewed the proposed text amendment and we don't object to Staff's recommendation that an AUP approval is required for restaurants that offer amplified live musical entertainment. However, if the entertainment offering does not include amplified live music, we believe the current policies in place adequately address any potential future concerns.

We would like to also mention that we believe the current policies in place in the City of Union City related to the sale of alcohol in restaurants provides Union City with a competitive advantage that has allowed Union Landing to attract and retain highly sought after regional and national restaurants. Based on our retailing development experience, many of the successful communities in California with mixed use retail projects utilize the stringent ABC licensing processes to govern the sale of alcohol in restaurants. This time proven process helps avoid burdening legal conforming restaurant Tenants with the added cost and time associated with a CUP and the continued use of your current policy will assist local property owners in their efforts to continue to attract highly successful and desirable restaurant Tenants to the City of Union City.

Thanks.

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**STAFF REPORT**

**Live Music at Restaurants  
Citywide**

**AT-15-002  
JULY 2, 2015**



## Agenda Item

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**DATE:** JULY 2, 2015

**TO:** PLANNING COMMISSION

**FROM:** JOAN MALLOY, ECONOMIC AND COMMUNITY DEVELOPMENT  
DIRECTOR

**SUBJECT:** ZONING TEXT AMENDMENT (AT-15-002)

**APPLICANT:** CITY OF UNION CITY

**LOCATION:** CITYWIDE

**REQUEST:** The City of Union City is proposing to modify Title 18, Zoning, of the Municipal Code to:

- Establish a review process and standards for live music at full service/sit down restaurants;
- Permit in-line fast food/quick service restaurants with no drive through where full service/sit down restaurants are permitted by right;
- Remove restaurants from the list of conditionally permitted uses in the ML District; and
- Add definitions of key terms and clarify language related to food, entertainment, and recreation uses.

**ENVIRONMENTAL ASSESSMENT:**

Staff recommends that approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Municipal Code Amendment (AT-15-002) will have a significant effect on the environment.

## **I. BACKGROUND & ANALYSIS:**

As reported at the Planning Commission and City Council joint session on February 5, 2015 and the Planning Commission Study Session on June 4, 2015, staff is proposing amendments (AT-15-002) to the Zoning Ordinance to establish a process for full-service/sit-down restaurants to offer live music. Staff is proposing these amendments because the Zoning Ordinance does not directly address entertainment at restaurants and an increasing number of restaurants have approached staff requesting to add music as an amenity. Live music can add vibrancy and excitement to an area, and contribute to the ambiance and appeal of restaurants, but proper management is essential to minimize possible impacts such as noise, over-crowding, and loitering. Creating a safe and comfortable environment for the public, and minimizing impacts on the police staff also framed the staff recommendations.

Staff is proposing to amend Title 18, *Zoning*, of the Municipal Code to allow for live music at local restaurants and establish performance standards to help ensure a safe and inviting atmosphere for all. The amendments will also address related definitions and clarification of items related to food service, entertainment, and recreational uses, including permitting fast food/quick service restaurants where full service/sit down restaurants are permitted and removing restaurants from the list of conditionally permitted uses in the ML District.

### **Entertainment Study Session**

At the Planning Commission Study Session on June 4, 2015, staff presented a zoning framework that would accommodate live music at full service/sit down restaurants. These recommendations were based upon the discussions with businesses and property owners in Union City, research of several Bay Area cities' regulations and standards, and interviews with staff from several of those cities. At the study session, the Commission asked clarifying questions and provided feedback to staff on:

- What type of entertainment should be allowed at restaurants – staff recommended live music performances only;
- Where entertainment should be permitted – staff recommended all zones that allow sit-down restaurants except for the ML District;
- How entertainment at restaurants should be reviewed – staff recommended a discretionary AUP or CUP review process for entertainment specifically since Union City does not currently regulate alcoholic beverage sales at restaurants; and
- When entertainment at restaurants should be allowed and what performance standards should apply – staff recommended entertainment at restaurants end by 11:00 p.m. and that businesses be required to maintain a restaurant atmosphere, promote security and safety, and ensure “good neighbor” behaviors.

The Study Session staff report, which provides a detailed overview of the current regulatory framework for restaurants, bars, clubs, and lounges, is attached for reference.

The Commission largely agreed with staff's recommendations on the above key points. The Commission discussed what types of entertainment would be appropriate at restaurants and settled on live music. The Commission also directed staff to make non-amplified live music (acoustic guitars, mariachis, etc.) permitted by right with no discretionary review required.

The Commission inquired as to whether data could be made available from the Police Department regarding past issues related to entertainment at restaurants. Since the Municipal Code does not currently allow entertainment at restaurants, this data is difficult to produce. Anecdotally, staff can recall several incidences that stemmed from third-party rentals of restaurants and events that utilized third-party promoters. Once the amendments are adopted and the code is updated, it will be easier to track which sites have received an AUP or CUP for live music so that data can be more readily collected.

The Commission discussed how the new regulations would impact existing businesses offering live music and staff clarified that all restaurants would be required to obtain a discretionary approval prior to amplified live music being permitted.

The Commission inquired as to whether excess calls for service could be offset by increased fees to the responsible businesses. Staff conferred with the City Attorney, who concluded that such a requirement would be better addressed through conditions of approval. Staff will continue to research this issue.

The Planning Commission minutes from the June 4, 2015 Study Session are attached for a more detailed account of the discussion.

## **II. DISCUSSION**

The proposed Zoning Text Amendments (AT-15-002), as shown in Exhibit A to the attached draft Resolution, would create opportunities and establish clear performance standards for live music at full service/sit down restaurants. Additionally, staff is proposing to make related amendments related to food service, entertainment, and recreation uses.

Specifically, the proposed amendments would:

- Add and amend key definitions
- Establish a review process and performance standards for live music at restaurants;
- Clarify language pertaining to commercial entertainment, food service uses, and commercial recreation uses for internal consistency;
- Permit in-line fast food/quick service restaurants with no drive through wherever full service/sit down restaurants are permitted;
- Conditionally permit in-line stand-alone fast food/quick service restaurants; and
- Remove restaurants from the list of conditionally permitted uses in the ML District.

## **New and Amended Definitions**

Staff is proposing to amend Chapter 18.08 to add and amend definitions of key terms in order to clearly distinguish various land uses from one another. The following new definitions are proposed:

- Bar;
- Comedy Club;
- Commercial Entertainment;
- Nightclub; and
- Third-Party Promoters.

Staff is also recommending that the “commercial recreation facility” definition be amended to provide examples of possible uses, including health clubs and sports facilities. This expanded definition will help differentiate commercial recreation facilities from commercial entertainment facilities, which include bowling alleys, skating rinks, and live performance theaters.

At this time, staff is also recommending that the “retail and carry out food” definition be modified to require limited seating as opposed to no seating. Virtually none of the food service uses listed as examples (doughnuts, ice cream, frozen yogurt, sandwiches, etc.) typically operate without seating. Instead, it is common for such uses to have limited seating and staff proposes that the definition reflect this. Without the proposed change, uses with any amount of seating, no matter how incidental, have had to be processed as fast food/quick service food uses.

## **Review Process for Live Music**

As requested by the Planning Commission at the Study Session, the proposed amendments would permit unamplified live music at full service/sit down restaurants without a discretionary review subject to compliance with the Noise Ordinance. Amplified live music at full service/sit down restaurants would require an Administrative Use Permit (staff-level) review process in all Zoning Districts that permit sit-down restaurants (CPA, CC, CN, CVR, CS, CC subarea of CUL, and CSMU).

In the SRSC subarea of the CUL District, where full service/sit down restaurants require a CUP, staff is recommending that amplified live music be allowed with an AUP. In the MS District, where full service/sit down restaurants require a CUP, amplified live entertainment would also require a CUP. Staff is recommending that restaurants be removed from the list of conditionally permitted uses in the ML District, which is geared exclusively towards industrial businesses and business-serving uses.

The AUP and CUP discretionary review processes would provide an opportunity to review compliance with performance standards and require a higher degree of investment and involvement from applicants. It will also allow for a revocation process should compliance issues occur.

### **Performance Standards for Live Music**

The proposed performance standards in Section 18.36.195 are intended to maintain a restaurant atmosphere, as opposed to a nightclub atmosphere. The standards would set a baseline for all restaurants offering amplified live music. Additional conditions specific to the circumstances of an application could also be applied through the AUP review process.

The proposed performance standards would allow live music up until 11:00 p.m., which provides ample time for diners to enjoy their meals. Allowing entertainment beyond 11:00 p.m. would result in more of a bar/nightclub/lounge setting. The proposed performance standards include maintaining a restaurant atmosphere by disallowing third-party promoters, cover charges, drink minimums, stages, and dance floors, which are all associated with a nightclub environment. Staff is also recommending that restaurants be required to offer a full menu and derive a minimum of 50 percent of sales from food consistent with ABC’s license requirements for “bona fide eating establishments.”

The performance standards address safety and security by requiring the submission of a security plan for review and approval by the Police Department as part of the AUP application. The security plan must address, at a minimum, security staffing, emergency exiting, training, and exterior lighting. The proposed standards also require the maximum occupant load to be posted and windows be kept clear when music is being performed.

Several “good neighbor” standards are also proposed, including compliance with the Noise Ordinance and taking reasonable actions necessary to inhibit loitering.

### **Fast Food/Quick Service Restaurants**

Fast food/quick service uses are defined as requiring payment prior to consumption, having food or beverages prepared to order for immediate consumption on or off site, and no table service. Examples include Starbucks, Fuddruckers, Chipotle, etc. Fast food/quick service restaurants without a drive through are currently required to obtain an AUP prior to locating in the CN, CC, and CS Districts. In the CC Subarea of the CUL District, full service/sit down restaurants are permitted and fast food/quick service restaurants require a CUP.

Staff is recommending that in the above-listed districts, in-line fast/food quick service restaurants without a drive through be permitted outright with no discretionary review. Restaurants are heavily regulated through the Alameda County Environmental Health Department and Union Sanitary District. Requirements for trash enclosures have been codified in Chapter 7.04, Solid Waste Management. In light of the regulatory framework, staff does not find that the discretionary review process for in-line fast food/quick service restaurants results in added value. Staff is seeking to eliminate an unnecessary review process, which will result in more efficiency for businesses.



For stand-alone fast food/quick service restaurants, however, staff is recommending that a full CUP be required. The CUP process will allow for a thorough evaluation of any associated traffic and parking impacts, which tend to be greater for larger, stand-alone restaurant sites as opposed to in-line sites.

### **Public Outreach**

Staff hosted an outreach meeting for restaurant managers on May 6 at the Alvarado Resource Center. Staff hand delivered invitations to restaurant managers in Union Landing and the Alvarado Historic District to provide information on the text amendment process and solicit feedback. Representatives from three restaurants attended the meeting and provided input. One of the restaurants in attendance expressed that entertainment at restaurants is important culturally and stated their preference for entertainment to be more than just accessory to the primary restaurant use. Staff responded by reiterating that the City cannot craft different rules for different genres of music or cultural events, so whatever intensity of entertainment is permitted at one restaurant could be permitted at ALL restaurants. Attendees also inquired about the ability to collect cover charges for televised events. Staff explained that cover charges are not common for restaurants and that staff would be recommending cover charges not be permitted.

Staff has coordinated with the major Union Landing property owners, which have been largely supportive of the proposed changes. Robert Atkinson of SyWest Development Company, one of two primary property owners in Union Landing, submitted correspondence for the Commission's consideration at the June 4 Study Session requesting that:

- Only amplified music require a discretionary approval;
- Amplified music trigger an AUP process rather than a full CUP; and
- A CUP process not be established for restaurants selling alcohol so that Union Landing remains competitive.

The proposed amendments in Exhibit A are consistent with the above recommendations as they pertain to Union Landing.

Forty-eight sit-down restaurants were notified of the study session and Planning Commission and City Council hearing dates. Staff has not received any inquiries or comments as of the date of this report.

### **Conclusion**

The proposed Zoning Text Amendments (AT-15-002) would provide a review process and performance standards for live music at full service/sit down restaurants throughout Union City. Entertainment can help provide excitement and vitality to an area and can draw in new customers. It is important that clear guidelines be established to control for possible negative impacts and create a level playing field for all businesses. Lastly, staff wishes to promote environments where patrons feel safe and the activities don't create a burden on the Police Department's resources.

The amendments would also remove restaurants from the list of conditionally permitted uses in the ML District, permit in-line fast food/quick service restaurants with no drive through wherever full service/sit down restaurants are permitted, and various clean ups related to food service, commercial entertainment, and recreation uses.

Staff is recommending that the Planning Commission recommend approval of the proposed amendments to the City Council. This item is tentatively scheduled to go before the City Council on July 28, 2015. The second reading would likely occur on August 11, 2015 and the provisions would become codified 30 days later on September 10, 2015.

**III. REQUIRED FINDINGS:**

Section 18.64.060 requires that when considering Zoning Text Amendments, the Planning Commission shall provide a recommendation to the City Council on the following:

1. Recommendation whether or not the application should be granted or denied, including the reasons for the recommendation;
2. The relationship of the application or proposal to the general plan and any applicable specific plans; and
3. Whether the change is necessary or desirable to achieve the purposes of Title 18.

**IV. ALTERNATIVES:**

1. Recommend approval of the proposed Municipal Code Amendments to the City Council as proposed;
2. Recommend approval of the proposed Municipal Code Amendments to the City Council with stated modifications;
3. Recommend denial of the proposed Municipal Code Amendments to the City Council, stating reasons for denial;
4. Continue the matter for further consideration.

**V. RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of Municipal Code Amendment (AT-15-002) to the City Council based on the following specific findings:

1. That approval of the Municipal Code Amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Municipal Code Amendment (AT-15-002) will have a significant effect on the environment;
2. That the proposed Municipal Code Amendments are consistent with the General Plan; and
3. That the proposed Municipal Code Amendments are necessary and desirable to achieve the purposes of Title 18.

It is further recommended that the Planning Commission adopt a Resolution confirming this action.

**Avalon Schultz**  
Senior Planner

#### **ATTACHMENTS**

- A. Draft Resolution Recommending Approval of Municipal Code Amendment (AT-15-002) to the City Council.
  1. Exhibit A to Draft Resolution: Municipal Code as Amended
  2. Exhibit B to Draft Resolution: Municipal Code as Amended with redlines for reference.
- B. June 4, 2015 Study Session Staff Report
- C. June 4, 2015 Study Session Minutes

\*Please note Exhibits to the Planning Commission Staff Report have not been included because they are included as attachments to the City Council Staff Report.

**CITY OF UNION CITY  
AGENDA FOR THE REGULAR PLANNING COMMISSION MEETING  
ON THURSDAY, JULY 16, 2015, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

- I. ROLL CALL:** Chairperson Ray Gonzales Jr., Vice Chair Harpal Mann  
Commissioners Lee Guio, Jo Ann Lew, Dave Sweilem  
**Alternates:** Commissioner Harris Mojadedi
- II. APPROVAL OF MINUTES:** Regular Planning Commission minutes of July 2, 2015.
- III. ORAL COMMUNICATIONS:**  
*(This is an opportunity for persons to speak on items not listed on the agenda. According to the California Government code the commission is prohibited from taking any immediate action on an item which does not appear on the agenda.)*
- IV. WRITTEN COMMUNICATIONS:**
- V. PUBLIC HEARINGS:** Next PC Res. #16-15
- A. CONTINUED HEARINGS:** None.
- B. NEW HEARINGS:** None.
- VI. SUPPLEMENTAL STAFF REPORTS:**
- A. CONTINUED REPORTS:** None.
- B. NEW REPORTS:**
- 1. REVIEW OF DRAFT GENERAL PLAN LAND USE CONCEPTS AND CRITERIA.**
- VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS:** None.
- VIII. COMMISSION MATTERS:**
- A.** Follow-up on Planning Commission referrals to the City Council.
- B.** Upcoming applications for the Regular Planning Commission meeting for August 6, 2015.
- IX. GOOD OF THE ORDER:**
- X. ADJOURNMENT:**



**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
ON THURSDAY, JULY 2, 2015, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

- I. ROLL CALL: Chairperson Ray Gonzales Jr.,  
Commissioners Lee Guio, Jo Ann Lew, Dave Sweilem  
**ABSENT:** Vice Chair Harpal Mann**

**STAFF:** Joan Malloy (Economic and Community Development Director); Avalon Schultz (Senior Planner); Farooq Azim (Principle Engineer); Kit Faubion (City Attorney); Kris Fitzgerald (Administrative Assistant).

- II. APPROVAL OF MINUTES: The regular Planning Commission minutes of June 18, 2015 were approved as submitted.**

- III. ORAL COMMUNICATIONS: None.**

- IV. WRITTEN COMMUNICATIONS: None.**

- V. PUBLIC HEARINGS:**

- A. CONTINUED HEARINGS: None.**

- B. NEW HEARINGS:**

- 1. CITYWIDE, Zoning Text Amendment (AT-15-002); The City of Union City is proposing to update its policies related to entertainment and restaurants. The proposed amendments will create a framework to review and approve entertainment at restaurants and will streamline the review process for in-line quick-service/fast-food restaurants. The amendments will also make restaurants unpermitted in the ML, Light Industrial, Zoning District and modify definitions and standards related to food service, commercial entertainment, and recreation uses. The Planning Commission will consider a proposed California Environmental Quality Act (CEQA) determination that the proposed amendments are exempt from environmental review in accordance with CEQA Guidelines Section 15061(b)(3), the general exemption for projects with no potential for significant effect on the environment.**

Avalon Schultz, Senior Planner, presented the staff report.

Commissioner Guio asked if there are several restaurants in a row but some are fast food service and some are sit down type establishments are they still considered in-line restaurants.

Ms. Schultz replied that in-line just refers to the physical form, whether it has any other businesses touching its walls, if it does, it is in-line, if it doesn't, then it is stand alone. Ms. Schultz stated that there could be stand alone or in-line fast food or full service restaurants.

Joan Malloy, Economic and Community Development Director, stated that it is just like in Union Landing where there are two or three in-line restaurants in a row, such as Sushi Boat and Tribu Grill.

Commissioner Sweilem referred to a comment that he brought up at the study session regarding charging for excessive calls for service and asked if the Police Department will be giving their approval on any permits brought to the City.

Ms. Schultz replied that the Police will be part of any discretionary review. Ms. Schultz stated that the Police Department can apply conditions of approval based on the specific proposals. Ms. Schultz stated that there was feedback from the City Attorney's office that the City cannot charge for calls for service after the fact because there is a "free public service" doctrine that would put some limitations on the City.

Commissioner Sweilem asked if the Police Department would be giving their blessings before the approval or will they just review it.

Ms. Schultz replied that they would have to give their blessing. Ms. Schultz stated that the Zoning Administrator, Director Malloy, would take the Police Department's recommendations very seriously into her consideration of whether or not to approve an Administrative Use Permit just like the Planning Commission would take the recommendation into consideration for a full Conditional Use Permit.

Commissioner Sweilem asked if there is a need for police or security presence would it be feasible to recommend the hiring of off-duty police officers.

Kit Faubion, City Attorney, replied that she thinks that when the City is reviewing and approving these applications and it tries to foresee what might come up, there are a lot of standards that the operation needs to abide by. Ms. Faubion stated that if it turns out that there is a need for more it is likely going to come through a complaint of some kind and if that happens then the City can address this through Code Enforcement and that might be one of the responses.

Commissioner Sweilem stated his concern is to make sure that Union City Police Department has the opportunity to review these applications before they are approved.

Commissioner Lew stated that the header on the staff report has the wrong date. Commissioner Lew referred to page 8, the list of findings, and noted that they are incorrectly numbered.

Ms. Schultz stated that the resolution will be correct.

Commissioner Lew asked if there will be a requirement in the security plan to have the patrons checked for weapons.

Lt. Calcagno, Union City Police Department, replied that guns would be illegal to carry so recommending security pat down patrons would not generally be something that they would recommend on the security plan. Lt. Calcagno stated that the most common security plans are contingency plans for occupancy, lighting and other issues that come up. Lt. Calcagno stated based on the numbers and what is being sold, alcohol etc., will dictate how the police recommend some security measures.

Commissioner Lew clarified that they don't want it in the security plan and that no one in the City is acknowledging that someone could bring a weapon in and it is not going to be addressed in the security plan.

Ms. Malloy replied that these standards are for regular restaurants so she thinks that the security plan would be addressing management issues and she doesn't think that staff thought we would be implementing something such as checking regular patrons for weapons upon entrance to the restaurant. Ms. Malloy stated that this is just a framework for restaurants to have entertainment.

Commissioner Lew stated that she feels that is very unfortunate because in this day and age where there are so many people carrying guns and there are so many shootings it is an opportunity to at least put ourselves up front and say “don’t bring weapons here.” Commissioner Lew stated that she thinks this is a missed opportunity.

Commissioner Lew referred to Exhibit A, page 7, number 11 regarding indemnification and asked if the permit would have this language on it so that when an applicant signs the application the language would be there rather than being inferred.

Ms. Malloy replied that this language would be in the staff report that grants approval for the operation.

Commissioner Lew referred to Exhibit B, page 21, 18.40.340.B(1) and stated that she thinks that “(B)(1)” should be under “A” rather than “B”.

Ms. Schultz replied that the reason that “1” is under “B” is that restaurants are conditionally permitted in the MS district and subsection “B” relates to accessory uses where the primary use is conditionally permitted. Ms. Schultz read “accessory structures and uses customarily incidental to any of the above conditional uses when located on the same lot are permitted only upon the granting of a conditional use permit.” Ms. Schultz stated so because restaurants are conditionally permitted the City Attorney is recommending subsetting “1” and “2” under this section because they are accessory to the restaurant. Ms. Schultz stated that subsection “A” relates to permitted uses and restaurants are not permitted.

Commissioner Lew stated that the non-amplified live music is permitted and that is why she thought it should go under subsection “A” because it is permitted whereas “B” talks about conditional use permits and so amplified music requires a conditional use permit so it falls under “B.”

Ms. Faubion stated that these are accessory to the underlying main use not the live music themselves.

Commissioner Lew asked where does it say underlying use.

Ms. Faubion replied where it references “above conditional uses.” Ms. Faubion stated that when you want to know what the above conditional uses are you would refer to section 18.40.330. Ms. Faubion stated that this is also the Special Industrial District where the rules are a little bit different than in the commercial districts.

Commissioner Lew stated that she thinks this section is confusing.

Chairperson Gonzales asked if all restaurants will have to abide by these rules and there will be no grandfathering of existing restaurants.

Ms. Schultz replied that is correct.

Chairperson Gonzales asked if the applicant would apply for a temporary Use Permit.

Ms. Schultz replied that it would be an Administrative Use Permit in the Commercial zones and a Use Permit for the Special Industrial zone.

Chairperson Gonzales asked who would be approving them.

Ms. Schultz replied that in the Commercial zones there would be a 300 foot notice to the surrounding area of the business and then it would be approved by the Zoning Administrator and if there is a problem it



could be appealed to the Planning Commission. Ms. Schultz stated that in the Special Industrial district the application would come directly to the Planning Commission.

Chairperson Gonzales stated that he wants to make sure that the restaurants do not cover their windows like nightclubs do. Chairperson Gonzales asked what can the restaurant do if it is really sunny outside.

Ms. Schultz stated that staff will use reasonableness in enforcing the conditions.

Ms. Malloy stated that this is much more important at night to make sure the restaurant is functioning as a restaurant.

Chairperson Gonzales asked how the City will determine if the restaurant is meeting the standard of deriving at least 50% of their revenue from the sale of food and beverage consumption.

Ms. Schultz stated that this is a standard from the State Alcohol Beverage Control department and they do their own audits and enforcement sometimes in conjunction with the Police Department.

Commissioner Guio asked what is the standard for covering windows.

Ms. Schultz replied that the sign code allows for 25% coverage of windows.

Commissioner Guio referred to definitions and asked why is the bio-technology definition here.

Ms. Schultz replied that the definitions had to be renumbered because of an addition in this section and no change to the bio-technology definition is being proposed.

Chairperson Gonzales stated that he thinks that 11:00 p.m. is a good time for ending the live music.

Chairperson Gonzales opened the public hearing.

Bernadette Hewins, Gerry's Grill, 31005 Courthouse Dr., Union City, CA, stated that in her culture they eat until 11:30 p.m. and that is why the band plays until 12:00. Ms. Hewins asked the commission to consider their culture and extend the time that live music is allowed.

Ms. Schultz stated that when the code is established there is no distinction between cultures, genres, restaurants or food types. Ms. Schultz stated that whatever the commission and council decide will be applied evenly throughout Union City.

Ms. Malloy stated that the code will apply throughout Union City and staff is suggesting that all restaurants have the same opportunity.

Ms. Schultz stated that the time cut-off isn't necessarily a policing issue, it is about what is appropriate for a restaurant because they are different from a bar, nightclub or lounge. Ms. Schultz stated that outside of Union Landing there are many areas of town where a nightclub could be established with a Use Permit and they could stay open past 11:00 p.m. with entertainment; Union Landing does not allow nightclubs and bars and lounges.

Chairperson Gonzales stated that we are trying to help the restaurants but we have to be consistent and fair to all but keep in mind that this is for restaurant uses.

Ms. Malloy stated that staff did a lot of research about this issue among other communities and 11:00 p.m. was a commonly identified time between restaurant activities and other activities. Ms. Malloy stated that often times it is tied to an alcohol permit as opposed to live music.

Ms. Schultz stated that the public comments and the minutes will be forwarded to the City Council for their review.

Chairperson Gonzales closed the public hearing.

Commissioner Lew asked how the fee structure for these permits will be set up.

Ms. Schultz replied that an Administrative Use Permit costs about \$700.00 and a Use Permit costs about \$1700.00.

Commissioner Lew asked if this is in addition to getting a business license.

Ms. Schultz replied that is correct but this is a one-time fee for review of this specific request.

Commissioner Lew clarified that once a Use Permit is approved it stays with the land.

Ms. Schultz replied that is correct.

Commissioner Lew moved to recommend to the City Council to approve Zoning Text Amendment AT-15-002, subject to the specific findings 1-3, and adopt a resolution confirming this action.

Commissioner Guio seconded.

AYES	4 (Gonzales, Guio, Lew, Sweilem)
NOES	0
ABSTAIN	0
ABSENT	1 (Mann)

- BUTCHART HEALTH CENTER, 33416 – 33420 ALVARADO-NILES RD., USE PERMIT (UP-15-002)**; The applicant, Dennis Butchart of Butchart Health Center, is seeking approval of a Use Permit to establish a health service use at 33416 - 33420 Alvarado-Niles Rd (Assessor Parcel Number: 475-0100-036), which is located in a MS, Special Industrial, zoning district. The Planning Commission will consider a proposed California Environmental Quality Act (CEQA) determination that the proposed use is exempt from environmental review in accordance with CEQA Guidelines Section 15301, Class 1, Existing Facilities, of the California Environmental Quality Act (CEQA).

Avalon Schultz, Senior Planner, presented the staff report.

Commissioner Sweilem referred to the shared parking spaces and asked if they are all located in the front of the building or also behind the building.

Ms. Schultz replied that she believes it includes the spots in the rear.

Commissioner Sweilem clarified that patients would park in the area off of Alvarado-Niles Road.

**PLANNING COMMISSION RESOLUTION NUMBER 14-15**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UNION CITY  
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONING TEXT  
AMENDMENT, AT-15-002, TO AMEND CHAPTERS 18.08, 18.36, 18.38, 18.39, AND  
18.40 TO ALLOW FOR LIVE MUSIC AT RESTAURANTS AND MODIFY  
DEFINITIONS AND STANDARDS RELATED TO FOOD SERVICE, COMMERCIAL  
ENTERTAINMENT, AND RECREATION USES**

**WHEREAS**, the City of Union City is proposing Zoning Text Amendment, AT-15-002, to amend Chapters 18.08, 18.36, 18.38, 18.39, and 18.40 of the Municipal Code to create a framework to review and approve live music at restaurants, streamline the review process for in-line quick-service/fast-food restaurants, make restaurants unpermitted in the ML, Light Industrial, Zoning District, and modify definitions and standards related to food service, commercial entertainment and recreation uses; and

**WHEREAS**, a study session was held at the Planning Commission on June 4, 2015 to introduce the proposed Zoning Text Amendments and provide an opportunity for the Planning Commission and public to provide feedback on the proposed Zoning Text Amendments; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed Zoning Text Amendments on July 2, 2015 at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report dated July 2, 2015 and all written and oral testimony; and

**WHEREAS**, the amendments to the Municipal Code propose to amend Chapters 18.08, 18.36, 18.38, 18.39, and 18.40 as shown in Exhibit A and in red-lined version in Exhibit B for reference, which exhibits are attached and incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED**, that the foregoing recitals are true and correct and made a part of this Resolution.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Union City hereby recommends that the City Council adopt an ordinance amending Chapters 18.08, 18.36, 18.38, 18.39, and 18.40 of the Municipal Code to create a framework to review and approve live music at full service/sit down restaurants, streamline the review process for in-line quick service/fast food restaurants, make restaurants unpermitted in the ML, Light Industrial, Zoning District, and modify definitions and standards related to food service, commercial entertainment and recreation uses as noted and defined in Exhibit A, attached to this Resolution and incorporated by reference, and does hereby find as follows:

1. That approval of the Municipal Code Amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that

the Municipal Code Amendment (AT-15-002) will have a significant effect on the environment;

2. That the proposed Municipal Code Amendments are consistent with the General Plan; and
3. That the proposed Municipal Code Amendments are necessary and desirable to achieve the purposes of Title 18.

**BE IT FURTHER RESOLVED**, that the Planning Commission of the City of Union City hereby recommends approval of the proposed text amendments, AT-15-002, to the City Council.

**I HEREBY CERTIFY** that the foregoing resolution was approved on July 2, 2015 by the following vote:

AYES: 4 (Gonzales, Guio, Lew, Sweilem)  
NOES: 0  
ABSTAINED: 0  
ABSENT: 1 (Mann)

MOVED: Commissioner Lew  
SECONDED: Commissioner Guio

**APPROVED**

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**RAY GONZALES, JR., CHAIRPERSON**

**ATTEST:**

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**JOAN MALLOY, SECRETARY**



## Agenda Item

**DATE:** 7/28/2015

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** DAVE GLASSER, ADMINISTRATIVE SERVICES DIRECTOR

**SUBJECT:** **ADOPTION OF A RESOLUTION AMENDING THE MASTER FEE SCHEDULE FOR FISCAL YEAR 2015-16 IN ORDER TO INCORPORATE ESTABLISHED BUSINESS LICENSE TAXES FOR PROFESSIONAL SERVICES SUBCATEGORIES AND TO UPDATE THE ANNUAL RATES FOR MUNICIPAL SOLID WASTE, ORGANIC WASTE, RECYCLING, AND STORM WATER RUNOFF SURCHARGE**

Council is being asked to consider adoption of a resolution amending the Master Fee Schedule for Fiscal Year 2015-16. Staff is recommending adoption of the amended fee schedule incorporating therein the established business license taxes for Professional Services subcategories and updating the annual rates for solid waste, organic waste and recyclable materials collection and processing, and storm water runoff surcharge fees. Based on the hauler's revenue requirements, overall percentage increases in Total Contractor's Compensation of 5.20% for Republic and 3.09% for Tri-CED are necessary.

### **BACKGROUND**

The Master Fee Schedule for Fiscal Year 2015-16 was approved and adopted by the City Council on June 9, 2015 per Resolution No. 4750-15. The fees were updated to reflect actual costs of the service, rate increases as prescribed in the Municipal Code, share of Federal rates, if applicable, or increases in the Consumer Price Index (CPI) which is 2.4% this year.

On July 14, 2015, the City Council adopted a resolution amending the Master Fee Schedule to adjust certain existing Leisure Services Park Reservation Fees with a continuance of the public hearing until July 28, 2015 to allow fees for solid waste, organic waste, recycling, and storm water runoff surcharge fees to be amended at this time.

### **DISCUSSION**

The Master Fee Schedule reports in one place the existing City taxes, assessments, surcharges and fees for services charged by each department.

Staff has reviewed the Master Fee Schedule and has identified business license taxes that were established per Resolution No. 4502-13 for subcategories under the Professional Services for Leisure Services contract instructors. These business license taxes that are currently not listed in the Master Fee Schedule have been updated (as shown below) and have been incorporated therein.

Professional Services-LS Contract Instructors	FY 2014-15	FY 2015-16	Justification
Annual Income Less than \$2,000	No Tax	No Tax	No Change
Annual Income between \$2,001 and \$5,000	\$26	\$27	3% Adj (Municipal Code Section 5.08.100)
Annual Income between \$5,001 and \$10,000	\$52	\$53	3% Adj (Municipal Code Section 5.08.100)
Annual Income greater than \$10,000	\$103	\$106	3% Adj (Municipal Code Section 5.08.100)

**Rates for Solid Waste, Organic Waste and Recycling Collection and Storm Water Runoff Surcharge for FY 2015-16**

The current extended franchise agreements with Republic Services of Alameda County (Republic) and Tri-City Economic Development Corporation (Tri-CED) specify the annual adjustment of rates for municipal solid waste collection, organic waste collection, recycling collection and storm water runoff program services. The proposed rates included in the attached Exhibit A are effective July 1, 2015. Based on the hauler's revenue requirements, overall percentage increases in Total Contractor's Compensation of **5.20% for Republic and 3.09% for Tri-CED** are necessary.

**Residential Rates**

Under the proposed rate increase for FY2015/2016, most single family residential property owners in Union City will pay an additional \$2.00 a month, an overall increase of 4.61% for basic weekly curbside service. **The new single family residential rate will be \$44.93 per month.**

Monthly Residential Rates for Regular Curbside Collection Services*					
Rate Year	Refuse/Yd Waste	Storm Water	Recycling	Mo. Total	%
<b>New Rate (2015-16)</b>	<b>\$28.90</b>	<b>\$3.70</b>	<b>\$12.33</b>	<b>\$44.93</b>	
Monthly Increase	\$1.61		\$0.37	\$1.98	4.61%

\*Benchmark Fee \$0.15 mo. not included

**Parcelized multi-family households will see an increase of \$1.45 to a total \$34.18 per month.**

Parcelized Multi-Family Rates* (no green cart)					
Rate Year	Refuse	Storm Water	Recycling	Mo. Total	%
<b>New rate (2015-16)</b>	<b>\$19.37</b>	<b>\$2.48</b>	<b>\$12.33</b>	<b>\$34.18</b>	
Monthly increase	\$1.08		\$0.37	\$1.45	4.43 %

**Mandatory Multi-Family (MF) Recycling Fee**

In 2011, the City established Mandatory Recycling for Multi-Family Residential facilities in the City. Monthly per unit recycling rates will increase by 5%.

Monthly Per Unit Mandatory MF Recycling Fee	MF Rate 2015-16
MF facility without individual cart service	\$6.40
High density senior MF facilities	\$3.20

**Commercial Solid Waste Rates**

As indicated in the Republic Rate Schedule (Exhibit A) **Commercial Solid Waste Rates will increase 5.68%** in FY2015/2016. The new rates will apply to regularly scheduled and on-call servicing of front-end load trash dumpsters, large drop boxes and compactors.

**Commercial Recycling and Organics Rates**

To encourage participation in the commercial recycling and commercial organics programs, the City offers businesses reduced or subsidized rates. Unfortunately the current rate structure is not sustainable. While not completely eliminating the reduced rates for recycling and organics programs, significant rates adjustments are required to continue to provide the current level of services to local businesses. In FY2015-16, the City has elected to reduce its subsidy of the commercial organics program, which will result in a **26.62% increase in commercial organics rates**. However, the new rates for collection of organics will still be **40% less than solid waste rates** and should still provide an incentive to participate in the program. **Commercial recycling rates will increase 32.11%** under the proposed rate schedule, but once again that is still **50% less than comparable solid waste rates**.

Per Council direction, the City is currently involved in exclusive negotiations with Republic Services and Tri-CED on ten-year extensions of the current franchise agreements. While talks have been productive, some key items require further discussion. Staff is not prepared at this time to make a recommendation regarding proposed contract extensions, but will keep Council updated on the status of those talks.

**FISCAL IMPACT**

Since most of the enclosed fees currently exist, the impact of these amendments will be minimal. As Union City’s exclusive franchise haulers, Republic Services and Tri-CED pay franchise, storm water and other City fees. Projected City Fees for FY2014/2015 are \$4,973,711 from Republic Services and \$606,193 from Tri-CED.

**RECOMMENDATION**

It is recommended that the City Council of the City of Union City adopt the attached resolution approving the amendments to the City’s Master Fee Schedule and establishing annual rates for municipal solid waste, organic waste, recycling collection and storm water runoff fees for Fiscal Year 2015-16.

**Prepared by:**

Anita Castillo, Interim Budget Manager

**Submitted by:**

Dave Glasser, Administrative Services Director

**ATTACHMENTS:**

Description	Type
☐ Resolution-Amending the Master Fee Schedule for Fiscal Year 2015 -16 in Order to Incorporate Established Business License Taxes for Professional Services Subcategories and to Update the Annual Rates For Municipal Solid Waste, Organic Waste, Recycling	Resolution
☐ Exhibit A	Exhibit

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
AMENDING THE MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

**WHEREAS**, the City Council of the City of Union City is authorized to establish and amend fees pertaining to services provided by the City to the public; and

**WHEREAS**, a Public Hearing has been duly conducted to consider reasons for and against the imposition of new municipal fee rates; and

**WHEREAS**, the City Council desires to amend fees by resolution for services as authorized, pursuant to the Union City Municipal Code; and

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Union City does hereby amend fees for services as set forth in the Master Fee Schedule for Fiscal Year 2015-2016 ("Exhibit A"), attached hereto and incorporated by reference herein

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on July 28, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
ANNA BROWN  
City Clerk

\_\_\_\_\_  
BENJAMIN T. REYES II  
City Attorney



**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FISCAL YEAR 2015-2016**

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

(Click on the selected line to go to the page)

	<b>Page No.</b>
<b>Assessments</b>	1
<b>Waste, Recycling, Stormwater</b>	2
Exhibit A-Residential	3-4
Exhibit A-Commercial	5-10
Exhibit A-Drop-Box	11-12
Exhibit B-Tri-CED	13
<b>Citywide Fees</b>	14
<b>Administrative Services</b>	15-16
<b>City Clerk's Office</b>	17
<b>Community Development Department</b>	18-22
<b>Police Department</b>	23-24
Exhibit I	25
<b>Fire Department</b>	26
<b>Public Works Department</b>	27-28
<b>Leisure Services Department</b>	29-32

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Assessments</b>		
<b>Public Safety Parcel Tax**</b>		
Single-family residential parcel		
0-4,999 sq. ft.	\$121.56	CPI Adjustment (2.4%) or 2% whichever is lower
5,000-9,999 sq. ft.	\$136.00	CPI Adjustment (2.4%) or 2% whichever is lower
10,000-14,999 sq. ft.	\$157.71	CPI Adjustment (2.4%) or 2% whichever is lower
15,000-19,999 sq. ft.	\$179.44	CPI Adjustment (2.4%) or 2% whichever is lower
20,000+ sq. ft.	\$204.02	CPI Adjustment (2.4%) or 2% whichever is lower
Multi-family residential parcel (tax imposed on per-dwelling-unit basis)	\$83.92 per dwelling unit	CPI Adjustment (2.4%) or 2% whichever is lower
Non-residential parcel		
0-9,999 sq. ft.	\$289.39	CPI Adjustment (2.4%) or 2% whichever is lower
10,000-24,999 sq. ft.	\$578.80	CPI Adjustment (2.4%) or 2% whichever is lower
25,000-49,999 sq. ft.	\$1,157.59	CPI Adjustment (2.4%) or 2% whichever is lower
50,000-99,999 sq. ft.	\$2,315.18	CPI Adjustment (2.4%) or 2% whichever is lower
100,000-249,999 sq. ft.	\$4,630.34	CPI Adjustment (2.4%) or 2% whichever is lower
250,000 + sq. ft.	\$9,260.69	CPI Adjustment (2.4%) or 2% whichever is lower
<b>Landscape and Lighting District</b>		
Single-family residential parcel	\$90.19 per parcel	No change
Commercial parcel	\$.0751 per sq. ft.	No change
Industrial parcel	\$.0563 per sq. ft.	No change

\*\* According to the measure approved by voters, this assessment can be increased annually by an amount no greater than the local area Consumer Price Index (CPI) or 2%, whichever is lower.

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Solid Waste, Organic Waste, Recycling and Storm Water Runoff Surcharges</b>		
<b>Solid Waste, Organic Waste Surcharge (see Exhibit A)</b>		
<b>Storm Water Runoff Surcharge</b>	11.7%	No Change
<b>Curbside Recycling Surcharge (see Exhibit B)</b>		
<b>Mandatory Multi-Family Recycling Fee (see Exhibit B)</b>		

Note: New Annual rates for Municipal Solid Waste, Organic Waste, Recycling, and Storm Water Runoff Surcharge shown here at their current rates are not available at this time and are in the update process.

**City of Union City  
Residential Rates**  
(Includes Multi-Family Dwellings Receiving Cart Service)

**Single-Family Dwelling: Regularly Scheduled Curbside Collection Services**

**Basic Service (Monthly Rate for Solid Waste and Organic Materials Collection Services)**

Size of Solid Waste Container	Service Frequency	2015 Rates (July 1, 2015 - June 30, 2016)
20-gal cart	1 pick-up/wk	\$26.08
35-gal cart	1 pick-up/wk	\$32.60
64-gal cart	1 pick-up/wk	\$65.25
96-gal cart	1 pick-up/wk	\$97.85

**Extra Organic Containers (Monthly Rate)**

Extra Organic Materials cart*	1 pick-up/wk	\$19.49
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\*Rate shall be applicable for any cart size selected by customer.

**Parcelized Multi-Family Dwelling: Regularly Scheduled Curbside Collection Services**

**Basic Service (Monthly Rate for Solid Waste Collection Services)**

Size of Solid Waste Container	Service Frequency	2015 Rates (July 1, 2015 - June 30, 2016)
20-gal cart	1 pick-up/wk	\$17.47
35-gal cart	1 pick-up/wk	\$21.85
64-gal cart	1 pick-up/wk	\$43.71
96-gal cart	1 pick-up/wk	\$65.57

**City of Union City**  
**Residential Rates**  
(Includes Multi-Family Dwellings Receiving Cart Service)

**Extra Pick-Ups/On-Call Collection Services (Rate per pick-up) for Single-Family**

Type of Service	Additional Description	2015 Rates (July 1, 2015 - June 30, 2016)
Extra 32-gal bag of Organic Materials collected on customer's regularly scheduled collection day		\$21.86
Extra 32-gal bag of Solid Waste collected on customer's regularly scheduled collection day		\$21.86
Extra 32-gal bag of Solid Waste collected on a day other than the customer's regularly scheduled collection day		\$42.60
Bulky Item Pickup fee for up to two items (applies to pickups in excess of two cleanup collections per year)		\$73.07
Bulky Item Pickup fee for each additional item	Applies to pickups in excess of 2 cleanup collections per year	\$24.37
Additional Bulky Item Pickup fee for each appliance containing refrigerants	Applies to pickups in excess of 2 cleanup collections per year	\$56.83

**Miscellaneous Services (Rate per event) for Single-Family and**

Type of Service	Additional Description	2015 Rates (July 1, 2015 - June 30, 2016)
6-yard bin	Maximum 3-day rental. Homeowner may not place dirt, rocks, concrete, construction materials, tires, engine parts or hazardous materials in the bin.	\$271.15
Cart delivery/pick-up	Extra fee paid if customer requests a change in Cart size more than once per year	\$56.83
Cart replacement	Extra fee paid if customer requires Cart replacement (one replacement per year at no cost)	\$105.56

**City of Union City**  
**Commercial Rates**  
(Includes Multi-Family Dwellings Receiving Bin Service)

Type of Service	Receptacle	Service Frequency (Pick-Ups/Week)	2015 Rates (July 1, 2015 - June 30, 2016)
<b>Regularly Scheduled Solid Waste Cart Services (Monthly Rate)</b>			
Solid Waste	35-gallon cart	1	\$32.75
	64-gallon cart	1	\$65.55
	96-gallon cart	1	\$98.31
	35-gallon cart	1	\$21.95
<b>Regularly Scheduled Solid Waste Bin Services (Monthly Rate)</b>			
Solid Waste	1 cubic yard container	1	\$135.44
		2	\$270.92
		3	\$374.10
		4	\$477.29
		5	\$664.76
		6	\$685.58
Solid Waste	2 cubic yard container	1	\$253.85
		2	\$460.51
		3	\$667.26
		4	\$873.94
		5	\$1,080.61
		6	\$1,289.23
Solid Waste	3 cubic yard container	1	\$354.94
		2	\$661.14
		3	\$967.33
		4	\$1,273.46
		5	\$1,579.52
		6	\$1,885.80
Solid Waste	4 cubic yard container	1	\$460.07
		2	\$863.25
		3	\$1,266.39
		4	\$1,669.63
		5	\$2,072.80
		6	\$2,475.98
Solid Waste	6 cubic yard container	1	\$687.50
		2	\$1,292.24
		3	\$1,896.95
		4	\$2,501.71
		5	\$3,106.43
		6	\$3,711.21
Solid Waste	7 cubic yard container	1	\$788.29
		2	\$1,493.80

## City of Union City Commercial Rates

(Includes Multi-Family Dwellings Receiving Bin Service)

		3	\$2,199.29
		4	\$3,153.05
		5	\$3,610.42
		6	\$4,315.87
<hr/>			
Solid Waste	8 cubic yard container	1	\$912.57
		2	\$1,718.89
		3	\$2,525.18
		4	\$3,426.11
		5	\$4,137.90
		6	\$4,944.23
<hr/>			
<b>Regularly Scheduled Recyclable Materials Bin Services (Monthly Rate)</b>			
<hr/>			
Recyclable Materials	1 cubic yard container	1	\$67.72
		2	\$135.46
		3	\$187.05
		4	\$238.65
		5	\$332.38
		6	\$342.79
<hr/>			
Recyclable Materials	2 cubic yard container	1	\$126.93
		2	\$230.25
		3	\$333.63
		4	\$436.97
		5	\$540.30
		6	\$644.61
<hr/>			
Recyclable Materials	3 cubic yard container	1	\$177.47
		2	\$330.57
		3	\$483.66
		4	\$636.73
		5	\$789.76
		6	\$942.90
<hr/>			
Recyclable Materials	4 cubic yard container	1	\$230.04
		2	\$431.62
		3	\$633.20
		4	\$834.81
		5	\$1,036.40
		6	\$1,237.99
<hr/>			
Recyclable Materials	6 cubic yard container	1	\$343.75
		2	\$646.12
		3	\$948.48
		4	\$1,250.85
		5	\$1,553.22
		6	\$1,855.60
<hr/>			
Recyclable Materials	7 cubic yard container	1	\$394.14
		2	\$746.90
		3	\$1,099.65
		4	\$1,576.53
		5	\$1,805.21



**City of Union City  
Commercial Rates**

(Includes Multi-Family Dwellings Receiving Bin Service)

6

\$2,157.94

**Non-Parcelized Multi-Family Dwelling:  
Regularly Scheduled Recyclable Materials Services (Monthly Rate)**

Recyclable Materials	Various Bin Sizes	Per Dwelling Unit	\$6.40
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**Regularly Scheduled Organic Materials Services (Monthly Rate)**

Organics	64-gallon cart	1	\$39.32
		2	\$78.68
		3	\$118.01
		4	\$157.34
		5	\$196.66
		6	\$236.02

Organics	1 cubic yard container	1	\$81.27
		2	\$162.55
		3	\$224.46
		4	\$286.37
		5	\$398.86
		6	\$411.35

Organics	2 cubic yard container	1	\$152.31
		2	\$276.30
		3	\$400.35
		4	\$524.37
		5	\$648.36
		6	\$773.54

Organics	3 cubic yard container	1	\$212.96
		2	\$396.68
		3	\$580.40
		4	\$764.08
		5	\$947.71
		6	\$1,131.48

Organics	4 cubic yard container	1	\$276.04
		2	\$517.95
		3	\$759.83
		4	\$1,001.78
		5	\$1,243.68
		6	\$1,485.59

**Regularly Scheduled Green Waste Materials Services (Monthly Rate)**

Green Waste	64-gallon cart	1	\$49.16
	96-gallon cart	1	\$73.73

**Regularly Scheduled Solid Waste Front Load Compactor Services**

**City of Union City  
Commercial Rates**

(Includes Multi-Family Dwellings Receiving Bin Service)

Compacted rate per yard	Per-Occurrence, Per-Cubic-Yard Rate*	\$47.65
-------------------------	---	---------

\* For example,

If a customer has 2 cubic yard compactor bin service, 2 times per week, then monthly rate = 2 x 2 x \$47.65 x 4.33 = \$82.

If a customer has 3 cubic yard compactor bin service, 1 time per week, then monthly rate = 3 x 1 x \$47.65 x 4.33 = \$618.

**Regularly Scheduled Recyclable Materials Front Load Compactor Services**

Compacted rate per yard	Per-Occurrence, Per-Cubic-Yard Rate*	\$11.92
-------------------------	---	---------

\* For example,

If a customer has 2 cubic yard compactor bin service, 2 times per week, then monthly rate = 2 x 2 x \$11.92 x 4.33 = \$201.

If a customer has 3 cubic yard compactor bin service, 1 time per week, then monthly rate = 3 x 1 x \$11.92 x 4.33 = \$154.

**Regularly Scheduled Organic Materials Front Load Compactor Services**

Compacted rate per yard	Per-Occurrence, Per-Cubic-Yard Rate*	\$40.66
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\* For example,

If a customer has 2 cubic yard compactor bin service, 2 times per week, then monthly rate = 2 x 2 x \$40.66 x 4.33 = \$70.

If a customer has 3 cubic yard compactor bin service, 1 time per week, then monthly rate = 3 x 1 x \$40.66 x 4.33 = \$528.

**Additional Solid Waste Pick-Ups/On-Call Collection (Per Occurrence)**

Additional Solid Waste bin collected on customer's regularly scheduled collection day	1 cubic yard container	Per- Occurrence Rate	\$23.84
	2 cubic yard container	Per- Occurrence Rate	\$47.64
	3 cubic yard container	Per- Occurrence Rate	\$70.69
	4 cubic yard container	Per- Occurrence Rate	\$93.13
	6 cubic yard container	Per- Occurrence Rate	\$139.62
	7 cubic yard container	Per- Occurrence Rate	\$162.93
	8 cubic yard container	Per- Occurrence Rate	\$186.20
	Additional Solid Waste bin collected on a day other than the customer's regularly scheduled collection day	1 cubic yard container	Per- Occurrence Rate
2 cubic yard container		Per- Occurrence Rate	\$79.93
3 cubic yard container		Per- Occurrence Rate	\$103.16
4 cubic yard container		Per- Occurrence Rate	\$125.66
6 cubic yard container		Per- Occurrence Rate	\$172.39

## City of Union City Commercial Rates

(Includes Multi-Family Dwellings Receiving Bin Service)

	7 cubic yard container	Per- Occurrence Rate	\$195.50
	8 cubic yard container	Per- Occurrence Rate	\$223.43
Extra can or bag of Solid Waste collected on customer's regularly scheduled collection day	35-gal can or bag	Per- Occurrence Rate	\$28.37
	64-gal can or bag	Per- Occurrence Rate	\$44.63
	96-gal can or bag	Per- Occurrence Rate	\$56.32
Extra can or bag of Solid Waste collected on a day other than the customer's regularly scheduled collection day	35-gal can or bag	Per- Occurrence Rate	\$49.75
	64-gal can or bag	Per- Occurrence Rate	\$66.03
	96-gal can or bag	Per- Occurrence Rate	\$77.65

### Additional Recyclable Materials Pick-Ups/On-Call Collection (Per Occurrence)

Additional Recyclable Materials bin collected on customer's regularly scheduled collection day	1 cubic yard container	Per- Occurrence Rate	\$11.92
	2 cubic yard container	Per- Occurrence Rate	\$23.82
	3 cubic yard container	Per- Occurrence Rate	\$35.35
	4 cubic yard container	Per- Occurrence Rate	\$46.56
	6 cubic yard container	Per- Occurrence Rate	\$69.81
	7 cubic yard container	Per- Occurrence Rate	\$81.47
	Additional Recyclable Materials bin collected on a day other than the customer's regularly scheduled collection day	1 cubic yard container	Per- Occurrence Rate
2 cubic yard container		Per- Occurrence Rate	\$39.96
3 cubic yard container		Per- Occurrence Rate	\$51.58
4 cubic yard container		Per- Occurrence Rate	\$62.83
6 cubic yard container		Per- Occurrence Rate	\$86.20
7 cubic yard container		Per- Occurrence Rate	\$97.75
Extra can or bag of Recyclable Materials collected on customer's regularly scheduled collection day		35-gal can or bag	Per- Occurrence Rate
	64-gal can or bag	Per- Occurrence Rate	\$22.32
	96-gal can or bag	Per- Occurrence Rate	\$28.16

## City of Union City Commercial Rates

(Includes Multi-Family Dwellings Receiving Bin Service)

Extra can or bag of Recyclable Materials collected on a day other than the customer's regularly scheduled collection day	35-gal can or bag	Per- Occurrence Rate	\$24.87
	64-gal can or bag	Per- Occurrence Rate	\$33.02
	96-gal can or bag	Per- Occurrence Rate	\$38.82

### Additional Organic Materials Pick-Ups/On-Call Collection (Per Occurrence)

Additional Organic Materials collected on customer's regularly scheduled collection day	64-gal cart	Per- Occurrence Rate	\$14.31
	1 cubic yard container	Per- Occurrence Rate	\$14.31
	2 cubic yard container	Per- Occurrence Rate	\$28.59
	3 cubic yard container	Per- Occurrence Rate	\$42.42
	4 cubic yard container	Per- Occurrence Rate	\$55.88

Additional Organic Materials collected on a day other than the customer's regularly scheduled collection day	64-gal cart	Per- Occurrence Rate	\$33.63
	1 cubic yard container	Per- Occurrence Rate	\$33.63
	2 cubic yard container	Per- Occurrence Rate	\$47.96
	3 cubic yard container	Per- Occurrence Rate	\$61.89
	4 cubic yard container	Per- Occurrence Rate	\$75.39

### Miscellaneous Charges

Hasp & lock for bin, one time charge	Not Applicable	Per- Occurrence Rate	\$219.45
Replace lock	Not Applicable	Per- Occurrence Rate	\$42.06
Steam cleaning	Not Applicable	Per- Occurrence Rate	\$117.77
Bin delivery/pick-up	Not Applicable	Extra fee paid if customer requests a change in Bin size more than once per	\$146.83
Push/pull charge	Not Applicable	Per- Occurrence Per 10-Foot Rate	\$16.34
Lock/unlock charge	Not Applicable	Per- Occurrence Rate	\$16.34

Note: Miscellaneous charges listed on the residential rate sheet apply to commercial customers as appropriate

## City of Union City Drop-Box Rates

			2015 Rates
			(July 1, 2015 - June 30, 2016)
Type of Service	Receptacle	Rate Information	
<b>Regularly Scheduled Collection Service</b>			
(Per Pull/Return Rate not including initial delivery fee which is charged separately)			
Solid waste and organics	6 cubic yard drop box	Per Pull/Return Rate	\$385.96
Solid waste and organics	14 cubic yard drop box	Per Pull/Return Rate	\$385.96
Solid waste and organics	20 cubic yard drop box	Per Pull/Return Rate	\$551.42
Solid waste and organics	30 cubic yard drop box	Per Pull/Return Rate	\$816.72
Solid waste and organics	40 cubic yard drop box	Per Pull/Return Rate	\$1,088.94
Recyclable materials	6 cubic yard drop box	Per Pull/Return Rate	\$192.98
Recyclable materials	14 cubic yard drop box	Per Pull/Return Rate	\$192.98
Recyclable materials	20 cubic yard drop box	Per Pull/Return Rate	\$275.71
Recyclable materials	30 cubic yard drop box	Per Pull/Return Rate	\$408.36
Recyclable materials	40 cubic yard drop box	Per Pull/Return Rate	\$544.47
<b>On-Call Collection Service</b>			
(Per Pull Rate includes delivery fee; does not including demurrage fee which is charged separately)			
Solid waste and organics	6 cubic yard drop box	Per Pull Rate	\$476.78
Solid waste and organics	14 cubic yard drop box	Per Pull Rate	\$476.78
Solid waste and organics	20 cubic yard drop box	Per Pull Rate	\$642.20
Solid waste and organics	30 cubic yard drop box	Per Pull Rate	\$907.52
Solid waste and organics	40 cubic yard drop box	Per Pull Rate	\$1,179.72
Recyclable materials	6 cubic yard drop box	Per Pull Rate	\$238.39
Recyclable materials	14 cubic yard drop box	Per Pull Rate	\$238.39
Recyclable materials	20 cubic yard drop box	Per Pull Rate	\$321.10
Recyclable materials	30 cubic yard drop box	Per Pull Rate	\$453.76
Recyclable materials	40 cubic yard drop box	Per Pull Rate	\$589.86
<b>Regularly Scheduled Compactor Service - Customer Owned Compactors</b>			
(Per Pull/Return Rate not including initial delivery fee which is charged separately)			
Solid waste	14 cubic yard drop box	Per Pull/Return Rate	\$772.25
Solid waste	15 cubic yard drop box	Per Pull/Return Rate	\$827.41
Solid waste	16 cubic yard drop box	Per Pull/Return Rate	\$882.58
Solid waste	20 cubic yard drop box	Per Pull/Return Rate	\$1,103.21
Solid waste	24 cubic yard drop box	Per Pull/Return Rate	\$1,323.86
Solid waste	25 cubic yard drop box	Per Pull/Return Rate	\$1,379.03
Solid waste	30 cubic yard drop box	Per Pull/Return Rate	\$1,654.83
Solid waste	38 cubic yard drop box	Per Pull/Return Rate	\$2,096.12
Solid waste	40 cubic yard drop box	Per Pull/Return Rate	\$2,206.44
Recyclable materials	14 cubic yard drop box	Per Pull/Return Rate	\$386.13
Recyclable materials	15 cubic yard drop box	Per Pull/Return Rate	\$413.71
Recyclable materials	16 cubic yard drop box	Per Pull/Return Rate	\$441.29
Recyclable materials	20 cubic yard drop box	Per Pull/Return Rate	\$551.61
Recyclable materials	24 cubic yard drop box	Per Pull/Return Rate	\$661.93
Recyclable materials	25 cubic yard drop box	Per Pull/Return Rate	\$689.51
Recyclable materials	30 cubic yard drop box	Per Pull/Return Rate	\$827.42
Recyclable materials	38 cubic yard drop box	Per Pull/Return Rate	\$1,048.06
Recyclable materials	40 cubic yard drop box	Per Pull/Return Rate	\$1,103.22
Recyclable materials	42 cubic yard drop box	Per Pull/Return Rate	\$1,158.38
Organic materials	14 cubic yard drop box	Per Pull/Return Rate	\$463.35
Organic materials	15 cubic yard drop box	Per Pull/Return Rate	\$496.45
Organic materials	16 cubic yard drop box	Per Pull/Return Rate	\$529.55
Organic materials	20 cubic yard drop box	Per Pull/Return Rate	\$661.93
Organic materials	24 cubic yard drop box	Per Pull/Return Rate	\$794.32

**City of Union City  
Drop-Box Rates**

Type of Service	Receptacle	Rate Information	2015 Rates
			(July 1, 2015 - June 30, 2016)
<b>Regularly Scheduled Compactor Service - Contractor-Owned Compactors</b> (Per-Pull/Return Rate not including initial delivery fee which is charged separately)			
Solid waste	14 cubic yard drop box	Per Pull/Return Rate	\$772.25
Solid waste	15 cubic yard drop box	Per Pull/Return Rate	\$827.41
Solid waste	16 cubic yard drop box	Per Pull/Return Rate	\$882.58
Solid waste	20 cubic yard drop box	Per Pull/Return Rate	\$1,103.21
Solid waste	24 cubic yard drop box	Per Pull/Return Rate	\$1,323.86
Solid waste	25 cubic yard drop box	Per Pull/Return Rate	\$1,379.03
Solid waste	30 cubic yard drop box	Per Pull/Return Rate	\$1,654.83
Solid waste	38 cubic yard drop box	Per Pull/Return Rate	\$2,096.12
Solid waste	40 cubic yard drop box	Per Pull/Return Rate	\$2,206.44
Recyclable materials	14 cubic yard drop box	Per Pull/Return Rate	\$386.13
Recyclable materials	15 cubic yard drop box	Per Pull/Return Rate	\$413.71
Recyclable materials	16 cubic yard drop box	Per Pull/Return Rate	\$441.29
Recyclable materials	20 cubic yard drop box	Per Pull/Return Rate	\$551.61
Recyclable materials	24 cubic yard drop box	Per Pull/Return Rate	\$661.93
Recyclable materials	25 cubic yard drop box	Per Pull/Return Rate	\$689.51
Recyclable materials	30 cubic yard drop box	Per Pull/Return Rate	\$827.42
Recyclable materials	38 cubic yard drop box	Per Pull/Return Rate	\$1,048.06
Recyclable materials	40 cubic yard drop box	Per Pull/Return Rate	\$1,103.22
Recyclable materials	42 cubic yard drop box	Per Pull/Return Rate	\$1,158.38
Organic materials	14 cubic yard drop box	Per Pull/Return Rate	\$463.35
Organic materials	15 cubic yard drop box	Per Pull/Return Rate	\$496.45
Organic materials	16 cubic yard drop box	Per Pull/Return Rate	\$529.55
Organic materials	20 cubic yard drop box	Per Pull/Return Rate	\$661.93
Organic materials	24 cubic yard drop box	Per Pull/Return Rate	\$794.32
<b>Demurrage Charge</b>			
All Material Types	All drop box sizes	Weekly Rate*	\$59.38
<b>Delivery Service</b>			
All Material Types	All drop box sizes	Per-Occurrence Rate for delivery to collection site	\$87.96
<b>Overage Charge</b>			
All Material Types	6 cubic yard drop box	Per Occurrence Rate for Material Placed in Box In Excess of Drop Box Capacity	\$59.24
All Material Types	14, 30, 20, 30, 40 cubic yard drop box	Per-Cubic-Yard Rate For Each Yard in Excess of Drop Box Capacity	\$25.40
<b>Relocation or Cancellation Charge</b>			
All Material Types	All drop box sizes	Per-Relocation or Cancellation Rate	\$124.79

**City of Union City**  
**Recycling Rates**  
**Service Provided by Tri-CED**  
(Includes Multi-Family Dwellings )

**Parcelized Single-Family Dwelling: Regularly Scheduled Curbside Collection Services**

**Basic Service** (Monthly Rate for Recycling Collection Services)

Type of Service	Level of Service	Rate Year 11 (July 1, 2015 - June 30, 2016)
Per Dwelling Unit	Each unit receives a cart	\$12.33

**Multi-Family Dwelling: Regularly Scheduled Collection Services**

**Basic Service** (Monthly Rate for Recycling Collection Services)

Type of Service	Level of Service	Rate Year 11 (July 1, 2015 - June 30, 2016)
Parcelized Per Unit	Each unit receives a cart	\$12.33
Non-Parcelized Per Unit	Each unit receives a cart	\$12.33
Non-Parcelized Per Unit	Shared carts	\$6.40
Non-Parcelized High Density Per Unit	Various	\$3.20

**Commercial: Regularly Scheduled Recycling Cart Services (Monthly Rate)**

**Basic Service** (Monthly Rate for Recycling Collection Services)

Type of Service	Receptacle	Rate Year 11 (July 1, 2015 - June 30, 2016)
Recycling	96 Gallon Cart	\$18.60

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here](#) [Click here to go back to cover p](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS
<b>Citywide Fees</b>		
<b>Other Charges</b>		
Photo Copies		
8.5" X 11"	\$0.25 per copy	No Change
8.5" X 14"	\$0.34 per copy	CPI Adjustment (2.4%)
11" X 17"	\$0.50 per copy	CPI Adjustment (2.4%)
Color Photo Copy	Add \$.23 per sheet	CPI Adjustment (2.4%)
Binding	Cost of Binding	No Change
Audio/Video Tapes	\$45	CPI Adjustment (2.4%)
Compact Disc/DVD	\$45	CPI Adjustment (2.4%)



**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Administrative Services</b>		
<b>Business License Tax (Effective January 1st)</b>		
Administrative/General Offices	\$0.50/ \$1,000 gross payroll; \$110 minimum	CPI Adjustment (2.4%) on minimum tax only
Advertising:		No Change
Billboards	\$11/ panel	3% Adj (Municipal Code Section 5.08.100)
Signs on Buses/Posts	\$182/ quarter	3% Adj (Municipal Code Section 5.08.100)
Handbills, Samples, Stickers	\$39/ day or \$78/ person/ quarter	3% Adj (Municipal Code Section 5.08.100)
Searchlights	\$30/ week	3% Adj (Municipal Code Section 5.08.100)
Display Ad - Vehicle	\$79/ month	3% Adj (Municipal Code Section 5.08.100)
Display Ad - Aircraft	\$108/ month	3% Adj (Municipal Code Section 5.08.100)
Auctions	\$133/ first day + \$56 each additional	3% Adj (Municipal Code Section 5.08.100)
Billiard/Pool Tables	\$81/ table	3% Adj (Municipal Code Section 5.08.100)
Bingo	\$81/year	3% Adj (Municipal Code Section 5.08.100)
Canvas/Soliciting	\$133/ person/ quarter	3% Adj (Municipal Code Section 5.08.100)
Carnival/Circus	\$1,077/ first day + \$537 each additional	3% Adj (Municipal Code Section 5.08.100)
Christmas Tree/Holiday Lots	\$166/ month	3% Adj (Municipal Code Section 5.08.100)
Club/Sales	\$537/ year	3% Adj (Municipal Code Section 5.08.100)
Contractor-General	\$271 year (1 - 4 employees) \$408/ year (5 - 10 employees) \$408/ year + \$4.00 each over 10 employees	3% Adj (Municipal Code Section 5.08.100) 3% Adj (Municipal Code Section 5.08.100) 3% Adj (Municipal Code Section 5.08.100)
Contractor-Sub	\$133/ year (1 - 4/employees) \$199/ year (5 - 10 employees) \$199/ year + \$1.75 each over 10 employees	3% Adj (Municipal Code Section 5.08.100) 3% Adj (Municipal Code Section 5.08.100) 3% Adj (Municipal Code Section 5.08.100)
Delivery/Catering Trucks	\$222/ year/ vehicle	3% Adj (Municipal Code Section 5.08.100)
Directories-Classified	\$182/ year	3% Adj (Municipal Code Section 5.08.100)
Entertainment (over 500 seats/stalls)	\$1,077/ year	3% Adj (Municipal Code Section 5.08.100)
Entertainment (under 500 seats/stalls)	\$537/ year	3% Adj (Municipal Code Section 5.08.100)
Exempt	\$25	No Change
Fireworks	\$133/ month	3% Adj (Municipal Code Section 5.08.100)
Home Occupation	\$133/ year	3% Adj (Municipal Code Section 5.08.100)
Hotels/Motels	\$0.86/ \$1,000 gross receipts; \$110 minimum	CPI Adjustment (2.4%) on minimum tax only
Import/Export	\$0.43/ \$1,000 gross payroll; \$110 minimum	CPI Adjustment (2.4%) on minimum tax only
Leasing, Commercial	\$0.86/ \$1,000 gross receipts; \$110 minimum	CPI Adjustment (2.4%) on minimum tax only
Manufacturing	\$0.43/ \$1,000 gross payroll; \$110 minimum	CPI Adjustment (2.4%) on minimum tax only
Mobile Home Parks	\$488/ year +\$26 per space	3% Adj (Municipal Code Section 5.08.100)
Pawnbrokers	\$2,146/ year	3% Adj (Municipal Code Section 5.08.100)
Produce Stands (temporary)	\$8/ day	No Change
Professional Services	\$222/ year	3% Adj (Municipal Code Section 5.08.100)
Professional Services-LS Contract Instructors		
Annual Income Less than \$2,000	No Tax	No Change
Annual Income between \$2,001 and \$5,000	\$27	3% Adj (Municipal Code Section 5.08.100)
Annual Income between \$5,001 and \$10,000	\$53	3% Adj (Municipal Code Section 5.08.100)
Annual Income greater than \$10,000	\$106	3% Adj (Municipal Code Section 5.08.100)
Public Dancing	\$98/ quarter or \$166/ day	3% Adj (Municipal Code Section 5.08.100)
Public Utilities	\$537/ year	3% Adj (Municipal Code Section 5.08.100)
Recreation Parlor/Rink	\$537/ year	3% Adj (Municipal Code Section 5.08.100)
Rental, Apartments	\$129/ first 4 units + \$11 each additional	3% Adj (Municipal Code Section 5.08.100)
Rental, Residential	\$129/ first 4 units + \$11 each additional	3% Adj (Municipal Code Section 5.08.100)
Retail, Firearms	\$0.43/ \$1,000 gross receipts; \$110 minimum	CPI Adjustment (2.4%) on minimum tax only
Retail, Sales	\$0.43/ \$1,000 gross receipts; \$110 minimum	CPI Adjustment (2.4%) on minimum tax only
Street Musicians	\$31/ person/ day	3% Adj (Municipal Code Section 5.08.100)
Tool Sharpener	\$56/ person/ quarter	3% Adj (Municipal Code Section 5.08.100)
Towing	\$271/ year	3% Adj (Municipal Code Section 5.08.100)
Transportation, Public	\$164/ vehicle	3% Adj (Municipal Code Section 5.08.100)
Vehicle Parking Lots	\$8/ stall; \$27 minimum	3% Adj (Municipal Code Section 5.08.100)
Vending/Video Machines	\$30/ machine	3% Adj (Municipal Code Section 5.08.100)
Vending/Video Machines, Exclusive	1/4 of 1.30% of gross receipts	No Change
Warehouse/Distribution	\$0.43/ \$1,000 gross payroll; \$110 minimum	CPI Adjustment (2.4%) on minimum tax only
Wholesale	\$0.43/ \$1,000 gross payroll; \$110 minimum	CPI Adjustment (2.4%) on minimum tax only
Wrecking/Salvage	\$1,077/year	3% Adj (Municipal Code Section 5.08.100)
<b>Business License Compliance Review Fee</b>		
In-town Businesses (Commercial location)	\$51	CPI Adjustment (2.4%)
Out-of-Town Businesses and In-Town Home Occupation Businesses	\$26	CPI Adjustment (2.4%)
Out-of-Town General Contractors and Sub-contractors; and Residential Rentals	\$10	No Change
Exempt Businesses and Union City Leisure Services Contractual Instructors	\$0	No Change
<b>Misc.-Business License Change Fee</b>	\$33	3% Adj (Municipal Code Section 5.08.100)
<b>Misc.-Duplicate Business License Fee</b>	\$33	3% Adj (Municipal Code Section 5.08.100)
<b>Business License Listing</b>	\$1/page	No Change

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Administrative Services</b>		
<b>Sales and Use Tax</b>	10% (Effective 4/1/2015)	Fee set by Board of Equalization
<b>Transient Occupancy Tax</b>	12% X gross receipts	CPI Adjustment (2.4%)
<b>Tobacco Retail License Fee</b>	\$717/year	CPI Adjustment (2.4%)
<b>Other Charges</b>		
Bad Check Fee	\$29	No Change
Returned ACH Deposit Fee	\$5	Fee charge by the Bank
Administrative Fee	10%	No Change
<b>Budget</b>		
Prelim or Final (hard copy)	\$32/ copy	No Change
CD Disk	\$1/ disk	No Change
Web Access	Free	No Change
<b>Annual Financial Report</b>		
Hard Copy	\$27/ copy	CPI Adjustment (2.4%)
Web Access	Free	No Change
Master Fee Resolution	\$13/ copy	No Change
<b>Subpoena</b>		
Employee Earnings Record	actual cost (labor, benefits & overhead)/ \$30 deposit	No Change
Miscellaneous	actual cost (labor, benefits & overhead)/ \$25 deposit	No Change
<b>Payroll Garnishment of Employee's Salary &amp; Wage and Other Payroll Related Fees</b>		
Implementation Fee	\$17	No Change
Additional Fee	\$1/check	No Change
Paystub Copy	\$5 each	No Change
Duplicate W-2	\$5	No Change

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS
<b>City Clerk's Office</b>		
<b>Miscellaneous Services</b>		
Candidate Filing Fee <sup>1</sup>	\$25	No Change
Document Certification	\$15	No Change
Municipal Code	Actual amount invoiced by vendor	No Change
Municipal Code Supplements	Actual amount invoiced by vendor	No Change
Notice of Intent to Circulate Petition <sup>1</sup>	\$200	No Change
Photo Copy Fee-Fair Political Practices <sup>1</sup>	\$0.10 per page	No Change

Notes:

1) Fee set by State or Federal Government

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Economic and Community Development</b>		
<b>Building and Fire Permit Fees</b>	<b>\$110 minimum (permit fee + issuance fee)</b>	
\$1 - \$500	\$36	CPI Adjustment (2.4%)
\$501 - \$2,000	\$37 for the first \$500+ \$4.76 per additional \$100 or fraction thereof, to and including \$2,000	CPI Adjustment (2.4%)
\$2,001 - \$25,000	\$108 for the first \$2,000 + \$22 per additional \$1,000 or fraction thereof, to and including \$25,000	CPI Adjustment (2.4%)
\$25,001 - \$50,000	\$665 for the first \$25,000 + \$14 per additional \$1,000 or fraction thereof, to and including \$50,000	CPI Adjustment (2.4%)
\$50,001 - \$100,000	\$1,080 for the first \$50,000 + \$10 per additional \$1,000 or fraction thereof, to and including \$100,000	CPI Adjustment (2.4%)
\$100,001 - \$500,000	\$1,671 for the first \$100,000 + \$8 per additional \$1,000 or fraction thereof, to and including \$500,000	CPI Adjustment (2.4%)
\$500,001 - \$1,000,000	\$4,947 for the first \$500,000 + \$7 per additional \$1,000 or fraction thereof, to and including \$1,000,000	CPI Adjustment (2.4%)
\$1,000,001 and up	\$8,472 for the first \$1,000,000+ \$5 per additional \$1,000 or fraction thereof	CPI Adjustment (2.4%)
<b>Building Permit Issuance Fee</b>	\$57	CPI Adjustment (2.4%)
<b>Mechanical, Electrical &amp; Plumbing Permit Issuance Fee</b>	\$57	CPI Adjustment (2.4%)
<b>Fire Permit Issuance Fee</b>	\$80	CPI Adjustment (2.4%)
<b>Building Inspection Fees</b>		
Site Visits	\$110 per inspection	CPI Adjustment (2.4%)
Re-Inspection	\$110 per hour - 1 hour minimum	CPI Adjustment (2.4%)
Saturday and Friday off	\$165 per hour - 2 hour minimum	CPI Adjustment (2.4%)
Sunday	\$220 per hour - 3 hour minimum	CPI Adjustment (2.4%)
<b>Fire Plan Check and Fire Inspection Fees</b>		
Fire Plan Check	\$158 per hour - 1/2 hour minimum	CPI Adjustment (2.4%)
After Hours Fire Plan Check	\$160 per hour - 2 hour minimum	CPI Adjustment (2.4%)
Fire Construction Inspection	\$157 per inspection	CPI Adjustment (2.4%)
After Hours Fire Inspection	\$160 per hour - 2 hour minimum	CPI Adjustment (2.4%)
<b>Other Fees</b>		
All Permits: Building Standards Fee	\$1 (\$1-25K), \$2 (\$25K - \$50K), \$3 (\$50K - \$75K), \$4 (\$75K - \$100K), add \$1 for every \$25K or fraction thereof above \$100K Permit Valuation	No Change
All Permits: General Plan Cost Recovery Fee	\$1 per \$1,000 Valuation	No Change - CC Reso. 2199-02
All Building Permits: SMIP Fee	.01% of Valuation	No Change
Plan Check	100% of Building Permit Fee	No Change
Hourly Plan Check Fee	\$111 per hour	CPI Adjustment (2.4%)
Mechanical, Electrical, and Plumbing Plan Check Fee	\$111 per hour	CPI Adjustment (2.4%)
Minimum Permit Fees:	\$110	CPI Adjustment (2.4%)
Permit Processing Fee	\$216	New Fee
<b>Electrical Permit Fees - Per Unit</b>		
Power Apparatus 0 - 1 HP, KW, KVA	\$6.10	CPI Adjustment (2.4%)
Power Apparatus 2 - 10 HP, KW, KVA	\$15.70	CPI Adjustment (2.4%)
Power Apparatus 11 - 50 HP, KW, KVA	\$31.90	CPI Adjustment (2.4%)
Power Apparatus 51 - 100 HP, KW, KVA	\$64.20	CPI Adjustment (2.4%)
Power Apparatus 101 + HP, KW, KVA	\$95.30	CPI Adjustment (2.4%)
New/Additions to Existing Circuits - Outlets and Switches	\$1.40	CPI Adjustment (2.4%)
New/Additions to Existing Circuits - Fixtures and Receptacles	\$1.40	CPI Adjustment (2.4%)
New Circuits - Appliances	\$6.10	CPI Adjustment (2.4%)
New Circuits - Fixed Residence/Non-Residence	\$6.10	CPI Adjustment (2.4%)
New Circuits - Temporary Power Pole	\$30.10	CPI Adjustment (2.4%)
New Circuits - Sign	\$31.50	CPI Adjustment (2.4%)
New Circuits - Tube Outline (sign)	\$31.50	CPI Adjustment (2.4%)
600 volts or less; not > 200 Amps	\$39.00	CPI Adjustment (2.4%)
600 volts or less; 200 - 1000 Amps	\$79.50	CPI Adjustment (2.4%)
> 600 volts or > 1000 Amps	\$159.00	CPI Adjustment (2.4%)
Misc. Apparatus, Conduit Conductors	\$23.30	CPI Adjustment (2.4%)
Electrical "clean-up" (minimum)	\$44.80	CPI Adjustment (2.4%)
New/Addition to SFD and Duplex (per sq. ft.)	\$0.071	CPI Adjustment (2.4%)
New/Addition to MFD (per sq. ft.)	\$0.069	CPI Adjustment (2.4%)
Private Swimming Pool (residential)	\$63.31	CPI Adjustment (2.4%)
Spa	\$63.31	CPI Adjustment (2.4%)

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Economic and Community Development</b>		
<b>Mechanical Permit Fees - Per Unit</b>		
FAU < 100,000 BTU	\$18.93	CPI Adjustment (2.4%)
Wall Heater < 100,000 BTU	\$18.93	CPI Adjustment (2.4%)
Space Heater < 100,000 BTU	\$18.93	CPI Adjustment (2.4%)
FAU > 100,000 BTU	\$23.27	CPI Adjustment (2.4%)
Wall Heater > 100,000 BTU	\$23.27	CPI Adjustment (2.4%)
Space Heater > 100,000 BTU	\$23.27	CPI Adjustment (2.4%)
Other Heating Appliance > 100,000 BTU	\$23.27	CPI Adjustment (2.4%)
Repair, Alter Heat, or Cool Unit	\$17.53	CPI Adjustment (2.4%)
Boiler/Compressor (<100K BTU)	\$18.80	CPI Adjustment (2.4%)
Boiler/Compressor (>100K - 500K BTU)	\$34.72	CPI Adjustment (2.4%)
Boiler/Compressor (>500K - 1000K BTU)	\$47.64	CPI Adjustment (2.4%)
Air Handling Unit < 10K CFM	\$13.63	CPI Adjustment (2.4%)
Air Handling Unit > 10K CFM	\$23.14	CPI Adjustment (2.4%)
<b>Mechanical Permit Fees - Per Unit</b>		
Flue or Vent	\$9.28	CPI Adjustment (2.4%)
Hood	\$13.63	CPI Adjustment (2.4%)
Fan or Blower (not part of A/C or furnace)	\$13.63	CPI Adjustment (2.4%)
Vent System (not part of A/C or furnace)	\$13.63	CPI Adjustment (2.4%)
Miscellaneous Appliance	\$13.63	CPI Adjustment (2.4%)
Incinerator - Domestic	\$23.27	CPI Adjustment (2.4%)
Incinerator - Commercial	\$18.54	CPI Adjustment (2.4%)
<b>Plumbing Permit Fees - Per Unit</b>		
Plumbing Fixtures (or set) on One Trap *	\$12.54	CPI Adjustment (2.4%)
Building Sewer or Trailer Sewer	\$31.53	CPI Adjustment (2.4%)
Rainwater Systems (per drain inside buildings)	\$12.54	CPI Adjustment (2.4%)
Backflow Protective Device (other than atmospheric-type vacuum breakers): 2" or Less	\$15.73	CPI Adjustment (2.4%)
Backflow Protective Device (other than atmospheric-type vacuum breakers): > 2"	\$31.53	CPI Adjustment (2.4%)
Private Swimming Pool	\$77.71	CPI Adjustment (2.4%)
Grease/sand Interceptor	\$25.46	CPI Adjustment (2.4%)
Water Heater and Vent	\$15.73	CPI Adjustment (2.4%)
Gas Piping System: 1 - 5 Outlets (each)	\$7.88	CPI Adjustment (2.4%)
Gas Piping System: Additional Outlet > 5 (each)	\$1.40	CPI Adjustment (2.4%)
All Permits with Plan Checks: Plan Storage Fee	2% of Permit Fee	No Change
Solar Photovoltaic Permit Fee-Multi-Family and Commercial Project	Projects under 35kW - \$551*	CPI Adjustment (2.4%)
	35kW - 50kW - \$1,101*	
	51kW - 250kW - \$1,651*	
	251kW - 500kW - \$2,201*	
	Projects over 500kW - \$3,302*	
* Additional Plan Check and Inspection Fees may apply.		
Solar Photovoltaic Permit Fee-Residential Project Only <sup>1</sup>	\$400 for the first 15kW and \$5 per kW above 15kW	Reduced to conform to Senate Bill 1222
Certificate of Occupancy	\$110	CPI Adjustment (2.4%)
Request for use of alternate material, design, or method of construction	\$779	CPI Adjustment (2.4%)
Request for New or Change of Address	\$585	CPI Adjustment (2.4%)
Additional Fees for revisions to approved plans and administrative time	\$110 per hour - 1 hour minimum	CPI Adjustment (2.4%)
Request for Unreasonable Hardship	\$110	CPI Adjustment (2.4%)
Request for Plan Retrieval	\$110	CPI Adjustment (2.4%)
Notice of Intent to Install Interior Rough Frame	\$110	CPI Adjustment (2.4%)
Request for Architect's Approval to Duplicate Plans	\$113	CPI Adjustment (2.4%)
Request for a Mobile Home Certificate of Compliance Inspection. (Includes 2 inspections and the Certificate)	\$163	CPI Adjustment (2.4%)
Blueprint Xeroxing	\$24 Process Fee + \$11.90/page	CPI Adjustment (2.4%)
Yearly Subscription to Monthly Building Permit Report	\$52/year or \$4.33/month	CPI Adjustment (2.4%)
Mailing/Shipping Fee	\$28	No Change
Building Permit Re-printing Fee	\$28	No Change
Faxed and Mail In Permit Fee	\$50/permit	CPI Adjustment (2.4%)
Landscape Plan Check Fee	Time and Materials	of outside consultants to provide plan check services for the review of landscape and irrigation plans for larger development projects

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Economic and Community Development</b>		
<b>Manufactured Home/Mobile Home Permit Fees</b>		
Awning Garage, Awning Support, Porch	\$57	CPI Adjustment (2.4%)
Cabana, Ramada, Private Garage, Screen Room	\$129	CPI Adjustment (2.4%)
Fence or Windbreak	\$94	CPI Adjustment (2.4%)
Installation of a new Manufactured Home	\$223	CPI Adjustment (2.4%)
Installation of a new Manufactured Home with Accessory Structures	\$446	CPI Adjustment (2.4%)
Plan Check - Minimum 1 hour	\$68 per hour	CPI Adjustment (2.4%)
Permit Issuance Fee	\$23	CPI Adjustment (2.4%)
<b>Planning Fees</b>		
Variance	\$1,432	CPI Adjustment (2.4%)
Administrative Site Development Review	\$591	CPI Adjustment (2.4%)
Administrative Use Permit	\$591	CPI Adjustment (2.4%)
<b>Planning Fees (Continued)</b>		
Site Development Review	\$5,560+ \$510 per acre over one acre + \$181/unit for all multiple-family projects	CPI Adjustment (2.4%)
Use Permit, Residential	\$1,009	CPI Adjustment (2.4%)
Use Permit, Non-Residential	\$1,682	CPI Adjustment (2.4%)
Zoning, Text Amendment	\$1,682	CPI Adjustment (2.4%)
Zoning, Map Amendment	\$5,728	CPI Adjustment (2.4%)
Zoning Verification Letter Fee	\$113	CPI Adjustment (2.4%)
General Plan Amendment	\$7,582 up to five acres + \$675 each additional acre; maximum \$16,622	CPI Adjustment (2.4%)
Tentative Parcel Map	\$2,694	CPI Adjustment (2.4%)
Tentative Tract Map	\$7,749 + \$168 per lot over five lots; maximum \$16,622	CPI Adjustment (2.4%)
Negative Declaration, Unmitigated	\$423 + consultant cost + 64%	CPI Adjustment (2.4%)
Negative Declaration, Mitigated	\$2,357 + consultant cost + 64%	CPI Adjustment (2.4%)
Renewals/Extensions/Modifications	Base fee without acreage calculation	No Change
Extension - Administrative (ASD, AUP)	\$149	CPI Adjustment (2.4%)
Extension - Discretionary (SDR, UP, VAR)	\$369	CPI Adjustment (2.4%)
Extension - Sign Amortization Period	\$128	CPI Adjustment (2.4%)
Appeals	\$591	CPI Adjustment (2.4%)
Environmental Impact Report	consultant cost + 64%	No Change
Development Agreement	consultant cost + 64% (including legal)	No Change
Mailing List Preparation	\$97	CPI Adjustment (2.4%)
Senior (65 and older) Resident, for owner-occupied projects	20% Discount	No Change
<b>Map &amp; Publications</b>		
Zoning Map/Land Use Diagram	\$3.40	CPI Adjustment (2.4%)
Street Map	\$2.26	CPI Adjustment (2.4%)
Aerial Map	\$2.26	CPI Adjustment (2.4%)
Blue Prints	\$2.40	CPI Adjustment (2.4%)
Seismic Zones Map	\$6.80	CPI Adjustment (2.4%)
Zoning Ordinance	\$42	CPI Adjustment (2.4%)
General Plan Map	\$3.40	CPI Adjustment (2.4%)
General Plan Report	\$82	CPI Adjustment (2.4%)
Subdivision Ordinance	\$14	No Change
<b>Neighborhood Preservation</b>		
Request for Administrative Hearing	\$33 non-refundable deposit upon submittal of request. In addition, fine will be paid in full at time of request and refunded only if administrative hearing is found in favor of applicant.	CPI Adjustment (2.4%)
Abandoned Vehicle Tow	\$275	Fee amount set by State
<b>Failed Inspection Fee</b>		
Initial Inspection	\$0	No Change
Re-inspection - No Violation	\$0	No Change
Re-inspection - Violation	\$244	CPI Adjustment (2.4%)
Each Re-inspection until corrected	\$87	CPI Adjustment (2.4%)
<b>Same Violation within 12 months</b>		
Initial Inspection	\$390	CPI Adjustment (2.4%)
Re-inspection - No Violation	\$0	No Change
Each Re-inspection	\$85	CPI Adjustment (2.4%)
<b>Municipal Code Violation Penalty Fee</b>		
Administrative Fee	\$56	No Change
1st Violation	\$150	No Change
2nd Violation	\$300	No Change
3rd Violation	\$600	No Change
Lien	\$142/ parcel	CPI Adjustment (2.4%)

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Economic and Community Development</b>		
<b>Development Fees -Citywide</b>		
<b>Capital Facilities Fee</b>		
For residential construction only:		
Single-family	\$12,231	No Change
Single-family, secondary dwelling	\$8,624	No Change
Multi-family	\$8,624	No Change
<b>DIPSA Infrastructure Fee</b>		
For residential construction in DIPSA area only:		
Single-family	\$10,565	CPI Adjustment (2.4%)
Multi-family	\$6,256	CPI Adjustment (2.4%)
<b>Park-in-Lieu Fee</b>		
For residential <b>subdivided</b> property only: Requirement is 3 acres dedication per 1,000 new residents or In-Lieu Fee (Union City Municipal Code Section 17.30.030)		
	Formula is: Average persons per Residential Unit times 3 divided by 1,000=Calculated incremental acres required per Residential Unit. Multiplied by Appraised Value of land per acre times 1.2 (infrastructure load factor)=Park-in-Lieu Fee per Residential Unit	No Change
<b>Park Facilities Fee</b>		
For residential <b>non</b> -subdivided property only		
	\$2,466	CPI Adjustment (2.4%)
<b>Bedroom Tax</b>		
Also for residential <b>non</b> -subdivided property only:		
1 Bedroom or less	\$280	No Change
2 Bedrooms	\$455	No Change
3 Bedrooms or more	\$630	No Change
<b>Fire Equipment Acquisition Fee</b>		
For all construction types:		
Residential Projects	\$1.40 psf of occupiable space above the second story	No Change
Industrial Buildings	\$.06 psf of roof area	No Change
Office, Professional, and Hotel Buildings	\$1.40 psf of occupiable space above the second story	No Change
<b>Public Art In-Lieu Fee</b>		
Private-Permit valuation over \$50 million	Negotiated between Developer and City	No Change
Private- Permit valuation over \$250,000	Must construct Public Art or pay in-lieu fee equivalent to 1% of permit valuation	New Fee
Public-Permit valuation over \$250,000	N/A-must construct Public Art with a value equivalent to 1% of permit valuation	No Change
Private-Permit valuation over \$50 million	Negotiated between Developer and City	No Change
Private- Permit valuation over \$250,000	Must construct Public Art or pay in-lieu fee equivalent to 1% of building permit valuation	New Fee
Public / Private -Permit valuation over \$250,000	Must construct Public Art or pay in-lieu fee equivalent to 1% of building permit valuation	No Change
<b>Landscape In-Lieu Fee</b>		
For projects that do not provide the required amount of on-site landscaping		
	\$9.70 per sq. ft	No Change
<b>Community Facilities District No. 2006-1</b>		
All new residential developments will be conditioned to be annexed into Community Facilities District No. 2006-1, which requires a levy of an annual tax to be paid as a Special Assessment along with annual property taxes		
Single Family Residential	\$577	2% annual increase, in perpetuity
1% of permit valuation is the requirement for all developments. In-lieu fee is an option in some cases or if approved by City Council		
Private-Permit valuation over \$250,000	N/A-must construct Public Art of 1% of permit valuation	No Change
Private-Permit valuation over \$2 million	Must contribute at least 1/3 of 1% in cash	No Change
Duplex	\$413	2% annual increase, in perpetuity
Low Density Multi-Family Residential	\$289	2% annual increase, in perpetuity
High Density Multi-Family Residential	\$225	2% annual increase, in perpetuity
<b>Environmental Programs</b>		
<b>Hazardous Materials Storage/Permit Fees</b>		
Plan Checking and Inspection Fees		
Building or Plan Review	\$210/ hour; 1 hour minimum	CPI Adjustment (2.4%)
Field and Installation Inspections	\$210/ hour; 1 hour minimum	CPI Adjustment (2.4%)
Electronic Reporting Compliance Review Fee*	\$205/ hour; 1/2 hour minimum	
	Small Facilities - \$205; Medium Facilities - \$410; Large Facilities - \$614	CPI Adjustment (2.4%)
Electronic Reporting Business Assistance Fee	\$102/ hour; 1 hour minimum	CPI Adjustment (2.4%)
Annual Facility Inspection Fee - Special Hazards		
Underground Storage Tank Facilities	\$1,024	
Stormwater NOI Facilities	\$614	CPI Adjustment (2.4%)
California Accidental Release Program	\$1,637	
Other High Hazard Facility	\$1,024	
Aboveground Petroleum Storage (APSA) Annual Program Fee	Storage of 1320-10,000 gallons = \$614/year Storage of greater than 10,000 gallons = \$1,365/year	CPI Adjustment (2.4%)
Environmental and Closure Document Review	\$210/ hour; 1 hour minimum	CPI Adjustment (2.4%)
After Hours Plan Review or Inspection Activity-based on Division Manager approval and available	\$210/ hour + overtime differential for Employee; 2 hours minimum	CPI Adjustment (2.4%)
Contract 3rd Party Plan Review	Cost + Overhead	No Change

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Economic and Community Development</b>		
<b>Annual CUPA Permit Fees</b>		
Combustible Liquids	\$250+ range (below)	CPI Adjustment (2.4%)
Compressed Gases	\$250+ range (below)	CPI Adjustment (2.4%)
Corrosive Materials	\$250+ range (below)	CPI Adjustment (2.4%)
Cryogenic Fluids	\$250+ range (below)	CPI Adjustment (2.4%)
Explosive Materials	\$250+ range (below)	CPI Adjustment (2.4%)
Flammable Materials	\$250+ range (below)	CPI Adjustment (2.4%)
Hazardous Materials - Other Regulated Materials	\$250+ range (below)	CPI Adjustment (2.4%)
Highly Toxic Materials	\$250+ range (below)	CPI Adjustment (2.4%)
Oxidizing Materials	\$250+ range (below)	CPI Adjustment (2.4%)
Pyrophoric Materials	\$250+ range (below)	CPI Adjustment (2.4%)
Radioactive Materials	\$250+ range (below)	CPI Adjustment (2.4%)
Toxic Materials	\$250+ range (below)	CPI Adjustment (2.4%)
Unstable (Reactive) Materials	\$250+ range (below)	CPI Adjustment (2.4%)
Water-Reactive Materials	\$250+ range (below)	CPI Adjustment (2.4%)
Hazardous Waste Generator		
Conditionally Exempt Sm. Quantity Generator	\$292	CPI Adjustment (2.4%)
Small Quantity Generator	\$338	CPI Adjustment (2.4%)
Large Quantity Generator	\$703	CPI Adjustment (2.4%)
Large Quantity Generator (over 100 tons)	\$1,041	CPI Adjustment (2.4%)
Hazardous Waste Treatment (CA, CE and PBR)	\$660	CPI Adjustment (2.4%)
Reduced Reporting Fee for Universal Waste-only and Waste-only Generators <sup>2</sup>	\$211	New Fee
<b>State Surcharge</b>		
Cal/ARP-State Surcharge	\$270/ facility	No Change, Fee Amount Set by State
Underground Storage Tanks-State Surcharge Fee	\$15/ tank	No Change, Fee Amount Set by State
California EPA Unified Program Oversight Surcharge Fee	\$35/ facility	No Change, Fee Amount Set by State
Aboveground Petroleum Storage Act (APSA) Surcharge Fee	\$26/APSA facility	No Change, Fee Amount Set by State
<b>Hazardous Materials (CUPA) Annual Permit Fee Ranges:</b>		
Liquids		
55 - 550 gallons	\$328	CPI Adjustment (2.4%)
551 - 2,750 gallons	\$493	CPI Adjustment (2.4%)
2,751 - 5,000 gallons	\$658	CPI Adjustment (2.4%)
Greater than 5,000 gallons	\$820	CPI Adjustment (2.4%)
Solids		
501 - 5,000 pounds	\$328	CPI Adjustment (2.4%)
5,001-25,000 pounds	\$493	CPI Adjustment (2.4%)
25,001 - 50,000 pounds	\$658	CPI Adjustment (2.4%)
Greater than 50,000 pounds	\$820	CPI Adjustment (2.4%)
Gases		
201-2,000 cubic feet	\$328	CPI Adjustment (2.4%)
2,001-10,000 cubic feet	\$493	CPI Adjustment (2.4%)
10,001-20,000 cubic feet	\$658	CPI Adjustment (2.4%)
Greater than 20,000 cubic feet	\$820	CPI Adjustment (2.4%)

<sup>1</sup> Fee amount will not change to conform to Senate Bill 1222 - prohibits a city from charging permit fees for rooftop solar energy systems that exceed \$400 for a system that produces 15kW or less, or \$400 plus \$5 for each kilowatt above 15kW

<sup>2</sup> New Fee

\* Fee description title changed for clarity



**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Police Department</b>		
<b>Animal License</b>		
Animal License 1/ 2/ 3 years		
Unsterilized	\$29/ \$39 / \$46	No Change
Unsterilized with penalty	\$43/ \$52/ \$59	No Change
Sterilized	\$14/ \$20/ \$23	No Change
Sterilized with penalty	\$27/ \$33/ \$37	No Change
Senior Citizen (60+) Pet License Discount	10% discount	No Change
Change of owner, address, lost tag	\$10	No Change
Exotic Animal Permit 1/ 2 years	\$82/ \$126 with penalty \$120/ \$163	CPI Adjustment (2.4%)
Animal Fancier's Permit 1/ 2/ 3 years	\$122/ \$153/ \$184 with penalty \$ 172/ \$203/ \$234	Align with City of Fremont
Annual Temporary Animal Fancier's Permit	\$35	Align with City of Fremont
Sr. Citizen (60 +) Animal Fancier's Permit	\$22	No Change
Dangerous Dog License fee	\$122/ year	Align with City of Fremont
<b>The above animal fees charged by the City are subject to change when Fremont animal fees change.</b>		
<b>Police Reports</b>	\$16 for 10 pages + \$1.20 each additional page	CPI Adjustment (2.4%)
<b>Police Miscellaneous Service Charges</b>		
Photos	\$37/ set of 12	CPI Adjustment (2.4%)
Clearance Letters	\$16	CPI Adjustment (2.4%)
Tape Dubbing	\$39 with tape; \$46 without tape	CPI Adjustment (2.4%)
Automated Reports	\$67/ hour	CPI Adjustment (2.4%)
Repossession (vehicle release)	\$19	No Change
Tow Releases	\$181	CPI Adjustment (2.4%)
Dance Permit	\$9	No Change
Alcohol Letter	\$9	No Change
Applicant Fingerprints	\$36	CPI Adjustment (2.4%)
Special Events	Actual cost of personnel and other police services	No Change
Ammunition Disposal Fee	\$10/ pound	New: Penal Code 12021.3
Audio Tape Duplication	\$40/ tape	Set a Citywide Flat Rate
Video Tape Duplication	\$40/ tape	Set a Citywide Flat Rate
Compact Disk (CD) Duplication	\$40/ disk	Set a Citywide Flat Rate
Photocopying Fee	\$56/ hour or any portion of an hour	CPI Adjustment (2.4%)
<b>Police Burglar Alarm Fees</b>		
Alarm Registration	\$44 registration fee w/ \$19 annual renewal fee	CPI Adjustment (2.4%)
False Alarms	\$66/ false alarm on 3rd and subsequent alarms in calendar year	CPI Adjustment (2.4%)
<b>Firearms Safekeeping/Storage Fee</b>	\$25/ firearm plus \$10/ month storage	Penal Code 12021.3
<b>Massage Certificates/Permits</b>		
Message Establishment Registration Certificate	\$0	Added to Municipal Code in August 2011 to be consistent with State Law
Operator Permit		
Operator Permit and Renewals	\$1,687	Added to Municipal Code in August 2011 to be consistent with State Law
Message Technician		
Message Technician Registration Certificate	\$0	Added to Municipal Code in August 2011 to be consistent with State Law
<b>Parking Permit</b>	\$10 for first vehicle + \$3.70 each additional	CPI Adjustment (2.4%)
<b>Parking Citation Fine</b>	\$63 - \$311/citation (See Exhibit I)	CPI Adjustment (2.4%)
<b>Abandoned Vehicle Citation</b>	\$275	Fee Amount Set by State
<b>Corp Yard Impound Fee</b>	\$330	CPI Adjustment (2.4%)

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Police Department</b>		
<b>For Information Only - Fees Paid to Tri-City Animal Shelter for Services to Union City</b>		
Impound Fees		
Dogs & Cats	\$92	No Change
Livestock	\$50	No Change
Non-specified animals	\$12	No Change
Feeding & Boarding		
Dogs & Cats	\$18/ day	No Change
Livestock	\$60/ day	No Change
Non-specified animals	\$12/ day	No Change
Animals less than 80 lbs.		
Dead, owned, picked-up by Animal Services		
Unlicensed	\$88	No Change
Licensed	\$76	No Change
Live, owned, picked-up by Animal Services for euthanasia (including litters)		
Unlicensed Cat	\$133	No Change
Licensed Cat	\$121	No Change
Unlicensed Dog	\$163	No Change
Licensed Dog	\$151	No Change
Animals over 80 lbs:		
Dead, owned, picked-up by Animal Services		
Unlicensed	\$103	No Change
Licensed	\$91	No Change
Live, owned, picked-up by Animal Services		
Unlicensed	\$193	No Change
Licensed	\$181	No Change
Transportation only, during normal operating hrs.		
Unlicensed	\$84	No Change
Licensed	\$72	No Change
Non-specified animals	\$72	No Change
Veterinary Hospital pick-up and disposal		
1 to 5 animals	\$92 + \$4 each additional animal	No Change
with out limit	\$200/ month	No Change
Disposal of dead, brought to shelter		
under 80 lbs.	\$28	No Change
80 lbs. And over	\$38	No Change
Euthanasia		
Dogs	\$55	No Change
Cats	\$42	No Change
Flourescent Rabies antibody test	\$125	No Change
Trap Rental	Fee removed	Service not offered
Protective custody or quarantine, Animal Shelter		
Dogs & Cats	\$19/ day	No Change
Non-specified animals	\$6/ day	No Change
Quarantine, Home		
Unlicensed	\$132	No Change
Licensed	\$120	No Change

Exhibit I				
City of Union City				
Police Department				
Parking Citation Fine				
<a href="#">Click here to go back to cover page</a>				
Violation Description	UCMC	VC	Adopted Fee FY 2015-2016	Justifications (If Revised)
Within Parkway	10.36.030		\$84	CPI Adjustment (2.4%)
Posted No Parking	10.36.050C		\$84	CPI Adjustment (2.4%)
On/Near Railroad Tracks	10.36.050E	22521	\$63	No Change
Hazardous	10.36.050F		\$84	CPI Adjustment (2.4%)
Street Sweep/Repair Posted	10.36.050G		\$84	CPI Adjustment (2.4%)
In Safety Zone	10.36.050H	22500c	\$63	No Change
In Crosswalk	10.36.050I	22500b	\$63	No Change
20' of Signal/Stop Sign	10.36.999J		\$84	CPI Adjustment (2.4%)
Niles Canyon	10.36.050K		\$84	CPI Adjustment (2.4%)
In Intersection		22500a	\$63	No Change
Block Intersection		22526a	\$63	No Change
Fire Station Driveway		22500d	\$63	No Change
Block Driveway		22500e	\$63	No Change
On Sidewalk		22500f	\$63	No Change
Excavation Site		22500g	\$63	No Change
Double		22500h	\$63	No Change
In Bus Zone		22500i	\$283	No Change
Bridge		22500k	\$63	No Change
Block Wheelchair Curb Cut		22500l	\$283	No Change
Block Wheelchair Ramp		22552.2	\$283	No Change
In Fire Lane		22500.1	\$63	No Change
Vehicle Storage On Road	10.36.060		\$84	CPI Adjustment (2.4%)
For Display	10.36.070		\$84	CPI Adjustment (2.4%)
For Repairing Vehicle	10.36.080		\$84	CPI Adjustment (2.4%)
For Wash/Polish Vehicle	10.36.090		\$84	CPI Adjustment (2.4%)
More Than 18" from Curb		22502a	\$63	No Change
Motorcycle		22502a	\$63	No Change
Wrong Way		22502b	\$63	No Change
On One Way Street	10.36.240	22502e	\$63	No Change
Parking Brake		22515	\$63	No Change
Unattended Vehicle		22515	\$63	No Change
Block Fire Hydrant		22514	\$63	No Change
On Freeway		22520	\$63	No Change
On Grades	10.36.120	22509	\$63	No Change
In Handicapped Zone		22507.8	\$311	No Change
Abandoned Vehicle		22523a	\$278	No Change
Open Door Into Traffic		22517	\$63	No Change
Person Locked in Vehicle		22516	\$63	No Change
Adjacent To School	10.36.100		\$84	CPI Adjustment (2.4%)
Vend Near Freeway	10.36.130		\$84	CPI Adjustment (2.4%)
Vend Within 1000' of School	10.36.130		\$84	CPI Adjustment (2.4%)
Emergency	10.36.107B		\$84	CPI Adjustment (2.4%)
On Narrow Street	10.36.110B		\$84	CPI Adjustment (2.4%)
Diagonal	10.36.280A&B		\$84	CPI Adjustment (2.4%)
Vehicle For Hire Permit	10.36.150		\$84	CPI Adjustment (2.4%)
On Public Grounds		21113	\$63	No Change
On Side Yard Setbacks	10.36.190A		\$84	CPI Adjustment (2.4%)
Vehicle Over 20' Long	10.36.195		\$84	CPI Adjustment (2.4%)
Commercial Vehicle 6000+	10.36.196		\$84	CPI Adjustment (2.4%)
Green Curb - 24 Minute	10.36.200		\$84	CPI Adjustment (2.4%)
Forty Minute Limit	10.36.210		\$84	CPI Adjustment (2.4%)
One Hour Limit	10.36.230		\$84	CPI Adjustment (2.4%)
Two Hour Limit	10.36.230		\$84	CPI Adjustment (2.4%)
Contrary to Markings	10.36.290		\$84	CPI Adjustment (2.4%)
In No Stopping Zone	10.36.300		\$84	CPI Adjustment (2.4%)
10,000+ in Residential Area	10.36.310		\$84	CPI Adjustment (2.4%)
Heavy Trucks	10.36.316		\$84	CPI Adjustment (2.4%)
Off Truck Route	10.36.316		\$84	CPI Adjustment (2.4%)
Red Curb	10.36.360A		\$84	CPI Adjustment (2.4%)
Yellow Curb	10.36.360B		\$84	CPI Adjustment (2.4%)
White Curb	10.36.360C		\$84	CPI Adjustment (2.4%)
Standing in Alley	10.36.430		\$84	CPI Adjustment (2.4%)
Permit Required	10.38.020		\$84	CPI Adjustment (2.4%)
On Private Road		21107.5	\$63	No Change
		21107.6	\$63	No Change
		21107.7	\$63	No Change
		21107.8	\$63	No Change
Equipment Violation	(Per 40225c VC \$10 if corrected)		\$82	No Change
Registration Tab - 5204	(Per 40225c VC \$10 if corrected)		\$80	No Change
All Other Non-Specified Parking			\$84	CPI Adjustment (2.4%)

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Fire Department</b>		
<b>Resources Fees</b>		
Standby (One engine for permitted activity)	\$253/ hour	CPI Adjustment (2.4%)
Fire Watch (Per person)	\$ 79/ hour	CPI Adjustment (2.4%)
<b>Permit, Plan Review and Inspection Fees</b>		
Archival (required for all plan submittals)	Each page up to 11" x 17" - \$1.10/page; each larger than 11" x 17" - \$2.90 /page	CPI Adjustment (2.4%)
Fire Construction/Modification Permits (including but not limited to fire extinguishing & fire alarm systems)	CA Bldg. Code - Table 3A	
Plan Review Fees	\$157/ hour	CPI Adjustment (2.4%)
Fire Inspection Fees	\$133/ inspection	CPI Adjustment (2.4%)
Permit Issuance Fee	\$79	CPI Adjustment (2.4%)
3rd Party Plan Reviewer	Actual cost + 40% overhead	No Change
Special Inspector	Actual cost + 40% overhead	No Change
After Hours Plan Review	\$162/ hour, 2 hours minimum	To offset from fee for regular plan review above. (10% higher)
After Hours Inspection	\$162/ hour, 2 hours minimum	To offset from fee for regular plan review above. (10% higher)
Consultation (including review of projects prior to submission for a building permit and of projects that do not require a permit)	\$158/ hour	CPI Adjustment (2.4%)
<b>Fireworks Permit</b>	\$66	CPI Adjustment (2.4%)
<b>Inspection and/or Plan Review Fees For Activity Permits</b>		
Retail Fireworks Sales of Safe & Sane Fireworks	As calculated per fireworks regulations	
Christmas Tree Lots/Sale Areas at Retail	\$253/ lot or sale area	CPI Adjustment (2.4%)
<b>Operational Fire Code Permits</b>	\$250	CPI Adjustment (2.4%)
<b>Renewable Fire Code Permits</b>		
<b>Fire Department Inspections</b>		
Fire Inspections - Commercial & Industrial		
1,500 sq. feet or less	\$43	CPI Adjustment (2.4%)
1,501 - 2,500 sq. feet	\$86	CPI Adjustment (2.4%)
2,502 - 5,000 sq. feet	\$174	CPI Adjustment (2.4%)
5,001 sq. feet or greater	\$362	CPI Adjustment (2.4%)
Fire Inspections - Multi-Family Residential		
0 - 3 units	\$43	CPI Adjustment (2.4%)
4 - 12 units	\$86	CPI Adjustment (2.4%)
13 - 20 units	\$174	CPI Adjustment (2.4%)
21 - 30 units	\$260	CPI Adjustment (2.4%)
30 units or more	\$362	CPI Adjustment (2.4%)
Fire Inspections - High Rise Structures	\$3,393	CPI Adjustment (2.4%)
Fire Inspections - Multi-story Structures	\$100/ hour, 2 hours/ floor minimum	CPI Adjustment (2.4%)
Miscellaneous Inspections	\$100/ hour	CPI Adjustment (2.4%)
<b>State Required Inspections</b>		
Pre-inspections:		
25 or fewer persons	\$58	CPI Adjustment (2.4%)
26 or more persons	\$115	CPI Adjustment (2.4%)
up to 8 occupants	\$116	CPI Adjustment (2.4%)
9 - 49 occupants	\$263	CPI Adjustment (2.4%)
50 occupants or more	\$330	CPI Adjustment (2.4%)
<b>False Alarm Responses</b>		
0 - 3rd alarm	\$0	No Change
After 3rd time in 12-month period:		
4th alarm	\$100	CPI Adjustment (2.4%)
5th alarm	\$179	CPI Adjustment (2.4%)
6th and subsequent alarms	\$302	CPI Adjustment (2.4%)
Second and Subsequent Reinspection	\$199 each	CPI Adjustment (2.4%)
Failure to Obtain Permit	Double Fees	
<b>Document Fees</b>		
Fire Code Amendments	\$10	CPI Adjustment (2.4%)
Research	\$24 above cost	CPI Adjustment (2.4%)
Archived Copies	\$24 above cost	CPI Adjustment (2.4%)
Photographs	\$24 above cost	CPI Adjustment (2.4%)
Electronic Media	\$24 above cost	CPI Adjustment (2.4%)
<b>Paramedic Special Tax Rate</b>	\$15 per benefit unit	No Change
<b>Collection Fee-(Invoices sent to collection 60 days after due date)</b>	25% of total amount sent to collection agency	No Change

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Public Works Department</b>		
<b>Subdivision Fees</b>		
Final Tract Map	\$8,085	CPI Adjustment (2.4%)
Final Parcel Map	\$3,773	CPI Adjustment (2.4%)
Plan Check & Inspection Fee	First \$25,000 of approved construction cost estimate 10.0% Next \$475,000 9.0% Over \$500,000 7.0%	Make rate comparable to Newark Make rate comparable to Newark Make rate comparable to Newark
<b>Development and Redevelopment Project</b>		
Plan Check & Inspection Fee	First \$25,000 of approved construction cost estimate 10.0% Next \$475,000 9.0% Over \$500,000 7.0%	Make rate comparable to Newark Make rate comparable to Newark Make rate comparable to Newark
<b>Traffic Signalization Fees (Traffic Signal Fund)</b>		
Zoning-Single Family	\$1,651/ unit	CPI Adjustment (2.4%)
Zoning-Multi Family	\$1,321/unit	CPI Adjustment (2.4%)
Zoning-Commercial	\$5,118/ acre	CPI Adjustment (2.4%)
Zoning-Industrial	\$2,559/ acre	CPI Adjustment (2.4%)
Zoning-Mobile Home	\$925/ unit	CPI Adjustment (2.4%)
<b>Grading Permit Fees</b>		
Plan Check		
50 cu. yards or less	\$88	CPI Adjustment (2.4%)
51 - 100 cu. yards	\$133	CPI Adjustment (2.4%)
101 - 1,000 cu. yards	\$176	CPI Adjustment (2.4%)
1,001 - 10,000 cu. yards	\$176 for the first 1,000 cu. yards + \$83 for each additional 1,000 cu. yards or fraction	CPI Adjustment (2.4%)
10,001 - 100,000 cu. yards	\$991 for the first 10,000 cu. yards + \$50 for each additional 10,000 cu. yards or fraction	CPI Adjustment (2.4%)
100,001 - 200,000 cu. yards	\$1530 for the first 100,000 cu. yards + \$27 for each additional 10,000 cu. yards or fraction	CPI Adjustment (2.4%)
200,001 cu. yards or more	\$1,788 for the first 200,000 cu. yards + \$25 for each additional 10,000 cu. yards or fraction	CPI Adjustment (2.4%)
Grading Permit		
50 cu. yards or less	\$166	CPI Adjustment (2.4%)
51 - 100 cu. yards	\$250	CPI Adjustment (2.4%)
101 - 1,000 cu. yards	\$250 for the first 100 cu. yards + \$117 for each additional 100 cu. yards or fraction	CPI Adjustment (2.4%)
1,001 - 10,000 cu. yards	\$1,299 for the first 1,000 cu. yards + \$102 for each additional 1,000 cu. yards or fraction	CPI Adjustment (2.4%)
10,001 - 100,000 cu. yards	\$2,201 for the first 10,000 cu. yards + \$448 for each add'l 10,000 cu. yards or fraction	CPI Adjustment (2.4%)
100,001 cu. yards or more	\$6,250 for the first 100,000 cu. yards + \$249 for each add'l 100,000 cu. yards or fraction	CPI Adjustment (2.4%)
Grading Permit Bond	Bonding requirements will be determined on an individual basis; however, will usually be set at \$4.60/ cu. yard, first \$1,000 to be in cash.	CPI Adjustment (2.4%)
Resegregation Fee	\$314 + \$53/ new parcel	CPI Adjustment (2.4%)

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16	JUSTIFICATIONS (IF REVISED)
<b>Public Works Department</b>		
<b>Miscellaneous Fees</b>		
Sale of Plans and Specs	\$40 minimum	CPI Adjustment (2.4%)
Other Fees		
Transportation Permit	\$22/ trip; \$90/ year	CPI Adjustment (2.4%) /set annual fee in line with Caltrans
Encroachment Permit		
Utilities	\$53 + \$77/ hour	CPI Adjustment (2.4%)
Parades/Parties	No fee	
All other work in the Public Street	\$77/hour	CPI Adjustment (2.4%)
Vacation/Abandonment/Quit Claim	\$696	CPI Adjustment (2.4%)
Lot Line Adjustment	\$1,392	CPI Adjustment (2.4%)
Certification of Compliance	\$139	CPI Adjustment (2.4%)
Additional Inspection	\$77/hour	CPI Adjustment (2.4%)
Swimming Pool Permit (in addition to Grading Permit Fees)	\$19	CPI Adjustment (2.4%)

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16		JUSTIFICATIONS (IF REVISED)
<b>Leisure Services Department</b>			
	Normal Operating Hours	Non-Operating Hours	
<b>Facility Use Fees</b>			
<b>Ruggieri Senior Center Facility Use Fees</b>			
Assembly Hall with Kitchen			
Resident		110	No Change (At Market)
Non-resident		130	No Change (At Market)
Commercial		140	No Change (At Market)
Dining Room with Kitchen			
Resident		95	No Change (At Market)
Non-resident		115	No Change (At Market)
Commercial		125	No Change (At Market)
Courtyard			
Resident		\$25	No Change (At Market)
Non-resident		\$45	No Change (At Market)
Commercial		\$55	No Change (At Market)
Kitchen		\$20	No Change (At Market)
Sun Room			
Resident		\$20	No Change (At Market)
Non-resident		\$40	No Change (At Market)
Commercial		\$50	No Change (At Market)
Classroom			
Resident		\$40	No Change (At Market)
Non-resident		\$60	No Change (At Market)
Commercial		\$70	No Change (At Market)
<b>Holly Community Center Facility Use Fees</b>			
Studio	Not Available	Not Available	
Resident			No Change (At Market)
Non-resident			No Change (At Market)
Commercial			No Change (At Market)
Auditorium			
Resident	\$60	\$85	No Change (At Market)
Non-resident	\$80	\$105	No Change (At Market)
Commercial	\$90	\$115	No Change (At Market)
Auditorium & Kitchen			
Resident	\$65	\$85	No Change (At Market)
Non-resident	\$85	\$105	No Change (At Market)
Commercial	\$95	\$115	No Change (At Market)
Auditorium Storage Room	Not Available	Not Available	No Change (At Market)
Senior Room			
Resident	\$35	\$60	No Change (At Market)
Non-resident	\$55	\$80	No Change (At Market)
Commercial	\$65	\$90	No Change (At Market)
Senior Room & Kitchenette			
Resident	\$35	\$60	No Change (At Market)
Non-resident	\$55	\$80	No Change (At Market)
Commercial	\$65	\$90	No Change (At Market)
Art Room	Not Available	Not Available	
Resident			No Change (At Market)
Non-resident			No Change (At Market)
Commercial			No Change (At Market)
Mini-Gym			
Resident	\$30	\$45	No Change (At Market)
Non-resident	\$50	\$65	No Change (At Market)
Commercial	\$60	\$75	No Change (At Market)
Meeting Room			
Resident	\$20	\$35	No Change (At Market)
Non-resident	\$40	\$55	No Change (At Market)
Commercial	\$50	\$65	No Change (At Market)

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16		JUSTIFICATIONS (IF REVISED)
<b>Leisure Services Department</b>			
<b>Kennedy Community Center Facility Use Fees</b>			
Conference Room-No Food/Alcohol			
Resident	\$25	\$45	No Change (At Market)
Non-resident	45	\$65	No Change (At Market)
Commercial	55	\$75	No Change (At Market)
Conference Room-Light Refreshments			
Resident	\$25	\$45	No Change (At Market)
Non-resident	45	\$65	No Change (At Market)
Commercial	55	\$75	No Change (At Market)
Assembly Hall-Meeting			
Resident	\$45	\$75	No Change (At Market)
Non-resident	\$65	\$95	No Change (At Market)
Commercial	\$75	\$105	No Change (At Market)
Assembly Hall-Socials, Weddings, Dinners			
Resident	\$45	\$75	No Change (At Market)
Non-resident	\$65	\$95	No Change (At Market)
Commercial	\$75	\$105	No Change (At Market)
Friday Night Special Use Allowance for Non-Profit Organization Only	\$0	\$0	
<b>Union City Sports Center Facility Use Fees</b>			
Social Rental - Saturday Only			
600-Theater or 500 Banquet			
Resident	Not Available	\$150	No Change (At Market)
Non-resident	Not Available	\$170	No Change (At Market)
Commercial	Not Available	\$190	No Change (At Market)
Kitchen - hourly rate - in conjunction with gym		\$20	No Change (At Market)
Gym Deposit			
Resident	\$400	\$600	No Change (At Market)
Non-resident	\$500	\$700	No Change (At Market)
Classroom - hourly rate (No Food or Alcohol)			
Resident	\$40	\$60	No Change (At Market)
Non-resident	\$60	\$80	No Change (At Market)
Commercial	\$70	\$90	No Change (At Market)
Classroom Deposit			
Resident	\$200	\$200	No Change (At Market)
Non-resident	\$300	\$300	No Change (At Market)
Parking Transportation Service	\$50/ hour		
Gym Rental for Leagues			
Union City Youth Groups	\$40 per hour		No Change (At Market)
Non-resident Youth Groups	\$50 per hour		No Change (At Market)
Union City Adult Leagues	\$65 per hour		No Change (At Market)
Non-resident Adult Leagues	\$75 per hour		No Change (At Market)
Scoreboard Fee	\$25 per hour		No Change (At Market)
Tournament Fees	\$150 Residents		No Change (At Market)
<b>Note: Facility Rentals also require a maintenance fee and special event liability insurance.</b>			
<b>Skate Park Facility Use Fees</b>			
Resident		Use Fees removed	No Change (At Market)
Non-resident		Use Fees removed	No Change (At Market)
6 Month Membership (Nov. - Apr.)		Use Fees removed	No Change (At Market)
6 Month Membership (May - Oct.)		Use Fees removed	No Change (At Market)
<b>Sports Field Rental Fee</b>			
Adult Field Rental Fee-Grass	\$20/hour plus \$32.50/hour for lighted fields		No Change (At Market)
Adult Field Rental Fee-Artificial Turf	\$30/hour plus \$32.50/hour for lighted fields		No Change (At Market)
Youth Field Rental Fee-Grass	\$2/hour plus \$27/hour for lighted fields		No Change (At Market)
Youth Field Rental Fee-Artificial Turf	\$10/hour plus \$27/hour for lighted fields		No Change (At Market)
Tournament Fee-Max. 2 per year per group			
Youth Group	\$20/hour plus \$32.50/hour for lighted fields		No Change (At Market)
Adult/Private/Commercial	\$40/hour plus \$32.50/hour for lighted fields		No Change (At Market)



**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16		JUSTIFICATIONS (IF REVISED)
<b>Leisure Services Department</b>			
<b>Tennis Court Reservation Fees</b>			
	Normal Operating Hours	Non-Operating Hours	
Weekdays			
Resident	\$2.50 per 1/2 hr. per court	\$2.50 per 1/2 hr. per court	To cover Admin cost
Non-Resident	\$5 per 1/2 hr. per court	\$5 per 1/2 hr. per court	To cover Admin cost
Weekends			
Resident	\$5 per 1/2 hr. per court	\$5 per 1/2 hr. per court	To cover Admin cost
Non-Resident	\$10 per 1/2 hr. per court	\$10 per 1/2 hr. per court	To cover Admin cost
<b>Park Reservation Fees</b>			
Park Site	Resident	Non-Resident	
Accinelli	\$45	\$90	New
Arroyo-Perry	\$55	\$110	Adjust Fee to Market
Casa Verde-San Carvante	\$60	\$120	Adjust Fee to Market
Contempo	\$125	\$250	Adjust Fee to Market
Dry Creek	\$95	\$190	Adjust Fee to Market
Kennedy Park-Daniel Camarillo Memorial*	\$165	\$330	No Change (At Market)
Kennedy Park-Amphitheater*	\$150	\$300	No Change (At Market)
Kennedy Park-Sycamore	\$60	\$120	No Change (At Market)
Kennedy Park-Willow	\$60	\$120	No Change (At Market)
Old Alvarado-Magnolia	\$105	\$210	Adjust Fee to Market
Old Alvarado-Elm	\$60	\$120	Adjust Fee to Market
Old Alvarado-Gazebo*	\$115	\$230	Adjust Fee to Market
Old Alvarado-Wisteria*	\$40	\$80	Adjust Fee to Market
Sea Breeze Park-Sea	\$45	\$90	Adjust Fee to Market
Sea Breeze Park-Breeze	\$45	\$90	Adjust Fee to Market
Seven Hills Park	\$85	\$160	Adjust Fee to Market
Shorty Garcia	\$40	\$80	No Change (At Market)
Town Estates-Cameron	\$40	\$80	No Change (At Market)
Town Estates-Winchester	\$70	\$140	Adjust Fee to Market
Union Landing	\$0	\$0	Park no longer for rent
Veterans Memorial Park-Veterans	\$90	\$190	Adjust Fee to Market
Veterans Memorial Park-Hall Ranch	\$40	\$80	New
William Cann Civic-Egret	\$35	\$70	No Change (At Market)
William Cann Civic-Heron	\$35	\$70	No Change (At Market)
William Cann Neighborhood-Cann	\$60	\$120	No Change (At Market)
William Cann Neighborhood-Brent	\$60	\$120	New
Amplification Permit (Amphitheater & Gazebo only)	\$50	\$50	No Change (At Market)
*Electricity available for \$25 additional fee			
<b>Community Gardens-Memberships</b>			
Seven Hills Community Gardens (17 plots)			
Annual Membership Fee	\$50		No Change
Additional Fee for Compost, Sand & Horse Manure	\$20		No Change
One-time Deposit	\$35		No Change
<b>Senior Center-Memberships</b>			
Annual Resident Membership Fee	\$35/year		Cover Admin Cost
Annual Resident Couple Membership Fee	\$60/year		Cover Admin Cost
Annual Non-Resident Membership Fee	\$45/year		Cover Admin Cost
Annual Non-Resident Couple Membership Fee	\$80/year		Cover Admin Cost

**CITY OF UNION CITY  
MASTER FEE SCHEDULE  
FOR FISCAL YEAR 2015-2016**

[Click here to go back to cover page](#)

TYPE OF FEE	ADOPTED FEE FY 2015-16		JUSTIFICATIONS (IF REVISED)
<b>Leisure Services Department</b>			
<b>Union City Sports Center-Memberships</b>			
	Resident Fee	Non-Resident Fee	
Annual Adult Pass - 12-month membership for adults 18 years or older	\$325	\$360	No Change (At Market)
Annual Dual Adult Pass - 12-month membership for adults 18 years or older purchased in conjunction with an Annual Adult Pass sharing the same address.	\$570	\$620	No Change (At Market)
Annual Flex-Time Pass - 12-month membership for adults 18 years or older. May only be used	\$225	\$250	No Change (At Market)
Annual Family Pass - 12-month membership for families living at the same address, up to 2 adults and unlimited number of children	\$625	\$695	No Change (At Market)
Annual Youth Pass - 12-month membership for ages 12-17. Ages 12-15 may participate in open gym or supervised youth activities only, but must be accompanied by an adult. Ages 16-17 may have additional access to fitness room, equipment and classes with parental consent form.	\$100	\$115	No Change (At Market)
3-Month Adult Pass - 3-month membership for ages 18 and older.	\$120	\$135	No Change (At Market)
3-Month Youth Pass - 3-month membership for ages 12-17. Ages 12-15 may participate in open gym or supervised youth activities only. Ages 16-17 may have additional access to fitness room, equipment and classes with parental consent form.	\$50	\$60	No Change (At Market)
20 Visit Adult Pass - 20 visit punch card for adults 18 years or older. Pass is valid for up to 6 months from issue and may be used any time during regular operating hours.	\$99	\$110	No Change (At Market)
20 Visit Adult Flex-Time Pass - 20 visit punch card for adults 18 years or older during off-peak periods only. (Monday-Friday, 9am-3pm, Saturday and Sunday after 10am.) Pass is valid for up to 6 months from issue.	\$60	\$70	No Change (At Market)
Daily Drop In - Single Visit - includes use of fitness room, core exercise classes and open gym.	\$7	\$12	No Change (At Market)
Corporate Memberships - 12-month memberships available to local businesses and organizations when at least 8 or more employees (and spouses) register together at 2/3 of the normal annual price.	\$200	\$250	No Change (At Market)
City Employee Memberships / Commissioners/Elected Officials			
12-month membership + Liberty Park HOA	\$163	\$163	No Change (At Market)
12-month family membership+ Liberty Park HOA	\$313	\$313	No Change (At Market)
3-month adult pass	\$60	\$60	No Change (At Market)
Daily Drop-In	\$5	\$5	No Change (At Market)
<b>Fee Classes</b>	\$5 to \$400 per session		No Change (At Market)
<b>Youth and Family Services Fees</b>			
Parent Project			
Registration Fee	\$35		Incorporate fee in the Master Fee Schedule
Class Fee	\$10/week		Incorporate fee in the Master Fee Schedule
Counseling			
7 Appointment Sessions including Assessment Appointment	Free		Incorporate fee in the Master Fee Schedule
After first 7 Appointment Sessions (Fees are charged on a sliding scale based on income/circumstances)	\$0 - \$85 per session		Incorporate fee in the Master Fee Schedule
<b>Civil Ceremony Administration Fee</b>			
Monday through Thursday and open Fridays	\$75		No Change
Closed Fridays and Weekends	\$125		No Change



## Agenda Item

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**DATE:** 7/28/2015

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** JOAN MALLOY, ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** REVIEW OF DRAFT GENERAL PLAN LAND USE CONCEPTS AND CRITERIA

Staff is requesting confirmation of the draft land use concepts and criteria that are being considered as part of the General Plan Update. A Study Session was held with the City Council on July 21<sup>st</sup> to review this information.

### **BACKGROUND**

The attached “Draft Land Use Concepts and Evaluation Criteria” whitepaper provides draft land use concepts for three focus areas of the city including: 1) the Greater Station District; 2) Union City Boulevard Corridor; and 3) the Horner-Veasy Area. The whitepaper also includes a proposed list of criteria that will be used to analyze and compare the land use alternatives.

The land use concepts are intended to represent different land use configurations that will be further refined by City staff and the consultant team and converted into land use alternatives for each focus area. The evaluation criteria will be used to assess the impacts and implications of each alternative and to compare the alternatives.

In addition to specific alternatives for the three focus areas referenced above, the alternatives analysis will evaluate and compare citywide alternatives that combine similarly themed alternatives from each of the focus areas.

After the Council confirms the concepts and criteria at the July 28<sup>th</sup> meeting, City staff and the consultant team will then refine the concepts into more detailed land use alternatives (using parcel level data) and undertake an analysis to evaluate and compare the alternatives. The results of this analysis will be published in an “Alternatives Report.”

The release of the Alternatives Report will be accompanied by extensive public outreach, including a community workshop and meetings with the General Plan Advisory Committee (GPAC), Economic Development Advisory Team (EDAT), Planning Commission (PC), and City Council, to gather feedback on preferences for a preferred city-wide land use alternative that will include any proposed land use changes within the different focus areas. The Council will be asked to select a preferred alternative that will be used as the basis for updating applicable land use goals, policies, and programs of the General Plan.

## **DISCUSSION**

City staff and the consultant team are seeking input on the land use concepts to ensure they represent a good range of alternatives to inform the different ways that the City could plan future land use. Preferences for one alternative over another are not being requested at this time; that question will be brought back to the Council following preparation of the Alternatives Report and an extensive public outreach effort. Feedback is also being requested on whether the evaluation criteria adequately addresses topics that will help evaluate and compare the impacts or implications of the different alternatives.

The draft land use concepts and evaluation criteria were presented to the GPAC, EDAT, and PC for their review and input. This information was presented to the City Council at a special study session held on July 21, 2015.

The following is a high-level overview of the feedback received to date regarding the draft land use concepts and criteria. For more detailed information, see attached draft GPAC, EDAT, and PC minutes. City staff and the consultant team will be providing feedback on these issues at the meeting.

## **CITY COUNCIL**

- Need for more public outreach on draft land use concepts and criteria
- Update Horner-Veasy area Concept C to revise Special Industrial (MS) General Plan designation to Commercial
- Explore construction of a roadway/bypass in the Baylands area to provide an alternative route to Union City Boulevard
- Explore the concept of a “land-swap” with Alameda County Flood Control District to acquire properties in the vicinity of the Horner-Veasy area that can be included in focus area discussion

## **PLANNING COMMISSION**

### ***Land Use Concepts***

#### **Greater Station District**

- Update concepts to include:
  - Mixed-use options on proposed higher-density housing
  - Health facilities
  - Hospitality and conference facilities
  - Higher education campus (e.g. Mission ROP)
  - Public facilities (e.g. library)
  - Consider the need for potential improvements to Decoto neighborhood

#### **UCB Corridor**

- Update Concept C to reflect all commercial land use

#### **Horner-Veasy**

- Add commercial land use along bay front to possibly accommodate a restaurant use to take advantage of views

### ***Criteria***

- ADA accessibility
- Should vary the application of the criteria by Focus Area
- Should consider who the alternatives serve

## **GPAC / EDAT**

### ***Land Use Concepts***

- Consider alternatives for opening up Whipple Road railroad crossing to provide access to the Lincoln Alvarado Business Park area
- Consider an alternative with a new high school on the west side of town
- Update concepts to include:
  - Land for parks (all focus areas)
  - Entertainment uses (Greater Station District Area)
  - Higher-education campus (Greater Station District Area)
  - Library (Greater Station District Area)
  - Police station/facilities (Greater Station District Area)
  - Renewable energy facilities (Horner - Veasy Area)

***Criteria***

- Update Land Use criteria to include mixed-use development
- Demand for telecommunications/fiber-optics
- Comparison of Union City parkland/demand to other cities

**PUBLIC COMMENT**

***General***

- Need for more public outreach on the land use concepts and criteria

***Land Use Concepts***

- Update Greater Station District boundary to include additional commercial areas and Civic Center to create “real downtown”
  - Focus on pedestrian connections / walkability on Decoto Road
  - Intensify existing commercial areas
- Concern over lack of existing amount of open space per capita and request for additional open space within land use concepts (e.g. ball fields)
- Consider the historic significance of the Horner-Veasy area
  - Founding of Union City
- Minor update to Greater Station District Concept B1 and B2 based on developer input

***Criteria***

- Consider the impacts of earthquakes and liquefaction susceptibility

**FISCAL IMPACT**

There is no fiscal impact associated with confirmation of the draft land use concepts and criteria.

**RECOMMENDATION**

It is recommended that the City Council review the attached Land Use Concepts Whitepaper and provide feedback as detailed in the discussion portion of the staff report.

Staff also seeks that the Council provide a consensus that the land use concepts and evaluation criteria provide an appropriate range of alternatives for the purpose of evaluating General Plan land use changes. Again, at this time the Council is not selecting any specific alternative or preference. The next phase of the General Plan Update will include several opportunities for public discussion on the communities preferences for a land use alternative.


**Prepared by:**

Carmela Campbell, Planning Manager

**Submitted by:**

Carmela Campbell, Planning Manager

**ATTACHMENTS:**

Description	Type
 Draft Land Use Concepts and Evaluation Criteria	Exhibit

# UNION CITY GENERAL PLAN UPDATE

## Draft Land Use Concepts and Evaluation Criteria

### Introduction

The following whitepaper presents the proposed land use concepts that will be used to develop future growth and development alternatives for General Plan Update, and the evaluation criteria that will be used to analyze and compare the alternatives. This whitepaper is organized into three parts:

- Part 1 presents the proposed land use concepts for three Focus Areas of the city, including: the Greater Station District; Union City Boulevard Corridor; and Horner-Veasy Area. The three Focus Areas are parts of the city that have the greatest potential to experience significant changes over the next 20 years.
- Part 2 discusses how areas of the city outside the Focus Areas will be planned. It is assumed that other areas of the city will largely remain as they are today, although they may experience minor amounts of infill, redevelopment, and intensification.
- Part 3 presents the proposed citywide land use concepts, which combine similarly themed Focus Area concepts and other areas of the city.
- Part 4 presents the proposed evaluation criteria that will be used to analyze and compare the Focus Area and citywide concepts. There are 33 proposed evaluation criteria organized under 6 categories, including: Land Use and Community Design, Economic and Fiscal Conditions, Transportation and Mobility, Infrastructure and Services, Resources, and Hazards and Safety.

Following public review of the proposed land use concepts and evaluation criteria by the Union City Economic Development Action Team (EDAT), General Plan Advisory Committee (GPAC), Planning Commission, and City Council, the City will convert the concepts into detailed land use alternatives. The land use alternatives will then be analyzed for their development potential and evaluated and compared based on the evaluation criteria described in Part 3. The land use alternatives and results of the analysis and evaluation will be published in an Alternatives Report.

Next, the City will conduct a community workshop; meetings with the EDAT, GPAC, and Planning Commission; and other forms of public outreach to gather feedback on preferences for future land use. Based on public input, the City Council will be asked to select a preferred land use alternative, which will be used as the foundation for updating the General Plan goals, policies, and implementation programs.

# 1. Focus Area Land Use Concepts

The following section presents the proposed land use concepts for three Focus Areas of the city, including: 1) the Greater Station District; 2) Union City Boulevard Corridor; and 3) the Horner-Veasby Area. For each Area, this section summarizes existing conditions in the Area and highlights for each Area key issues and constraints, as well as strengths and opportunities. Each Focus Area discussion then describes and presents maps that illustrate the proposed land use concepts and the planned or proposed major infrastructure improvements for each focus Area.

## Greater Station District Area

The Greater Station District Focus Area is located in south central Union City, around the Union City BART station. Figures 1 and 2 show existing conditions in the Area. The Area encompasses 293.9 acres. For purposes of this analysis, the Area is divided into three subareas:

- The ***West of the Union Pacific (UP) Rail Line (Niles Subdivision) subarea*** is bound by Decoto Road on the north, the East/West Connector to the south, Alvarado-Niles Road on the west, and the UP rail line on the east. The subarea covers about 126.7 acres of land, including 22.1 acres of commercial, 14.6 acres of multifamily, 13.4 acres of single family residential, 2.9 acres of open space, 24.8 public/quasi-public, and 19.1 acres that accommodates public utilities. Additionally, there are 29.8 acres of vacant land.

The subarea includes the BART station and parking lots, lower-density office uses, Marketplace Shopping Center, and high density residential and mixed-use developments. Areas west of the BART line are accessed from Decoto Road and Alvarado-Niles Road, and Union Square. Areas to the west of the tracks are accessed from Decoto Road, Cheeves Way, and 11<sup>th</sup> Street. The BART station is currently only accessible from the west side, but the station is undergoing a renovation to create an east entrance that is expected to be completed in 2016. With the new entrance, the BART Station will be a two-sided station that will allow the connection to passenger rail on the Oakland Subdivision in the future.

- The ***East of UP Rail Line (Niles Subdivision) subarea*** is bound by Decoto Road on the north, the East/West Connector right-of-way on the south, 7<sup>th</sup> Street on the east, and the Niles Subdivision UP rail line on the west. The subarea covers about 111.4 acres of land, including 54.2 acres of industrial, 16.3 acres of public/quasi-public, 2.5 acres of parks and recreation facilities, 1.4 acres of open space, and 9.0 acres that accommodates public utilities. There are over 27.3 acres of vacant land.

From the north, businesses and developments in the subarea include a PG&E substation, Air Liquide, over a dozen light industrial buildings and businesses, and the Union City Corporation Yard. The subarea is accessed from 7<sup>th</sup> Street via Decoto Road on the north and Mission Boulevard on the south. Within the area, roadways include Bradford Way and Zwissig Way.



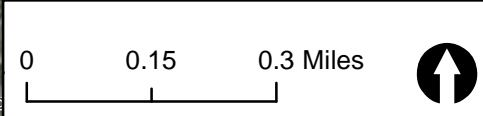
- The *Caltrans Site subarea* is bound by Osprey Drive and Arroyo Park on the north, Quarry Lakes Regional Park on the south, the BART tracks on the east, and Old Alameda Creek on the west. The subarea covers about 55.8 acres of land, including 1.9 acres of industrial, 6.7 acres of parks and recreation, 4.6 acres of public/quasi-public, and 0.3 single family residential. There are over 42.3 acres of vacant land.

There is a horse corral and boarding business and single family home located south of Alvarado-Niles Road, and Autowise Car Care and recreational vehicle parking to the north. The subarea is accessed from Alvarado-Niles Road and Osprey Drive. Both roads have sidewalks and Class 2 bicycle facilities. Quarry Lakes Road connects Osprey Drive to the Quarry Lakes Regional Park and Paseo Padre Parkway in Fremont.

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**Figure 1**  
**Greater Station District Area Aerial**

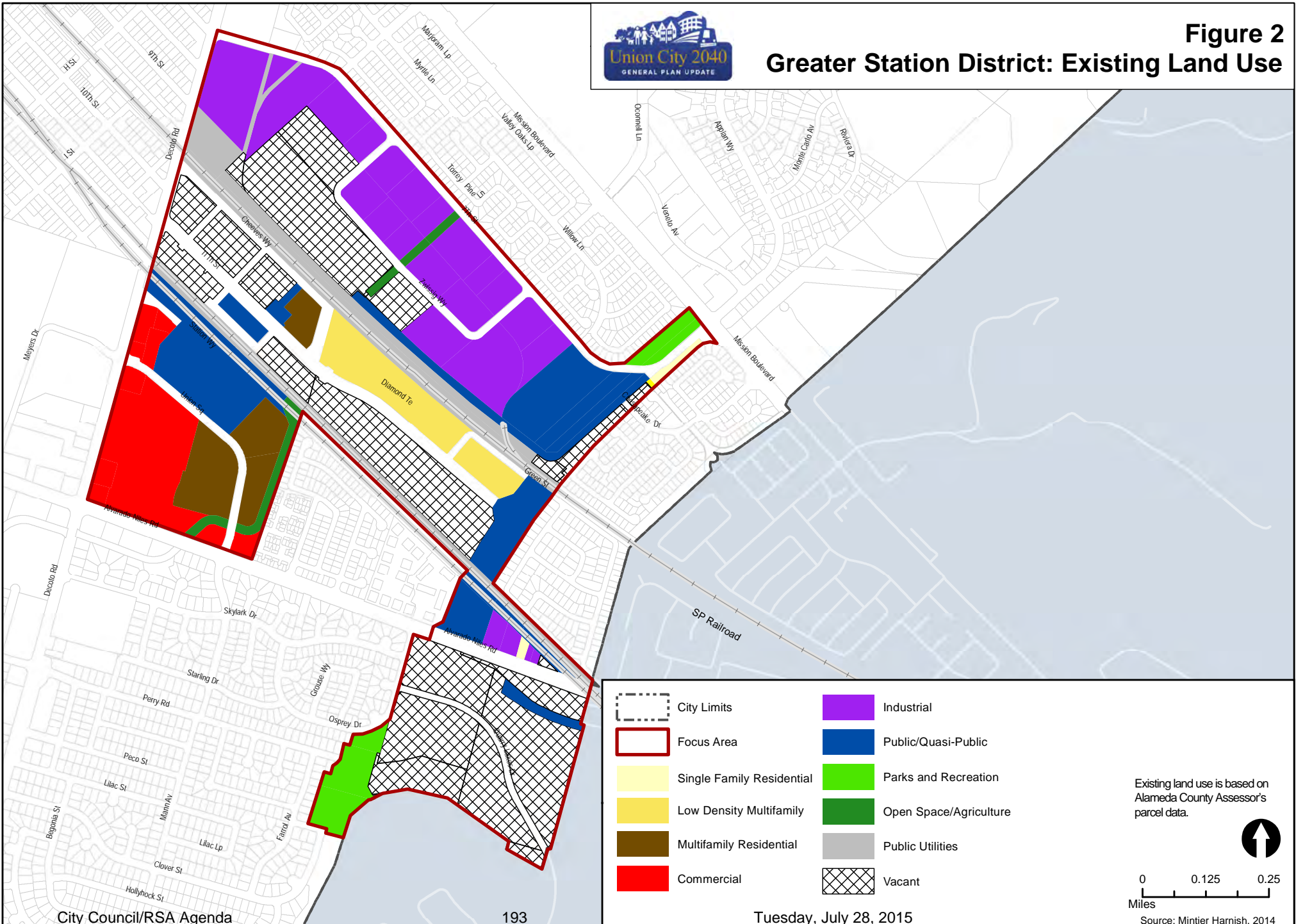


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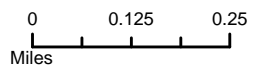
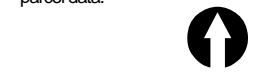


# Figure 2 Greater Station District: Existing Land Use



- City Limits
- Focus Area
- Single Family Residential
- Low Density Multifamily
- Multifamily Residential
- Commercial
- Industrial
- Public/Quasi-Public
- Parks and Recreation
- Open Space/Agriculture
- Public Utilities
- Vacant

Existing land use is based on Alameda County Assessor's parcel data.



## Key Issues and Constraints

***Hazardous Materials.*** There is a history of hazardous materials contamination in the Area. Currently, ground water cleanup continues from the previously active McKesson Chemical Facility that was located at 33950 7th Street. Additionally, the slag byproduct from the Pacific States Steel Corporation is contained within the 16-acre waste containment area site under a clay cap. This property is located on 11<sup>th</sup> Street, south of the BART station.

## Strengths and Opportunities

***Intermodal Station District and Transit Facility Plan.*** In September 2001, the City adopted the Intermodal Station District and Transit Facility Plan, which created a vision of a compact, pedestrian- and transit-oriented, mixed-use downtown area centered around a new intermodal transit facility. The City, BART, and AC Transit jointly sponsored the preparation of the plan, which was a large-scale effort to provide a comprehensive transit-oriented development around the BART station. The plan outlines land use and transit facility goals; a development program for the district including expected capacity, parking, and infrastructure improvements; design recommendations for public spaces; and the framework needed to guide the development of the district.

To promote transit use, the plan established a new development pattern that incorporated more intensive land uses and reduced dependence on automobile access. The plan focuses on providing easy pedestrian access to the station as well as connections to surrounding residential areas and community amenities. The plan also envisions changes to the existing BART station to include a passenger rail station, which includes construction of a free passage through the station to the surrounding neighborhoods.

The plan envisioned the following build-out potential: 699,400 sq. ft. of office, research and development uses, and 204 housing units on the PG&E site which includes the blocks located along 11<sup>th</sup> Street between the Decoto Road and Cheeves Way; 489,600 sq. ft. of office and research and development uses within the BART parking lot (predicated upon BART building a parking garage and reducing their parking footprint); and 265 housing units on the former Litke property, which is currently developed with a 438-unit apartment building. The plan also identified area for parks/open space areas as well as space for community uses.

To date, 595 high density residential units have been constructed in the Station District including a 157-unit affordable housing development. An additional 234 units are approved for construction, and approximately 300 additional units are planned.

***Station District Strategic Action Plan.*** The Station District Strategic Action Plan was prepared in June 2004 as an implementation tool for coordinating and monitoring the development of the Station District. The plan was intended to assist the City in managing multiple development, transportation, and public improvements projects. The plan focuses on three aspects of development: land use development, transportation, and community facilities. In addition, the plan outlines the policy framework of development in the District, the roles and responsibilities of the implementation partners, the implementation schedule, and a description of projects.

***Plan Bay Area Priority Development Area.*** The Station District Area is also the Intermodal Station District Priority Development Area (PDA). PDAs are defined by the Association of Bay Area Governments (ABAG) as areas that communities identified as possible areas to grow. They are generally areas of at least 100 acres where there is local commitment to developing more housing, locating jobs, and providing amenities and services to meet the day-to-day needs of residents and workers in a pedestrian-friendly environment served by transit. Between 2010 and 2040, Plan Bay Area projects that the Intermodal Station District PDA will experience a 14 percent increase in housing units and 25 percent increase in employment. The Area's PDA designation makes the City eligible for transportation funds that support and encourage residential and commercial development consistent with Plan Bay Area.

***Pedestrian BART Access and Overpass.*** Construction is currently (2015) underway to open up the east side of BART. A pedestrian overpass on the easterly UP rail line is also planned, but not yet funded. This continuous east-west pedestrian promenade that extends from the Marketplace commercial center to the existing Research and Development Campus lands east of the UP rail line, and is intended to link the Intermodal Station to surrounding neighborhoods and commercial and employment areas.

***East/West Connector.*** A new four-lane east-west connector arterial is planned between Mission Boulevard and Paseo Padre Parkway to help alleviate traffic congestion on Decoto Road and other east-west thoroughfares and to provide a point of secondary access for the Greater Station District Area. The project, sponsored by Alameda CTC, is a fully-funded Countywide Transportation Plan (CWTP) Tier 1 project with a total estimated cost of \$196 million, which will be paid for by the original Measure B and Measure BB funds. The proposed roadway alignment traverses the Greater Station District Area and will intersect with 7th Street, 11th Street, and Alvarado-Niles Road. The alignment of the planned connector roadway will have grade-separated crossings at the BART and railroad lines. South-easterly of Alvarado-Niles Road, the roadway would cross both old Alameda Creek and Alameda Creek, where it would connect to Paseo Padre Parkway and direct traffic to I-880 by way of Decoto Road. The extension is expected to be completed by 2020.

***City-owned Property.*** The City owns about 8.3 acres of vacant land northeast of the BART station. The City maintains control over how and when these sites develop, subject to the plans adopted by City (e.g., the General Plan, Intermodal Station District, and Transit Facility Plan). The City is currently planning for these sites to be developed for commercial and office uses (e.g., ground floor retail with offices above).

***BART-owned Property.*** The parking lots (10.7 acres) west of the BART station are currently owned by BART. There is potential to develop these properties for commercial and office uses (e.g., ground floor retail with offices above) or to retain them for parking.

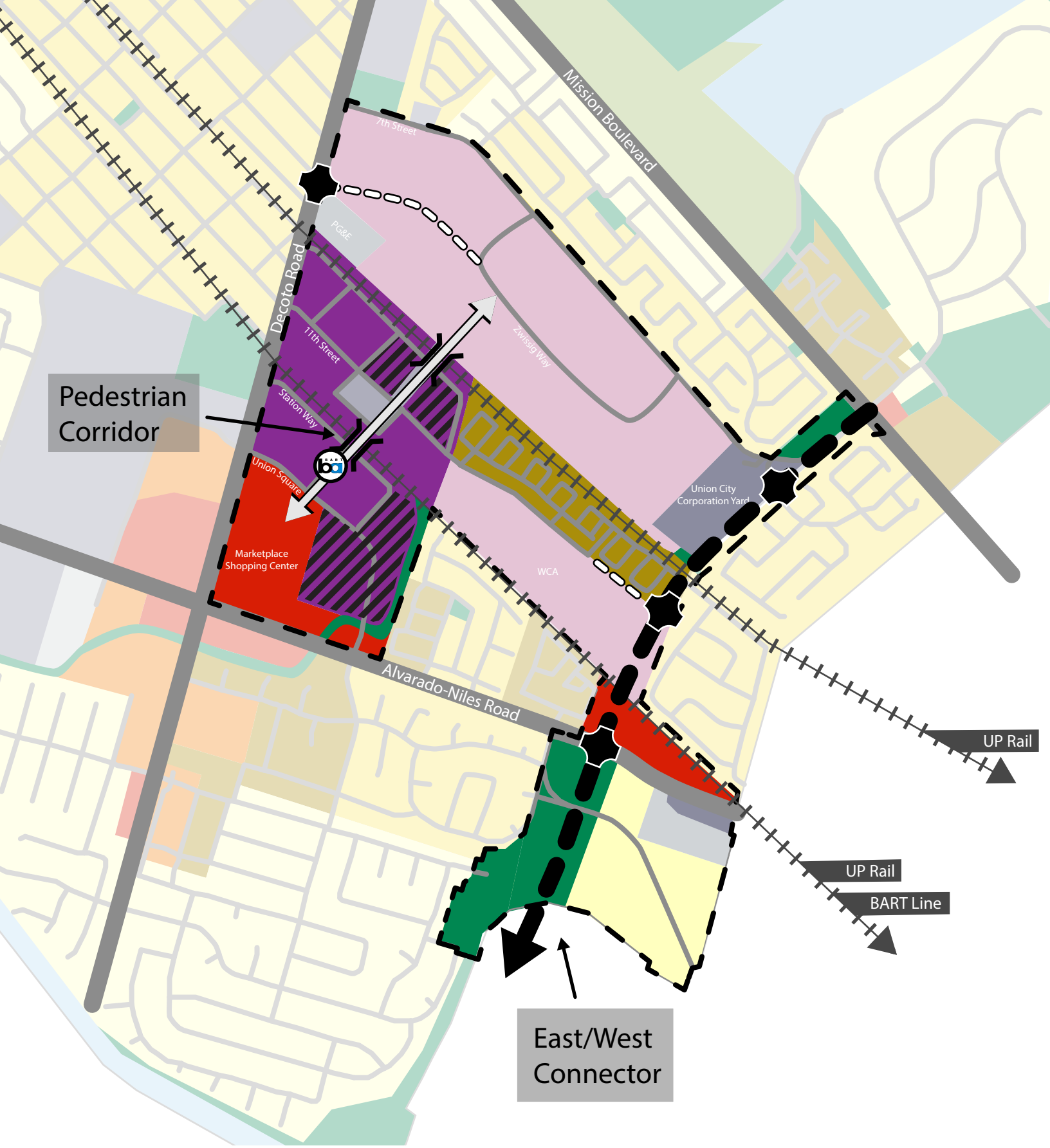
### Greater Station District Area Land Use Concept A: Existing General Plan (Figure 3)

Concept A maintains the existing 2002 General Plan designations and zoning classifications set forth in the Union City Station District Specific Plan.

- ***East of the UP Rail Line.*** Concept A maintains the existing General Plan designations of Research and Development Campus, Civic Facility, and Open Space. Under this concept, the City could stimulate investment in the Area by encouraging the development of interim advanced manufacturing uses that would be able to transition over time to research and development uses.
- ***West of the UP Rail Line.*** Concept A maintains the existing General Plan designations of Residential (10-17 du/ac), Retail Commercial, Station Mixed-use Commercial, Private Institutional, and Open Space.
- ***Caltrans Site.*** Concept A maintains the existing General Plan designations of Residential (3-6 du/ac), Civic Facility, Private Institutional, and Open Space to the south of Alvarado-Niles Road and Retail Commercial to the north.

Land Use Concept A assumes development of the Pedestrian BART Access and Overpass through the BART station and the over the UP rail line, construction of the East-West Connector, and new access roads from Decoto Road to Zwissig Way to the East-West Connector (Figure 8).





# Greater Station District Area Focus Area

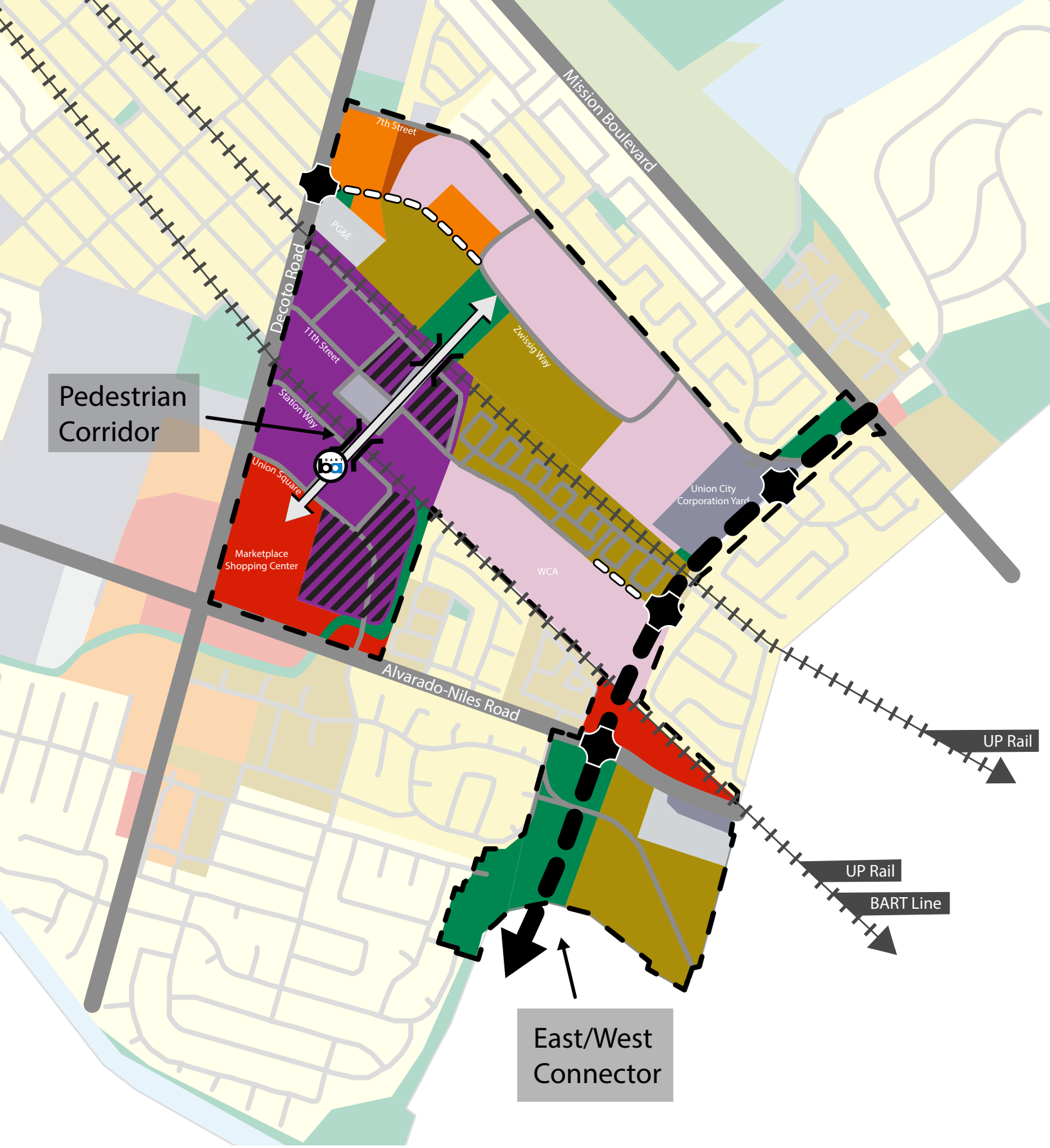
Figure 3. Land Use Concept A:  
Existing General Plan

- Residential (3-6 du/ac)
- Residential (10-17 du/ac)
- Station Mixed Use Commercial
- Research & Development Campus
- Retail Commercial
- Private Institutional
- Civic Facility
- Open Space
- Existing/In Process High Density Residential
- Focus Area Boundary
- New Road

#### Greater Station District Area Land Use Concept B1: Lower Density Residential Focus (Figure 4)













- ***East of the UP Rail Line.*** Concept B1 designates areas immediately east of the eastern UP railroad tracks for residential uses. It would include single-family residences, attached townhomes, high-density multi-family housing for seniors, and parks. This concept maintains other existing light industrial developments and areas as Research and Development Campus. It maintains a Civic Facility designation on the Union City Corporation Yard and Private Institutional designation on the PG&E substation site. This concept reflects developer/property-owner expectations for part of this subarea.
- ***West of the UP Rail Line.*** Concept B1 maintains areas west of the eastern UP railroad tracks around the BART station as Station Mixed Use, Retail Commercial, Private Institutional, and Open Space. It maintains the existing residential neighborhood as Residential (10-17 du/ac) and the Waste Containment Area as Research and Development Campus.
- ***Caltrans Site.*** Concept B1 maintains the existing General Plan designations of Civic Facility, Private Institutional, Retail Commercial, and Open Space on the Caltrans site area. It designates remainder of the Area for medium and higher-density residential (i.e., Residential 10-17 du/ac).

Land Use Concept B1 assumes development of the Pedestrian BART Access and Overpass through the BART station and the over the UP rail line, construction of the East-West Connector, and new access roads from Decoto Road to Zwissig Way to the East-West Connector (Figure 8).



# Greater Station District Area Focus Area

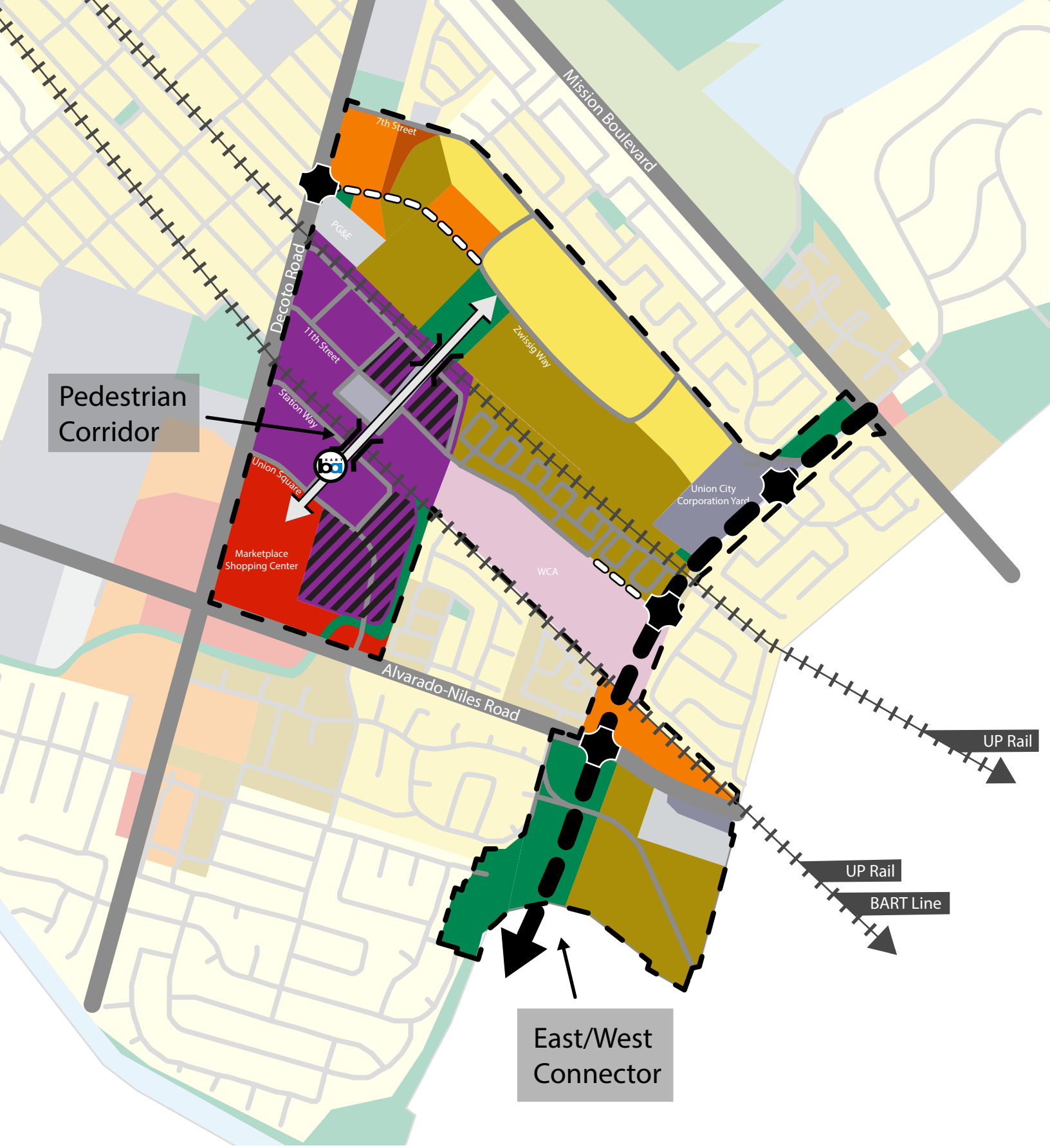
Figure 4. Land Use Concept B1: Lower Density Residential Focus

- |   |                               |   |  |
|---|-------------------------------|---|--|
|  | Residential (6-10 du/ac)      |  | Private Institutional                        |
|  | Residential (10-17 du/ac)     |  | Civic Facility                               |
|  | Residential (17-30 du/ac)     |  | Open Space                                   |
|  | Station Mixed Use Commercial  |  | Focus Area Boundary                          |
|  | Research & Development Campus |  | New Road                                     |
|  | Retail Commercial             |  | Existing/In Process High Density Residential |

## Greater Station District Area Land Use Concept B2: Residential with Research and Development (Figure 5)














- ***East of the UP Rail Line.*** Concept B2 designates most areas east of the eastern UP railroad tracks for residential uses. It would include single-family residences, attached townhomes, high-density multi-family housing for seniors, and parks. This concept designates other existing light industrial and vacant land as Residential (6-10 du/ac) and Residential (10-17 du/ac). It assumes existing light industrial developments that are currently designated Research and Development Campus would redevelop over-time as residential. It maintains a Civic Facility designation on the Union City Corporation Yard and Private Institutional designation on the PG&E substation site. This concept reflects developer/property-owner expectations for part of this subarea.
- ***West of the UP Rail Line.*** Concept B2 maintains areas west of the eastern UP railroad tracks around the BART station as Station Mixed Use, Retail Commercial, Private Institutional, and Open Space. It maintains the existing residential neighborhood as Residential (10-17 du/ac) and the Waste Containment Area as Research and Development Campus.
- ***Caltrans Site.*** Concept B2 maintains the existing General Plan designations of Civic Facility, Private Institutional, and Open Space for the Caltrans site area. It designates remainder of the Area for medium and higher-density residential (i.e., Residential 10-17 du/ac and Residential 17-30 du/ac).

Land Use Concept B2 assumes development of the Pedestrian BART Access and Overpass through the BART station and the over the UP rail line, construction of the East-West Connector, and new access roads from Decoto Road to Zwissig Way to the East-West Connector (Figure 8).



# Greater Station District Area Focus Area

Figure 5. Land Use Concept B2: Residential with Research and Development Focus

- |   |                               |   |  |
|---|-------------------------------|---|--|
|  | Residential (6-10 du/ac)      |  | Private Institutional                        |
|  | Residential (10-17 du/ac)     |  | Civic Facility                               |
|  | Residential (17-30 du/ac)     |  | Open Space                                   |
|  | Residential (30-45 du/ac)     |  | Focus Area Boundary                          |
|  | Station Mixed Use Commercial  |  | New Road                                     |
|  | Research & Development Campus |  | Existing/In Process High Density Residential |
|  | Retail Commercial             |   |  |

## Greater Station Area Land Use Concept B3: Higher Density Residential Focus (Figure 6)

- ***East of the UP Rail Line.*** Concept B3 designates areas east of the eastern UP rail line near the BART Station/future Intermodal Station as high-density residential: 45-100 du/ac between PG&E power lines/UP tracks and Zwissig Way; and 30-45 du/ac between Zwissig Way and 7<sup>th</sup> Street. It designates the existing Air Liquide site and adjacent areas as Retail Commercial and assumes construction of commercial uses (e.g., either in-line stores with an anchor or larger freestanding store). This concept maintains a Civic Facility designation on the Union City Corporation Yard and Private Institutional designation on the PG&E substation site.
- ***West of the UP Rail Line.*** Concept B3 maintains the existing General Plan designations of Station Mixed-use Commercial around the BART Station/future Intermodal Station. It designates the Waste Containment Area for Residential (>100 du/ac) and Civic Facilities, and assumes the Civic Facilities area on the Waste Containment Area would develop as a satellite college campus, advanced manufacturing training center, or maker-space. It also assumes the Marketplace Shopping Center would redevelop as a high-density mixed-use commercial center to support the creation of a walkable/transit-oriented town center within the Greater Station District area. This concept reflects developer/property-owner expectations for part of this subarea.
- ***Caltrans Site.*** Concept B3 maintains the existing General Plan designations of Civic Facility, Private Institutional, and Open Space for the Caltrans site subarea. It designates remainder of the area for higher-density residential (i.e., Residential 10-17 du/ac and Residential 30-45 du/ac).

Land Use Concept B3 assumes development of the Pedestrian BART Access and Overpass through the BART station and the over the UP rail line, construction of the East-West Connector, and new access roads from Decoto Road to Zwissig Way to the East-West Connector (Figure 8).



# Greater Station District Area Focus Area

Figure 6. Land Use Concept B3: Higher Density Residential Focus

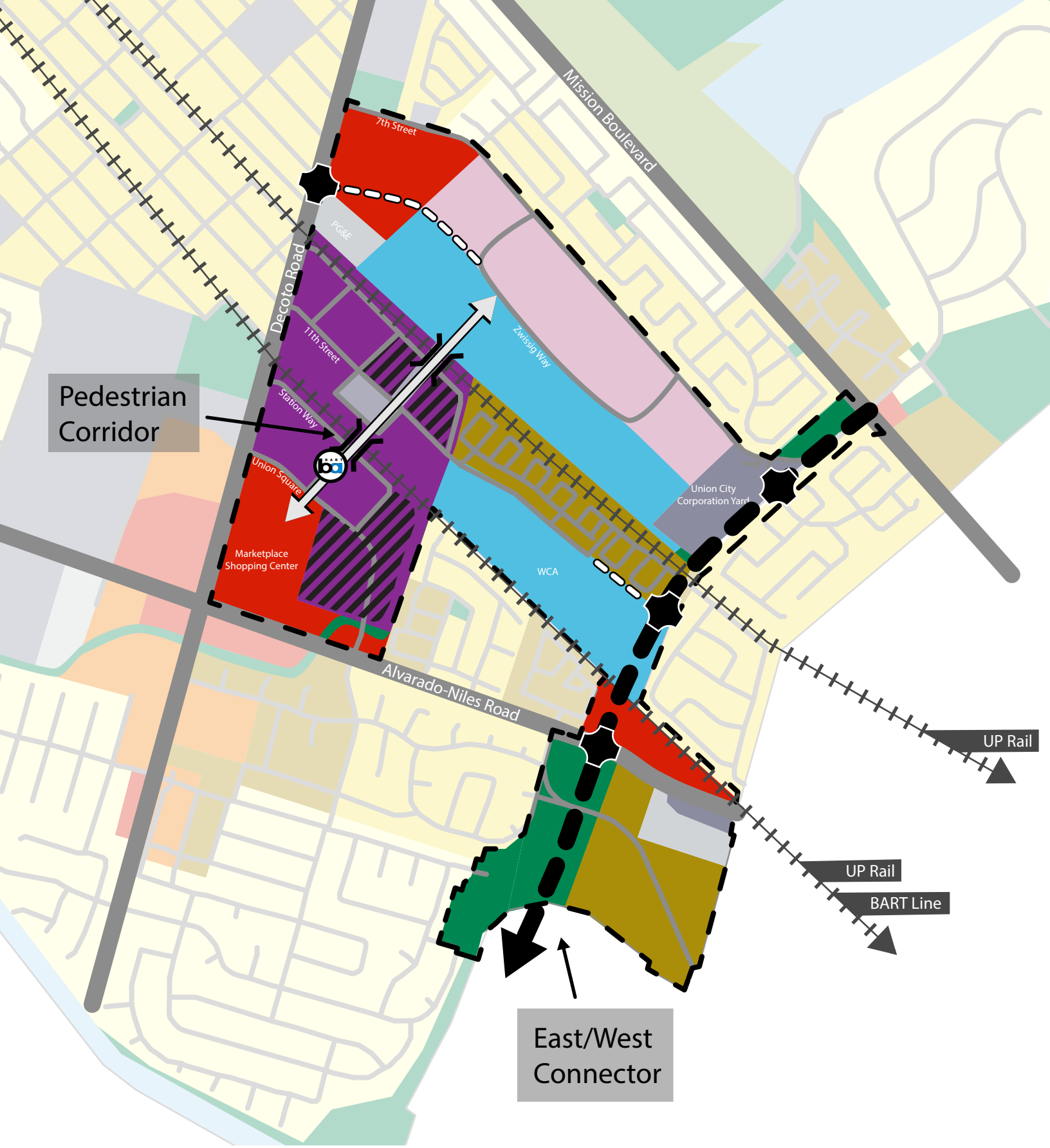
- |  |                               |  |  |
|--|-------------------------------|--|--|
|  | Residential (10-17 du/ac)     |  | Private Institutional                        |
|  | Residential (30-45 du/ac)     |  | Civic Facility                               |
|  | Residential (45-100 du/ac)    |  | Open Space                                   |
|  | Residential (>100 du/ac)      |  | Focus Area Boundary                          |
|  | Station Mixed Use Commercial  |  | New Road                                     |
|  | Research & Development Campus |  | Existing/In Process High Density Residential |
|  | Retail Commercial             |  |  |

## Greater Station District Area Land Use Concept C: Station Area Office (Figure 7)

- ***East of the UP Rail Line.*** Concept C designates areas east of the eastern UP rail line for higher intensity office and research and development uses to create an employment center that supports BART use by employees (i.e., organized along the access/overpass spine). It assumes existing light industrial developments would redevelop and intensify with office, advance manufacturing, and research and development uses. This concept designates areas along Decoto Road between 7<sup>th</sup> Street and the UP rail line (e.g. Air Liquide property) as Retail Commercial and assumes construction of commercial uses (either in-line stores with an anchor or larger freestanding store). Concept C maintains a Civic Facility designation on the Union City Corporation Yard and Private Institutional designation on the PG&E substation site.
- ***West of the UP Rail Line.*** Concept C maintains the existing residential neighborhood designation of Residential (10-17 du/ac). It designates the Waste Containment Area as Office Commercial. Encourages development of a hotel/conference center on part of the waste containment site and hotels on the existing city-owned property. This concept maintains the existing designation of Station Mixed-use Commercial for areas around the BART Station/future intermodal station. Concept C assumes the Marketplace Shopping Center would redevelop as a high-density mixed-use commercial center to support the creation of a walkable/transit-oriented town center within the Greater Station District Area.
- ***Caltrans Site.*** Concept C maintains the existing General Plan designations of Retail Commercial, Civic Facility, and Private Institutional. It designates remainder of the site for medium and higher-density residential (i.e., Residential 10-17 du/ac and Residential 17-30 du/ac).














Alternative Concept C assumes development of the Pedestrian BART Access and Overpass through the BART station and the over the UP rail line, construction of the East-West Connector, and new access roads from Decoto Road to Zwissig Way to the East-West Connector (Figure 8).



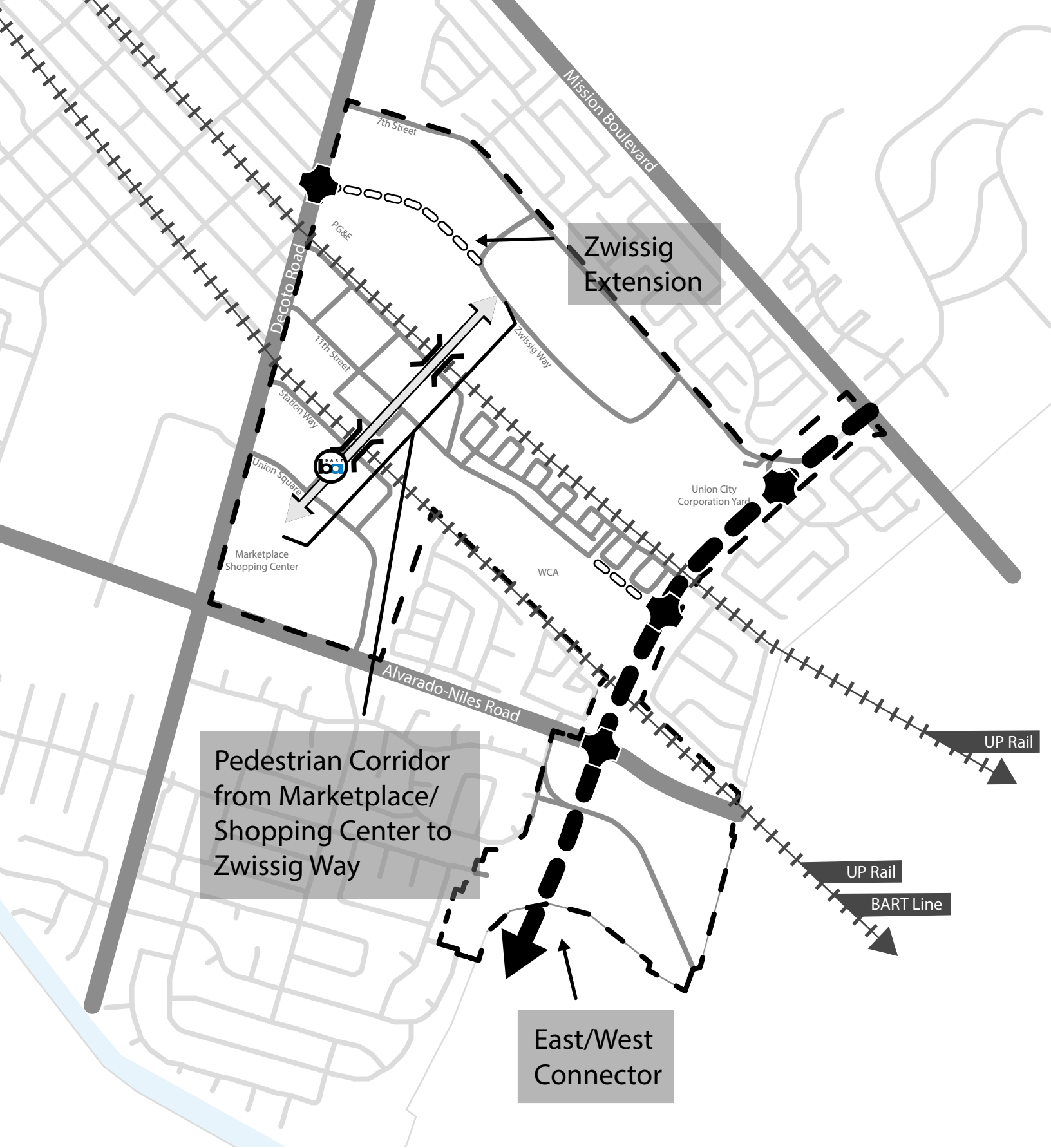


# Greater Station District Area Focus Area

Figure 7. Land Use Concept C: Station Area Office

- |   |  |
|---|--|
|  Residential (10-17 du/ac)     |  Private Institutional                        |
|  Residential (17-30 du/ac)     |  Civic Facility                               |
|  Residential (30-45 du/ac)     |  Office Commercial                            |
|  Station Mixed Use Commercial  |  Open Space                                   |
|  Research & Development Campus |  Focus Area Boundary                          |
|  Retail Commercial             |  New Road                                     |
|   |  Existing/In Process High Density Residential |

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# Greater Station District Area Focus Area

Figure 8. Planned and Potential Infrastructure Improvements

## Union City Boulevard Corridor Focus Area

The Union City Boulevard Corridor Focus Area is located in the northwestern Union City. The Area encompasses 65.3 acres and is bounded by Bettencourt Way on the south, Whipple Road on the north, the Union Pacific rail lines on the east, and the Lincoln Alvarado Business Park to the west. The Union City Boulevard corridor bisects the Focus Area north to south. Figures 9 and 10 show existing conditions in the Union City Boulevard Focus Area.

Industrial and warehouse uses make up the majority (79.9 percent or 52.2 acres) of the Area. Vacant land comprises about 11.1 percent or 7.14 acres of the Area, followed by public and commercial land uses. A drainage swale runs along the western edge of the Focus Area.

Businesses south of the UP rail line include a spice store, a clothing store, Cal-West Concrete Cutting, AAA Fire Protective Services, Farmers Insurance, Mission Linen Supply, Select Sleep Mattresses, and Auto Sound Specialists. Other uses include a variety of industrial and warehousing businesses, a concrete batch plant, and outdoor storage. The Monarch Truck Center is located on the triangle area north of the rail line at the corner of Whipple Road and Union City Boulevard.

Areas surrounding the Union City Boulevard Focus Area include the Kaiser Medical Center and Clock Towers Business Park to the north, light industrial warehouses and distribution centers to the west, an R&D Park and residential land uses to the east, and commercial and residential uses to the south. The Alvarado Historic District is located directly to the south along Union City Boulevard.

Union City Boulevard is a four-lane arterial and includes a landscaped median, sidewalks, and Class 2 bike paths for a portion of its length. Areas south of the UP rail line are accessed along Union City Boulevard. From Bettencourt Way to the rail line, there is only one side street (Tara Court) which terminates in a cul-de-sac and provides limited access to four properties. The triangle property north of the rail line is accessible from south-bound Union City Boulevard and Whipple Road.



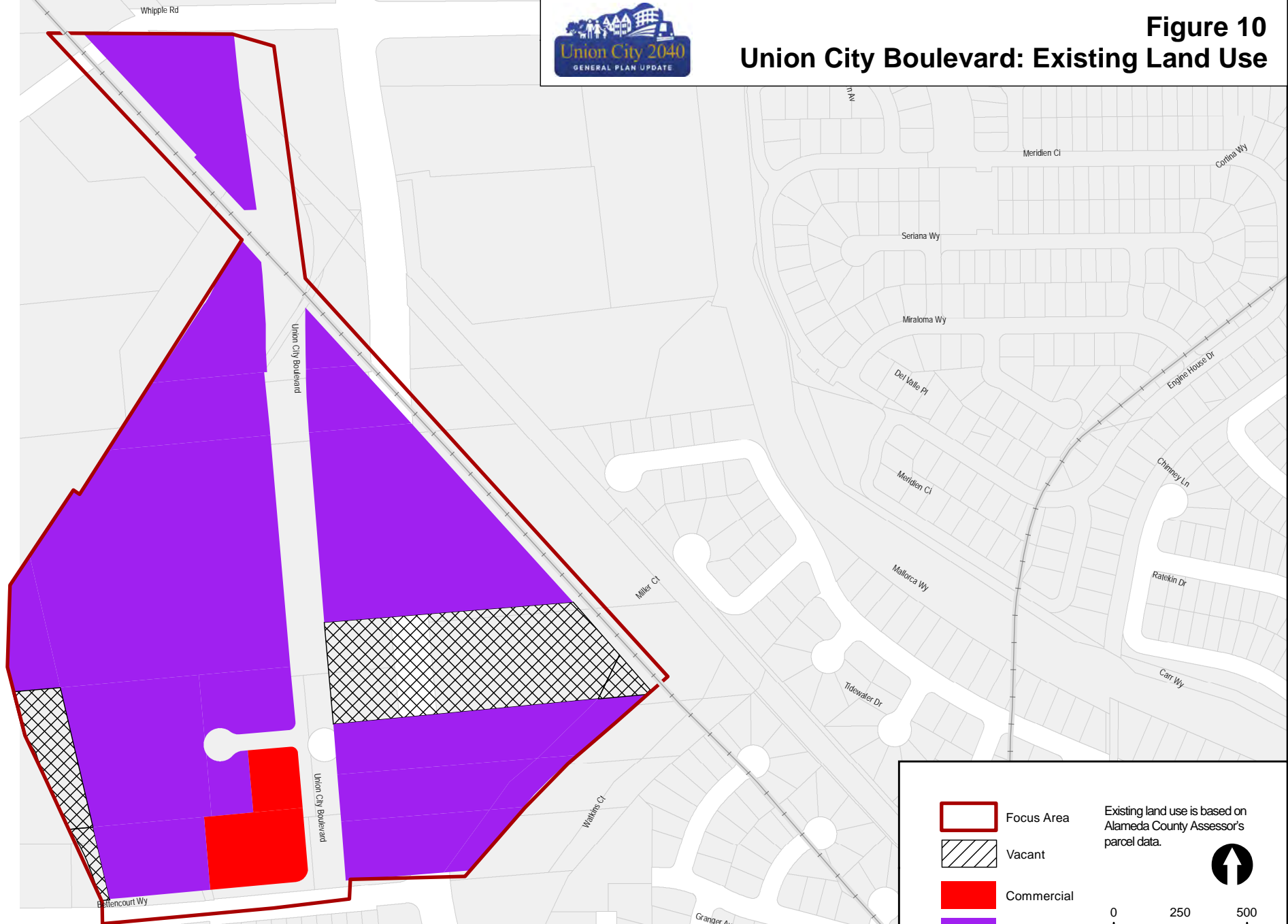


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# Figure 10 Union City Boulevard: Existing Land Use



Existing land use is based on Alameda County Assessor's parcel data.

- Focus Area
- Vacant
- Commercial
- Industrial

0 250 500  
Feet

## Issues and Constraints

***Underutilized Land.*** The Union City Boulevard Corridor Focus Area is generally underutilized. Most structures along the corridor are large one- to two- story warehouses and industrial buildings set back from the street. Many buildings suffer from a lack of maintenance and some of the properties have outdoor operations, such as the cement plant. In general, landscaping on private property is poorly maintained, as are the trees and plantings in the center median of the street. These factors contribute to an overall abandoned appearance in much of the Area.

***Poor Pedestrian Experience.*** Union City Boulevard is a highly automobile-dominated corridor and lacks safe and inviting pedestrian and bicycle facilities. Most buildings have surface parking fronting the street and/or rely on on-street parking along Union City Boulevard. On-street curb-cuts are frequent. High traffic speeds along the corridor also contribute to an uninviting experience for pedestrians.

***Poor Circulation.*** The corridor has poor traffic circulation because of the at-grade UP railroad tracks that traverse the Area. The UP rail line crosses Union City Boulevard just south of Whipple Road, which is fully improved with warning devices and gates. Where the tracks cross Whipple Road, there is only an emergency crossing; trucks and autos are not allowed to pass. As a result, all of the truck and auto traffic from the Lincoln Alvarado Business Park must use Bettencourt Way as the sole point of access. The properties to the east and west along Union City Boulevard also lack connectivity across Union City Boulevard.

## Strengths and Opportunities

***Market Potential.*** The Union City Boulevard Corridor Focus Area is located within one of three industrial/employment centers in the city. The Area can benefit from proximity to existing light industrial uses. The region's overall healthy industrial market demand will likely support additional industrial uses. In addition, the citywide industrial vacancy rate is only 4.2 percent (2015) and current vacant industrial buildings are expected to be absorbed in approximately three months, while commercial office space is expected to be absorbed in about five months. The Area could also support residential development given the healthy multifamily residential market. While the Area may be within a key employment center within the city, it may be challenged by its distance from I-880.

***Union City Boulevard Widening Project.*** The Union City Boulevard widening project is a fully-funded CWTP Tier 1 project with a total estimated cost of \$10 million, sponsored by Union City. The project would entail widening Union City Boulevard/Hesperian Boulevard to three lanes from Whipple Road, just north of the Focus Area in Union City, to Industrial Parkway in Hayward.

***New Intersection.*** The Union City Boulevard Focus Area would benefit from the addition of an intersection and connecting access roads mid-way along Union City Boulevard. The areas to the east and west of Union City Boulevard are currently accessed from driveways. A new intersection with internal connecting streets would open and connect properties to the east and west.



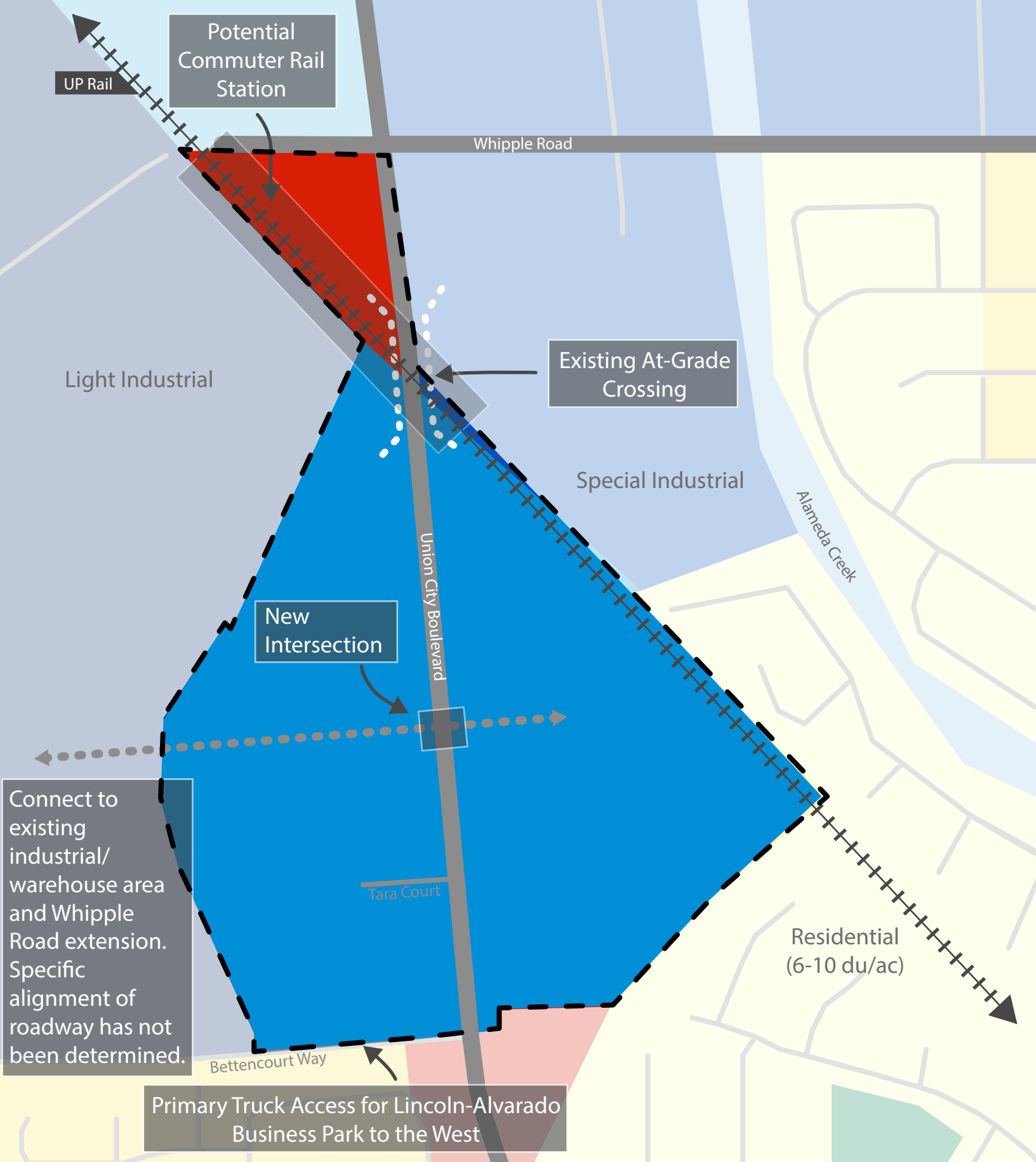
***Railroad Crossing Underpass.*** There is potential to resolve the circulation challenges facing the Union City Boulevard Focus Area by constructing an underpass below the UP rail line. An underpass would improve the flow of traffic and could assist with obtaining approvals to construct a new at-grade crossing over Whipple Road to the north. However, it would need to be carefully planned to ensure that the underpass does not detract from the walkability of the Union City Boulevard corridor or limit access to adjacent properties. While the City has studied the possibility of constructing an underpass on Union City Boulevard at the UP railroad tracks, a more ambitious, but highly unlikely scenario would involve lowering the train tracks below the road to allow for the free-flow of traffic across Whipple Road and Union City Boulevard.

***Commuter Rail Station.*** A potentially significant opportunity that could change the character of the Union City Boulevard Focus Area would be the addition of a commuter rail service along the Union Pacific rail line and a new station somewhere in the Area. Under an alternative being considered by the Capital Corridor Rail Authority, the existing Union Pacific rail line right-of-way would be double-tracked and used for commuter rail service. While no station is currently being considered for Union City along this route, the Union City Boulevard Corridor Focus Area would be a prime location for a stop in the city.

### **Union City Boulevard Land Use Concept A: Existing General Plan (Figure 11)**

Land Use Concept A maintains the existing General Plan designations of Special Industrial for areas south of the UP rail line and Retail Commercial for areas to the north. The City would continue to pursue infill opportunities and encourage the conversion of warehouse use to flex space to attract higher-paying, high-tech jobs. The City would also seek to facilitate a transition from light industrial and warehouse uses to more employment-generating uses, such as high-tech industrial, office, and research and development.

Land Use Concept A maintains the existing at-grade railroad crossing at Union City Boulevard. It assumes that a new intersection would be constructed to connect areas on both sides of Union City Boulevard south of the UP rail line. This could extend into existing industrial/warehouse areas to the west to improve access to Whipple Road. The City would support a community design vision of improving the image of this major gateway and thoroughfare through the city (Figure 15).



# Union City Boulevard Focus Area

- Special Industrial
- Retail Commercial
- Focus Area Boundary

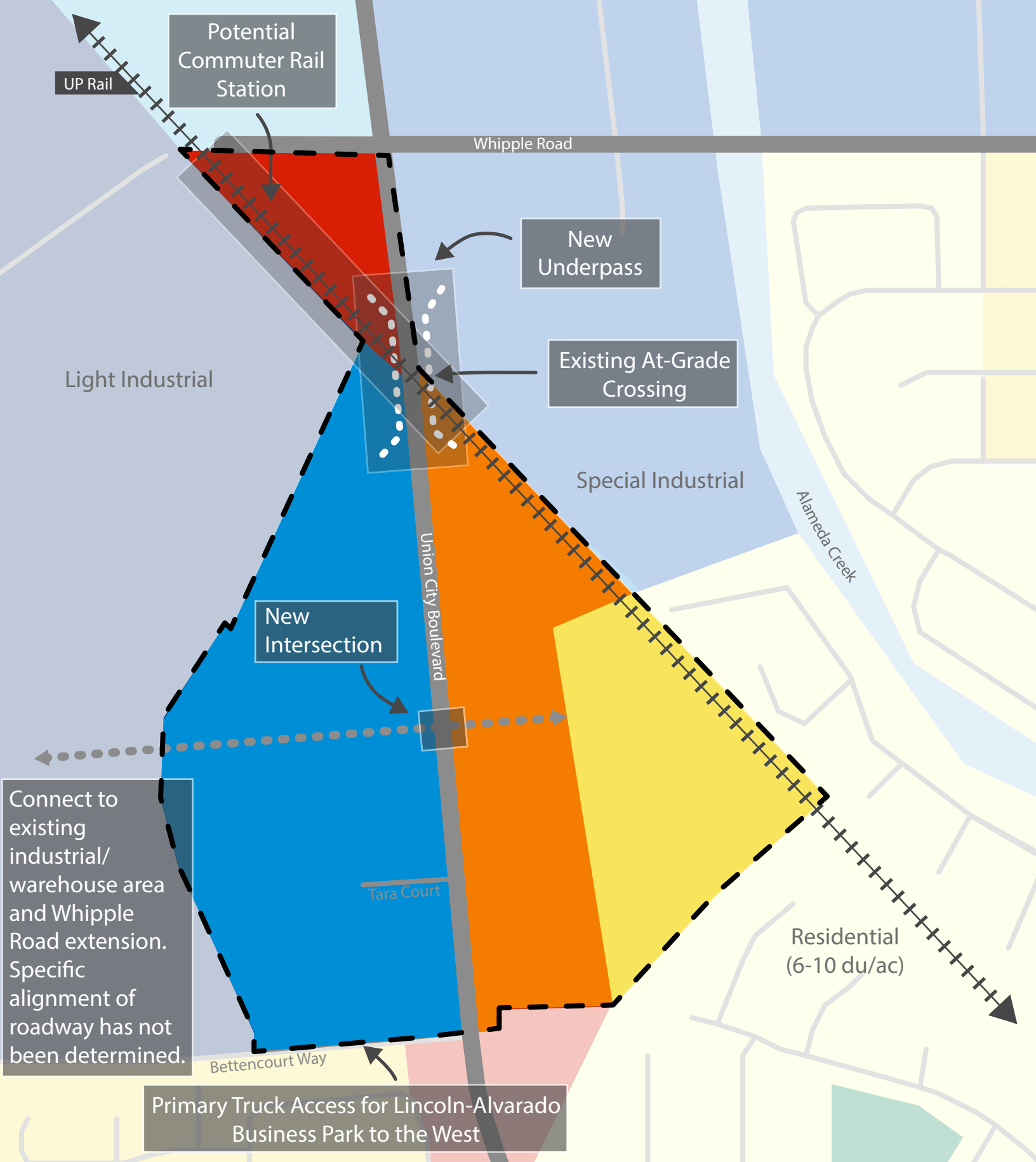
Figure 11: Land Use Concept A:  
Existing General Plan

### **Union City Boulevard Land Use Concept B: East-side Residential (Figure 12)**

Land Use Concept B designates the triangle area east of Union City Boulevard south of the UP rail line as Residential (6-10 du/ac) and Residential (17-30 du/ac). This new residential neighborhood would fit within the context and character of adjacent existing neighborhoods to the south and east. It would direct higher density housing along Union City Boulevard. The City would encourage the conversion of existing warehouse and industrial uses to residential.

Areas west of Union City Boulevard and north of the train tracks would remain Special Industrial and Retail Commercial, respectively. If a new commuter train station was located in the Focus Area, Concept B could include a higher density, mixed-use center around the station. Similar to Concept A, the City would continue to pursue infill opportunities and encourage the conversion of warehouse use to flex space to attract higher-paying, high-tech jobs. The City would also seek to facilitate a transition from light industrial and warehouse uses to more employment-generating uses, such as high-tech industrial, office, and research and development.

Alternative Concept B assumes that a railroad underpass would be constructed along Union City Boulevard to improve circulation along the corridor. Similar to Concept A, it assumes that a new intersection would be constructed to connect areas on both sides of Union City Boulevard. This could extend into existing industrial/warehouse areas to the west to improve access to Whipple Road. The City would support a community design vision of improving the image of this major gateway and thoroughfare through the city.



# Union City Boulevard Focus Area

- Residential (6-10 du/ac)
- Residential (17-30 du/ac)
- Retail Commercial
- Special Industrial
- Focus Area Boundary

Figure 12 Land Use Concept B: East-side Residential  
City Council RSA Agenda

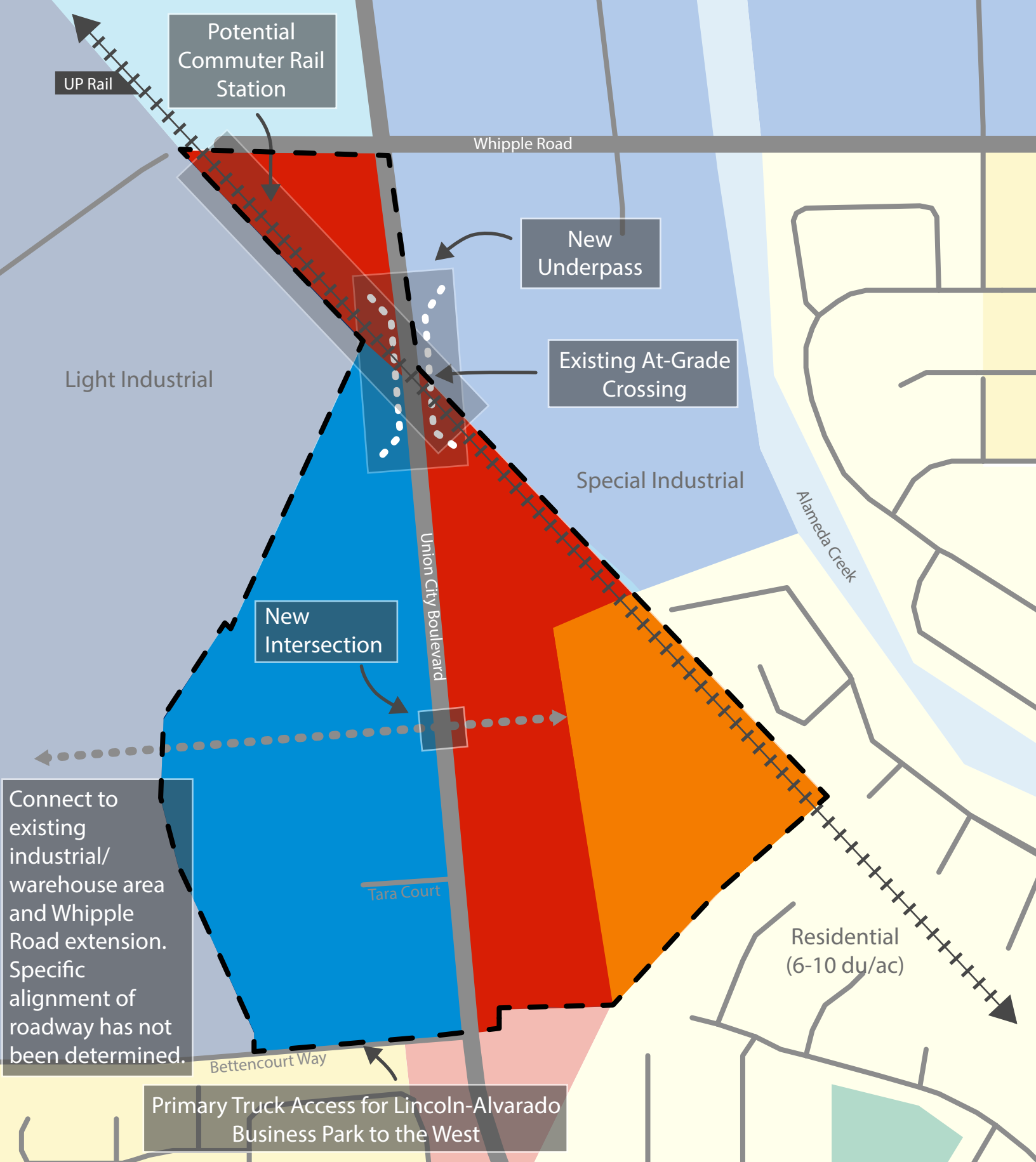
### **Union City Boulevard Land Use Concept C: East-side Commercial/Residential (Figure 13)**

Land Use Concept C designates the triangle area east of Union City Boulevard for a mix of retail and commercial service uses and residential uses (Residential (17-30 du/ac). Retail and commercial service would front onto Union City Boulevard, while residential uses would be located adjacent to existing residential areas. The City would encourage the conversion of existing warehouse and industrial uses to residential.

Areas west of Union City Boulevard and north of the train tracks remain Special Industrial and Retail Commercial, respectively. Areas north of the train tracks remain Retail Commercial. If a new commuter train station was located in the Focus Area, Concept C could reconfigure the retail and service commercial uses to create a higher density, mixed-use center around the station.

Similar to Concept A, the City would continue to pursue infill opportunities and encourage the conversion of warehouse use to flex space to attract higher-paying, high-tech jobs. The City would also seek to facilitate a transition from light industrial and warehouse uses to more employment-generating uses, such as high-tech industrial, office, and research and development.

Land Use Concept C assumes that a railroad underpass would be constructed along Union City Boulevard to improve circulation along the corridor. Similar to Concept A, it assumes that a new intersection would be constructed to connect areas on both sides of Union City Boulevard. This could extend into existing industrial/warehouse areas to the west to improve access to Whipple Road. The City would support a community design vision of improving the image of this major gateway and thoroughfare through the city.



# Union City Boulevard Focus Area

- Special Industrial
- Residential (6-10 du/ac)
- Residential (17-30 du/ac)
- Retail Commercial
- Focus Area Boundary

Figure 13 Land Use Concept C: East-side Commercial/Residential

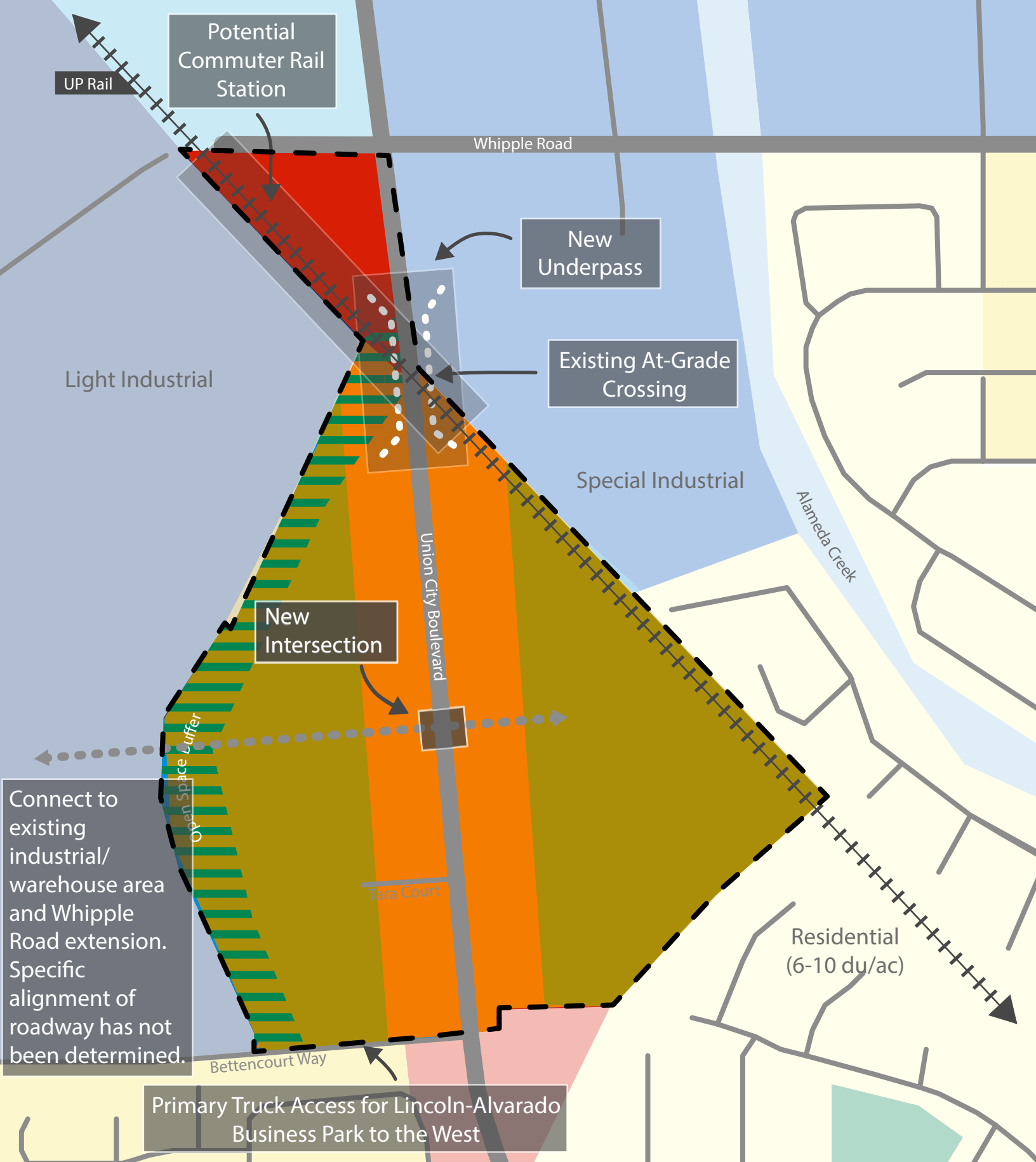
Tuesday, July 28, 2015

### **Union City Boulevard Land Use Concept D: Residential Focus (Figure 14)**

Land Use Concept D designates areas east and west of Union City Boulevard south of the UP rail line as Residential (6-10 du/ac) and Residential (17-30 du/ac). The new residential neighborhood on the east would fit within the context and character of adjacent existing neighborhoods to the south and east. Areas west of Union City Boulevard include an open space/recreation buffer between new residential neighborhood and existing distribution centers west of the Focus Area. The City would encourage the conversion of existing warehouse and industrial uses to residential. Areas north of the train tracks would remain Retail Commercial. If a new commuter train station was located in the Focus Area, Concept D could include a higher density, mixed-use center around the station.

Land Use Concept D assumes that a railroad underpass would be constructed along Union City Boulevard to improve circulation along the corridor. Similar to Concept A, it assumes that a new intersection would be constructed to connect areas on both sides of Union City Boulevard. The City would support a community design vision of improving the image of this major gateway and thoroughfare through the city.



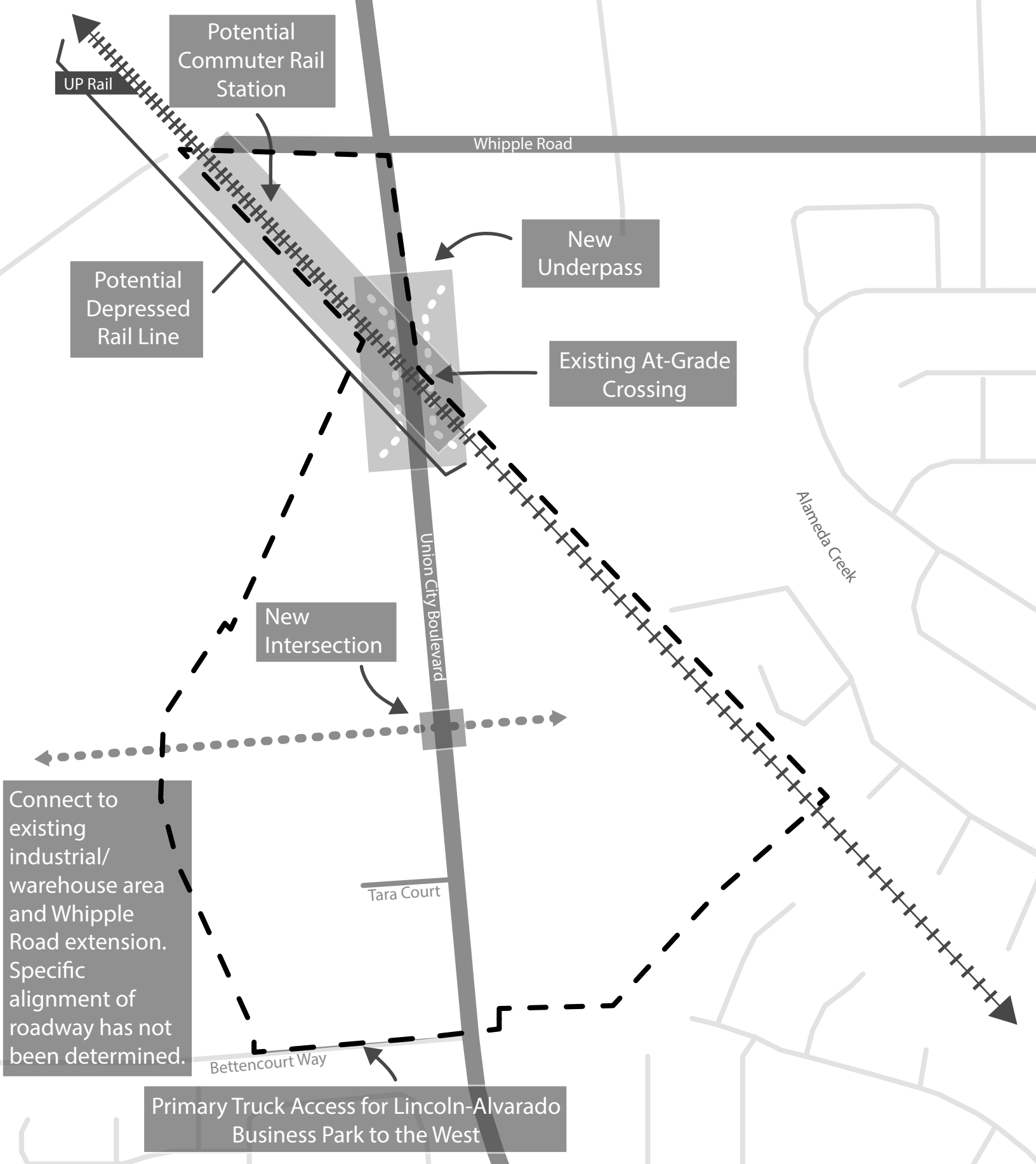


# Union City Boulevard Focus Area

- Residential (10-17 du/ac)
- Residential (17-30 du/ac)
- Retail Commercial
- Open Space
- Focus Area Boundary

Figure 14. Land Use Concept D: Residential Focus  
City Council/ESA Agenda

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# Union City Boulevard Focus Area

Figure 15. Planned and Potential Infrastructure Improvements  
City Council/MSA Agenda

## Horner-Veasy Focus Area

The Horner-Veasby Focus Area lies on the westernmost side of Union City, adjacent to the San Francisco Bay. The Area, encompassing 45.5 acres, is bounded by Alameda Creek on the west, the Union Sanitary District treatment plant and a drainage canal on the south, Barrons Way/Bulmer Street on the east, and is intersected by Horner Street (Figure 16). Vacant land comprises 38 percent (17.3 acres) of the total existing land use, followed by Industrial lands with 30.4 percent (13.9 acres). Open Space Agriculture, Single Family Residential, Public/Quasi-Public, and Public Utility uses make up the remainder of the existing land uses in the Area (Figure 17).

The Horner-Veasby Area includes approximately 19 acres of underutilized land, including two acres of public streets. The Area is currently developed with a mix of industrial uses, outdoor storage and truck parking, and existing non-conforming single family residences. Businesses in the Area include the Diamond Mine Mini-Storage, Lally Truck & Trailer Repair, and United Miscellaneous Steel Fabricators.

Areas surrounding the Horner/Veasby Focus Area includes open space lands to the north that are owned by that Alameda County Flood Control District (sometimes used for dredging materials), the Union Sanitary District facility to the south, residential neighborhoods to the east, and the San Francisco Bay to the west. The Old Alvarado Focus Area is located just west of the Area along Whipple Road.

The Horner-Veasby Focus Area is currently only accessible from Whipple Road to the north. The Area includes three internal streets: Horner Street, Veasby Street, and Benson Road. Veasby Street and Benson Road terminate in cul-de-sacs that provide access to the Union Sanitary District facility. The east side of Horner Street currently terminates at Whipple Road. There are no pedestrian or bicycle facilities west of Whipple Road. Horner Street east of Whipple Road has sidewalks.

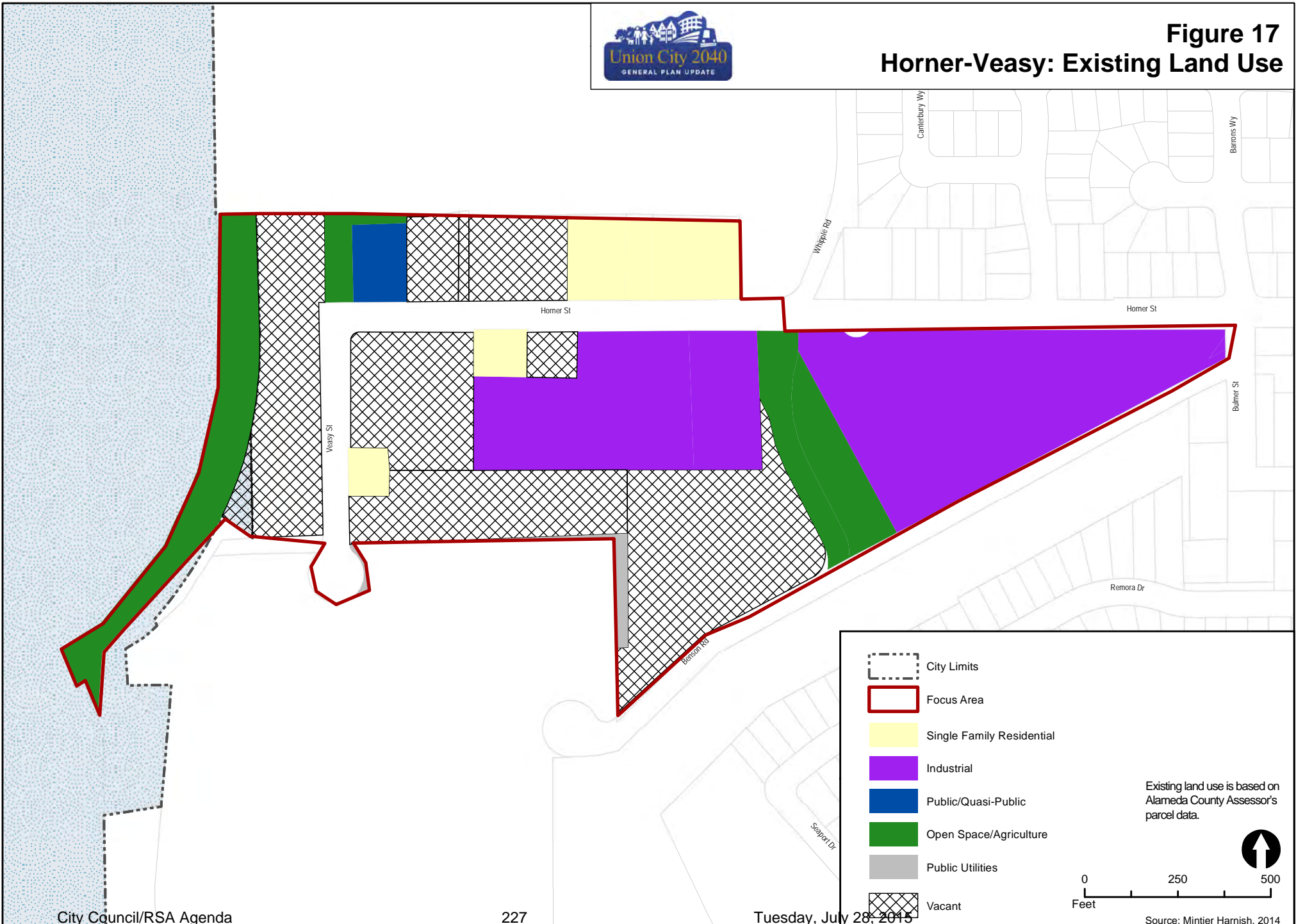


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# Figure 17 Horner-Veasy: Existing Land Use



## Key Issues and Constraints

***Non-conforming Uses.*** There are several existing legal nonconforming uses (e.g., mini-storage, truck parking, and outdoor yards) in the Area, and property-ownership is fragmented west of Whipple Road. The Diamond Mine Storage facility east of Whipple Road is a legal non-conforming use. In 2008, the City Council established a moratorium on development in the Area to evaluate infrastructure needs and market conditions. An amortization process was established in 2009 and four properties have been amortized with 10 years to cease operations.

***Lot Fragmentation.*** While the existing 2002 General Plan designates the Horner-Veazy Area for Light Industrial uses, the Area is less suited for warehouse/distribution uses unless a master developer is able to consolidate parcels. These uses typically require larger parcel configurations than the Area currently offers.

***Infrastructure Deficiencies.*** The development potential for the Horner/Veazy Area is largely dependent on the ability to address infrastructure needs and mitigate flood potential. The Area has several significant physical and infrastructure issues, including: unimproved public roads that lack curbs, gutters, sidewalks, and drainage facilities; potential soil contamination; susceptibility to seismic events (i.e., liquefaction); and flood risk. Due to the Area's proximity to the San Francisco Bay, sea level rise is also a concern for future development. The 2002 General Plan called for the development of a unified strategy to address the Area's lack of utilities, soil conditions, likely contamination, potential for flooding and drainage constraints, and facilitate infill development.

***Access and Road Conditions.*** Location and access is another issue for industrial potential of the Area. The Area is located 2.7 miles from the freeway via Whipple Road, Bettencourt Way, Union City Boulevard, and Whipple Road. Furthermore, the streets within the Area are substandard and would require upgrading in order to meet the needs of industrial users.

***Union Sanitary District Facility.*** The Union Sanitary District wastewater treatment facility is located immediately south of the Horner-Veazy Area. While the District operates the facility effectively and limits factors that could contribute to nuisances (e.g., odor, noise, traffic), District operations and movement of waste to the facility do result in activities that may not be compatible with some uses (e.g., residential).

***Planned Land Uses.*** The current General Plan allows for the establishment of a 5-acre Private Institutional (PI) zone in the Horner-Veazy Area. An application is in process for a proposed religious facility located off Veasy Street adjacent to the existing USD facility. This new religious facility could impact the operations and functions of surrounding industrial uses, or the operations and/or expansion of the Union Sanitary District facility.

## Strengths and Opportunities

***Location.*** Despite its significant issues and constraints, the Horner-Veazy Area has several features that may support its redevelopment to a variety of uses alternative uses. The Area's proximity to the San Francisco Bay offers excellent views and access to Bayshore Areas. The Area is surrounded by successful, well established neighborhoods and has a historical connection to the Old Alvarado Historic District along Horner Road. Finally, there is potential to connect the

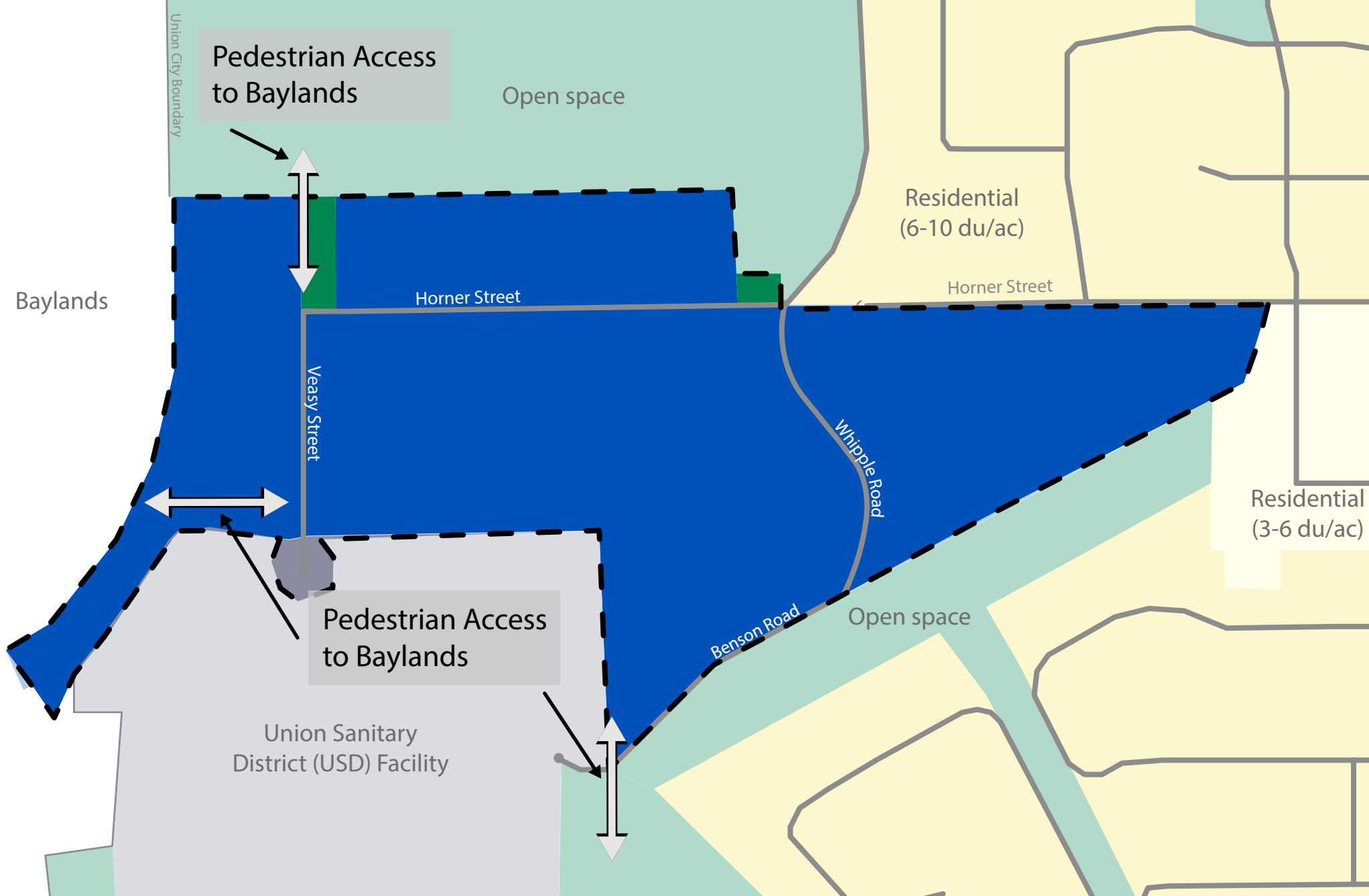


Horner-Veasby Area to the rest of the city by re-opening the Horner Street connection, which currently ends just east of Whipple Road.

***Master Plan/Developer.*** The issues and constraints identified for the Horner-Veasby Area indicate there is a need for a master plan and a master developer. In order for the Area to realize a higher and better use, planning will need to support higher end development to make redevelopment and financing feasible.

### **Horner-Veasy Land Use Concept A: Existing General Plan (Figure 18)**

Land Use Concept A (Figure 18) maintains the existing General Plan designations of Light Industrial and Open Space. It continues the existing 2002 General Plan vision for the Area as a job-intensive and revenue-enhancing light industrial/manufacturing area.



# Horner-Veasy Focus Area

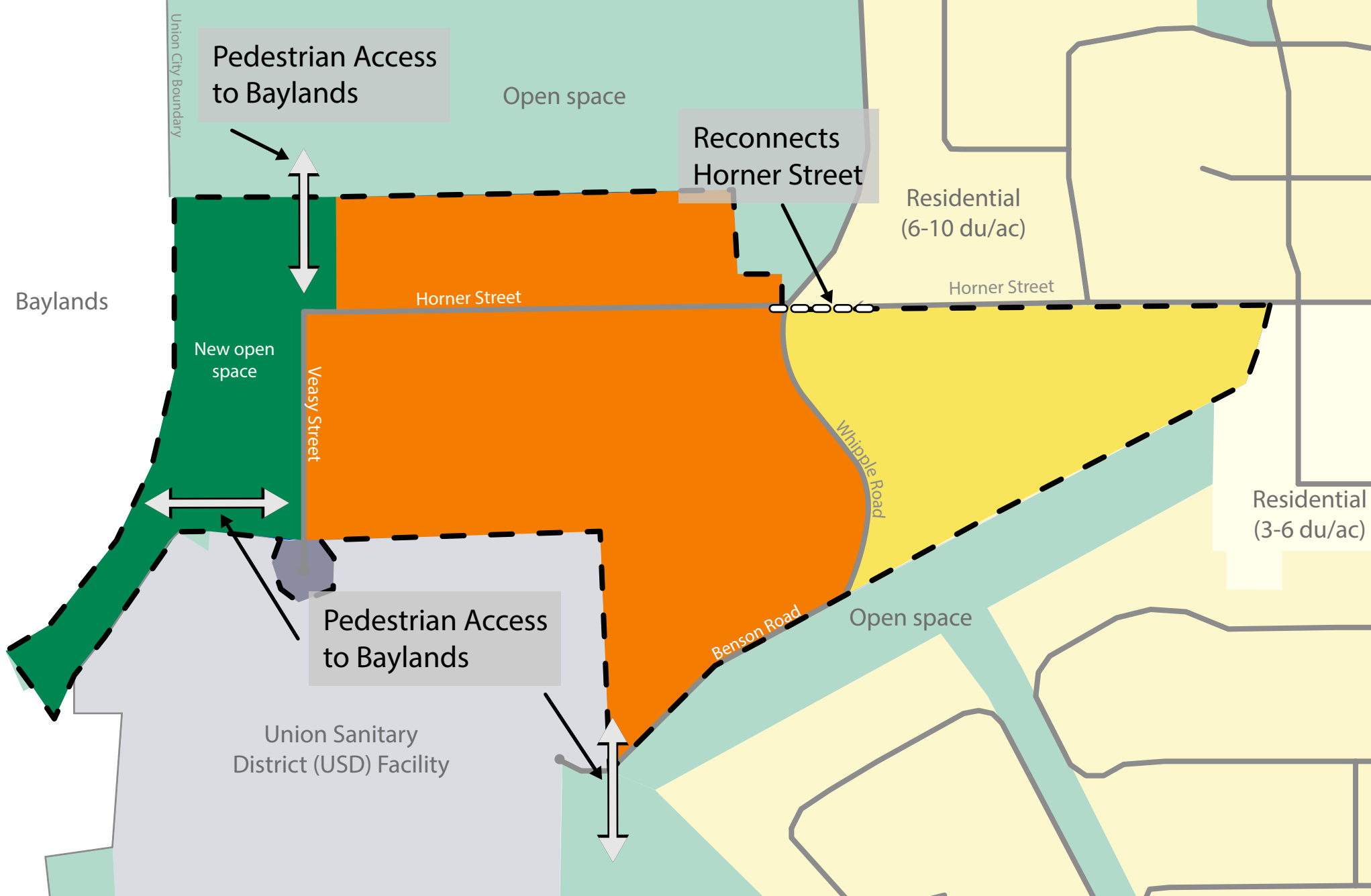
- Civic Facility
- Light Industrial
- Open Space
- Focus Area Boundary

The current General Plan allows for the establishment of a 5-acre Private Institutional (PI) zone in the Horner-Veasy Area. An application is in process for a proposed religious facility located off of Veasy Street adjacent to the existing USD facility.

Figure 18. Land Use Concept A: Existing General Plan

### **Horner-Veasy Land Use Concept B: Residential Focus (Figure 19)**

Land Use Concept B designates the mini storage site for Residential 6-10 du/ac and Residential 17-30 du/ac in the remainder of the Area. It plans for Open Space along western edge of the Area as an interface between residential areas and the Baylands. It assumes existing industrial, storage yards, mini storage, and residential uses would redevelop. The City would encourage lot consolidation and the development of a master plan to address infrastructure and hazards issues. Finally, Concept B would reconnect new neighborhoods to existing neighborhoods to the east by reconnecting Horner Street.



# Horner-Veasy Focus Area

- Residential (6-10 du/ac)
- Residential (17-30 du/ac)
- Open Space
- Civic Facility
- Focus Area Boundary

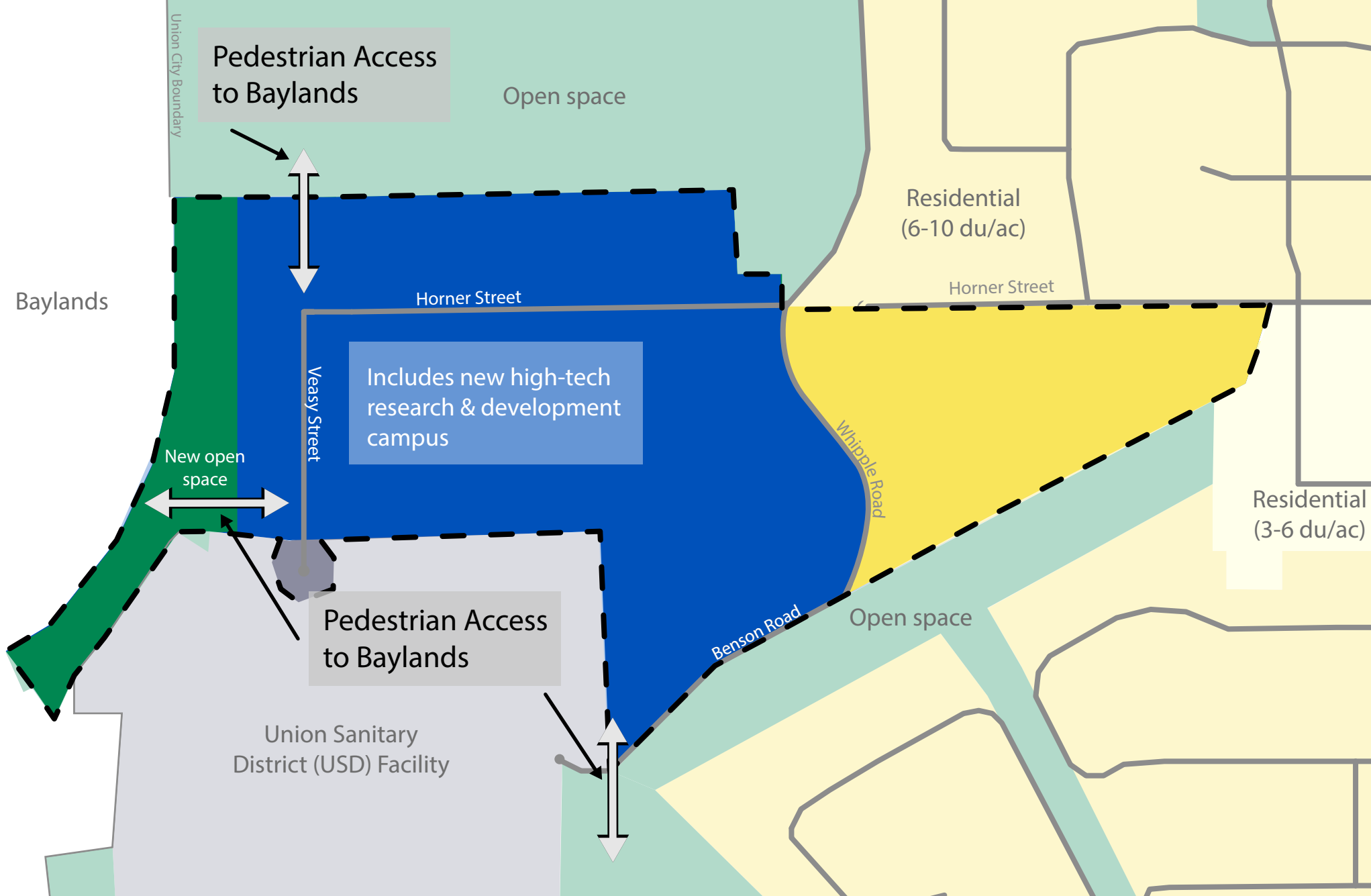
The current General Plan allows for the establishment of a 5-acre Private Institutional (PI) zone in the Horner-Veasy Area. An application is in process for a proposed religious facility located off of Veasy Street adjacent to the existing USD facility.

Tuesday, July 28, 2015

Figure 19. Land Use Concept B: Residential Focus

### **Horner-Veasy Land Use Concept C: Residential/Light Industrial (Figure 20)**

Land Use Concept C designates the area east of Whipple Road that is currently used as mini storage for residential uses (i.e., Residential 6-10 DUAs) and integrates it with existing surrounding neighborhoods. It maintains areas west of Whipple Road as Light Industrial with Open Space along the edge of the San Francisco Bay and encourages development of an employment or high-tech/research and development campus. The City would encourage lot consolidation and the development of a master plan to address infrastructure and hazards issues.



# Horner-Veasy Focus Area

Figure 20. Land Use Concept C: Residential/Light Industrial

- Residential (6-10 du/ac)
- Light Industrial
- Civic Facility
- Focus Area Boundary

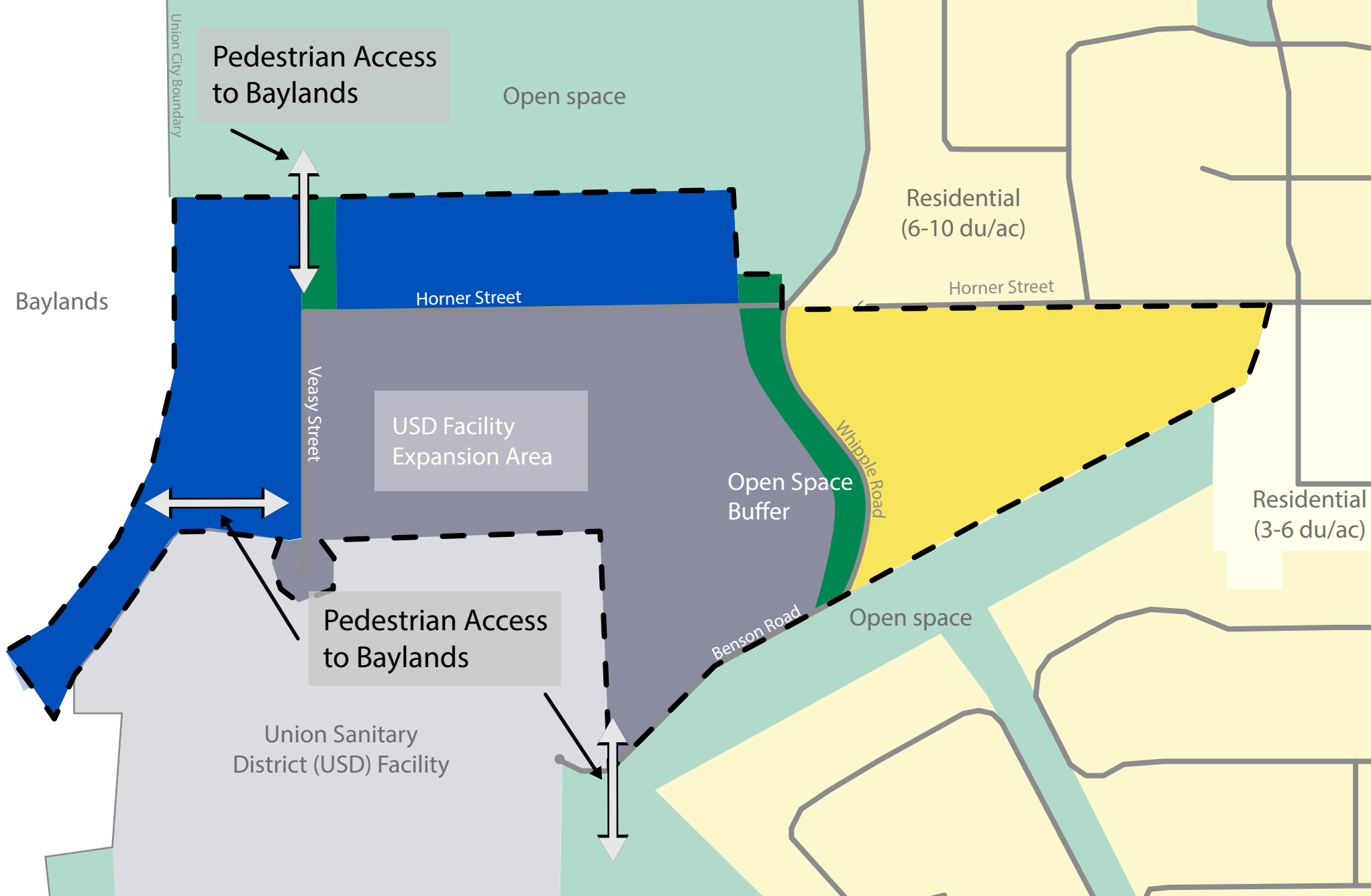
The current General Plan allows for the establishment of a 5-acre Private Institutional (PI) zone in the Horner-Veasy Area. An application is in process for a proposed religious facility located off of Veasy Street adjacent to the existing USD facility.

Tuesday, July 28, 2015

### **Horner-Veasby Land Use Concept D1: Union Sanitary District Expansion Option (Figure 21)**

Land Use Concept D1 designates the area east of Whipple Road that is currently used as mini storage for residential uses (i.e., Residential 6-10 DUAs) and integrates it with existing surrounding neighborhoods. It designates areas west of Whipple Road south of Horner Street and east Veasy Street for future expansion of the Union Sanitary District (USD) wastewater treatment facility (Civic Facility), consistent with the USD's potential expansion plans. Concept D1 maintains areas north of Horner Street and west of Veasy Street as Light Industrial and Open Space. The City would encourage USD to include an open space buffer along Whipple Road and to address remaining infrastructure issues to allow development of remaining light industrial areas.





# Horner-Veasy Focus Area

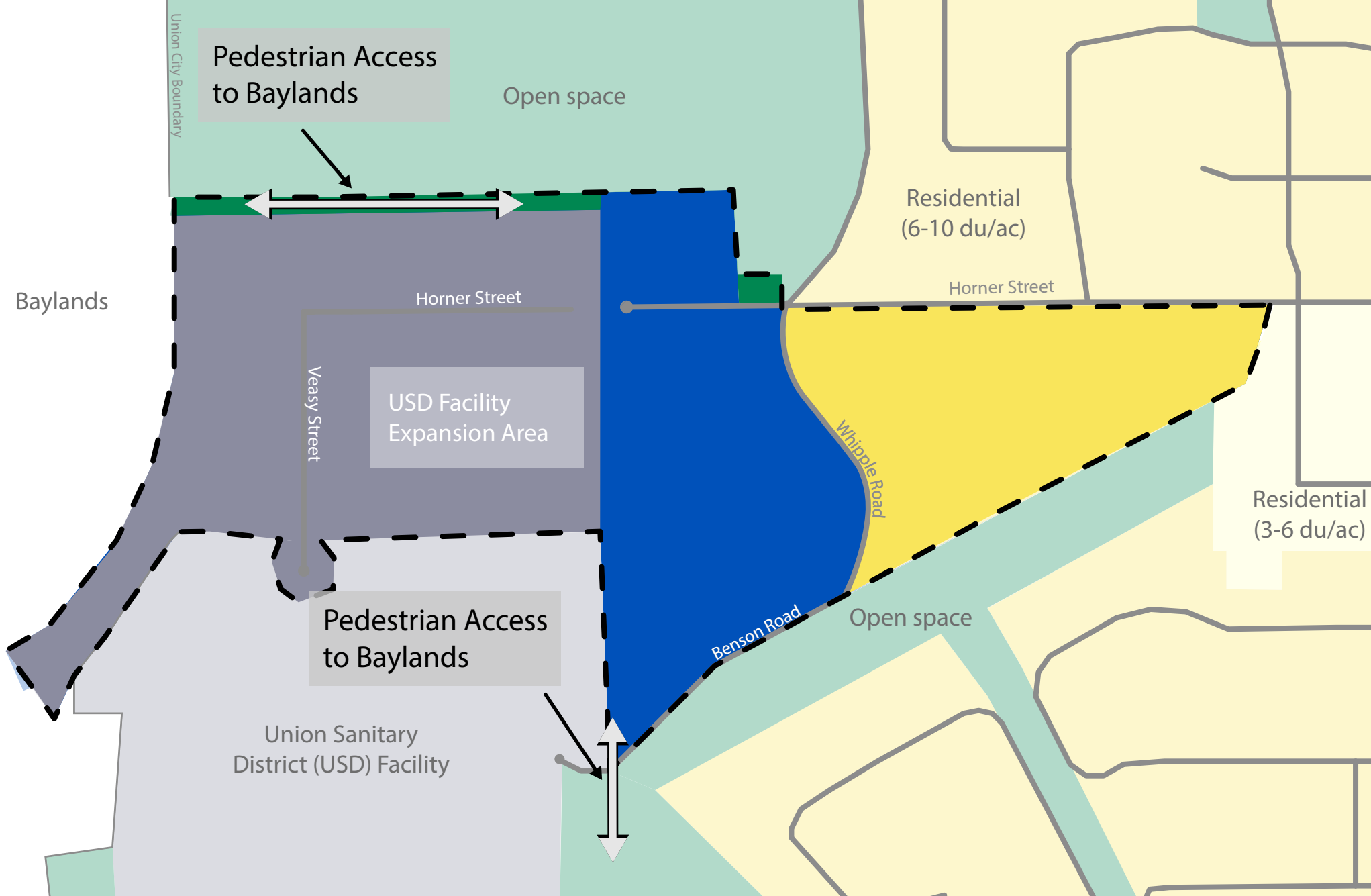
Figure 21. Land Use Concept D1: Union Sanitary District Expansion Option  
City Council/RSA Agenda

- Civic Facility
- Light Industrial
- Open Space
- Residential (6-10 du/ac)
- Focus Area Boundary

The current General Plan allows for the establishment of a 5-acre Private Institutional (PI) zone in the Horner-Veasy Area. An application is in process for a proposed religious facility located off of Veasy Street adjacent to the existing USD facility.  
Tuesday, July 28, 2015

### **Horner-Veasy Land Use Concept D2: Union Sanitary District Expansion - City Option (Figure 22)**

Land Use Concept D2 designates the area east of Whipple Road that is currently used as mini storage for residential uses (i.e., Residential 6-10 DUAs) and integrates it with existing surrounding neighborhoods. It designates areas west of Whipple Road and adjacent to the Baylands for future expansion of the Union Sanitary District (USD) wastewater treatment facility (Civic Facility). Veasy Street and part of Horner Street would be deeded to USD. Concept D2 maintains remaining areas west of Whipple Road as Light Industrial. This concept is not consistent with USD's current expansion plans, but provides better opportunity to develop light industrial uses on a larger area adjacent to Whipple Road.



# Horner-Veasy Focus Area

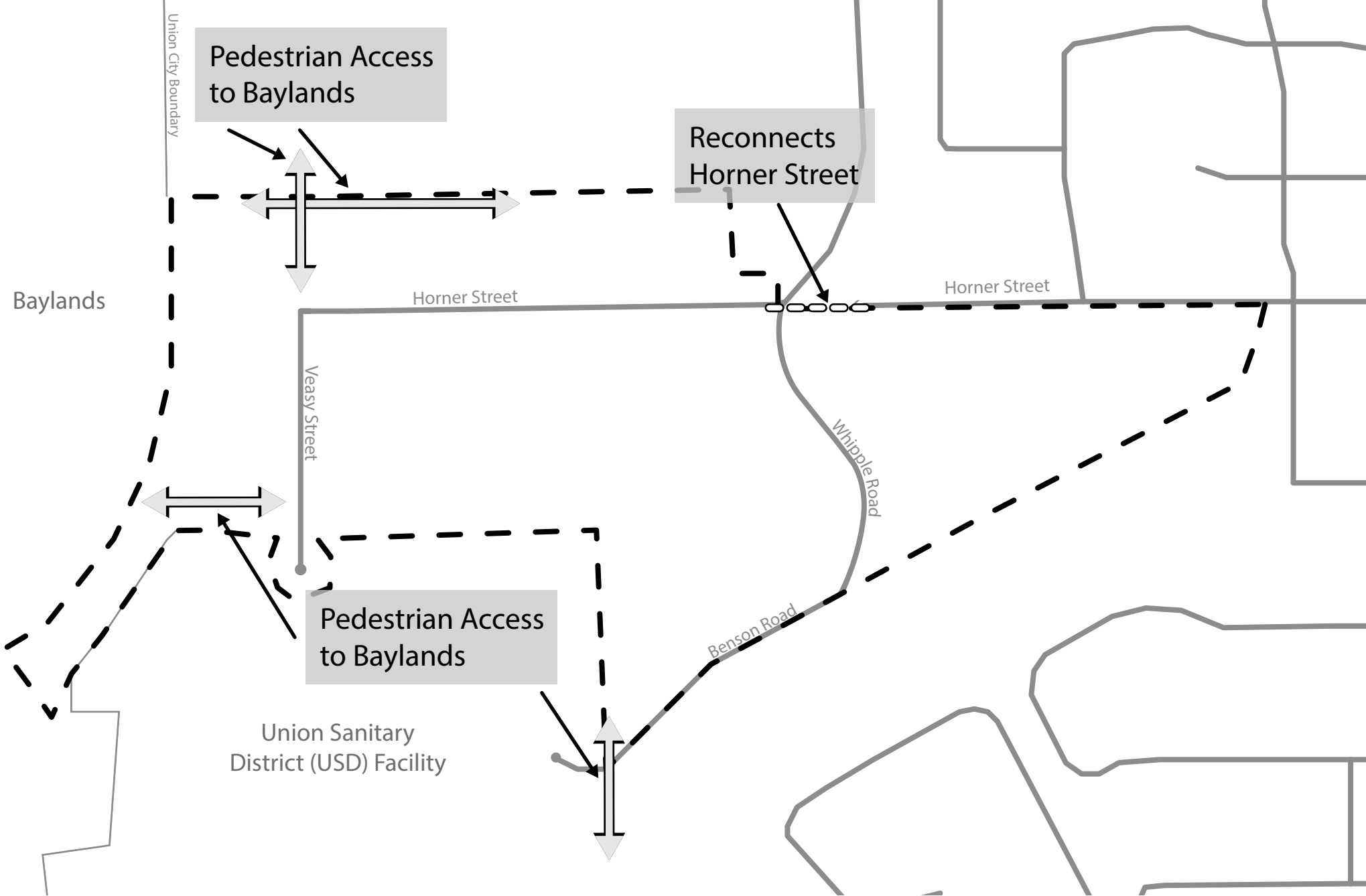
Figure 22. Land Use Concept D2: Union Sanitary District Expansion-City Option  
City Council/RSA Agenda

- Civic Facility
- Light Industrial
- Open Space
- Residential (6-10 du/ac)
- Residential (3-6 du/ac)
- Focus Area Boundary

The current General Plan allows for the establishment of a 5-acre Private Institutional (PI) zone in the Horner-Veasy Area. An application is in process for a proposed religious facility located off of Veasy Street adjacent to the existing USD facility.

Tuesday, July 28, 2015

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# Horner-Veasy Focus Area

Figure 23. Planned and Potential Infrastructure Improvements  
City Council/RSA Agenda

The current General Plan allows for the establishment of a 5-acre Private Institutional (PI) zone in the Horner-Veasy Area. An application is in process for a proposed religious facility located off of Veasy Street adjacent to the existing USD facility.

## 2. Other Areas

In addition to the Focus Areas, the alternatives will evaluate potential development in other areas of the city. Potential development would largely reflect the existing General Plan, with minor land use changes to specific areas (e.g., Historic Alvarado District, Mission Boulevard). Potential development areas would be treated consistently across the alternatives. The following assumptions will be used to plan areas of the city outside of the three Focus Areas:

- Vacant and underutilized lands will develop consistent with planned land uses;
- Sites identified in the Housing Element will be maintained at the densities identified in the Element. Densities and planned land uses on the sites may change if sufficient land of similar densities is planned elsewhere in the city. This assumption applies citywide, including the Focus Areas;
- Existing industrial centers and commercial centers and corridors will intensify or redevelop to reflect anticipated industry changes/demands;
- Residential neighborhoods will experience minor infill and enhancement, but remain largely unchanged; and
- Limited development is assumed to occur in the Hillside Area, consistent with the Hillside Area Plan.

## 3. Citywide Land Use Alternatives

This section presents citywide land use concepts. Citywide concepts will combine land use concepts from the three Focus Areas. Citywide alternatives will allow the City to evaluate and compare implications for different land use choices in the Focus Areas at a citywide level.

### A. Existing General Plan

Citywide Land Use Concept A continues planned uses consistent with the existing General Plan.

### B. Residential Concept

Citywide Land Use Concept B explores what Union City would look like if the City chose to plan the three Focus Areas primarily for residential uses. Other areas of the City are planned consistent with the existing General Plan with minor land use changes.

### C. High Density Residential Concept

Citywide Land Use Concept C explores what Union City would look like if the City chose to plan the three Focus Areas primarily for high density residential uses. Other areas of the City are planned consistent with the existing General Plan with minor land use changes. Concept C changes areas along Mission Boulevard between D and G streets to High Density Residential.

#### **D. Residential/Employment Concept**

Citywide Land Use Concept D explores what Union City would look like if the City chose to plan the three Focus Areas for a mix of lower-density residential and commercial/employment generating uses. Other areas of the City are planned consistent with the existing General Plan with minor land use changes.

#### **E. Enhanced Commercial/Employment Concept**

Citywide Land Use Concept E explores what Union City would look like if the City chose to plan the three Focus Areas for a higher intensity mix of commercial/office/employment generating uses. Other areas of the City are planned consistent with the existing General Plan with minor land use changes.

### **4. Proposed Evaluation Criteria**

This section presents the proposed criteria that will be used by the City to evaluate and compare the Focus Areas and Citywide Alternatives. Criteria are provided under the categories of Land Use and Community Design, Economic and Fiscal Conditions, Transportation and Mobility, Infrastructure and Services, Resources, and Hazards and Safety.

#### **Land Use and Community Design Criteria**

- Population and Employment Growth
- Land Use Mix
- Housing Types
- Non-residential Development Types
- Land Use Efficiency
- Community Image
- Consistency with Regional Plans

#### **Economic and Fiscal Conditions Criteria**

- Market Feasibility/Market Demand
- Retail Leakage
- Job Generation by Type
- Jobs/Housing Balance
- Housing Affordability

- Living Wages
- Fiscal Implications
- Opportunity Costs

## **Transportation and Mobility Criteria**

- Daily Vehicle Miles Traveled (DVMT)
- Levels of Service/Congestion
- Means to Work
- Trip Length
- Access to Transit
- Walkability/Bikeability

## **Infrastructure and Services Criteria**

- Water, Sewer, Stormdrainage Facility, Operations, and Maintenance Demands
- Law Enforcement Demands
- Fire Protection/Emergency Services Demands
- Parkland and Recreation Facility/Services Demands
- School Demands
- Operation and Maintenance Costs

## **Resources Criteria**

- Water Use
- Energy Use
- Habitat and Species Impacts

## **Hazards and Safety Criteria**

- Flooding/Sea Level Rise Risk
- GHG Emissions
- Air Quality Impacts