

DRAFT

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
ON THURSDAY, APRIL 20, 2023 AT 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD
UNION CITY, CA 94587
AND VIA TELECONFERENCE**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

PRESENT: Chairperson Lee Guio, Vice Chairperson Ed Mack Agbuya, Commissioners Jo Ann Lew and Seyi Mclelland

ABSENT: Commissioners Kevin Finnerty and Amandeep Sandhu

STAFF: Carmela Campbell (Economic & Community Development Director); Derek Farmer (Planning Manager); Coleman Frick (Senior Planner); Alex Mog (Assistant City Attorney); Brandon DeLucas (Associate Planner) and Chelsey Payne (Contract Planner)

2. APPROVAL OF MINUTES:

1. The Regular Planning Commission Minutes of April 6, 2023 to be provided in a following packet.

3. ORAL COMMUNICATIONS:

Wendy Huang, 32741 South Belami Loop, Union City, a long-time resident, explained that she loved and cared about the city and was interested in what was happening in the community. She understood Union City's population had declined according to the government census with a loss of 2.8 percent of the population between 2020 and 2021. Union City was losing more people on a year-to-year basis and Alameda County was losing on average about two percent of its population. According to the census, in Union City there were 3.37 people in each household, and the population was comprised of 55 percent Asian, 14.7 percent White, less than 5 percent Black and 47.7 percent foreign born persons.

Ms. Huang referenced agenda Item 5A and questioned what fair housing meant, what was just and to what standards. She added that All-Cause Mortality was around 23 percent in 2022 and given the population decline she questioned why Union City was discussing fair housing. She also understood that a recent article had reported that Governor Newsom would be charging utilities based on one's income, President Biden had also announced changes to mortgage rates, and payments may increase based on credit scores with people paying more for points to make up for those who had lower credit scores. She again questioned what was meant by "fair."

Brandon DeLucas, Associate Planner read into the record the following comments that had been submitted via email dated April 20, 2023, to be part of Oral Communications as follows:

K. Soong, Recently, a small but sizable gathering of Pickleball players have started a petition through [Change.org](#), with the intentions of contacting the City Council and the Planning Commission to make alterations to the existing plans for City Project 22-22. The project calls for the renovation of the tennis and basketball courts at Veterans Memorial Park, in which Pickleball players would like some of the tennis courts to be permanently converted for Pickleball use.

As a Union City resident of over 30 years, I vehemently oppose any changes or renovations that involve the removal or alteration of the existing tennis courts at Veterans Memorial Park. The [Change.org](#) petition was started by a USA Pickleball ambassador named Tilly Yau, who is a Fremont resident with no ties to our community. She, along with her husband, Steven Nguyen, are the founders of a domestic non-profit called Fremont Pickleball League, in which they've organized recreational matches for local players by taking in over \$15,000 in unreported income over the course of a one-year period. These so-called Pickleball ambassadors are given incentives to go into nearby communities and disrupt the daily flows and routines of public park patrons in the name of promoting their sport. In reality, this is a financial scheme for the couple to amass unreported income at the expense of advocating destroying existing public facilities is absolutely shameful.

Beyond the disruptions from outside agitators, the biggest reason why there should be no reduction in tennis courts in Union City is because there are only a total of TEN public tennis courts - six lighted courts at Veterans Memorial and four unlighted courts at Arroyo Park serving a city of over 70,000 residents. The only other major facility within city limits with tennis courts is James Logan High School, but they have refused to open their courts to the community, even on a fee-based basis. Tennis is a top five global sport with one billion followers and the sport's popularity is stronger than ever, and that remains to be true in Union City. It is a sport that gives leisure and relief to the blue-collar, working class residents of our community, a gathering place for young and aspiring teenagers with aspirations to play collegiate or professional tennis, and a place where a parent feed balls to their young children to get started in the sport. It is an egalitarian sport that has sent children to college on scholarships, uplift others out of impoverished circumstances, and unify people of diverse backgrounds - none of which Pickleball has been able to achieve other than destroy and attack existing public resources. For these reasons, please do not consider any development of Pickleball facilities and programming in Union City at the expense of well-established public goods. K. Soong.

4. **WRITTEN COMMUNICATIONS:** None

5. **PUBLIC HEARINGS:**

A. **CITY OF UNION CITY, GENERAL PLAN AMENDMENT (AG-23-001)**

The City is proposing to adopt the 2023-2031 Union City Housing Element and Safety Element Update, amending the 2040 General Plan. CEQA Determination: In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15164, an Addendum to the 2040 General Plan Environmental Impact Report has been prepared for the project.

Coleman Frick, Senior Planner, introduced the staff and consulting team including Planning Manager Derek Farmer; Economic & Community Development Director Carmela Campbell; Housing Manager Francisco Gomez; and Lead Consultant Chelsey Payne, Director of Urban Design and Planning at Ascent Environmental, Inc. (Ascent), to provide the PowerPoint presentation.

Chelsey Payne, Director of Urban Design and Planning at Ascent, provided a PowerPoint presentation on the Housing and Safety Element update that included an overview of the purpose of the Housing Element, plan to meet the fair share of regional and community housing needs, with the document required to be updated every eight years with a state mandated deadline of January 31, 2023, with the document required to be reviewed and certified by the State Department of Housing and Community Development (HCD). The Housing Element content including all chapters and appendices; the City's Regional Housing Needs Allocation (RHNA) for 2023-2031 of 2,728 units; the RHNA breakdown by income level; a summary of the community engagement throughout the Housing Element Update process and the timeline for the submittal and revision process for the Housing Element to HCD were all highlighted.

Ms. Payne also provided an overview of the revisions made to each chapter from the July, 2022 Draft Housing Element and the revisions to policies and programs in response to HCD comments, which had been outlined in the April 20, 2023 staff report.

Ms. Payne explained that the Safety Element was also a requirement of the General Plan and included goals and policies intended to reduce the potential for short-term and long-term risk of death, injuries, property damage, and displacement resulting from fires, floods, droughts, earthquakes, landslides, climate change and other hazards. It was being updated concurrently with the Housing Element to comply with recent state laws. She provided an overview of the revisions to the Safety Element and the California Environmental Quality Act (CEQA) Addendum that had been prepared as part of the Housing and Safety Element Updates, which had determined that no substantial changes in circumstances had occurred nor had any new information of substantial importance been identified requiring new analyses or verification, and no new or more severe impacts would occur beyond what had been previously analyzed in the 2040 General Plan Environmental Impact Report (EIR).

Mr. Frick added that a Desk Item had been provided related to minor revisions to the text of the staff report along with a clarification of recommendations and findings. Similar revisions had been made to the Draft Resolution with a Revised Draft Resolution attached to the Desk Item.

Ms. Payne detailed the next steps in the process and explained that the Revised Housing Element would be submitted to HCD with the goal of receiving a Conditional Approval Letter from HCD, although there was the chance that HCD may request further revisions. The Housing and Safety Elements were due to be presented to the City Council for adoption on May 23, 2023. At the end of May, staff would submit the Final Housing Element for HCD review for the 60-day certification period with the hope that HCD would certify the Housing Element at the end of July 2023.

Ms. Payne identified the staff recommendation for the Planning Commission to adopt resolutions recommending adoption of the Addendum to the 2040 General Plan Environmental Impact Report (EIR) and adopt the 2023-2031 Housing Element and Safety Element Update, repeal the 2015-2023 Housing Element (AG-23-001) to the City Council, and authorize the City Manager to make minor revisions to the Housing Element based on any further changes required by HCD.

Commissioner Lew understood the Housing Element was a requirement for cities and counties but since Union City was part of Alameda County asked if that meant Alameda County would include Union City in its Housing Element or whether it would include just the unincorporated areas of the County.

Alex Mog, Assistant City Attorney clarified that Alameda County's Housing Element would include the unincorporated areas of Alameda County.

Commissioner Lew referenced Page 6-15 of the Second Revised HCD Draft of the Housing Element, Table 6.4, Potential Sites for Emergency Shelters and Private Institutional Districts, and asked why the Chapel of the Chimes HMemorial Park and Funeral Home had been included since it may not have the room to be able to accommodate an emergency shelter.

Ms. Payne explained that all sites within the City that were zoned Private Institutional had been assessed to determine whether there was additional land on the parcel that could feasibly be developed with an emergency shelter. For the Chapel of the Chimes, a grassy area and extra parking had been identified to potentially accommodate an emergency homeless shelter, although that analysis had occurred around a year ago and state law had changed to require emergency shelters to be permitted in other zoning districts. The Private Institutional zoning district no longer met state law requirements for a Zoning District permitting emergency shelters by-right. Zoning Districts that permitted emergency shelters by-right now had to be a zoning district that allowed other residential uses.

Mr. Frick provided additional clarification and stated based on the current zoning, Table 6.4 had shown locations that would be permitted for emergency shelter uses, but there was a program in the Housing Element to find new areas. It would not necessarily replace the table but would supplement an additional zoning district. While Table 6.4 was accurate at this time, there was a future program in the Housing Element to identify an additional zoning district(s) to meet the need based on state law.

Commissioner Lew again suggested that Chapel of the Chimes was not a proper place for an emergency shelter since there was not adequate space unless tents were installed.

Mr. Frick explained that Table 6.4 was the best information regarding which sites could accommodate emergency shelter uses to date but there had not been a detailed site development assessment of the individual sites given that there was not a specific proposal. He described it as a high-level, birds-eye view of available potential acreage for building a certain type of use but was not specific to individual projects.

Carmela Campbell, Economic & Community Development Director explained that the area north of the existing facility of the Chapel of the Chimes had been identified as a potential area for development and there was also a baseball diamond located to the north, an open area owned by the church. It did not mean Chapel of the Chimes had the desire to build an emergency shelter but that the site had been identified within the Private Institutional zoning district where there was vacant land with the potential for an emergency shelter.

Derek Farmer, Planning Manager added the City did not have a lot of Private Institutional land and had limited inventory in that Zoning District to work with in Union City.

Commissioner Lew was not comfortable including Chapel of the Chimes in Table 6.4 for the reasons discussed. She then referenced Attachment 2, Page 1 of Exhibit B, Appendix A, Senate Bill (SB) 99 Evacuation Route Analysis, specifically the last paragraph, which had referred to Figure 1, and which stated there was a total of three residential developments in the City with fewer than two points of vehicular access. She asked why the Horner/Veasey Streets area had not been included.

Ms. Payne described the methodology that had used a threshold of subdivisions or developments with more than 30 dwelling units and suggested the area may not have met that threshold.

Commissioner Lew asked whether the west side of the railroad tracks of the Horner/Veasey Streets area had been considered, and Ms. Payne reiterated that due to the threshold in the methodology used the area likely would not meet the threshold requirement.

Commissioner Lew expressed concern with flooding in the area and the fact the area had not been recognized as having inadequate vehicular access.

Ms. Campbell advised the area had been identified as being in the Flood Zone and most residents would have flood insurance and were aware of the potential risk. The Horner/Veasey Streets area had been evaluated with respect to housing units and she understood there was only one housing unit in that specific area. The Victorian Village neighborhood and other residential, which was more in a grid pattern, did have secondary access.

Mr. Frick added if the area had an emergency vehicle access (EVA) and an evacuation route for fire and police use that would count as secondary access. Again, the area west of Whipple Road on Horner Street may have been excluded based on the methodology threshold.

Commissioner Lew suggested the street corner on the east side of the railroad tracks could also be affected by flooding.

Mr. DeLucas further clarified the east side of the Whipple Road area where the Victorian Village was located had secondary access near the Smith Street connection where Horner Street connected.

Vice Chairperson Agbuya asked about the number of individuals and families who had taken advantage of the Safe Parking Program and asked how often the homeless who were living in vehicles were being assessed.

Francisco Gomez, Housing Manager advised the numbers are updated every year and tracked by the Homeless Coordinator but he understood it was around 300 served with an average of 30 vehicles per night depending on the season, with a higher level of use pre-pandemic.

Vice Chairperson Agbuya expressed concern with expanding services that may attract more individuals to the City where things could get out of hand.

Commissioner Mclelland referenced the comments from and the City's responses to HCD, specifically Comment 6 and asked for clarification of the City's response on public outreach.

Ms. Payne explained that recognizing there was little time left in the Housing Element update process, Program HE-6.E: Community Engagement and Capacity Building, had been added which stated: *The City shall work to increase awareness and build capacity among historically underrepresented populations by targeting public outreach and community engagement efforts to reach residents with the greatest need. The City shall look for opportunities to expand its outreach and public education on available housing services and programs to reach vulnerable and at-risk households by offering information in other languages, conducting targeted social media and eblast efforts, combining information on resources, getting feedback from residents, and partnering with local service providers and religious facilities to disseminate information.*

Commissioner Mclelland asked how the City would be able to reach the vulnerable and at-risk households and marginalized members of society who may not have access to social media, and E-blast efforts.

Ms. Payne stated that engagement would be through local partners and service providers who had relationships and contacts with those most at-risk, and the City already had relationships with religious institutions.

Mr. Gomez explained staff would be leaning more on their Homeless Coordinator for that outreach as part of a pronged approach to ensure there was additional information provided to make people aware of the services offered and provide access to the larger umbrella of County services that could be provided in addition to assistance from non-profit partners. Additional outreach would be needed with religious institutions in terms of getting them information about utilizing land if there was available land, whether there was capacity in those organizations to work with affordable housing developers, and build on parcels that were vacant where housing could be considered.

Chairperson Guio commented on the change in the RHNA from 2022 to 2023, which was now 137 percent higher than the previous year, and Mr. Frick clarified the RHNA applies to the eight year Housing Element cycles.

Chairperson Guio also pointed out that while the state population had been decreasing, the RHNA numbers had increased. He asked whether it was because of the difference in timeframe and asked how the numbers jibed.

Mr. Frick commented there had been a housing deficit in the State for some time even if the population had shrunk somewhat in recent years and that deficit continued to grow with an insufficient number of units built in the state.

Ms. Payne explained that the Department of Finance conducted detailed projections on population growth in the future and looked at household formation rates. Ms. Payne explained the numbers represented existing needs in the community, with a lot of different factors going into the calculation of housing needs. Based on the assumptions for the next eight years and although the population of the state had decreased over the past two years, populations would only continue to grow and more housing would be needed in addition to the housing already existing in the region.

Chairperson Guio asked for clarification of the term “missing middle housing types” and was informed by Ms. Payne that was a buzzword in the planning realm. HCD wanted to see a program for expanded planning opportunities for missing middle housing, which referred to housing that met the needs of Moderate Incomes or those who earned up to 150 percent of the Area Median Income (AMI), which could include duplexes, triplexes, fourplexes, small rental apartments or townhomes and which could be compatible within single-family neighborhoods.

Mr. Frick added middle density housing as well in some cases as historically there has been a lot of single-family homes and large apartment buildings.

Chairperson Guio referenced Page 9 of the staff report, Table 3: Sites Inventory Detail – Opportunity Sites, and asked for clarification of the reference to vacant land at the Whipple and Medallion Drive site and the potential for 55 Lower Income units, and Ms. Payne identified an existing commercial strip center at the site which was one of the sites that had been included in a packet of General Plan Amendments (GPAs) and rezonings in the fall of 2022, to change the Commercial zoning designation to Corridor Mixed Use to expand opportunities for housing on the site.

Chairperson Guio referenced Page 11, Item 5 of the staff report and the additional revisions in response to HCD regarding Affirmatively Furthering Fair Housing (AFFH), specifically, Item V, which read: *AFFH mid-term planning period (2026) review (3/10/23 letter): Because most of the AFFH programs included in the Housing Element are ongoing and/or have timeframes before the mid-term of the planning period (2026), the City is responding that it will evaluate the effectiveness of programs as part of the normal program implementation process and will course correct as needed, rather than reviewing AFFH program effectiveness at the mid-term of the sixth cycle planning period. Staff is discussing this comment with HCD.* He asked what that meant in terms of a date when that mid-term planning period review would happen.

Ms. Payne reported that every year the City prepared an Annual Progress Report on the status and implementation of all housing programs, which was presented at a public hearing, considered by the City Council and thereafter submitted to HCD. HCD requested that the City provide a mid-cycle evaluation of the AFFH programs. As part of the Annual Progress Report, the City would report on the progress made to implement the programs and evaluate those programs at the time of the submittal of the Annual Progress Report.

Chairperson Guio also asked for clarification on Item B III on Page 12 of the staff report, which stated: *Large sites (over 10 acres): Additional details added and program modified for Restoration Site. Program added to work with property owners within the Marketplace subarea on redeveloping existing retail centers to include residential uses. Safeway Marketplace Site removed from inventory.* He asked for clarification of the reference to “Marketplace sub-area.”

Mr. Frick explained that the reference was to the Marketplace subarea of the Station District Specific Plan where Safeway was located. As part of the revision process, the Safeway Marketplace site had been removed from the Housing Element since the Planning Commission last saw the Housing Element in July 2022 based on conversations with the property owner about their plans moving forward. The City could only include sites that were in the underutilized category with an existing use that may have development potential likely within the eight-year cycle of the Housing Element. That potential was now higher with the adoption of the Specific Plan, which allowed Mixed Use. However, based on conversations with the property owner and

their plans within the eight-year time horizon, it was decided to remove the Safeway Marketplace site from the Housing Element Sites Inventory. A program had been added for the City to work with the property owners within that area (and the property across the street) to ensure the City was providing the support needed in order to help development of that area of the Specific Plan.

Chairperson Guio clarified with staff that while the Safeway Marketplace had been removed from the Sites Inventory, the City was still working with the property owners on potential development in the future that could be further out than eight years.

Chairperson Guio further commented that he had been involved with the Local Hazard Mitigation Plan project that was separate from the Safety Element but which shared common data, and Mr. Frick confirmed there was some overlap in some of the policies and programs in the Safety Element that related to the development of the Local Hazard Mitigation Plan.

PUBLIC HEARING OPENED

Wendy Huang, 32741 South Belami Loop, Union City, commented on the United States forefathers fight in the Revolutionary War to decentralize human power. She found this was consolidation of human power and centralizing control. She noted that taxpayers were not the ones funding these Housing Elements but were the most vulnerable, marginalized and underrepresented populations and these were the people who paid taxes. She referenced comments made by Stephen Curry who objected when a developer wanted to build multiple units in his Atherton neighborhood and the use of tax dollars to coerce private land owners to develop housing units. She commented that Union City had experienced an increase in trespassers who refused to move and people who trespassed on private property who refused to move. She again referenced the census data and All-Cause Mortality she had detailed during Oral Communications and she questioned building multiple units in Alameda County given increased traffic, energy and water impacts and an existing electrical grid that could not support additional housing units with no report addressing those issues. She again questioned the government forcing more development and Alameda County putting funds into a homeless industrial complex. She emphasized the need to face reality and address the mental illness and drug crisis in the country.

PUBLIC HEARING CLOSED

Mr. Mog confirmed in response to Commissioner Lew he had reviewed the revised Resolution attached to the Desk Item.

Vice Chairperson Agbuya asked of the percentage of homeless who were once Union City residents, the basic amenities and services provided that would help transition the homeless to more permanent housing and the success rate of the transitional program.

Ms. Payne stated she did not have the data at this time to identify whether the homeless were residents within their original community.

Mr. Gomez added that the point in time count was a non-contact count, a visual count of someone living in a vehicle or in an encampment. Such information would only come out as part of a request for additional information as part of a more specific report. As to how homeless would be helped to transition to more permanent housing, the Homeless Coordinator coordinated with local agencies to get the homeless into the entry system with Alameda County and at that point they would go through a vetting and application process for housing in Alameda County. As units and beds became available or housing became available through specific projects, and if eligible, the applicant would be routed to the available unit.

Vice Chairperson Agbuya also asked what was the success rate in this program.

Mr. Gomez responded that he did not have a figure to identify the success rate from vehicle to permanent housing given the criteria required to be a successful candidate which made it difficult

to quantify, although about 80 percent of Union City residents who had entered the process had been successful when housing was available as part of that process. He added there was not enough available housing in Union City or in Alameda County to meet all needs.

Vice Chairperson Agbuya commented that was a positive number, and Mr. Gomez agreed and stated that he wished it could be more.

Vice Chairperson Agbuya moved that the Planning Commission adopt the modified resolutions recommending adoption of the Addendum to the 2040 General Plan EIR and adopting the 2023-2031 Housing Element and Safety Element Update and repealing the 2015-2023 Housing Element (AG-23-001) to the City Council, and authorizing the City Manager to make minor revisions to the Housing Element based on any further changes required by HCD.

Commissioner Lew seconded.

The motion was carried by the following roll call vote:

AYES: (GUIO, AGBUYA, LEW, MCLELLAND)
NOES: NONE
ABSTAIN: NONE
ABSENT: (FINNERTY, SANDHU)

The motion passed 4-0.

6. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None

B. NEW REPORTS: None

7. ECONOMIC DEVELOPMENT REPORTS: None

8. COMMISSION MATTERS:

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

Mr. Farmer reported that on April 11, 2023, the City Council held a Study Session on the proposed Industrial Code Updates to sections Title 18 of the Union City Municipal Code and had accepted the General Plan Annual Progress Report and the Housing Element Annual Progress Report. The reports had been submitted to the State Office of Planning and Research and to HCD. On April 25, 2023, the City Council would consider the Integral Station East Project which included the Planning Commission recommendations on the Addendum to the 2040 General Plan EIR, Tentative Map Amendment, Development Agreement (DA) Amendment and Site Development Reviews for Planning Areas 4, 9 and 10.

B. Upcoming applications for the Regular Planning Commission Meeting on May 4, 2023

Mr. Farmer reported the Planning Commission meeting of May 4, 2023 would be canceled. Projects for the meeting agenda of May 18, 2023 were still being worked out internally.

9. GOOD OF THE ORDER:

Vice Chairperson Agbuya reported on Saturday, April 22, 2023, James Logan High School would celebrate New Haven Day starting at 10:00 a.m. There would also be a 5K and 10K run the same morning starting at 8:30 a.m.

Commissioner Lew reported there would be a vacancy on the Bicycle and Pedestrian Advisory Committee and applications were available online.

Chairperson Guio reported there would be a free movie at Studio 11 on Friday, April 21, 2023, sponsored by the City for The Lorax between 6:00 and 9:00 p.m.

Chairperson Guio also reported that New Haven Day would be celebrated on Saturday, April 22, 2023, and the Union City Police Department shredding event would be held from 9:00 a.m. to 12:00 p.m. at César Chavez Middle School. Community Park Clean-Up Day would be held from 9:00 to 11:00 a.m. at Contempo Park on the same date and on April 21 to 23, 2023 the Second Annual Asian Cultural Festival would be held in the City of Berkeley. In addition, the Asian-Pacific (AP) American Awards would be held on May 3, 2023, from 5:30 to 10:00 p.m. at the Herbst Theatre in the City of San Francisco.

Ms. Campbell reported the Planning Commission would receive correspondence in the mail from the Finance and Human Resources Departments regarding an update based on the City's evaluation of Internal Revenue Service (IRS) regulations for paying Commissioners' stipends, which had previously been issued through a W-2. After additional analysis, staff found the appropriate way was to pay through 1099's as independent contractors, to take effect July 1, 2023, the start of the new fiscal year.

10. ADJOURNMENT: 8:38 P.M.