

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
ON THURSDAY, MAY 18, 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: Vice Chairperson Ed Mack Agbuya, Commissioners Jo Ann Lew and Amandeep Sandhu

ABSENT: Commissioner Seyi Mclelland and Chairperson Lee Guio

STAFF: Derek Farmer (Planning Manager); Alex Mog (City Attorney); Natalie Dean (Associate Planner); Farooq Azim (City Engineer); and Denisse Anzoategui (Administrative Assistant)

2. APPROVAL OF MINUTES:

A. Planning Commission minutes for April 6, 2023

B. Planning Commission minutes for April 20, 2023

Vice Chairperson Agbuya stated the meeting minutes for the Planning Commission meetings of April 6 and April 20, 2023 were accepted with no modifications but there was no motion, second or Roll Call Vote taken to approve either set of meeting minutes.

3. ORAL COMMUNICATIONS:

Wendy Huang, 32741 South Belami Loop, Union City, a 25-year resident of Union City, stated she had seen Union City be developed, expressed concern and asked for compassion for the working class given the congestion, traffic and high-density development that had made the Tri-Valley Area become unbearable. She asked what was fair housing, cited California law, and noted there were 7,000 more people since 2020 just for Alameda County. She also referenced the decrease in birth rate in the State of California where 2.1 percent was needed to replace the population but the state was at a rate of only 1.5 percent. She added that Union City had a population per square mile of 3,656 people with Alameda County at 2,251 people per square mile whereas Marin County had a population per square mile of 1,433 people. She questioned the fact that 95 percent of the population in the state was being crammed into five percent of its territory. She suggested affordable housing should be developed elsewhere, commented that the quality of life in Union City was not good with heavy commute traffic in the morning and afternoon, and with water and utilities being impacted with each new development.

Ms. Huang also commented on the Regional Housing Needs Allocation (RHNA) requirements and the fact that State Auditors had found the formula for the calculations for the RHNA were wrong. She asked the Planning Commission to provide the data that supported all of the high-density housing being developed, particularly in already overcrowded areas. She emphasized Union City had more people per square mile than other communities, again asked for compassion for the working class who she suggested were slaves to taxation, regulation and inflation. She asked whether Marin County was exempt from some of the high-density development requirements.

4. WRITTEN COMMUNICATIONS: None

5. **PUBLIC HEARINGS:**

A. **CONTINUED HEARINGS:** None

B. **NEW HEARINGS**

1. **TOM WILSON, TWA ARCHITECTS, 31140 Alvarado-Niles Road (APN: 463-60-53) ADMINISTRATIVE SITE DEVELOPMENT REVIEW (ASD-23-007); VARIANCE (V-23-001). The applicant, Tom Wilson, TWA Architects, on behalf of Bhupen B. Amin, Lotus Hotels, Inc., is seeking Administrative Site Development Review (ASD-23-007) for façade modifications to an existing hotel, and Variance (V-23-001) to modify Variance (V-01-09), allowing a reduction of required parking spaces for a hotel use pursuant to Union City Municipal Code Section 18.36.150. The project is in the Union Landing Commercial (CUL) Zoning District; Development Type, Office Commercial Development (OC). Staff recommends that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301, Existing Facilities, of the CEQA Guidelines.**

Natalie Dean, Associate Planner provided a PowerPoint presentation of the staff report for Tom Wilson, TWA Architects, 31140 Alvarado-Niles Road (APN: 463-60-53) Administrative Site Development Review (ASD-23-007) and Variance (V-23-001).

(Please note there were some technical difficulties and a portion of the PowerPoint presentation was not audible to the public)

Ms. Dean reported a Desk Item had been received from Commissioner Lew and staff had prepared a response to clarify her questions. She clarified that pursuant to the Union City Municipal Code (UCMC) for the Union Landing Commercial Zoning District (CUL), Section 18.39.030, the standards in the Community Commercial (CC) District applied to development in Union Landing but excluded setbacks because some of the lots had unique configurations and the City did not want to limit the development of Union Landing.

Ms. Dean explained that the dental office was located between the Lotus Hotel and Alvarado-Niles Road, with the lot line of the hotel touching on both Alvarado-Niles Road and the dental office. The dental office shared parking at the site through an easement. In addition, at the time the site was developed it had not been required to have bicycle parking. There was no change in use or increase in the number of dwelling units, gross floor area or seating capacity by 15 percent and therefore the applicant was not required to add bicycle parking pursuant to Chapter 18.28. In addition, questions related to signage would be added to the Conditions of Approval with the applicant required to apply for permits for signage under a separate permit.

Ms. Dean recommended the Planning Commission approve Administrative Site Development Review (ASD-23-007) and Variance (V-23-001) making the specific findings listed in Section VI of the staff report, subject to Conditions of Approval, and adopt a resolution confirming this action.

Commissioner Lew referenced the Desk Item and the staff responses, in particular that there would be no setback for the project. She clarified with Ms. Dean that she was referring to Table 2 – Development Standards not Table 1, with Table 2 as shown on Page 5 of the May 18, 2023, staff report.

Ms. Dean acknowledged that there was a typographical error on the same page of the staff report in the paragraph preceding Table 2, which referred to Table 1 and which should, in fact, be corrected to read *Table 2*.

Commissioner Lew commented that Table 2 had been based on Chapter 18.36, which she had reviewed and she confirmed there were zero requirements for certain setbacks with the exception of the front setback on Alvarado-Niles Road, which required a 25-foot setback. She understood the project met the requirements but if something was required it should be correctly shown in the table, and there was no exception for front setbacks or in the CUL project. Unlike the side or rear setbacks which were clearly stated in Chapter 18.36, she asked of the citation in Chapter 18.36 that required no front yard setback for the project since staff had not provided clarification. She suggested that any time factual information was provided a citation should also be provided.

Ms. Dean acknowledged a setback had been specified for Union Landing which was what she had intended to clarify. Everything in the CC Zoning District would apply to the project with the exception of the setback requirements since as she had identified due to the unusual configuration of the lots in Union Landing, setbacks had been excluded.

Alex Mog, City Attorney explained in Section 18.39.030 of the UCMC Sections A to H, there was a cross reference to the standards in Chapter 18.36 but setbacks were not one of the standards to be taken from Chapter 18.36. He read into the record the sections referenced.

Ms. Dean commented she had the same issue in reading the material since it appeared the setbacks had been included but the UCMC had excluded setbacks but included site area dimensions, site coverage, height of buildings, distances between structures, off-site parking and loading and landscaping. A previous staff report had been attached to the agenda packet to explain that as well. The General Plan and Zoning Code had been drafted as a way to support development. She suggested it would be better to state that no setback was specified since there must be a setback between structures and structures from the street for safety reasons. In this case, the setbacks were the only thing not included.

Commissioner Lew suggested there was too much information in Table 2, as shown on Page 5 of the staff report that was not applicable. She cited Chapter 18.39 which excused the requirement or had no requirement, and therefore the setbacks should not have been included.

Planning Manager Derek Farmer explained the information had been included for informational purposes consistent with an earlier staff report which had shown there was no setback requirement but had shown what was happening with the buildings for dimensional purposes.

Commissioner Lew found the information to be confusing. As to the bicycle parking, she noted that other projects had been asked to provide bicycle parking and she questioned why this project was being excluded from that requirement, particularly since they were expecting more people to get out of their vehicles and given the reduction in parking.

Ms. Dean explained that bicycle parking was not required since the project would not increase in any way by 15 percent or more in guest rooms, floor area or building footprint and the use was not changing. She suggested that could be a question for the applicant.

Mr. Farmer reiterated there was no provision in the UCMC to require bicycle parking for the project and the City could not require bicycle parking since the parameters of the project would not increase enough for the City to require bicycle parking as part of the entitlements. While the applicant had requested a reduction in parking and the findings to approve the reduction in parking had been outlined in the staff report, there was nothing to transfer that request to a requirement for bicycle parking pursuant to the UCMC.

Commissioner Lew suggested the fact remained there was a lack of parking in the entire Union Landing Shopping Area.

City Attorney Mog suggested if Commissioner Lew could not make the findings to approve the variance due to the lack of bicycle parking that was her right, but this was not a project for all of Union Landing given that this site had its own project for a hotel use and the focus should be on the subject site and not on all of Union Landing.

Commissioner Lew reiterated there was a lack of bicycle parking in Union Landing as compared to other neighboring cities. As an example, bicycle racks had been installed in neighboring cities that were making more progress providing bicycle parking than Union City.

Commissioner Sandhu asked about the number of handicap parking spaces, and Ms. Dean advised the applicant would maintain the required number of American with Disabilities Act (ADA) parking spaces.

Farooq Azim, City Engineer clarified that one ADA parking stall would be removed but the applicant met the total ADA parking spaces that would be required.

Ms. Dean stated the existing site had four ADA parking spaces and the proposed site would still retain three ADA parking spaces after the removal of one ADA space, which would still comply with the requirements for ADA parking based on the number of parking spaces.

Commissioner Sandhu clarified with Ms. Dean the location of the ADA parking spaces; one adjacent to the proposed site and two more adjacent to the dental building with the dental building, Holiday Inn Express and Hampton Inn sharing the parking lot. The dental office had been allocated sixteen parking spaces on the right side (eastern portion) of the lot, with the parking spaces for Hampton Inn located on the west side of the lot. The existing Holiday Inn Express would be rebranded to Hilton standards as Home2Suites with certain Hilton standards requiring those modifications.

Vice Chairperson Agbuya clarified again that only a minimum of three ADA parking spaces were required and the applicant would be providing the minimum number of ADA parking spaces.

PUBLIC HEARING OPENED

Bhupen B. Amin, Lotus Hotels, Inc., 31140 Alvarado-Niles Road, Union City, representing the operators of the hotels who had operated the facilities for the past 22 years and who had developed the Hampton Inn Suites located adjacent to the subject site, commented the intent was to upgrade the existing hotel to provide more modern standards and amenities to Union City residents and neighbors. He introduced the Project Architect Umoja Akbar.

Umoja Akbar, Tom Wilson Architects (TWA), 1735 Royal Place, Richmond, explained that the project complied with the ADA parking requirements based on the total amount of parking on the site, with all ADA parking shared. There would be a drop-off point where vehicles could park under the Porte-cochère which would act as a temporary accessible parking space as well. If additional ADA parking was required, it would result in a reduction in the total amount of parking since they would have to add additional striping to meet the ADA requirements. He also identified existing bicycle lockers at the Hampton Inn side of the property pursuant to the site plans which could be verified with the client.

Vice Chairperson Agbuya understood the applicant met the ADA parking requirements but there could be the opportunity to add another ADA parking space, which would subtract one less regular space.

Vice Chairperson Agbuya stated there were two ADA parking spaces in front of Hampton Inn, two close to the dental building and one in front of the new Home2Suites, and on the right side another ADA parking space could be added, which would subtract one parking space from the total 151 parking spaces to 150 parking spaces and still meet the requirements.

Mr. Akbar suggested if the Planning Commission accepted an additional parking reduction that would be okay as well.

Mr. Amin pointed out the site was well parked for bicycles with bicycle lockers and bike racks on the adjacent site, with amenities shared. As to the ADA parking spaces, the site always had adequate ADA parking since the majority of people using the ADA parking spaces were patients of the dental office. There was one ADA parking space on the subject property and with the drop-off area under the Porte-cochère that would provide additional accessibility. He asked the Planning Commission to leave the flexibility in the parking and the way it had been designed since rarely were both ADA parking spaces occupied. He was confident those spaces would never be full since most of their guests arrived after 5:00 p.m. There would be a full parking lot available throughout the day and evening for both uses.

Mr. Amin reiterated this was an opportunity to provide a new and modern facility with a lot of long-term investment in Union City. The amenities would include new larger working areas, more community spaces, patios which was the reason for the parking change, more outdoor and interactive spaces, a barbeque area and suites for all guest rooms, all part of a modern facility and positioning the facility for the next 20 years. He added that the project was in excess of any setback requirements due to the location and design of the building with some privacy and some area to roam to allow guests to walk if they want to in Union Landing. He encouraged Planning Commissioners to visit the site.

Commissioner Lew clarified the location of the bike lockers and bike racks was at the Hampton Inn and she was informed by Mr. Akbar the bike lockers had been identified on Drawing 1-2.

Commissioner Lew asked that the bicycle parking also be identified on the drawing to ensure the factual information was accurate. She also asked whether designated parking for employees would be provided.

Mr. Amin stated there were no designated parking spaces for employees because they were typically on-site from 8:30 a.m. to around 5:30 p.m., with the majority of the staff housekeeping, janitorial and one staff person at the front desk in the evenings who would park on-site with little overlap between employees and guests. While employees had been asked to park a bit farther from the facility, the reality was they were usually gone before guests arrived and that request had not been a mandate.

Commissioner Lew asked whether the hotel would hold events such as weddings, birthday celebrations and the like, and Mr. Amin advised the hotel would not hold such events and was a select service hotel. Conference, meeting, or banquet spaces would not be provided but breakfast and use of the lobby area was provided for guests only.

Vice Chairperson Agbuya asked whether construction on the subject site would impact deliveries to Hampton Inn.

Mr. Amin stated there were multiple driveways to the property and Hampton Inn guests would enter through the driveway at the Hampton Inn further along Alvarado-Niles Road and that facility had its own deliveries, storage and loading areas. He did not expect any significant impacts.

Vice Chairperson Agbuya also understood the applicant would remove two palm trees and replace them with two oak trees in the front. He liked the palm trees and asked whether it would be possible to replant them.

Mr. Akbar assumed the Landscape Architect had based the landscape plan on the oak tree being a natural species to the area, but he could propose to the Landscape Architect the planting of palm trees.

Mr. Amin suggested before the final drawings were submitted to the City the Landscape Architect could be asked to reevaluate the trees.

Wendy Huang, 32741 South Belami Loop, Union City, referenced the bicycle parking and suggested since there was no crime control residents were not comfortable riding bicycles. The most populous nation and economy in the world was not regressing to using bicycles but using more coal, fossil fuels, natural gas and oil as an energy source, with this country regressing to energy rationing. She noted that Union City was not a guinea pig for social engineering projects and the only thing Union City was doing was regressing back to third world developing nations. She again asked the Planning Commission to be compassionate to the working class that she suggested were enslaved to taxation, regulation and inflation and asked the Planning Commission to uphold its oath of office and allegiance to the United States Constitution and that the government not infringe on anyone's liberty.

PUBLIC HEARING CLOSED

Commissioner Lew asked about the sidewalk replacement on Union Landing Boulevard and whether it would be wider, and whether a driveway to the parking lot behind the theater would line up as shown on Drawing 1-2.

Mr. Azim identified a disconnect in the sidewalk that would not be wider although an existing gap would be filled. There would also be curb cuts on both sides with one of the curb cuts to be slightly reoriented, and once the plans had been submitted that would be verified.

Commissioner Lew asked how much of the sidewalk would be replaced and Mr. Azim explained most of the sidewalk would remain with any uplifted portions that could pose a tripping hazard to be replaced.

Commissioner Lew moved that the Planning Commission approve Administrative Site Development Review (ASD-23-007) and Variance (V-23-001), making the specific findings listed in Section VI of the staff report, subject to the modified Conditions of Approval, and adopt a resolution confirming this action.

Vice Chairperson Agbuya seconded.

The motion was carried by the following roll call vote:

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

The motion passed 3-0-2.

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 the Planning Commission had taken action on the Integral Station East Project which had gone to the City Council on April 25, 2023. Consistent with Planning Commission action, the City Council had adopted a resolution adopting the Addendum to the previous Environmental Impact Report (EIR) that had been prepared for the project, adopted the Amended Tentative Tract Map and Development Agreement and adopted a Resolution approving Site Development Review for Planning Areas 4, 9 and 10. The second reading of the ordinance for the Development Agreement had been read on May 9, 2023.

On May 23, 2023, the City Council would consider the Housing Element for adoption with the Planning Commission having recommended adoption at its April 20, 2023 meeting.

B. Upcoming applications for the Regular Planning Commission Meeting on June 1, 2023

Mr. Farmer also reported the Planning Commission would hold a regular meeting on June 1, 2023 with the agenda to include consideration of a Tentative Parcel Map for the Land Exchange Agreement between the City and the New Haven Unified School District (NHUSD) and consideration of General Plan Consistency Findings for the City's Capital Improvement Program (CIP).

9. GOOD OF THE ORDER: None

10. ADJOURNMENT: 8:26 P.M.

APPROVED:

ED MACK AGBUYA, VICE CHAIRPERSON

ATTEST:

CARMELA CAMPBELL, SECRETARY