

Attachment 4

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
ON THURSDAY, JULY 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**

DRAFT

Chairperson Lee Guio announced the recent passing of Vice Chairperson Ed Mack Agbuya earlier in the week. Chairperson Guio provided some background on Mr. Agbuya; that he was 52 years of age, an avid sportsman, well known in the community and a nice and caring individual. Chairperson Guio added that he had been a member of the Planning Commission since March 2022, and during that time had worked on numerous long- and short-range initiatives and described those in detail.

Chairperson Guio stated that Mr. Agbuya was one of the nicest people helping both individuals and the community through his public service and his passing was shocking and untimely and he would be missed.

Commissioner Amandeep Sandhu had been shocked to learn of Vice Chairperson Agbuya's passing. She hoped the Agbuya Family was okay during this time.

Carmela Campbell, Economic & Community Development Director, stated that City staff had been deeply saddened by the loss of Vice Chairperson Agbuya, who would be dearly missed. She went on to state that in his role as a Planning Commissioner and Vice Chairperson, Mr. Agbuya had been professional, knowledgeable and enthusiastic and a respected member of the Planning Commission. Ms. Campbell added that his commitment to public service would be part of his legacy as well as the many projects approved under his leadership, which would have lasting positive impacts on the quality of life in Union City. Ms. Campbell further added that the City Council planned to present a proclamation to the Agbuya Family acknowledging Mr. Agbuya's work on the Planning Commission at an upcoming City Council meeting and the Planning Commission would be informed of the date.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

PRESENT: Chairperson Lee Guio, Commissioners Jo Ann Lew, Amandeep Sandhu and Alternate Commissioner Kevin Finnerty

ABSENT: Commissioner Seyi Mclelland

STAFF: Carmela Campbell (Economic & Community Development Director); Claire Lai (City Attorney, Meyers Nave); Derek Farmer (Planning Manager); Coleman Frick (Senior Planner); Brandon H. DeLucas (Associate Planner) and Denisse Anzoategui (Administrative Assistant III)

2. APPROVAL OF MINUTES

- A. The regular Planning Commission minutes for June 15, 2023

The regular Planning Commission minutes for June 15, 2023 were accepted, as submitted.

3. **ORAL COMMUNICATIONS:** None
4. **WRITTEN COMMUNICATIONS:** None

Chairperson Guio advised the meeting agenda would be modified with Item 5.B.2 to be heard prior to Item 5.B.1.

5. **PUBLIC HEARINGS**

- A. **CONTINUED HEARINGS:** None
- B. **NEW HEARINGS**

2. **HIAWATHA HARRIS, M.D., 33456 ALVARADO-NILES ROAD, USE PERMIT (UP-23-005):** The applicant, Hiawatha Harris, is seeking use permit approval to operate a medical office within an existing 2,939 square-foot tenant space within Building B of the Central Plaza development at 33456 Alvarado-Niles Road within the Special Industrial (MS) zoning district. Staff recommends that this project be categorically exempt under Section 15332, In-Fill Development Projects, of the CEQA Guidelines.

Brandon DeLucas, Associate Planner, provided a PowerPoint presentation for Hiawatha Harris, M.D. Use Permit (UP-23-005). A Desk Item had been prepared in response to questions and comments from Commissioner Lew regarding the project with staff clarifying the following:

- Reported calls for service in the past three years.
- Parking for non-industrial uses were regulated by Section 18.36.150 of the Union City Municipal Code (UCMC).
- Staff's parking observations and employee parking.
- No other public comments had been received.
- The Planning Commission was the decision maker for use permits.
- Restrooms had been designated as unisex.

Mr. DeLucas recommended the Planning Commission approve Use Permit (UP-23-005), making the specific findings as listed in the staff report, subject to the Conditions of Approval, and adopt a resolution confirming this action.

Commissioner Lew thanked staff for the Desk Item and follow up to her questions.

Commissioner Sandhu clarified with Mr. DeLucas the peak hours for the medical service facility would be between Noon and 2:00 p.m., which was the time period staff had used to evaluate

when parking would be most impacted on the site with vehicles in and out. Commissioner Sandu clarified that staff understood the applicant may host walk-in events on occasion, although Central Plaza had plenty of parking during the hours of operation. Commissioner Sandu added that there may be occasions when someone hosted an event when the parking was busier but that overall, there remained plenty of parking on-site.

Mr. DeLucas added the applicant had indicated over 65 clients would normally be seen each week with over half of the current clients seen online via Zoom. Mr. Delucas further added that a small majority of patients came to the site for one-hour sessions.

Chairperson Guio stated he was familiar with that end of the development which was not that busy so he had no concerns with the parking. He asked whether or not Commissioners desired a condition to require rear parking for employees but there were no comments from the Commission in that regard.

PUBLIC HEARING OPENED

Neisha Becton, 2601 Central Avenue, Suites 1, 4 and 6, Union City, Officer for Hiawatha Harris, M.D. doing business as Pathways to Wellness, explained that the medical service facility had been in operation in Union City for the past 25 years. She indicated that she was the Founder of Pathways to Wellness clinics which had locations in the cities of Oakland, Union City and in the Tri-Valley. She further added that she was also a part of the National Alliance on Mental Illness (NAMI), a member of the Board of La Familia and was active in the community. She reintroduced herself to the Commission having met everyone years ago and requested that the Commission approve their new location.

Ms. Becton clarified the services provided to patients related to depression and anxiety; the number one issue since the pandemic. She added that referrals to the clinic would come from Alameda County Behavioral Health. She offered her condolences to the Agbuya Family on the sudden passing of Vice Chairperson Agbuya. She detailed the training and technical assistance provided to other medical facilities, where needed, and noted that Pathways to Wellness was 5150 certified.

Commissioner Lew understood that mental health was a serious problem, with a number of random shootings and the fact many people did not know that other people were suffering from mental illnesses. She asked how patients would be managed when it was time to leave the medical service facility.

Ms. Becton provided an overview of the Pathways to Wellness Program, which included the following:

- The program was completely voluntary.
- if someone was so sick and decompensated, they would not volunteer for services but would be in a hospital for treatment.
- Most patients were average citizens who had some type of episode that put them in that situation.
- Pathways to Wellness worked to keep people stabilized and reintegrated back into the community able to maintain jobs and patients were maintained through medication.
- Pathways to Wellness worked to keep their communities safe and educated many different groups while serving a blend of people needing medication, support services or therapy.
- The age range was between 18 and close to 90 years for the oldest patients. While the clinic had seen children as young as five, the facility was contracted with Alameda County as an adult provider.

Commissioner Lew asked in the event it was found a patient owned a gun whether the medical service facility was obligated to report it, and Ms. Becton confirmed that was required although Pathways to Wellness had not experienced such a situation and actively promoted not having guns. She added that she also worked with the National Suicide Prevention Lifeline and NAMI, which groups worked in the community to provide protection to someone in need who may have a gun, all in an effort to prevent suicides.

Commissioner Lew provided feedback that she thought Pathways to Wellness was providing a valuable service with professionalism in the City.

Ms. Becton reiterated the services and training provided and welcomed any Commissioner to contact the medical service facility in the event of desired training.

Chairperson Guio asked how the size of the new facility and parking compared to their current location.

Ms. Becton advised the new location would provide usable space for their staff with many of their services provided via telehealth due to the pandemic, which may continue into the future since many people were more comfortable with remote services. She suggested parking would not be an issue and the facility had a budget for Lyft services for patients who needed medications and the like. She added that an open house would eventually be held and the Planning Commission was welcome to participate at that time.

PUBLIC HEARING CLOSED

Commissioner Finnerty commented that he patronized Central Plaza often and added that the east side of the center was underutilized, and he had never experienced a parking issue. He suggested the medical service facility would benefit the center and the mental health services provided would benefit Union City. He also spoke to the statistics related to gun violence where the majority of victims of gun violence were those who committed suicide. He understood the services provided would include safety mechanisms to secure weapons, education about weapons and affiliation with NAMI, which was critically important. He was encouraged the medical service facility would remain in Union City and suggested the proposed location was perfect for the use.

Commissioner Lew moved that the Planning Commission approve Use Permit (UP-23-005), making the specific findings as listed in the staff report, subject to the Conditions of Approval, and adopt a resolution confirming this action.

Commissioner Finnerty seconded.

The motion was carried by the following roll call vote:

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

1. **CITY OF UNION CITY, TEXT AMENDMENT (AT-23-004):** The City of Union City is proposing amendments to Title 18, Zoning, of the Union City Municipal Code to establish objective design and development standards for zoning districts that allow multi-family and/or mixed-use residential development and related updates for consistency. Amendments include

updates to Chapter 18.04 General Provisions; Chapter 18.08 Definitions; Chapter 18.24 Bulk Regulations; Chapter 18.26 Marketplace Mixed Use (MMU) District; Chapter 18.27 Village Mixed Use (VMU) District; Chapter 18.28 Off-Street Parking and Loading; Chapter 18.32 Residential Districts; Chapter 18.35 Corridor Mixed Use Commercial (CMU) District; Chapter 18.36 Commercial Districts; Chapter 18.37 Station East Mixed Use Residential (SEMU-R) District; Chapter 18.38 Station Mixed Use Commercial (CSMU) District; and Chapter 18.100.511 Area District. Staff recommends the amendments be exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3).

Coleman Frick, Senior Planner reported this item was a follow-up to a Study Session of the Planning Commission held on June 15, 2023. He introduced Martha Miller, Miller Planning & Associates, Lead Consultant, who provided a PowerPoint presentation with an overview of the amendments to Chapter 18.24 to establish objective design and development standards for development in multi-family and residential mixed-use districts and amendments to Title 18.

Ms. Miller also walked through the amendments to other chapters for consistency with the objective standards to implement City housing goals, provide quality designed projects and provide predictability for developers and the community. She reported next steps included City Council consideration of the Text Amendments at a Regular City Council meeting on September 12, 2023 and a User's Guide that would be developed to help City staff and developers with the implementation of the objective design and development standards, to be available in the fall/winter 2023.

Mr. Frick reported a Desk Item had been prepared to outline staff responses to comments and questions from Commissioner Lew related to the definitions chapter and how it aligned with the code currently shown on the City's website. With recent text amendments that had come before the Planning Commission and as part of this project, staff worked to incorporate recent edits related to the Industrial Code updates and use that version of the definitions chapter where definitions had been added for this project to ensure that when both were codified there would be no conflicts with numbering when posted on the City's website.

Mr. Frick commented that there had also been questions about whether the figures in the documents accurately depicted what was being described in the objective design and development standards in specific instances. The Desk Item had outlined how the figures showed one possible way to apply the menu of options. There were also cleanup items that had been referenced, which modifications would be made to the exhibits prior to City Council consideration.

Mr. Frick outlined the staff recommendation that the Planning Commission recommend approval of Zoning Text Amendment (AT-23-004), as modified by the Desk Item, to the City Council, make the specific findings as listed in the staff report in support of the recommendation of approval and adopt a resolution confirming this action.

Commissioner Finnerty asked whether the Zoning Text Amendments were consistent with neighboring jurisdictions in terms of construction in the cities of Fremont or Hayward.

Mr. Frick explained that the objective design and development standards were responsive to state law as outlined in the July 20, 2023 staff report, which required they be used in certain circumstances particularly for housing development projects and with many jurisdictions adopting such regulations. There had not been close coordination between the City and its neighboring

jurisdictions on the exact content of the objective design and development standards, which had been tailored through Union City's community engagement process and existing development within the City, along with efforts in the past to promote quality design. Mr. Frick added that the objective design and development standards being proposed were representative of the unique and specific characteristics of the areas within Union City.

Commissioner Finnerty commented he had been in the City of Fremont where he had seen a new development that appeared to be very similar to developments being built in Union City, which was why he was curious whether Union City was developing objective design and development standards that were somewhat consistent with neighboring jurisdictions to ensure a continuous flow of development.

Mr. Frick acknowledged that adjacent cities had some similar looking developments. Mr. Frick provided some examples including in the City of Hayward where they had some similar Mission-style, multi-family development along Mission Boulevard. Mr. Frick added that some of the similar design characteristics could be based on current trends and developer's maximizing footprints for multi-family styles and using certain development techniques. Mr. Frick further added that the standards that had been proposed were unique to Union City to promote the best and highest quality design for Union City.

Commissioner Finnerty commented there had been prior discussions to encourage multi-level garage development to minimize the footprint of an open parking lot and he asked whether that had been discussed by the Planning Commission.

Mr. Frick confirmed there were certain requirements about the amount of frontage that could be devoted to parking, which would discourage surface parking in front of buildings, and added that the Station District included certain requirements for structured parking in order to maximize the footprint of a lot in relation to the number of units that were the minimum density. Mr. Frick added that there were some standards related to parking contained in Chapter 18.24.

Ms. Campbell stated that for some housing developments the garages were the most expensive part to build and in the spirit of encouraging housing if the site could accommodate some surface parking it could make sense in some contexts. Ms. Campbell added that as an example, in the Historic Alvarado District, some surface parking may be allowed; however, with the densities now seen in the ordinance and the size of sites, many projects had no choice but to provide structured parking. Ms. Campbell concluded that there was an opportunity to provide some surface parking if it worked.

Commissioner Finnerty spoke to loading zones and asked whether the loading zones would be marked 24/7 to limit parking, and asked whether flexibility could be allowed to permit parking on the weekends.

Mr. Frick commented that changes had been made after the Planning Commission had held the Study Session on June 15, with specific loading standards initially contained in Chapter 18.24, Bulk Regulations, but after further analysis staff decided those standards should be included in the individual zoning district chapters and some of the existing regulations related to loading kept for the specific districts. Mr. Frick added that on-street loading would be regulated through the development review process and through the Public Works Department and for off-street loading areas in individual district chapters, it would be up to the discretion of the applicant on the hours of availability.

Commissioner Finnerty clarified he was speaking to on-street loading zones and again asked whether parking would be allowed on the weekends.

Ms. Campbell explained that on-street loading zones are typically being used by ride shares or other uses such as Door Dash and that of the projects approved with on-street loading zones in front, they were considered to be loading zones 24/7. Ms. Campbell added that this was due to the enforcement issues that would be required to ensure parking was not being allowed during the hours they were not supposed to be. Ms. Campbell further added that she expected there would be more activity in those on-site loading zones than in the past given all of the different uses.

Commissioner Finnerty requested clarification regarding the dimensions for bicycle racks. He commented that more people were using three-wheel bicycles and he asked whether the existing bicycle racks would accommodate three-wheel bicycles.

Mr. Frick acknowledged there had been an increase in different types of bicycles, such as E-Bikes, especially over the past five years, and that trend would likely continue. Mr. Frick added that the way in which the standard had been written, it would allow one to lock the frame of the bicycle with one wheel and theoretically a three-wheel bicycle could be locked if the front wheel was locked. Mr. Frick further added that the standards may have to be modified in the future as technologies evolve.

Commissioner Finnerty also spoke to Page 45 of Exhibit A, Section 18.28.100 Transportation demand management programs, subsection A, and identified a formatting error in that section. Staff acknowledged the error referenced and that it would be corrected prior to City Council consideration.

Commissioner Lew referenced the responses contained in the Desk Item. She referenced Page 20 of Exhibit B, Draft Zoning Text Amendment (Redlines), which had shown a menu of options. She expressed concern with the figure depicted on Page 21, with an example of a townhome with four units in a row but with only one variation and she asked for clarification how the options could be used.

Mr. Frick walked through the figure shown on Page 21 and the options shown. Mr. Frick stated that the purpose of the figure on Page 21 had been to show what was being described in the proceeding text not to show what an entire building would look like but depict visually how each item in the menu of options could be done.

Commissioner Lew found the figure shown on Page 21 to be confusing. She wanted to know how the menu of options would be applied if the units were side by side to ensure variation in a row of townhomes.

Ms. Miller clarified the options could be used more than once but when checking for implementation and compliance they look at side-by-side units. Referencing the figure on Page 21 of Exhibit B, she noted that from the unit on the left in the figure as compared to the unit adjacent there was a change in color and variation in roof plane, and when one moved to the next side-by-side figure, there was a change in roof orientation and material. Ms. Miller also noted that when looking at side-by-side units, the intent was that the units would look like individual units rather than a flat wall where everything blended in.

Commissioner Lew noted the figure on Page 21 had shown three units with flat roofs, which were not allowed, which was another issue with the figure. Ms. Miller clarified that flat roofs were allowed with the exception of the Village Mixed Use (VMU), Historic Alvarado District, which prohibited mono-pitched roofs as shown on Page 16 of Exhibit B. The figure on Page 21 could be amended to avoid distracting from what was attempting to be illustrated, which was how the different elements may appear.

Commissioner Lew clarified with Ms. Miller the figure on Page 21 was accurate and a developer may choose from any of the five options shown. Ms. Lew otherwise thanked staff for some of the other revisions, as outlined in the Desk Item, but asked whether Chapter 15.64 in Question No. 11 was a correct reference.

Mr. Frick clarified that Chapter 15.64 was a correct reference to the Building Code, and the reference would be removed from the code as all development projects were required to comply with the Building Code, and as a result the reference was redundant. This issue was also addressed in the Desk Item.

Commissioner Lew referenced the definitions section as reflected in Chapter 18.08, Definitions, and asked the status of the definition of “bingo games,” which appeared to have been deleted.

Mr. Frick advised that both Exhibits A and B had not referenced “bingo games.” He explained that the online code would not be the most up-to-date code since the Industrial Code updates had added a lot of definitions and those had not been reflected in the online code. Exhibit B utilized all of the Industrial Code definition changes, as cleaned, with everything in black text having reflected all recent code changes as part of the Industrial Code definitions. Since none of the exhibits referenced “bingo games,” it was not something relevant to this specific item.

Ms. Campbell clarified for the discussion that “bingo games” had already been updated and the citation would be different.

Commissioner Lew asked whether someone on staff checked all updates to the City codes to ensure everything had been listed correctly and in numerical and alphabetical order.

Mr. Frick clarified that what was before the Planning Commission was all of the changes, with staff looking at the entire chapter and staff had a version with all definitions between the Industrial Code updates and the subject project.

Chairperson Guio referenced Exhibit B, Page 11, and identified a typographical error in the statement under the figure shown on the page. Staff acknowledged the error and stated that it would be corrected prior to City Council consideration. Chairperson Guio clarified with staff the figure shown on page 33 regarding the standard of 85 percent of surface area applied to the upper floors, which had been adapted from the Station District Specific Plan.

Ms. Campbell added the idea was to provide for some light and air coming into the paseos with less floor area and a setback to reduce bulk on the higher elevations. Floor 1 had been highlighted in the figure since it was the base amount of square footage to identify the 85 percent of surface area from.

Mr. Frick responded to a question from Chairperson Guio about whether the second floor could be larger than the first. Mr. Frick stated that with respect to the figure on Page 33, and the fact no dimension had been shown for Floor 2, that if there was a large arcade on one side it may be longer, and while it may be unusual there was nothing in the standards to prohibit it.

Chairperson Guio asked when the objective design and development standards would go into effect and Mr. Frick reiterated that Zoning Text Amendment AT-23-004 was due to go before the City Council on September 12, 2023 with a second reading on September 26, 2023, with the ordinance to go into effect 30-days thereafter. Staff would also be working on the User Guide concurrently leading up to the City Council meeting, which may be finalized around the time the ordinance would go into effect.

Commissioner Lew asked that when the changes were implemented, approved and updated in Title 18, whether that meant there were some projects the Planning Commission may not see since the intent of the changes was to streamline the approval process.

Mr. Frick stated the objective standards project would not change which projects the Planning Commission would see but that the projects the Commission did see would be evaluated based on the new objective standards. He continued that there were certain projects the Planning Commission may not see, which would not change as a result of the new objective standards; for example streamlined projects pursuant to state law as part of SB 35 which are only subject to a ministerial process. Mr. Frick added that with the new objective standards in place there would be more high-quality design that would be part of those projects and even though they would not go through the Planning Commission, they would go through a planning conformance review and building permit approval process and be subject to the new objective design and development standards.

Commissioner Lew referenced the Station District development and asked whether that project still required City Council approval.

Mr. DeLucas clarified that with the Industrial Code updates, the Planning Commission was now the decision maker, with the second reading of the updates scheduled in the next week. Mr. DeLucas added that any project that submitted for site development review or was in process that had not gone to the City Council would go to the Planning Commission. Any outstanding site development reviews for the Station District would come before the Planning Commission as the decision maker.

Commissioner Finnerty asked whether the Planning Commission would have the opportunity to see the User Guide during the review period so that they could see the end product, and Mr. Frick stated once finalized the User Guide could be emailed to the Planning Commission.

PUBLIC HEARING OPENED

Chairperson Guio reported there were no comments from the public.

PUBLIC HEARING CLOSED

Mr. Frick stated, when asked by Commissioner Lew, that the Planning Commission may move the staff recommendation, as modified by the Desk Item and as discussed by the Planning Commission, which would cover the minor changes that had been discussed.

Commissioner Lew moved that the Planning Commission recommend approval of Zoning Text Amendment (AT-23-004), as modified by the Desk Item and as discussed by the Planning Commission, and recommended approval to the City Council, and make the specific findings as listed in the staff report in support of the recommendation of approval, and adopt a resolution confirming this action.

Commissioner Finnerty seconded.

The motion was carried by the following roll call vote:

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

6. **SUPPLEMENTAL STAFF REPORTS:** None

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**

Ms. Campbell reported on July 11, 2023, the City Council had introduced ordinances for the Industrial Code updates as well as updates to the Union City Boulevard corridor zoning, with the addition of a new zoning district, Corridor Mixed Use Employment. The second reading is scheduled for July 25, 2023.

B. **Upcoming Applications for the Regular Planning Commission Meeting on August 3, 2023**

Ms. Campbell reported the Planning Commission meeting of August 3, 2023 would include a use permit application for an Adult Day Care facility at 33131 Alvarado-Niles Road and added that she would not be in attendance at that meeting but Planning Manager Farmer and the team would be present.

9. **GOOD OF THE ORDER**

Commissioner Lew reported she had attended the ribbon cutting ceremony at Old Alvarado/César Chavez Park, which had been well attended and she congratulated the City on a job well done.

Chairperson Guio announced upcoming community events including: the Community Emergency Response Team (CERT) Open House on Saturday, July 22, 2023 from 10:00 a.m. to 12:00 Noon; the Board meeting for the Northern California Sister Cities Chapter at Mark Green Sports Center; St. Anne's Festival on July 29 and 30, 2023; National Night Out at Union Landing on August 1, 2023 and the Sister City Festival on August 20, 2023.

Chairperson Guio asked that the Planning Commission meeting adjourn in honor and memory of Ed Mack Agbuya, and he read into the record comments from Bridget Guila, a friend of Mr. Agbuya.

10. **ADJOURNMENT:** 8:36 P.M. *In Honor and Memory of Vice Chairperson Ed Mack Agbuya.*