



AGENDA

CITY OF UNION CITY/ SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING

CAROL DUTRA-VERNACI, Mayor
GARY SINGH, Vice Mayor (District 1)
JAMIE PATIÑO Councilmember (District 2)
JEFF WANG, Councilmember (District 3)
SCOTT SAKAKIHARA, Councilmember (District 4)

Tuesday, September 12, 2023
7:00 PM

City Hall- Council Chamber
34009 Alvarado-Niles Road
Union City, CA 94587

- 1. CALL TO ORDER**
 - 1.a. Pledge of Allegiance
 - 1.b. Roll Call
- 2. UNFINISHED BUSINESS - None**
- 3. PROCLAMATIONS AND PRESENTATIONS**
 - 3.a. Proclamation Recognizing September 15, 2023 - October 15, 2023 As Hispanic Heritage Month
 - 3.b. Presentation of SB 1383 Regulations: Procurement Overview
- 4. ORAL COMMUNICATIONS**

An individual speaker shall have three minutes to address the Council on non-agenda items under the Oral Communications section of the agenda. The Chair may, in their discretion, lower the time limit to less than three minutes based on the number of speakers and/or business to be conducted by the City Council. Members of the public who wish to speak to the Council under the

first Oral Communications section are requested to complete a speaker card, giving their name and city of residence. If a speaker wants further notification from the City, the speaker may include a mailing address. Neither a speaker card or identification of name, city of residence or mailing address are not required to provide public comment but are requested for record keeping purposes.

5. 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.

5.a. Waived Further Reading of Proposed Ordinance

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

5.b. Approve The Minutes Of The City Council Meetings Held On July 11, 2023, July 25, 2023, August 2, 2023, August 8, 2023 And August 21, 2023

5.c. Adopt A Resolution Authorizing The City Manager To Execute The Certifications And Assurances Document Required For The City To Receive A Grant Award Under The Fiscal Year 2023 Edward J. Byrne Memorial Justice Assistance Grant, In The Amount Of \$20,923.00, For Fiscal Year 2023-2024, And Amending The Fiscal Year 2023-2024 Police Grants Fund Budget

5.d. Adopt A Resolution Authorizing The City Manager To Enter Into A Single Source Subscription Agreement With Peregrine Technologies, Inc., In The Amount Of \$44,950 Per Year For Five Years, For A Total Contract Amount Of \$224,750, For Data Analysis And Visualization Software

5.e. Adopt A Resolution Authorizing The City Manager To Execute The Consulting Services Agreement With Townsend Public Affairs, Inc., In The Amount Of \$96,000, For Legislative Advocacy And Grant Funding Services

5.f. Adopt A Resolution Approving An Amendment To The Classification And Compensation Plan To Update The Class Specifications/Job Description For The Classifications Of Engineer I (Civil) And Transit Coordinator

5.g. Adopt A Resolution Authorizing The City Manager To Execute An Independent Contractor Agreement In A Form Approved By The City Attorney With Frank Monge To Provide Youth Basketball Services In An Amount Not-To-Exceed \$120,000

5.h. Adopt A Resolution Authorizing The City Manager To Execute The First Amendment To The Consulting Services Agreement With Maze & Associates To Increase The Contract Amount By

\$30,000, For Continued Assistance With The 6-30-22 Close And Audit Preparation, For A Total Contract Amount Of \$103,975, And To Extend The Contract Term To October 31, 2023

6. PUBLIC HEARINGS

- 6.a. Hold A Public Hearing And Introduce An Ordinance For Zoning Text Amendment, AT-23-004, To Amend Title 18, Zoning, Of The Union City Municipal Code to Update Chapter 18.04 General Provisions; Chapter 18.08 Definitions; Chapter 18.24 General Development 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 To Establish Objective Development Standards And Related Updates For Consistency And Find That The Amendments Are Exempt From The California Environmental Quality Act (CEQA) In Accordance With CEQA Guidelines Section 15061(B)(3)

7. CITY MANAGER REPORTS - None

8. SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY - None

9. AUTHORITIES AND AGENCIES - None

10. CITY COMMISSION / COMMITTEE REPORTS - None

11. SCHEDULED ORAL COMMUNICATION - None

12. ITEMS REFERRED BY COUNCIL

13. GOOD OF THE ORDER

14. CLOSED SESSION - None

15. ADJOURNMENT

PEOPLE OF UNION CITY

The City Council's regular meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. inside the Council Chamber at City Hall, 34009 Alvarado-Niles Road, Union City CA 94587. The City continues to offer an opportunity to participate in Council meetings via Zoom at: <http://citycouncil-live.unioncity.org/> ; Passcode: u8SH9cH^

Meetings are broadcast live through UCTV Channel 15 and via live stream at: <https://unioncity.org/199/City-Meetings-Video>

Any writings or documents provided to a majority of City Council members relating to each item of business referred to on this agenda are available for review on the City's website at www.unioncity.org or during regular business hours in the Office of the City Clerk located at 34009 Alvarado-Niles Road, Union City CA 94587.

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (510) 675-5448. Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City also provides closed captioning of all its Regular City Council Meetings for the hearing impaired.

PUBLIC COMMENT

Written Comment: To provide written comment on an item on the agenda or to address the Council about an issue during Public Comment, you may send an email to cityclerk@unioncity.org. Please include the phrase "public comment" in the subject line and note the agenda item number that you want to address. Written comments will be e-mailed to the City Council and made publicly available.

Public Comment via Teleconference: Members of the public may address the Council on a matter on the agenda or during the Public Input portion of the meeting. Raise your virtual hand to notify the host that you would like to speak during that portion.

CITY COUNCIL NORMALS AND GUIDELINES (Resolution No. 6095-23; Adopted 03/14/2023)

The City Council of the City of Union City comply with the following norms:

1. We conduct ourselves in a professional manner, treat everyone with respect, and act with high integrity, always putting the interests of the City of Union City ahead of self-interests in accordance with our code of ethics.
2. We respect the Council-Manager form of government, and do not interfere with the City Manager's role or any professional duties of City Staff.
3. We recognize that matters of confidential nature are to be kept private and undisclosed.
4. We respect each other's opinions and are supportive of each other's work advocating for the City, and we ensure that all voices are heard. We do not criticize others for having a different point of view, and we agree to disagree respectfully.
5. We understand that the City Council acts as a body, all members are equal, and policy direction is only given by a majority vote of the City Council. Once a decision is made, all members of the City Council must respect the City Council's decision.
6. We will be prepared for City Council meetings and ask our questions of the City Manager in advance so we can avoid surprising City staff at meetings.
7. We do not criticize City staff publicly or to others and will refrain from directing them. Instead, we will take our concerns and questions privately to the City Manager.

8. We will govern on an at-large basis, although elected by districts. We will maintain a citywide perspective and consider the needs and interests of the entire community.
9. We will continue to allocate resources based on long-term strategic priorities and efforts, with consideration a citywide service levels and financial capacity.
10. We understand customer service is the priority and each member of the City Council will help constituents regardless of the district in which they reside or from which a Councilmember themselves is elected.

May these Council Norms be administered and enforced in the following manner:

1. Councilmembers have the primary responsibility to assure that ethical standards are understood and met be the Council, and that the public can continue to have full confidence in the integrity of government.
2. The Mayor and the Council have the responsibility to intervene when action of its members are in violation of Council Norms.
3. The City Council can review and revise the Council Norms as needed.
4. During City Council discussions, deliberations, and proceedings, the Mayor is designated with the primary responsibility to ensure that Councilmembers adhere to the Council Norms.

CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

I, Anna M. Brown, City Clerk of the City of Union City, California, state under penalty of perjury that this notice/agenda was posted at least 72 hours in advance of the meeting date, in accordance with the Ralph M. Brown Act, on the City's Website and on the bulletin board of City Hall.



Agenda Item

ATTACHMENTS:

Description	Type
 Proclamation	Attachment

CITY OF UNION CITY

PROCLAMATION



National Hispanic Heritage Month - September 15 to October 15

“Uniting Communities”

WHEREAS, During **National Hispanic Heritage Month** (September 15 to October 15) we recognize the contributions made and the important presence of Hispanic and Latino Americans to the United States and celebrate their heritage and culture; and

WHEREAS, The observation started in 1968 as Hispanic Heritage Week under President Lyndon Johnson and was expanded by President Ronald Reagan in 1988 to cover a 30-day period starting on September 15 and ending on October 15. It was enacted into law on August 17, 1988, on the approval of Public Law 100-402. **National Hispanic Heritage Month** begins each year on September 15, the anniversary of independence of five Latin American countries: Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. Mexico, Chile and Belize celebrate their independence days on September 16, September 18, and September 21, respectively; and

WHEREAS, many Hispanic Americans trace their roots to the cultures of the indigenous peoples of the Americas -- including the Arawaks (Puerto Rico), the Aztecs (Mexico), the Incas (South America), the Maya (Central America), and the Tainos (in Cuba, Puerto Rico and other places). Some trace their roots to the Spanish explorers -- who in the 1400s set out to find an easier and less costly way to trade with the Indies. Other Latinos trace their roots to the Africans who were brought as slaves to the New World. For purposes of the U.S. Census, Hispanic Americans today are identified according to the parts of the world that they or their ancestors came from, including Mexico, Puerto Rico, Cuba, Spain, or the nations of Central or South America. Our city of Union City has a Hispanic and Latino population of nearly 16,000, representing approximately 22% of the City's population; and

WHEREAS, the Hispanic Heritage Month theme for 2023, is “Uniting Communities,” in recognition of the need for solidarity and cooperation across diverse groups, especially at a time when societal divisions seem more noticeable. The events and celebrations of 2023 are geared towards fostering unity, while still appreciating the different cultures that fall under the Hispanic and Latino umbrella; and

WHEREAS, the City of Union City draws strength and builds its character from the diversity of our people and the mix of rich cultures that thrive in our community. Our city remains committed to addressing issues of vital importance to the Hispanic community and pursuing opportunities that could enrich the quality of life of our local Hispanic community.

NOW, THEREFORE, the City Council of Union City, does hereby proclaim September 15 – October 15, 2023 as **Hispanic Heritage Month** throughout Union City and encourages residents to share in this special annual tribute by learning and celebrating the generations of Hispanic and Latino Americans who have positively influenced and enriched our nation and society.

DATED this 12th day of September 2023

CAROL DUTRA-VERNACI, Mayor

GARY SINGH, Vice Mayor

JAIME PATIÑO, Councilmember

SCOTT SAKAKIHARA, Councilmember

JEFF WANG, Councilmember



Agenda Item

ATTACHMENTS:

Description	Type
 Presentation	Attachment

September 12, 2023



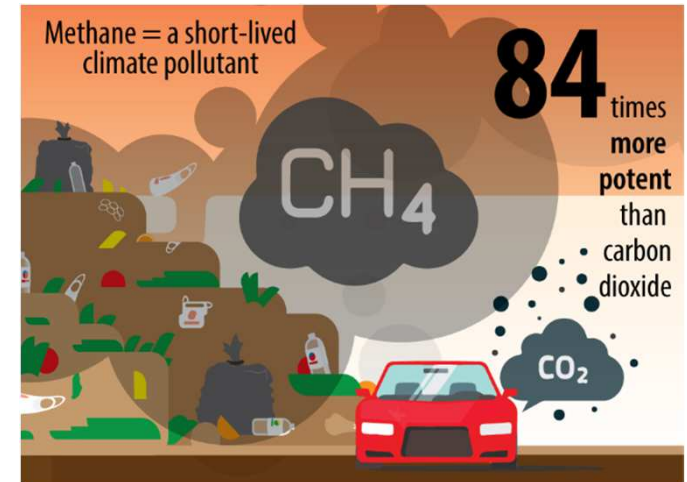
SB 1383 Regulations: Procurement Overview

Uyen Mai, Sustainability Analyst II

SB 1383 Background: Organics Reduction & Recycling Law



- ☒ Organics Reduction and Recycling Ordinance Adoption
- ☒ Recycle and Compost Collection Service
- ☒ Edible Food Recovery
- ☒ Public Outreach and Education
- ☒ Monitoring and Enforcement
- ☒ Recycled Content Paper Procurement
- ☐ Compost Procurement
- ☐ Bin/Cart Standardized Colors



Recycled Content Paper Procurement

Why this Law?

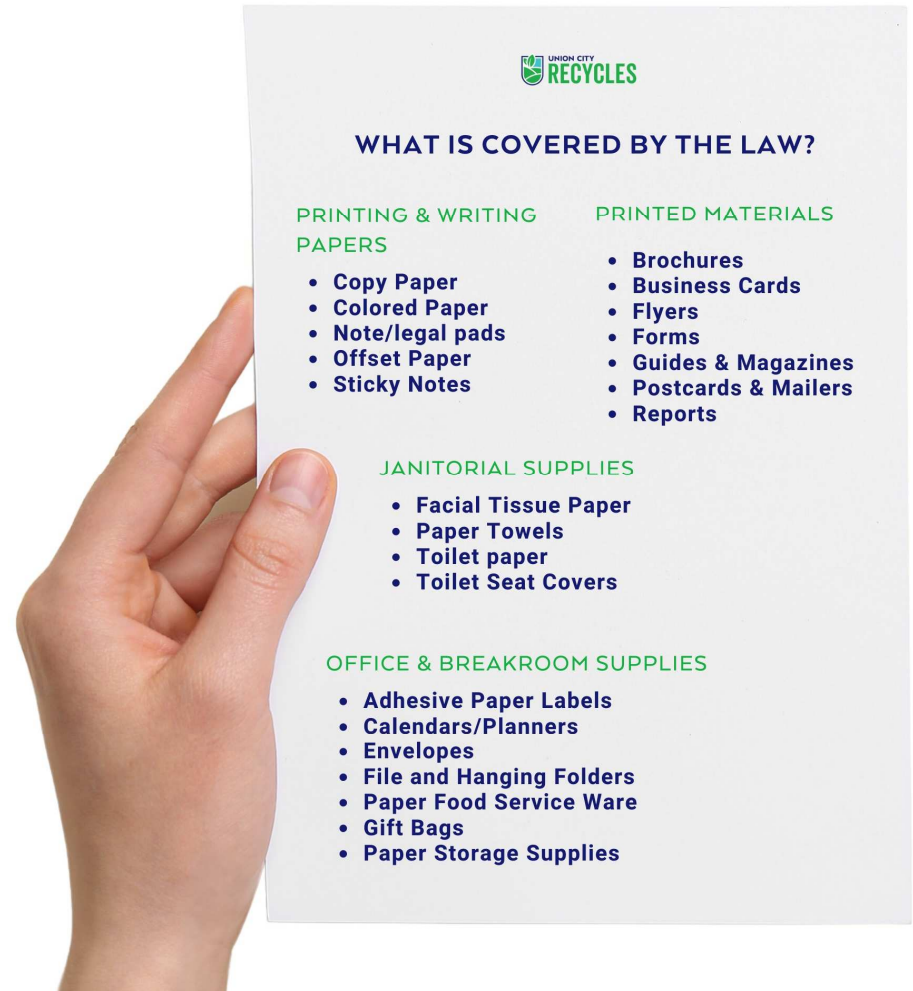
- Key piece in reducing methane gas emissions by ensuring recycled paper is recovered and not disposed in landfills
- One component of overall recycled organic waste products procurement
- Builds markets for recycled paper – closes the loop
- Reduces demand for virgin wood
- Aligns with City's Environmental Purchasing Policy



Recycled Content Paper Procurement

Requirements

- Purchase paper products containing at least 30%* post-consumer recycled content (PCRC) and are recyclable
- Maintain records verifying 30% PCRC or documenting accepted exemptions
- Accepted exemptions: Cost, market availability, and performance/business need
- Annually demonstrate compliance to CalRecycle via annual report



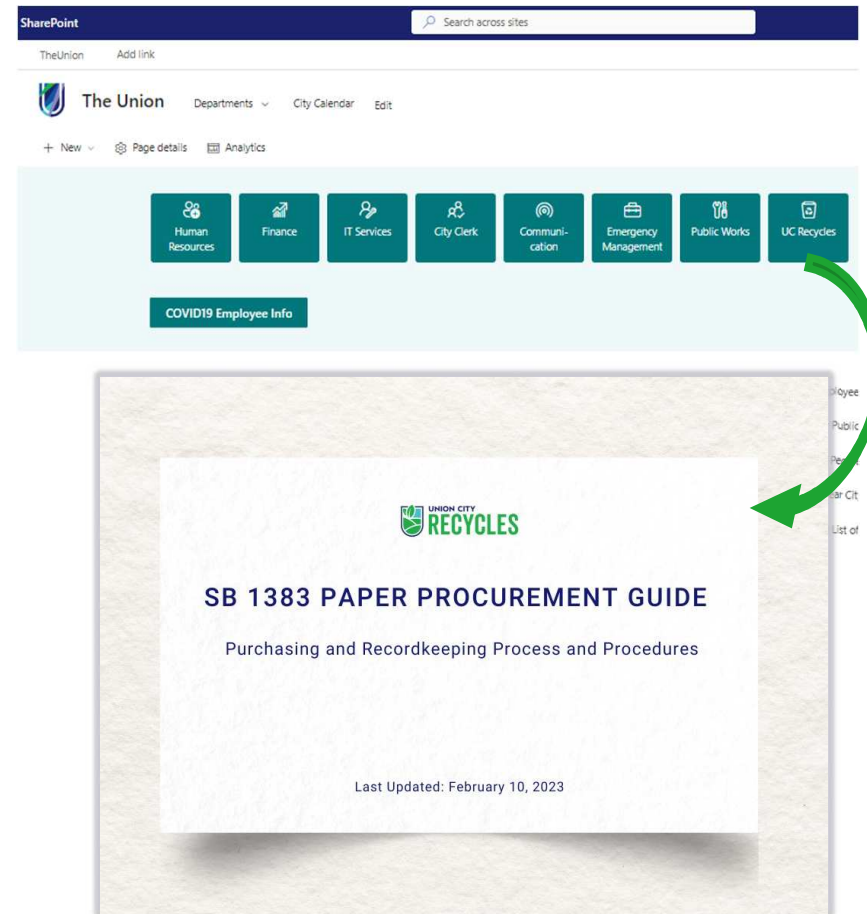
Recycled Content Paper Procurement in Union City

Decentralized Implementation

- Purchasers must use dedicated object codes and submit required records
- UC Recycles coordinates with Finance to track relevant invoices and records for reporting

Ongoing Guidance

- Procurement Guide and recordkeeping templates
- Annual departmental trainings
- New hire online training upon designation
- 1:1 purchaser/vendor training upon request



Recycled Content Paper Procurement: Best Practices



Consider Needs
Plan Ahead



Limit Purchasing to
Dedicated Purchasers

General Information

Manufacturer: Service Job

Manufacturer Part Number: 10000

Manufacturer Website Address: <http://www.pennsylvania.com>

Brand Name: Service Job

Product Name: Quad-Fold Express Beverage Napkins

Marketing Information: Quads Beverage napkins are made from 100% post-consumer recycled paper with maximum absorption of contamination from food beverages and maximum protection from hot beverages. Each napkin is 5.5" x 8.5" (length x width) and highly absorbent. Completely folded shape fits neatly within a diner's personal space. Paper material makes them easy to dispose of in recycling.

Packaged Quantity: 4000 / Carton

Product Type: Table Napkin

Catalog: General Line (Consumer) / Catalog

Catalog Page: 342

Product Information

Quantity Per Container: 500

Container Type: Pack

Shape: Square

Full Size: 9.5" x 9.5"

Number of Pile: 1

Application/Usage: Beverage

Features:

- Absorbent
- Biodegradable
- Compostable
- Recycled

Physical Characteristics

Product Color: White

Miscellaneous

Recycled: Yes

Recycled Content: 35%

Post-consumer-waste: 35%

Assembly Required: No

PMI 5500 Transit Center
Union City, CA 94587
Tel: 510.515.9000
support@pmi.com
www.pmi.com

INVOICE

Invoice Number: 40710-2023
Invoice Date: April 10, 2023
Account Number: 5000
Invoice To: Mar 10 Days

Bill To:
City of Union City
2000 Hercules Drive, Suite 100
Union City, CA 94587
Phone: (510) 515-9000 Fax: (510) 515-9000

Ship To:
City of Union City
2000 Hercules Drive, Suite 100
Union City, CA 94587
Phone: (510) 515-9000 Fax: (510) 515-9000

Item	Date	Quantity	Unit Price	Total Price
10000 Quad-Fold Express Beverage Napkins	4/10/2023	4000	\$0.25	\$1000.00
Subtotal				\$1000.00
Total				\$1000.00

Example Printing Invoice
Verifying Minimum Post-Consumer Recycled Content
(Meets SB 1383 Paper Procurement Recordkeeping Requirements)

Job Printed on 100% Recycled Paper with 30% post-consumer recycled content & Forest Stewardship Council (FSC) Certified

Material	Quantity	Unit Price	Total Price
Recycled Paper	4000	\$0.25	\$1000.00
Total			\$1000.00

Page 1 of 1

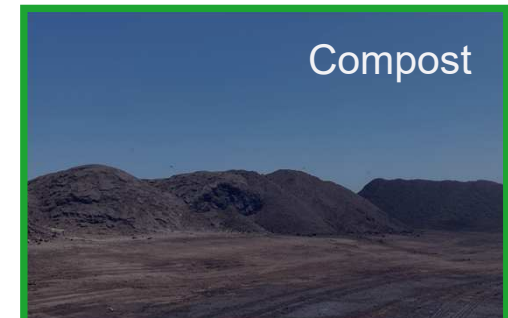
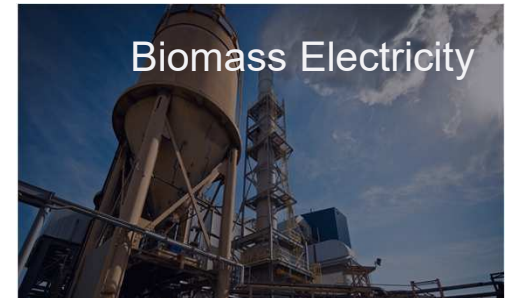


Compile and Save Records
in Shared Folder

Compost Procurement

Annual Requirement

- 0.08 tons per capita
- Union City population of 68,000 =
5,400 tons or 7,800 cubic yards
- Compost procurement cost range:
Cost/Cubic Yard = \$30.00 - \$60.00
Annual = \$234,000 - \$468,000
- Application: Parks, City properties,
medians, open spaces, private property



Compost Procurement

Annual Compost Giveaway Event

- One-day annual event hosted by the City and Republic Services per Franchise Agreement
- Residents are eligible to obtain two (2) free bags of compost

Community Compost Hub - Stay Tuned!

- Provides opportunity for residents to obtain compost year-round



CalRecycle SB 1383 Local Assistance Grant Program

CalRecycle FY 2021-22: \$57 Million Total

☒ Union City awarded \$103,597

CalRecycle FY 2022-23: \$90 Million Total

- ☐ Mid-September 2023: Grant solicitation
- ☐ November 2023: Applications due
- ☐ February/March 2024: Grants awarded
- ☐ Estimated award: \$150,000





Working Together for a Healthy Environment for a Better Tomorrow, Today!

Uyen Mai

Sustainability Analyst II

UyenM@UnionCity.org

(510) 675-5353



SB 1383 Procurement Requirements

10



Agenda Item

ATTACHMENTS:

Description	Type
 Draft Min 07112023	Attachment
 Draft Min 07112023 Exh A	Attachment
 Draft Min 07252023	Attachment
 Draft Min 08022023sp	Attachment
 Draft Min 08082023sp	Attachment
 Draft Min 08082023	Attachment
 Draft Min 08212023sp	Attachment



**CITY OF UNION CITY/
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING**

**CAROL DUTRA-VERNACI, Mayor
GARY SINGH, Vice Mayor (District 1)
JAMIE PATIÑO Councilmember (District 2)
JEFF WANG, Councilmember (District 3)
SCOTT SAKAKIHARA, Councilmember (District 4)**

Tuesday, July 11, 2023

7:00 PM

**City Hall- Council Chamber
34009 Alvarado-Niles Road
Union City, CA 94587**

1. CALL TO ORDER

1.a. Pledge of Allegiance

Mayor Dutra-Vernaci called the meeting to order at 7:05 p.m.

1.b. Roll Call Present: Councilmembers Patiño, Sakakihara, Wang, Vice Mayor Singh, Mayor Dutra-Vernaci

Absent: None

2. UNFINISHED BUSINESS - None

3. PROCLAMATIONS AND PRESENTATIONS

3.a. Proclamation Recognizing July Is National Parks and Recreation Month

Mayor Dutra-Vernaci read the proclamation aloud and presented it to Community and Recreation staff Robert Sangco, Liz Cruz and Parks & Recreation Commissioner Cheris Crocker Root.

3.b. Alameda County Fire Department 2023-2032 Strategic Plan, Chief William McDonald Presenting

Chief McDonald gave presentation and responded to questions from Council.

4. ORAL COMMUNICATIONS

Public comment was given by Edward DeGough and Pastor Michael Jenkins.

5. CONSENT CALENDAR

Mayor Dutra-Vernaci pulled item 5.e. for additional discussion.

It was moved by Vice Mayor Singh and seconded by Councilmember Wang to adopt consent calendar items 5.a. through 5.d. and 5.f. through 5.k. The motion was carried by a unanimous roll call vote.

5.a. Waived Further Reading of Proposed Ordinance

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

5.b. Approved The Minutes Of The City Council Meetings Held On June 13, 2023 And June 27, 2023

5.c. Adopted **Resolution No. 6157-23** Finding the Lazuli Landing Project Site Located at Mission Boulevard, 2nd Street, D Street, and E Street Is Exempt Surplus Land to be Disposed of Pursuant to Government Code Section 37364

5.d. Adopted **Resolution No. 6158-23** Approving An Amendment To The City's Classification And Compensation Plan To Create The Classification Of Executive Assistant To The Police Chief And To Assign A Salary Range To The Executive Assistant To The Police Chief Classification, All In Conformance With California Code Of Regulations, Title 2, Section 570.5; To Reclassify One Of The Three Confidential Operations Assistants To The Executive Assistant To The Police Chief Position; And To Approve A Side Letter Between The City Of Union City And The Police Officers' Association Regarding The Actions Listed Above

5.f. Adopted **Resolution No. 6159-23** Authorizing The City Manager To Execute The First Amendment To The Consulting Services Agreement With Winter Consulting Group, LLC, In The Amount Of \$95,000, For Bicycle And Pedestrian Advisory Committee Meeting Facilitation And Public Outreach For The Quarry Lakes Parkway Project, City Project No. 18-04, For A Total Contract Amount Of \$164,000

5.g. Adopted **Resolution No. 6160-23** Approving A List of Projects For Fiscal Year 2023-2024 Funded By SB 1: The Road Repair And Accountability Act Of 2017, Specifying The Project Locations For Two of The Listed Construction Projects As Required By The California Transportation Commission

5.h. Adopted **Resolution No. 6161-23** Approving An Amendment To The City's Classification And Compensation Plan To Update The Classification Specification For The Classification Of Police Cadet

5.i. Adopted **Resolution No. 6162-23** Approving An Amendment To The City's Classification And Compensation Plan To Update The Classification Specification For The Classification Of Public Works Inspector

- 5.j. Adopted **Resolution No. 6163-23** Approving An Amendment To The City's Classification And Compensation Plan To Update The Classification Specification For The Classification Of Vehicle Heavy Equipment Mechanic
- 5.k. Adopted **Resolution No. 6164-23** Authorizing The City Manager To Enter Into A Contract With TeamCivX To Assist The City In Community Surveying And Communications For A Total Contract Cost Not To Exceed \$106,075; And Authorize Additional Funds For Communications Collateral, Including Up To Three Mailers At \$18,250 Per Mailing, And A Digital Communications Budget Of \$10,000 That Will Also Be Coordinated Through TeamCivX

Discussion of Item 5.e.

- 5.e. Adopt A Resolution Designating Voting Delegate And Alternate Delegate For League Of California Cities Annual Conference – September 20-22, 2023 In Sacramento

Mayor Dutra-Vernaci pulled the item to confirm attendance of Vice Mayor Singh and Councilmember Patiño. Both confirmed they will attend.

It was moved by Mayor Dutra-Vernaci and seconded by Vice Mayor Singh to adopt **Resolution No. 6165-23** Designating Vice Mayor Singh as the Voting Delegate And Councilmember Patiño as Alternate Delegate For League Of California Cities Annual Conference – September 20-22, 2023 In Sacramento. The motion was carried by a unanimous roll call vote.

6. PUBLIC HEARINGS

- 6.a. Conduct A Public Hearing And Adopt A Resolution Of The City Council Of The City Of Union City Declaring Its Intent To Award A Commercial Cannabis Permit To Responsible And Compliant Retail Union City LLC dba Embarc Union City To Operate A Retail Cannabis Dispensary At 2625 And 2633 Decoto Road, Union City, California, 94587, Subject To Compliance With All Necessary Conditions

Prior to the presentation of staff report, Councilmember Wong recused himself based on a common law conflict of interest related to his personal objections to cannabis. Councilmember Wang left the chamber.

City Manager Malloy presented the staff report providing a review of the following:

- Phases of the permit application process and the steps completed as a part of this application cycle
- Location
- Embarc's business, development, labor and employment, neighborhood, and community benefits plans
- Projected tax revenues

Staff recommended that the City Council adopt a resolution declaring its intent to award a retail cannabis permit to Responsible and Compliant Retail Union City LLC dba Embarc Union City to operate a retail cannabis dispensary at 2625 and 2633 Decoto Road, Union City, CA 94587 subject to compliance with all necessary conditions. Staff responded to questions from Council.

Mayor Dutra-Vernaci opened the public hearing.

Written public comment submitted as Exhibit A.

Oral public comment was given by the following (as submitted on Public Comment Card):

Chun Chi Ma	Nick McDonald	Jim Navarro
John Wayleigh	Scott Hodgkin	Johnson Ned
Robert De Jesus	Mario	James Yee
Devan	Nancy	Ron
Miguel	John Silverberg	Terrin Buckston
Peter	Mackenzie S.	Kathy Kelly
Thai Tran	Deon King	Alicia Gonzalez Candelaria
Jim A.	Jasmit Singh	Kashmir Singh Shahi
Ramon Garcia	Carolyn Demco	Amardeep Brar
Jerome Brown	Alvin	Sumret
Agy Meriman	Minh Nolasco	Jennifer Jin
Noralea	Sue Rudholm	Anthony Zen
Jacob	Katherine Hagan	Yan Yin
Stephen Zao	Jay Zhun	Woody
Craig Roberts	Ray Degrate	Vipin Bajwa for Lee Web
Ann Chung	Adeles Van	Jennifer

Applicants Ray Gonzales, Dustin Moore and Lauren Carpenter provided comment and responded to questions from Council.

Mayor Dutra-Vernaci closed the public hearing. Councilmembers provided additional comment.

It was moved by Mayor Dutra-Vernaci and seconded by Councilmember Patiño to adopt **Resolution No. 6166-23** Declaring the City Council's Intent To Award A Commercial Cannabis Permit To Responsible And Compliant Retail Union City LLC dba Embarc Union City To Operate A Retail Cannabis Dispensary At 2625 And 2633 Decoto Road, Union City, California, 94587, Subject To Compliance With All Necessary Conditions. The motion was carried by the following roll call vote:

AYES:	Councilmembers Patiño, Sakakihara, Mayor Dutra-Vernaci
NOES:	None
ABSENT:	None
ABSTAIN:	Councilmember Wang, Vice Mayor Singh

Councilmember Wang returned to the dais.

Mayor Dutra-Vernaci recessed the meeting for ten minutes.
Mayor Dutra-Vernaci called the meeting back into session.

- 6.b. Conduct A Public Hearing On the Assessment Of Liens Against Certain Properties Located In The City Of Union City For Delinquent Business License Taxes On Residential Rental Properties And Adoption Of A Resolution Authorizing The Filing Of Liens And Directing Staff To Forward Such Liens To The Alameda County Auditor-Controller For Placement On The Fiscal Year 2023-2024 Secured Property Tax Roll And To The Alameda County Clerk-Recorder's Office For Official Recordation Of The Liens

City Attorney Kokotaylo presented the staff report. There were no questions from Council.

Mayor Dutra-Vernaci opened the public hearing. There were no public comments. Mayor Dutra-Vernaci closed the public hearing.

It was moved by Vice Mayor Singh and seconded by Councilmember Wang to adopt **Resolution No. 6167-23** Authorizing The Filing Of Liens And Directing Staff To Forward Such Liens To The Alameda County Auditor-Controller For Placement On The Fiscal Year 2023-2024 Secured Property Tax Roll And To The Alameda County Clerk-Recorder's Office For Official Recordation Of The Liens. The motion was carried by a unanimous roll call vote.

- 6.c. Conduct A Public Hearing And Introduce An Ordinance For Zoning Text Amendment AT-23-003 To Amend Title 18, Zoning, Of The Union City Municipal Code To Update Chapter 18.08, Definitions, Chapter 18.36, Commercial Districts, Chapter 18.40, Industrial Districts, Chapter 18.76, Site Development Review, Add Chapter 18.43, Use Of Hazardous Materials And Find That The Amendment Is Exempt From Environmental Review In Accordance With CEQA Guidelines Section 15061(B) (3)

Associate Planner Brandon DeLucas presented the staff report and responded to questions from Council.

Mayor Dutra-Vernaci opened the public hearing. There were no public comments. Mayor Dutra-Vernaci closed the public hearing. There were no additional comments from Council.

It was moved by Councilmember Sakakihara and seconded by Councilmember Patiño to Waive the First Reading and Introduce An Ordinance For Zoning Text Amendment AT-23-003 To Amend Title 18, Zoning, Of The Union City Municipal Code To Update Chapter 18.08, Definitions, Chapter 18.36, Commercial Districts, Chapter 18.40, Industrial Districts, Chapter 18.76, Site Development Review, Add Chapter 18.43, Use Of Hazardous Materials And Find That The Amendment Is Exempt From Environmental Review In Accordance With CEQA Guidelines Section 15061(B) (3). The motion was carried by a unanimous roll call vote.

- 6.d. Conduct A Public Hearing And Introduce An Ordinance For 1) Zoning Text Amendment AT-23-002 To Amend Title 18, Zoning, Of The Union City Municipal Code To Rename Chapter 18.41, To "Employment Mixed-Use Districts" And Add A New Zoning District Referred To As " Corridor Mixed-Use Employment (CMUE)" And 2) Zoning Map Amendment A-23-001 To Amend The Official Zoning Map Of The City Of Union City To Rezone The Properties Located Along The Union City Blvd. Corridor, With A Union City 2040 General Plan Designation Of Mixed-Use Employment (EMU), From Special Industrial (MS) To Corridor Mixed-Use Employment (CMUE) For Consistency With The General Plan, And Find That The Amendments Are Exempt From Environmental Review In Accordance With CEQA Guidelines Section 15061(B)(3)

Mayor Dutra-Vernaci announced she had an economic conflict of interest under the Political Reform Act, that being a real property interest in her personal

residence located near the boundaries of the Corridor Mixed-Use Employment zoning district. The Mayor recused herself and left the chamber.

Vice Mayor Singh chaired the meeting.

Associate Planner Brandon DeLucas presented the staff report and responded to questions from Council.

Vice Mayor Singh opened the public hearing. There was no public comment. Vice Mayor Singh closed the public hearing. There were no additional comments from Council.

It was moved by Councilmember Wang and seconded by Councilmember Patiño to Waive the First Reading and Introduce An Ordinance For 1) Zoning Text Amendment AT-23-002 To Amend Title 18, Zoning, Of The Union City Municipal Code To Rename Chapter 18.41, To “Employment Mixed-Use Districts” And Add A New Zoning District Referred To As “ Corridor Mixed-Use Employment (CMUE)” And 2) Zoning Map Amendment A-23-001 To Amend The Official Zoning Map Of The City Of Union City To Rezone The Properties Located Along The Union City Blvd. Corridor, With A Union City 2040 General Plan Designation Of Mixed-Use Employment (EMU), From Special Industrial (MS) To Corridor Mixed-Use Employment (CMUE) For Consistency With The General Plan, And Find That The Amendments Are Exempt From Environmental Review In Accordance With CEQA Guidelines Section 15061(B)(3). The motion was carried by the following roll call vote:

AYES:	Councilmembers Patiño, Sakakihara, Wang, Vice Mayor Singh
NOES:	None
ABSENT:	Mayor Dutra-Vernaci
ABSTAIN:	None

Mayor Dutra-Vernaci returned to the dais.

- 6.e. Conduct A Public Hearing, Confirm The Assessment And Order The Levy For The Landscape And Lighting District No. 3 For Fiscal Year 2023-24

City Engineer Farooq Azim presented the staff report. There were no questions from the Council.

Mayor Dutra-Vernaci opened the public hearing. There were no public comments. Mayor Dutra-Vernaci closed the public hearing. There were no additional comments from the Council.

It was moved by Vice Mayor Singh and seconded by Councilmember Sakakihara to adopt **Resolution No. 6168-23** Confirming The Assessment And Order The Levy For The Landscape And Lighting District No. 3 For Fiscal Year 2023-24. The motion was carried by a unanimous roll call vote.

7. CITY MANAGER REPORTS

- 7.a. Adopt A Resolution Approving The Annual Report For The Union Landing Property And Business Improvement District (PBID) For Fiscal Year 2023-2024 And Amending The City Of Union City Adopted Budget For Fiscal Year 2023-2024 For Consistency, And Adopt A Resolution Ordering The Levy And

Collection Of Assessments For The Union Landing PBID For Fiscal Year 2023-2024

Economic Development Manager Gloria Ortega presented the staff report explaining the purpose of the PBID and highlighting accomplishments for fiscal year 2022/2023. Ms. Ortega responded to questions from Council. Councilmembers provided comment.

It was moved by Councilmember Sakakihara and seconded by Vice Mayor Singh to adopt:

Resolution No. 6169-23 Approving The Annual Report For The Union Landing Property And Business Improvement District (PBID) For Fiscal Year 2023-2024 And Amending The City Of Union City Adopted Budget For Fiscal Year 2023-2024 For Consistency; and

Resolution No. 6170-23 Ordering The Levy And Collection Of Assessments For The Union Landing PBID For Fiscal Year 2023-2024.

The motion was carried by a unanimous roll call vote.

8. **SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY - None**
9. **AUTHORITIES AND AGENCIES - None**
10. **CITY COMMISSION / COMMITTEE REPORTS - None**
11. **SCHEDULED ORAL COMMUNICATION - None**
12. **ITEMS REFERRED BY COUNCIL**

Councilmember Patiño reported on his attendance of a bocce ball tournament and legislative update for the League of California Cities.

Councilmember Wang reported on his attendance of the StopWaste meeting.

Mayor Dutra-Vernaci reported on meetings of the Alameda CTC.

13. **GOOD OF THE ORDER**

Councilmember Patiño reported on his attendance of the Coffee with Cops event and remarked that this Fourth of July had a noticeable improvement.

Councilmember Sakakihara reported on his Fourth of July ride-along, a tour of the Tri-CED facility, and Old Alvarado/Cesar Chavez Park ribbon cutting ceremony.

Vice Mayor Singh provided comments regarding the Fourth of July.

Councilmember Wang reported on his Fourth of July ride-along and his attendance of the Old Alvarado/Cesar Chavez Park ribbon cutting ceremony.

Mayor Dutra-Vernaci provided her thoughts on the Fourth of July and commended police department's response that evening.

Mayor Dutra-Vernaci reported food trucks near the Birdhouse and Old Alvarado Park and recommended checking the location every Sunday and making sure the trucks are properly permitted.

Mayor Dutra-Vernaci reported on her attendance of a transportation conference in the Netherlands at the end of June.

14. CLOSED SESSION – None

15. ADJOURNMENT

Mayor Dutra-Vernaci adjourned the meeting at 10:58 p.m.

Respectfully submitted,

Anna M. Brown, CMC
City Clerk

cannabis permit**DOLORES GALVAN**

Wed 7/5/2023 12:28 PM

To: Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

I live very near 2625 & 2633 Decoto Rd. I am very much opposed to a cannabis dispensary at this location. I have lived here on Cherrywood Dr. for more than 51 years. I have seen this area increase in value over the years. It has been a pleasant place to live. I am sure the neighborhood will decline in safety, cleanliness, and families with children.

I have witnessed the decline in such places in Portland, Oregon. I have relatives who have seen a sharp drop in property values and difficulty in selling homes when a cannabis dispensary opened in their neighborhood. Most people I know would not buy a home near such a business.

If my voice counts at all I want it known that I do not want a cannabis dispensary in Union City, much less so near to my home.

Dolores Galvan

Union City, CA 94587

New Marijuana store proposed near James Logan High School.

Harkirpal Sehmbey <

Mon 7/10/2023 11:28 AM

To: City Clerk <Cityclerk@unioncity.org>; Anna M. Brown <AnnaB@UnionCity.Org>; Carol Dutra-Vernaci <CarolD@UnionCity.Org>; Gary Singh <GaryS@UnionCity.Org>; Jaime Patino <JaimeP@UnionCity.Org>; Jeff Wang <jeffwang@unioncity.org>; Scott Sakakihara <scotts@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Councilmember,

I am writing to you today to express my strong opposition to the proposed marijuana store in our town (near James Logan High School). I believe that this store would be a detriment to our community and would pose a number of risks to our residents.

First, I am concerned about the impact that this store would have on our youth. Marijuana use is already on the rise among teenagers, and I fear that the presence of a marijuana store in our town would only make it easier for them to obtain this drug. Marijuana use can have serious consequences for young people, including impaired cognitive development, increased risk of addiction, and mental health problems. I have kids and I am very concerned about this store.

Second, I am concerned about the potential for crime associated with this store. Marijuana is still illegal under federal law, and there is a risk that the presence of a marijuana store in our town would attract drug traffickers and other criminals. This could lead to an increase in crime in our community, which would make our residents less safe. We have already seen the 2 existing marijuana stores in union city. I know you guys have records of these but on July 7 there was a shooting during a robbery at Flor, June 18 Car break in at Flor (Robbery), June 10 driving a truck to break the door at Lemonnade.

Third, I am concerned about the impact that this store would have on our property values. Studies have shown that the presence of a marijuana store can lower property values in surrounding areas. This is because many people do not want to live near a marijuana store, and they are willing to pay less for a home in an area where there is one.

For all of these reasons, I urge you to vote against the proposed marijuana store. I believe that this store would be a detriment to our community and would pose a number of risks to our residents.

Thank you for your time and consideration.

Sincerely, Harkirpal Singh Sehmbey

Union City, Ca 94587

CANNABIS PERMIT

Mon 7/10/2023 10:56 AM

To: Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Council and Ms. Anna Brown,

I am writing to express my STRONG OPPOSITION to the proposed cannabis permit for a third commercial cannabis store at 2625-2633 Decoto Road, which will be discussed in the open public hearing on July 11th at 7PM.

I've heard from the news that the current two stores in our city have been involved in several incidents, which could potentially harm our community. Additionally, the proximity of the stores to the only high school in our city is a cause for concern regarding the safety of our young generation.

Please considering our concerns.

Sincerely,

Lirui Liu

union city, ca, 94587

No Pot Store on Cherrywood Union City

Albert Tang

Mon 7/10/2023 10:43 AM

To: City Clerk <Cityclerk@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hi There,

I am concerned about the impact that this proposed Pot Store @ Cherrywood would have on our children. Marijuana is a drug that can be harmful to developing brains, and I do not want my children to be exposed to it. I am also concerned about the potential for this store to attract crime and loitering, which would make our neighborhood less safe.

I strongly urge you to oppose the opening of this marijuana store in our neighborhood.
Thank you for your time and consideration.

The Tang family

Sent from [Mail](#) for Windows

Save Our Children--Cannabis Permit -the Third store in union city

lily wong

Mon 7/10/2023 6:10 AM

To: Anna M. Brown <AnnaB@UnionCity.Org>; Carol Dutra-Vernaci <CarolD@UnionCity.Org>; Gary Singh <GaryS@UnionCity.Org>; Jaime Patino <JaimeP@UnionCity.Org>; Jeff Wang <jeffwang@unioncity.org>; Scott Sakakihara <scotts@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear All,

Please no Cannabis store near the James Logan High school, it will affect our children. This is a temptation for them. This suppose to be a place for them to study peacefully, not thinking about the marijuana shop near by. It is 600 yards walking distance from James Logan High. **It will cause a lots problems. Please! Please! Please! No Cannabis store near the High school.**

My name is Lily Wong

Union City, CA

Fw: Cannabis Permit

chunyuan he

Sun 7/9/2023 10:35 PM

To: City Clerk <Cityclerk@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

----- Forwarded Message -----

From: chunyuan he**To:** cityclerk@unioncity.org <cityclerk@unioncity.org>**Cc:** annab@unioncity.org <annab@unioncity.org>; carold@unioncity.org <carold@unioncity.org>; gargs@unioncity.org <gargs@unioncity.org>; jaimep@unioncity.org <jaimep@unioncity.org>; jeffwang@unioncity.org <jeffwang@unioncity.org>; scotts@unioncity.org <scotts@unioncity.org>**Sent:** Sunday, July 9, 2023 at 10:27:06 PM PDT**Subject:** Cannabis Permit

Dear Union City Leaders,

I am sending this email to you is to request stopping a new marijuana store in Union City (Cherrywood Center).

There are lots of bad consequences would be in our city. This is not fair for all the residents.

There is the dangerous facts list:

1. Teenagers at James Logan High (within 700 yards) have convenient access to cannabis!
2. Decreased value in our houses nearby.
3. More crimes, as we have already seen in the 2 existing marijuana stores:
 - a. Shooting during a robbery at Flor in Union Landing on July 7!
 - b. Robbery by driving a car to break the doors at Flor on June 18!
 - c. Robbery by driving a truck to break the doors at Lemonade on June 10!
4. our backyard/street is being used as an escape route.
5. Increasing shoplifting, nuisances, vandalism, and reselling marijuana in our neighborhood!
6. More drug addicts or people under influence roaming around our house!
7. Customers and potential home buyers are scared away by drugs and crimes!

I am sure you all know the dangerous facts by the drug store or drug trading. You all want to create a great living environment for your people. I know all of you have a kind heart.

I would like to ask you all, how many people know about the Opium War in China? You might know that the British and USA got a lot of profit from opium trading with China, it was a great business for both British and USA. However, you might not know during that time the Chinese were suffering. The Chinese citizens were addicted to the drug. In order to earn money to pay for the drug, people sold their children, wives, and property. Some even lost their lives, families were destroyed, communities were destroyed, and societies were destroyed. Since that the Chinese government realized that a drug is a drug, lives would be lost, and the country would be destroyed. That was why Lin Zexu launched the first large-scale anti-opium campaign in human history. Over 1,150,000 kg of opium was destroyed publicly on the beach of Humen, Guangdong. The Chinese woke up. Since that the Chinese government bans drugs, which is to be responsible for her people.

If you allow the marijuana store to open in our city, your home, do you think that you are helping families, or is the profit greater than the loss?

Let me tell you a story about my family. In 2016, I got my nice house in Union City. We planed to move in a few years later, so we decided to rent it to a tenant. The nightmare started a few months later. The tenant grew marijuana in my house without my permission. They damaged my house. It caused not only a financial issue, but also a mental, physical, time, and stress issue. That was a dark time in our lives. We were suffering for a long time. I had to borrow money to fix it. Now my family is still struggling financially. We still own people money which was borrowed to help fix our house. If this did not happen, our life would be great and relaxed. We could bring my children to travel around and create new experiences, and I could spend some more money on my children's education.

Another thing I want to bring up to you is, how many of you are really walking deeply in San Francisco, especially some famous drug trading areas? I suggest that you stay in San Francisco for 1 or 2 days to see the environment, feel the atmosphere, and smell the air before making a decision. After you learn about the reality of SF, the street of SF, the people on the street, I hope you all can make a right decision that is good for your people and help your families, your children, your grandchildren stay away from such a horrible thing and live in a healthy, safe, clean, and beautiful neighborhood. It will make all of your citizens proud and appreciate what you have done for them.

I hope my voice is heard. No drug / marijuana trading in our city.

I appreciate your consideration and hope to hear the good news.

Chunyuan He

Union city

Strongly Oppose The Opening Of Any "Pot/Marijuana Store" in Union City

Peter Li <

Sun 7/9/2023 9:53 PM

To:City Clerk <Cityclerk@unioncity.org>;Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Council Members,

Me and my family have been living in Union City since 2009. We saw an increase in the crime rate in our neighborhood.

Me and my family strongly oppose the opening of any "pot/marijuana stores" in Union City.

I have read numerous articles about the decline of neighborhoods that allow these stores and the additional increase of other drugs being filtered through these "legal" shops.

These stores would place our children at a higher risk of addictive behaviors. Our city has kept its high standards by refusing to buy into the "go with the flow" attitudes which have ruined adjacent communities in Alameda County. To divert from the integrity of our community by allowing these stores would be a terrible transgression by this elected council. Keeping Union City as a drug resistant community is now, more than ever, imperative in allowing our children to have a safe and healthy environment as well as setting a good example throughout our city.

Please DO NOT allow this type of corruption in our fine and upstanding community.

With my most sincere wishes,

Peter Li

Union City Resident and Registered Voter

opposition to the proposed cannabis permit

tina xie

Sun 7/9/2023 9:04 PM

To: Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Council and Ms. Anna Brown,

I am writing to express my strong opposition to the proposed cannabis permit for a third commercial cannabis store at 2625-2633 Decoto Road, which will be discussed in the open public hearing on July 11th at 7pm.

Tax Revenue: While it is understood that the cannabis industry can bring in significant tax revenue, one must also consider the hidden costs of this enterprise. Increased policing, the health impact on our youth, and potential damage to community aesthetics can outweigh the financial benefits. Ultimately, the long-term societal costs could surpass the short-term financial gain.

Job Creation: Although the prospect of creating 45-68 local jobs is tempting, we need to question the quality of these jobs and the impact on our community. Will these jobs provide a healthy work environment and meaningful career development opportunities? Or will they merely serve to enable and further the reach of the cannabis industry?

Security & Community Support Plan: While the permit proposal includes an extensive security and community support plan, the existing cannabis stores in our city have already been associated with numerous incidents, including car collisions, burglaries, and even attempted murder. The presence of another cannabis store will likely only exacerbate these issues, further straining our city's resources.

Moreover, the proposed location is alarmingly close to James Logan High School, exposing our youth to the potential negative influences of cannabis. This exposure could lead to increased crime within our school system and a greater likelihood of campus shootings, endangering the safety of our students.

We are calling on you to prioritize the well-being and safety of our community and the development of our youth over short-term financial gains. We must stand together to preserve our community, and this starts by voicing our opposition to this cannabis permit.

Thank you for considering our concerns. We trust that you will act in the best interests of our community.

Sincerely,
Lifeng Wan

Union City, CA 94587

Proposed cannabis shop at Cherrywood center

Pati Lakshmi

Sun 7/9/2023 8:03 PM

To: City Clerk <Cityclerk@unioncity.org>; Anna M. Brown <AnnaB@UnionCity.Org>; Jennifer Phan <jenniferp@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hi City Manager,

I am absolutely against this proposal by you to open the cannabis shop. This is a bad idea where you are considering money over community values. This place you are proposing is surrounded by many residential family homes including a senior citizen center right beside it. Perry road near this proposed place is a daily walking road for many students walking to James Logan high school. Have you imagined impact to them? Have you discussed about the impact this pot shop will have on the surrounding families? This plan is nothing but inviting trouble to this residential area. And I guess you are aware of the shooting incidents few days back near the pot shop at courthouse drive. We don't want it right behind our backyard. It is we the resident who will be dealing with this forever, not you or your family. Imagine a Pot shop next to the famous Baldies café or the 7 eleven shop? These are two very popular place for residents around it, and having a Pot shop right there is a very very bad idea. This will be magnet for criminals who routinely target such places and you must know that. Your decision is going to cause anxiety among all residents around it and will be troubled by knowing that a cannabis store is right in the middle of their neighborhood. As City Manager you must be aware of the residential family homes in all four corners of this small complex. It looks like your proposal is more leaned toward MONEY than the people of Union City. I will not be feeling safe walking near that complex not knowing what may happen like the incident on July 7th and Jun 18th at Flor in Union Landing, Jun 10th in Lemonnade in Union City blvd.

Please do not recommend pot shop in Cherrywood center.

I strongly object to your recommendation regarding the award of a commercial cannabis shop at this place.

NO CANNABIS IN CHERRYWOOD CENTER

Thanks
Lakshmi Pati

Please NO Marijuana shops!! Cherrywood Center

lovejit mann

Sun 7/9/2023 7:14 PM

To: City Clerk <Cityclerk@unioncity.org>; Anna M. Brown <AnnaB@UnionCity.Org>; Gary Singh <GaryS@UnionCity.Org>; Carol Dutra-Vernaci <CarolD@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hello,

I'm surprised to find out that with all that's been going around the Arroyo Park, there is now a proposal for a new pot shop in the area. This is just calling for more trouble and will exponentially increase the danger we already face in the society and kids. I really hope you will not let this happen and put teens and families in the harm way.

Best,

Lovejit Singh

CANNABIS PERMIT

Matthew Song

Sun 7/9/2023 6:55 PM

To: Anna M. Brown <AnnaB@UnionCity.Org>; Carol Dutra-Vernaci <CarolD@UnionCity.Org>; Gary Singh <GaryS@UnionCity.Org>; Jaime Patino <JaimeP@UnionCity.Org>; Jeff Wang <jeffwang@unioncity.org>; Scott Sakakihara <scotts@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Council Members,

We are the concerned citizens of Union City homeowners. We urge you to reject the proposal to allow a third marijuana store in our town, especially near the high school. This would have a negative impact on the health, safety and education of our youth, as well as the reputation and economy of our community.

We urge your rejection not only because our condo unit is near the proposed location of the third marijuana store, but also Marijuana itself is a harmful substance. It can impair brain development, lower academic performance, increase mental health problems and lead to addiction. Allowing another store to sell marijuana near the high school would expose our students to more temptation, peer pressure and availability of this drug. It would also send a message that our town condones and promotes marijuana use, which could deter potential businesses and residents from investing in our area.

We believe that Union City should prioritize the well-being of its citizens, especially its future generations, over the profits of a few marijuana sellers. We ask you to vote no on the third marijuana store proposal and protect our town from the negative consequences of this decision.

Sincerely,

Jenny & Matthew

No to new Marijuana store

Kenny Lei

Sun 7/9/2023 4:36 PM

To: City Clerk <Cityclerk@unioncity.org>; Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

To whom it may concern,

I notice there is going to be a new Marijuana store near James Logan High. I strongly oppose to this. The reason is because it will create an easy access to pot for teenager, it will create more potential shooting, robbery and other dangerous crimes in the area. This is indeed an indication for the other area where other existing Marijuana store is located, especially for Union City. I don't see an added benefit by adding another store. Please limit the access to Marijuana, even if it's legal. Legal does not mean its right, and in fact it's still debatable. I do see detrimental effect to my family members because of Marijuana usage; it affected them mentally and physically. I kindly urge you to stop this development and offer a peace of mind to our family including yourself.

Kind regard,

Kenny

Cannabis Permit

Jay Zhu

Sun 7/9/2023 1:50 PM

To: Anna M. Brown <AnnaB@UnionCity.Org>; City Clerk <Cityclerk@unioncity.org>; carlD@unioncity.org <carlD@unioncity.org>; Gary Singh <GaryS@UnionCity.Org>; Jeff Wang <jeffwang@unioncity.org>; Scott Sakakihara <scotts@unioncity.org>; Jaime Patino <JaimeP@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

City clerks and city council members,

My name is Jay Zhu and I live at 35018 Begonia St, Union City, CA 94587.

I strongly oppose the City of Union City to grant the cannabis permit to open a cannabis dispensary at 2625 & 2633 Decoto Rd location.

This location is very close to the residential area, and especially James Logan High School. The increased crime associated with a cannabis dispensary is very concerning. The store could be the target for armed robberies, people walking and driving around under the influence in our neighborhood streets. This WILL cause serious safety problems to all the residents nearby. The recent incident at Flor is an example, no matter how well the store and city guarantees the safety of the methods in place, such incidents will and continue to happen in the future.

WE DO NOT WANT IT TO HAPPEN IN OUR NEIGHBORHOODS! PLEASE DENY THE CANNABIS PERMIT AT THIS LOCATION!!!

Thank you.

Jay Zhu

No pot shop in cherrywood center

Abhinav Mishra

Sun 7/9/2023 12:50 PM

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Sir/Ma'am,

As a resident of nearby place, my wife and I request you to please ensure that a pot shop is not opened near the residential area which may also affect children near James Logan High School.

opposition to the proposed cannabis

Anne Rabbit

Sun 7/9/2023 10:09 AM

To: Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Council and Ms. Anna Brown,

I am writing to express my strong opposition to the proposed cannabis permit for a third commercial cannabis store at 2625-2633 Decoto Road, which will be discussed in the open public hearing on July 11th at 7pm.

Tax Revenue: While it is understood that the cannabis industry can bring in significant tax revenue, one must also consider the hidden costs of this enterprise. Increased policing, the health impact on our youth, and potential damage to community aesthetics can outweigh the financial benefits. Ultimately, the long-term societal costs could surpass the short-term financial gain.

Job Creation: Although the prospect of creating 45-68 local jobs is tempting, we need to question the quality of these jobs and the impact on our community. Will these jobs provide a healthy work environment and meaningful career development opportunities? Or will they merely serve to enable and further the reach of the cannabis industry?

Security & Community Support Plan: While the permit proposal includes an extensive security and community support plan, the existing cannabis stores in our city have already been associated with numerous incidents, including car collisions, burglaries, and even attempted murder. The presence of another cannabis store will likely only exacerbate these issues, further straining our city's resources.

Moreover, the proposed location is alarmingly close to James Logan High School, exposing our youth to the potential negative influences of cannabis. This exposure could lead to increased crime within our school system and a greater likelihood of campus shootings, endangering the safety of our students.

We are calling on you to prioritize the well-being and safety of our community and the development of our youth over short-term financial gains. We must stand together to preserve our community, and this starts by voicing our opposition to this cannabis permit.

Thank you for considering our concerns. We trust that you will act in the best interests of our community.

Sincerely,
Anne Xia

Sent from my iPhone

Strong opposition to the proposed cannabis permit for a third commercial cannabis store at 2625-2633 Decoto Road

Lily Mao

Sun 7/9/2023 9:31 AM

To: Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Council and Ms. Anna Brown,

I am writing to express my strong opposition to the proposed cannabis permit for a third commercial cannabis store at 2625-2633 Decoto Road, which will be discussed in the open public h

Tax Revenue: While it is understood that the cannabis industry can bring in significant tax revenue, one must also consider the hidden costs of this enterprise. Increased policing, the health damage to community aesthetics can outweigh the financial benefits. Ultimately, the long-term societal costs could surpass the short-term financial gain.

Job Creation: Although the prospect of creating 45-68 local jobs is tempting, we need to question the quality of these jobs and the impact on our community. Will these jobs provide a health career development opportunities? Or will they merely serve to enable and further the reach of the cannabis industry?

Security & Community Support Plan: While the permit proposal includes an extensive security and community support plan, the existing cannabis stores in our city have already been assoc including car collisions, burglaries, and even attempted murder. The presence of another cannabis store will likely only exacerbate these issues, further straining our city's resources.

Moreover, the proposed location is alarmingly close to James Logan High School, exposing our youth to the potential negative influences of cannabis. This exposure could lead to increase a greater likelihood of campus shootings, endangering the safety of our students.

We are calling on you to prioritize the well-being and safety of our community and the development of our youth over short-term financial gains. We must stand together to preserve our con our opposition to this cannabis permit.

Thank you for considering our concerns. We trust that you will act in the best interests of our community.

Sincerely,

Lily Mao

Fremont CA 94536

opposition to the proposed cannabis permit

Sun 7/9/2023 8:38 AM

To: Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Council and Ms. Anna Brown,

I am writing to express my strong opposition to the proposed cannabis permit for a third commercial cannabis store at 2625-2633 Decoto Road, which will be discussed in the open public hearing on July 11th at 7pm.

Tax Revenue: While it is understood that the cannabis industry can bring in significant tax revenue, one must also consider the hidden costs of this enterprise. Increased policing, the health impact on our youth, and potential damage to community aesthetics can outweigh the financial benefits. Ultimately, the long-term societal costs could surpass the short-term financial gain.

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Moreover, the proposed location is alarmingly close to James Logan High School, exposing our youth to the potential negative influences of cannabis. This exposure could lead to increased crime within our school system and a greater likelihood of campus shootings, endangering the safety of our students.

We are calling on you to prioritize the well-being and safety of our community and the development of our youth over short-term financial gains. We must stand together to preserve our community, and this starts by voicing our opposition to this cannabis permit.

Thank you for considering our concerns. We trust that you will act in the best interests of our community.

Sincerely,
Melody Sun
Thornton ave, fremont

Opposition to proposed cannabis store on Decoto Road

Tony (Taotao) Yu

Sun 7/9/2023 7:09 AM

To: Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Council and Ms. Anna Brown,

I am writing to express my strong opposition to the proposed cannabis permit for a third commercial cannabis store at 2625-2633 Decoto Road, which will be discussed in the open public hearing on July 11th at 7pm.

Tax Revenue: While it is understood that the cannabis industry can bring in significant tax revenue, one must also consider the hidden costs of this enterprise. Increased policing, the health impact on our youth, and potential damage to community aesthetics can outweigh the financial benefits. Ultimately, the long-term societal costs could surpass the short-term financial gain.

The proposed location is alarmingly close to James Logan High School, exposing our youth to the potential negative influences of cannabis. This exposure could lead to increased crime within our school system and a greater likelihood of campus shootings, endangering the safety of our students.

We are calling on you to prioritize the well-being and safety of our community and the development of our youth over short-term financial gains. We must stand together to preserve our community, and this starts by voicing our opposition to this cannabis permit.

Thank you for considering our concerns. We trust that you will act in the best interests of our community.

Sincerely,
Tony Yu

Fremont, CA 94555

Opposition to the proposed cannabis permit

Yuee Feng

Sun 7/9/2023 6:59 AM

To: Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Council and Ms. Anna Brown,

I am writing to express my strong opposition to the proposed cannabis permit for a third commercial cannabis store at 2625-2633 Decoto Road, which will be discussed in the open public hearing on July 11th at 7pm.

Tax Revenue: While it is understood that the cannabis industry can bring in significant tax revenue, one must also consider the hidden costs of this enterprise. Increased policing, the health impact on our youth, and potential damage to community aesthetics can outweigh the financial benefits. Ultimately, the long-term societal costs could surpass the short-term financial gain.

Job Creation: Although the prospect of creating 45-68 local jobs is tempting, we need to question the quality of these jobs and the impact on our community. Will these jobs provide a healthy work environment and meaningful career development opportunities? Or will they merely serve to enable and further the reach of the cannabis industry?

Security & Community Support Plan: While the permit proposal includes an extensive security and community support plan, the existing cannabis stores in our city have already been associated with numerous incidents, including car collisions, burglaries, and even attempted murder. The presence of another cannabis store will likely only exacerbate these issues, further straining our city's resources.

Moreover, the proposed location is alarmingly close to James Logan High School, exposing our youth to the potential negative influences of cannabis. This exposure could lead to increased crime within our school system and a greater likelihood of campus shootings, endangering the safety of our students.

We are calling on you to prioritize the well-being and safety of our community and the development of our youth over short-term financial gains. We must stand together to preserve our community, and this starts by voicing our opposition to this cannabis permit.

Thank you for considering our concerns. We trust that you will act in the best interests of our community.

Sincerely,
Yuee Feng

Sent from my iPhone

Strong opposition on CANNABIS PERMIT

Qi Zheng

Sat 7/8/2023 11:52 PM

To: Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Council and Ms. Anna Brown,

I am writing to express my strong opposition to the proposed cannabis permit for a third commercial cannabis store at 2625-2633 Decoto Road, which will be discussed in the open public hearing on July 11th at 7pm.

Tax Revenue: While it is understood that the cannabis industry can bring in significant tax revenue, one must also consider the hidden costs of this enterprise. Increased policing, the health impact on our youth, and potential damage to community aesthetics can outweigh the financial benefits. Ultimately, the long-term societal costs could surpass the short-term financial gain.

Job Creation: Although the prospect of creating 45-68 local jobs is tempting, we need to question the quality of these jobs and the impact on our community. Will these jobs provide a healthy work environment and meaningful career development opportunities? Or will they merely serve to enable and further the reach of the cannabis industry?

Security & Community Support Plan: While the permit proposal includes an extensive security and community support plan, the existing cannabis stores in our city have already been associated with numerous incidents, including car collisions, burglaries, and even attempted murder. The presence of another cannabis store will likely only exacerbate these issues, further straining our city's resources.

Moreover, the proposed location is alarmingly close to James Logan High School, exposing our youth to the potential negative influences of cannabis. This exposure could lead to increased crime within our school system and a greater likelihood of campus shootings, endangering the safety of our students.

We are calling on you to prioritize the well-being and safety of our community and the development of our youth over short-term financial gains. We must stand together to preserve our community, and this starts by voicing our opposition to this cannabis permit.

Thank you for considering our concerns. We trust that you will act in the best interests of our community.

Sincerely,
Qi Zheng

Fremont CA

Cannabis Permit- Strongly oppose

lingling zhang

Sat 7/8/2023 2:14 PM

To: Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hi, Anna

I hope this email finds you well. I am writing to express my deep concerns regarding the proposed cannabis permit in Union City. As a concerned resident and member of this community, I strongly oppose the granting of this permit and urge you to reconsider the potential negative impact it could have on our city.

While I understand that the legalization of cannabis has been a topic of debate, I firmly believe that allowing a cannabis permit in Union City would have detrimental effects on the overall well-being and safety of our community. Here are a few key points that highlight my concerns:

1. Public Health and Safety: Cannabis use can have significant health and safety implications, especially when it comes to impaired driving and increased substance abuse rates. By permitting a cannabis establishment, we would be promoting an environment that potentially exposes our residents, including vulnerable populations such as minors, to increased risks.
2. Property Values and Community Image: The presence of a cannabis establishment can negatively impact property values and the overall image of our community. Potential homebuyers may be deterred from investing in Union City due to concerns about the associated social and economic ramifications of such establishments.
3. Social Disruption: A cannabis permit could lead to social disruption and a decline in the quality of life for Union City residents. Increased foot traffic, potential loitering, and the potential for an increase in crime rates are just a few of the concerns that arise when introducing such establishments into our neighborhood.
4. Impact on Local Businesses: Granting a cannabis permit may have adverse effects on local businesses, particularly those in close proximity to the establishment. The competition and changing dynamics introduced by a cannabis establishment could lead to the closure of long-established businesses and the loss of jobs.

Considering these points, I respectfully request that you take into account the well-being and future of our community and reject the proposed cannabis permit in Union City. I believe it is crucial to prioritize the safety, values, and prosperity of our residents over the potential revenue generated by this industry.

Thank you for your time and consideration. I trust that you will make a decision that truly represents the best interests of Union City and its residents.

Sincerely,

Lingling Zhang

Fremont, CA 94555
803-381-5324

Sent from my iPhone

Proposed Cannabis Dispensary Update to my letter

Bobbie Garcia

Sat 7/8/2023 9:40 AM

To: City Clerk <Cityclerk@unioncity.org>

Cc: Gary Singh <GaryS@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

City Manager and Council Members,

I sent a letter July 7 about not wanting the Cannabis Dispensary to be approved at the Cherrywood Center. This was before KRON4 broke the news about the break in and shooting at Flor on Courthouse Drive. **If this doesn't pound home why there shouldn't be a dispensary right next people's home, I don't know what else will.**

Union City cannabis dispensary break-in results in shooting, suspects at large

by: [Bay City News](#)

Posted: Jul 7, 2023 / 12:24 PM PDT

Updated: Jul 8, 2023 / 07:17 AM PDT

(BCN) — An attempted robbery of a cannabis dispensary in Union City has led to a search for suspects wanted for attempted murder, the Union City Police Department said Friday.

At about 1:38 a.m. early Friday morning, police were alerted to a panic alarm at the FLOR cannabis dispensary on Courthouse Drive. On-site security said suspects forced themselves into the business to steal property, police said.

[Police looking for alleged serial arsonist in Gilroy](#)

When security confronted them, the suspects began shooting and struck a victim, who is expected to survive. The suspects fled from the scene and have not been located, Union City Police said.

Detectives are investigating this as an attempted murder.

Anyone who might have information helpful to this case is encouraged to contact Detective Rivas at (510) 675-5399 or the investigations unit at (510) 675-5207. Anonymous tips can be sent to (510) 675-5207 or emailed to tips@unioncity.org.

Bobbie Garcia

Union City, CA. 94587

Commercial Cannabis Permit in Cherrywood Center.

Bobbie Garcia

Fri 7/7/2023 11:09 AM

To: City Clerk <Cityclerk@unioncity.org>

Cc: Jennifer Phan <jenniferp@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Union City, Ca 94587

July 07, 2023

Union City Council
34009 Alvarado-Niles Rd.
Union City, CA. 94587

City Manager and Members of City Council,

I am writing because I am deeply concerned about the proposed cannabis dispensary located at Cherrywood Center, 2625 & 2633 Decoto Rd. in Union City. My home backs up to the alley behind the shopping center. My backyard is 18 feet from the back door of the proposed dispensary. Needless to say, I have many concerns about the possible negative impact to my property and my family.

I feel misled and deceived by the person who surveyed my opinion about a new cannabis store in Union City. I was caught off guard when I responded yes, and was thinking about Flor in a completely COMMERCIAL setting. There was never any mention that it would be in Cherrywood Center smack dab in the middle of a RESIDENTIAL area and right behind my house. I want to go on the record as a resounding no for the proposed dispensary.

Below is a list of my concerns.

Increased noise and vehicle traffic in the alley. Along with the possibility of the employees or customers taking their smoke break in the alley. I had to file a complaint with the Alameda County DA's office over a previous tenant in the same location, The Cherry Pit Bar whose patrons liked to smoke outside in the alley. I do not want to smell cigarettes or marijuana in my yard or home.

Increased crime associated with a cannabis dispensary such as vandalism, shoplifting, reselling marijuana in the parking lot. A storefront dispensary could be a target for armed robberies. My backyard is really close and could be easily used as an escape route.

Increased loitering, pedestrian and vehicle traffic in our quiet neighborhood. People driving and walking around under the influence in our neighborhood streets.

Small children from Noble Education are allowed to play in the alley on most weekday afternoons, and they could come into contact with the customers of the dispensary.

The dispensary could negatively impact my property value, or in the very least decrease the number of potential buyers I might have if I decided to sell. I for one would not purchase a house so close to a cannabis dispensary. Would you?

I am asking the City Council and City Manager not to allow a Cannabis Dispensary to open in the Cherrywood Center.

Respectfully,

Roberta Garcia

Roberta Garcia

Union City,CA.94587

Marijuana store

Ida Cabrera

Mon 7/10/2023 5:30 PM

To: **City Clerk** <Cityclerk@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Please do not place a cannabis store in our neighborhood. Union Landing store has proven all they do is attract crime. I have lived in this neighborhood for over fifty years and have always felt safe. I love living here but my family wants me to move because of all the crime in the area. I don't want to move but if they learn about a marijuana shop right next door they may force me to move. So please don't let that happen.

Ida Cabrera

Sent from my iPad

No pot in the spot (Cherrywood Center)

Evon Chong

Mon 7/10/2023 4:23 PM

To:City Clerk <Cityclerk@unioncity.org>;Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

No Pot in the Spot (Cherrywood Center)

Submitted by Evon Chong & Timothy Chong, residents @

Union City

NO to cannabis shop on Decoto Rd

Jason Han

Mon 7/10/2023 4:09 PM

To: City Clerk <Cityclerk@unioncity.org>; Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

To whom it may concern:

I am a resident of Union City and I'm the father of a 9-year-old little girl. I am writing to urge you to please say **NO** to the new cannabis shop that is being proposed on Decoto Rd, near my home and my daughter's home school. Our community has a lot of young kids, and I'm **NOT OK** with this cannabis location.

There are criminal facts that already happened to the current cannabis shop recently:

1. Shooting during a robbery at Flow in Union Landing on July 7!
2. Robbery by driving a car to break the doors at Flor on June 18!
3. Robbery by driving a truck to break the doors at Lemonnade on June 10!

The new cannabis shop on Decoto Rd would result in similar crime and incidents, thus putting our community kids in possible harm and in situations where they could barely understand at their age.

Please say **NO** to the new proposed cannabis store.

Thanks so much for your time.

Jason Han

Marijuana store near Logan high school

kurt nielsen

Mon 7/10/2023 3:59 PM

To: Anna M. Brown <AnnaB@UnionCity.Org>

Cc: CarolID@UnionCity.org <CarolID@UnionCity.org>; Gary Singh <GaryS@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

I just want to voice my opinion and oppose a cannabis store being put up so close to the high school and surrounding areas this city has enough problems without adding to it and ruining our kids

Sent from my iPhone

NO POT SHOP IN THE CHERRY WOOD CENTER. NO POT SHOP IN UNION CITY**Frank Tai**

Mon 7/10/2023 3:58 PM

To:citycleark@unioncity.org <citycleark@unioncity.org>;Anna M. Brown <AnnaB@UnionCity.Org>;Carol Dutra-Vernaci <CarolD@UnionCity.Org>;Jeff Wang <jeffwang@unioncity.org>;Gary Singh <GaryS@UnionCity.Org>;Jaime Patino <JaimeP@UnionCity.Org>;Scott Sakakihara <scotts@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

As a long time residents in the City of Union City, Me and my family are strongly objecting to the idea of opening a pot center in Our City.

It will increase traffic, drug dealing, shoplifting, nuisance, vandalism more homeless people roaming around our neighborhood.

There will be more drugs and crimes especially affecting our high school students at Logan High School. It will run down our neighborhood and thus our home pricing. A pot center will drag down our quality of life in the shorter and longer term. WE DON' T NEED IT1

No to the new cannabis shop

Sherry Hu <

Mon 7/10/2023 3:36 PM

To: **City Clerk** <Cityclerk@unioncity.org>; Anna M. Brown <AnnaB@UnionCity.Org>; Carol Dutra-Vernaci <CarolD@UnionCity.Org>; Gary Singh <GaryS@UnionCity.Org>; Jaime Patino <JaimeP@UnionCity.Org>; Scott Sakakihara <scotts@unioncity.org>; Jeff Wang <jeffwang@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

To whom it may concern:

I just hear about the proposal that there will be a new cannabis shop on Decoto Road. As a resident in Union City, I'm writing to urge u to please say No!

First of all, I have young child and I don't want my child to be exposed to drugs so easily. U may say, dispensaries have strict guidelines and security, but how can u guarantee someone won't buy the cannabis and give it to others, especially teenagers. The pot shop is so close to James Logan High.

And also although the security is strict, but several days ago, there's one Attempt Murder in FLOR(the first cannabis shop). Strict security not equal to community safety. With more cannabis shops opening around, there must be a lot of people who are addicted to cannabis come, they may use and dispense during neighborhood, affecting the environment and the safety of the resident community. I don't want that some days/months/years later, when I open the door, see strangers smoke cannabis in front of my door and when my child see it, he thinks it's normal.

Last but not least, although a new cannabis shop can bring tax revenue, but this is shortsighted. More regular shops and residents will be driven away by the side effects of cannabis shop(more homeless, more addicted people, less safe environment).

To conclude, please say No to the new cannabis shop in our Union City.

Thank u very much

Marijuana store near James Logan High school

Rosario Safreno

Mon 7/10/2023 2:40 PM

To:City Clerk <Cityclerk@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hello,

I am very concerned about this sheet of paper sent to us thru the mail about having a future marijuana store near James Logan.

I am a resident of Towhee Ct Union City for 39 years and due to some homeless people living by the gulley near the Arroyo Park on Osprey Drive, my street has witnessed 2 deaths in the park and a stolen vehicle 2 houses away from my house in my street.

Now it will add another potential crimes by having a marijuana store where HS students can buy.

Please do not allow this store to be set up and built in our city. My husband and I strong,y object to it,

Thanks,
Rosario Safreno

[Sent from Yahoo Mail for iPad](#)

RE: NO to the new cannabis store

Lety Mendoza <

Mon 7/10/2023 2:24 PM

To: Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

To whom it may concern: I am a resident of Union City and I am a teacher here in Union City as well. I am writing to urge you to please say NO to the new cannabis shop that is being proposed near James Logan High school. I have young children of my own and I am NOT ok with yet ANOTHER cannabis location here in Union City.

Also, the proposed new location is in an area where many of my students live. This could result in many negative incidents and put my students in possible harm and in situations where they could potentially witness things they should NOT be seeing at their young age.

Please say NO to the new proposed cannabis store.
Thanks so much for your time.

Concerns and Opposition to the Proposed Marijuana Dispensary in Union City

ses kissinger

Mon 7/10/2023 5:51 PM

To: Anna M. Brown <AnnaB@UnionCity.Org>; Carol Dutra-Vernaci <CarolD@UnionCity.Org>; Gary Singh <GaryS@UnionCity.Org>; Scott Sakakihara <scotts@unioncity.org>; Jaime Patino <JaimeP@UnionCity.Org>; Jeff Wang <jeffwang@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Council Members,

I am writing to you as a long-time resident of Union City, deeply invested in its future growth and prosperity. I wish to express my strong opposition to the recent proposal to establish a new marijuana dispensary in our beloved city. My concerns stem from developmental, economic, and safety perspectives.

On city development, introducing a marijuana shop may significantly alter the identity of our city and deter potential residents and businesses that perceive it negatively. This can subsequently affect the community's unity and vision of a family-friendly environment that we have cultivated so lovingly over the years. It could diminish the appeal of our city to potential newcomers, negatively impacting growth.

From an economic viewpoint, although a marijuana dispensary could provide a short-term increase in tax revenue, it may have long-term detriments. Increased availability and promotion of marijuana could potentially burden our healthcare systems with marijuana-related health issues, outweighing any economic benefits. Moreover, it may discourage other more diverse and sustainable businesses from establishing themselves in our city, limiting our economic growth.

Lastly, and perhaps most importantly, are the safety concerns. Although marijuana is legal for adult use in our state, its presence could inadvertently make it more accessible to our youth. This could lead to increased underage use, impairments in cognitive development, and potential legal and societal issues. Furthermore, dispensaries can also become targets for crimes, posing additional risks to our community's safety and police resources.

We all want what's best for Union City. While some see a potential revenue source in a marijuana dispensary, I urge the council to consider the long-term implications on our community's character, economic health, and safety. Let us focus on more sustainable, safe, and community-friendly options that would propel Union City into a prosperous future while maintaining the values and vision that make our city unique.

I kindly request you to reconsider the proposed establishment of the marijuana dispensary in Union City. Thank you for your time and understanding in this matter.

Sincerely

Lizhi

no pot in spot

Ivy Chen

Tue 7/11/2023 6:01 PM

To:City Clerk <Cityclerk@unioncity.org>;Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hi, this is Jiaxin Chen, one of the union city residents. I lived at 35035 Lilac Loop, Union City, CA 94587. I heard the news of having a pot shop in our city and I WANNA SPEAK OUT MY **OBJECTION!** Me and my family and our neighbors all **DON'T** want to have a pot shop in our town! Please reconsider it!!! It would increase crimes in our town and we don't want it!

Thanks

Against the medical Marijuana dispensary

Evelyn Chen

>

Tue 7/11/2023 6:19 PM

To: City Clerk <Cityclerk@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear council members:

I oppose the opening of any "pot stores" in our city. I have read numerous articles about the decline of neighborhoods that allow these stores and the additional increase of other drugs being filtered through these "legal" shops. This city is one of the children safe City in Alameda County. These stores would place our children at a higher risk of additive behaviors. Our city has kept its high standards by refusing to buy into the "go with the flow" attitudes which have ruined adjacent communities in Alameda county. To divert from the integrity of our community by allowing these stores would be a terrible transgression by this elected council. Keeping Union City as a drug resistant community is now, more than ever, imperative in allowing our children to have a safe and healthy environment as well as setting a good example throughout our city.

Please DO NOT allow this type of corruption in our fine and upstanding community.

With my most sincere wishes,

Evelyn Chen

Union City Resident and Registered Voter

Sent from my iPhone


Stop opening Marijuana stores in Union City

Ava Williams

Tue 7/11/2023 6:28 PM

To: City Clerk <Cityclerk@unioncity.org>

Cc: Anna M. Brown <AnnaB@UnionCity.Org>; Carol Dutra-Vernaci <CarolD@UnionCity.Org>; Gary Singh <GaryS@UnionCity.Org>; Jaime Patino <JaimeP@UnionCity.Org>; Jeff Wang <jeffwang@unioncity.org>; Scott Sakakihara <scotts@unioncity.org>

 1 attachments (2 MB)

No Pot in the Spot.PNG;

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hi,

As we all know there are two Marijuana stores are open in union city already. I can smell the strong unfavorable Marijuana odor everywhere more often now than before, in the park, streets, neighborhoods.

Opening a new Marijuana store near Schools especially high schools is not a good/wise choice.

Opening Marijuana store and selling Marijuana lead to all negative effects. (Health, safety, crime)

Please stop opening Marijuana stores in union city.

Sincerely

No Pot in the SPOT (Cherrywood Center)

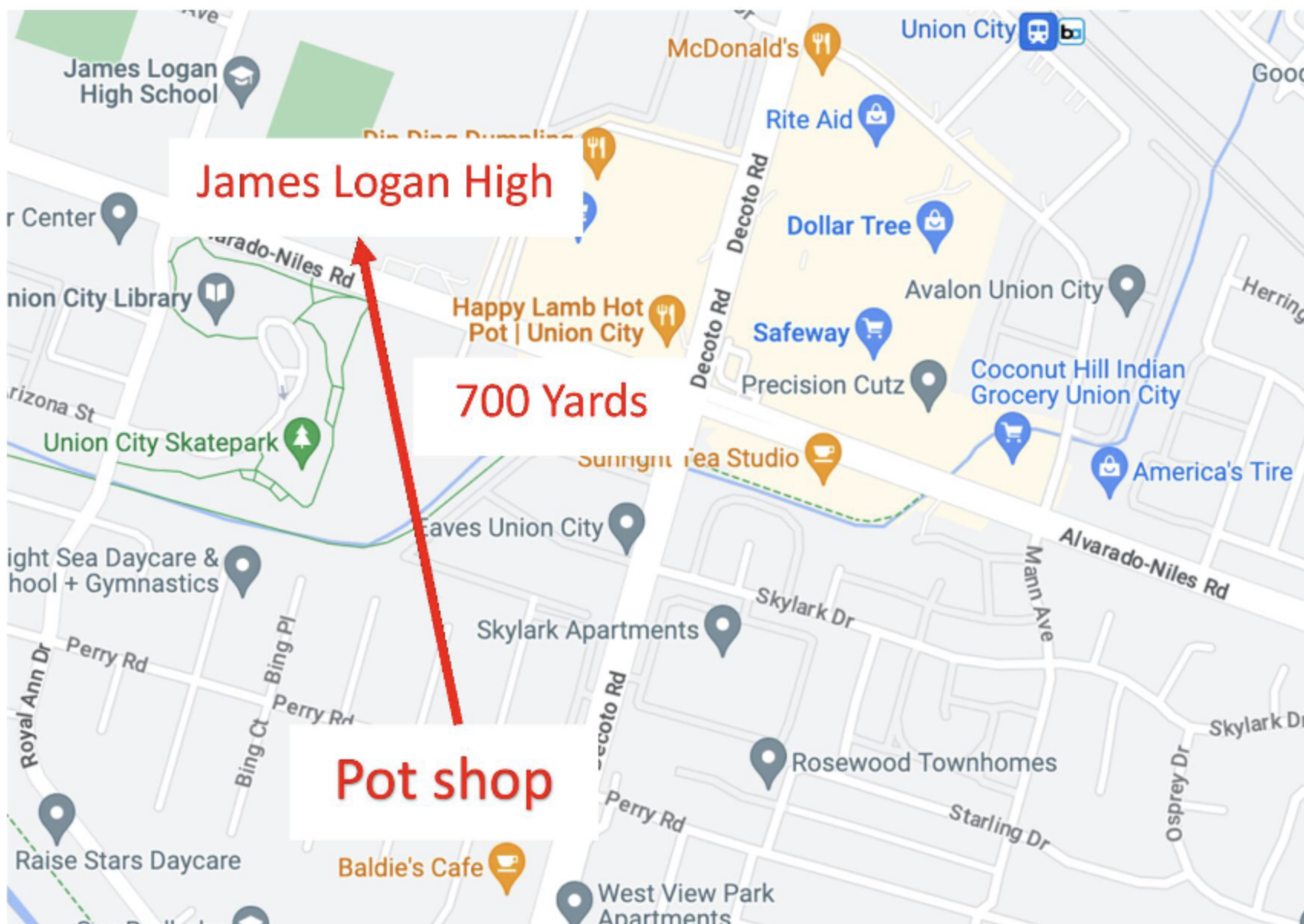
**ATTENTION: A new marijuana store is proposed near James Logan High.
This is highly DANGEROUS.**

Dangerous Facts:

- **Teenagers** at James Logan High (within 700 yards) **have convenient access to cannabis!**
- **Decreased value in your houses nearby.**
- **More crimes, as we have already seen in the 2 existing marijuana stores:**
 - **Shooting** during a robbery at Flor in Union Landing on July 7!
 - **Robbery** by driving a car to break the doors at Flor on June 18!
 - **Robbery** by driving a truck to break the doors at Lemonnade on June 10!
- Your backyard/street is being used as an **escape route.**
- **Increasing shoplifting, nuisances, vandalism, and reselling marijuana** in your neighborhood!
- **More drug addicts or people under influence** roaming around your house!
- **Customers and potential home buyers are scared away** by drugs and crimes!

Our Community Calls for Our Action:

- **Must email to cityclerk@unioncity.org and annab@unioncity.org for effective public comment.**
- Call and email your councilmembers and say No to the cannabis shop.
 - CarolD@UnionCity.org, GaryS@UnionCity.org, jaimep@unioncity.org, jeffwang@UnionCity.org, ScottS@unioncity.org
- **Speak out your objection at the City Hall at 7 pm on July 11 (Tuesday).**
- Tell your neighbors and urge them to join us.



Strong Objection to the Establishment of a Potential Cannabis Shop in Cherrywood Center

Ethan Wu <

Tue 7/11/2023 6:34 PM

To: City Clerk <Cityclerk@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear City Clerk Anna,

I hope this email finds you well. I am writing to strongly object to the proposed establishment of a cannabis shop in our neighborhood. As a resident deeply invested in the well-being and harmony of our community, I feel compelled to voice my concerns regarding this matter.

I want to be clear that my objection is not an attempt to undermine legal and regulated businesses or disregard the rights of entrepreneurs. However, I firmly believe that the potential negative consequences associated with a cannabis shop outweigh any perceived benefits, and I urge you to carefully consider these concerns.

Please take note of the following objections:

1. **Increased safety risks and crime:** I am deeply concerned about the potential escalation of safety risks and criminal activities that a cannabis shop may attract. It is essential to prioritize the well-being and security of residents by thoroughly evaluating the potential risks associated with increased foot traffic, handling of cash, and the presence of valuable products.
2. **Youth exposure and safety concerns:** Given the proximity of schools and areas frequented by children and adolescents (only 0.8 mile away from James Logan High School), I strongly object to any potential increase in youth exposure to cannabis products. We must implement stringent measures to safeguard against underage access and usage to protect the well-being and development of our youth.
3. **Neighborhood reputation:** There is a possibility that the presence of a cannabis shop may perpetuate negative stereotypes and stigmas associated with cannabis use. This could potentially impact the overall reputation of our neighborhood, affecting our sense of community and potentially deterring prospective residents or investors.
4. **Negative effect on property values:** Proximity to a cannabis shop has the potential to decrease property values in our neighborhood. This could have significant long-term financial implications for homeowners who have made substantial investments in their properties.

5. **Traffic congestion and parking issues:** The anticipated influx of customers to a cannabis shop could exacerbate existing traffic congestion and parking problems in our already busy neighborhood. It is imperative to assess the impact of these factors on the convenience and safety of residents and visitors alike.

I implore the city to thoroughly consider these objections and diligently evaluate the potential risks and drawbacks associated with the proposed cannabis shop. It is crucial to prioritize the welfare and values of our community while weighing the economic benefits brought by such businesses.

I appreciate your attention to this matter and kindly request regular updates on the progress of the decision-making process. If there is any additional information or assistance I can provide to support the reconsideration of this proposal, please do not hesitate to contact me.

Thank you for your time and consideration.

Sincerely,

Yuxiong Wu

Union City, CA 94587

No to the Cannabis shop in Union City

James Lee <

Tue 7/11/2023 6:34 PM

To:City Clerk <Cityclerk@unioncity.org>;Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hi there,

Please stop opening new Marijuana stores near schools.

I vote "No."

Thank you

Marijuana Store

Noah Wilson

Tue 7/11/2023 6:38 PM

To:City Clerk <Cityclerk@unioncity.org>;Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hi,

I vote No for opening Marijuana store near schools.

Sincerely

Mr.Wilson

Concerns Regarding the Proposal for a New Cannabis Store

Jerry Hong <

Tue 7/11/2023 6:44 PM

To:City Clerk <Cityclerk@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear City Government,

I hope this letter finds you well. I am writing as a concerned resident of the third constituency to express my strong opposition to the proposed opening of a cannabis store within our community. I appreciate the efforts of our city government in fostering a safe and thriving environment for all residents, and I believe it is crucial to address the potential negative impacts associated with such a venture.

First and foremost, I would like to highlight the disconcerting incidents I have recently witnessed in our community park. It deeply troubles me that individuals engaged in drug activities, specifically smoking marijuana, have been observed near the corner of a tree. I also detected an unfamiliar smell that raised concerns. These occurrences have significantly diminished the sense of happiness and security that our community once enjoyed.

Given the alarming presence of drug-related incidents in our community park, it is my firm belief that opening a cannabis store would only exacerbate the situation. By introducing a commercial establishment that specializes in the sale of cannabis products, we risk attracting a higher concentration of drug users and potentially enabling the proliferation of related activities in our community. This outcome is not only detrimental to the well-being of our residents but also threatens the safety and positive development of our youth.

Moreover, I strongly urge you to consider the proximity of the proposed cannabis store to our schools and the community at large. A 5-kilometer radius would be an inadequate buffer zone to protect our educational institutions and the areas where families reside. The presence of a cannabis store in close proximity to these vital spaces would send the wrong message to our children and jeopardize their access to a healthy and drug-free environment. It is essential that we prioritize the well-being and future of our younger generation by maintaining a safe and drug-free community.

I implore you to carefully evaluate the potential consequences of permitting a cannabis store within our constituency. I kindly request that you listen to the concerns of the residents and take our opposition seriously. Instead of embarking on a path that could compromise the integrity of our community, I encourage you to explore alternative avenues for economic development that align with our shared values and aspirations.

Thank you for considering my viewpoint on this matter. I trust in your dedication to serving the best interests of our community and count on your thoughtful decision-making to preserve the

security, well-being, and moral fabric that define our beloved constituency.

Yours sincerely,

Jerry Hong

I support the proposed new Marijuana store near Logan school

Prasad B

Tue 7/11/2023 6:52 PM

To: City Clerk <Cityclerk@unioncity.org>; Anna M. Brown <AnnaB@UnionCity.Org>; Carol Dutra-Vernaci <CarolD@UnionCity.Org>; Gary Singh <GaryS@UnionCity.Org>; Jeff Wang <jeffwang@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

FYI.

I support the proposed new Marijuana store near Logan school.

Thanks

Prasad Bal

--

NO TO CANNABIS SHOP ON DECOTO ST IN UNION CITY

Tue 7/11/2023 6:57 PM

To: **City Clerk** <Cityclerk@unioncity.org>; Anna M. Brown <AnnaB@UnionCity.Org>; Jeff Wang <jeffwang@unioncity.org>; Scott Sakakihara <scotts@unioncity.org>; Carol Dutra-Vernaci <CarolD@UnionCity.Org>; Gary Singh <GaryS@UnionCity.Org>; Jaime Patino <JaimeP@UnionCity.Org>
Cc: Mom <nancyfmari@yahoo.com>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Council Members,

I am writing to inform you that I am against the opening of a cannabis shop in our community on Decoto Streetn . While I understand the potential economic benefits of such a business, I am concerned about the potential risks associated with increased access to cannabis, such as increased incidents of impaired driving and other negative public health impacts as well as concerns of our safety within this community. Such risks will compose of increased violent crimes and robbery.

I hope you understand my decision in voting NO to the local cannabis shop in our community not to open.

Sincerely,

Kathleen Mariano
Current resident on
Perry Road, Union City

Objection to the cannabis shop in Union City

Jack Chiao <

Tue 7/11/2023 7:10 PM

To: City Clerk <Cityclerk@unioncity.org>; Anna M. Brown <AnnaB@UnionCity.Org>; Carol Dutra-Vernaci <CarolD@UnionCity.Org>; Gary Singh <GaryS@UnionCity.Org>; Jaime Patino <JaimeP@UnionCity.Org>; Jeff Wang <jeffwang@unioncity.org>; Scott Sakakihara <scotts@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Union City Officials and council members,

I hope this email finds you well. I am writing to express my strong objection to the proposed cannabis shop in Union City. While I understand that the cannabis industry has been legalized in many places, I believe that allowing a cannabis shop in our community would have negative consequences.

I kindly request that you reconsider the decision to allow a cannabis shop in our city. I believe that there are alternative ways to generate revenue and support economic growth without compromising the safety and well-being of our residents.

Best regards,

Jack Chiao and Chi-Sheng Chin
Residents

Opposed

Tue 7/11/2023 7:23 PM

To:Anna M. Brown <AnnaB@UnionCity.Org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Firmly opposed to opening marijuana stores in Union city , thanks
Union city ca94587
Jim wong

Sent from my iPhone

No Pot in Cherrywood Center-We Strongly Oppose It

Rinku S. <

Tue 7/11/2023 8:53 PM

To: City Clerk <Cityclerk@unioncity.org>; annab@unioncity.orf <annab@unioncity.orf>; carolld@unioncity.org <carolld@unioncity.org>; Gary Singh <GaryS@UnionCity.Org>; Jaime Patino <JaimeP@UnionCity.Org>; Jeff Wang <jeffwang@unioncity.org>; Scott Sakakihara <scotts@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Greetings All,

Me and my family live very close to the Cherrywood spot and often walk with my children to the Cherrywood Center and around the area. I strongly strongly oppose having a Pot shop in the area. It is highly objectionable to even entertain the idea of bringing such a shop in the family oriented community. Please do not allow to ruin the family environment and atmosphere of the area by bringing a marijuana store in the area. It will be a terrible mistake, which can be avoided by making the right choices. Thank you for your time and consideration.

S. Singh

Student says NO to Pot Shop

Aesha Chloe Tanglao <

Tue 7/11/2023 10:13 PM

To:City Clerk <Cityclerk@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hi, I am a thirteen year old student at CCMS.

My school is in close proximity to the proposed "pot shop". I feel that it poses as a danger to the health and well-being of students, as well as a threat to everyone's general safety.

Please do not allow these kinds of shops to open and help the community stay safe.

(please keep this anonymous if shared publicly, thank you.)

No pot in the spot

luchie palma <

Tue 7/11/2023 10:53 PM

To: **City Clerk** <Cityclerk@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Sir/Madam,

Please do not pass / approve the permit to open a pot shop near James Logan High School. It will be detrimental to the youth and residents of Union City.

Please help us parents to protect our youth and preserve the peace and unity in our community..

Sincerely,

Luchie Palma

Resident of Union City

Sent from my iPhone

Opposing Pot Store in Cherrywood Center

Hong <

Tue 7/11/2023 11:47 PM

To: arold@unioncity.org <arold@unioncity.org>; Gary Singh <GaryS@UnionCity.Org>; Jeff Wang <jeffwang@unioncity.org>; Anna M. Brown <AnnaB@UnionCity.Org>; City Clerk <Cityclerk@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear city council members and city clerk,

I'm voicing my concern on the new pot store in Cherrywood Center shopping area. This area is already full of crimes. The Safeway shopping area is full of weird people who exhibit anger and rage in public. You can't even walk around feeling safe anymore. Yesterday at the intersection of Decoto and Alvarado Niles, two guys were crazy yelling at each other and one of them started yelling at me and two other pedestrians. I couldn't even cross the street because of him that I had to get away from him. We don't need more crazy people here trying to get some weed. Particularly in the vicinity of a high school here, I don't see anything good come out of it. For the sake of money that we have to trade our safety? I hope you will think of it over and take into consideration of what I have said. Union City is just like the other cities around getting unsafe each day. We don't need money from a pot store as donations for anything. Safety is number one for the residents who don't like crimes here.

Thank you for listening to my concern!

Union City Resident.



Virus-free. www.avast.com

Against the medical Marijuana dispensary

Enoch L <

Wed 7/12/2023 9:37 AM

To: City Clerk <Cityclerk@unioncity.org>

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear council members:

I oppose the opening of any "pot stores" in our city. I have read numerous articles about the decline of neighborhoods that allow these stores and the additional increase of other drugs being filtered through these "legal" shops. This city is one of the children safe City in Alameda County.

These stores would place our children at a higher risk of additive behaviors. Our city has kept its high standards by refusing to buy into the "go with the flow" attitudes which have ruined adjacent communities in Alameda county.

To divert from the integrity of our community by allowing these stores would be a terrible transgression by this elected council. Keeping Union City as a drug resistant community is now, more than ever, imperative in allowing our children to have a safe and healthy environment as well as setting a good example throughout our city.

Please DO NOT allow this type of corruption in our fine and upstanding community.

With my most sincere wishes,

Hsinyen Lin

Union City Resident and Registered Voter

Public Comment - Item 6.a.**Lauren Carpenter**

Tue 7/11/2023 9:40 AM

To: City Clerk <Cityclerk@unioncity.org>**Cc:** Jennifer Phan <jenniferp@unioncity.org>; Joan Malloy <JoanM@UnionCity.Org> 1 attachments (16 MB)

Union City - Support Petition.pdf;

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Good morning,

Attached please find approximately 40 signatures in support of Embarc's proposed cannabis dispensary. It is my hope that this is included in the packet for this evening's meeting.

Thank you,
Lauren

Lauren Carpenter | CEOwww.goembarc.com | [@embarcsupply](https://www.instagram.com/embarcsupply)

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

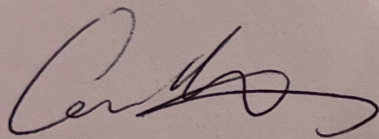
Dear Union City Councilmembers and Staff,

Embarc Union City has submitted an application to operate a cannabis retail dispensary at 2625 & 2633 Decoto Road, Union City, CA 94587 within the Cherrywood Center. Embarc and the Cherrywood Center management proactively engaged Noble Education's leadership to ensure a relocation plan was in place to assist, if Embarc was selected through the City's rigorous retail cannabis merit-based application process. Though we have enjoyed our time at the Cherrywood Center, we are happy to relocate.

Understanding Embarc is in the final interview phase of the process, we thought it was important for the City to know that Noble Education welcomes Embarc Union City to our community and looks forward to working with Embarc and Cherrywood Center management to ensure the smooth relocation of Noble Education.

Sincerely,

Nobel Education



Qin Gong

Vivian

5/9/2023

Dear Union City Councilmembers and Staff,

Thank you for the opportunity to provide public comment on the City's effort to bring an additional cannabis operator to Union City. As a neighbor in East Union City, I have a vested interest in getting this right in our neighborhood – and by extension, for our community at-large. **After learning more about retail cannabis and getting to know Embarc, I am writing in support of their application to operate a legal cannabis dispensary in Cherrywood Center at 2625–2633 Decoto Rd in Union City.**

With the opportunity to bring a retail cannabis storefront to the eastern side of Union City, it is incumbent that we select an operator who will meaningfully integrate into – and ultimately benefit – our community. As our community has already seen, legal cannabis operations drive significant tax revenues that can be used to address issues in our neighborhoods from streets and sidewalks to supporting programs and services for our residents. It also presents an opportunity for significant local investment, both into our local workforce and in providing benefits to community priorities like neighborhood beautification.

Embarc is a proven cannabis operator with a track record of delivering on their promises. Their stores are safe, secure and attractive and they have done the work of creating a Community Advisory Board that is reflective of our values and will ensure the monetary benefits of legal cannabis are felt in our community. Embarc has engaged their neighbors – introducing themselves, explaining their business and answering questions. They've shared their plans for supporting the neighborhood both through increased commerce and as an engaged community steward committed to leading by example in how thoughtful community benefit funding can support our neighborhood priorities.

Not only will this business bring consumers to an area that has been historically overlooked, but it is being done in a responsible and thoughtful manner to preserve the safety of our residents. I support Embarc's application and hope that you will, too.

Enan Baltazar
Name & Signature

Decoto Rd
Address

Miguel Morales Santal
Name & Signature

Decoto Rd
Address

Viviana Zamora
Name & Signature

Silsby Ave.
Address

[Signature]
Name & Signature

Silsby Ave
Address

Amalimam
Name & Signature

Decoto St.
Address

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Seyha Lorm Seyha Lorm Decoto Rd
Name & Signature 1070 512nd Ave
Address

Paris Chim Paris Chim Decoto Rd
Name & Signature
Address

Miguel Granados Miguel Granados Decoto Rd
Name & Signature
Address

Magdalena Martinez Magdalena Martinez Decoto Rd
Name & Signature
Address

Raj T Raj T Decoto Rd
Name & Signature
Address


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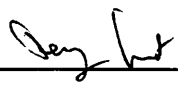
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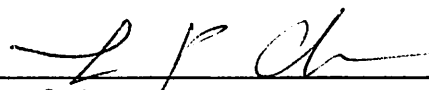
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Jasvir Singh 
Name & Signature

Cherrywood Dr
Address

Terry Grant 
Name & Signature

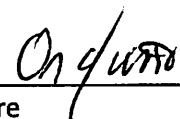
Cherrywood Dr
Address


Name & Signature

Early Rivers
Address

Paul Gill
Name & Signature

Early Rivers Pl.
Address

Kathleen Onofre 
Name & Signature

Decoto Rd.
Address

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Name & Signature

JOSEPHINE BURUS
[Signature]

Address

Silby

Name & Signature

Kim Vinuya Adonuga
[Signature]

Address

Silby

Name & Signature

J. BURGESS
[Signature]

Address

SILBY

Name & Signature

Emmanuel Hernandez
[Signature]

Address

Perry to Union City

Name & Signature

Address

ALIAN SATSATIN
Name & Signature ALIAN S.

SAN CARLOS
Address WAY

Brian Nguyen
Name & Signature

Decoto Road
Address

GABRIEL ROBINSON
Name & Signature

Cherry Wood Dr.
Address

Josh Newton
Name & Signature

cherry wood Dr.
Address

Zach Alldredge
Name & Signature

cherry wood Dr.
Address

Maverick Hale
Name & Signature

Cherrywood Dr.
Address

Jarett Lindley
Name & Signature

Cherrywood Dr.
Address

Christopher Thomas
Name & Signature

Morello Ct.
Address

Kare Horta
Name & Signature

morello ct,
Address

Duane Morella
Name & Signature

morello ct
Address

Kareem Wangwan
Name & Signature

Morello Ct
Address

IRIS AQUINO
Name & Signature

DECOTO RD APT 6
Address

Vincent Chow
Name & Signature

Kennedy Ave
Address

Patricia Lamson
Name & Signature

Decoto Rd.
Address

Hayden
Name & Signature

Decoto Rd
Address

Kai'lan Tuiellina
Name & Signature

Decoto Rd.
Address

Isabella Corea
Name & Signature

Union City CA 94587
Address

Carlos M. Ramirez
Name & Signature

U.C. CA 94587
Address

Guillermo Ben Jose
Name & Signature

Decoto Rd.
Address

Ethan Bat Gzar
Name & Signature

Decoto Road
Address

Naila Gonzalez
Name & Signature

decoto rd
Address

Name & Signature

Address

Name & Signature

Address

Name & Signature

Address

Eduardo Ray
Name & Signature

Address

Kenney Ave

Name & Signature

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Name & Signature

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MINUTES

CITY OF UNION CITY/ SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING

**CAROL DUTRA-VERNACI, Mayor
GARY SINGH, Vice Mayor (District 1)
JAMIE PATIÑO Councilmember (District 2)
JEFF WANG, Councilmember (District 3)
SCOTT SAKAKIHARA, Councilmember (District 4)**

**Tuesday, July 25, 2023
7:00 PM**

**City Hall- Council Chamber
34009 Alvarado-Niles Road
Union City, CA 94587**

1. CALL TO ORDER

Mayor Dutra-Vernaci called the meeting to order at 7:00 p.m.

1.a. Pledge of Allegiance

Mayor Dutra-Vernaci led the salute to the flag.

1.b. Roll Call **Present:** Councilmembers Patiño, Sakakihara,
Wang, Vice Mayor Singh, Mayor Dutra-
Vernaci

Absent: None

2. UNFINISHED BUSINESS - None

3. PROCLAMATIONS AND PRESENTATIONS

3.a. Union City Police Department Fourth of July After Action Report Presentation

Sgt. Brian Baumgartner presented the report and responded to questions from Council.

4. ORAL COMMUNICATIONS

Public comment was provided by Wendy Huang, Greg Stewart and Pastor of St. Anne's, Father Rolando Bartolay.

5. CONSENT CALENDAR

Mayor Dutra-Vernaci pulled item 5.g. Councilmember Patino pulled item 5.j.

It was moved by Councilmember Patino and seconded by Vice Mayor Singh to adopt consent calendar items 5.a. – 5.f., 5.h. and 5.i.. The motion was carried by a unanimous roll call vote.

5.a. Waived Further Reading of Proposed Ordinance

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

5.b. Approved The Minutes Of The Special City Council Meetings Held On June 20, 2023, July 11, 2023, July 18, 2023, and July 19, 2023

5.c. Adopted **Resolution No. 6171-23** Authorizing the Union Landing Property Owners' Association to Enter into an Agreement with Zooka Creative, in a Form Approved by the City Attorney, in an Amount Not to Exceed \$123,000 for Marketing Services for the Union Landing Shopping Center For FY 23/24

5.d. Adopted **Resolution No. 6172-23** Authorizing The City Manager To Execute A Consulting Services Agreement With Park Engineering, Inc., In The Amount Of \$2,000,000, For Construction Management Services For The Union City Boulevard Bike Lanes Project, City Project No. 17-29

5.e. Adopted **Resolution No. 6173-23** Approving Local Support For Union City Transit To Participate In The Clipper START Pilot Program Extension Through June 30, 2025, And Approving An Increase To The Clipper START Pilot Program Discount From Twenty Percent (20%) To Fifty Percent (50%), Effective January 1, 2024

5.f. Adopted **Ordinance No. 915-23** For Zoning Text Amendment AT-23-003 To Amend Title 18, Zoning, Of The Union City Municipal Code To Update Chapter 18.08, Definitions, Chapter 18.36, Commercial Districts, Chapter 18.40, Industrial Districts, Chapter 18.76, Site Development Review, Add Chapter 18.43, Use Of Hazardous Materials, And Find That The Amendment Is Exempt From Environmental Review In Accordance With CEQA Guidelines Section 15061(b) (3)

5.h. Adopted **Resolution No. 6174-23** Approving The Side Letter Agreement Between The City Of Union City And The Professional Employees' Group (PEG), Approving Amendments To The City's Classification And Compensation Plan In Conformance With California Code Of Regulations, Title 2, Section 570.5, Effective August 7, 2023, And Amending The Fiscal Year 2023-2024 Budget

5.i. Adopted **Resolution No. 6175-23** Approving The Side Letter Agreement Between The City Of Union City And The Management Employees' Group (MEG), Approving Amendments To The City's Classification And Compensation Plan In Conformance With California Code Of Regulations, Title 2, Section 570.5, Effective August 7, 2023, And Amending The Fiscal Year 2023-2024 Budget

5.j. Adopt A Resolutions Appointing Individuals To Serve On The Arts & Culture Commission, Bicycle Pedestrian Advisory Committee (BPAC), Economic

Development Advisory Team, Human Relations Commission, And Park & Recreation Commission.

Councilmember Patiño wanted to make a motion to make specified changes to the appointments as presented in the resolution.

Mayor Dutra-Vernaci rejected the motion, stating it was out of order. Mayor Dutra-Vernaci reminded Council that, under state law, appointments were made solely by the Mayor with consent of the Council. Mayor Dutra-Vernaci noted his opposition to the appointments could be reflected by a “no” vote.

It was moved by Councilmember Sakakihara and seconded by Mayor Dutra-Vernaci to adopt a resolution appointing individuals to serve on The Arts & Culture Commission, Bicycle Pedestrian Advisory Committee (BPAC), Economic Development Advisory Team, Human Relations Commission, and Park & Recreation Commission. The motion failed by the following roll call vote:

AYES:	Councilmember Sakakihara and Mayor Dutra-Vernaci
NOES:	Councilmember Patiño and Vice Mayor Singh
ABSTAIN:	Councilmember Wang
ABSENT:	None

- 5.g. Second Reading And Adoption Of Ordinance For 1) Zoning Text Amendment AT-23-002 To Amend Title 18, Zoning, Of The Union City Municipal Code To Update Chapter 18.41, Station East Employment (SEE) District To Rename This Chapter “Employment Mixed-Use Districts” And Add A New Zoning District For Consistency With The Union City 2040 General Plan Designation of Mixed-Use Employment (EMU) Referred To As “Corridor Mixed-Use Employment (CMUE)” And 2) Zoning Map Amendment A-23-001 To Amend The Official Zoning Map Of The City Of Union City To Rezone The Properties Located Along The Union City Boulevard Corridor, With A Union City 2040 General Plan Designation Of Mixed-Use Employment (EMU), From Special Industrial (MS) To Corridor Mixed-Use Employment For Consistency With The General Plan, And Find That The Amendments Are Exempt From Environmental Review In Accordance With CEQA Guidelines Section 15061(B)(3)

Mayor Dutra-Vernaci announced she had an economic conflict of interest under the Political Reform Act, that being a real property interned in her personal residence located near the boundaries of the Corridor Mixed-Use Employment zoning district. The Mayor recused herself and left the chamber.

Vice Mayor Singh chaired the meeting.

It was moved by Councilmember Sakakihara and seconded by Councilmember Wang to adopt **Ordinance No. 916-23** For 1) Zoning Text Amendment AT-23-002 To Amend Title 18, Zoning, Of The Union City Municipal Code To Update Chapter 18.41, Station East Employment (SEE) District To Rename This Chapter “Employment Mixed-Use Districts” And Add A New Zoning District For Consistency With The Union City 2040 General Plan Designation of Mixed-Use Employment (EMU) Referred To As “Corridor Mixed-Use Employment (CMUE)” And 2) Zoning Map Amendment A-23-001 To Amend The Official Zoning Map Of The City Of Union City To Rezone The Properties Located Along The Union City Boulevard Corridor, With A Union City 2040 General Plan Designation Of Mixed-Use Employment (EMU), From Special Industrial (MS) To Corridor Mixed-Use Employment For Consistency With The General Plan, And Find That

The Amendments Are Exempt From Environmental Review In Accordance With CEQA Guidelines Section 15061(B)(3). The motion was carried by the following roll call vote:

AYES: Councilmembers Patiño, Sakakihara, Wang, Vice Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: Mayor Dutra-Vernaci

6. PUBLIC HEARINGS - None

7. CITY MANAGER REPORTS

- 7.a. Study Session to Receive Direction from City Council on Possible Amendments to the Tobacco Retail License Ordinance and other Ordinances that Govern the Sale and Location of the Tobacco Retailers

Management Analyst Serenity Mlay presented the staff report and responded to questions from Council. Councilmembers provided comment.

Public comment was given by:

Krupa Singampulli	Aditya Indla	Blythe Young
Fatima Khawaja	Shamsa Rafay	Amit Barn
Jasmin Rios	Wendy Huang	Brian Davis
Sorya Ramaraju	Kavita Josyula	Jen Grand-Lejano
Luis Santos	Isha Singh	Jaime Rojas
Bob Gordon	Sheila Phan	Jason Cross
Afroze Khan		

City Council provided the following policy direction to staff:

- Ban the sale of all flavored tobacco products, including hookah, loose leaf, and menthol cigarettes
- Ban the sale of tobacco products in pharmacies, no grandfathering
- Increase the minimum price for tobacco products; Minimum price is \$8.00 and tied to CPI
- Increase the minimum size requirement for tobacco products; minimum size for little cigar is 20 per pack.
- Prohibit Tobacco Retail Licenses within 500 feet of another existing tobacco retailers, no grandfathering
- Increase the citation fines for violations

- 7.b. Adopt A Resolution Approving Union City Transit Fall 2023 Service Changes Effective Saturday, September 9, 2023

Vice Mayor Singh announced that under the Political Reform Act an economic conflict of interest with MV Transportation Incorporated, as they are a source of income for him. Vice Mayor Singh left the chamber.

Transit Manager Steve Adams presented the staff report, outlining the changes to services from BART, Union City Transit, Union City FLEA and Union City Paratransit. Route maps were also reviewed. Staff responded to questions from Council. Councilmembers provided comment.

Public comment was given by Wendy Huang.

It was moved by Councilmember Sakakihara and seconded by Councilmember Patiño to adopt **Resolution No. 6176-23** approving Union City Transit Fall 2023 service changes effective Saturday, September 9, 2023. The motion was carried by the following roll call vote:

AYES:	Councilmembers Patiño, Sakakihara, Wang, Mayor Dutra-Vernaci
NOES:	None
ABSTAIN:	None
ABSENT:	Vice Mayor Singh

8. SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY – None

9. AUTHORITIES AND AGENCIES – None

10. CITY COMMISSION / COMMITTEE REPORTS – None

11. SCHEDULED ORAL COMMUNICATION – None

12. ITEMS REFERRED BY COUNCIL

Councilmember Wang reported on his attendance of the StopWaste Recycling Board, noting her will no longer be attending Programs and Administration Committee meetings. Councilmember Wang reported on his attendance of the Union City Senior Commission meeting.

Vice Mayor Singh reported on his attendance of a meeting of the Alameda County Library Commission.

Councilmember Sakakihara reported on his attendance of the Alameda County Mayor's Conference.

Councilmember Patiño reported on his attendance of the League of California Cities Board of Directors meeting in Newport Beach, CA.

Mayor Dutra-Vernaci reported on the Alameda County Mayor's Conference hosted in Union City and the Masonic Homes. Mayor Dutra-Vernaci reported on her attendance of a meeting of the Alameda CTC.

13. GOOD OF THE ORDER

Economic Development Manager Gloria Ortega gave a brief presentation on breaking economic development news:

- Grant awarded from Metropolitan Transportation Commission to the East Bay Economic Development Alliance (East Bay EDA) for uniformity of building and sight design standards, and to assist cities to find funding mechanisms to fund critical infrastructure needs in the industrial district.
- Faraz Ali of Tenaya Therapeutics in Union City, will be a featured panelist and the Meet the Innovators panel in Hayward.
- The property located at 30300 Union City Boulevard, under development by Woodstock Development Inc., was recently featured in the San Francisco Business Times.

Councilmember Wang reported on his attendance of the following:

- Emergency Preparedness Joint Training
- Union Pacific Railroad rights-of-way clean up in the Central Bay Industrial Park
- Event held in Sunol, featuring Congressman Ted Lieu
- Sikh Sports Association event at James Logan High School
- Meeting with Bill Schrader, Board President of the Union Landing Property Owners' Association

Vice Mayor Singh stated CalTrans did a great job of cleaning up their property but now the items are on Pacific Street, near Provender Cold Storage (Dowe Avenue) and US Auto Force (Central Avenue).

Councilmember Sakakihahra noted his attendance of the Sikh Sports Association event at James Logan High School.

Councilmember Patiño noted his attendance of the following:

- Emergency Preparedness Joint Training
- National League of Cities Summer Leadership meeting in Tacoma, WA
- Union Pacific Railroad rights-of-way clean up in the Central Bay Industrial Park

Councilmember Patiño announced the passing of Planning Commissioner Ed Mack Agbuya.

Mayor Dutra-Vernaci noted the City's National Night Out event will be held at Union Landing on the evening of August 1.

14. CLOSED SESSION – None

15. ADJOURNMENT

Mayor Dutra-Vernaci adjourned the meeting at 9:34 p.m.

Respectfully submitted,

Anna M. Brown, CMC
City Clerk



**MINUTES
CITY OF UNION CITY**

CITY COUNCIL

SPECIAL MEETING

**Wednesday, August 2, 2023
5:30 PM**

**City Council Conference Room
34009 Alvarado-Niles Road
Union City, CA 94587**

1. CALL TO ORDER

Mayor Dutra-Vernaci called the meeting to order at 5:30 p.m.

1. a. Roll Call Present: Councilmembers Patiño, Sakakihara, Wang, Vice Mayor Singh, Mayor Dutra-Vernaci

Absent: None

2. ORAL COMMUNICATIONS - None

3. BOARD AND COMMISSION INTERVIEWS

3.a. City Council To Conduct Board, Commission, Committee Interviews With The Following Individuals And Discuss The Potential Appointments Of All Candidates Interviewed.

- Priyah Tivare
- Ernesto Onate
- Harpreet Bains
- Sukhdev Raj
- Ignacio Romero
- Christine Start

City Council conducted interviews of the above noted applicants. City Council held discussions on appointing members to boards, commissions, and committees. Resolutions appointing the selections will appear on the agenda of the regular City Council meeting of August 8, 2023.

4. ADJOURNMENT

Mayor Dutra-Vernaci adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Anna M. Brown, CMC
City Clerk



MINUTES

CITY OF UNION CITY CITY COUNCIL SPECIAL MEETING

Tuesday, August 8, 2023

6:30 PM

**City Hall- Council Chamber
34009 Alvarado-Niles Road
Union City, CA 94587**

1. CALL TO ORDER

Mayor Dutra-Vernaci called the meeting to order at 6:30 p.m.

Roll Call Present: Councilmembers Patiño, Sakakihara, Wang, Vice
 Mayor Singh, Mayor Dutra-Vernaci

Absent: None

2. ORAL COMMUNICATIONS - None

3. CLOSED SESSION

3.a. Public Employee Evaluation

Gov. Code § 54957

Title: City Attorney

4. ADJOURNMENT

Mayor Dutra-Vernaci adjourned the meeting at 6:54 p.m. with no reportable action.

Respectfully submitted,

Anna M. Brown, CMC
City Clerk



MINUTES

CITY OF UNION CITY/ SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING

CAROL DUTRA-VERNACI, Mayor
GARY SINGH, Vice Mayor (District 1)
JAMIE PATIÑO Councilmember (District 2)
JEFF WANG, Councilmember (District 3)
SCOTT SAKAKIHARA, Councilmember (District 4)

Tuesday, August 8, 2023
7:00 PM

City Hall- Council Chamber
34009 Alvarado-Niles Road
Union City, CA 94587

1. CALL TO ORDER

Mayor Dutra-Vernaci called the meeting to order at 7:05 p.m.

1.a. Pledge of Allegiance

Mayor Dutra-Vernaci led the salute to the flag.

1.b. Roll Call Present: Councilmembers Patiño, Sakakihara,
Wang, Vice Mayor Singh, Mayor Dutra-
Vernaci

Absent: None

2. UNFINISHED BUSINESS - None

3. PROCLAMATIONS AND PRESENTATIONS

3.a. Resolution Of Appreciation For Planning Commissioner Edwin Mack Agbuya

Mayor Dutra-Vernaci read the proclamation aloud and presented it to Charlene Agbuya.

3.b. Proclamation of the Lifesaving Award For Five Union City Police Officers Who Saved Three Lives From Drug Related Overdoses in January of 2023

Mayor Dutra-Vernaci presented proclamations to Sergeant Jeff Willson, Officer Zachary Fordham, Officer Quentin Rasmussen, Officer Elmore Spencer and Officer Arash Aliyar.

- 3.c. Presentation Of Seasonal Union City Transit Service Funded By Agreement Through New Haven Unified School District

Transit Manager Steve Adams gave the presentation and responded to questions from Council.

- 3.d. Council Assignments To The Economic Development Advisory Team (EDAT).

Mayor Dutra-Vernaci appointed Vice Mayor Singh and Councilmember Wang to EDAT.

4. ORAL COMMUNICATIONS

- 4.a. Submitted Written Comment- Huang (Attachment A)

Oral communication was given by BART Community Relations Representative Kerry Hillis, Christopher Huang, Craig Roberts, Chester Haley.

5. CONSENT CALENDAR

Mayor Dutra-Vernaci pulled item 5.m. because Vice Mayor Singh will need to recuse himself.

It was moved by Councilmember Patiño and seconded by Councilmember Sakakihara to adopt consent calendar items 5.a. through 5.l. The motion was approved by a unanimous roll call vote.

- 5.a. Waived Further Reading of Proposed Ordinance

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

- 5.b. Adopted **Resolution No. 6177-23** Authorizing The City Manager To Execute The Third Amendment To The Construction Agreement (C5460) With Bay Area Tree Specialists, In The Amount Of \$40,000, For The 2022-2023 Tree Pruning Project, City Project No. 23-10, For A Total Contract Amount Of \$1,200,000

- 5.c. Adopted **Resolution No. 6178-23** Authorizing The City Manager To Execute The Third Amendment To The Consulting Services Agreement With CSG Consultants, Inc., In The Amount Of \$81,120, For Municipal Programming, For A Total Contract Amount Of \$395,520

- 5.d. Adopted **Resolution No. 6179-23** Authorizing The City Manager To Execute The Close-Out Letter From Cargill, Incorporated, For The Union City Boulevard Bike Lanes Project, City Project No. 17-29, Increasing The Revenue Projections In The State Gas Tax Fund By \$112,050, And Appropriating \$112,050 To City Project No. 17-29

- 5.e. Adopted **Resolution No. 6180-23** Authorizing The City Manager To Execute The Second Amendment To The Consulting Services Agreement With Richard K. Tanaka, In The Amount Of \$129,800, For Project Management Services For The Union City Boulevard Bike Lanes Project, City Project No. 17-29, For A Total Contract Amount Of \$324,800

- 5.f. Adopted **Resolution No. 6181-23** Authorizing The City Manager To Execute The Fifth Amendment To The Consulting Services Agreement With Kimley-Horn And Associates, Inc., In The Amount Of \$286,000, For The Union City Boulevard Bike Lanes Project, City Project No. 17-29, For A Total Contract Amount Of \$1,842,355
- 5.g. Adopted **Resolution No. 6182-23** Authorizing The City Manager To Execute The Third Amendment To The Consulting Services Agreement With PGA Design Inc., In The Amount Of \$40,000, For Preparation Of The Final Landscape Plans And Specifications And To Provide Design Services During Construction For The Union City Boulevard Bike Lanes Project, City Project No. 17-29, For A Total Contract Amount Of \$181,658
- 5.h. Adopted **Resolution No. 6183-23** Authorizing The City Manager To Execute A Consulting Services Agreement With Cal-West Lighting And Signal Maintenance, Inc., In The Amount Of \$200,000, For Street Light Maintenance, On-Call Support And Emergency Repair Services, City Project No. 23-17
- 5.i. Adopted **Resolution No. 6184-23** Approving the Award Of A Construction Contract To G. Bortolotto & Company Inc., In The Amount Of \$2,087,831, For The Citywide Street Pavement Rehabilitation Project, City Project No. 23-01, And Approving A Total Construction Budget In The Amount Of \$2,400,000
- 5.j. Adopted **Resolution No. 6185-23** Amending Service Awards, Recognitions And Proclamations Policy
- 5.k. Adopted **Resolution No. 6186-23** To Accept Completion Of The Union City Innovative Deployments To Enhance Arterials (IDEA) Grant Traffic Signals Control Upgrades Project, City Project No. 17-27, And The Passive Pedestrian Detection Improvement Project, City Project No. 17-27A
- 5.l. Adopted **Resolution No. 6187-23** to **Resolution 6192-23** Appointing Individuals To Serve On The Arts & Culture Commission, Bicycle Pedestrian Advisory Committee (BPAC), Economic Development Advisory Team, Human Relations Commission, Park & Recreation Commission, And Planning Commission

Discussion of item 5.m.

Vice Mayor Singh announced that under the Political Reform Act he had an economic conflict of interest with MV Transportation Incorporated, as they are a source of income for him and lease real property from him. Vice Mayor Singh left the chamber.

It was moved by Councilmember Sakakihara and seconded by Councilmember Wang to Adopt **Resolution No. 6193-23** Authorizing The City Manager To Execute A Five (5)-Year Agreement, In A Form Approved By The City Attorney, Plus Optional Extensions, With The New Haven Unified School District For The Provision Of Seasonal Union City Transit Service To Be Reimbursed In An Amount Not-To-Exceed \$138,845 In The First Year, With Future Annual Costs To Be Determined Based On Union City Transit's Contract Operational Costs, And Reimbursed To The City's Transit Fund (Fund 5110) By The New Haven School District. The motion was carried by the following roll call vote:

AYES: Councilmembers Patiño, Sakakihara, Wang, Mayor Dutra-Vernaci
NOES: None
ABSTAIN: None
ABSENT: Vice Mayor Singh

6. PUBLIC HEARINGS - None

7. CITY MANAGER REPORTS

- 7.a. Resolution Approving The Mayor's Appointment Of Two Councilmembers To An Ad Hoc Subcommittee To Evaluate And Provide Recommendations On The Placement Of Potential Revenue Measures On A 2024 Election Ballot

City Manager Malloy provided a brief report on the recommendation to establish an Ad Hoc Subcommittee to evaluate and provide recommendations on the placement of potential revenue measures on a 2024 election ballot. There were no questions from Council.

It was moved by Mayor Dutra-Vernaci and seconded by Vice Mayor Singh to adopt **Resolution No. 6194-23** appointing herself and Vice Mayor Singh to an Ad Hoc Subcommittee to evaluate and provide recommendations on the placement of potential revenue measures on a 2024 election ballot. The motion was carried by a unanimous roll call vote.

8. SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY - None

9. AUTHORITIES AND AGENCIES - None

10. CITY COMMISSION / COMMITTEE REPORTS - None

11. SCHEDULED ORAL COMMUNICATION - None

12. ITEMS REFERRED BY COUNCIL

Councilmember Sakakihara reported on his attendance of a meeting of the Housing Authority of County of Alameda.

Vice Mayor Singh reported on his attendance of the League of California Cities meeting held in Pittsburg and a backpack giveaway at Centro de Servicios.

Councilmember Wang reported on his attendance of meetings of the Waste Management Authority and League of California Cities.

Mayor Dutra-Vernaci reported on her attendance of meetings of the Alameda CTC and Metropolitan Transportation Commission.

13. GOOD OF THE ORDER

Councilmember Patiño reported on the following:

- attendance of National Night Out
- Council Foreign Relations webinar
- being interviewed on the radio program Lifeline with Craig Roberts regarding cannabis
- attendance of Tiburcio Vasquez employee appreciation event
- meeting with Rachel Richman, Director of Special Projects from Assemblymember Liz Ortega's office

- funeral services for Planning Commissioner Ed Mack Agbuya to be held on August 9 and 10.

Councilmember Sakakihara reported on his attendance of the St. Anne Festival and National Night Out.

Vice Mayor Singh reported on his attendance of the St. Anne Festival and National Night Out.

Councilmember Wang reported on his attendance of the Eagle Claw Cup Martial Arts Invitational Tournament, St. Anne Festival, National Night Out, and a backpack giveaway at Centro de Servicios.

Mayor Dutra-Vernaci reported on her presentation before the San Joaquin Regional Rail Commission, regarding ACE Train in Union City.

Mayor Dutra-Vernaci announced the meeting of August 22 was canceled for summer recess. The next meeting will occur on September 12, with Vice Mayor Singh chairing in her absence due to a planned vacation.

14. CLOSED SESSION - None

15. ADJOURNMENT

Mayor Dutra-Vernaci adjourned the meeting at 8:07 p.m.

Respectfully submitted,

Anna M. Brown, CMC
City Clerk



MINUTES
CITY OF UNION CITY

CITY COUNCIL

SPECIAL MEETING

Monday, August 21, 2023
5:00 PM

Council Chamber
34009 Alvarado Niles Road Union City, CA 94587

1. **CALL TO ORDER** Mayor Dutra-Vernaci called the meeting to order at 5:00 p.m.

1.a. Roll Call Present: Councilmembers Patiño, Sakakihara, Wang,
Vice Mayor Singh, Mayor Dutra-Vernaci

Absent: None

2. **ORAL COMMUNICATIONS - None**

3. **CONSENT CALENDAR**

- 3.a. Resolution Approving The Mayor's Appointment Of Two Councilmembers To An Ad Hoc Subcommittee To Evaluate And Provide Recommendations On The Placement Of Potential Revenue Measures On A 2024 Election Ballot

Mayor Dutra-Vernaci pulled Item 3.a. and explained that Vice Mayor Singh had determined that his busy schedule prevented him from being able to serve on the ad hoc committee.

It was moved by Mayor Dutra-Vernaci and seconded by Councilmember Sakakihara to appoint Mayor Dutra-Vernaci and Councilmember Wang to an ad hoc subcommittee to evaluate and provide recommendations on the placement of potential revenue measures on a 2024 election ballot.

Following the motion, Councilmember Patiño stated his preference was for Councilmember Sakakihara to serve.

Mayor Dutra-Vernaci stated Councilmember Sakakihara declined due to his busy schedule and wanting to spend more time with his newborn. Mayor Dutra-Vernaci noted that Councilmember Wang stated he was willing to serve

if Councilmember Sakakihara could not. Mayor Dutra-Vernaci stated Councilmember Wang's selection was also to provide him with an opportunity to do a deeper dive into the City's finances.

Councilmember Wang provided a statement clarifying his personal opposition to taxes, but that he understood that his role as an ad hoc subcommittee member was to receive and analyze community input and data, and provide an informed recommendation on the potential placement of a measure on a 2024 election ballot. He provided this statement to make clear that his service as a subcommittee member did not change his personal stance on taxes.

Mayor Dutra-Vernaci restated the motion and the second. The motion failed by the following roll call vote:

AYES: Councilmember Sakakihara, Mayor Dutra-Vernaci
NOES: None
ABSTAIN: Councilmembers Patiño and Wang, Vice Mayor Singh
ABSENT: None

Vice Mayor Singh restated that his busy schedule prevented him from serving on the ad hoc subcommittee, but he concurred with Councilmember Patiño that Councilmember Sakakihara should be appointed. Councilmember Sakakihara restated his reasons for being unable to accept the appointment. Councilmember Patiño sought clarification on the anticipated schedule of meetings.

City Manager Malloy could not provide exact specifications, but estimated meetings may occur at least once per month, up until a decision is made on potential placement of a measure on a 2024 election ballot.

Mayor Dutra-Vernaci asked Councilmember Wang if he will reconsider his abstention since Councilmember Sakakihara is unable to accept the appointment. Councilmember Wang stated he will accept the appointment.

It was moved by Councilmember Wang and seconded by Mayor Dutra-Vernaci to reconsider the motion to appoint Mayor Dutra-Vernaci and Councilmember Wang to an ad hoc subcommittee to evaluate and provide recommendations on the placement of potential revenue measures on a 2024 election ballot. The motion was approved by the following roll call vote:

AYES: Councilmember Sakakihara, Wang, Mayor Dutra-Vernaci
NOES: None
ABSTAIN: Councilmembers Patiño, Vice Mayor Singh
ABSENT: None

It was moved by Mayor Dutra-Vernaci and seconded by Councilmember Sakakihara to adopt **Resolution No. 6195-23** appointing Mayor Dutra-Vernaci and Councilmember Wang to an ad hoc subcommittee to evaluate and provide recommendations on the placement of potential revenue

measures on a 2024 election ballot. The motion was carried by the following roll call vote:

AYES: Councilmember Sakakihara, Wang, Mayor Dutra-Vernaci

NOES: None

ABSTAIN: Councilmembers Patiño, Vice Mayor Singh

ABSENT: None

4. ADJOURNMENT

Mayor Dutra-Vernaci adjourned the meeting at 5:13 p.m.

Respectfully submitted,

Anna M. Brown, CMC
City Clerk



Agenda Item

DATE: 9/12/2023

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: TRAVIS SOUZA, POLICE CAPTAIN

SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATIONS AND ASSURANCES DOCUMENT REQUIRED FOR THE CITY TO RECEIVE A GRANT AWARD UNDER THE FY 2023 EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, IN THE AMOUNT OF \$20,923.00, FOR FISCAL YEAR 2023-2024, AND AMENDING THE FISCAL YEAR 2023-2024 POLICE GRANTS FUND BUDGET

For the past 18 years, the Union City Police Department (UCPD) has received Edward J. Byrne Memorial Justice Assistance Grant (JAG) funds through the Alameda County consortium. In order to receive the award for FY 2023, the JAG application needs to be placed on the City Council agenda for Council consideration and to provide an opportunity for members of the public to comment on the application.

STRATEGIC PLAN ALIGNMENT

Goal D: Environmental Sustainability and Infrastructure

Item 9: Create and implement a plan to maintain and upgrade the City's buildings.

BACKGROUND

The Edward J. Byrne Memorial Justice Assistance Grant Program allows state and local governments to support a broad range of activities to prevent and control crime, to improve the criminal justice system and to enhance public safety. The Federal Department of Justice, Bureau of Justice Assistance (BJA) has released the FY 2023 application. The UCPD will be receiving a net grant allocation of \$18,830.70 (\$20,923.00 less a \$2,092.30 (10%) administrative fee). The UCPD intends to use these JAG funds to purchase surveillance security cameras to enhance security for the UCPD facility.

DISCUSSION

The federal government's consolidation in FY 2005 of the Byrne Memorial Grants and Local Law Enforcement Block Grants (LLEBG) to create the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Local Program impacted Union City and the qualifying cities in Alameda County by streamlining these justice grants into one source. The Bureau of Justice Assistance (BJA) developed joint application groups, consolidating certain cities and counties. Union City is part of a joint application group paired with Alameda County and the qualifying cities of Alameda, Berkeley, Emeryville, Fremont, Hayward, Livermore, Oakland and San Leandro. The BJA has indicated that only one application can be submitted from the group and the application must represent all eligible members. Therefore, Union City must apply for JAG funds through this consortium.

Chief Rinetti joined with the Sheriff of Alameda County and the Police Chiefs of the other qualified Alameda County cities, as well as the District Attorney of Alameda County, to make a decision regarding the allocation of the FY 2023 JAG funds and to select a lead agency. A unanimous decision was made for the Alameda County Sheriff's Office to once again be the designated lead agency to apply for the JAG funding on behalf of the County of Alameda and the nine qualified Alameda County cities.

FISCAL IMPACT

The FY 2023 JAG grant funding was not included in FY 2023-2024 Police Grants Fund budget and, therefore, if the City Council accepts this grant, the FY 2023-2024 Police Grants Fund budget will need to be amended as indicated below.

RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Authorizing the City Manager to execute the FY 2023 JAG "Certifications and Assurances by the Chief Executive of the Applicant Government;" and
2. Accepting the FY 2023 JAG funding from the Federal Department of Justice, Bureau of Justice Assistance, in the amount of \$20,923.00; and
3. Amending the FY 2023-2024 Police Grants Fund budget by increasing the revenue projection in Account Number 2190-21147-44011 (Police Grants Fund – FY 2023 JAG – Justice Assistance Grants) by \$20,923.00; and
4. Amending the FY 2023-2024 Police Grants Fund budget by appropriating \$2,092.30 to Account Number 2190-2104-21147-54220 (Police Grants Fund – Police Patrol – FY 2023 JAG – Taxes, Licenses & Fees) and \$18,830.70 to Account Number 2190-2104-21147-57130 (Police Grants Fund – Police Patrol – FY 2023 JAG – Other Equipment); and
5. Authorizing the City Manager, or her designee, to execute any and all documents necessary, in a form approved by the City Attorney, to accept the grant and to take any other such action as is necessary to carry out the purpose and intent of this resolution.

Prepared by:

TRAVIS SOUZA, POLICE CAPTAIN

Submitted by:

JARED RINETTI, CHIEF OF POLICE

ATTACHMENTS:

Description	Type
📎 2023 JAG Grant Resolution	Resolution
📎 2023 JAG Grant Program Narrative	Attachment

RESOLUTION NO. ____-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE THE
CERTIFICATIONS AND ASSURANCES DOCUMENT REQUIRED FOR THE
CITY TO RECEIVE A GRANT AWARD UNDER THE FY 2023 EDWARD J.
BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, IN THE AMOUNT OF
\$20,923.00, FOR FISCAL YEAR 2023-2024, AND AMENDING THE FISCAL
YEAR 2023-2024 POLICE GRANTS FUND BUDGET**

WHEREAS, for the past 18 years, the Union City Police Department (UCPD) has received Edward J. Byrne Memorial Justice Assistance Grant (JAG) funds through the Alameda County consortium; and

WHEREAS, in order to receive the award for FY 2023, the JAG application needs to be placed on the City Council agenda for Council consideration and to provide an opportunity for members of the public to comment on the application; and

WHEREAS, at the September 12, 2023, City Council meeting, the City Council considered the FY 2023 JAG application and provided an opportunity for members of the public to comment on the application; and

WHEREAS, the federal government's consolidation in FY 2005 of the Byrne Memorial Grants and Local Law Enforcement Block Grants (LLEBG) to create the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Local Program impacted Union City and the qualifying cities in Alameda County by streamlining these justice grants into one source; and

WHEREAS, the Bureau of Justice Assistance (BJA) developed joint application groups, consolidating certain cities and counties. Union City is part of a joint application group paired with Alameda County and the qualifying cities of Alameda, Berkeley, Emeryville, Fremont, Hayward, Livermore, Oakland and San Leandro; and

WHEREAS, the BJA has indicated that only one application can be submitted from the group and the application must represent all eligible members. Therefore, Union City must apply for JAG funds through this consortium; and

WHEREAS, Chief Rinetti joined with the Sheriff of Alameda County and the Police Chiefs of the other qualified Alameda County cities, as well as the District Attorney of Alameda County, to make a decision regarding the allocation of the FY 2023 JAG funds and to select a lead agency; and

WHEREAS, a unanimous decision was made for the Alameda County Sheriff's Office to once again be the designated lead agency to apply for the JAG funding on behalf of the County of Alameda and the nine qualified Alameda County cities; and

WHEREAS, the Edward J. Byrne Memorial Justice Assistance Grant Program allows state and local governments to support a broad range of activities to prevent and control crime, to improve the criminal justice system and to enhance public safety; and

WHEREAS, the Federal Department of Justice, Bureau of Justice Assistance (BJA) has released the FY 2023 application; and

WHEREAS, the UCPD will be receiving a net grant allocation of \$18,830.70 (\$20,923.00 less a \$2,092.30 (10%) administrative fee); and

WHEREAS, the UCPD intends to use these JAG funds to purchase surveillance security cameras to enhance security for the UCPD facility; and

WHEREAS, the City Council desires to accept this grant allocation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Union City hereby authorizes the City Manager to execute the FY 2023 JAG “Certifications and Assurances by the Chief Executive of the Applicant Government;” and

BE IT FURTHER RESOLVED that the City Council of the City of Union City hereby accepts the FY 2023 JAG funding from the Federal Department of Justice, Bureau of Justice Assistance, in the amount of \$20,923.00; and

BE IF FURTHER RESOLVED that the City Council of the City of Union City hereby amends the FY 2023-2024 Police Grants Fund budget by increasing the revenue projection in Account Number 2190-21147-44011 (Police Grants Fund – FY 2023 JAG – Justice Assistance Grants) by \$20,923.00; and

BE IT FURTHER RESOLVED that the City Council of the City of Union City hereby amends the FY 2023-2024 Police Grants Fund budget by appropriating \$2,092.30 to Account Number 2190-2104-21147-54220 (Police Grants Fund – Police Patrol – FY 2023 JAG – Taxes, Licenses & Fees) and \$18,830.70 to Account Number 2190-2104-21147-57130 (Police Grants Fund – Police Patrol – FY 2023 JAG – Other Equipment); and

BE IT FURTHER RESOLVED that the City Council of the City of Union City hereby authorizes the City Manager, or her designee, to execute any and all documents necessary, in a form approved by the City Attorney, to accept the grant and to take any other such other action as is necessary to carry out the purpose and intent of this resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on the 12th day of September 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**JUSTICE ASSISTANCE GRANT (JAG) LOCAL 2023
PROGRAM NARRATIVE FOR ALAMEDA COUNTY AND NINE CITIES
WITHIN ALAMEDA COUNTY, CALIFORNIA**

The federal government's consolidation in FY2005 of the Byrne Memorial Grants and Local Law Enforcement Block Grants (LLEBG) to create the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Local Program impacted Alameda County and the qualifying cities in Alameda County by streamlining these justice grants into one source. The Bureau of Justice Assistance (BJA) has developed joint application groups, consolidating certain cities and counties. Alameda County is part of a joint application group, paired with the Alameda County cities of Alameda, Berkeley, Emeryville, Fremont, Hayward, Livermore, Oakland, San Leandro, and Union City. The BJA has indicated only one application can be submitted from our group and the application must represent all eligible members. We must apply for the Byrne JAG Local Program as a consortium.

The Sheriff of Alameda County joined with all the Police Chiefs of every Alameda County city and the District Attorney of Alameda County in a decision to allocate the 2023 Byrne JAG Local appropriation and to designate the choice of a lead agency. The unanimous decision was made for the Alameda County Sheriff's Office to once again be the lead designated agency to apply for the JAG Program grants on behalf of the eligible nine Alameda County cities and the County of Alameda. There is a full description later in this Program Narrative of the equitable division of available funds to all the respective agencies. The Sheriff's Office staff has developed an advance proposal following the federal FY2023 Byrne JAG Local allocation to move forward with a grant application that will allow all eligible members to receive their designated share of the JAG award.

To summarize our JAG Program, it divides the BJA funding for our agencies into two categories, the state allocation and the local allocation. The State of California has already notified Alameda County that the State's allocation will be distributed in the same proportional manner as FY2022. Our consortium has estimated the local allocation for Alameda County Sheriff's Office at \$55,145 and designated its budgeted use for the partial salary and partial fringe benefits for a crime prevention-oriented position who could possibly manage the Deputy Sheriffs' Activities League (DSAL) and assist in the launching and management of the Sheriff's Office Street Outreach Project. Our county and nine county cities qualify for a Local BJA total allocation of \$746,889 in FY2023 Byrne JAG Local funds. All members of our group have described proposed program activities for the four-year grant period in one or more of the following areas: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and planning, evaluation, and technology improvement programs. Detailed descriptions of each member's planned JAG Program activities are noted in the Budget Narrative.

We all appreciate some of the unique features of this award such as: a four-year funding span, and no matching funds required. The timeline to apply for this grant, however, is very tight. The application must be submitted to the BJA by the August 31, 2023, deadline. Our Program Narrative outlines the various steps we properly took to qualify for the timely award of funds according to the BJA requirements.

Our Program proposal includes an addendum to our Alameda County Narcotics Task Force Memorandum of Understanding (MOU). All eligible members have obtained the signatures of their respective highest-ranking authorities to the MOU declaring their acceptance of the

joint JAG application and the terms therein. This addendum to our MOU will reside under the purview of the Executive Policy Committee of the Alameda County Narcotics Task Force and will indicate who will apply for and receive the funding, when and how the funding will be distributed to each eligible member, how much funding will be used to administer the grant, and each participant's obligation under U.S. Title 28 CFR Part 66 – The Uniform Administrative Requirements for Grant and Cooperative Agreements to State, Local Governments, and Judicial Administration. We succeeded in our common goal to reach an agreement on the addendum to our MOU promptly and presented it to our respective chief executive officers for signatures, as required by the BJA.

The following chart outlines the equity share proposal unanimously agreed to:

FY2023 Byrne JAG Local Grant Allocation			
AGENCY	Grant Allocation	Less: 10% Admin Fee	Total Allocation
City of Alameda Alameda Police Department	\$14,839.00	\$1,483.90	\$13,355.10
City of Berkeley Berkeley Police Department	\$47,931.00	\$4,793.10	\$43,137.90
City of Emeryville Emeryville Police Department	\$12,197.00	\$1,219.70	\$10,977.30
City of Fremont Fremont Police Department	\$36,038.00	\$3,603.80	\$32,434.20
City of Hayward Hayward Police Department	\$48,152.00	\$4,815.20	\$43,336.80
City of Livermore Livermore Police Department	\$14,949.00	\$1,494.90	\$13,454.10
City of Oakland Oakland Police Department	\$458,474.00	\$45,847.40	\$412,626.60
City of San Leandro San Leandro Police Department	\$38,241.00	\$3,824.10	\$34,316.90
City of Union City Union City Police Department	\$20,923.00	\$2,092.30	\$18,830.70
Sub Total	\$691,744.00	\$69,174.40	\$622,569.60
County of Alameda Alameda County Sheriff's Office	\$55,145.00	.	
Total Grant	\$746,889.00		

ALAMEDA COUNTY

The United States Department of Justice Office of Juvenile Justice and Delinquency Program (OJJDP) Best Practices guide concludes serious street crime problems, including the sale and use of dangerous drugs, most often emerge as a consequence of system failures or community dysfunction. Communities within the unincorporated areas of Alameda County are experiencing the consequences of this dysfunction. On average, residents of these communities are among the least healthy in Alameda County. They have few affordable recreational, physical fitness and/or enrichment opportunities for their children, and local jobs are scarce.

The OJJDP best practices guide outlines a five-pronged crime reduction program that includes Primary Prevention, Secondary Prevention, Intervention, Suppression and Re-Entry. This request for funds is to facilitate a crime prevention-oriented position in the Alameda County Sheriff's Office. The crime prevention-oriented position could oversee the implementation and continuation of programs related to Primary Prevention, Secondary Prevention, and Intervention. The crime prevention-oriented position could assist in launching and managing the Sheriff's Office Street Outreach Project, and managing the Deputy Sheriffs' Activities League, a community-based organization associated with the Sheriff's Office. The crime prevention-oriented position coordinates an integrated crime prevention strategy that emphasizes community partnerships and includes components of mental health, youth enrichment, enforcement, and restorative justice.

The Deputy Sheriffs' Activities League (DSAL) was created in 2005 through IRS section 501c3 with the goal of providing enrichment programs at schools in the unincorporated areas of Alameda County and to promote a more positive relationship between law enforcement officers and local youth. All DSAL programs are provided to participants free of charge. Nearly 6,900 children and adults will participate in DSAL programs in 2023.

The crime prevention-oriented position expands the Sheriff's Office and DSAL community partnerships, oversee DSAL recreational/enrichment programs, coordinate scheduling for Parent Project and Marriage and Family Therapist gang-prevention workshops and resource forums, expand the DSAL youth leadership group and develop youth job training and employment opportunities. The crime prevention-oriented position also could oversee staff, youth interns and AmeriCorps volunteers and is responsible for all related administrative functions. The crime prevention-oriented position could allow the Sheriff's Office and DSAL to continue to expand the community program offerings enhanced by the opening of the \$14 million state-of-the-art Alameda County-Ashland Youth Center in the spring of 2013.

The focus of the crime prevention-oriented position's efforts could continue to be on the most underserved unincorporated communities of Alameda County, and in address underlying community factors that have led to high rates of poor health, youth drug abuse, crime, and gang involvement in the area. According to reports from the area's primary school district, San Lorenzo Unified, a median of 55 percent of pupils were enrolled in Limited English Proficiency (LEP) programming. A median of 46.15 percent of elementary pupils qualify for the free/reduced lunch program due to low household income, providing strong evidence of socioeconomic stress and reduced opportunity within the student body.

According to California Fitness Testing, a higher percentage of students within the San Lorenzo Unified School District are reporting body composition outside the healthy fitness

zone compared to overall Alameda County. By ninth grade, 39 percent of San Lorenzo unified students report body composition outside the healthy zone compared to a 29 percent countywide. According to Alameda County Health Department records, the diabetes death rate in the unincorporated communities of Ashland and Cherryland is 1.5 times the county average. There are 199.1 deaths per 100,000 annually from coronary heart disease in Cherryland and 148.0 in Ashland, compared to the annual county rate of 146.7 per 100,000. The life expectancy at birth in Ashland-Cherryland is 78.8 years, compared to 79.9 years countywide. The overall mortality rate is 1,043.5 per 100,000 in Cherryland and 735.6 per 100,000 in Ashland, compared to 702.9 per 100,000 across the county.

According to a survey conducted by the DSAL youth group Furthering Youth Inspiration (FYI) of more than 500 youth in the Ashland-Cherryland communities, 74 percent said they spend their after-school time just hanging out with friends. Survey respondents noted that even where schools do offer after-school programming, only 37 percent of respondents participated. When the youth were asked what would encourage them to participate in programs after school, they indicated they wanted more FREE programs (schools generally charge a fee for sports involvement) to be offered locally, and they wanted to be able to get involved in new and fun activities with their friends. Many respondents stated they find many programs being offered at their schools do not interest them or there is often a fee to participate. Additionally, many of the older youth are seeking employment to assist their families with basic needs such as rent, food and personal items.

Lack of access to jobs, sports, recreation and personal growth opportunities limits the number of constructive choices open to the area's children, which in turn contributes to escalating rates of crime, gang involvement and drug use, which further exacerbates the poor health outcomes.

According to recent U.S. Census data, of the 123,290 residents in the urban unincorporated communities of Alameda County, 16,798 are youth between the ages of 10 and 19 representing 13.6 percent of the total population. Forty percent of the households had incomes below \$30,000. Per capita income is \$17,652, or 19 percent below the county average. The largest ethnic group among residents is Latino (35 percent), followed by White (31 percent), African American (16 percent) and Asian/ Pacific Islander (13 percent). Forty-three percent speak a language other than English at home, indicating recent immigration status. Many adults work multiple low wage, no-benefit jobs to support their families.

According to a preliminary Alameda County Public Health Department report using data from 2018-2022, Ashland/Cherryland continues to have one of the highest teen birth rates in Alameda County (51 per 1,000 live births) and an overall infant mortality rate 70 percent higher than the countywide average. Of the county's 22,000-plus re-entering adult and juvenile ex-offenders, the Sheriff's Department estimates that at least 8,000 live in or within three miles of Ashland/Cherryland.

All youth living in Ashland attend school in the San Lorenzo Unified School District, which has been hit hard by budget cuts and grapples with multiple low-performing schools and high rates of suspension and expulsion. Youth who live in Cherryland primarily attend schools in the Hayward Unified School District, which has many of the same issues. There are few after-school programs in these two communities, particularly in the middle and high schools. The programs that do exist have severe difficulty with retaining youth after school hours. There are no teen centers or teen-centered businesses.

A 2021 survey of nearly 200 Eden Area youth revealed 61 percent of youth say they don't

feel their community is safe, 40 percent don't feel valued by adults, and the majority see gangs, drugs, and alcohol as the leading causes of violence amongst youth. The most common types of violence youth report seeing are fighting, vandalism, robberies and gang violence. The youth stated that violence most often occurs between the afternoon and night and that teenagers are typically the perpetrators and the victims. The survey data also shows that youth see a need for more after school activities, conflict-resolution opportunities and more youth jobs as methods for decreasing the violence, crime and teenage pregnancy.

The crime prevention-oriented position could also address the many health and public safety needs within these communities by meeting the following goals during the grant period:

1. Continue to increase the number of participants in Alameda County Sheriff's Office/DSAL recreation and enrichment programs from 6,900 to 7,200, while continuing to develop the local adult volunteer base from its current 110 to 150.
2. Expand the number of youth and adults employed through DSAL recreation and urban farming operations from 80 to 90.
3. Successfully launch and maintain the Sheriff's Office Street Outreach program to provide wrap-around services to at least 25 of the area's most entrenched gang members in FY 2023.
4. Ensure that a minimum of four 13-week Parent Project training sessions is offered and that 75 local parents receive training through the nationally recognized program
5. Increase the number of youth who participate in Sheriff's Office/DSAL Youth Leadership Group activities to 7,000 or more.
6. Build the DSAL mentor program that serves a minimum of 50 of the area's most at-risk children

The Alameda County Sheriff's Office Finance Unit (Grants) will monitor and report on this FY2023 Byrne JAG Local Grant utilizing grant administrative monies used to support the crime prevention-oriented position. Thank you!



Agenda Item

DATE: 9/12/2023

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JARED RINETTI, CHIEF OF POLICE

SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SINGLE SOURCE SUBSCRIPTION AGREEMENT WITH PEREGRINE TECHNOLOGIES, INC., IN THE AMOUNT OF \$44,950 PER YEAR FOR FIVE YEARS, FOR A TOTAL CONTRACT AMOUNT OF \$224,750, FOR DATA ANALYSIS AND VISUALIZATION SOFTWARE

Staff recommends that the City Council adopt a resolution authorizing the City Manager to enter into a single source software subscription agreement with Peregrine Technologies, Inc., in the amount of \$44,950 per year for five years, for a total contract amount of \$224,750, for data analysis and visualization software.

STRATEGIC PLAN ALIGNMENT

Goal C.: Institute forward-thinking, business, land use development, housing, social services, and public safety strategies that promote community growth and innovation.

Strategy 13: Align public safety services with community needs based on a data driven decision-making approach (i.e., emergency medical services, restoration of terminated police programs, etc.)

BACKGROUND

After learning of partnering agencies' successes, the Police Department tested and evaluated the Peregrine data sharing and analysis platform. The evaluation determined that by acquiring this platform, the Police Department could greatly expand its current ability to efficiently analyze crime data, share intelligence, inform Police leadership, and efficiently deploy police resources. One of the primary uses of the Peregrine software system will be to support the Flock automated vehicle license plate reader cameras that were authorized by the City Council on May 23, 2023.

DISCUSSION

In a general picture of recent crime trends over the past five years in Union City, 2022 was the highest year in the number of homicides, robberies, burglaries, thefts, stolen vehicles, and arsons. Although there were some decreases in the reports of some crimes that coincided with the COVID-19 pandemic, the incidents in 2022 were higher than the years before and during the pandemic. To reverse this trend, the Police Department implemented various focused approaches in several areas such as deterrence, enforcement, investigations, and research in new technologies to aid in crime prevention, response, investigation, and case clearance.

To respond to a citywide and regional increase in homicides and assaults with firearms, the Police Department began a targeted operations plan involving the deployment of additional resources based on crime data and analytics. This initiative required extensive planning and research, which was hindered at times by the Police Department's ability to analyze data and information rapidly and accurately. The Police Department regularly generates a large volume of data, but the value of that data is not fully leveraged when key factors and connections are not identified quickly enough to dynamically respond to deter, prevent, investigate, and/or clear crimes. Peregrine is a database search engine that will help the Police Department effectively and efficiently search large volumes of information, including the data collected by the new Flock automated vehicle license plate reader cameras. Peregrine is essential to fully maximizing the effectiveness of these cameras.

Peregrin would also be used by the Police Department access various repositories of information associated to calls for service and investigations. Although these systems contain data that is useful and aid the Police Department's mission, the Police Department has a limited capability to make connections within and between the varied databases. Further, advancements in technology have greatly expanded the ability to conduct data analysis and maximize the efficiency and efficacy of police investigations, enforcement strategies, and deployment of resources.

Peregrine Technologies is a unique analysis platform that would provide the Police Department with a greatly enhanced capability to analyze and connect data in real-time with significantly less work required of employees. Such an increase in capability would allow officers and staff more time to work more efficiently with better information. Examples include being able to pinpoint "hotspots" where crimes are occurring, determine connections and relationships between different criminal investigations, alerts for changes and emerging issues, and statistical analysis of trends based on dynamic parameters.

In addition, neighboring agencies also use Peregrine so it would be possible for the City to enter into agreements with those agencies that would allow the Police Department to leverage the same analysis and connections among databases. In a recent project, the Police Department found that nearly half of the criminal offenders involved in violent crimes lived outside of Union City. By collaborating quickly and efficiently with partnering agencies, the Police Department can expand its ability to identify key individuals to prevent, respond to, investigate, and clear cases

FISCAL IMPACT

The total cost of the Peregrine five-year subscription agreement is \$224,750, which consists of annual payments in the amount of \$44,950 each. Funding for Peregrine has been allocated in the approved biennial budget for Fiscal Year 2023-2024 and Fiscal Year 2024-2025 (Account Number 1110-1701-17001-54111). As such, years 3-5 of the five-year contract will require allocation of funding to the same account in the following two biennial budgets.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Manager to enter into a single source subscription agreement with Peregrine Technologies, Inc., in the amount of \$44,950 per year for five years, for a total contract amount of \$224,750, for data analysis and visualization software.

Prepared by:

Michael L. Mahaney, Police Lieutenant

Submitted by:

Joan Malloy, City Manager

ATTACHMENTS:

Description	Type
 Resolution - Peregrine	Resolution

RESOLUTION NO. XXXX-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY,
AUTHORIZING THE CITY MANAGER TO ENTER INTO A SINGLE SOURCE
SUBSCRIPTION AGREEMENT WITH PEREGRINE TECHNOLOGIES, INC., IN THE
AMOUNT OF \$44,950 PER YEAR FOR FIVE YEARS, FOR A TOTAL CONTRACT
AMOUNT OF \$224,750, FOR DATA ANALYSIS AND VISUALIZATION SOFTWARE**

WHEREAS, efforts of the Police Department have been hindered by antiquated systems that cannot quickly analyze and produce actionable information in furtherance of deterring, preventing, investigating, and clearing crimes; and

WHEREAS, existing crime analysis processes and systems do not allow for efficient generation and analysis of crime statistics for each District Commander within the District Policing structure, which hinders the ability of District Commanders to respond to localized crime trends and other needs of the community; and

WHEREAS, the Police Department tested and evaluated the Peregrine data sharing and analysis platform; and

WHEREAS, the results of the evaluation determined that the Police Department could greatly expand its current ability to efficiently analyze crime data, share intelligence, inform Police leadership, and efficiently deploy police resources; and

WHEREAS, partnering police agencies have increased their ability to efficiently analyze and share information and intelligence by using Peregrine.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Union City hereby authorizes the City Manager to enter into a single source subscription agreement with Peregrine Technologies, Inc for data analysis and visualization software; and

BE IT FURTHER RESOLVED that the City Council of the City of Union City hereby authorizes the commitment of \$224,750, in annual payments of \$44,950, Account Number 1110-1701-17001-54111, to be included in the biennial operating budget.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on the 12th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

CAROL DUTRA-VERNACI
Mayor

ATTESTED:

ANNA M. BROWN
City Clerk

APPROVED AS TO FORM:

KRISTOPHER J. KOKOTAYLO
City Attorney



Agenda Item

DATE: 9/12/2023

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOAN MALLOY, CITY MANAGER

SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSULTING SERVICES AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS, INC., IN THE AMOUNT OF \$96,000 FOR LEGISLATIVE ADVOCACY AND GRANT FUNDING SERVICES

Staff recommends that the City Council adopt a resolution authorizing the City Manager to execute a consulting services agreement with Townsend Public Affairs, Inc. in the amount of \$96,000 for legislative advocacy and grant funding services.

STRATEGIC PLAN ALIGNMENT

The contract with a legislative advocacy consultant is with the intent of bringing additional funding to the City Council's priorities identified in the Strategic Plan, including:

Goal A. Foster fiscal health through disciplined long-term planning, cost control, heightened efficiency, increased revenue, and cost recovery.

Goal B. Producing high-quality services to the community through a commitment to local government best practices and employee development, support and retention.

Goal C. Institute forward-thinking business, land use development, housing, social services, and public safety strategies that promote community growth and innovation.

Goal D. Create a healthy, sustainable community and maintain and improve the City's infrastructure.

Goal E. Build strong connections with community partners, residents, and employees.

BACKGROUND

As part of the biennial budget process for FY 2023-2024 and FY 2024-2025, the City Council included funds to engage an advocacy consultant to support staff with state and federal advocacy services and grant funding services. Staff engaged two advocacy consultants for Requests for Qualifications/Proposal, Townsend Public Affairs, Inc. and Simon and Company, Inc. Both provide advocacy services in Alameda County to various agencies. Simon and Company, Inc. targets federal advocacy while Townsend Public Affairs, Inc. provides advocacy at the state and federal level. Townsend also provides grant funding services, including identifying, researching, community outreach, and grant application development and submittal.

DISCUSSION

Staff engaged two advocacy consultants that are used by other agencies within Alameda County: Townsend Public Affairs, Inc. (Townsend) and Simon and Company, Inc. (Simon). Simon focuses on federal advocacy, while Townsend provides advocacy services at the state and federal levels. Additionally, Townsend supports grant funding research and monitoring, as well as grant application development and submittal. Simon's cost of services is lower at \$2,500 per month (\$30,000 annually), but the focus of services is solely on federal advocacy. Townsend costs for service are \$8,000 per month (\$96,000 annually), but the services provide are more comprehensive.

Staff recommends that the City engage Townsend as the scope of services would provide a more comprehensive reach and perhaps more fiscal benefit to support the City's priorities and the Capital Improvement Projects (CIP) Plan.

FISCAL IMPACT

There is no fiscal impact to the General Fund. The advocacy consultant contract was budgeted in the adopted Biennial Budget for FY 2023-2024, Account Number 1110-1101-11001-54110, City Council Professional/Consulting Services.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Manager to execute a consulting services agreement with Townsend Public Affairs, Inc. in the amount of \$96,000 for legislative advocacy and grant funding services.

Prepared by:

Joan Malloy, City Manager

Submitted by:

Joan Malloy, City Manager

ATTACHMENTS:

Description	Type
<div data-bbox="154 149 186 189"></div> <div data-bbox="211 149 779 189">Resolution - Townsend Public Affairs, Inc.</div>	Resolution
<div data-bbox="154 189 186 233"></div> <div data-bbox="211 189 779 233">Exhibit A - Townsend Scope of Services</div>	Exhibit

RESOLUTION NO. XXXX-23

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSULTING
SERVICES AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS, INC., IN THE
AMOUNT OF \$96,000, FOR LEGISLATIVE ADVOCACY AND GRANT
FUNDING RESEARCH SERVICES**

WHEREAS, the City Council included funding in the FY 2023-2024 and FY 2024-2025 Biennial Operating Budget for an advocacy consultant (lobbyist); and

WHEREAS, staff engaged two advocacy consultants for Requests for Qualifications/Proposal that are active in Alameda County: Townsend Public Affairs, Inc. and Simon and Company, Inc.; and

WHEREAS, the scope of services provided by Townsend Public Affairs, Inc. was a more comprehensive approach, providing advocacy services at the state and federal levels as well as support for grant funding research, monitoring, preparation of grant applications and submittal, as attached in Exhibit A, while Simon and Company, Inc. focused on federal advocacy only; and

WHEREAS, funding for the Consulting Services Agreement with Townsend Public Affairs, Inc., in the amount of \$96,000, was included in the Fiscal Year 2023-2024 General Fund Budget in Account Number 1110-1101-11001-54110.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Union City hereby authorizes the City Manager to execute the Consulting Services Agreement with Townsend Public Affairs, Inc., in the amount of \$96,000, for legislative advocacy and grant funding research services.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on the 12th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

CAROL DUTRA-VERNACI
Mayor

ATTESTED:

APPROVED AS TO FORM:

ANNA M. BROWN
City Clerk

KRISTOPHER J. KOKOTAYLO
City Attorney

TOWNSEND

PUBLIC AFFAIRS

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SOUTHERN CALIFORNIA



**Proposal for
Legislative Advocacy
and Grant Funding Services**

May 19, 2023

May 19, 2023

Joan Malloy, City Manager
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587

Dear Ms. Malloy:

Thank you for the opportunity for Townsend Public Affairs, Inc. ("TPA") to submit our proposal for Legislative Advocacy and Grant Funding Services to the City of Union City ("City").

Since its inception in 1998, TPA has earned the reputation as ***Champions for Better Communities*** by providing the experience, resources, and relationships expected from a premier legislative advocacy and grant writing firm while also giving clients the unique brand of customer service they deserve: personal attention, maximum accessibility, and passion for their mission.

Our strategic approach to advocacy and funding is tailored to meet the individual needs of each client by leveraging the breadth and depth of our team as well as our vast network of relationships with key stakeholders and decision makers.

Utilizing this method on behalf of our clients, TPA has shepherded over 100 legislative and regulatory proposals into law, and secured over \$2.7 billion in grants from state, federal, and local government agencies as well as nonprofit foundations and private companies.

Thank you again for your interest in our firm and your consideration of this proposal. Please contact us if you have any questions or need additional information. We would be honored to serve the City of Union City.

Yours truly,



Christopher Townsend
President

FIRM OVERVIEW

TPA is a state and federal legislative advocacy and grant writing firm that provides lobbying and funding services to public agencies and nonprofit organizations throughout California.

- Founder/Owner/President: Christopher Townsend
- Advocacy Success: Shepherded **over 100** client-sponsored legislative proposals into law
- Funding Success: Over **\$2.7 billion** in state, federal, and local government grants as well as grants from nonprofit organizations and private companies
- Longevity: 25 years (founded in 1998)
- Number of Employees: 19
- Number of Registered State and Federal Lobbyists and Grant Writers: 15
- Number of Offices: Five
 - TPA State Capitol Office, Sacramento
 - TPA Federal Office, Washington, DC
 - TPA Northern California Office, Oakland
 - TPA Central California Office, Fresno
 - TPA Southern California Office, Newport Beach
- Types of Clients:
 - City Governments
 - County Governments
 - Water and Sanitation Districts
 - Transportation Districts
 - K-12 School Districts
 - Community College Districts
 - Parks and Recreation Districts
 - Fire Protection Districts
 - Museums, Science Centers, and Cultural Facilities
- Areas of Specialization:
 - Local Governance (Cities, Counties, Special Districts)
 - Transportation Policy and Infrastructure
 - Water and Sanitation Policy and Infrastructure
 - Education Policy and Infrastructure
 - Housing and Economic Development
 - Parks and Community Facilities (Recreational, Cultural, Historical)
 - Energy, Environment, and Natural Resources
 - Public Safety
 - Budget and Finance
- Ranking by Revenue Reported to the California Secretary of State:
 - 6th of 486 Firms Registered for 2021-22 Legislative Session
 - 99th Percentile
- More California public agencies have retained TPA to represent them in Washington, DC than any other advocacy firm.



LEGISLATIVE ADVOCACY ACHIEVEMENTS

Policy Sector	Issue	Description
Local Governance	Local Control and Finance	<ul style="list-style-type: none"> Public Facilities and Finance Public Employee Programs Contractual Assessment Programs Infrastructure Financing Opportunities
	Public Employee Benefits	<ul style="list-style-type: none"> PEPRA Compliance JPA Benefits Medical Benefits Vesting
	Cannabis	<ul style="list-style-type: none"> Drafting Local and State Cannabis Regulations Local Control
Transportation	Local Streets and Roads	<ul style="list-style-type: none"> State Highway Relinquishments Local Venue Signage on State Highways
	State Highway System	<ul style="list-style-type: none"> State Bond Funding for Highway Projects Expansion of Toll Lanes/Toll Roads
Water and Sanitation	Water Quality	<ul style="list-style-type: none"> Drinking Water Public Health Regulations Groundwater Pollution Liability Groundwater Management Plans Direct/Indirect Potable Reuse
	Water Infrastructure	<ul style="list-style-type: none"> State Bond Funding for Water Projects Local Reliability Projects Water Conservation Programs
	Sanitation Infrastructure	<ul style="list-style-type: none"> Integrated Regional Watershed Projects Advanced Water Treatment Facilities
Housing and Community Development	Affordable Housing	<ul style="list-style-type: none"> Developing Funding for Affordable Housing Expanding Affordable Housing Eligibility
	Economic Development	<ul style="list-style-type: none"> Capital Investment Incentive Program Expansion Enterprise Zone Program Regulations Military Base Re-Use Land Planning
	Redevelopment	<ul style="list-style-type: none"> Agency Dissolution Process Developing Post-RDA Funding Sources State Liability Reduction
Recreation and Natural Resources	Park Facilities	<ul style="list-style-type: none"> Joint-Use Projects with Schools Districts State Bond Funding for Local Park Projects (Propositions 11, 68, and 84)
	Greenhouse Gas Reduction	<ul style="list-style-type: none"> TOD Housing to Support Cap and Trade Objectives Increase Transit Accessibility for Active Transportation
Cultural and Historical Resources	Cultural Facilities	<ul style="list-style-type: none"> CA Cultural and Historical Endowment CA Nature Education Facilities Program
Public Safety	Public Health	<ul style="list-style-type: none"> Air Pollution Reduction Methods Treatment of the Remains of a Deceased Veteran Resources
	Crime Reduction	<ul style="list-style-type: none"> Sex Trafficking Control Gun Control
	Local Law Enforcement	<ul style="list-style-type: none"> Increasing Local Police Presence/COPS Police Body Cameras Regional Public Safety Task Force Initiatives
Education	Community College Districts	<ul style="list-style-type: none"> Veterans Resources Alternative Energy Job Training ADA Reform
	K-12 School Districts	<ul style="list-style-type: none"> K-12 Safety Planning Programs Joint Use Projects with Civic Agencies
	School Facilities	<ul style="list-style-type: none"> Charter School Facilities Funding Community College Facilities Funding K-12 School District Facilities Funding

A DETAILED SCHEDULE OF OUR STATE, FEDERAL, AND LOCAL LEGISLATIVE ADVOCACY ACHIEVEMENTS CAN BE PROVIDED UPON REQUEST



EXAMPLES OF SUCCESSFUL STATE/FEDERAL EARMARKS

The following charts detail TPA's success in securing state and federal earmarks over the past several years. For each award, TPA strategized with our clients to identify priority projects and transform them into budget requests. TPA then worked closely and diligently with state and federal legislators (and their staff), relevant committee members, and other key stakeholders to ensure our client projects were included in the final official budget.

FY 2022-23 STATE BUDGET EARMARKS		
Client Name	Project	Amount Awarded
California Academy of Sciences	Thriving California Environmental Learning Plan	\$2,100,000
City of Agoura Hills	Linear Park Project	\$6,000,000
City of Anaheim	Boysen Park Rehabilitation	\$15,000,000
City of Berkeley	Marina and Pier Projects	\$15,000,000
City of Buena Park	Water System Improvements	\$5,000,000
City of Compton	Artesia Boulevard Bridge Rehabilitation	\$12,000,000
City of Costa Mesa	Citywide Park Project	\$10,000,000
	Ketchum Liboldt Park	\$1,200,000
	Fairview Developmental Center	\$3,500,000
City of Del Mar	Del Mar Bridge Replacement Project	\$2,200,000
City of Dinuba	Fire Department Equipment and Training	\$2,000,000
City of Farmersville	Fire Station Construction	\$7,000,000
City of Fremont	Teen Center Building Upgrades	\$8,000,000
	Sabercat Bridge and Trail project open space acquisition and planning	\$6,000,000
	I-680 Sabercat Bridge Infrastructure	\$6,000,000
	Housing Navigation Center	\$500,000
City of Fullerton	Navigation Center Project	\$6,000,000
City of Gardena	Broadband Infrastructure	\$4,000,000
	Revitalization of Gardena Boulevard	\$2,000,000
City of Hayward	Scattered Site Housing Model to Create Cost-Effective Permanent Housing for unhoused individuals	\$5,400,000
City of Huntington Beach	Mental Health Crisis Unit	\$1,500,000
City of Irvine	Sweet Shade Park	\$2,800,000
	Mental Health Crisis Unit	\$1,500,000
City of La Habra	Imperial/Coyote Creek Sinkhole	\$8,500,000
City of Laguna Beach	Mental Health Crisis Unit	\$1,500,000
City of Merced	Merced Regional Fire Training Center	\$3,000,000
City of Oakland	Teachers Rooted in Oakland (TRiO) Program	\$5,000,000
City of Palo Alto	Replacement of Fire Station 4	\$5,200,000
	Newell Road Bridge Replacement	\$2,000,000
City of Parlier	Parlier Police Station	\$2,500,000
City of Santa Clara	Magical Bridge All-Inclusive Playground in Central Park	\$800,000
City of South San Francisco	Linden Park Project	\$3,200,000
	County of San Mateo Union Community Alliance	\$1,500,000



FIRM OVERVIEW

City of Tustin	Centennial Park Rehab Project	\$4,800,000
Discovery Cube Los Angeles	Sustainability Park Project	\$5,000,000
Discovery Cube Orange County	Santiago Creek Sustainability Park	\$10,000,000
Imperial County	Lithium Valley Specific Plan and PEIR	\$5,000,000
Land Conservancy of San Luis Obispo County	Camatta Ranch Preservation	\$2,500,000
North Orange County Public Safety Task Force	Servicing the Public Safety Collaborative efforts within the cities of Anaheim, Brea, Buena Park, Fullerton, La Habra, Stanton, and Placentia	\$8,000,000
Oakland Museum of California	Calli Americas Poster Collection Digitizing and Cataloguing Project	\$250,000
Port of Hueneme	eCrane - Electrical Crane Plug-In Infrastructure	\$5,000,000
Tri-Valley Cities Coalition	Valley Link Rail Project (Environmental Study and Preliminary Engineering)	\$5,000,000
TOTAL FY 2022-23 STATE BUDGET EARMARKS:		\$200,950,000

FY 2021-22 STATE BUDGET EARMARKS		
Client Name	Project	Amount Awarded
City of Costa Mesa	Regional Fire and Rescue Facility Improvements	\$2,500,000
City of Del Mar	Del Mar Fairgrounds Operating Shortfall	\$3,500,000
City of Emeryville	Affordable Housing Site Remediation	\$2,500,000
City of Farmersville	Fire Engine Acquisition	\$750,000
City of Fremont	Mission Blvd Interchange Modernization Project	\$7,200,000
City of Fullerton	Hunt Library Restoration	\$2,750,000
	Homelessness Recuperative Center	\$4,000,000
City of Half Moon Bay	Carter Park Renovation Project	\$4,750,000
City of Hayward	Hayward Navigation Center	\$662,000
	South Hayward Youth Family Center Project	\$1,000,000
City of Irvine	Bommer Canyon Fire Prevention Efforts	\$1,000,000
City of Lafayette	Safe Pathway for Children Trail	\$238,000
City of Modesto	Infrastructure Improvements to County Islands	\$5,000,000
City of Oakland	Oakland Fund for Public Innovation for the California Entrepreneurship Capital in the Community Initiative	\$8,000,000
	Local Jurisdiction Assistance for Cannabis Equity Program	\$9,905,020
	Oakland MACRO Project	\$10,000,000
	Port of Oakland Freight and Passenger Infrastructure Enhancements	\$280,000,000
City of Pismo Beach	Public Safety Communications Equipment	\$470,000
City of Reedley	Olson/Kings River Sewer Main Replacement	\$2,800,000
City of San Leandro	Memorial Park Rehabilitation Project	\$2,750,000
City of San Pablo	Alternative Policing and Mental Health Program	\$2,000,000
City of Santa Ana	Youth Facilities Improvements	\$4,000,000
City of South San Francisco	Vehicle License Fee Adjustment	\$3,000,000



FIRM OVERVIEW

City of Tracy	Multi-Generational Recreation Center	\$5,000,000
City of Tustin	New Emergency Backup Generator	\$1,500,000
Discovery Science Foundation	Discovery Cube of Orange County Re-Opening Operating Expenses	\$2,040,000
	Discovery Cube of Los Angeles Re-opening Operating Expenses	\$2,600,000
North Orange County Public Safety Task Force	North Orange County Public Safety and Homelessness Task Force Program Extension	\$7,800,000
TOTAL FY 2021-22 STATE BUDGET EARMARKS		\$377,715,020

FY 2019-20 STATE BUDGET EARMARKS		
Client Name	Project	Amount Awarded
City of Agoura Hills	Stormwater Treatment Project	\$1,000,000
City of Avalon	Underground Fuel Tank Removal and Replacement	\$500,000
City of Buena Park	Historical Facilities Renovations	\$500,000
City of Costa Mesa	Lions Community Park	\$1,000,000
City of Dinuba	Water Well Replacement	\$1,000,000
City of Huntington Beach	Multi-Use Blufftop Path	\$1,700,000
City of Laguna Beach	Laguna Canyon Road Fuel Modification	\$1,000,000
City of Oakland	Public Safety Projects	\$4,000,000
	Bus Services	\$1,000,000
City of Selma	Storm Drain, Storage, and Recharge	\$1,500,000
Discovery Cube of Los Angeles	Natural Resources Pavilion	\$5,000,000
Discovery Cube of Orange County	Property Acquisition/Parking Structure	\$10,000,000
East Contra Costa Fire Protection District	Equipment, Vehicles, and Facilities Acquisitions and Improvements	\$500,000
North County Transit District	Del Mar Bluffs Stabilization Project	\$6,130,000
Tri Valley Cities Coalition	Dublin Sports Grounds All-Abilities Playground	\$1,400,000
TOTAL FY 2019-20 STATE BUDGET EARMARKS		\$36,230,000

CUMULATIVE TOTAL STATE BUDGET EARMARKS FOR FY 2019-20, FY 2021-22, AND FY 2022-23:

\$614,895,020



FY 2023 FEDERAL APPROPRIATIONS EARMARKS		
Client	Project	Amount Awarded
City of Avalon	Pebbly Beach Road	\$2,000,000
Affordable Community Living	Veteran Housing Project	\$1,000,000
City of Berkeley	Martin Luther King Junior Youth Services Center Renovation	\$750,000
City of Del Mar	Shoreline Access Improvement Project	\$750,000
Discovery Cube Los Angeles	Community Pavilion and Gardens	\$2,000,000
Discovery Cube Orange County	Santiago Creek Festival Grounds Sustainability Park	\$2,000,000
City of Dinuba	Well 21	\$1,500,000
City of Emeryville	Intergenerational Affordable Housing Project on San Pablo Avenue	\$500,000
City of Gardena	Rosecrans Community Center	\$1,000,000
Guadalupe Union School District	Early Childhood Education Center	\$2,000,000
City of Half Moon Bay	Highway 1/ Frenchman Creek Intersection and Bike/Ped Improvements	\$2,000,000
City of Hesperia	Cedar Street	\$2,000,000
City of Lafayette	School Street Safe Routes to Schools	\$3,100,000
Merced County Association of Governments	YARTS Fleet Replacement Project	\$3,680,000
City of Murrieta	Keller Ave Interchange	\$2,600,000
North Orange County Public Safety Collaborative	Collaborative Funding	\$5,000,000
City of Oakland	Coliseum Place Affordable Housing Project	\$750,000
City of Oakland	Procedural Justice/Community Police Trust	\$646,000
City of Oakland	Lincoln Center Resilience Hub	\$2,000,000
Orange County Housing Finance Trust	Funding to Support Permanent Supportive and Low-Income Housing	\$3,000,000
City of Ontario	Active Seniors on the Go	\$439,094
City of Pleasanton	PFAS Treatment and Well Rehabilitation Project	\$2,000,000
City of Palmdale	Ave. M Grade Separation Project	\$2,000,000
City of Palmdale	Ave. M Grade Separation Project	\$1,500,000
City of Parlier	Police Station Rehabilitation and Improvements	\$875,000
Rancho Santiago Community College District	Workforce Development Pathways Targeting Dislocated and At-Risk Populations	\$2,000,000
City of Santa Clara	Fire Station Microgrid Project	\$500,000
City of Santa Clara	Anna Drive Neighborhood Flood Protection Project	\$3,000,000
City of South El Monte	Merced Avenue Greenway Project	\$3,000,000
Sunline Transit Agency	Fueling Infrastructure Expansion	\$2,500,000
City of Tulare	Water Delivery System	\$500,000
City of Tulare	Emergency Homeless Shelter	\$1,500,000
Yorba Linda Water District	Green Crest Lift Station	\$300,000
Yosemite Community College District	Modesto Junior College Regional Fire Training Facility Apparatuses and Props	\$2,000,000
TOTAL FY 2023 FEDERAL APPROPRIATIONS EARMARKS		\$60,390,094



FY 2022 FEDERAL APPROPRIATIONS EARMARKS		
Client Name	Project	Amount Awarded
Amity Foundation	Mother's Hub Residence	\$2,838,521
Cities of Anaheim, Brea, Buena Park, Fullerton, Stanton, Placentia	North Orange County Public Safety and Homelessness Task Force	\$5,000,000
Cities of Dublin, Livermore, and Pleasanton	AXIS Mental Health Urgent Care	\$450,000
City of Agoura Hills	Community Center	\$1,000,000
City of Beaumont	Pennsylvania Avenue Widening	\$1,500,000
City of Berkeley	African American Holistic Resource Center	\$1,000,000
City of Brea	Tracks at Brea Extension	\$2,000,000
City of Chino Hills	Open Space Fuel Reduction	\$565,000
City of El Monte	MacLaren Community Park Project	\$1,500,000
City of Emeryville	Contaminated Remediation for Housing	\$2,000,000
City of Hesperia	Maple Avenue Street Improvements	\$2,000,000
City of Huntington Beach	Sand Mitigation	\$15,500,000
	Mobile Crisis Response Program	\$500,000
City of Murrieta	Homeless Outreach Services Funding	\$500,000
City of Oakland	Mental Health Resilience Project	\$1,230,000
	Mental Health Resilience Project	\$734,000
	Broadway - Bus and Pedestrian Safety	\$2,000,000
	Violence Prevention Project	\$200,000
City of Placentia	Golden Avenue Bridge	\$2,200,000
City of San Ramon	Iron Horse Trail Crow Canyon Road Iron Horse Trail Bicycle-Pedestrian Overcrossing	\$2,000,000
City of Santa Clara	City of Santa Clara De La Cruz Blvd, Lick Mill Blvd, and Scott Blvd Bicycle Projects	\$2,725,000
City of Stanton	Orangewood Parkette	\$850,000
Discovery Cube of Orange County	Land Acquisition and Development for Sustainability Festival	\$2,000,000
East Contra Costa Fire Protection District	Fire Station	\$1,500,000
Guadalupe Union School District	LeRoy Park	\$1,700,000
North County Transit District	Hydrogen Fuel Cell Electric Bus Station	\$1,717,836
Rancho Santiago Community College District	RSCCD Digital Access Consortium	\$2,000,000
Town of Danville	Danville Townwide Traffic Signal Modernization	\$1,000,000
	Iron Horse Trail Bridge, Nature Park, and Pedestrian Safety Project	\$350,000
Yorba Linda Water District	Heli-Hydrant	\$500,000
TOTAL FY 2022 FEDERAL APPROPRIATIONS EARMARKS		\$59,060,357

**TOTAL FEDERAL APPROPRIATIONS EARMARKS
FOR FY 2022 and FY 2023:
\$119,390,451**



GRANT FUNDING ACHIEVEMENTS

This table provides an overview of our grant funding achievements on behalf of our clients from state, federal, and local government agencies as well as private and nonprofit grant programs.

These amounts represent grants secured through a competitive and/or legislative process and do NOT include any funds awarded to clients via formulas or related forms of funding entitlements.

Policy Sector	State Funding	Federal Funding	All Sources
Water and Sanitation	\$128.9 Million	\$12.9 Million	\$141.8 Million
Transportation	\$619.2 Million	\$233.3 Million	\$852.5 Million
Education	\$253.1 Million	\$49.9 Million	\$303.0 Million
Parks and Recreation	\$255.4 Million	\$30.1 Million	\$285.5 Million
Cultural Resources	\$139.7 Million	\$14.2 Million	\$154.0 Million
Housing and Development	\$719.2 Million	\$26.7 Million	\$745.9 Million
Public Safety	\$138.7 Million	\$79.0 Million	\$217.8 Million
TOTAL	\$2.254 Billion	\$446.4 Million	\$2.7 Billion

A DETAILED 20-PAGE SCHEDULE OF OUR STATE, FEDERAL, AND LOCAL GRANT FUNDING ACHIEVEMENTS CAN BE PROVIDED UPON REQUEST



STATE GOVERNMENT RELATIONSHIPS

City's State Legislative Delegation:

- Senator Aisha Wahab
- Assembly Member Liz Ortega

Governor's Administration and Agency Leadership:

- Governor Gavin Newsom
 - Executive Secretary Dana Williamson
 - Senior Counselor Jason Elliott
- Lieutenant Governor Eleni Kounalakis
- State Treasurer Fiona Ma
- State Controller Malia Cohen
- Attorney General Rob Bonta
- Superintendent of Public Instruction Tony Thurmond
- Secretary Wade Crowfoot, Natural Resources Agency
- Secretary Toks Omishakin, California State Transportation Agency
- Secretary Amelia Yana Garcia Gonzalez, California Environmental Protection Agency
- Secretary Lourdes Castro Ramirez, Business, Consumer Services, and Housing Agency
- Director Armando Quintero, Department of Parks and Recreation
- Director Karla Nemeth, Department of Water Resources
- Director Joe Stephenshaw, Department of Finance
- Director Gustavo Velasquez, Department of Housing and Community Development

State Legislative Leadership:

- Senate President Pro Tempore Toni Atkins
- Senate Majority Leader Mike McGuire
- Senate Republican Leader Brian Jones
- Assembly Speaker Anthony Rendon
- Assembly Speaker-Designee Robert Rivas
- Assembly Majority Leader Eloise Gomez Reyes
- Assembly Republican Leader James Gallagher

Key Legislative Committees:

- Senate Budget Committee
- Assembly Budget Committee
- Senate Governance and Finance Committee
- Assembly Local Government Committee
- Senate Housing Committee
- Assembly Housing and Community Development Committee



FEDERAL GOVERNMENT RELATIONSHIPS:**City's Federal Legislative Delegation**

- Senator Dianne Feinstein
- Senator Alex Padilla
- Representative Eric Swalwell

President's Administration and Federal Agencies:

- White House Office of Intergovernmental Affairs
 - Julie Chavez Rodriguez, Director of Intergovernmental Affairs
 - Evan Wessel, Associate Director of Intergovernmental Affairs
- Department of Agriculture
 - Homer Wilkes, Under Secretary Natural Resources and Environment
 - Carlos Suarez, California State Conservationist
- Department of Commerce
 - Michell Morton, Broadband Program Specialist
- Department of Education
 - Adam Honeysett, Managing Director, State and Local Engagement
- Department of Homeland Security
- Department of Energy
 - Christian Bato, Regional Intergovernmental and External Affairs Specialist
- Department of Housing and Urban Development
- Department of the Interior
- Department of Justice
 - Shannon Long, COPS Office
- Department of Labor
- Department of Transportation
 - Landon Bailey, Special Assistant for Government Affairs

- Charles Small, Deputy Assistant Secretary for Intergovernmental Affairs
- Will Rasky, Advisor for Governmental Affairs
- Army Corps of Engineers
- Bureau of Reclamation
 - Jack Simes, Area Manager, Southern California Area Office
- Federal Aviation Administration
 - Faviola Garcia, Deputy Regional Administrator
 - Nathan Morrissey, FAASTeam Ops
- Economic Development Administration
- Environmental Protection Agency
 - Jamie Piziali, Municipal Ombudsman
- Fish and Wildlife Service
- National Marine Fisheries Service
- National Park Service
 - Joy Beasley, Associate Director, Cultural Resources, Partnerships, and Science
 - Meagan Brown, Certified Local Government Coordinator

Key Congressional Legislative Committees:

- Senate Appropriations Committee
- Senate Commerce, Science, and Transportation Committee
- Senate Environment and Public Works Committee
- House Appropriations Committee
- House Transportation and Infrastructure Committee

A DETAILED LIST OF OUR STATE, FEDERAL, AND LOCAL RELATIONSHIPS CAN BE PROVIDED UPON REQUEST



CLIENT SERVICE TEAM

PROFESSIONALS

With a team of 15 registered state and federal legislative and funding advocates, TPA has the breadth and depth of experience AND the ability to deploy as many advocates as needed to maximize success for the City while minimizing the burden on City staff. TPA proposes a dedicated team of eight people to perform state and federal advocacy and grant funding services for the City.

Christopher Townsend

President

Role: Managing Principal/Senior Strategic Advisor

Niccolo De Luca

Vice President

Role: Legislative and Funding Advocate

Andres Ramirez

Senior Associate

Role: Project Manager/Legislative and Funding Advocate

Eric Thronson

Deputy Director

Role: Legislative and Funding Advocate

Alex Gibbs

Grants Manager

Role: Legislative and Funding Advocate

Ben Goldeen

Federal Advocacy Manager

Role: Legislative and Funding Advocate

Joseph Melo

Senior Associate

Role: Legislative and Funding Advocate

Sammi Maciel

Associate

Role: Legislative and Funding Advocate

Resumes for each member of the client service team can be found on the following pages.





Christopher Townsend, President: Christopher founded TPA in 1998 and has 40 years of experience in public affairs, legislative advocacy, and grant writing. Christopher and TPA have represented over 315 clients, including 250 local public agencies, such as cities, counties, transportation agencies, water and sanitation districts, elementary and secondary school districts, community college districts, park and recreation districts, and other special districts, as well as nonprofit organizations.

Townsend Public Affairs, Inc.

President

1998-Present

Christopher provides leadership to a team of 15 advocates and grant writers while managing the development and implementation of strategies for the agendas of each client. His achievements include:

- Under Christopher's leadership, TPA has become one of the most successful advocacy firms in California (and is continually recognized as a "top ten" firm registered with the California Secretary of State) while still providing the personalized attention and focus of a small boutique firm.
- Under Christopher's leadership, TPA has shepherded **over 100** legislative and regulatory proposals into law over a wide range of policy areas, including local governance, water and sanitation, transportation, housing and economic development, parks and natural resources, historical and cultural resources, elementary and secondary education, higher education, and public safety. The bipartisan capabilities of the firm are evidenced by legislative and funding successes over the tenure of several federal and state administrations, including: President Bill Clinton, George W. Bush, Barack Obama, Donald Trump, and Governors Pete Wilson, Gray Davis, Arnold Schwarzenegger, Jerry Brown, and Gavin Newsom.
- Christopher and his team have secured over **\$2.7 billion** in local, regional, state, and federal government grants as well as private and nonprofit grants for a multitude of legacy projects in the policy sectors of water and sanitation, transportation, education, housing and economic development, parks and natural resources, historical and cultural resources, and public safety.
- Maintains close bi-partisan relationships with several members of the California Congressional delegation, including Senators Feinstein and Padilla, and Representatives Swalwell, Torres, Lowenthal, Porter, Levin, Correa, Lee, Napolitano, Garamendi, Carbajal, DeSaulnier, Sanchez, Lieu, Harder, Calvert, Garcia, Steel, and Kim.
- Christopher and TPA have participated in the development and implementation of several California bond propositions for the statewide ballot to provide capital funding for major infrastructure projects, including water and sanitation, transportation, education, housing and economic development, parks and natural resources, and historical and cultural resources, including Propositions 1, 1B, 1C, 1D, 1E, 12, 13, 14, 40, 47, 50, 55, 68 and 84. Most recently, Christopher worked closely with the State Legislature and the Governor's office on the drafting of SB 5 (De Leon), which authorized a **\$4 billion** park bond that was approved on the November 2018 statewide ballot as Proposition 68.



- In 1999, Christopher was appointed by Assembly Speaker Antonio Villaraigosa to serve on the Speaker's Commission on State and Local Government Finance.
- In 1997, Christopher was appointed by Assembly Speaker Cruz Bustamante to serve on the California Film Commission.

PepsiCo/Taco Bell Corp., Irvine, CA

Senior Director, Government & Community Affairs

1992-1998

Christopher managed and directed government and media relations, crisis management, internal communications, and marketing publicity. Christopher also managed the political action committee for state and federal political races. Additionally, Christopher managed community relations initiatives, corporate philanthropy, and the Taco Bell Foundation.

Stein-Brief Group, Inc., Dana Point, CA

Vice President, Public Affairs

1982-1992

Christopher directed government, community, and media relations at the level, state, and federal levels, including the management of all political, civic, charitable, and cultural activities. Christopher provided land-use planning and entitlement process analysis for domestic and international projects. Christopher also managed activities with numerous state and federal agencies to ensure compliance with all applicable laws and regulations governing land use. Finally, Christopher created and directed a political action committee that supported various local, state, and federal candidates and ballot initiatives.

JFK School of Government, Harvard University, Cambridge, MA

Master of Public Administration

1991

Claremont McKenna College, Claremont, CA

Bachelor of Arts, Political Science, Magna cum Laude, Political Science Honors Prize

1982

Coro Fellow

Southern California

1981

Harry S Truman Scholar

California

1980





Niccolo De Luca, Vice President: Niccolo brings 25 years of legislative and public policy experience to TPA. Niccolo has expertise in the policy sectors of local governance, parks and recreation, public safety, natural resources, cultural resources, cannabis, and consumer affairs.

Townsend Public Affairs, Inc.
Vice President

2008-Present

Throughout his tenure at TPA, Niccolo has been responsible for dozens of legislative proposals that have been signed into law and secured millions in competitive grant funds for local public agency clients. In addition to his public policy expertise, Niccolo has widespread bi-partisan relationships with Members and staff of the State Legislature, Governor Newsom Administration, and relevant agencies. Some of Niccolo's accomplishments include:

- Niccolo led the TPA efforts to secure **\$33.1 million** in critically needed park funding for cities and nonprofits in the Bay Area, Central Valley, and Southern California. These efforts included working on the funding guidelines, drafting the applications, lobbying for the applications, and working hand in hand with the funding agency. Niccolo was the team lead and instrumental in the many victories of our clients.
- Niccolo, in recognizing the need for additional tools to protect public and private infrastructure from natural disasters such as earthquakes, championed legislation to allow cities to create a special assessment district to provide low-cost earthquake retrofit loans in areas with vulnerable housing stock. In addition, Niccolo worked with the City of Oakland and the City of Los Angeles to create the first ever state loan program for seismic retrofits of multi-unit buildings.
- Niccolo was a major part of the coalition to help pass the state's first ever medicinal cannabis regulatory framework legislation. A comprehensive, thorough approach to statewide medicinal cannabis guidelines has been needed for several years. Niccolo served as an instrumental member of the statewide coalition that supported the views of both local government and the industry. Niccolo actively drafted language and advocated with legislators and staff to ensure statewide regulations would be in the best interest of cities. Due to these efforts, Niccolo has been recognized as a policy expert on cannabis policy and has testified before numerous legislative committees on issues related to the statewide implementation of cannabis regulations.
- Niccolo assisted the City of Oakland in securing **\$2.2 million** in State Budget earmarks in FY14 and FY16. Niccolo coordinated with the Oakland Mayor, State Legislature, Governor's Office, and appropriate Administration officials to draft the language for inclusion into both budgets. Niccolo's strategy and execution led to two significant financial wins for the City and their various public safety efforts.
- Niccolo worked closely with the City of Oakland to secure four grants in the combined amount of **\$18.9 million** from the Community Oriented Policing Services (COPS) Hiring Program. Niccolo developed the applications and shepherded them through the grant



process, including leveraging relationships with the US Department of Justice and COPS staff, which resulted in critical federal funding for the City to hire additional police officers.

- Niccolo worked with the City of Emeryville to secure **\$600,000** in federal funding from the Pre-Disaster Mitigation Grant Program to finance the cost of seismic retrofitting of the City's one and only emergency community gathering and housing facility. Niccolo worked closely with the City and Congresswoman Barbara Lee on the application as well as development and execution of an advocacy strategy, including the defeat of a hostile amendment that would have taken the grant away from Emeryville and reverted the funds back to FEMA.

City of Oakland

Deputy City Administrator

2004-2007

Niccolo was responsible for the daily operations and decision making for the two largest departments (public works and police department), overseeing a combined annual budget of \$323 million. Niccolo also directly supervised four different divisions with 45 employees.

Niccolo provided direct organizational leadership to create a standard operating procedure for a multi-faceted crime reduction initiative, which was adopted by the City Council and resulted in crime reduction. Additionally, Niccolo expanded the number of organized neighborhood public safety gatherings for three consecutive years, with an average of nearly 100 percent annual increase. Furthermore, Niccolo served as lead administrative staff member for three City Council committee, providing expertise and support to the Mayor and City Council in the formulation, interpretation, and application of public policy.

City of Oakland

Assistant Director, Public Works Agency

2001-2004

Niccolo was responsible for three divisions of the public works department (including finance and human relations), five direct reports, and 40 staff members. Niccolo oversaw the financial operations of the entire public works department, including revenues and expenditures. Niccolo implemented procedures to reduce the number of worker's compensation claims subsequently adopted for the entire City.

Niccolo also served as the spokesperson of the public works department and maintained all media relations. Niccolo built strong media relations and served as hearing officer for union grievances, ultimately helping to improve key relationships with affected unions.

City of Oakland

Assistant to Councilmember Richard Spees

1998-2001

Niccolo served as lead spokesperson for the Council Member within the district. Niccolo improved the overall district-wide public approval rating of the Council Member through grass roots marketing campaigns and new information dissemination strategies. Additionally, Niccolo led constituent services for the district, ensuring proper and efficient service delivery for 58,000 residents.

University of Oregon

Bachelor of Arts, American History

1997





Andres Ramirez, Senior Associate: Andres brings an array of knowledge, experiences, and deep connections to TPA. His work focuses on policy analysis and the unique effects that bills have on clients, shepherding bills through the legislative process, securing substantive amendments on legislation that threatens his clients' operations or priorities, and securing direct fiscal allocations through the State Budget and Federal Appropriations process. He works with both individual clients and coalition clients. Andres has significant state legislative experience in the policy sectors of energy and broadband, local governance, water, and cannabis. He also had state legislative experience in housing and transportation.

Townsend Public Affairs, Inc.

Senior Associate

2019-Present

Since joining TPA, Andres has worked in the California political arena to vigilantly track, analyze, craft strategic plans, and impact legislation and administrative regulations that will directly affect his clients.

- Andres provides expert analysis and feedback on a variety of policy issues for his clients. He successfully advocates utilizing multiple touch points, which includes crafting letters and official correspondence to bring client concerns to the attention of decision makers in Sacramento and DC, constantly being present and vocal in the halls of the Capitol – whether in committee hearings or in Legislative meetings, and by utilizing his connections with key Legislators, Capitol Staff, State Agencies and Departments, and various other stakeholders.
- Andres enjoys leveraging his colleagues at TPA, all of whom bring diverse backgrounds and experiences. Utilizing a team approach to lobbying has proven successful in helping clients better navigate the complexities of the California/Washington DC political landscapes and their robust legislative and budget processes. Andres takes pride in the close relationships he maintains with his clients and ensures that he fully understands the intricacies of their unique perspectives and needs – enabling his clients to have successful outcomes in the political arena.
- Throughout his tenure at the firm, Andres has successfully secured over **\$59 million** in direct State Budget allocations for his clients. He has worked closely with the Governor's Administration, Senators, Assembly Members, Budget Committees, and other key stakeholders to deliver the capital needed for his clients' priority projects. These budget funds have enabled the development of major bridge and road infrastructure, city facilities, critical housing and homelessness programs, police and fire station construction/repair, and more. He has also successfully secured **tens of millions of dollars** in direct Federal Appropriations allocations for his clients.
- Andres worked with the City of Fremont to secure **\$7.2 million** for their i-680/Mission Boulevard Interchange Modernization Project. This allocation was critical to ensure traffic and pedestrian safety in one of the most dangerous overpasses in the East Bay Area.
- Andres worked with the City of Farmersville to secure **\$7 million** for the construction of a new fire station.

- Andres worked with the Tri-Valley Cities Coalition to secure **\$5 million** for the Valley Link Rail Project – environmental study and preliminary engineering.
- Andres worked with the City of Oakland to secure **\$5 million** for the Teacher's Rooted in Oakland (TRiO) program, enabling educators to live within their district and providing critical cost of living stipends.
- In the Legislative arena, Andres was an instrumental part of championing legislative proposals which were signed by the Governor that increased county revenue in order to build out more efficient transportation infrastructure and reduce regional traffic.
- Andres worked to secure critical amendments in AB 1737 (Holden), exempting cities from a number of onerous and costly requirements related to the operations of day-camps. His work to amend the bill ensured that municipally run or contracted camps could remain open and affordable.
- Andres was able to amend SB 379 (Wiener) by adding provisions that would remove liabilities on cities and counties when they utilize an online, automated platform for issuing permits and conducting inspections related to solar energy systems.
- Andres has worked on successful election campaigns including for a California State Senate Majority Leader and has experience working in both Capitol and District Legislative offices. Through his past work, he has gained valuable legislative experience – discussing and explaining major California policy issues with stakeholders, developing and conducting policy projects, and working closely with Elected officials and policy consultants. Prior to joining TPA full time, Andres worked as an intern at the TPA State Capitol office in Sacramento, where he laid a solid framework for his career in government relations.

Andres is an Executive Board Member for the California Latino Capitol Association Foundation, where he serves as Lobbyist-Liaison. In this role, he serves as a linchpin to the Foundation, by maintaining close relations with other Lobbyists, Trade Organizations, Non-Profits, Private Companies, and Legislators. He also leads efforts to expand the organization's reach by spearheading fundraising and networking.

University of California Los Angeles

Bachelor of Arts in Political Science

2019





Eric Thronson, Deputy Director: Eric brings two decades of legislative and public policy experience to TPA. While developing and implementing legislative and funding strategies for public agency clients throughout California, Eric maintains deep relationships with key members and staff of the State Legislature, the Administration, and state agencies. Eric has broad expertise in transportation planning and infrastructure from his tenure with both Legislative Transportation Committees and the California Transportation Commission, but his expertise extends to other policy areas including housing and land use, the state budget, and local governance.

Townsend Public Affairs, Inc.

Deputy Director

2021-Present

At TPA, Eric serves a broad range of public agency clients throughout California. He advocates at the federal, state, regional, and local level for client projects and programs including the pursuit of grants and other funding opportunities. Eric's network of relationships in Congress, the State Capitol and at the California Transportation Commission contributes to his success with clients. He is adept at assisting clients in navigating complicated legislative and regulatory frameworks at the local, regional, state, and federal levels, and developing effective policy strategies and solutions for clients related to all aspects of transportation, housing, or infrastructure policy.

Since joining TPA, Eric has worked with clients to develop their funding proposals and secure competitive grant funding on projects. He has also worked to identify strategic funding resources that ensured his client's visions were transformed into reality. Some of his work includes:

- Eric worked with the City of Fontana to develop, prepare, and execute a strategic plan to support the City's FY22 RAISE grant application. This highly competitive federal grant opportunity administered by the U.S. Department of Transportation formed a key component of the City's Complete Streets Upgrades. These upgrades include street, bike, sidewalk, and trail improvements, bringing numerous benefits and better quality of life for Fontana residents. The strategy entailed gathering support from key stakeholders in a way especially tailored to the current Administration's priorities, thus maximizing the application's chances of success. In addition to tailoring a message, TPA planned advocacy that leveraged the City's strengths during the grant review process. The culmination of this process was the award of **\$15 million in federal RAISE funds** for the City's transportation infrastructure improvements. In the FY22 RAISE cycle, Fontana was one of only eight jurisdictions in the State of California to receive a RAISE grant.
- Eric worked with California State Transit Agency staff to secure **\$23,600,000** in funding from the Transit and Intercity Rail Capital Program (TIRCP) for the Sacramento Regional Transit District. The proceeds from this grant will fund a fleet modernization project to purchase 8 new low-floor light rail vehicles to further expand low-floor light rail operations, resulting in faster train journeys, optimized boarding, increased safety, increased capacity, and expanded mobility options for the communities it serves.
- Eric worked closely and successfully with Congressman Raul Ruiz to secure an FY 2022 federal appropriations earmark in the amount of **\$2.5 million** for SunLine Transit Agency's Fueling Station Expansion project, upgrading its 350-bar hydrogen public station to include 700-bar fueling capability for light and heavy-duty vehicles.

- From strategy development to last minute meeting with Legislators, Eric successfully navigated a tax measure on lithium extraction through the state budget process on behalf of the Imperial County Board of Supervisors, securing two-thirds support in the Legislature and the Governor's signature.
- Eric worked successfully with Senator Anna Caballero to secure **\$3 million** in the FY 2022-23 state budget on behalf of the City of Merced for its Regional Fire Training Center, including building infrastructure, the buildout of shared classroom spaces, decontamination facilities, urban search and rescue props, an aircraft rescue firefighting prop, emergency vehicle operations courses, fire training props, and the completion of a recycled shipping container fire tower.
- In the FY 2022 lithium tax trailer bill, Eric worked with budget staff and Assembly Member Garcia to include **\$5 million** for the development of a programmatic environmental impact report and community benefit plan in Imperial County.
- Eric assisted the City of El Monte with extending a transportation grant by leveraging his close relationships with the California Transportation Commission and saved the City over **\$400,000** that they otherwise would have had to backfill from its own General Fund.

Assembly Transportation Committee

Chief Consultant

2017-2020

As the Committee's Chief Consultant, Eric directed and coordinated the Assembly's agenda for all aspects of transportation policy. In addition, he developed and maintained relationships with key departments, stakeholders, and partners to implement the Assembly's transportation direction, as well as managing committee staff by training and mentoring new committee consultants through the process of policy analysis.

California Transportation Commission

Deputy Director of Legislation and Finance

2015-2017

Eric coordinated the development of the Commission's legislative platform and assisted the Commissioners in advising the Legislature and Administration in the implementation of statewide transportation policy. In addition, Eric drove Commission budget proposals through the administrative and legislative processes by identifying and analyzing transportation-related legislation.

Senate Transportation and Housing Committee

Principal Committee Consultant

2011-2015

Eric formed and developed legislative direction for statewide transportation policy, drafted and analyzed bills involving all aspects of transportation policy, and worked with state departments and other transportation partners to implement transportation-related legislation.

California Legislative Analyst's Office

Fiscal and Policy Analyst, Transportation, Housing, and High-Speed Rail

2008-2011

LBJ School of Public Affairs, The University of Texas at Austin

Master of Public Affairs

2008

Tulane University, New Orleans

B.A. in English, Minor in Classics

2000





Alex Gibbs, Grants Manager: Alex brings 11 years of public policy and legislative advocacy experience to TPA. Alex has four years of experience working for the State Legislature analyzing researching, writing, and shepherding bills through the legislative process. Alex has also secured significant grant funding for clients throughout California. Alex has expertise in the policy sectors of parks and recreation, local governance, public safety, transportation, cap and trade, and labor relations.

Townsend Public Affairs, Inc.
Grants Manager

2014-Present

During his tenure at TPA, Alex has been responsible for securing millions in competitive grant funds at the private, state, and federal levels for local public agency clients. In addition to his expertise on parks and recreation, transportation, and public safety, Alex has a strong network of relationships with State Legislators and key staff, as well as various state departments and agencies. Some of his accomplishments include:

- Alex worked with the City of San Leandro staff to secure **\$4,540,922** in grant funding from the Building Forward Library Infrastructure Program administered by the California State Library to upgrade multiple libraries throughout the City. Alex tailored the grant application's message and narrative, as well as worked with City Staff to create a project budget and timeline that would ensure competitiveness. Alex also utilized advocacy strategies that leveraged the City's strengths during the grant review process to ensure project success.
- Alex worked closely with the City of Oakland staff to secure **\$10,801,183** in grant funding from the Clean CA Local Grant Program. Alex leveraged relationships with the California Department of Transportation and the City's legislative delegation to successfully advocate for two funded projects. This funding helped the City of Oakland conduct the Courtland Creek Restoration Project, as well as the Oakland Mini Parks Beautification Project, both of which provided significant remediation and beautification of public resources for local residents.
- Alex led a team of Kern County staff through the application process to secure **\$6,515,000** in grant funding from the Prop 68 Statewide Parks Program (Round 4). This funded the South Kern Lamont Park Project which provided much needed renovations to an existing park in the community of Lamont, despite grant program guidelines which provided preferences for the construction of new parks.
- Alex collaborated with state Natural Resources Agency staff to secure a **\$3,086,000** Urban Greening Grant for the Desert Recreation District. This funded the construction of a new park and sports complex in unincorporated Riverside County. Alex then continued to work with the District on grant administration, ensuring the client was able to see the completion of their legacy project, that had been years in the making.
- Alex worked jointly with the City of South San Francisco to secure a **\$868,000** grant from the Active Transportation Program (ATP). Alex leveraged relationships with the California Department of Transportation and coordinated among local business stakeholders and school officials to craft a competitive grant application to the statewide ATP. This funding

helped the City with their Linden and Spruce Avenue Traffic Calming Improvement Project to construct major traffic calming improvements to ensure bike and pedestrian safety at crucial intersections to residential and commercial neighborhoods.

- Alex collaborated with state and federal Land and Water Conservation Fund staff to secure a **\$750,000** grant for the City of Imperial. This funded the construction of a 300 plus acre regional park and equestrian center. Alex then continued to work with the City on grant administration, ensuring the client was given the appropriate time to meet deadlines and retain their funding.
- Alex worked in concert with the City of South San Francisco to secure a **\$658,000** grant from the San Mateo County Transportation Authority's Measure A Pedestrian and Bicycle Program. Alex leveraged relationships with stakeholders in the County to ensure that the City received the funding needed for their Sunshine Gardens Project, including major traffic-calming improvements on streets frequented by students walking and riding bicycles.
- Alex worked closely with City of Novato staff to secure a **\$220,500** grant from the Food Waste Recovery program at CalRecycle. This funded a local food waste recovery effort in Marin County that allowed the City of Novato to partner with local non-profits and ensure that good food, that otherwise would go to waste, reached food banks and vulnerable residents.
- Alex has developed broad expertise with respect to public safety policy and funding. In conjunction with local stakeholders, Alex has worked successfully on a variety of public safety issues that affect local public agencies in California, including the fight against the trafficking and exploitation of minors, as well as the protection of local control regarding the manufacturing of medicinal cannabis products.

California State Senate

Legislative Aide

2012-2014

Alex worked as a member of the Eighth Senate District's legislative team representing San Francisco and San Mateo Counties. Alex's primary responsibilities included monitoring, reviewing, and making recommendations on legislation passing through the Senator's committee's as well as bills of interest to the District. Alex annually carried a bill package through the legislative process and assisted with problem bills that required more support. Alex consistently had one of the highest numbers of bills signed into law of any senate staffer.

University of San Francisco, CA

Bachelor of Arts, Politics

2011





Ben Goldeen, Federal Advocacy Manager: Ben brings 12 years of federal legislative, funding, and public policy experience. Ben has experience managing legislative activity, including bill analysis, research, and drafting particularly for federal funding opportunities. Ben has expertise in several policy sectors including water resources, healthcare, housing, environmental hazards, agriculture, foreign affairs, and resources for veterans.

Townsend Public Affairs, Inc.

Federal Advocacy Manager

2021-Present

Since joining TPA, Ben keeps clients informed of significant actions and pertinent developments in the federal government and strategizes on ways in which to influence and enact changes in Washington, DC that have concrete results for clients. Some of Ben's accomplishments include:

- Through the FY 2023 federal appropriations process, Ben worked with the City of Palmdale to secure two federal earmarks totaling **\$3.5 million** for the City's transportation and infrastructure priorities. Ben helped develop and submit a compelling request and utilized strategic advocacy to ensure the City's funding success.
- Ben helped secure **\$439,094** in FY 2023 federal community project funding for the City of Ontario's Active Seniors On the Go Program. The program will provide seniors access to recreational activities that foster health and well-being.
- Ben's nearly seven years working for members of California's Congressional Delegation has led to an extensive network of relationships both on Capitol Hill and within federal agencies. His understanding of the regional and political dynamics of the California Congressional delegation and their interactions with other members of the House and Senate are important to successfully advocating for California-based clients.
- Ben has first-hand knowledge of the current federal appropriations process, including community project funding requests. This process differs from the pre-2011 earmark process and an understanding of the need to balance transparency and politics to submit a competitive request is key. Ben has utilized his experience to successfully assist clients secure millions of dollars' worth of earmarks.
- Ben has identified new and previously-underutilized federal grants for the benefit of TPA clients. He has leveraged his relationships with key grant officials at various federal agencies to ascertain their specific priorities and buzz words required for successful grant applications. Ben then leverages that information to help TPA federal clients develop and submit more competitive federal grant applications and then provide more effective tailored advocacy to secure funding awards.
- Ben leveraged his extensive policy knowledge and utilized key relationships in the President's Administration and Congress to authorize **over \$40 million** for TPA clients through the 2022 Water Resources Development Act (WRDA). The funding will help TPA clients invest in water resources and build more resilient communities.
- Ben helped secure the authorization of **\$30 million** for California Maritime Centers of Excellence through the 2022 National Defense Authorization Act (NDAA).



US House of Representatives, Office of Rep. Jim Costa (CA-16)

Legislative Director, Senior Policy Advisor, Legislative Assistant

2016-2021

As Legislative Director Ben developed and implemented a diverse legislative strategy ranging from transportation projects to health care, water resources, agriculture, nutrition and more. Ben updated and advised the Congressman on the latest happenings in Congress and the Administration in order to successfully advance priorities. Ben directly managed a portfolio of water resources, agriculture, trade, federal budgeting, and appropriations while overseeing the entire legislative program. Prior to serving as Legislative Director Ben served as Senior Policy Advisor and Legislative Assistant, demonstrating expertise in housing, veterans' affairs, financial services, health care, foreign affairs, intelligence, defense, and labor issues.

Maryland State Senate, Prince George's County Senate Delegation

Legislative Director

2016

Ben managed the legislative priorities of the County's Senate delegation, successfully steering to passage dozens of bills related to local matters.

US House of Representatives, Office of Rep. Dennis Cardoza (CA-18)

Legislative and Press Assistant, Legislative Correspondent, Staff Assistant

2010-2013

Ben advised the Congressman on a diverse range of legislative issues. In addition Ben composed, documented, and tracked office correspondence, drafted memoranda, reports, and other informational documents for Representative Cardoza and senior staff that informed legislative positions. Ben coordinated with California government, local governments, community leaders, and industry experts to address constituent problems. Ben also received and documented messages, queries, and complaints from constituents, and categorized and assigned responses to constituent mail.

Boston College

Bachelor of Arts, Political Science and Latin American Studies

2010

University of Pennsylvania

Certificate in Community Development and Growth

2015





Joseph Melo, Senior Associate: Joseph brings eight years of federal legislative, funding, and public policy experience. Joseph has extensive experience managing legislative and funding activity, including bill analysis, research, and drafting, particularly for federal funding opportunities. Joseph has expertise in several policy areas including energy and commerce, technology, education, housing, foreign affairs, and local government governance.

Townsend Public Affairs, Inc.

Senior Associate

2023-Present

As a Senior Associate, Joseph is skilled in leveraging his extensive policy knowledge and relationships at both the state and federal levels to advocate for TPA clients and ensure legislative and funding success. Some of Joseph's experience includes:

- Joseph's six years of experience working for two California Congressional Representatives has led to an extensive network of relationships both on Capitol Hill and within federal agencies. His understanding of the regional and political dynamics of the California Congressional delegation and their interactions with other members of the Senate and House are important to successfully advocating for California-based clients.
- Joseph has extensive knowledge and understanding of the current federal appropriations process and has experience in successfully securing millions of dollars' worth of earmarks for California projects. While serving as Policy Advisor to Congressman McNerney, Joseph assisted in securing \$27 million in community project funding for 15 community projects in Contra Costa and San Joaquin counties, greatly benefiting local California communities.

Office of Congressman Jerry McNerney (CA-09)

Policy Advisor, Legislative Assistant, Legislative Correspondent, Intern

2019-2023

As Policy Advisor, Joseph led the Congressman's legislative portfolio on issues under the jurisdiction of the Energy & Commerce Committee (Subcommittees on Energy, Communications & Technology, and Consumer Protection & Commerce) and the Science, Space & Technology Committee (Subcommittee on Energy). Additionally, he assisted in staffing, advising, and preparing the Congressman's questions and talking points for committee hearings and markups. Joseph co-led the Congressman's appropriations process and initially helped to secure more than \$27 million for fifteen community projects located in California's Contra Costa County and San Joaquin County, as well as managed the Congressman's caucus work as co-chair of the Artificial Intelligence Caucus and Wi-Fi Caucus. Prior to serving as the Congressman's Policy Advisor, Joseph served as Legislative Assistant, Legislative Correspondent/Staff Assistant, and Intern, demonstrating expertise in a wide range of policy areas, including energy and commerce, technology, education, housing, foreign affairs, and local governance.

Save the Children Action Network

Public Policy and Advocacy Intern

2018

Joseph supported bipartisan federal, state, and local government relations efforts through research on elected officials, congressional candidates, and legislation. Wrote memorandum on education programs and policies. Additionally, he drafted policy documents advocating for specific legislation and institutions relating to early childhood education.



Oracle Corporation*Enterprise Account Manager*

2015-2017

While at Oracle, Joseph progressed from Business Development Consultant into Account Manager role in under two years. As Enterprise Account Manager, Joseph supported Fortune 100 companies and associated subsidiaries in initiating, developing, and closing sales cycles with Oracle's cloud portfolio, as well as led meetings and managed relationships with Executive leadership.

Office of Congresswoman Nancy Pelosi (CA-12)*District Intern*

2014

Joseph assisted in casework and advocated for constituents by calling, emailing, and helping draft letters to federal agencies. Additionally, he worked alongside congressional aides to research and complete policy-focused projects.

University of California, Berkeley*Bachelor of Arts, Political Science*

2015

The Wilson Center*Foreign Policy Fellowship Program Certificate*

2022





Sammi Maciel, Associate: Sammi brings five years of federal legislative, funding, and public policy experience. Sammi has experience managing legislative activity, including bill analysis, research, and drafting particularly for federal funding opportunities. Sammi has expertise in several policy sectors including local governance, transportation, broadband, energy, and cultural resources.

Townsend Public Affairs, Inc.
Associate

2021-Present

Since joining TPA, Sammi keeps clients informed of significant actions and pertinent developments in the federal government and strategizes ways in which to influence and enact changes in Washington, DC that have concrete results for clients. Some of Sammi's experience include:

- In FY 2023, Sammi worked with the City of Half Moon Bay to secure a **\$2 million** earmark for the City's Highway 1-Frenchman Creek Intersection and Bike/Pedestrian Improvement project. Sammi assisted in developing and submitting the project for consideration, as well as leveraged her extensive federal relationships to ensure success.
- Sammi's four years of experience working for two California Senators has led to an extensive network of relationships both on Capitol Hill and within federal agencies. Her understanding of the regional and political dynamics of the California Congressional delegation and their interactions with other members of the Senate and House are important to successfully advocating for California-based clients.
- Sammi has first-hand knowledge of the current federal appropriations process, including community project funding requests. This process differs from the pre-2011 earmark process and an understanding of the need to balance transparency and politics to submit a competitive request is key. Sammi has utilized her experience to successfully assist clients secure millions of dollars' worth of earmarks.
- Sammi has identified new and previously-underutilized federal grants for the benefit of TPA clients. She has leveraged her relationships with key grant officials at various federal agencies to ascertain their specific priorities and buzz words required for successful grant applications. Sammi then leverages that information to help TPA federal clients develop and submit more competitive federal grant applications and then provide more effective tailored advocacy to secure funding awards.

US Senate, Office of Senator Kamala Harris (CA)
Field Representative

2019-2021

Sammi represented a 30-county region on behalf of Senator Harris, attending events, hosting meetings, and facilitating outreach to constituents. She tracked key issues, facilitated rapid response, and built an extensive network of relationships with local elected officials and advocacy groups within her 30-county region. Additionally, Sammi drafted letters of support on behalf of her 30-county region addressed to numerous federal agencies, requesting funding for key projects in the region.



US Senate, Office of Senator Dianne Feinstein (CA)

Legislative Intern

Summer of 2017

As a legislative intern with Senator Dianne Feinstein's office, Sammi researched and drafted memos for state field representatives regarding state legislature bills in the policy areas of transportation and water infrastructure, cannabis, and sanctuary cities.

Dominican University of California

Bachelor of Arts, Political Science

2017



LEGISLATIVE ADVOCACY SCOPE OF SERVICES

TPA will utilize the following strategic and comprehensive approach to provide state and federal legislative advocacy services to the City:

- **Conduct Detailed Orientation:** TPA utilizes a comprehensive onboarding process that includes extensive meetings with various relevant members of City leadership and key City departments to help develop a strategic plan that is carefully tailored to satisfy the needs of the City, as well as designed for maximum success in the current political climate and funding environment.
- **Develop Legislative Strategy:** Utilizing the information gathered during the onboarding process, TPA will coordinate with the City to develop an official legislative platform and strategy that represents the City's priorities in Sacramento and Washington, DC. This blueprint will be shared with key stakeholders in the State Legislature and Governor's Administration as well as Congress and the Biden Administration.
- **Implement the Legislative Strategy:** TPA will advocate for the City's legislative agenda utilizing the following methods:
 - **Build and Strengthen Relevant Relationships:** TPA has cultivated a network of valuable relationships that will be leveraged to promote the City's legislative agenda.
 - **Leverage Relationships for Strategic Advocacy Plan:** TPA will engage various techniques to leverage our network of key relationships on behalf of the City:
 - Schedule meetings for the City to discuss relevant legislation
 - Prepare all briefing materials and talking points for the City
 - Brief legislative offices and stakeholders on the City's legislative agenda
 - Follow-up on meetings to ensure commitments and deliverables are being met
 - **Coordinate Advocacy Trips:** TPA will work with the City to coordinate advocacy trips to Sacramento and Washington, DC to meet with the City's legislative delegation, as well as legislators that serve on committees relevant to the City's agenda. Furthermore, whenever possible, TPA will also schedule site visits by legislators to the City.
 - **Track Legislation:** TPA will identify, analyze, and monitor all bill introductions and amendments relevant to the City's legislative platform and assess their potential impact on the City.
 - **Craft Testimony and Position Letters:** TPA will prepare and submit written and verbal testimony regarding legislation relevant to the City. TPA will also draft and deliver position letters to legislators and key officials on specific bill language.
 - **Draft Bill Language:** TPA will draft language and amendments for relevant legislation, as required to protect and promote the City's agenda.
 - **State Budget Funding Opportunities:** In an effort to maximize state funding, TPA will work with the City to identify projects and other funding priorities that may be suitable for funding through the State Budget. TPA will coordinate with the City to



develop supporting materials for the budget request. TPA will also work with members of the City's state legislative delegation, along with the Assembly and Senate Budget Committees, to gain support for the inclusion of the City's project in the final State Budget approved by the Legislature.

- **Federal Earmark Opportunities:** In an effort to maximize federal funding, TPA will work with the City to identify projects and other funding priorities that may be suitable for funding through the Federal Earmark process. TPA will coordinate with the City to develop supporting materials for the earmark request. TPA will also work with members of the City's federal legislative delegation to gain support for the inclusion of the City's project.
- **Provide Progress Reports:** TPA will confer regularly with the City on our activities. TPA will provide timely electronic reports on the status of all legislative activity, such as bill language, amendments, and committee analyses. In addition to written reports, TPA will be available to the City for conference calls, in-person briefings, and meetings.
- **Prepare and File Lobbying Disclosure Reports:** TPA will prepare and file, on behalf of the City, all applicable state and federal lobbying disclosure reports.

GRANT FUNDING SCOPE OF SERVICES

TPA will utilize the following strategic and comprehensive approach to provide grant funding services to the City:

- **Craft Strategic Funding Plan:** Utilizing the information gathered during the onboarding process, TPA will coordinate with the City to develop a proactive and comprehensive strategic funding plan that serves the needs of the City's priorities. ***The plan will do more than simply identify City projects;*** it will outline and prioritize multiple funding options for each project and develop a specific plan of work tailored for each project. It will also identify key "strings attached" to help assess the cost/benefit ratio for each grant opportunity.
- **Identify, Research, and Monitor Grant Funding Opportunities:** TPA will utilize list-serve subscription programs, funding workshops, agency canvassing, and other networking tactics to ensure every potential opportunity is identified and reviewed for relevance with the City's projects. TPA will then share these opportunities with the City for further assessment and determination if a grant application is warranted. The City will also receive a grant matrix of funding programs that is updated regularly as new opportunities arise.
- **Community Outreach:** TPA can assist the City with community outreach required for grant applications by ensuring the City is aware of specific requirements, help develop materials that capture all elements required by the grant and compile the data following the outreach to include in the application.
- **Grant Application Development and Submittal:** TPA will develop, draft, submit, and follow up on each City grant application through the following process:
 - **Establishment of Clear Accountabilities:** TPA will coordinate with the City to ensure the assignment of responsibilities and tasks are made clear so that confusion and inefficiency are avoided, and the City is burdened as little as possible while TPA pursues a grant opportunity.
 - **Provide Overview of Full Application Requirements:** For each grant application, TPA will provide the City with a detailed overview of the requirements for the grant program and corresponding application to ensure that the program is a strong fit for the City's project. This will include:
 - Application timeline
 - Eligible project types
 - Funding availability and award maximum and minimums
 - List of application components, including proposal questions and any required attachments
 - **Assemble Project Background and Details:** TPA will conduct a detailed informational interview with City staff most involved with each project in order to gain a full understanding of the project background and scope details necessary for developing the grant proposal and addressing all application questions.
 - **Coordinate Technical Project Details:** For technical application components such as site plans, detailed cost estimates, project timelines, engineering plans, and cost-



benefit analyses, TPA will coordinate with City staff to compile all necessary attachments and ensure consistency across all elements of the application.

- **Draft Written Proposal:** TPA will fully draft all narrative components of the application and, when applicable, will indicate where additional input or project detail from the City could be provided during the proposal review process.
- **Incorporate Feedback to Finalize Proposal:** Well ahead of the application deadline, TPA will provide the City with a full draft for review and feedback. TPA will incorporate any additional details or revisions provided during this process to finalize the grant application and will obtain City approval for the final version of the application prior to submission.
- **Submit Completed Application:** TPA will ensure that applications are submitted prior to the deadline, whether the submission is electronic or through hard copies, in accordance with submission instructions for each individual program. For hard copy submissions, TPA will print and package applications according to submission instructions and will ship applications through a reliable carrier service such as FedEx in order to provide the City with tracking and delivery confirmation for the application. TPA will also obtain a receipt for proof of submission and provide the City with a final copy of all submitted application documents.
- **Funding Advocacy:** Throughout grant application process TPA will leverage relationships with relevant officials and program officers in various state and federal funding agencies to ensure that City grant applications are aligned with the goals of the specific grant program and that the applications are well-crafted and well-positioned for funding.
- **Post-Grant Submittal Advocacy:** TPA will frequently contact legislators and agency officials to follow up on the status of a grant application and promote its need and urgency. This will include drafting letters of support after grant submissions and distributing them to legislators for their consideration. In addition, TPA will work with legislators to reach out to individual granting agencies to provide background on City's projects and convey their support for those projects.
- **Post-Award Grant Administration and Compliance:** TPA will also assist, as needed and where possible, with post-award administration and compliance for all grant applications submitted by TPA on behalf of the City. This assistance will include interacting with granting agencies on behalf of the City, providing support for the drafting and submission of required reports, evaluations, and other tasks related to the successful monitoring of and compliance with the program requirements.
- **Comprehensive Follow-Up on Unsuccessful Applications:** Despite all best efforts, some grant applications are not selected for funding. In those instances where grant applications are unsuccessful, TPA will work with the relevant state and federal funding agencies to set up in-person or telephone debriefing sessions to discuss the grant applications and how to best revise the grant applications for the next funding round to ensure success.



- **Provide Progress Reports:** TPA will confer regularly with the City on our activities. TPA can provide electronic reports on the status of all funding activity, such current funding opportunities, current applications, submitted applications, and post-grant submittal advocacy. In addition to written reports, TPA will be available to the City for conference calls, in-person briefings, and meetings.



FEE SCHEDULE

DESCRIPTION OF SERVICES / FEE	DESCRIPTION OF SERVICES / FEE	DESCRIPTION OF SERVICES / FEE	DESCRIPTION OF SERVICES / FEE
State Legislative Advocacy Services \$6,500 Per Month	Federal Legislative Advocacy Services \$5,000 Per Month	Grant Funding Services \$5,000 Per Month	Bundled State and Federal Advocacy and Grant Services for the City \$8,000 Per Month
<ul style="list-style-type: none"> Conduct Detailed Orientation 	<ul style="list-style-type: none"> Conduct Detailed Orientation 	<ul style="list-style-type: none"> Conduct Detailed Orientation 	<ul style="list-style-type: none"> Conduct Detailed Orientation
<ul style="list-style-type: none"> Develop Legislative Strategy 	<ul style="list-style-type: none"> Develop Legislative Strategy 	<ul style="list-style-type: none"> Craft Strategic Funding Plan 	<ul style="list-style-type: none"> Develop Legislative Strategy
<ul style="list-style-type: none"> Implement the Legislative Strategy 	<ul style="list-style-type: none"> Implement the Legislative Strategy 	<ul style="list-style-type: none"> Identify, Research, and Monitor Grant Funding Opportunities 	<ul style="list-style-type: none"> Implement the Legislative Strategy
<ul style="list-style-type: none"> Build and Strengthen Relevant Relationships 	<ul style="list-style-type: none"> Build and Strengthen Relevant Relationships 	<ul style="list-style-type: none"> Grant Application Development and Submittal 	<ul style="list-style-type: none"> Build and Strengthen Relevant Relationships
<ul style="list-style-type: none"> Leverage Relationships for Strategic Advocacy Plan 	<ul style="list-style-type: none"> Leverage Relationships for Strategic Advocacy Plan 	<ul style="list-style-type: none"> Establishment of Clear Accountabilities 	<ul style="list-style-type: none"> Leverage Relationships for Strategic Advocacy Plan
<ul style="list-style-type: none"> Coordinate Advocacy Trips 	<ul style="list-style-type: none"> Coordinate Advocacy Trips 	<ul style="list-style-type: none"> Provide Overview of Full Applications Requirements 	<ul style="list-style-type: none"> Coordinate Advocacy Trips
<ul style="list-style-type: none"> Track Legislation 	<ul style="list-style-type: none"> Track Legislation 	<ul style="list-style-type: none"> Assemble Project Background and Details 	<ul style="list-style-type: none"> Track Legislation
<ul style="list-style-type: none"> Craft Testimony and Position Letters 	<ul style="list-style-type: none"> Craft Testimony and Position Letters 	<ul style="list-style-type: none"> Coordinate Technical Project Details 	<ul style="list-style-type: none"> Craft Testimony and Position Letters
<ul style="list-style-type: none"> Draft Bill Language 	<ul style="list-style-type: none"> Draft Bill Language 	<ul style="list-style-type: none"> Draft Written Proposal 	<ul style="list-style-type: none"> Draft Bill Language
<ul style="list-style-type: none"> State Budget Funding Opportunities 	<ul style="list-style-type: none"> Federal Earmark Opportunities 	<ul style="list-style-type: none"> Incorporate Feedback to Finalize Proposal 	<ul style="list-style-type: none"> State Budget Funding Opportunities
<ul style="list-style-type: none"> Provide Progress Reports 	<ul style="list-style-type: none"> Provide Progress Reports 	<ul style="list-style-type: none"> Submit Completed Application 	<ul style="list-style-type: none"> Federal Earmark Opportunities
<ul style="list-style-type: none"> Prepare and File Lobbying Disclosure Reports 	<ul style="list-style-type: none"> Prepare and File Lobbying Disclosure Reports 	<ul style="list-style-type: none"> Funding Advocacy 	<ul style="list-style-type: none"> Provide Progress Reports
		<ul style="list-style-type: none"> Post-Grant Submittal Advocacy 	<ul style="list-style-type: none"> Prepare and File Lobbying Disclosure Reports
		<ul style="list-style-type: none"> Post-Award Grant Administration and Compliance 	<ul style="list-style-type: none"> Craft Strategic Funding Plan
		<ul style="list-style-type: none"> Comprehensive Follow-Up on Unsuccessful Applications 	<ul style="list-style-type: none"> Identify, Research, and Monitor Grant Funding Opportunities
		<ul style="list-style-type: none"> Provide Monthly Progress Reports 	<ul style="list-style-type: none"> Grant Application Development and Submittal



FEE SCHEDULE

			<ul style="list-style-type: none"> Establishment of Clear Accountabilities
			<ul style="list-style-type: none"> Provide Overview of Full Applications Requirements
			<ul style="list-style-type: none"> Assemble Project Background and Details
			<ul style="list-style-type: none"> Coordinate Technical Project Details
			<ul style="list-style-type: none"> Draft Written Proposal
			<ul style="list-style-type: none"> Incorporate Feedback to Finalize Proposal
			<ul style="list-style-type: none"> Submit Completed Application
			<ul style="list-style-type: none"> Funding Advocacy
			<ul style="list-style-type: none"> Post-Grant Submittal Advocacy
			<ul style="list-style-type: none"> Post-Award Grant Administration and Compliance where possible and as needed
			<ul style="list-style-type: none"> Comprehensive Follow-Up on Unsuccessful Applications
<i>*The monthly fee includes all reasonable business and travel expenses</i>			





Agenda Item

DATE: 9/12/2023

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JASON CASTLEBERRY, HUMAN RESOURCES DIRECTOR

SUBJECT: ADOPT A RESOLUTION APPROVING AN AMENDMENT TO THE CLASSIFICATION AND COMPENSATION PLAN TO UPDATE THE CLASS SPECIFICATIONS/JOB DESCRIPTION FOR THE CLASSIFICATION OF ENGINEER I (CIVIL) AND TRANSIT COORDINATOR

Staff recommends that the City Council adopt a resolution to approve an amendment to the City's Classification and Compensation Plan update the class specifications of Engineer I (Civil) and Transit Coordinator.

STRATEGIC PLAN ALIGNMENT

This program supports Goal B. Governance and Organization Effectiveness of the strategic plan in aligning critical city services with current staffing levels.

BACKGROUND

As part of a review of the Engineer I (Civil) and Transit Coordinator job duties and the needs of the City's Public Works Department relative to finding qualified candidates to conduct a successful recruitment, staff recommends minor modifications to the classification specifications/job descriptions.

DISCUSSION

The proposed classification specification includes slight modifications overall. The goal is to provide clarity on essential functions, qualifications and certifications during the next recruitment. The City has met and conferred with the Professional Employees Group (PEG) for Engineer I (Civil) and Service Employees International Union (SEIU) for Transit Coordinator, regarding the proposed revisions to the class specifications. No change to the current salary range is recommended at this time. The Public Works Department worked with the Human Resources Department to ensure the class specification is updated prior to future recruitments.

FISCAL IMPACT

There is no fiscal impact for the position specification changes being proposed.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution to approve an amendment to the City's Classification and Compensation Plan to update the class specifications/job descriptions of Engineer I (Civil) and Transit Coordinator.

Prepared by:

Jason Castleberry, Human Resources Director

Submitted by:

Jason Castleberry, Human Resources Director

ATTACHMENTS:

Description		Type
□	Resolution - Engineer I and Transit Coordinator Job Specifications 2023	Resolution
□	Engineer I Job Spec Revised 2023	Exhibit
□	Transit Coordinator Job Spec Revised 2023	Exhibit

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
UNION CITY AMENDING THE CLASSIFICATION AND
COMPENSATION PLAN TO UPDATE THE CLASS
SPECIFICATION / JOB DESCRIPTION FOR THE
CLASSIFICATION OF ENGINEER I (CIVIL) AND
TRANSIT COORDINATOR**

WHEREAS, the City has undertaken an inquiry and recommends that the City Council update the class specification for the position of Engineer I (Civil) and Transit Coordinator; and

WHEREAS, City staff have undertaken an analysis of necessary updates to the classification and compensation plan to update the class specification for the classification of Engineer I (Civil) and Transit Coordinator; and

WHEREAS, the City Council has identified in the Strategic Plan Goal B, Governance and Organization Effectiveness to align critical city services with current staffing levels by ensuring the accuracy and clarity for the Engineer I (Civil) and Transit Coordinator class specifications; and

WHEREAS, the City Manager or her designee has met and conferred in good faith with the representatives of all bargaining units related to the above matters.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Union City hereby approves the updated Engineer I (Civil) and Transit Coordinator class specifications, attached hereto and incorporated herein by reference, effective September 12, 2023.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to take such further actions as may be necessary to implement the proposed revisions to the class specification for the classification of Engineer I (Civil) and Transit Coordinator.

ENGINEER I (CIVIL)

Bargaining Unit: Professional Employee's Group
FLSA Status: Non-Exempt

DEFINITION:

Under immediate supervision, the Engineer I (Civil) performs a variety of professional and technical engineering tasks related to preparation of plans, designs, and specifications for a wide variety of public works infrastructure projects such as streets, sidewalks, cost estimates and report for public works projects, the Clean Water Program and other related work as required.

CLASS CHARACTERISTICS:

Engineer I (Civil) is the entry-level class in the Civil Engineer series. Incumbents possess the applicable education and training required to perform civil engineering duties. Incumbents perform standard and well-defined engineering tasks and work under immediate supervision in the performance of job duties. An incumbent may advance to a higher-level class after gaining experience and demonstrating proficiency that meets the qualifications of the higher-level class.

EXAMPLES OF DUTIES (illustrative only):

- Prepares plans, specifications, estimates, reports and administers contract documents for a variety of construction and maintenance projects.
- Provides guidance on the Alameda County Clean Water Program by attending required meetings and prepares the Annual Clean Water reports.
- Issues, monitors, and tracks all encroachment permits, transportation permits and certificates of liability insurance.
- Provides flood zone information to residents, based on FEMA maps and documents.
- Coordinates the operations & maintenance (O&M) requirements of completed projects with developers.
- Maintains records of all plans and contract documents.
- Performs field work, including residential complaints and inquiries investigations, construction and maintenance project operations, and those associated with other Capital Improvement Projects (CIP).
- Coordinates, monitors and oversees assigned activities with consultants, engineers, developers, contractors, other city departments and divisions, and outside agencies.
- Provides technical and professional engineering support and oversight services in design, construction and traffic engineering.
- Confers with representatives of internal and external agencies regarding facility and infrastructure development.

- Provides information and assistance at public counter.

QUALIFICATIONS:

EDUCATION AND EXPERIENCE:

Any combination of education, training, and experience that would likely provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge, skills and abilities would be:

A bachelor's degree with major course work in Civil Engineering or a closely related Engineering field.

LICENSE AND CERTIFICATIONS:

Possession of a valid California Driver's License with a satisfactory driving record.

Possession of an Engineering-in-Training Certificate issued by the State of California is highly desirable.

KNOWLEDGE AND ABILITIES:

Knowledge of:

- Principles and practices of civil engineering.
- Applicable laws and regulatory codes.
- Methods, materials, tools and equipment used in engineering construction.
- Principles of algebra, geometry and trigonometry and their application to engineering.

Ability to:

- Prepare plans and specifications using programs including, but not limited to, AutoCAD, Excel, Word, GIS, Adobe, and photo editing software;
- Communicate effectively, orally and in writing.
- Learn applicable City ordinances and regulatory codes policies and procedures applicable to engineering functions.
- Prepare clear, concise, complete reports on technical materials.
- Make effective cost estimates and recommendations.
- Establish and maintain effective working relationships with other employees, contractors, and the public.

WORKING CONDITIONS, ADA AND OTHER REQUIREMENTS:

The City of Union City is an equal opportunity employer. The City of Union City will comply with its obligations under the law to provide equal employment opportunities to qualified individuals with disabilities.

Positions in this class typically require: sitting, stooping, kneeling, crouching, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, talking, hearing, seeing, and repetitive motions.

Sedentary Work: Exerting up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects. Sedentary work involves sitting most of the time. Jobs are sedentary if walking and standing are required only occasionally and all other sedentary criteria are met.

Incumbents generally work in a typical office environment with adequate light and temperature.



TRANSIT COORDINATOR

Bargaining Unit: Service Employees International Union Local 1021
FLSA Status: Non-Exempt

DEFINITION

Under the direction of the Transit Manager, the Transit Coordinator organizes and coordinates one or more transit programs including, but not limited to, the paratransit certification program and human services transportation programs, and performs other related duties as required.

CLASS CHARACTERISTICS

This classification is characterized by the responsibility to perform program coordination in support of a variety of transit services provided through the Public Works Department - Transit Division. The incumbent acts as the primary community contact point for their program(s).

The Transit Coordinator is distinguished from the Transit Assistant Planner by performing routine administrative duties and handling minor contracts. Whereas, the latter classification is responsible for providing support to assist in the development, administration and analysis of the City's public transit programs

EXAMPLES OF DUTIES *(illustrative only)*

- Coordinates elements of the Union City Paratransit program - assuming direct responsibility for determinations of eligibility.
- Creates requisitions and receives on purchase orders.
- Oversees/Acts as the liaison for small individual contracts, or parts of the transit operations and maintenance contract.
- Assists in the development and administration of the annual program division/departmental budget.
- Assists with performing time or performance checks of in-service vehicles in the field.
- Enters data and monitors compliance.
- Performs routine, office administrative duties.
- Serves as the primary point of contact for the public.
- Reviews, recommends, and designs, marketing material.
- Serves as community information content creator and distributor; reviews and approves content requests to be posted in the transit vehicles and/or website.
- Serves as a community liaison at fairs, workshops, schools, community centers, conferences, conventions and in virtual settings.
- Attends Local, Regional, State, and National meetings, committees, and workshops as a representative of Union City Transit with an emphasis on Paratransit impacts.

- Provides minor assistance at the Public Works Maintenance Facility (Corporation Yard) as needed where the incumbent's desk will be located.
- Acts as primary or backup to transit vehicle electronic sign and digital voice announcement system programming.
- Performs other related duties as assigned.

QUALIFICATIONS

Education and Experience

Any combination of experience and training that could likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Bachelor's Degree from an accredited college or university and one (1) year of experience in transit or transportation program administration.

OR

Education/training and experience equivalent to five (5) years of administration assistance experience.

Licenses and Certificates

Possession of a valid California Driver's License and satisfactory driving record

Knowledge of:

- Basic principles, practices and techniques of transit or transportation programs or operations; data sources for transit or transportation research.
- Software applications and office equipment related to the work.
- Mathematics, including basic statistics.
- Proper English grammar, spelling, punctuation, etc.

Ability to:

- Interpret, explain, and apply public transit policies and procedures and regulatory requirements.
- Communicate effectively, orally and in writing, with a wide variety of audiences.
- Interpret and apply guidelines, procedures, and directions accurately and efficiently.
- Organize multiple work assignments and meet critical deadlines.
- Assist in administering contractual agreements related to public transit systems.
- Perform data entry and prepare charts, reports and/or narrative summaries.
- Maintain accurate and confidential records and filing systems.
- Create visual graphics digitally or physically.
- Prioritize and meet deadlines.

- Establish, and maintain, effective work relationships with those contacted in the performance of duties.
- Work through direct supervision.

WORKING CONDITIONS, ADA AND OTHER REQUIREMENTS

The City of Union City is an equal opportunity employer. The City of Union City will comply with its obligations under the law to provide equal employment opportunities to qualified individuals with disabilities.

Incumbents generally work in a typical office environment with adequate light and temperature. There may be occasional exposure to fumes, noxious odors, dust, mist, gases, poor ventilation, underground/confined/restricted working environment and exposure to loud noise. This position is based out of the City's Corporation Yard which is an active operational facility with uneven surfaces and vertical hazards that require appropriate footwear and clothing to avoid accidental injury.

Travel: Positions in this class may require local and statewide and interstate travel as necessary.



Agenda Item

DATE: 9/12/2023

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CORINA HAHN, COMMUNITY & RECREATION SERVICES DIRECTOR

SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INDEPENDENT CONTRACTOR AGREEMENT IN A FORM APPROVED BY THE CITY ATTORNEY WITH FRANK MONGE TO PROVIDE YOUTH BASKETBALL SERVICES IN AN AMOUNT NOT-TO-EXCEED \$120,000

Staff recommends that the City Council adopt a resolution approving an Independent Contractor Agreement with Frank Monge, in an amount not-to-exceed \$120,000, to provide youth basketball services and authorizing the City Manager to execute the Agreement in a form approved by the City Attorney.

STRATEGIC PLAN ALIGNMENT

This agenda item does not have alignment with the Strategic Plan.

BACKGROUND

The Community & Recreation Services Department contracts with several independent contractors to provide a variety of recreational programs for the community. Frank Monge has been providing youth basketball programs for the CRS department for several years and has approximately 1,000 participants annually, bringing in over \$237,000 in annual revenue. For FY 2023-2024, Mr. Monge will be providing youth basketball classes, camps, clinics, and training services. However, because the amount of the Independent Contractor Agreement exceeds the City Manager's authority, the City Council is being asked to approve the Independent Contractor Agreement and authorize the City Manager to execute the Agreement.

DISCUSSION

The Community & Recreation Services Department provides a multitude of recreational opportunities for the community. Much of our recreational programming is conducted by independent contractors. Frank Monge has

been providing youth basketball programs for the CRS department for several years and has approximately 1,000 participants annually, bringing in over \$237,000 in annual revenue. For FY 2023-2024, Mr. Monge will again be providing youth basketball classes, camps, clinics, and training services. Because the amount of the Independent Contractor Agreement exceeds the City Manager's authority, the City Council is being asked to approve the Independent Contractor Agreement and authorize the City Manager to execute the Agreement.

FISCAL IMPACT

The total cost for this Independent Contractor Agreement will not exceed \$120,000. Funding for this Agreement was included in the recently adopted FY 2023-2024 & FY 2024-2025 Biennial Budget in Account Number 2410-5208-52008-54113 (Leisure Revolving Fund-Youth Sports-Youth Sports -Contract Employees).

RECOMMENDATION

Staff recommends that the City Council adopt a resolution approving an Independent Contractor Agreement with Frank Monge, in an amount not-to-exceed \$120,000, to provide youth basketball services and authorizing the City Manager to execute the Agreement in a form approved by the City Attorney.

Prepared by:

Corina Hahn, Community & Recreation Services Director

Submitted by:

Corina Hahn, Community & Recreation Services Director

ATTACHMENTS:

Description	Type
□ Resolution - Frank Monge	Resolution

RESOLUTION NO. XXXX-23

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE AN INDEPENDENT
CONTRACTOR AGREEMENT IN A FORM APPROVED BY THE CITY
ATTORNEY WITH FRANK MONGE TO PROVIDE YOUTH BASKETBALL
SERVICES IN AN AMOUNT NOT-TO-EXCEED \$120,000**

WHEREAS, the Community and Recreation Services Department contracts with several independent contractors to provide a variety of recreational programs for the community; and

WHEREAS, the City has been utilizing Frank Monge as an independent contractor to provide youth basketball classes, camp, clinics, and training services for several years; and

WHEREAS, the contractual services provided by Frank Monge serve over 1,000 youth and generate approximately \$237,000 in revenue for the City annually.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Union City hereby authorizes the City Manager to execute Independent Contractor Agreement with Frank Monge, in a form approved by the City Attorney, for a total amount not to exceed \$120,000; and

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on the 12th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

CAROL DUTRA-VERNACI
Mayor

ATTESTED:

APPROVED AS TO FORM:

ANNA M. BROWN
City Clerk

KRISTOPHER J. KOKOTAYLO
City Attorney



Agenda Item

DATE: 9/12/2023

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JACKIE ACOSTA, FINANCE DIRECTOR

SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH MAZE & ASSOCIATES TO INCREASE THE CONTRACT AMOUNT BY \$30,000, FOR CONTINUED ASSISTANCE WITH THE 6-30-22 CLOSE AND AUDIT PREPARATION, FOR A TOTAL CONTRACT AMOUNT OF \$103,975, AND TO EXTEND THE CONTRACT TERM TO OCTOBER 31, 2023

Staff recommends that the City Council adopt a resolution authorizing the City Manager to execute the First Amendment to the Consulting Services Agreement with Maze & Associates to increase the contract amount by \$30,000, for the continued assistance with the 6-30-22 close and audit preparation, for a total contract amount of \$103,795, and to extend the contract term to October 31, 2023.

STRATEGIC PLAN ALIGNMENT

This agenda item does not have alignment with the Strategic Plan.

BACKGROUND

On January 23, 2023, the City entered into a Consulting Services Agreement with Maze & Associates, in the amount of \$73,795, for assistance with the 6-30-22 Year-End Closing process and audit preparation. The project was delayed due to other staff commitments with the budget process and other day-to-day operations, which then required Maze & Associates to spend more hours on the project to handle some aspects that staff was not able to complete in a timely manner. Therefore, staff is requesting approval to increase the contract amount by \$30,000 and to extend the contract term to October 31, 2023, in order for the 6-30-22 close to be completed successfully.

DISCUSSION

As a result of the cyberattack the City suffered in 2019, staff has been behind in year-end closings and preparation of the annual financial statements because it took City staff almost one full year to rebuild the City's financial data. In order to get back on track and on a normal schedule, as well as to further train new staff members in the year-end close process, staff recommended, and the City Manager agreed, that we should bring in extra help to expedite the 6-30-22 close and preparation for the audit.

To that end, on January 23, 2023, the City entered into a Consulting Services Agreement with Maze & Associates, in the amount of \$73,795. As stated above, the project was delayed due to other staff commitments with the budget process and other day-to-day operations. At this point, the 6-30-22 close and audit preparation are almost complete and staff expects the 6-30-22 financial statements to be available by the end of October 2023.

FISCAL IMPACT

The First Amendment to the Consulting Services Agreement with Maze & Associates, in the amount of \$30,000, will be paid for from available funds in Account Number 1110-1511-15011-54110 (General Fund – Finance – Professional/Consulting).

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Manager to execute the First Amendment to the Consulting Services Agreement with Maze & Associates to increase the contract amount by \$30,000, for the continued assistance with the 6-30-22 close and audit preparation, for a total contract amount of \$103,795, and to extend the contract term to October 31, 2023.

Prepared by:

Jackie Acosta, Finance Director

Submitted by:

Jackie Acosta, Finance Director

ATTACHMENTS:

Description	Type
<input type="checkbox"/> First Amendment to the CSA with Maze & Associates	Attachment
<input type="checkbox"/> Resolution - Authorizing First Amendment to CSA with Maze & Associates	Resolution

**FIRST AMENDMENT TO THE CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF UNION CITY AND MAZE & ASSOCIATES
FOR 6-30-22 YEAR-END CLOSING PROCESS AND AUDIT PREPARATION**

THIS FIRST AMENDMENT (the “First Amendment”) is effective as of the 1st day of July 2023 by and between **THE CITY OF UNION CITY**, a municipal corporation, (“City”) and **MAZE & ASSOCIATES** ("Consultant"), collectively referred to as the "Parties."

W I T N E S S E T H:

WHEREAS, on January 23, 2023, the Parties entered into a Consulting Services Agreement, in the amount of \$73,795, for assistance with the 6-30-22 Year-End Closing process and audit preparation (C5934) (“Agreement”) wherein the Consultant will provide the City’s Finance Department with these services; and

WHEREAS, the Parties now desire to further amend the Agreement to extend the term of the agreement through October 31, 2023, and to increase the contract amount by \$30,000; and

WHEREAS, the City and Consultant desires to enter into this First Amendment.

NOW, THEREFORE, the Parties hereto do mutually agree as follows:

1. The “Term of Services” as set forth in the first sentence of Section 1.1 is amended to extend the term of the agreement to **October 31, 2023**.
2. The first sentence of Section 2 "COMPENSATION," is hereby amended to reflect payment based upon a sum increase of **Thirty Thousand Dollars (\$30,000)**. The total compensation under the Agreement, including this First Amendment, shall not exceed a total contract amount of **One Hundred Three Thousand Seven Hundred Ninety-Five Dollars (\$103,795)**. The first sentence shall now read:

City hereby agrees to pay Consultant a sum not to exceed **One Hundred Three Thousand Seven Hundred Ninety-Five Dollars (\$103,795)** notwithstanding any contrary indications that may be contained in Consultant's proposal for services to be performed and reimbursable costs incurred under this Agreement.

3. All other provisions of the Agreement remain unchanged except as modified by this First Amendment.

IN WITNESS WHEREOF, the City and the Consultant have executed this First Amendment effective as of the date hereinabove written.

SIGNATURES ON THE FOLLOWING PAGE

CITY OF UNION CITY

MAZE & ASSOCIATES

JOAN MALLOY, CITY MANAGER

KATHERINE YUEN KRISCH

ATTEST:

ANNA M. BROWN, CITY CLERK

APPROVED AS TO FORM:

KRISTOPHER J. KOKOTAYLO
CITY ATTORNEY

RESOLUTION NO. XXXX-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST
AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH
MAZE & ASSOCIATES TO INCREASE THE CONTRACT AMOUNT BY
\$30,000, FOR CONTINUED ASSISTANCE WITH THE 6-30-22 CLOSE AND
AUDIT PREPARATION, FOR A TOTAL CONTRACT AMOUNT OF \$103,795,
AND TO EXTEND THE CONTRACT TERM TO OCTOBER 31, 2023**

WHEREAS, as a result of the cyberattack the City suffered in 2019, staff has been behind in year-end closings and preparation of the annual financial statements because it took City staff almost one full year to rebuild the City's financial data; and

WHEREAS, in order to get back on track and on a normal schedule, as well as to further train new staff members in the year-end close process, staff recommended, and the City Manager agreed, that we should bring in some extra help to expedite the 6-30-22 close and preparation for the audit; and

WHEREAS, on January 23, 2023, the City entered into a Consulting Services Agreement with Maze & Associates, in the amount of \$73,795; and

WHEREAS, staff is requesting approval to increase the contract amount by \$30,000 and to extend the contract term to October 31, 2023, in order for the 6-30-22 close to be completed successfully.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Union City hereby authorizes the City Manager to execute the First Amendment to the Consulting Services Agreement with Maze & Associates to increase the contract amount by \$30,000, for the continued assistance with the 6-30-22 close and audit preparation, for a total contract amount of \$103,795, and to extend the contract term to October 31, 2023.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on the 12th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

CAROL DUTRA-VERNACI
Mayor

ATTESTED:

APPROVED AS TO FORM:

ANNA M. BROWN
City Clerk

KRISTOPHER J. KOKOTAYLO
City Attorney



Agenda Item

DATE: 9/12/2023

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CARMELA CAMPBELL, ECONOMIC, AND COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: HOLD A PUBLIC HEARING AND INTRODUCE AN ORDINANCE FOR ZONING TEXT AMENDMENT, AT-23-004, TO AMEND TITLE 18, ZONING, OF THE UNION CITY MUNICIPAL CODE TO UPDATE CHAPTER 18.04 GENERAL PROVISIONS; CHAPTER 18.08 DEFINITIONS; CHAPTER 18.24 GENERAL DEVELOPMENT 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 TO ESTABLISH OBJECTIVE DEVELOPMENT STANDARDS AND RELATED UPDATES FOR CONSISTENCY AND FIND THAT THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15061(B)(3)

Staff recommends that the City Council hold a public hearing and introduce an Ordinance (Attachment 1) approving Zoning Text Amendment AT-23-004. These amendments will establish objective design and development standards for zoning districts that allow multi-family and/or mixed-use residential development, add definitions related to the objective design standards, and update other zoning district chapters to remove existing design standards for consistency.

The proposed zoning text amendments associated with AT-23-004 are included in Exhibit A (Clean) and B (Red-lined) of Attachment 1.

Approval of the amendments is exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), which is the general exemption for projects with no potential for a significant effect on the environment. As a series of text amendments, it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

The Planning Commission recommended approval of Zoning Text Amendment AT-23-004 with modified language to the City Council at its July 20, 2023, meeting on a 4-0 vote. Attached to this staff report are the Planning Commission Staff Report (Attachment 2), Planning Commission Desk Item (Attachment 3), Draft Planning Commission Meeting Minutes (Attachment 4), and Planning Commission Resolution (Attachment 5).

STRATEGIC PLAN ALIGNMENT

The proposed amendments are in alignment with the following:

Goal C. Strategy 5. *Promote housing development for all income levels in the community by updating the zoning ordinance to include objective standards for new multi-family residential development in order to streamline the review of applications for housing developments, and update the Housing Element, to facilitate the development of affordable housing.*

Goal C. Strategy 15. *Continue to review development permitting processes to streamline service and improve efficiency and develop a communication plan to disseminate modifications to staff and customers.*

BACKGROUND

Currently, most housing development projects are subject to a review process with the Planning Division. Depending on the project scope and zoning district, projects must be approved at the Zoning Administrator, Planning Commission, or City Council level, prior to the Building Permit process. Projects are evaluated based on conformance to applicable goals and policies in the General Plan, a specific plan (if applicable), and the applicable performance standards and design criteria in Title 18 of the Union City Municipal Code. Some of these existing guidelines and requirements are considered subjective because they allow interpretation by the decision maker. Through recent state legislation, the State has dramatically limited a jurisdiction's ability to apply subjective design criteria to housing developments. As a result, the City can now only rely on objective design and development standards, which do not involve subjective judgment, for certain types of housing development projects.

Union City received funding under the Senate Bill (SB) 2 Planning Grants Programs to update planning requirements to accelerate housing production and streamline the approval of housing development. The City is utilizing funds from this grant to develop objective development standards that will be implemented through this Zoning Text Amendment (AT-23-004). By incorporating consistent and objective development standards into the City's Zoning Ordinance, development projects in multi-family and mixed-use zoning districts will be required to comply with these criteria, even if a discretionary review process is not required per state law. The proposed amendments will continue Union City's practice of maintaining a standard of high-quality design for new projects, while easing and streamlining the process for applicants, and complying with state requirements.

DISCUSSION

A. Zoning Ordinance Amendments

The objective standards are proposed as a new section of the Zoning Ordinance, within Chapter 18.24: General Development Regulations, which will be re-titled from its prior title, *Bulk Regulations*, for clarity, as part of the project. The standards will apply to all zoning districts that allow multi-family and residential mixed-use development; and will replace existing design criteria. The standards will also apply to standalone

nonresidential development in these mixed-use districts.

A high-level summary of the amendments is included below. For a more detailed review, see Exhibit A (clean) and Exhibit B (red-lined) of Attachment 1.

1. *General Development Regulations (Chapter 18.24)*

The vast majority of new standards established through the Objective Development Standards project are incorporated into a new section (Section 18.24.050: Building and site design standards) of Chapter 18.24. All standards in this section are objective, meaning they would not be subject to interpretation by an applicant, staff, or decision maker. To assist with understanding and clarifying the standards, figures are incorporated into the Zoning Ordinance language (see Exhibits A and B).

The standards focus on different areas of site development and building design. This includes standards for entrances, roofs, building articulation, façade design, windows, tenant spaces, amenities, vehicular and bicycle parking design and placement, open space, and pedestrian circulation.

Standards are included for specific building types to differentiate features of townhomes, stacked flats, and mixed-use buildings with ground-floor retail, and standalone nonresidential development. There are also specific standards that apply to different locations, such as along Mission Boulevard, within the Historic Alvarado District, and within the Station District to achieve specific design objectives and promote the vision, or unique existing character, of these neighborhoods and streetscapes as outlined in the 2040 General Plan.

2. *Definitions (Chapter 18.08)*

Amendments to Chapter 18.08 include adding definitions for terminology used in Chapter 18.24 to better clarify and codify certain design specific terms. For example, definitions for terms such as “cornice” and “loggia” are included. Figures are also included in this chapter to show different architectural features since those terms are often better understood through graphic representation.

3. *Zoning District Chapters*

Amendments to individual zoning district chapters are proposed for consistency with the new objective development standards in Chapter 18.24. This includes amendments to all chapters which allow multi-family or mixed-use residential development. The district chapters include:

- Chapter 18.26 Marketplace Mixed Use (MMU) District
- Chapter 18.27 Village Mixed Use (VMU) District
- Chapter 18.32 Residential Districts
- Chapter 18.35 Corridor Mixed Use Commercial (CMU) District
- Chapter 18.37 Station East Mixed Use Residential (SEMU-R) District
- Chapter 18.38 Station Mixed Use Commercial (CSMU) District
- Chapter 18.100 511 Area District

Each district has existing design and development criteria, some of which are objective, and others which are subjective. As part of the Objective Development Standards project, these existing criteria were evaluated to determine the design intent of each requirement. Where appropriate, these requirements were used to create the new objective standards in Chapter 18.24. As a result, the old design criteria are being removed as part of the amendments (as shown in Exhibit B). However, the intent of the old criteria, to promote and enhance the unique character of specific areas within the City through high-quality design, is implemented through the new objective standards in Chapter 18.24.

Further amendments are included specific to the multifamily residential (RM) zoning districts in Chapter 18.32 to address a program in the 2023-2031 Housing Element. This program (HE-1.I) requires the City to review development standards that may be constraints to future development in the RM zoning districts (RM 1500, RM 2500, and RM 3500). Potential constraints identified through the development of the program included standards for height, lot coverage, setbacks, open space, and parking for studio units. Amendments are included to these standards to allow increased development intensity, reducing potential barriers to multi-family housing development in these districts.

4. *Off-Street Parking and Loading (Chapter 18.28)*

As part of the Objective Development Standards project, new bicycle parking standards were created for all project types. In contrast to some of the other proposed amendments, these bicycle parking standards will apply to projects citywide, not just those located in multi-family or mixed-use zoning districts.

5. *Miscellaneous Amendments (Chapters 18.04 and 18.36)*

Additional amendments to Chapter 18.04 General Provisions and Chapter 18.36 Commercial Districts are required for consistency with the objective development standards amendments.

B. Public Outreach

1. *Planning Commission and City Council Introduction*

The project was introduced to the Planning Commission on August 18, 2022 and to the City Council on September 13, 2022. An overview of objective development standards, an analysis of existing conditions where the objective standards would be applied, and a summary of upcoming actions was provided at both meetings. A link to the staff report and attachments for the City Council meeting is included below:

Coversheet (novusagenda.com)

2. *Community Outreach*

In fall 2022, extensive outreach efforts were conducted with community members and stakeholders to explore design and development standard options for consideration. This included reaching over 100 community members at in-person events at the Farmer's Market, Running Dead Fun Run, and the Halloween Carnival. An online survey was also conducted and over 600 responses were received. For more detailed information on the City's community outreach efforts, please refer to the Community Outreach Summary linked below:

https://www.unioncity.org/DocumentCenter/View/10214/Union-City-ODS-Outreach-Summary-52023_reduced

3. *Planning Commission Study Session*

A Planning Commission study session to review the draft objective development standards was held on June 15, 2023. The Commission provided feedback to staff which included questions and comments

regarding the draft amendments. Necessary edits were incorporated into the amendments to address the comments. Additional revisions were also completed to add standards or clarify the intent of specific standards, based on further analysis by staff.

C. Planning Commission Hearing

The Planning Commission reviewed the proposed amendments at a public hearing on July 20, 2023. For a detailed overview of the Planning Commission discussion, see attached Draft Meeting Minutes labeled Attachment 4. The Commission also considered a Desk Item prepared by staff (Attachment 3) concerning questions and comments from Commissioner Lew regarding the proposed amendments. The Desk Item provided responses to questions regarding figures, the relationship between updates to Development Code definitions as part of the Industrial Districts amendments and the Objective Standards project, and minor formatting corrections. The Commission voted 4-0 to recommend approval of the proposed amendments as modified by the Desk Item and as discussed by the Planning Commission, to the City Council.

FISCAL IMPACT

No fiscal impacts to the General Fund would result from adoption of the proposed zoning text amendments. The Objective Standards Project is funded under the SB2 Planning Grants Program. Proceeds from this grant covered both consultant costs as well as staff time to prepare the objective standards and related text amendments.

RECOMMENDATION

Consistent with the Planning Commission recommendation, staff recommends that the City Council hold a public hearing and introduce an Ordinance (Attachment 1) approving Zoning Text Amendment AT-23-004 and find that the amendments are exempt from CEQA in accordance with CEQA Guidelines Section 15061(b)(3).

Prepared by:

Coleman Frick, Senior Planner

Submitted by:

Coleman Frick, Senior Planner

ATTACHMENTS:

Description	Type
❑ Attachment 1: Draft City Council Ordinance AT-23-004	Ordinance
❑ Attachment 1 Exhibit A: Zoning Text Amendment AT-23-004 Clean	Exhibit
❑ Attachment 1 Exhibit B: Zoning Text Amendment AT-23-004 Redlined	Exhibit
❑ Attachment 2: Planning Commission Staff Report dated 07/20/2023	Attachment
❑ Attachment 3: Desk Item dated 07/20/2023	Attachment
❑ Attachment 4 - Draft Planning Commission Meeting Minutes	Attachment
❑ Attachment 5: Planning Commission Resolution	Attachment

ATTACHMENT 1

ORDINANCE NO. XXX-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY FOR ZONING TEXT AMENDMENT, AT-23-004, TO AMEND TITLE 18, ZONING, OF THE UNION CITY MUNICIPAL CODE TO UPDATE CHAPTER 18.04 GENERAL PROVISIONS; CHAPTER 18.08 DEFINITIONS; CHAPTER 18.24 GENERAL DEVELOPMENT 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 TO ESTABLISH OBJECTIVE DEVELOPMENT STANDARDS AND RELATED UPDATES FOR CONSISTENCY AND FIND THAT THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, in 2017, Governor Brown signed Senate Bill 2 (SB 2), titled the "Building Homes and Jobs Act," which specifically established a permanent, on-going source of funding dedicated to promoting and facilitating affordable housing development; and

WHEREAS, the State Housing and Community Development Department (HCD) released a Notice of Funding Availability (NOFA) for approximately \$123 million in revenue earmarked for local government planning grants. Under this grant program, local governments are provided an eligibility allowance based on population. The City of Union City falls within the "medium localities" category, which is eligible for up to \$310,000 in grant funding; and

WHEREAS, there are a variety of activities that are eligible for grant funding under SB 2, which seeks to promote or accelerate housing production. These include updates to General Plans, Specific Plans and Zoning Ordinances and activities that streamline the approval process; and

WHEREAS, on October 8, 2019, the City Council adopted Resolution 5533-19 authorizing application for, and receipt of, SB 2 Planning Grants Program funds; and

WHEREAS, on November 12, 2019 the City Council adopted Resolution 5540-19 authorizing the City Manager to enter into a consulting services agreement with Miller Planning Associates to prepare objective standards for multi-family and mixed-use developments utilizing SB 2 Planning Grants Program funds; and

WHEREAS, as part of the implementation of the City of Union City Strategic Plan Goal C.5, which states "Promote housing development for all income levels in the community by

updating the zoning ordinance to include objective standards for new multi-family residential development in order to streamline the review of applications for housing developments, and update the Housing Element, to facilitate the development of affordable housing,” staff developed objective development and design standards for development in residential and mixed-use zoning districts; and

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens; and

WHEREAS, the City’s Zoning Ordinance (Title 18) currently regulates the uses allowed within the City; and

WHEREAS, the City Council desires to amend Title 18, Zoning, of the Union City Municipal Code, Chapter 18.04 General Provisions; Chapter 18.08 Definitions; Chapter 18.24 General Development Regulations (retitled from 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. These amendments will establish objective design and development standards for zoning districts that allow multi-family and/or mixed-use residential development, add definitions related to the objective standards, and update other zoning district chapters for consistency; and

WHEREAS, staff conducted extensive public outreach for the Objective Development Standards project at various community events throughout Union City and through an online survey in Fall 2022, during which over 700 responses were received from community members which informed the project; and

PLANNING COMMISSION REVIEW

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments on July 20, 2023, at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report dated July 20, 2023 and all written and oral testimony, and adopted Resolution No. 13-23 recommending approval of the amendments. The staff report and resolution are incorporated herein by reference; and

CITY COUNCIL REVIEW

WHEREAS, the City Council held a duly noticed public hearing on the proposed amendments on September 12, 2023, at which time all interested parties had the opportunity to be heard. The City Council considered a staff report dated September 12, 2023 (including background reports) and incorporated herein by reference, the Planning Commission recommendation, and all written and oral testimony before taking action on the amendments; and

WHEREAS, the amendment to Title 18 of the Municipal Code is shown in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a red-lined version of the amendment is shown in Exhibit B, which is attached hereto 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 Zoning Text Amendment (AT-23-004) is exempt from environmental review per the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3), the general exemption for projects with no potential for a significant effect on the environment. As a series of text amendments, it can be seen with certainty that there is no possibility that the amendments 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. The proposed Municipal Code Amendments are consistent with the General Plan,
2. 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, amending Chapters as described above and 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.

Chapter 18.04 GENERAL PROVISIONS

18.04.010 Title.

This title shall be known, cited and referred to as “the City of Union City Zoning Ordinance.”

Chapter 18.08 DEFINITIONS

18.08.071 Bakery.

A “bakery” is an establishment which engages in the sale of breads or other baked goods, whether baked on-site or at another location. A bakery shall be considered a food use if the breads and baked goods are packaged for immediate consumption. Any establishment whose breads and baked goods are predominantly sold at retail from a different location or locations shall be deemed a wholesale and/or manufacturing use, subject to the regulations of the district in which it is located.

18.08.072 Balusters.

“Balusters” means vertical braces, often decorative posts, providing support for a railing.

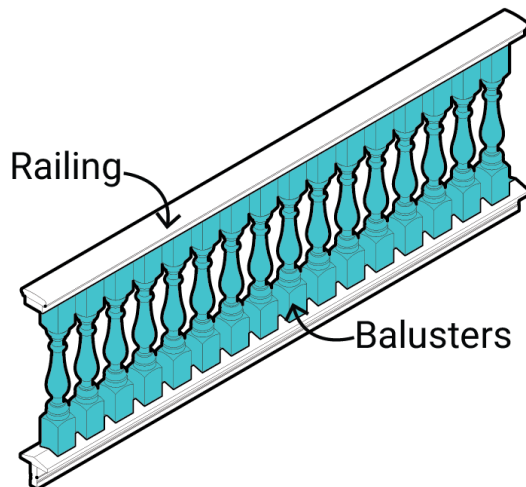


Figure 18.08.072: Balusters

18.08.076 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.

18.08.130 Building frontage.

“Building frontage” means the face of a building that is parallel to or is at a near parallel angle to a public right-of-way.

18.08.175 Conditioned space.

“Conditioned space” means an area inside a building where temperature and humidity are controlled, that meets the Building Code definition of conditioned space, and is designed suitable for residential or nonresidential occupancy.

18.08.176 Conference center.

A “Conference center” means a facility for conventions, conferences, trade shows, festivals, and other events held within a facility designed and approved for this purpose.

18.08.177 Construction equipment sales and rental.

“Construction equipment sales and rental” means a facility which provides construction equipment and related commodities to the public for sale or rental, and accessory servicing of that equipment.

18.08.178 Contractor services.

“Contractor services” means a facility providing general contracting and/or building construction services, including general building, plumbing, electrical, air conditioning, carpentry, and other trade contractors.

18.08.179 Convenience market.

“Convenience market” means an activity that includes the retail sale of food, beverages, and personal convenience items, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and in a building of less than three thousand (3,000) square feet. Convenience markets may sell beer and wine but shall be considered liquor stores if hard liquor is sold on site. Excluded from this definition are delicatessens, specialty food shops, and establishments which have a sizeable assortment of fresh fruits and vegetables and fresh cut meat.

18.08.180 Cornice.

“Cornice” means an ornamental course or molding at the top of a wall or under the roof.

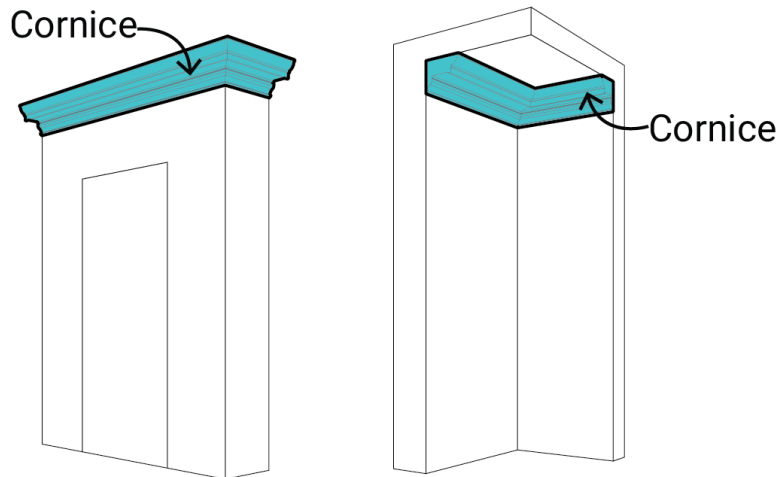


Figure 18.08.180: Cornice

18.08.181 Court.

A “court” is an open, unoccupied space other than a yard on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

18.08.241 Eave.

“Eave” means the lower edge of a roof that overhangs the wall below.

18.08.248 Entranceway, building.

“Entranceway, building” means a doorway and threshold providing ingress and egress to a building for persons.

18.08.249 Façade.

“Façade” means the exterior wall of a building along with its associated windows, entranceway, and projections.

18.08.297 Lintel.

“Lintel” means a horizontal beam or support across the top of a door or window.

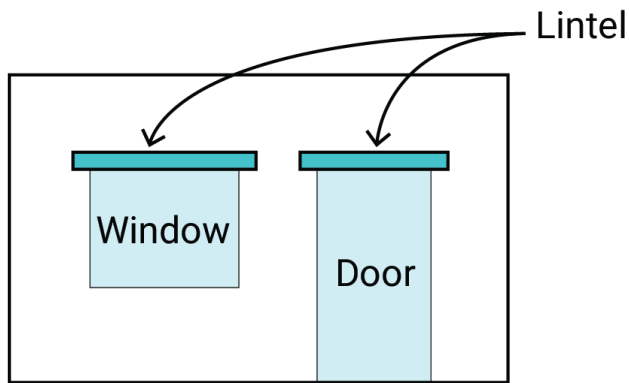


Figure 18.08.297: Lintel

18.08.298 Liquor store.

“Liquor store” means an activity that includes the retail sale of hard liquor for off-premises consumption and is typically found in establishments with long or late hours of operation and in a building of less than three thousand (3,000) square feet. Excluded from this definition are convenience markets that sell beer and wine and food stores.

18.08.299 Live/work unit.

“Live/work unit” means an integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multifamily, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with the Building Code and working space reserved for and regularly used by one (1) or more occupants of the unit.

18.08.302 Loggia.

“Loggia” means a covered exterior gallery or corridor that is open to the air on one or more sides. A loggia typically runs the length of a building, with columns or arches on the open side.

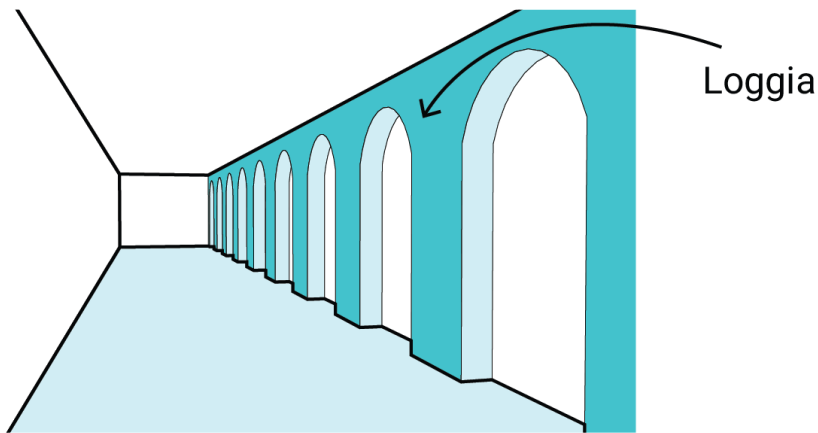


Figure 18.08.302: Loggia

18.08.482 Parapet.

“Parapet” means an upward extension of a wall at the edge of a roof.

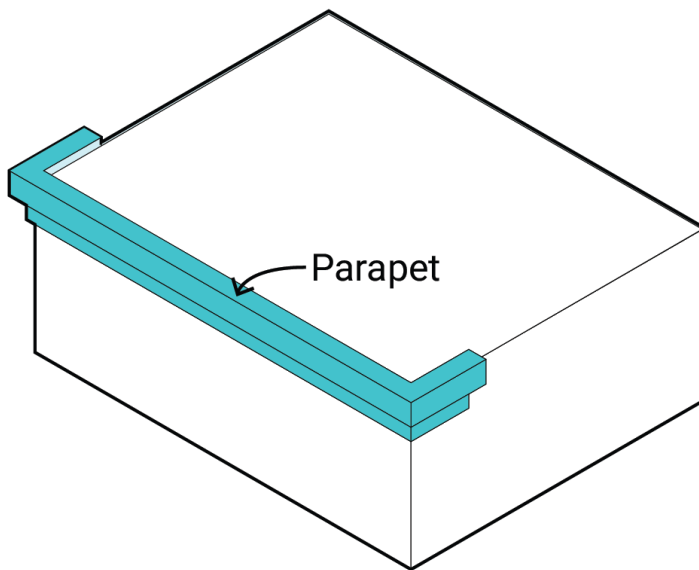


Figure 18.08.482: Parapet

18.08.483 Parapet return.

“Parapet return” means the continuation of a parapet at a right angle toward the building at the end of a parapet face.

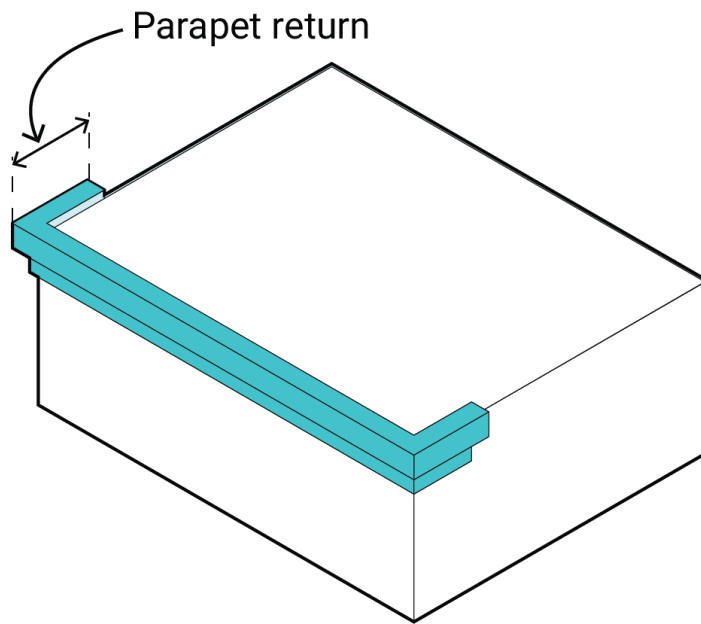


Figure 18.08.483: Parapet return

18.08.484 Parcel.

“Parcel” means a recorded property under single ownership.

18.08.485 Paseo.

“Paseo” means a place or path for strolling designed to provide access through a site but also contains amenities for leisure enjoyment, such as benches and seating areas.

18.08.486 Passageway.

“Passageway” means an open area providing a path or channel through which something may pass.

18.08.487 Patio.

A “patio” is a non-habitable recreation area that adjoins a dwelling, is often paved, and is adapted especially to outdoor dining.

18.08.488 Pawn shop.

“Pawn shop” means a place in which the business of a pawnbroker is conducted. A Pawnbroker is any person engaged in the business of receiving goods, including motor vehicles, in pledge as security for a loan.

18.08.489 Payday loan facility.

“Payday loan facility” means a facility primarily engaged in the business of advancing funds to customers in situations where the customer uses their entitlement to a future paycheck from some other source as collateral for the loan, and for which the customer pays a fee (percentage or otherwise) for the advancement.

18.08.490 Personal services.

“Personal services” means a use providing services of a personal convenience including beauty salons, barber shops, dressmaking/tailoring, hair removal, nail salons, photographic and portrait studios, shoe repair shops, travel agency, and similar uses. Excluded from this definition are massage, check cashing, and any other personal service type use specifically listed within district regulations.

18.08.491 Planned unit development.

A “planned unit development” is a tract of land with approved development standards which do not conform in all respects with the land use pattern designated on the zoning map or the district regulations provided by the zoning ordinance, and may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with the existing and proposed land uses in the vicinity. Planned unit developments may be permitted in any residential district, any industrial district, the 511 district, and in the specialty commercial and community commercial districts for mixed-use (residential and commercial) projects within the Old Alvarado area and Mission Boulevard corridor. Industrial condominium conversions and new industrial condominium projects are also considered planned unit developments.

18.08.502 Publicly accessible sidewalk.

“Publicly accessible sidewalk” means any walkway that is available to the public on an ongoing basis.

Chapter 18.24 GENERAL DEVELOPMENT REGULATIONS

18.24.030 Required yards—Existing building.

No yards now or hereafter provided for a building existing on the effective date of the ordinance codified herein shall subsequently be reduced below, or further reduced, if

already less than the minimum yard requirements of this title for equivalent new construction.

18.24.040 Permitted obstructions in required yards.

The following shall not be considered to be obstructions when located in the required yards specified:

A. In All Yards: Open terraces not over eighteen (18) inches above the average level of the adjoining ground and one hundred and twenty (120) square feet in area but not including a permanently covered terrace or porch except as allowed by the provisions of the R-5000 zoning district; awnings and canopies; steps, four (4) feet or less above grade, which are necessary for access to a permitted building, or for access to a zoning lot from a street, or alley; chimneys projecting twenty-four (24) inches or less into the yard; recreational and laundry-drying equipment; flag poles; overhanging eaves and gutters projecting eighteen (18) inches or less into the yard, except that in no case shall overhanging eaves and gutters be closer than two (2) feet to a lot line;

B. In Front and Rear Yards: Bay windows projecting three (3) feet or less into the yard;

C. In Side Yards: First-floor additions to single-family detached houses with existing legal nonconforming setbacks may be built in line with the existing structure as long as a minimum interior side yard setback of five (5) feet and a minimum exterior side yard setback of ten (10) feet is maintained, except that houses built on a zero lot line shall maintain a minimum setback of ten (10) feet on the nonzero lot line side of the property.

18.24.050 Building and site design standards.

A. Applicability. All development shall meet the standards of this Section, except as provided below.

1. Exceptions. The standards of this Section do not apply to the following types of development:
 - a. Detached single family dwellings.
 - b. SB 9 housing developments as defined in Chapter 18.31.
 - c. Accessory dwelling units as defined in Chapter 18.34.
 - d. Development within the following zoning districts:
 - i. Industrial Districts (General Industrial (MG), Light Industrial (ML), and Special Industrial (MS)).

- ii. Mixed-Use Employment Districts (Station East Employment (SEE) and Corridor Mixed Use Employment (CMUE)).
- iii. Civic Facility District.
- iv. Private Institutional District.
- v. Agricultural District.
- vi. Open Space District.

B. Building Design Requirements.

- 1. Building Orientation. Unless located behind another building, buildings shall be oriented toward the adjacent front or street side lot line with the building frontages parallel to the fronting public right-of-way.
- 2. Entrances.
 - a. Ground Floor Nonresidential Uses.
 - i. There shall be a minimum of one (1) entrance for every fifty (50) feet of building frontage with a maximum separation of one hundred (100) feet between entrances.

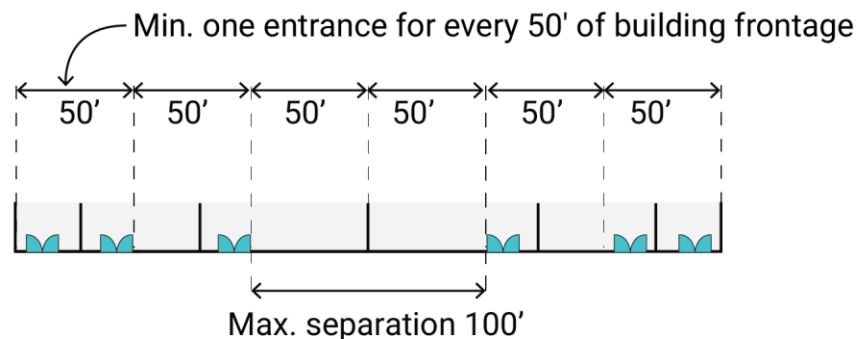


Figure 18.50.050(B)(2)(a)(i): Non-residential entrance location requirements

- ii. In buildings located within twenty (20) feet of a front or street side lot line, the primary building entrance shall face a public right-of-way or shall face within ninety (90) degrees of the primary building frontage and be located within ten (10) feet of a publicly accessible sidewalk.

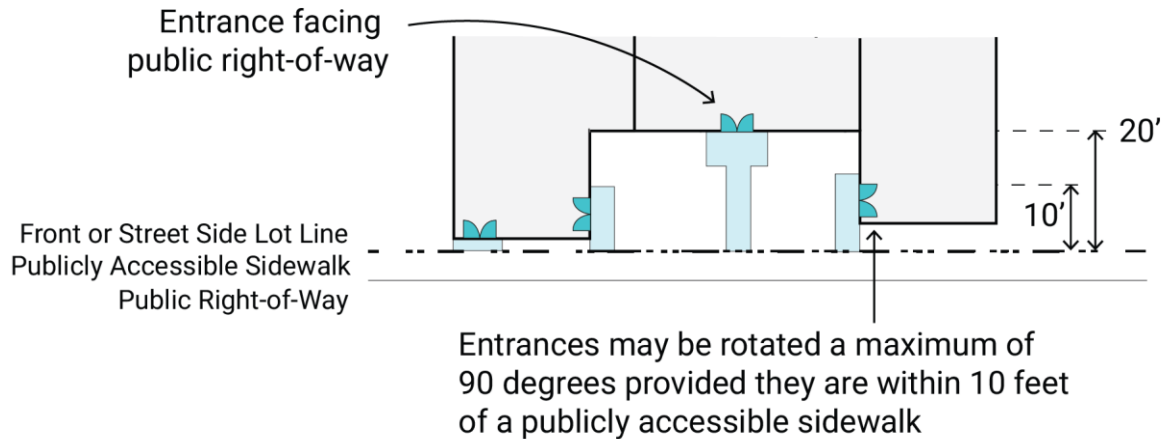


Figure 18.50.050(B)(2)(a)(ii): Non-residential use entrance orientation

- iii. VMU District. In the VMU District, double doors shall be required at the primary building entrance. Transom windows shall be provided above the primary building entrance door.

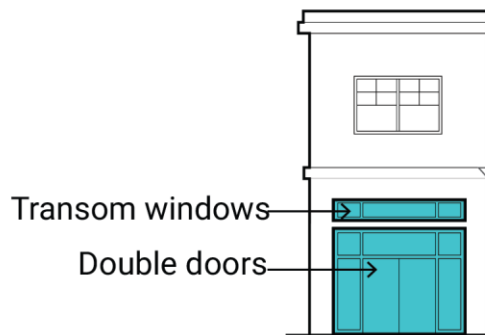


Figure 18.50.050(B)(2)(a)(iii): VMU District primary entrance

- iv. Reductions and Exceptions. A reduction or exception to the applicable objective entrance standard for nonresidential uses may be granted by the decision maker subject to both of the following findings:

- (1) The proposed use has certain operational characteristics with which providing the required entrance(s) is incompatible.
- (2) Building walls facing a public right-of-way exhibit architectural relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.

- b. Residential Uses. Entrances to residential dwelling units shall be designed as individual or shared entrances at the ground floor of the building.

- i. Shared Entrances. All buildings with any exterior entrance that provides access to more than one unit shall provide a minimum of one (1) primary shared entranceway per building in accordance with the following standards.
 - (1) In buildings located within twenty (20) feet of a front or street side lot line, the primary shared entranceway shall be oriented to and facing a public right-of-way.
 - (2) Primary building entranceways of buildings located in the interior of a site shall be connected to a publicly accessible sidewalk by a walkway with a minimum width of four (4) feet.
 - (3) The primary entranceway shall lead to a common area a minimum of ten (10) feet by ten (10) feet.
 - (4) The primary entranceway shall incorporate one (1) or more architectural features such as windows, sidelights, lighting, or signage into the entranceway.
 - (5) The primary entranceway shall be emphasized utilizing at least one (1) of the following methods:
 - (a) A roofed projection over the door (such as an awning, canopy, or overhang) with a minimum depth of four (4) feet.
 - (b) A recessed entry bay with a minimum depth of four (4) feet.
 - (c) A landing, deck, or stoop with a minimum six (6) foot by eight (8) foot area; covered by a recess or projection, or combination thereof, a minimum of three (3) feet in depth.
 - (d) Incorporating the entrance into an architectural feature that extends two (2) or more feet above the height of the first floor plate vertical mass and is projected or recessed a minimum of one (1) foot from the primary wall plane.

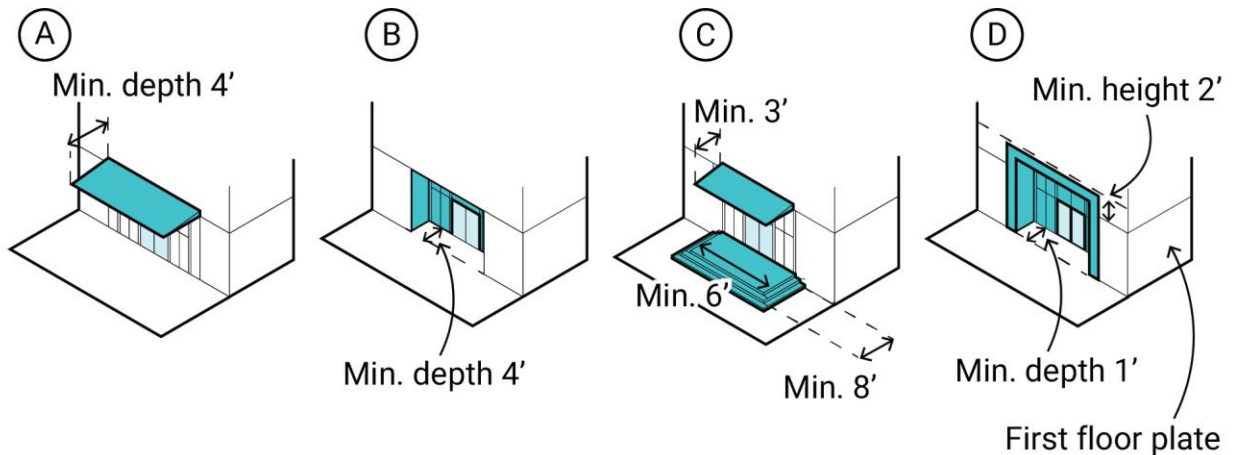


Figure 18.50.050(B)(2)(b)(i)(5): Residential primary entrance emphasis — shared entrances

- ii. Individual Entrances. All units accessed through ground level individual entrances from the exterior shall provide a minimum of one (1) primary individual entranceway per unit in accordance with the following standards.
 - (1) In buildings located within twenty (20) feet of a front or street side lot line, all individually accessed units located along a public right-of-way shall have a primary entranceway oriented to and facing a public right-of-way.
 - (2) All individual primary entrances shall be connected to a publicly accessible sidewalk by a walkway with a minimum width of four (4) feet.
 - (3) All entrances located within ten (10) feet of an adjoining publicly accessible sidewalk shall provide finish floor elevations of between eighteen (18) and forty-two (42) inches above the adjoining sidewalk.
 - (4) The primary entranceway shall include a covered or partially covered landing, deck, porch, or stoop with a minimum four (4) foot by four (4) foot area.
 - (5) The primary entranceway shall be covered by a recess or projection, or combination thereof, a minimum of three (3) feet in depth.

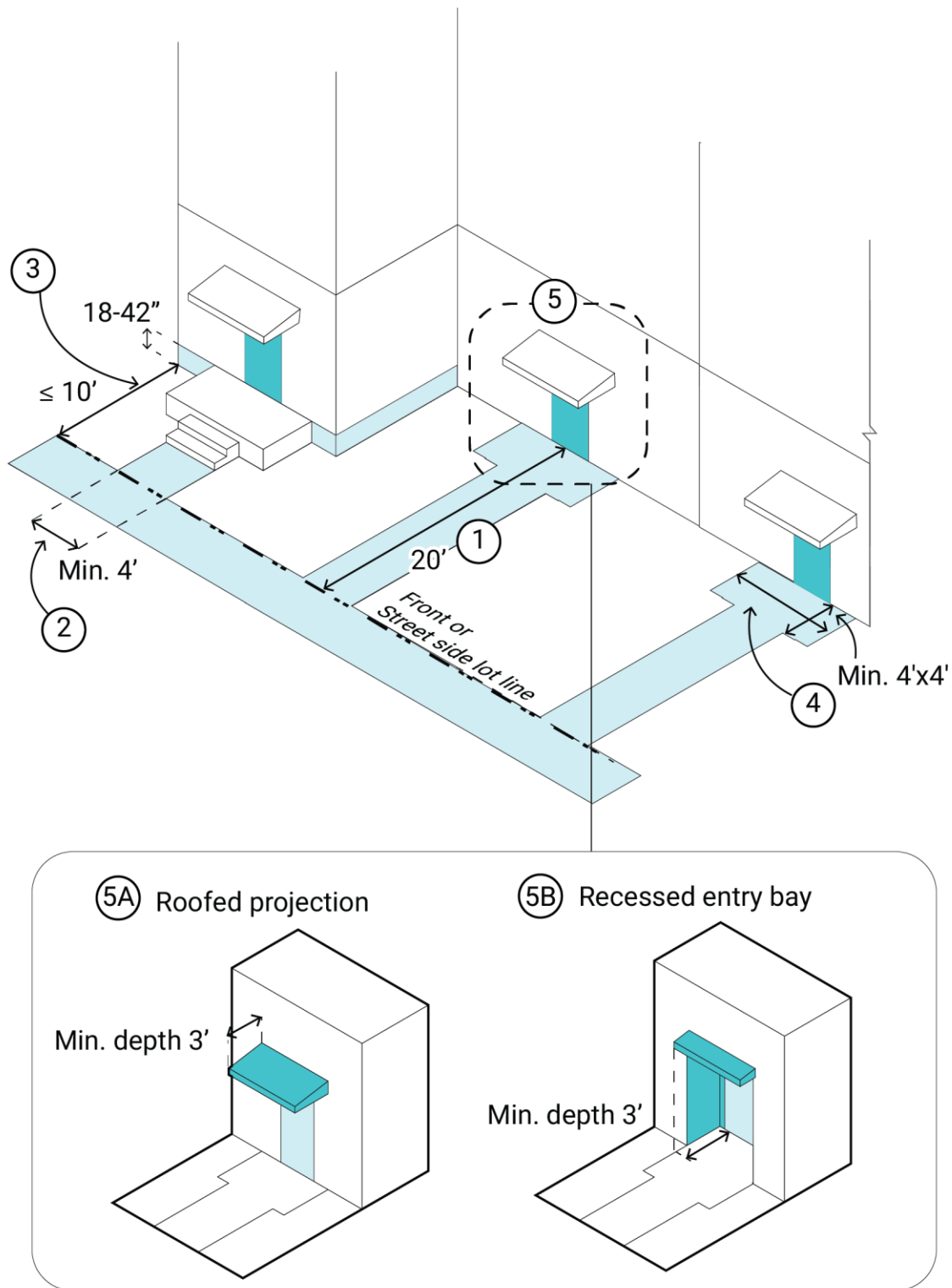


Figure 18.50.050(B)(2)(b)(ii)(5): Residential individual entrances

3. Roof Design and Articulation. Roof lines shall be varied and designed to minimize the bulk of a building, screen roof-mounted equipment, and enhance the building's architectural design through the following methods:

- a. Minimum Depth of Overhanging Eaves. Overhanging eaves, if provided, shall extend a minimum of two (2) feet beyond the supporting wall.
- b. Roof Line Offset. For buildings with two (2) or more stories, a minimum of one (1) roof line offset of at least eighteen (18) inches in height and twenty (20) feet in length shall be provided for every one hundred twenty (120) feet of façade length, except as provided below for parapet roofs.

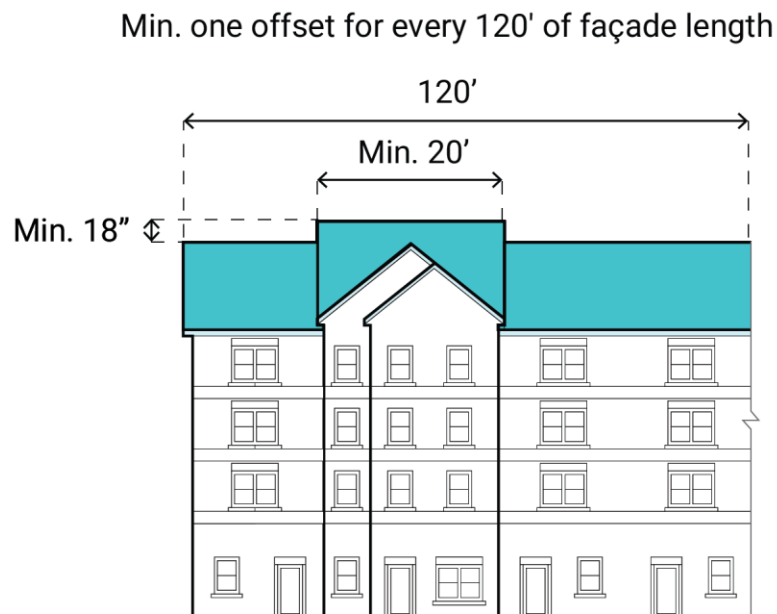


Figure 18.50.050(B)(3)(b): Roof line offset

- c. Parapet Roofs.
 - i. For buildings with two (2) or more stories, parapet roofs shall provide either the minimum offset pursuant to (b) above, or shall provide a roof line offset of at least eighteen (18) inches in depth and twenty (20) feet in length for every one hundred twenty (120) feet of façade length.
 - ii. All parapets shall provide returns of at least six (6) feet in depth at the end of the parapet face to avoid a false front appearance.

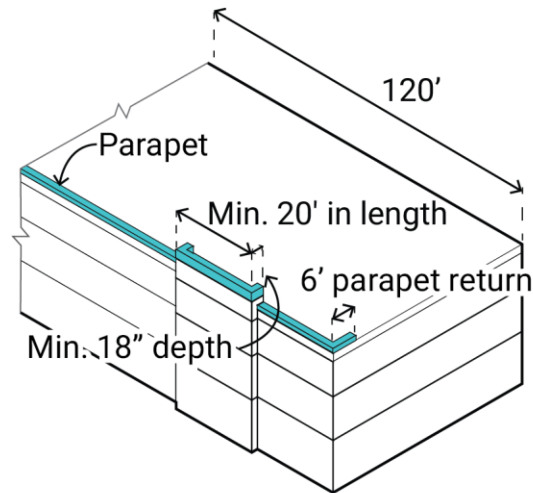


Figure 18.50.050(B)(3)(c): Parapet roofs

- d. Rooftop Equipment. Rooftop equipment shall not be visible from a publicly accessible sidewalk across the street, nor shall be visible from any publicly-accessible area located within fifty (50) feet of the building.
- e. VMU District. In the VMU District, in addition to the standards listed above, roofs shall also meet at least one (1) of the following standards:
 - i. A decorative parapet with a symmetrical appearance shall be provided on all street facing building façades.
 - ii. The roof shall be gabled, cross-gabled, or hipped. Mono pitch roofs are prohibited.

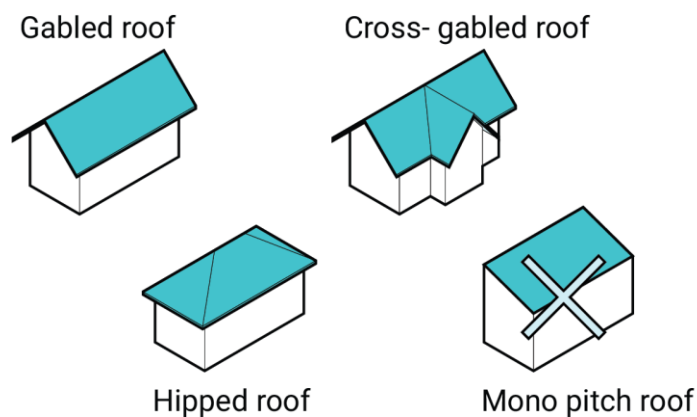


Figure 18.50.050(B)(3)(e)(ii): Roof types — VMU District

- f. Mission Boulevard. Along Mission Boulevard, roofs shall be gabled or hipped and shall have a pitch between 3:12 and 5:12.

4. Building Articulation. Buildings shall include the following design features to create visual variety and avoid a large-scale and bulky appearance:
- a. Façade Articulation. All façades facing a public right-of-way shall include at least one (1) horizontal or vertical projection or recess at least four (4) feet in depth, or two (2) projections or recesses at least two and one-half (2.5) feet in depth, for every fifty (50) horizontal feet of wall. The articulated elements shall be greater than one (1) story in height and may be grouped rather than evenly spaced in fifty (50) foot modules.

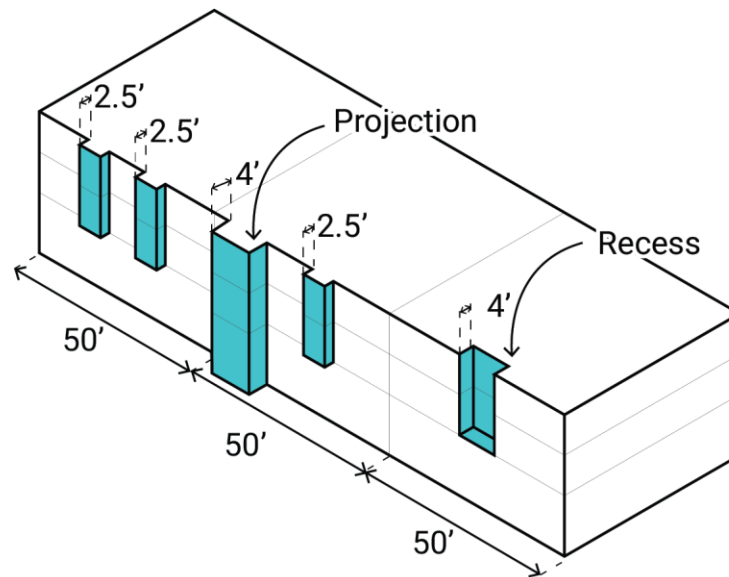


Figure 18.50.050(B)(4)(a): Façade articulation

- b. VMU District. In addition to the façade articulation requirement in subsection (4)(a) above, the following additional façade articulation standards apply in the VMU District.
- i. Façades facing Smith Street, Union City Boulevard, Horner Street, Vallejo Street, and Watson Street shall provide a minimum of one (1) of the following articulation elements every twenty-five (25) to fifty (50) feet:
- (1) A façade wall shift at least two (2) feet in depth and at least the full height of the ground floor.
 - (2) A change in material a minimum of three (3) feet wide and at least the full height of the ground floor.
 - (3) A change in color, bordered with decorative trim, a minimum of twenty-five (25) feet wide and at least the full height of the ground floor.

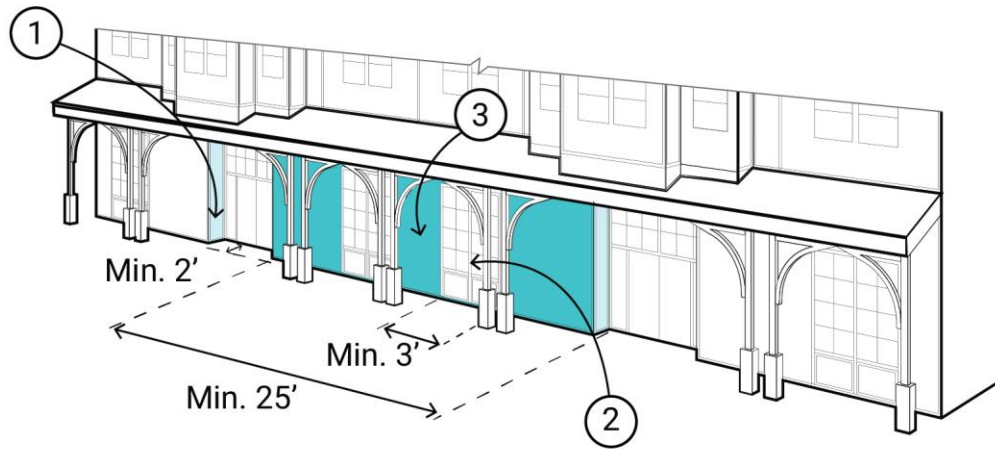


Figure 18.50.050(B)(4)(b)(i): Façade requirements, certain streets — VMU District

ii. Covered walkways or overhangs shall be provided along building frontages on Smith Street, Union City Boulevard, and Horner Street.

(1) Location. The covered walkways or overhangs shall be centered on a main entrance of the building.

(2) Minimum Dimensions. The covered walkways or overhangs shall be a minimum of five (5) feet deep and fifteen (15) feet wide.

(3) Support Columns. Columns supporting covered walkways shall be four (4) inches by six (6) inches in dimension with a defined and differentiated column base and top.

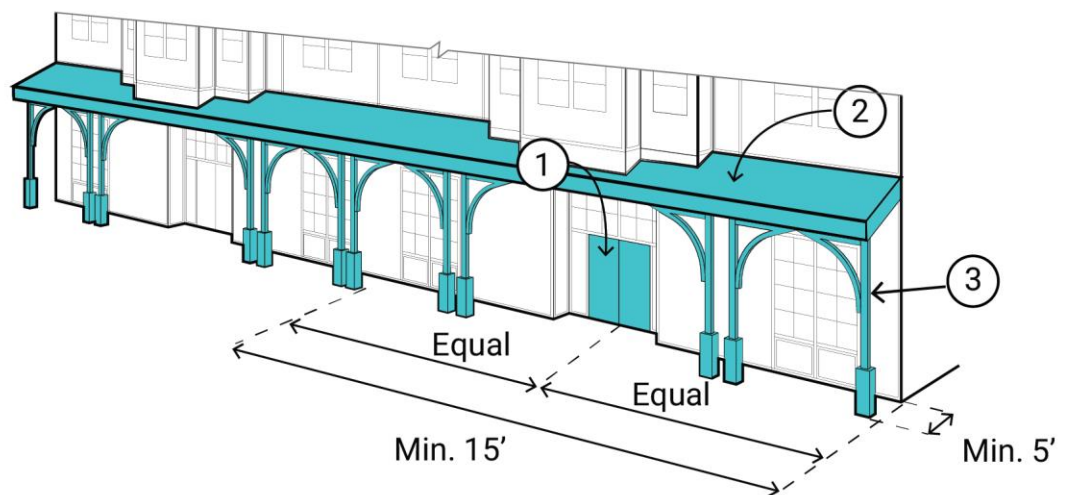


Figure 18.50.050(B)(4)(b)(ii): Covered walkways or overhangs, certain streets — VMU District

- c. Street Facing Façades Along Mission Boulevard. In addition to the façade articulation requirement in subsection (4)(a) above, street facing façades along Mission Boulevard shall incorporate two (2) or more of the following features.
- i. Window bays with a minimum two (2) feet in depth from building façade every fifty (50) horizontal feet.
 - ii. Recesses a minimum of two (2) feet in depth from building façade every fifty (50) horizontal feet.
 - iii. Porches, arcades and loggias over a minimum of twenty-five percent (25%) of the façades with columns a minimum of one (1) foot in width and depth.
 - iv. Curved arches between columns or as part of recesses or projections.
 - v. Arches above doors.
 - vi. Arches over all windows on a minimum of one (1) floor.
 - vii. A lintel at the base of windows.
 - ix. Decorative tile vents.
 - x. Decorative ironwork.
 - xi. Exposed wood beams.
 - xii. Balconies.

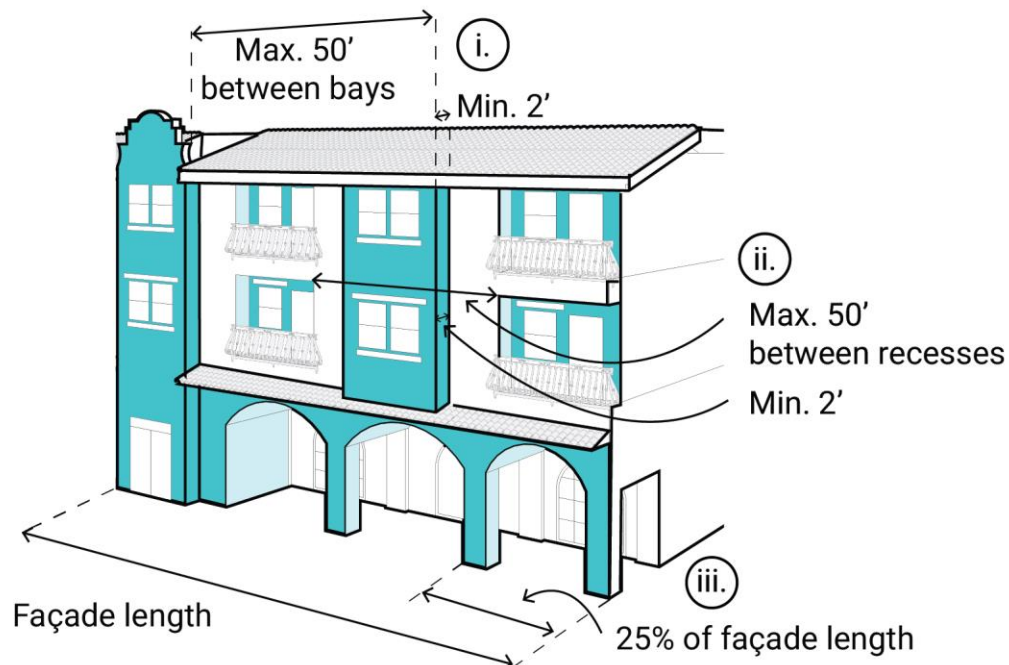


Figure 18.50.050(B)(4)(c): Façades along Mission Boulevard

- d. Townhomes and Rowhouses. The design of townhomes and rowhouses shall be articulated such that individual units are differentiated from each other. In addition to the articulation requirements above, attached side-by-side dwelling units shall meet the following requirements.
 - i. Individual units shall be emphasized through two (2) or more of the following methods.
 - (1) Variations of two (2) feet or more between the horizontal planes of the primary entrance façade of adjacent units.
 - (2) A change in roof orientation between adjacent units (e.g., a gable roof adjacent to a hipped roof).
 - (3) A roofline offset of at least eighteen (18) inches for each unit exposed on the associated elevation.
 - (4) A change in materials.
 - (5) A change in color.

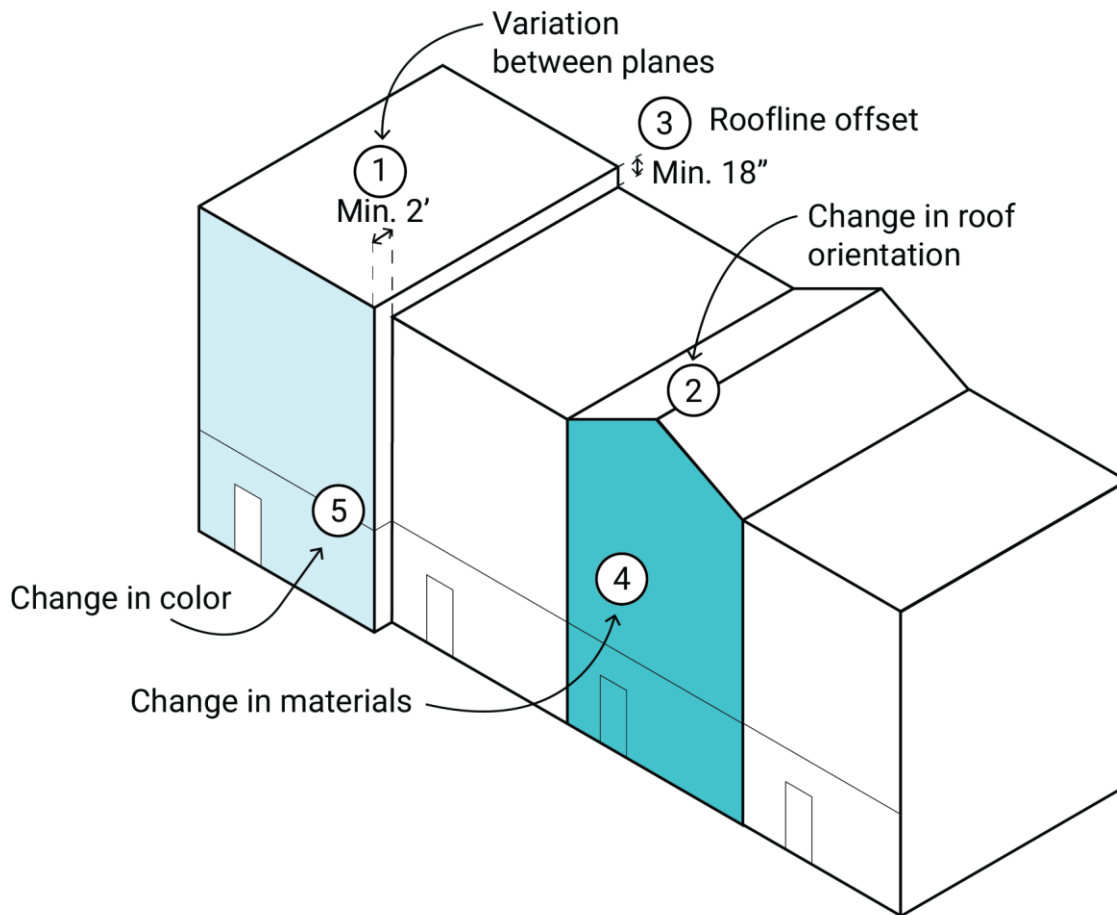


Figure 18.50.050(B)(4)(d)(i): Townhome and rowhouse articulation

5. Façade Design.

a. Façade Detailing.

- i. All building façades shall incorporate details, such as cornices, eaves, trim, changes in materials, projections such as awnings and balconies, or other design elements.

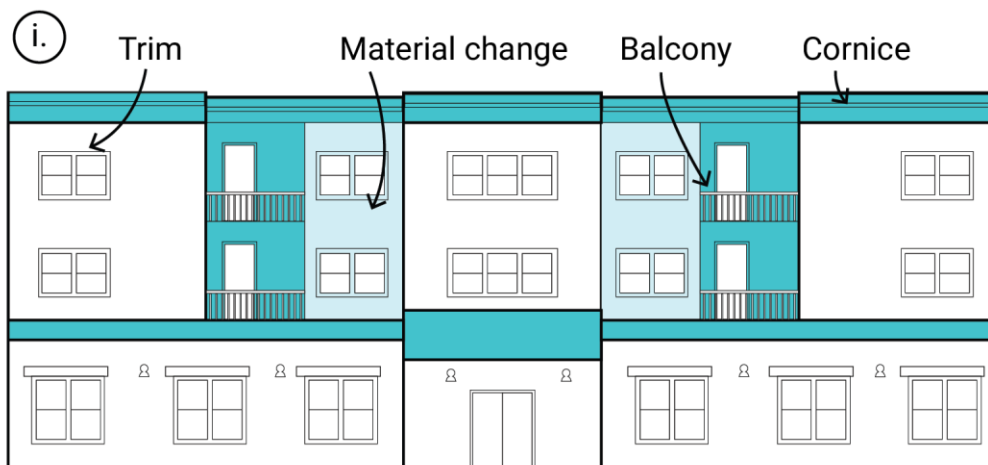


Figure 18.50.050(B)(5)(a)(i): Façade detailing design elements

- ii. No wall facing a public right-of-way shall run in a continuous plane of more than thirty (30) feet without a window, door, or other opening.
- iii. Horizontal building elements, such as cornices, eaves, trims, and expansion gaps that create visible horizontal lines shall be aligned within three (3) feet of like buildings elements on the same façade.

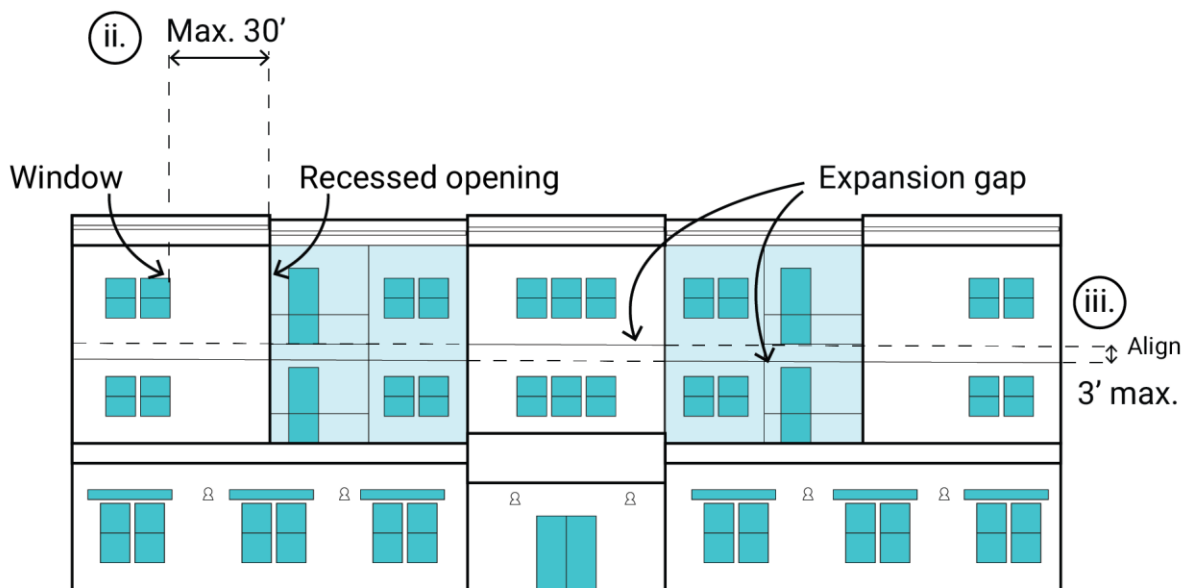


Figure 18.50.050(B)(5)(a)(iii): Building element alignment

- iv. Building vents, gutters, lighting, and exterior equipment that are part of the exterior façade shall be aligned horizontally and vertically with like elements and with other building façade details on the same façade.

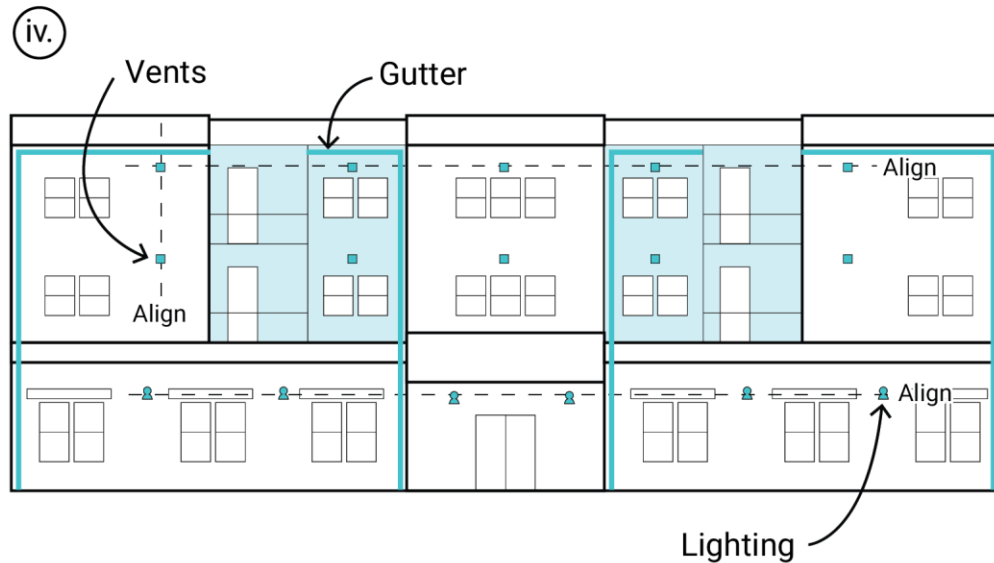


Figure 18.50.050(B)(5)(a)(iv): Building equipment alignment

b. Exterior Building Colors and Materials.

- i. Factory-processed color finishes, such as baked enamel, shall be provided on all exterior metal surfaces.
- ii. VMU District. In the VMU District, a minimum of seventy-five percent (75%) of the building siding shall be one (1) of the following materials:
 - (1) Horizontal or vertical wood siding, tongue-in-groove, or shiplap.
 - (2) Board and batten siding.
- iii. Mission Boulevard. Buildings on parcels along Mission Boulevard shall include each of the following exterior materials:
 - (1) Barrel tile roof.
 - (2) Stucco walls.
 - (3) Raised brick or stone foundation.
- iv. Exterior Materials, Other Areas. In areas outside of the VMU District and buildings not located on parcels along Mission Boulevard, exterior building materials shall be chosen based on durability, ease of maintenance, and context. Permitted materials shall include the following:
 - (1) Steel—Porcelain enamel panels, steel windows, steel exterior doors, steel rails and fences, painted, stainless or pre-weathered steel.

- (2) Aluminum—Windows, panels (luco-bond and aluminum plate), storefront, curtain wall, doors; aluminum shall be natural finish anodized, powder-coated or kynar (no bronze anodized).
- (3) Decorative Metals-including copper, brass, bronze, and stainless steel.
- (4) Glass—Clear, low-e, nonreflective, solar-bronze or solar gray glass, shadow boxes and spandrel glass is permitted.
- (5) Brick, natural clay.
- (6) Stone.
- (7) Pre-cast concrete, glass-fiber reinforced concrete.
- (8) Cast-in-place concrete.
- (9) Ceramic tile.
- (10) Cement plaster.
- (11) Wood.

6. Windows and Openings.

- a. Nonresidential Uses: Building Transparency/Required Openings. Exterior walls facing and within twenty (20) feet of a front or street side lot line or publicly accessible sidewalk shall include windows, doors, or other openings for at least forty percent (40%) of the building wall area of grocery stores and fifty percent (50%) of the building wall area of other uses located between two and a half (2.5) and seven (7) feet above the level of the sidewalk.

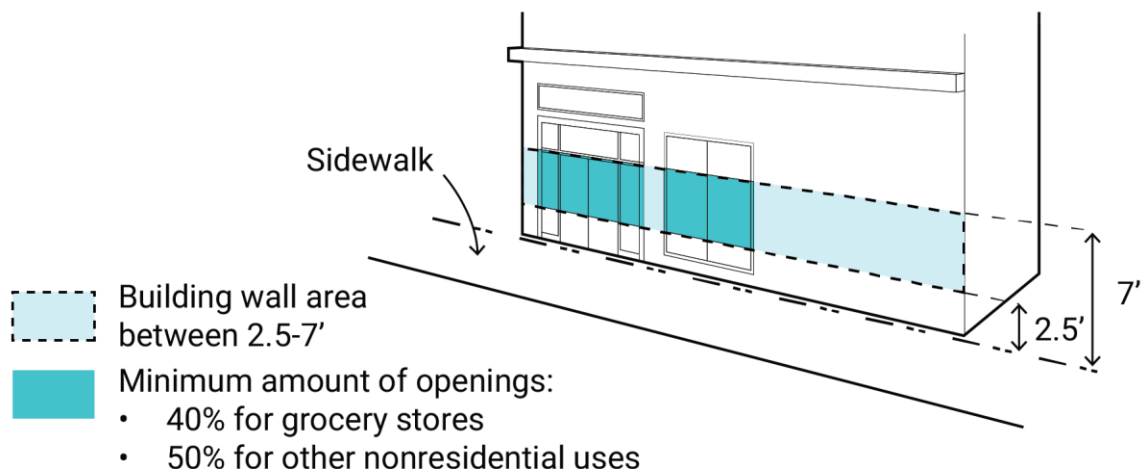


Figure 18.50.050(B)(6)(a): Nonresidential window openings and transparency

- i. Design of Required Openings. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three (3) feet deep.

- (1) VMU District. In the VMU District, Ground floor windows shall start two (2) to three (3) feet off the ground and extend above door sill height.

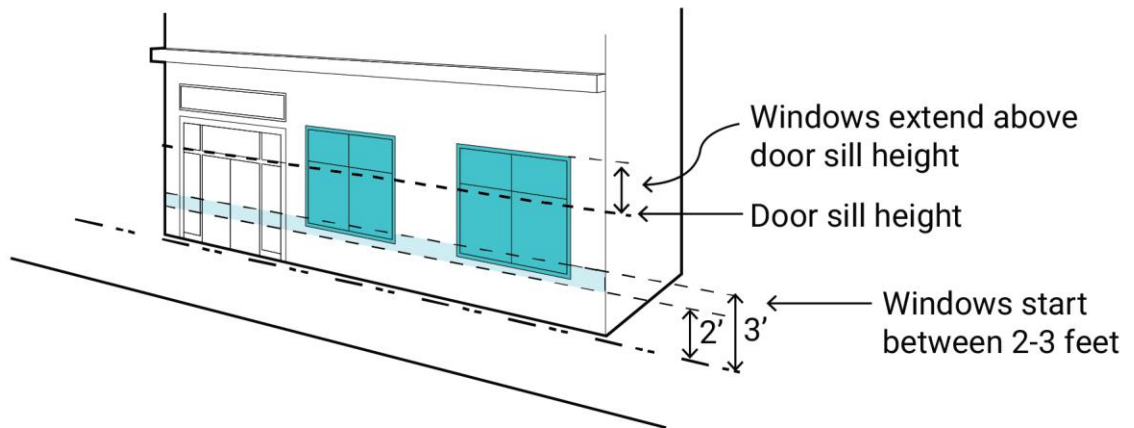


Figure 18.50.050(B)(6)(a)(i)(1): Ground floor windows — VMU District

- ii. Reductions and Exceptions. A reduction or exception to the applicable objective building transparency standard for nonresidential uses may be granted by the decision maker subject to both of the following findings:
 - (1) The proposed use has certain operational characteristics with which providing the required windows and openings is incompatible.
 - (2) Street-facing building walls exhibit architectural relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.
- b. Residential Uses: Window Trim or Recess. Windows for residential uses shall have trim at least three (3) inches wide and one-half (0.5) inch in depth, or be recessed at least two (2) inches from the plane of the surrounding exterior wall.

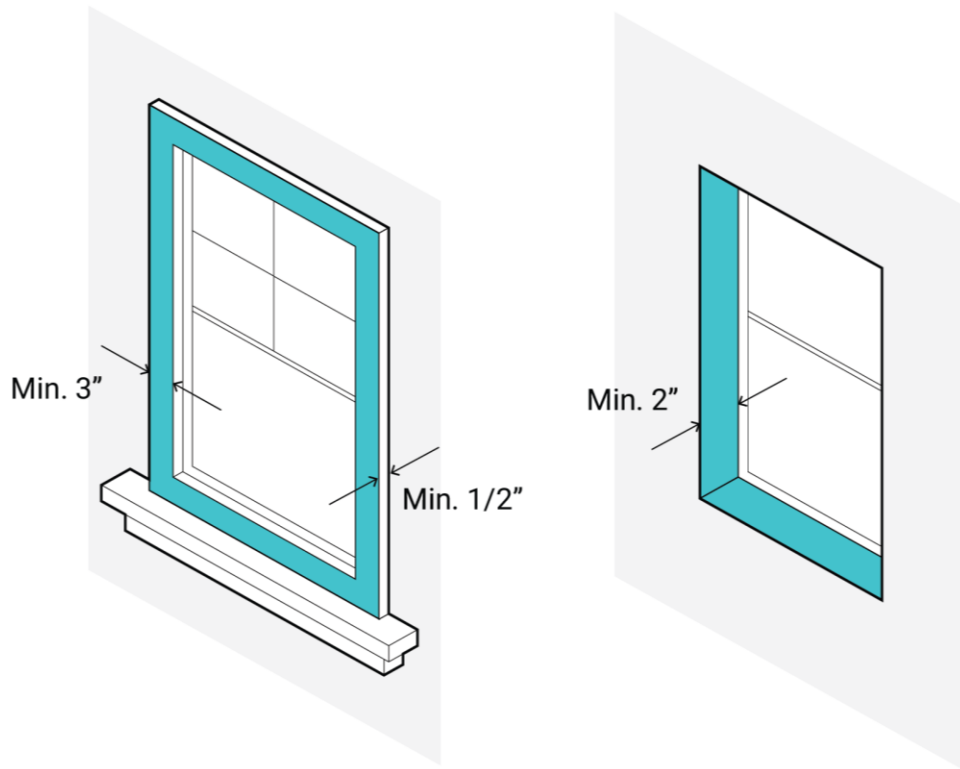


Figure 18.50.050(B)(6)(b): Residential window detail

- c. Residential Uses: Transparency/Required Openings for Common Spaces. Exterior walls of common spaces, such as lobbies and community spaces, within twenty (20) feet of a front or street side lot line or publicly accessible sidewalk shall include windows, doors, or other openings for at least thirty percent (30%) of the building wall on which they are adjacent, between two and a half (2.5) feet and seven (7) feet above the level of the sidewalk.

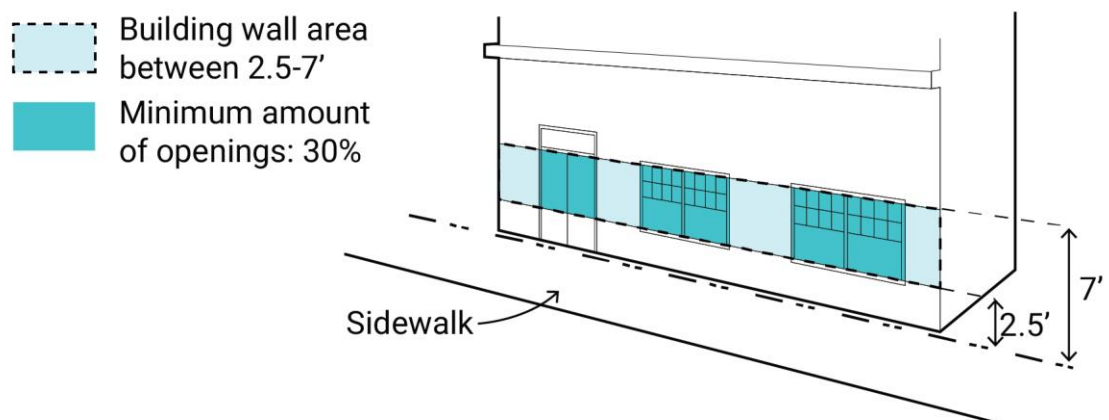


Figure 18.50.050(B)(6)(c): Window opening and transparency, residential common spaces

C. Space Requirements.

1. Residential Uses.

- a. Minimum Ground Floor Height. The minimum ground floor height for residential uses is ten (10) feet measured floor to floor.

2. Nonresidential Uses.

- a. Minimum Ground Floor Height. For nonresidential spaces planned for a restaurant use, the minimum ground floor height limit is eighteen (18) feet measured floor to floor. The minimum ground floor height for nonresidential spaces planned for uses other than restaurants is fifteen (15) feet measured floor to floor.

- b. Minimum Tenant Space Depth.

- i. Generally. Nonresidential ground floor interior tenant spaces shall be a minimum of thirty-five (35) feet in depth.
 - ii. Planned Restaurant Use. For nonresidential spaces that have a planned restaurant use, the minimum depth shall be sixty (60) feet for at least fifty percent (50%) of the width of the tenant space or twenty-five (25) feet, whichever is wider.
 - iii. Reductions and Exceptions. A reduction or exception to the applicable objective minimum depth standard may be granted by the decision maker if a finding can be made that the site is small or constrained.
- c. Required Restaurant Space. For lots larger than twenty thousand (20,000) square feet, a minimum of twenty-five percent (25%) of the ground floor nonresidential area of mixed-use development shall be designed to accommodate a restaurant use. Restaurant uses require grease traps, a minimum of one (1) restroom per tenant, a separate ventilation system, and an enclosure for waste receptacles.
- d. Indoor/Outdoor Connections. The design of ground floor commercial uses in the MMU, SEMU-R, and CSMU Districts shall promote indoor/outdoor connections by providing at least one (1) of the following:
 - i. Sliding or removable windows/doors.
 - ii. Low planters with seat walls a minimum width of twelve (12) inches.
 - iii. Entrances, recessed a minimum of four (4) feet, and porticos that allow outdoor seating or display.

- iv. Awnings and canopies that may encroach into the public right-of-way subject to approval of an encroachment permit by the Public Works Department.
- 4. Required Residential Amenities. Amenities that enhance the livability of the project shall be provided.
 - a. Activity Areas. Private and common open spaces, playground or outdoor active recreation facility, such as a lap pool.
 - i. Amount of Activity Area.
 - (1) RM Districts. In RM Districts, a minimum of one hundred fifty (150) square feet of activity area shall be provided per dwelling unit.
 - (2) Other Districts. In Districts other than RM Districts, a minimum of sixty (60) square feet of activity area shall be provided per dwelling unit.
 - ii. Configuration of Activity Area.
 - (1) Required activity area shall be provided as a combination of private open space and common open space or indoor activity space as follows:
 - (a) A minimum of seventy-five percent (75%) of units located above the ground level shall be provided private open space above the ground level (i.e., balconies) consistent with Subsection 4.a.iii, Private Open Space, below. An exception to this objective activity area configuration standard may be granted by the decision maker if a finding can be made that alternative configurations of activity area suited to the needs of the residents are provided.
 - (b) The balance of the required activity area shall be provided outdoors as private open space or common open space that meet the standards of this Section. Common indoor activity space may substitute outdoor activity area for up to fifty percent (50%) of the required area, as follows.
 - (i) Outdoor activity area may be substituted by common indoor activity space at a rate of two (2) feet of common indoor activity space provided for every one (1) foot of required outdoor activity area.
 - (2) The required activity area shall be located on the same lot as the associated residential dwelling units. An exception to this objective activity area location standard may be granted by the decision maker if a finding can be made that an activity area is on a separate common lot within the development that can effectively be used by residents.
 - (3) No portion of required activity area shall be used for storage, driveways, or vehicle parking and loading facilities.

iii. Private Open Space. Private open space provides open space areas for the exclusive use of the occupants of an individual dwelling unit and includes but is not limited to balconies, decks, terraces, patios, fenced yards, and other similar private areas.

(1) Minimum Dimensions. Private open space located on the ground level (e.g., yards, decks, patios) shall be a minimum of eight (8) feet by eight (8) feet. Private open space located above ground level (e.g., balconies) shall be a minimum of five (5) feet by five (5) feet.

(2) Accessibility. Private open space shall be accessible to only one (1) dwelling unit by a doorway to a habitable room or hallway.

(3) Surfacing. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of groundcover, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Surfaces shall not exceed a ten percent (10%) slope.

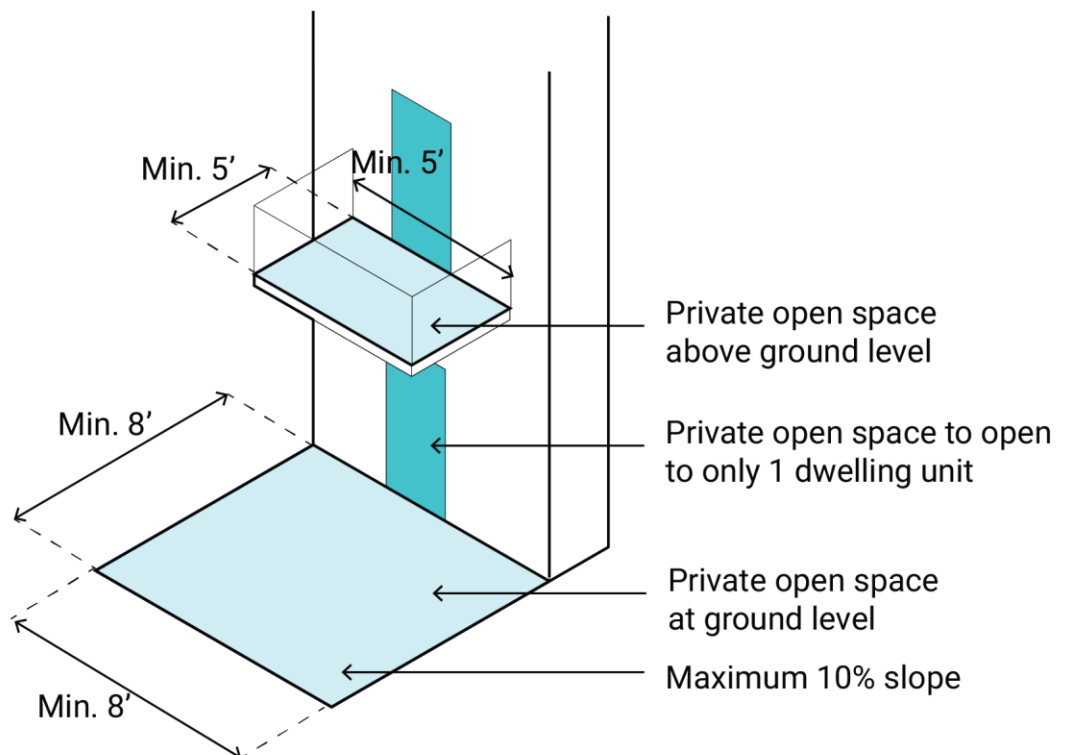


Figure 18.50.050(C)(4)(a)(iii): Private open space

iv. Common Open Space. Common open space provides open space areas for recreation and enjoyment with shared access for all building occupants. Common open space includes but is not limited to courtyards, terraces, pet areas, gardens, plazas, landscaped areas, patios, swimming pools, barbeque areas, athletic courts or fields, playgrounds, recreation areas, rooftop amenities, and other similar outdoor common areas intended for shared use by building occupants.

(1) Minimum Dimensions. Common open space shall be a minimum of twenty (20) feet by twenty (20) feet.

(2) Accessibility. Common open space shall be accessible to all building occupants. A minimum seven (7) foot-wide passageway, shall be provided to any required common open space. The passageway shall contain a minimum four (4) foot wide walkway and any area not included in the walkway shall be landscaped.

(3) Surfacing. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of groundcover, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing. Surfaces shall not exceed ten percent (10%) slope.

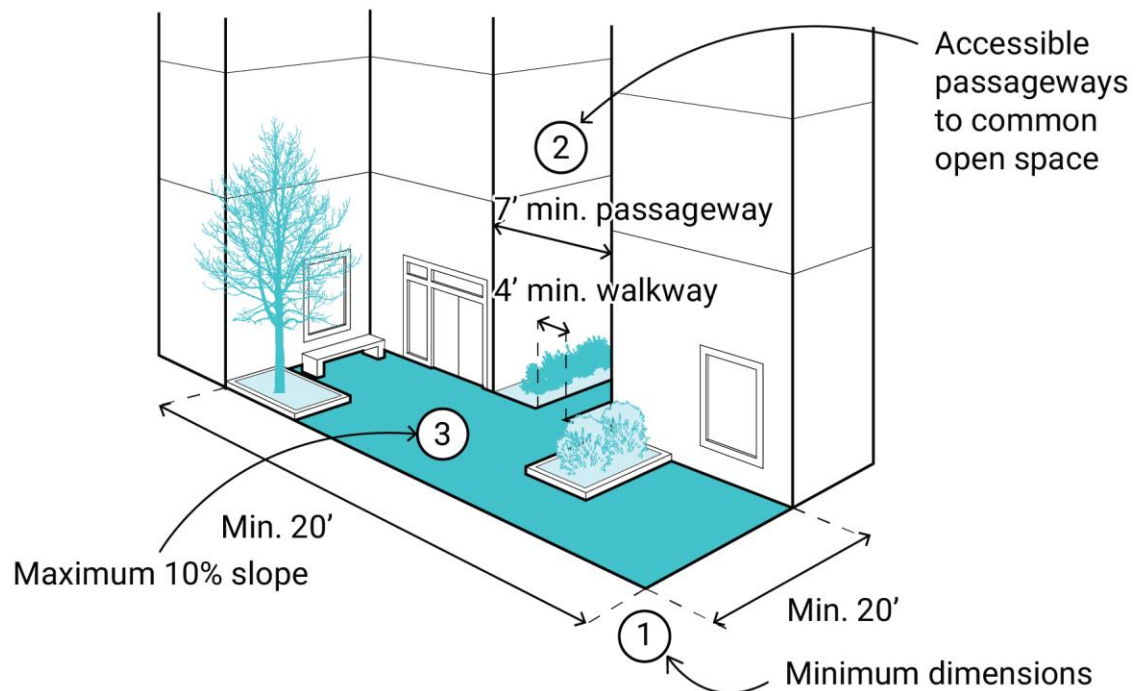


Figure 18.50.050(C)(4)(a)(iv): Common open space

- v. Common Indoor Activity Space. Common indoor activity space provides indoor amenity with shared access for all building occupants. Common indoor activity space includes but is not limited to fitness centers, shared workspaces, study rooms, conference and community rooms, joint eating and cooking areas, indoor play areas, screening room, and other similar common areas intended for shared use by building occupants.
 - (1) Minimum Dimensions. Common indoor activity space shall be a minimum of twenty (20) feet by twenty (20) feet. A reduction to this objective dimensional standard may be granted by the decision maker if a finding can be made that a usable activity area of lesser size is adequate to serve the residents.
 - (2) Accessibility. Common indoor activity space shall be accessible to all building occupants.
- b. Other Amenities. In addition to the required activity area above, projects shall include at least two (2) of the following amenities.
 - i. In-unit washer and dryer.
 - ii. Enclosed, lockable storage space at least two hundred (200) cubic feet in size with minimum dimension of four (4) feet by eight (8) feet for a minimum of fifty percent (50%) of the units.
 - iii. On-site child care facility.
 - iv. Provision of car sharing service, including parking spaces. Car share parking spaces shall be accessible to car share subscribers twenty-four (24) hours a day, seven (7) days a week.
- c. Reductions and Exceptions. A reduction or exception to the applicable objective residential amenity standard may be granted by the decision maker if a finding can be made that alternative amenities that are comparable in value and benefit residents are provided.

D. Site Design Requirements.

- 1. Frontage Improvements. Frontage improvements consistent with the General Plan, Bicycle and Pedestrian Master Plan, applicable Specific Plan and/or development strategy, Subdivision Improvement Standards, and any other applicable standard or requirement of the City shall be provided for all subdivisions, new construction, and additions of ten thousand (10,000) square feet or more of gross floor area.
- 2. Public Open Space. Where provided, public open spaces shall be consistent with the following standards.

- a. Line the edges of blocks with buildings to frame public open space by placing building edges along a minimum of fifty percent (50%) of the open space perimeter.
- b. Provide direct access from a publicly accessible sidewalk to public open spaces. Do not locate ground level public open space accessible only from inside the building.
- c. Tree canopies or permanent shade structures shall provide shade for at least twenty-five percent (25%) of open space areas.

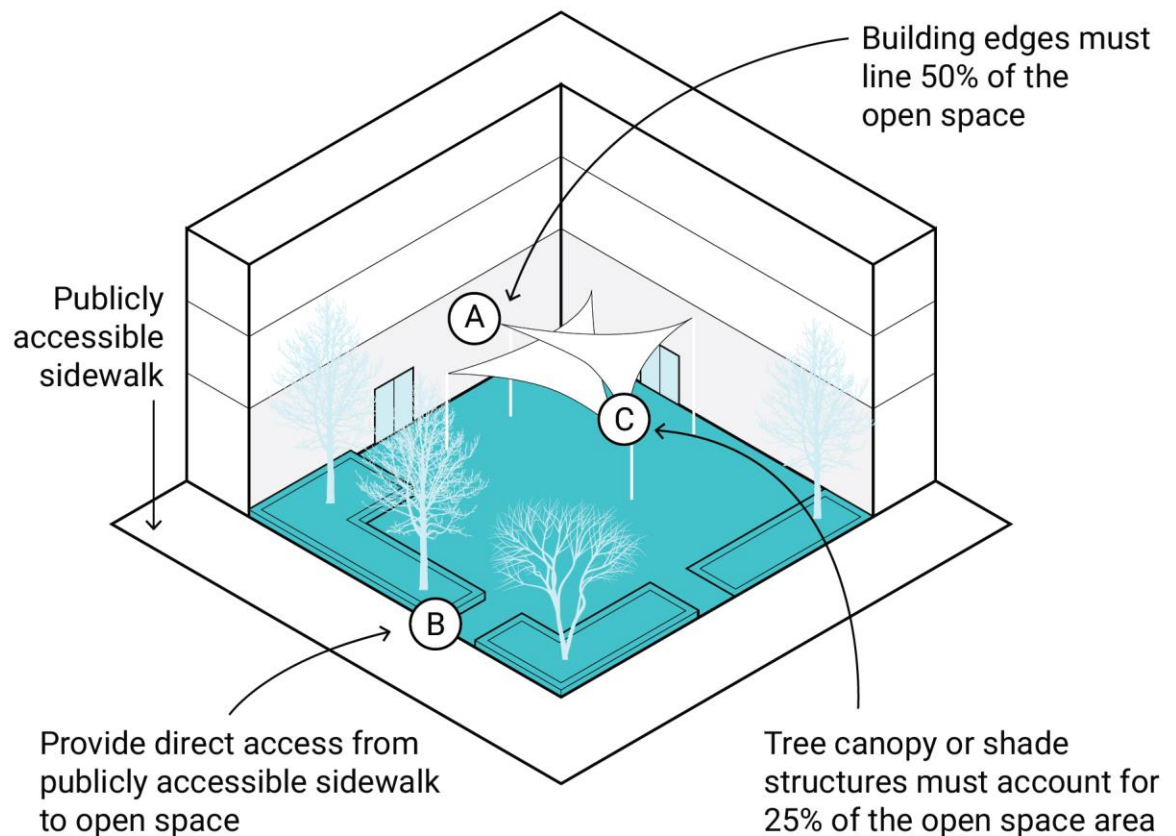


Figure 18.50.050(D)(2): Public open space site design

- d. Paseos. Public open space designed as a paseo shall be consistent with the following standards.
 - i. Within the SEMU-R zoning district: for the portions of the buildings that front onto a paseo and have a length longer than ninety (90) feet and where the paseo is less than forty (40) feet in width, the surface area of third floor and fourth floor paseo-facing walls shall be no more than eighty-five percent (85%) of the surface area of the first-floor paseo-facing wall.

- (1) The surface area of a wall is calculated as the length of the building wall of the applicable floor multiplied by the height of that floor.

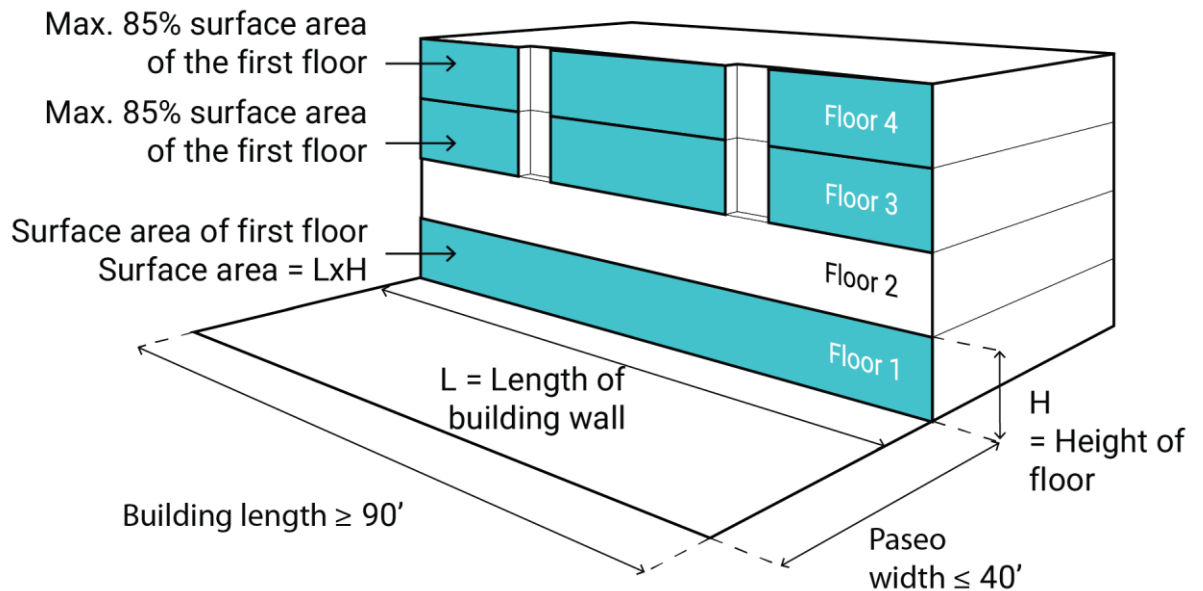


Figure 18.50.050(D)(2)(d)(i): Paseo standards — SEMU-R District

- ii. Paseos in zoning districts other than SEMU-R shall have a minimum width of forty (40) feet.
 - iii. Paseos shall have end to end visibility, and align and connect with streets, other paseos or paths.
 - iv. Paseos shall have a minimum lighting level of one (1.0) foot-candle.³ Roof Deck Planting. Planting on roof decks requires a minimum soil depth of twenty-four (24) inches for shrubs, perennials, and ground cover and a minimum of forty-two (42) inches for trees.
 - a. Reductions and Exceptions. A reduction to the applicable objective soil depth standard may be granted by the decision maker if a finding can be made that a reduced soil depth is adequate to support the proposed planting in good growing condition.
4. Lighting.
- a. Minimum Lighting. A minimum of one (1.0) foot-candle lighting level shall be provided for all walkways throughout the site and in all parking areas. Motion sensors shall be provided for areas inside and directly adjacent to trash enclosure areas.

- b. **Maximum Height of Freestanding Lighting Standards.** The maximum height of a freestanding lighting standard in pedestrian areas and courtyards is sixteen (16) feet. Lighting shall be shielded from adjacent residential windows and private outdoor areas.
- c. **Attached Fixtures.** Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.

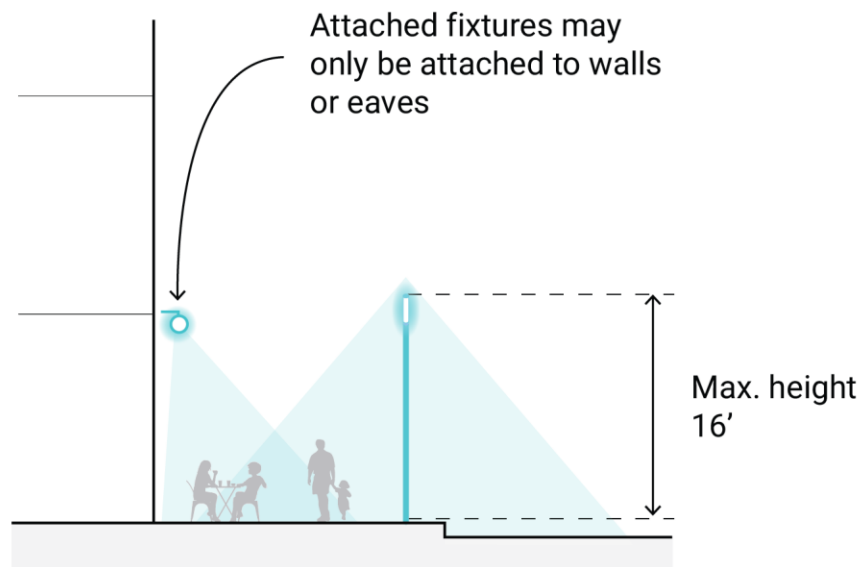


Figure 18.50.050(D)(4): lighting fixture design

- 5. **Utilities.** All new transformers, switching boxes, and similar appurtenances and utility equipment shall be located below-grade, in closets or interior of buildings, or in locations not visible from public right-of-way, unless prohibited by the utility provider. When screened within an enclosure, the enclosure shall have walls matching the material and color of the nearest building, be located no closer to the street than a building, and be surrounded by landscaping such as trees, shrubs, and climbing vines, that screen the enclosure, unless prohibited by the utility provider.
 - a. **Reductions and Exceptions.** A reduction or exception to the applicable objective utility standard may be granted by the decision maker if a finding can be made that the proposed design reduces the visual impact of utilities to the greatest extent feasible.
- 6. **Vehicle Parking.**
 - a. **Access.**

- i. Access to parking facilities shall be from an alley or secondary street, wherever such alley or secondary access is feasible.
 - (1) Additional Access Limitations, CSMU District. The following additional access limitations apply in the CSMU District.
 - (a) Driveway entries/exits shall be prohibited on Decoto Road.
 - (b) Driveway entries/exits shall be prohibited on Eleventh Street, Union Square, and Railroad Avenue wherever access to parking facilities from another street or alley is feasible.
- ii. Driveway entries/exits shall be located at least twenty-five (25) feet from any primary building entrance facing the same street frontage.
- iii. Sidewalk material and grade shall be maintained as the sidewalk crosses a driveway.
- iv. Driveway pavement shall be enhanced with one (1) of the following treatments:
 - (1) Textured concrete banding. A concrete area border created with a different textured finish than the inner concrete area.
 - (2) Trowel finish banding. A concrete area border created with a trowel finish.
 - (3) Stamped concrete. Patterned concrete or imprinted concrete created by using rubber stamps or similar method to imprint patterns into the concrete.
 - (4) Integral concrete. Concrete mixed with finely ground iron oxide pigments, called integral colors, before it is poured.
 - (5) Broom finish. Rough textured finished obtained by dragging a broom on the trowelled surface of the concrete while the concrete is still fresh.
 - (6) Salt finish. A rough textured, slip-resistant surface on freshly poured concrete created by inserting coarse rock salt crystals into the wet concrete.
 - (7) Exposed aggregate finish. A rough textured surface on concrete created with a top layer of exposed aggregate.
 - (8) Trowel joints. Textured surface created using a tool with a flat blade designed to spread concrete, mortar, or plaster.



Figure 18.50.050(D)(6)(a)(iv): Driveway pavement treatment

- v. Surface parking lots with twenty-five (25) or more parking spaces shall provide a pedestrian walkway between rows of parking and extending to the main building entry. The walkway shall be of a different paving material than the drive aisles and parking spaces and be separated from ends of parking spaces by a raised curb at least six (6) inches high.
 - (1) Surface Parking Prohibited, CSMU District. Parking in the CSMU District is required to be structured. Parking lots are not allowed after the initial phases of development.
- b. Parking Structures. Parking structures shall be fully screened using decorative screening, or other decorative elements constructed of durable, high-quality materials or trellis structures with integrated irrigation that support vertical planting shall be provided on all parking structure façades that are visible from any public right-of-way.
- c. Residential Districts.
 - i. Structured Parking — Location. Any parking within a structure with three (3) or more feet above ground shall be located a minimum of forty (40) feet from the primary street facing lot line. For lots with multiple street frontages, the primary street facing lot line shall be that abutting the street with the highest roadway classification or, in the case of streets with equal roadway classifications, the street with the highest number of pedestrian building entrances on the block. This requirement does not apply to garages that accommodate parking for a single dwelling unit.
 - (1) Reductions and Exceptions. A reduction or exception to the applicable objective residential parking facility standard may be granted by the decision maker subject to both of the following findings:

- (a) The design incorporates habitable space built close to the publicly accessible sidewalk to the maximum extent feasible.
- (b) The site is physically constrained such that underground parking or above ground parking located more than forty (40) feet from the primary street frontage is not feasible.

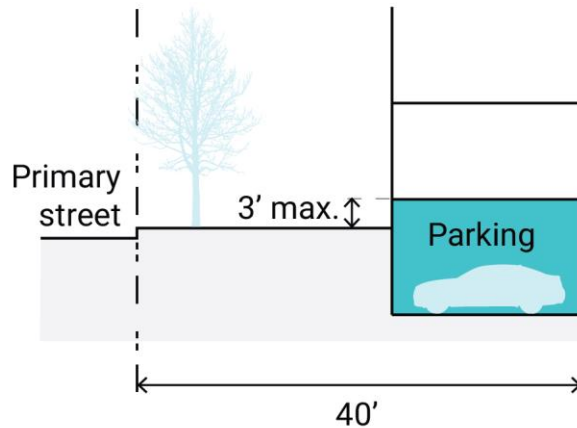


Figure 18.50.050(D)(6)(c)(i): Structured parking location limitation — residential districts

- ii. Above Ground Parking — Maximum Parking Frontage. On lots fifty (50) feet or wider, the total width of above ground parking areas visible from the public right-of-way, including open parking, carports, and garages, shall not exceed forty percent (40%) of any public right-of-way frontage.

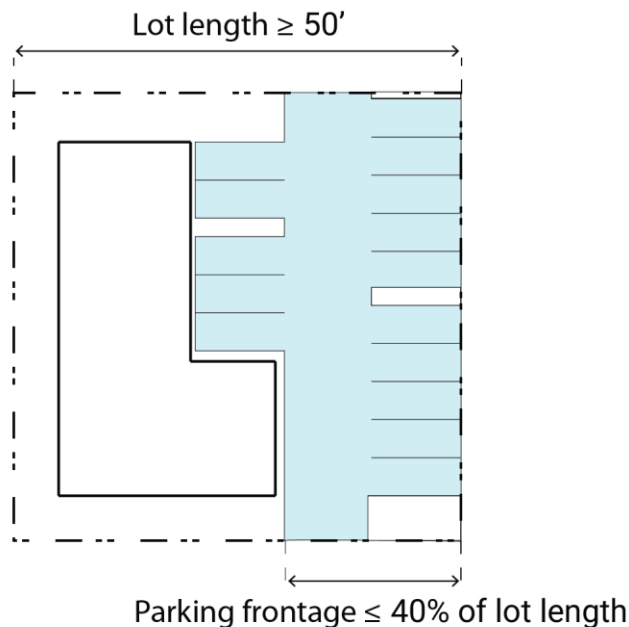


Figure 18.50.050(D)(6)(c)(ii): Above ground parking frontage limitation — residential districts

(1) Reductions and Exceptions. A reduction or exception to the applicable objective above ground parking frontage standard may be granted by the decision maker to allow a greater width subject to both of the following findings:

(a) The lot is constrained such that limiting the visibility of above ground parking to forty percent (40%) of the public right-of-way frontage is not feasible.

(b) Landscaping and other treatments have been incorporated to minimize the visibility of above ground parking from the public right-of-way frontage.

iii. Individual Garage Design. The following shall apply to all entrances of garages that accommodate parking for a single dwelling unit.

(1) Garage entrances located on street facing building frontages shall be recessed a minimum of twelve (12) inches behind the front elevation wall plane.

(2) All garage doors within the project shall be a fully insulated metal or fiberglass roll-up design with baked-on finish and installed with automatic door openers. Top window bands are allowed.

(3) The applicant and/or property owner shall provide multiple garage door designs for the development. Identical garage door designs shall not be located adjacent to one another.

d. Districts Other Than Residential Districts. In all districts other than Residential Districts, the following shall apply:

i. Limitations on Location of Parking. Above ground parking and any parking within a structure with three (3) or more feet above ground, shall be located a minimum of forty (40) feet from the primary street facing lot line. For lots with multiple street frontages, the primary street facing lot line shall be that abutting the street with the highest roadway classification or the street with the highest number of pedestrian building entrances.

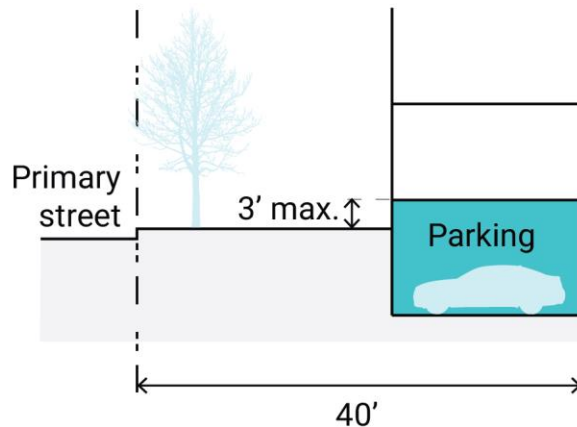


Figure 18.50.050(D)(6)(d): Parking location limitation — other districts

(1) Reductions and Exceptions. A reduction or exception to the applicable objective limitation on location of parking standard may be granted by the decision maker subject to both of the following findings:

(a) The design incorporates conditioned, usable space, or active open space close to the publicly accessible sidewalk to the maximum extent feasible.

(b) The site is physically constrained such that underground parking or above ground parking located more than forty (40) feet from the primary street frontage is not feasible.

7. Pedestrian Access. On-site pedestrian circulation and access shall be provided according to the following standards.

a. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

b. Circulation Network. On-site walkways shall be connected to the publicly accessible sidewalk and other planned or existing pedestrian routes. An on-site walkway shall connect the primary building entry or entries to a publicly accessible sidewalk on each street frontage.

c. Transit. Where transit stops are located adjacent to the lot frontage, pedestrian connections shall be provided from the transit stop to the primary building entrance of all buildings on the lot.

d. Pedestrian Walkway Design.

- i. Walkways shall be a minimum of four (4) feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material. Walkways shall be ADA compliant.
 - ii. Where a required walkway crosses parking areas or loading areas, it shall be clearly identifiable through the use of a raised crosswalk, a different paving material, striping, or similar method.
 - iii. Where a required walkway is parallel and within two (2) feet of an auto travel lane, it shall be raised or separated from the auto travel lane by a physical barrier consisting of a raised curb at least four (4) inches high.
- e. Reductions and Exceptions. A reduction or exception to the applicable objective public access standard may be granted by the decision maker if a finding can be made that adequate and safe pedestrian access is provided to and throughout the site.

Chapter 18.26 MARKETPLACE MIXED USE (MMU) DISTRICT

18.26.150 Design criteria.

A. All development shall comply with Section 18.24.050.

18.26.190 Off-street parking.

A. Off-street automobile parking shall be provided consistent with the following standards.

Vehicular Parking Requirements	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Allowed
1. Residential		
Studio	0.75 space/dwelling unit	1.25 spaces/dwelling unit
1 Bedroom	1.0 space/dwelling unit	2.0 spaces/dwelling unit
2 Bedroom	1.25 spaces/dwelling unit	2.0 spaces/dwelling unit
3+ Bedroom	1.5 spaces/dwelling unit	2.5 spaces/dwelling unit
2. Affordable Housing		
	0.5 space/bedroom	2.0 spaces/dwelling unit
3. Nonresidential		
Retail	1.0 space/300 square feet	1.0 space/200 square feet
Office	1.0 space/300 square feet	1.0 space/250 square feet
Other Uses	See Section 18.36.050	See Section 18.36.050

Notes:

1. Tandem parking spaces can be substituted for regular parking spaces up to ten percent (10%) of the required parking demand.

2. Consistent with Government Code Section 65863.2, automobile parking requirements may be waived for a residential, commercial, or other development project if the project is located within one-half (1/2) mile of public transit, which includes a rail or bus rapid transit station, the intersection of two (2) or more bus routes with service intervals of fifteen (15) minutes or less during morning and afternoon commute periods, and any major transit stops included in the applicable regional transportation plan.

B. A minimum of one (1) motorcycle parking stall that is enclosed and weather-protected shall be provided for every twenty-five (25) units.

C. Joint use of parking spaces may be allowed subject to the limitations and conditions included in Section 18.36.160.

18.26.200 Bicycle parking.

A. Bicycle parking facilities shall be provided, at a minimum, in an amount equal to:

Bicycle Parking Requirements	Short-Term Bicycle Parking Requirements	Long-Term Bicycle Parking Requirements
Residential with private garage for each unit	1.0 space/20 dwelling units. Minimum of 2 spaces.	None
All other residential	1.0 space/20 dwelling units. Minimum of 2 spaces.	1.0 space/4 dwelling units. Minimum of 2 spaces.
Retail	1.0 space/3,000 square feet.	1.0 space/10,000 square feet
Office, R&D, and Other Nonresidential uses	1.0 spaces/8,000 square feet. Minimum of 2 spaces.	1.0 space/4,000 square feet

B. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080.

C. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.090 and approval by the decision makers.

18.26.210 Loading.

A. Loading docks and/or berths shall be provided on site to serve the use. Such facilities shall be designed according to the following standards unless an alternative

design is approved through the site development review or administrative site development review process.

1. Loading docks shall be located inside a building and equipped with closable doors.
2. Loading zones shall be provided along the street frontage(s).

Chapter 18.27 VILLAGE MIXED USE (VMU) DISTRICT

18.27.170 Design criteria.

- A. All development shall comply with Section 18.24.050.
- B. All standalone commercial development shall comply with the Design Guidelines for Old Alvarado.

18.27.180 Off-street parking.

Parking shall be required subject to the following:

- A. Residential Uses. Provide automobile and bicycle parking consistent with the RM 1500 zoning district per Section 18.32.160, except that one hundred percent (100%) affordable rental developments may provide off-street parking pursuant to the standards contained in Section 18.32.160(B)(5).
- B. Commercial Uses. Provide automobile and bicycle parking at commercial district standards per Section 18.36.150. For commercial uses on the ground floor as part of a mixed-use development, shared parking shall be evaluated on a case-by-case basis.
- C. The decision maker may grant relief from the off-street parking requirements, if it can be demonstrated that sufficient parking is available off-site to service the proposed use.

18.27.190 Off-street loading.

- A. Loading docks and/or berths shall be provided on-site to serve the use. Such facilities shall be designed according to the following standards unless an alternative design is approved through the site development review or administrative site development review process.
 1. Loading docks shall be located inside a building and equipped with closable doors.
 2. Loading zones shall be provided along the street frontage(s).

Chapter 18.28 OFF-STREET PARKING AND LOADING

18.28.080 Design criteria for bicycle parking facilities.

A. Short- and Long-Term Bicycle Parking Required. Unless otherwise stated in another part of this Code, required bicycle parking shall be designed as either short- or long-term bicycle parking as follows.

1. Four or Fewer Required Bicycle Parking Spaces. Where four (4) or fewer bicycle parking spaces are required, the required bicycle parking spaces shall be designed as short-term bicycle parking in compliance with the standards of this Section.
2. Five or More Required Bicycle Parking Spaces. Where five (5) or more bicycle parking spaces are required, the required bicycle parking spaces shall be designed as short- or long-term bicycle parking in compliance with the standards of this Section as follows:
 - a. A minimum of four (4) bicycle parking spaces shall be designed as short-term bicycle parking.
 - b. A minimum of twenty percent (20%) of the required bicycle parking spaces shall be designed as long-term bicycle parking.
 - c. The balance of the required bicycle parking spaces shall be designed as either short-term bicycle parking or long-term bicycle parking.

B. Short-Term Bicycle Parking. Short-term bicycle parking intended to serve customers, messengers, and other visitors to a site who generally stay for a short time, shall be designed as specified below.

1. Location. Short-term bicycle parking shall be located within fifty (50) feet of a main entrance to the building it serves and visible from a main entrance if feasible. Where the bicycle parking area is not visible from a main entrance of the building, signs located at the main entrance of the building shall identify the location of bicycle parking.
 - a. Required short-term bicycle parking may be located within the public right-of-way with an encroachment permit issued by the City.
2. Anchoring and Security. For each short-term bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one (1) wheel (two (2) points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One (1) such object may serve multiple bicycle parking spaces.

3. Size. Each short-term bicycle parking space shall be a minimum of two (2) feet in width and six (6) feet in length and shall be accessible without moving another bicycle.
4. Clearance.
 - a. Between Racks. Three (3) feet of clearance shall be provided between bicycle parking racks.
 - b. Between Other Elements. Two (2) feet of clearance shall be provided between short-term bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, pedestrian ways, and curbs.

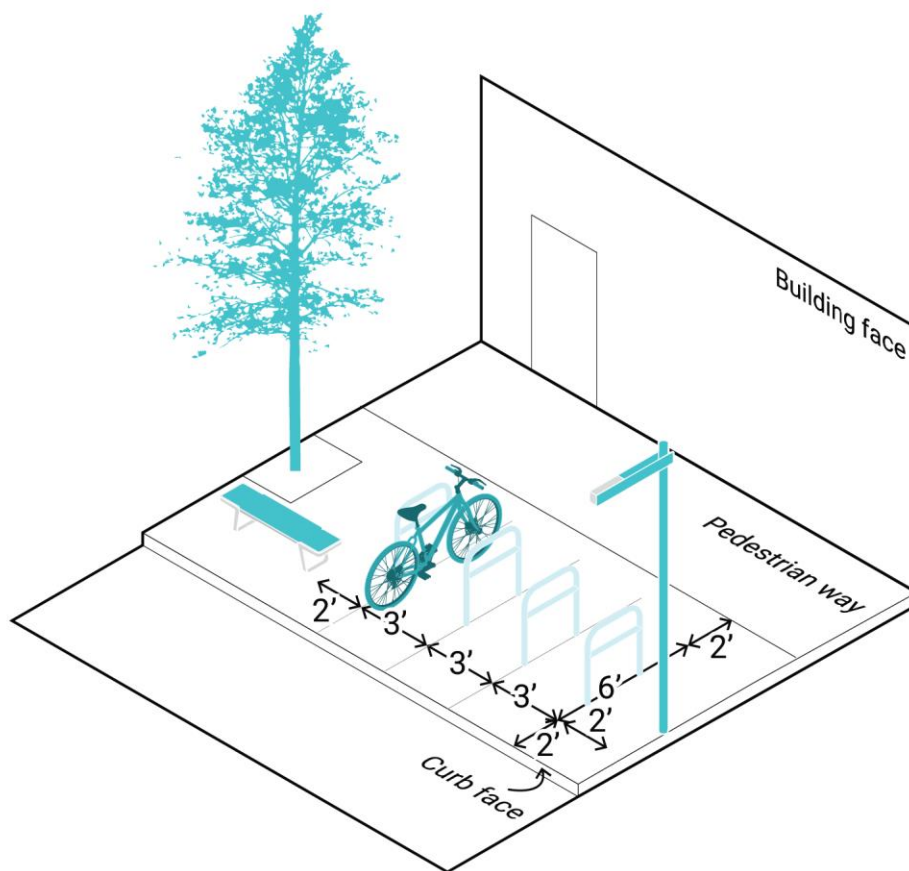


Figure 18.28.080(B): Short-term bicycle parking

5. Lighting. A minimum of one (1.0) foot-candle lighting level shall be provided in all short-term bicycle parking areas.
- C. Long-Term Bicycle Parking. Long-term bicycle parking intended to serve employees, residents, visitors, and others who generally stay at a site for four (4) hours or longer shall be designed as specified below.

1. Location. Long-term bicycle parking shall be located on the same lot as the use it serves. In parking garages, long-term bicycle parking shall be located within one hundred (100) feet of an entrance to the facility.
2. Covered Spaces. Long-term bicycle parking shall be covered either inside a building, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
3. Security. Long-term bicycle parking shall be in one (1) of the following locations.
 - a. A fully enclosed bicycle locker accessible only by the owner or operator of the bicycle.
 - b. A fenced, covered, and locked or guarded bicycle storage area.
 - c. A rack or stand inside a building that is within view of an attendant or security guard, visible from employee work areas, or within a secure/restricted bicycle storage room.
 - d. A unit with a foyer that accommodates a wall-mounted bike rack.
 - e. Other secure area approved by the decision maker.
4. Size. Each long-term bicycle parking space shall be a minimum of two (2) feet in width and six (6) feet in length and shall be accessible without moving another bicycle.
5. Clearance.
 - a. Between Racks. Three (3) feet of clearance shall be provided between bicycle parking racks.
 - b. Between Other Elements. Two (2) feet of clearance shall be provided between long-term bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, pedestrian ways, and curbs.
6. Accessibility. Long-term bicycle parking areas shall be accessible from the public right-of-way via at least one (1) main access path that meets the following criteria.
 - a. The access path shall be clear at all times.
 - b. The access path shall be a minimum of four (4) feet wide.
 - c. Any doors the path goes through shall have a minimum width of three (3) feet.
 - d. The access path shall not exceed five percent (5%) slope.
 - e. The access path shall not require any lifting of a bicycle over steps.

- f. Elevators, when used as part of the path, shall have minimum interior dimensions of eighty (80) inches by fifty-four (54) inches.
7. Lighting. A minimum of one (1.0) foot-candle lighting level shall be provided in all long-term bicycle parking areas.
8. No Lifting. A minimum of twenty percent (20%) of long-term bicycle parking spaces shall be designed so that the bicycle does not need to be lifted in order to be secure.
9. Electrical Service. A minimum of twenty percent (20%) of long-term bicycle parking spaces shall have access to an electrical outlet for charging.
10. Racks and Stands. Racks and stands, if used, shall be securely anchored to the ground or building and be designed to enable a bicycle frame and one (1) wheel (two (2) points of contact) to be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle.

18.28.090 Substitution of automobile parking with bicycle parking facilities.

Subject to approval by the decision maker, the required automobile parking demand for a particular use may be reduced by up to ten percent (10%) when additional bicycle parking facilities are provided beyond what is required by the applicable provisions listed in this title. The required automobile parking demand may be reduced at a rate of one (1) parking space for each six (6) additional bicycle parking facilities provided.

18.28.100 Transportation demand management programs.

A. Subject to use permit approval, up to a twenty-five percent (25%) reduction in required parking demand may be granted by the decision-making body if transit demand management (TDM) measures are implemented that reduce a project's overall number of vehicle trips generated and related parking demand. TDM measures may include, but are not limited to, provision of shuttles to and from BART, implementation of public transit pass programs, installation of showers and lockers to encourage people to bike or walk to work, preferential parking for people who car pool, etc.

B. A TDM plan, prepared by a qualified professional, shall be submitted with the use permit application. At a minimum, the TDM plan shall include a description of proposed TDM measures, a quantitative analysis of how measures will reduce the project's vehicles trips generated and related parking demand, and a detailed implementation plan to ensure TDM management through the life of the use permit. A responsible party (i.e., project applicant, property owner, homeowner's association, etc.) shall be identified for the implementation and management of the plan. The proposed parking demand reduction will be based on the information contained in the TDM plan. The City shall hire a consultant, at the applicant's and/or property owner's expense, to conduct a third-party peer review of the TDM plan.

C. Yearly monitoring reports (measured from the date of use permit approval) shall be submitted by the responsible party listed in the TDM plan to the Economic and Community Development Department. Monitoring reports shall detail the TDM measures being implemented and the success of these measures including the number and percentages of people who are utilizing TDM programs and the amount of vehicle trips reduced. Monitoring reports shall be prepared by a qualified professional and may be subject to a third-party peer review paid for by the applicant and/or property owner. Failure to implement the programs and/or strategies listed in the TDM plan or failure to submit monitoring reports in a timely manner may result in revocation of the use permit subject to the provisions listed in Section 18.56.100.

D. This provision applies to the following types of uses:

1. Commercial;
2. Industrial;
3. Private institutional; and
4. Multifamily residential.

Chapter 18.32 RESIDENTIAL DISTRICTS

18.32.040 Walls, fences and hedges.

A. Walls, fences and hedges located in any residential district shall be subject to the following height, location and design restrictions.

1. In the required rear and interior side yards the maximum height shall be six (6) feet as measured above the surface of the ground, except that an additional one and one-half (1.5) foot of lattice may be added above a six (6) foot high fence.

2. Height Exception. Fences a maximum of eight (8) feet in height may be allowed in the required rear yard or interior side yards when the yard abuts a flood control channel, railroad, park, licensed residential care or health facility, school, child care center, commercial use, industrial use or major arterials, including Alvarado-Niles Road, Dyer Street, Decoto Road, Whipple Road, Union City Boulevard, Mission Boulevard, Alvarado Boulevard and Lowry Road. Soundwalls are exempted from height restrictions when they are part of a site development review approval of a subdivision. The owner of the lot on which an eight (8) foot fence is constructed in accordance with this subsection shall reduce the fence height to six (6) feet within thirty (30) calendar days of the removal, relocation, or the termination of operations of the adjacent facility or use. When an eight (8) foot fence adjoins a fence of a lower height at any point other than at the intersection of two (2) or more lot lines, the eight (8) foot fence shall be designed to step or slope down to the height of the adjoining fence.

3. When located in the front yard, the maximum height shall be three (3) feet above the surface of the ground.
4. On corner and reverse corner lots, the maximum height shall be three (3) feet in the exterior side yard, except that fences meeting the other requirements listed in Section 18.32.040(A) may be permitted when located ten (10) feet from the side street lot line and at least thirty-five (35) feet from the front lot line, but not closer to the front lot line than the front face of the structure.
5. On lots developed with multifamily residential uses, fences a maximum of eight (8) feet in height may be permitted to enclose interior private open space areas at the end units of building clusters. Interior private open space areas are those areas which are located between a building unit and a garage or other structure.
6. Fences shall be wood, masonry, or earth materials. Metal, plastic, or other similar materials shall not be used except as posts or other support elements.

B. Retaining Walls. Retaining walls located in any residential district, except for those located in the hillside combining district, shall be subject to the following restrictions.

1. A retaining wall which is not part of a building shall not exceed three (3) feet in height.
2. Fencing on top of a retaining wall is permitted when the total height of both the wall and fence do not exceed the applicable maximum height requirement in Section 18.32.040(A).
3. The sides of exposed exterior retaining walls shall be architecturally treated.
4. Exceptions. Exceptions may be granted by the director where the director finds that no practical alternative exists, the purpose of the regulation will not be compromised, and no detrimental impact will result.

18.32.080 Lot coverage.

The maximum site area covered by all structures located on the site shall be as prescribed in the following table:

District	Coverage
RS 10000	50%
RS 8000	50%
RS 7000	50%
RS 6000	50%

District	Coverage
RS 4500	50%
RM 3500	70%
RM 2500	70%
RM 1500	80%

18.32.090 Front yard.

- A. In the RS districts the minimum front yard shall be twenty (20) feet.
1. Except that in the RS 10000 and RS 8000 districts the minimum front yard shall be twenty-five (25) feet.
- B. In the RM districts, the minimum front yard shall be ten (10) feet.

18.32.100 Side yards.

- A. Residential Uses. The minimum side yard for residential uses shall be ten percent (10%) of the width of the site; provided, that a side yard of not more than ten (10) feet shall be required and a side yard of not less than five (5) feet shall be permitted subject to the following exceptions:
1. An interior side yard providing access to a dwelling or dwelling units shall not be less than twelve (12) feet wide, with the exception of access to accessory dwelling units in R and RS districts, where the minimum side yard standards are permitted. Where the side yard provides access to off-street automobile parking, it shall be not less than twelve (12) feet and shall be paved to a ten (10) foot width. A street side yard of a corner lot providing access to a dwelling or dwelling units shall be regulated by the street side yard setbacks for the district.
 2. In RM districts, where a side lot line of a site adjoins an RS district and private rear yard spaces of individual units are proposed to be located along the side lot line, a side yard setback of not less than twenty (20) feet shall be required.
 3. In the RS districts, with the exception of the RS 4500 district where ten (10) feet is permissible, on the street side of a corner lot, the side yard shall be fifteen (15) feet. In the RM districts, the street side shall be ten (10) feet.
 4. In the RS 4500 district:
 - a. Side yards may be eliminated on one (1) side (zero side yard); provided, that the side wall contains no windows or other openings. An interior side yard must be maintained on at least one (1) side of dwellings on adjoining lots where side yards are aggregated on a single side. Where dwellings are placed on the zero lot line and where a one-story

structure is adjacent to another one-story structure on an adjacent lot, the minimum separation between structures shall be ten (10) feet. In no case shall a dwelling be located closer than ten (10) feet to the nonzero lot line side lot line.

b. Where dwellings are placed on the zero lot line and where a one-story structure is adjacent to a two-story structure on an adjoining lot or when a two-story structure is adjacent to another two-story structure on an adjacent lot, the minimum separation between structures shall be fifteen (15) feet. Second-story additions to existing single-family dwellings placed on the zero lot line are exempt from the increased side yard building separation provision stated above, but a minimum side yard of ten (10) feet must be maintained on one (1) side.

B. Nonresidential Uses. The minimum side yard for a nonresidential use and its accessory structures shall be ten percent (10%) of the width of the site; provided, that a side yard of not more than twenty (20) feet shall be required and a side yard of not less than ten (10) feet shall be permitted, subject to the following exceptions:

1. In the RS districts, on the street side of a corner lot, the side yard shall be not less than twenty (20) feet.

2. In the RM districts, on the street side of a corner lot, the side lot shall be not less than fifteen percent (15%) of the width of the site; provided, that a side yard of not more than twenty (20) feet shall be required and a side yard of not less than fifteen (15) feet shall be permitted.

3. One (1) foot shall be added at ground level to each interior side yard for each two (2) feet of height by which the structure exceeds twelve (12) feet.

18.32.105 Rear yards.

A. In all RS districts excepting the RS 4500 district, the minimum rear yard shall be twenty (20) feet; however, the minimum rear yard may be reduced to fifteen (15) feet if remaining rear or side yard area has a square footage area of twenty percent (20%) or more of the total lot area and a dimension of not less than fifteen (15) feet.

B. In the RS 4500 district, the minimum rear yard shall be fifteen (15) feet; however, the minimum rear yard may be reduced to ten (10) feet if remaining rear or side yard area has a square footage area of fifteen percent (15%) or more of the total lot area and a dimension of not less than ten (10) feet.

C. In the RM districts, the minimum rear yard shall be fifteen (15) feet.

D. In the RM districts where multiple units are proposed on a site, the rear yard shall be deemed to be the yard area at the opposite end of the site from the frontage.

E. For through lots, the minimum rear yard shall be twenty (20) feet in RS districts and fifteen (15) feet in RM districts.

18.32.115 Landscaped areas.

A. In all districts, the required front yard shall be landscaped and permanently maintained not including approved driveways and pedestrian pathways. Not less than five (5) feet of the required side yard on the street side of a corner lot, and not less than ten (10) feet of the required rear yard adjoining the rear property line of a double frontage lot shall be landscaped and permanently maintained. Non-living landscaping shall not exceed twenty-five percent (25%) of any required landscaped area unless approval from the City Arborist or City Landscape Architect is obtained.

E. New landscaping and modifications to existing landscaping shall comply with the provisions listed in Chapter 18.112, Water Efficient Landscape, and the Landscape Standards Policy Statement.

F. Replacement of dead, dying or deficient landscaping shall be required for establishment of new nonresidential uses or modification of existing uses.

18.32.120 Height of structures.

In the RS district, no principal structure shall exceed thirty (30) feet in height. Spires, cupolas, chimneys, elevator penthouses, flagpoles and necessary mechanical appurtenances may be allowed to a maximum height limit of forty (40) feet. Amateur radio antennas and antenna structures may be allowed to exceed the basic height limitation, subject to required approvals, in accordance with Section 18.32.190.

In the RM 2500 and RM 3500 districts, no structure shall exceed forty (45) feet in height.

In the RM 1500 district, no structure shall exceed seventy-five (75) feet in height.

18.32.125 Design criteria.

The following design criteria shall be used to evaluate new construction and additions or modifications to existing structures within residential districts:

A. Single-family manufactured homes placed as a sole principal residence on a single-family lot and constructed after June 15, 1976, are subject to the following design criteria:

1. The manufactured home width shall not be less than twenty (20) feet and may be a double-wide, multi-sectional unit.
2. The exterior siding material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.
3. The roof of the manufactured home shall have a pitch of not less than two and one-half (2.5) inches of vertical rise for each twelve (12) inches of horizontal run.

4. The roof shall have eave and gable overhangs of not less than twelve (12) inches measured from the vertical side of the manufactured home, or what is customarily found on existing residential structures in the vicinity. The overhang shall have the same slope and be covered with the same roofing material as the roof itself.

5. The exterior siding material and roof of the enclosed garage shall be the same as that of the manufactured home.

6. The finished floor of the manufactured home shall not exceed thirty (30) inches above the exterior finish grade of the lot.

7. The façade of the manufactured home shall be designed with sufficient detail to make it visually compatible with the existing residential structures in the vicinity. Such detail shall include door and window trim, window type and any special architectural features uniformly present on surrounding residences.

B. Single-family dwellings, including site-built, modular homes, and additions and modifications to existing structures, shall be compatible with the scale, bulk, style, and character of dwellings in the vicinity, and shall incorporate the following design criteria:

1. The Director or appropriate decision-body may grant exceptions to the following design standards to accommodate a complete architectural design, to ensure neighborhood compatibility, or where they find that adequate design features have been incorporated to create visual variety and avoid a bulky or monolithic appearance.

2. Building Façades and Materials:

a. No façade facing a public right-of-way shall run in a continuous plane of more than ten (10) feet and no façade facing an interior lot line shall run in a continuous plane of more than fifteen (15) feet without incorporating one (1) or more of the following:

i. A vertical wall shift at least one (1) foot in depth;

ii. A change in material type;

iii. Windows or building entrances;

iv. A projection such as a stoop, bay window, or overhang.

b. A minimum of three (3) exterior colors or a combination of materials and colors shall be used on the building façade.

i. Stucco must be used in combination with a secondary material.

c. Transitions for both materials and colors shall be located at internal corners.

- i. Wainscoting shall wrap onto the side elevations and shall continue until the fence line or till no longer visible from the right-of-way. This distance shall not be less than five (5) feet.

- d. Second-story façades shall incorporate the following:

- i. A minimum of a six (6) foot inset from the front wall plane.

- ii. A minimum of an eighteen (18) inch inset from the side and rear wall plane.

- e. Where chimney extensions are involved, the extension shall conform in design and materials with the existing chimney.

3. Windows and Glazing.

- a. All windows shall incorporate the following:

- i. Trim at least three (3) inches in width must be provided around all windows, or

- ii. Windows must be recessed at least two (2) inches from the plane of the surrounding exterior wall.

- b. Upper story windows located less than ten (10) feet from and facing rear or side yard of an adjacent property shall be located to maximize privacy for adjacent properties by using at least one (1) of the following techniques:

- i. The sill height located a minimum of sixty (60) inches above the finished floor.

- ii. The location of the window is such that the centerline of the glazing is offset greater than fifteen (15) lateral feet from the centerline of any glazing on an existing adjacent primary structure.

- iii. Any window located partially or entirely below sixty (60) inches from the finished floor consists of frosted or obscured glazing.

- iv. As used in this section, frosted or obscure glass is glass which is patterned or textured such that objects, shapes, and patterns beyond the glass are not easily distinguishable.

4. Roof Form and Detailing.

- a. New structures shall provide a roof pitch no less than two and one-half (2.5) inches of vertical rise for each twelve (12) inches of horizontal run.

- i. Mansard roofs shall be prohibited.

- b. Alterations or additions to an existing structure shall provide the same roof form, material and color as the existing structure.

- c. Roof material and color shall be the same throughout the entirety of the roof.
 - d. Overhanging eaves shall extend a minimum of twelve (12) inches beyond the supporting wall.
5. Principal Entrance.
- a. The principal entrance shall face the street frontage.
 - b. The principal entrance shall be emphasized by utilizing at least one (1) of the following methods:
 - i. A projection (e.g., overhang) with a minimum depth of three (3) feet and a minimum horizontal area of thirty (30) square feet.
 - ii. A recess with a minimum depth of three (3) feet and a minimum horizontal area of thirty (30) square feet.
 - iii. A landing, deck, porch, or stoop with a minimum six (6) foot by six (6) foot area.
 - c. The principal entrance shall be clearly identifiable and connected to the public street by a pedestrian path with a minimum width of three (3) feet.
- C. Relocated single-family dwellings and their accessory structures shall meet the above-noted design criteria and be subject to the requirements set forth in the ordinance pertaining to house moving permits.
- D. Semidetached Single-Family Dwellings and Multifamily Dwellings. All semidetached single-family dwellings and multifamily dwelling development shall comply with 18.24.050.
- G. Accessory structures over one hundred twenty (120) square feet in area shall have an exterior appearance and character that reflects the existing primary residence in terms of materials and design. The color scheme shall match or be complementary to the existing residence. The structure shall be located and designed so as to not disrupt the privacy of, or create noise impacts on adjacent residents and yards.
- H. All wood burning appliances installed in new residential units or wood burning appliances being added to or replacing wood burning appliances in existing residential units shall comply with the following regulations. Gas fireplaces shall be exempt from these regulations; however, the conversion of a gas fireplace to burn wood shall constitute the installation of a wood burning appliance and shall be subject to the following regulations. A wood burning appliance shall comply with these regulations if: (1) it is reconstructed; (2) additions, alterations or repairs are made to the appliance that requires opening up immediately adjacent walls; or (3) the residential units in which the appliance is located are renovated, and the renovation includes opening up walls immediately adjacent to the appliance. It shall be unlawful to:

1. Use any wood burning appliance when the Bay Area Air Quality Management District issues a "Spare the Air Tonight" warning and when an alternate approved heat source is available;
2. Install a wood burning appliance that is not one (1) of the following: (a) a pellet-fueled wood heater; (b) an EPA certified wood heater; or (c) a fireplace certified by EPA should EPA develop a fireplace certification program;
3. Use any of the following prohibited fuels in a wood burning appliance: (a) garbage; (b) treated wood; (c) plastic products; (d) rubber products; (e) waste petroleum products; (f) paints; (g) paint solvents; (h) coal; (i) glossy or colored papers; (j) particle board; (k) saltwater driftwood.

Any person who plans to install a wood burning appliance must submit documentation to the Building Division of the City demonstrating that the appliance is in compliance with subsection (H)(2) of this section. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided by law

I. All multifamily developments shall comply with the provisions listed in Chapter 7.04 regarding management of waste and recyclable materials.

18.32.150 Off-street loading.

Loading berths shall be provided and designed in compliance with the requirements of Section 18.36.140.

18.32.160 Off-street parking.

Off-street parking spaces and bicycle parking facilities that are accessory to uses allowed in residential districts shall be provided in accordance with the regulations set forth hereinafter as well as those in general provisions in Chapter 18.04.

A. Required accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants or employees of such uses, provided that in the RM districts, not more than twenty-five percent (25%) of the accessory parking spaces required for a dwelling, lodging, house, motel or hotel may be rented out on a monthly basis to occupants of other dwellings, lodging rooming houses, motel or hotels.

B. Off-street parking facilities are to be provided in the following ratio:

1. In the RS district, a minimum of two (2) covered and enclosed parking spaces per unit.

a. A third covered and enclosed parking space shall be provided either when the habitable areas of the primary residence (excluding accessory dwelling units) exceeds

three thousand (3,000) square feet, or when there are five (5) or more rooms that can be used for sleeping purposes. In neighborhoods where two (2) car garages are predominant, the additional parking space shall be provided as a tandem space to ensure neighborhood consistency.

2. In the RM district, parking shall be provided as follows:

a. One (1) space per one (1) bedroom or studio unit, which must be covered, plus one-quarter (0.25) space per unit for guest parking;

b. Two (2) spaces per unit with two (2) or more bedrooms, one (1) of which must be covered, plus one-quarter (0.25) space per unit for guest parking.

3. Senior Housing. One-half (0.5) of a covered parking space shall be provided for each bedroom, and one-quarter (0.25) of a parking space shall be provided for each unit for guest parking. The number of parking spaces required for senior housing may be decreased by the decision maker if it is found that a specific use will not create as great a need for off-street parking.

4. Affordable Housing. For housing developments with one hundred percent (100%) of the units affordable to lower-income households (except for one (1) manager's unit), parking shall be provided at a ratio of one (1) parking space per studio or one (1) bedroom unit, one and one-half (1.5) parking spaces per two (2) bedroom unit, and two (2) parking spaces per three (3) or four (4) bedroom unit.

C. Size.

1. Uncovered off-street parking spaces shall be at least nine (9) feet in width by eighteen (18) feet in length, exclusive of access drives, aisles, ramps, or columns. Such space shall have a vertical clearance of at least seven (7) feet.

2. Enclosed two-car garages shall have a minimum unobstructed interior dimension of twenty (20) feet in width by twenty (20) feet in length.

3. When permitted enclosed tandem garages shall have a minimum unobstructed interior dimension of ten (10) feet in width by forty (40) feet in length.

4. Enclosed one-car garages shall have a minimum unobstructed interior dimension of ten (10) feet in width by twenty (20) feet in length.

5. Covered off-street parking spaces shall be at least ten (10) feet in width by twenty (20) feet in length.

D. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and sufficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to the street or alley in a manner which will least

interfere with traffic movements. Driveways across public property shall be approved by the Director of Public Works.

E. Screening and Landscaping. All open automobile parking areas shall be effectively screened on each side adjoining or fronting on any premises by a wall, fence or densely planted compact hedge not less than five (5) feet nor more than six (6) feet in height. Such required screening shall conform to the front and side yard setback requirements of the district in which the parking is located.

F. All parking spaces required for dwelling units shall be located on the same zoning lot as the dwelling served. Parking spaces for all other uses shall be located on the same zoning lot as the use served except as otherwise provided in Chapter 18.04. Off-street parking shall be provided according to the following ratios:

1. Church, School, College, and Other Institutional Auditoriums. One (1) parking space shall be provided for each five (5) seats based upon maximum seating capacity.

2. Hospitals. One (1) parking space shall be provided for each three (3) hospital beds, plus one (1) parking space for each two (2) employees, plus one (1) parking space for each doctor assigned to the staff.

3. Libraries, Art Galleries and Museums—Public. One (1) parking space shall be provided for each one thousand (1,000) square feet of gross floor area.

4. Recreation Buildings or Community Centers. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number to serve the visiting public and as determined by the City Planning Commission.

5. Public Utility and Public Service Uses. One (1) parking space shall be provided for each two (2) employees on maximum shift, plus spaces adequate in number to serve the public as determined by the City Planning Commission. Where such uses are unmanned, no spaces need be provided.

6. Sanitariums, Convalescent Homes and Nursing Homes. One (1) parking space for each six (6) beds, plus one (1) parking space for each two (2) employees, plus one (1) parking space for each doctor assigned to the staff.

7. Schools—Nursery, Elementary, Junior and Senior High. One (1) parking space for each two (2) employees, plus one (1) parking space for each ten (10) students in the senior high school.

G. No commercial vehicle in excess of three (3) tons gross unladen vehicle weight (except pickup trucks) shall be parked or stored on any lot in a residential district where in residential use; provided, however, that this section shall not prohibit temporary parking of any such vehicle while making pickups, deliveries or providing services for the residents on the lot on which the vehicle is parked.

H. Mobilehome/Recreational Vehicle Parking. Mobilehomes, recreational vehicles, trailers or boats which are on trailers may be parked in rear yards, or within driveways, on concrete aprons adjacent to driveways, or on other compact material for vehicle parking adjacent to driveways constructed pursuant to approval by the Economic and Community Development Department. Parking aprons shall comply with subsection I of this section. All such vehicles must be fully contained on private property, and shall not overhang into any portion of the public right-of-way, including the sidewalk. In addition, such vehicles may be parked within side yards which provide access to off-street parking, and are a minimum of twelve (12) feet wide with at least ten (10) feet of paved width. A minimum three (3) foot setback shall be retained along the interior side yard lot line from all vehicles.

I. In compliance with Chapter 10.36, Stopping, Standing and Parking, it is unlawful for any person, firm or group to park any vehicle, trailer, boat trailer or boat, or parts thereof within the side yard, front yard or corner vision triangle, as established by this title. This section does not apply to driveways or concrete parking aprons constructed pursuant to approval by the Economic and Community Development Department, or to driveways or concrete (or other appropriate material) parking aprons constructed prior to the adoption of the ordinance codified herein; provided, however, that such parking shall be limited to currently registered operable vehicles and shall be located on a stabilized permanent surface installed in accordance with this section.

Except for cul-de-sac or fan-shaped lots with reduced front yards, such vehicle parking areas shall not cover more than sixty percent (60%) of any required front yard or an area greater than six hundred (600) square feet, whichever is less. Parking on permeable surfaces in any instance shall not be allowed. Parking pads independent of the driveway or driveway apron shall not be allowed in the front or street side yards.

J. In the RM 1500 and RM 2500 zoning districts, a minimum of one (1) bicycle parking facility shall be provided for every three (3) units. Bicycle parking facilities shall be designed and installed in conformance with the criteria outlined in Section 18.28.080. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.090 and approval by the decision maker.

Chapter 18.35 CORRIDOR MIXED USE COMMERCIAL (CMU) DISTRICT

18.35.110 Front yard.

On Mission Boulevard, the front yard setback shall be five (5) feet from the property line and a minimum of fifteen (15) feet from the face of curb to ensure a comfortable pedestrian environment.

18.35.150 Design criteria.

- A. All development shall comply with Section 18.24.050.

18.35.200 Off-street loading.

Loading berths shall be provided and designed in compliance with the requirements of Section 18.36.140.

Chapter 18.36 COMMERCIAL DISTRICTS

18.36.050 Required conditions.

In commercial districts, including the CUL and CMU districts, the following conditions shall be required:

- A. Where a site adjoins an A, OS or R district, a solid masonry wall six (6) feet in height shall be located on the property line, except that walls located in the street side yard setback shall not exceed three (3) feet in height.
- B. No wall, fence, or hedge shall exceed six (6) feet in height if located in a required side yard or rear yard, unless a greater height is approved through the site development review or use permit process. A wall, fence, or hedge located in a required front yard or street side yard setback shall not exceed three (3) feet in height.
- C. Outdoor storage of materials and equipment permitted through the issuance of a use permit shall occur only within an area which is screened from view from public rights-of-way by a solid wall or fence with solid gates where necessary, or compact evergreen hedge not less than six (6) feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall, fence or hedge with the exception of live plant material.
- D. A use not conducted entirely within a completely enclosed structure shall be screened by a solid wall or fence, or compact evergreen hedge not less than six (6) feet in height, if such use without such screening is found by the decision maker to have a substantial and detrimental effect on property values in the area.
- E. All business, services, and processes shall be conducted entirely within a completely enclosed structure except for off-street parking and loading areas, and where permitted by a use permit, gasoline service stations, outdoor dining areas, nurseries, garden shops, lumber and other building materials stores. Temporary outdoor commercial events are permitted as provided by Chapter 18.54.
- F. Products which are produced and sold on-site shall be sold at retail, and not wholesale.

G. Permitted and conditional uses in the Union Landing Commercial district shall be subject to the special design and siting criteria contained in Chapter 18.39.

H. Other provisions of this chapter notwithstanding, all storage, handling or other use of hazardous materials shall be subject to the provisions of Chapter 18.43 of this title.

I. All commercial development, including both new construction and additions, shall be articulated on all elevations.

J. Additions and modifications to commercial projects which are subject to the provisions of Chapter 18.76, Administrative Site Development Review, shall be designed to integrate with the existing project in terms of siting and architectural design. Above-ground utility installations, when permitted, shall be screened from public view. Roof equipment shall be screened by architecturally designed panels which are in proportion and scale with the roof line of the existing building.

K. All wood burning appliances installed in new commercial buildings or wood burning appliances being added to or replacing wood burning appliances in existing commercial buildings shall comply with the following regulations. Commercial buildings shall include, but not be limited to, hotels and restaurants. Gas fireplaces shall be exempt from these regulations; however, the conversion of a gas fireplace to burn wood shall constitute the installation of a wood burning appliance and shall be subject to the following regulations.

1. A wood burning appliance shall comply with these regulations if:

a. It is reconstructed;

b. Additions, alterations or repairs are made to the appliance that require opening up immediately-adjacent walls; or

c. The residential units in which the appliance is located is renovated, and the renovation includes opening up walls immediately adjacent to the appliance.

2. It is unlawful to:

a. Use any wood burning appliance when the Bay Area Air Quality Management District issues a "Spare the Air Tonight" warning and when an alternate approved heat source is available;

b. Install a wood burning appliance that is not one of the following:

i. A pellet-fueled wood heater,

ii. An EPA certified wood heater, or

iii. A fireplace certified by EPA should EPA develop a fireplace certification program;

c. Use any of the following prohibited fuels in a wood burning appliance:

- i. Garbage,
- ii. Treated wood,
- iii. Plastic products,
- iv. Rubber products,
- v. Waste petroleum products,
- vi. Paints,
- vii. Paint solvents,
- viii. Coal,
- ix. Glossy or colored papers,
- x. Particle board,
- xi. Saltwater driftwood.

Any person who plans to install a wood burning appliance must submit documentation to the Building Division of the City demonstrating that the appliance is in compliance with subsection (K)(2)(b) of this section. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided by law.

L. Accessory structures must conform to the following standards:

- 1. 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.
- 2. No detached accessory building or buildings shall occupy more than thirty percent (30%) of the area of a required rear yard.
- 3. No detached accessory building located in a required rear yard shall exceed twelve (12) feet in height.

M. All development shall comply with the provisions listed in Chapter 7.04 regarding management of waste and recyclable materials.

18.36.090 Front yard.

A minimum front yard of twenty (20) feet shall be required, except as provided below.

A. For structures which exceed twenty (20) feet in height, the required setbacks shall be a minimum of twenty-five (25) feet.

B. On Mission Boulevard, the front yard setback shall be five (5) feet from the property line and a minimum of fifteen (15) feet from the face of curb to ensure a comfortable pedestrian environment.

18.36.140 Off-street loading.

A. Required Loading Berths. The decision maker may require loading berths for each of the commercial districts that shall not be less than ten (10) feet by twenty-five (25) feet and shall be provided in accordance with the following schedule:

Gross Nonresidential Floor Area		Required Number
1 to 10,000 sq. ft.		1
10,001 to 25,000 sq. ft.		2
25,001 to 40,000 sq. ft.		3
40,001 to 100,000 sq. ft.		4

For each additional two hundred thousand (200,000) square feet of nonresidential floor area or fraction thereof over one hundred thousand (100,000) square feet of floor area one (1) additional loading berth shall be provided.

B. Design. All loading docks shall be designed according to the following standard unless an alternative design is approved through the site development review or administrative site development review process.

1. Loading docks shall be located inside a building and equipped with closable doors.

18.36.150 Off-street parking.

Public automobile and bicycle parking facilities shall be provided as follows:

A. Places of Assembly.

1. Churches: one (1) space for each five (5) seats in main assembly room or one (1) space for each fifty (50) square feet of floor area, whichever requirement is greater;

2. Funeral homes, mortuaries: one (1) space for each fifty (50) square feet of chapel area or one (1) space for each five (5) seats in the same, whichever requirement is greater;
3. Places of public assembly having fixed seating, such as auditoriums, theaters, assembly halls, sports arenas, stadiums: one (1) space for each four (4) seats;
4. Places of public assembly having no fixed seats, such as dance halls, exhibition halls, gymnasiums, skating rinks, lodges: one (1) space for each one hundred (100) square feet of floor area used for public assembly;
5. Schools.
 - a. Business, professional, trade, art, craft, music and dancing schools and colleges: one (1) space for each employee plus one (1) for each four (4) students,
 - b. Nursery and day care centers: one (1) space for every ten (10) children, plus one (1) space for every two (2) employees.
- B. Office, Business, Commercial and Service Uses.
 1. Bowling alleys: six (6) spaces for each lane;
 2. Hotels and motels: one (1) space for every room plus one (1) space for every two (2) employees on maximum shift;
 3. Medical and dental clinic and offices: one (1) space for every two hundred (200) square feet of gross floor area;
 4. Offices, banks and professional offices: one (1) space for every two hundred (200) square feet of gross ground floor area and one (1) space for every three hundred (300) square feet of gross floor area above or below the ground floor;
 5. Restaurants, bars, nightclubs and lounges: one (1) space for every three (3) seats or one (1) space for every one hundred (100) square feet of gross floor area, whichever requirement is greater;
 6. Rest homes, convalescent hospitals, sanitariums: one (1) space for every four (4) beds plus one (1) space for every two (2) employees;
 7. Retail sales of automobiles, automobile parts, appliances, furniture, machinery, equipment rental, building materials, nurseries, and other similar retail uses involving primarily bulk merchandise: one (1) space for each four hundred (400) square feet of gross floor area plus one (1) space for each two thousand (2,000) square feet of lot area occupied by such area;

8. Service and repair uses such as printing, upholstering, appliance repair, sheet metal working, wood working or roofing: one (1) space for every five hundred (500) square feet of gross floor area;

9. Service stations: three (3) spaces for each hoist, rack or other area designed for servicing or minor repairs plus one (1) space for every two (2) employees on maximum shift.

C. Light retail sales, business and commercial establishments: one (1) space for every one hundred seventy-five (175) square feet where gross floor area is less than ten thousand (10,000) square feet; one (1) space for every two hundred (200) square feet where gross floor area is ten thousand (10,000) square feet or greater.

D. Other uses shall be provided on the same basis as required for the most similar use or as determined by the City Planning Commission.

E. Bicycle parking facilities shall be provided, at a minimum, in an amount equal to ten percent (10%) of the required automobile parking demand as determined by this chapter except for areas within one-half (1/2) mile of the Intermodal Station. For bicycle parking demand ratios in these areas, see subsection F of this section. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080. The number of required bicycle parking facilities may be increased by the decision maker for a specific use if it is found that such use shall create a greater demand for these facilities. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.090 and approval by the decision maker.

F. For areas within one-half (1/2) mile of the Intermodal Station, bicycle parking facilities shall be provided, at a minimum, in an amount equal to twenty percent of the required automobile parking demand as determined by this chapter. A minimum of twenty percent (20%) of the required bicycle parking demand shall be enclosed and secure to accommodate long-term users. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080. The number of required bicycle parking facilities may be increased by the decision maker for a specific use if it is found that such use shall create a greater demand for these facilities. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.090 and approval by the decision maker.

18.36.200 Design Criteria

A. All development shall comply with Section 18.24.050.

B. Mixed Use Development along Mission Boulevard, CC District.

1. Mixed-use developments shall be regulated by the standard lot size, setback, maximum height, off-street parking requirements, and maximum lot coverage requirements of the CC, Community Commercial district.

2. For residential uses located above ground floor commercial uses, the density limitations, off-street parking and bicycle parking requirements shall be based on the regulations for the RM 1500 district.

Chapter 18.37 STATION EAST MIXED USE RESIDENTIAL (SEMU-R) DISTRICT

18.37.140 Design criteria.

A. All development shall comply with Section 18.24.050.

18.37.190 Bicycle parking.

A. Bicycle parking facilities shall be provided, at a minimum, in an amount equal to:

Bicycle Parking Requirements	Short-Term Bicycle Parking Requirements	Long-Term Bicycle Parking Requirements
All other residential	1.0 space/20 dwelling units Minimum of 2 spaces	1.0 space/4 dwelling units Minimum of 2 spaces
Retail	1.0 space/3,000 square feet	1.0 space/10,000 square feet
Office, R&D, and Other Nonresidential uses	1.0 space/8,000 square feet. Minimum of 2 spaces	1.0 space/4,000 square feet

B. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080.

C. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.090 and approval by the decision makers.

18.37.200 Off-street loading.

A. Loading docks and/or berths shall be provided on site to serve the use. Such facilities shall be designed according to the following standards unless an alternative design is approved through the site development review process.

1. Loading docks shall be located inside a building and equipped with closable doors.
2. Loading zones shall be provided along the street frontage(s).

Chapter 18.38 STATION MIXED USE COMMERCIAL (CSMU) DISTRICT

18.38.150 Design criteria.

- A. All development shall comply with Section 18.24.050.

18.38.195 Bicycle parking.

- A. Bicycle parking facilities shall be provided, at a minimum, in an amount equal to:

Bicycle Parking Requirements	Short-Term Bicycle Parking Requirements	Long-Term Bicycle Parking Requirements
Multi-family residential on BART property ¹	1 space/20 dwelling units Minimum of 2 spaces	1 space/1 dwelling units
Multi-family residential	1 space/20 dwellings units Minimum of 2 spaces	1 space/4 dwelling units Minimum of 2 spaces
Retail	1 space/3,000 square feet	1 space/10,000 square feet
Office, R&D, and other nonresidential uses	1 space/8,000 square feet Minimum of 2 spaces	2 space/4,000 square feet

Notes:

1. Bicycle parking standards on BART property authorized by Public Utilities Code Sections 29010.1—2901.12.
- B. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080.
- C. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.090 and approval by the decision marker.

18.38.210 Loading.

- A. Loading docks and/or berths shall be provided on-site to serve the use. Such facilities shall be designed according to the following standards unless an alternative design is approved through the site development review process.
2. Loading docks shall be located inside a building and equipped with closable doors.
 3. Loading zones shall be provided along the street frontage(s).

Chapter 18.100 511 AREA DISTRICT

18.100.070 Development standards and requirements—Residential Specific Plan designations.

A. Development near the Turk Island landfill shall provide the following:

1. Space to accommodate monitoring wells for methane gas migration within one thousand (1,000) feet from the landfill boundary if no long-term monitoring is provided along the periphery of the landfill;
2. Undergrounding of utilities located within one thousand (1,000) feet of the landfill boundary shall be done in such a manner to preclude migration of landfill gas; and
3. An evaluation of the need to install a landfill gas protection system for development within Development Area B-2 as identified by the Specific Plan. This evaluation shall be reviewed and accepted by the Office of Solid Waste Management of the Alameda County Division of Environmental Health prior to issuance of a building permit.

B. Residential development shall be subject to Chapter 18.32 except where a specific development standard, use allowance, or other requirement or allowance is established in this Chapter.

Chapter 18.04 GENERAL PROVISIONS

18.04.010 ~~Short t~~Itle.

This title shall be known, cited and referred to as “the City of Union City Zoning Ordinance.”

~~18.04.180 Number of buildings on a zoning lot.~~

~~Except in the case of planned unit developments, not more than one (1) principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building except as provided in Chapter 18.32.~~

Chapter 18.08 DEFINITIONS

18.08.07~~12~~ Bakery.

A “bakery” is an establishment which engages in the sale of breads or other baked goods, whether baked on-site or at another location. A bakery shall be considered a food use if the breads and baked goods are packaged for immediate consumption. Any establishment whose breads and baked goods are predominantly sold at retail from a different location or locations shall be deemed a wholesale and/or manufacturing use, subject to the regulations of the district in which it is located.

18.08.072 Balusters.

“Balusters” means vertical braces, often decorative posts, providing support for a railing.

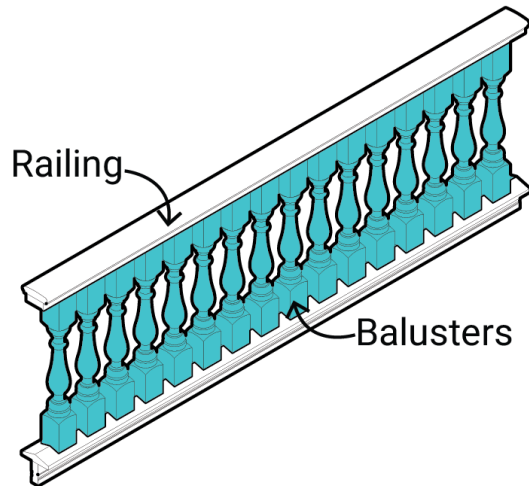


Figure 18.08.072: Balusters

18.08.076 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~~.

~~18.08.100 Buildable area.~~

~~The “buildable area” of a lot is the space remaining after the minimum open space requirements of this title have been complied with.~~

18.08.130 Building frontage.

“Building frontage” means the face of a building that is parallel to or is at a near parallel angle to a public right-of-way.

~~18.08.130 Building envelope.~~

~~See “Buildable area” definition.~~

18.08.175 Conditioned space.

“Conditioned space” means an area inside a building where temperature and humidity are controlled, that meets the Building Code definition of conditioned space, and is designed suitable for residential or nonresidential occupancy.

18.08.175-176 Conference center.

A “Conference center” means a facility for conventions, conferences, trade shows, festivals, and other events held within a facility designed and approved for this purpose.

18.08.176-177 Construction equipment sales and rental.

“Construction equipment sales and rental” means a facility which provides construction equipment and related commodities to the public for sale or rental, and accessory servicing of that equipment.

18.08.177-178 Contractor services.

“Contractor services” means a facility providing general contracting and/or building construction services, including general building, plumbing, electrical, air conditioning, carpentry, and other trade contractors.

18.08.178-179 Convenience market.

“Convenience market” means an activity that includes the retail sale of food, beverages, and personal convenience items, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and in a building of less than three thousand (3,000) square feet. Convenience markets may sell beer and wine but shall be considered liquor stores if hard liquor is sold on site. Excluded from this definition are delicatessens, specialty food shops, and establishments which have a sizeable assortment of fresh fruits and vegetables and fresh cut meat.

18.08.180 Cornice.

“Cornice” means an ornamental course or molding at the top of a wall or under the roof.

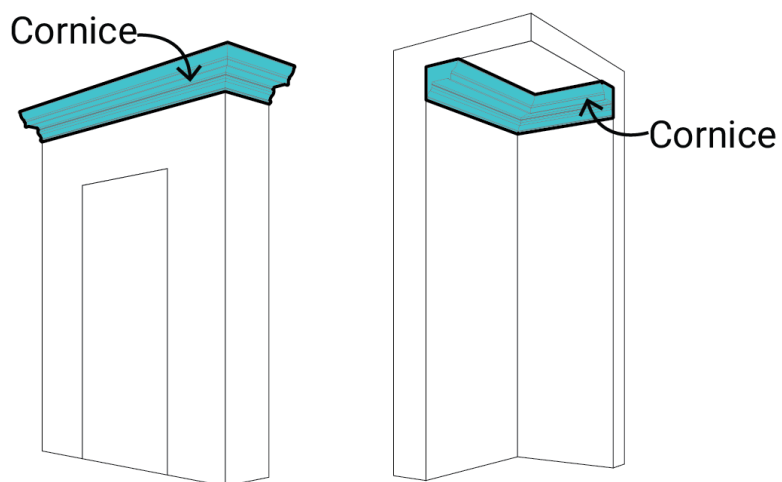


Figure 18.08.180: Cornice

18.08.180-181 Court.

A “court” is an open, unoccupied space other than a yard on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

18.08.241 Eave.

“Eave” means the lower edge of a roof that overhangs the wall below.

18.08.248 Entranceway, building.

“Entranceway, building” means a doorway and threshold providing ingress and egress to a building for persons.

18.08.249 Façade.

“Façade” means the exterior wall of a building along with its associated windows, entranceway, and projections.

18.08.297 Lintel.

“Lintel” means a horizontal beam or support across the top of a door or window.

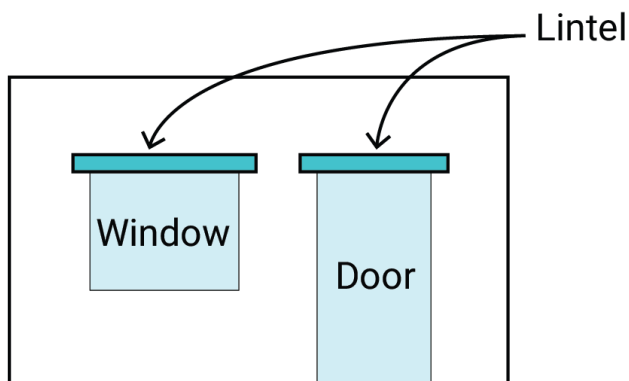


Figure 18.08.297: Lintel

18.08.2978 Liquor store.

“Liquor store” means an activity that includes the retail sale of hard liquor for off-premises consumption and is typically found in establishments with long or late hours of operation

and in a building of less than three thousand (3,000) square feet. Excluded from this definition are convenience markets that sell beer and wine and food stores.

18.08.298-299 Live/work unit.

“Live/work unit” means an integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multifamily, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with the Building Code and working space reserved for and regularly used by one (1) or more occupants of the unit.

18.08.302 Loggia.

“Loggia” means a covered exterior gallery or corridor that is open to the air on one or more sides. A loggia typically runs the length of a building, with columns or arches on the open side.

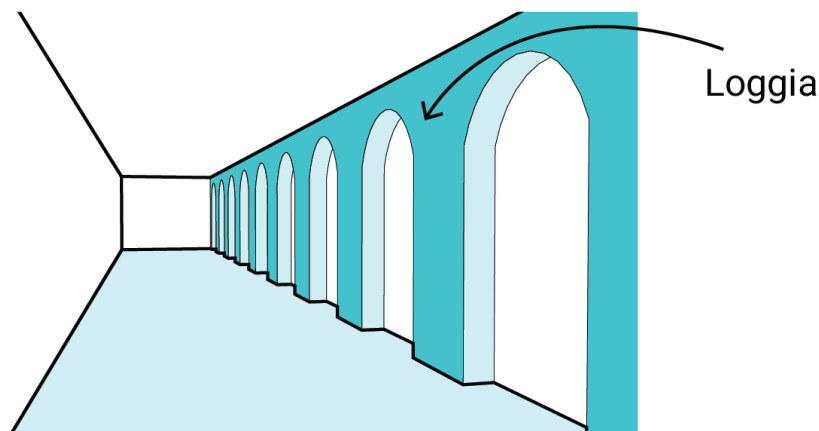


Figure 18.08.302: Loggia

18.08.482 Parapet.

“Parapet” means an upward extension of a wall at the edge of a roof.

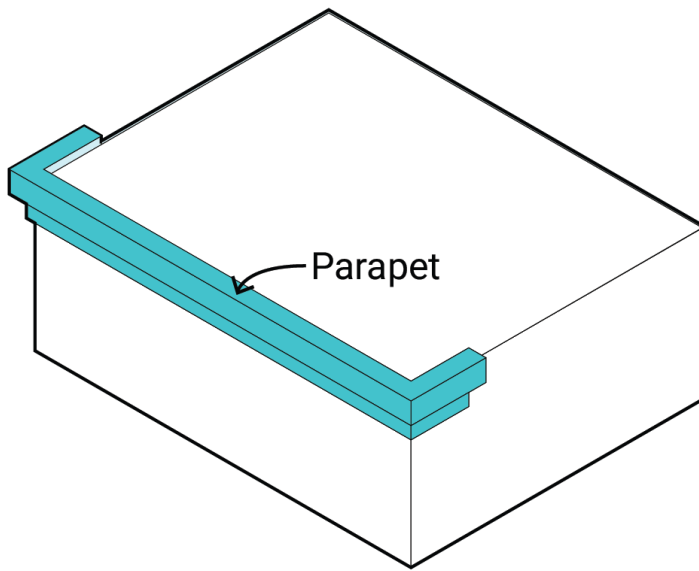


Figure 18.08.482: Parapet

18.08.483 Parapet return.

"Parapet return" means the continuation of a parapet at a right angle toward the building at the end of a parapet face.

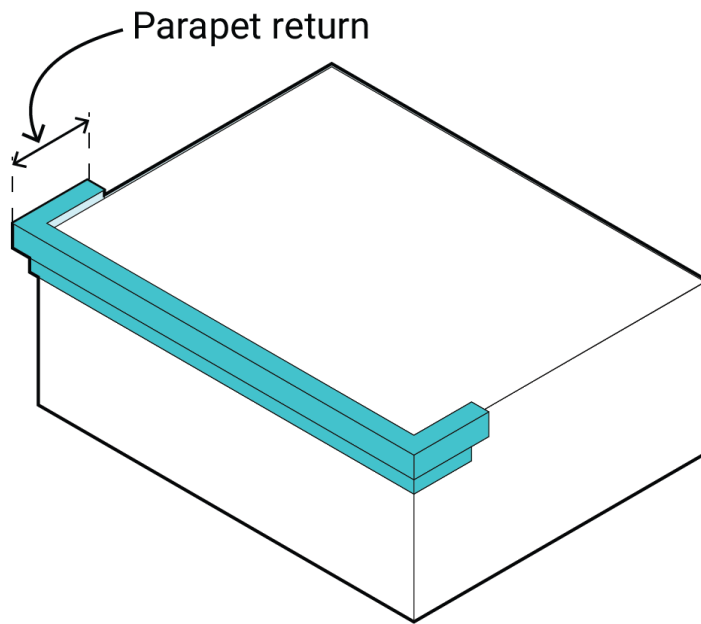


Figure 18.08.483: Parapet return

18.08.484 Parcel.

"Parcel" means a recorded property under single ownership.

18.08.485 Paseo.

"Paseo" means a place or path for strolling designed to provide access through a site but also contains amenities for leisure enjoyment, such as benches and seating areas.

18.08.486 Passageway.

"Passageway" means an open area providing a path or channel through which something may pass.

18.08.484 487 Patio.

A "patio" is a non-habitable recreation area that adjoins a dwelling, is often paved, and is adapted especially to outdoor dining.

18.08.485-488 Pawn shop.

“Pawn shop” means a place in which the business of a pawnbroker is conducted. A Pawnbroker is any person engaged in the business of receiving goods, including motor vehicles, in pledge as security for a loan.

18.08.486-489 Payday loan facility.

“Payday loan facility” means a facility primarily engaged in the business of advancing funds to customers in situations where the customer uses their entitlement to a future paycheck from some other source as collateral for the loan, and for which the customer pays a fee (percentage or otherwise) for the advancement.

18.08.487-490 Personal services.

“Personal services” means a use providing services of a personal convenience including beauty salons, barber shops, dressmaking/tailoring, hair removal, nail salons, photographic and portrait studios, shoe repair shops, travel agency, and similar uses. Excluded from this definition are massage, check cashing, and any other personal service type use specifically listed within district regulations.

18.08.491-500 Planned unit development.

A “planned unit development” is a tract of land with approved development standards which do not conform in all respects with the land use pattern designated on the zoning map or the district regulations provided by the zoning ordinance, and may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with the existing and proposed land uses in the vicinity. Planned unit developments may be permitted in any residential district, any industrial district, the 511 district, and in the specialty commercial and community commercial districts for mixed-use (residential and commercial) projects within the Old Alvarado area and Mission Boulevard corridor. Industrial condominium conversions and new industrial condominium projects are also considered planned unit developments.

18.08.502 Publicly accessible sidewalk.

“Publicly accessible sidewalk” means any walkway that is available to the public on an ongoing basis. ~~18.08.600 Useable open space.~~

~~Where the district regulations specify a minimum of useable open space for each dwelling unit or a building site, the calculation of useable open space shall be made by deducting from the total area of the building site:~~

~~A. The area at ground level of all roofed buildings on the premises;~~

~~B. All areas paved to provide parking space, required driveways and maneuvering areas;~~

- ~~C. Any remaining area having a ground slope in excess of twenty percent (20%); and~~
- ~~D. Any open space less than ten (10) feet in its least dimension.~~

~~To the remainder may be added any roof top or outside deck spaces more than ten (10) feet in least dimension which are directly accessible to and safely useable by occupants of the dwelling.~~

Chapter 18.24 ~~BULK~~GENERAL DEVELOPMENT REGULATIONS

~~18.24.030~~ Location of required open space.

~~All yards, courts and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such buildings or dwelling group.~~

~~18.24.040-030~~ Required yards—Existing building.

No yards now or hereafter provided for a building existing on the effective date of the ordinance codified herein shall subsequently be reduced below, or further reduced, if already less than the minimum yard requirements of this title for equivalent new construction.

~~18.24.050-040~~ Permitted obstructions in required yards.

The following shall not be considered to be obstructions when located in the required yards specified:

A. In All Yards: Open terraces not over eighteen (18) inches above the average level of the adjoining ground and one hundred and twenty (120) square feet in area but not including a permanently covered terrace or porch except as allowed by the provisions of the R-5000 zoning district; awnings and canopies; steps, four (4) feet or less above grade, which are necessary for access to a permitted building, or for access to a zoning lot from a street, or alley; chimneys projecting twenty-four (24) inches or less into the yard; recreational and laundry-drying equipment; flag poles; overhanging eaves and gutters projecting eighteen (18) inches or less into the yard, except that in no case shall overhanging eaves and gutters be closer than two (2) feet to a lot line;

B. In Front and Rear Yards: Bay windows projecting three (3) feet or less into the yard;

C. In Side Yards: First-floor additions to single-family detached houses with existing legal nonconforming setbacks may be built in line with the existing structure as long as a minimum interior side yard setback of five (5) feet and a minimum exterior side yard

setback of ten (10) feet is maintained, except that houses built on a zero lot line shall maintain a minimum setback of ten (10) feet on the nonzero lot line side of the property.

18.24.050 Building and site design standards.

A. Applicability. All development shall meet the standards of this Section, except as provided below.

1. Exceptions. The standards of this Section do not apply to the following types of development:

a. Detached single family dwellings.

b. SB 9 housing developments as defined in Chapter 18.31.

c. Accessory dwelling units as defined in Chapter 18.34.

d. Development within the following zoning districts:

i. Industrial Districts (General Industrial (MG), Light Industrial (ML), and Special Industrial (MS)).

ii. Mixed-Use Employment Districts (Station East Employment (SEE) and Corridor Mixed Use Employment (CMUE)).

iii. Civic Facility District.

iv. Private Institutional District.

v. Agricultural District.

vi. Open Space District.

B. Building Design Requirements.

1. Building Orientation. Unless located behind another building, buildings shall be oriented toward the adjacent front or street side lot line with the building frontages parallel to the fronting public right-of-way.

2. Entrances.

a. Ground Floor Nonresidential Uses.

i. There shall be a minimum of one (1) entrance for every fifty (50) feet of building frontage with a maximum separation of one hundred (100) feet between entrances.

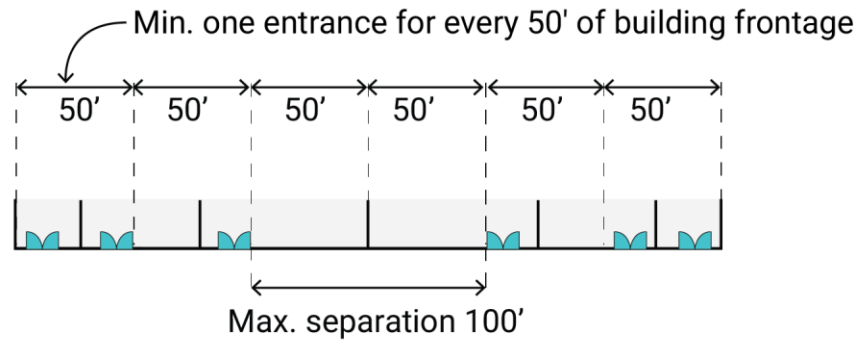


Figure 18.50.050(B)(2)(a)(i): Non-residential entrance location requirements

- ii. In buildings located within twenty (20) feet of a front or street side lot line, the primary building entrance shall face a public right-of-way or shall face within ninety (90) degrees of the primary building frontage and be located within ten (10) feet of a publicly accessible sidewalk.

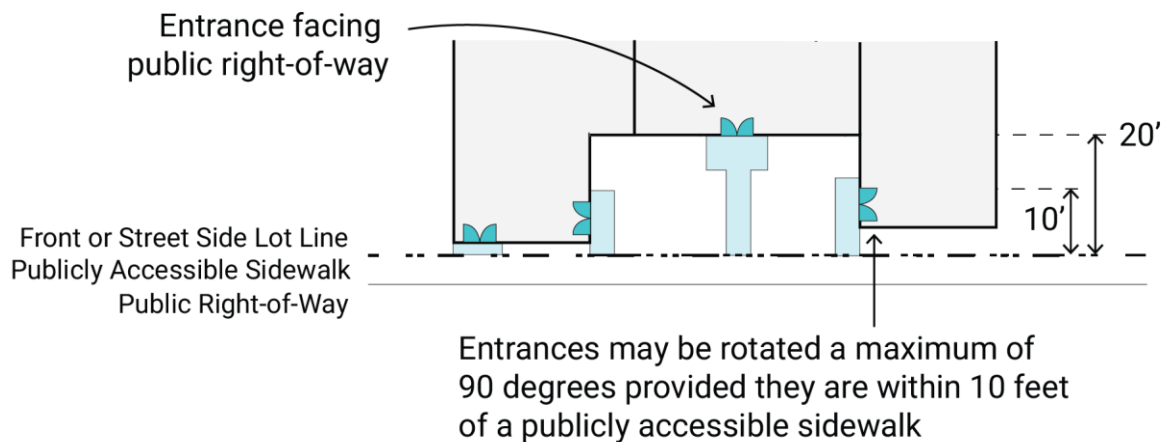


Figure 18.50.050(B)(2)(a)(ii): Non-residential use entrance orientation

- iii. VMU District. In the VMU District, double doors shall be required at the primary building entrance. Transom windows shall be provided above the primary building entrance door.

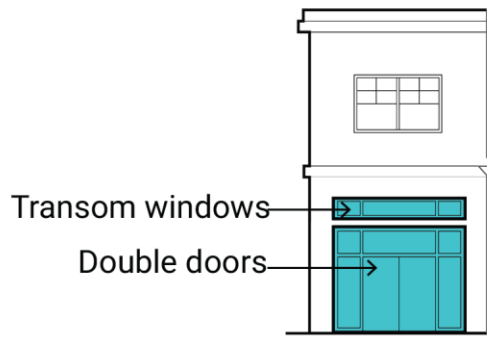


Figure 18.50.050(B)(2)(a)(iii): VMU District primary entrance

iv. Reductions and Exceptions. A reduction or exception to the applicable objective entrance standard for nonresidential uses may be granted by the decision maker subject to both of the following findings:

- (1) The proposed use has certain operational characteristics with which providing the required entrance(s) is incompatible.
- (2) Building walls facing a public right-of-way exhibit architectural relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.

b. Residential Uses. Entrances to residential dwelling units shall be designed as individual or shared entrances at the ground floor of the building.

i. Shared Entrances. All buildings with any exterior entrance that provides access to more than one unit shall provide a minimum of one (1) primary shared entranceway per building in accordance with the following standards.

- (1) In buildings located within twenty (20) feet of a front or street side lot line, the primary shared entranceway shall be oriented to and facing a public right-of-way.
- (2) Primary building entranceways of buildings located in the interior of a site shall be connected to a publicly accessible sidewalk by a walkway with a minimum width of four (4) feet.
- (3) The primary entranceway shall lead to a common area a minimum of ten (10) feet by ten (10) feet.
- (4) The primary entranceway shall incorporate one (1) or more architectural features such as windows, sidelights, lighting, or signage into the entranceway.

(5) The primary entranceway shall be emphasized utilizing at least one (1) of the following methods:

(a) A roofed projection over the door (such as an awning, canopy, or overhang) with a minimum depth of four (4) feet.

(b) A recessed entry bay with a minimum depth of four (4) feet.

(c) A landing, deck, or stoop with a minimum six (6) foot by eight (8) foot area; covered by a recess or projection, or combination thereof, a minimum of three (3) feet in depth.

(d) Incorporating the entrance into an architectural feature that extends two (2) or more feet above the height of the first floor plate vertical mass and is projected or recessed a minimum of one (1) foot from the primary wall plane.

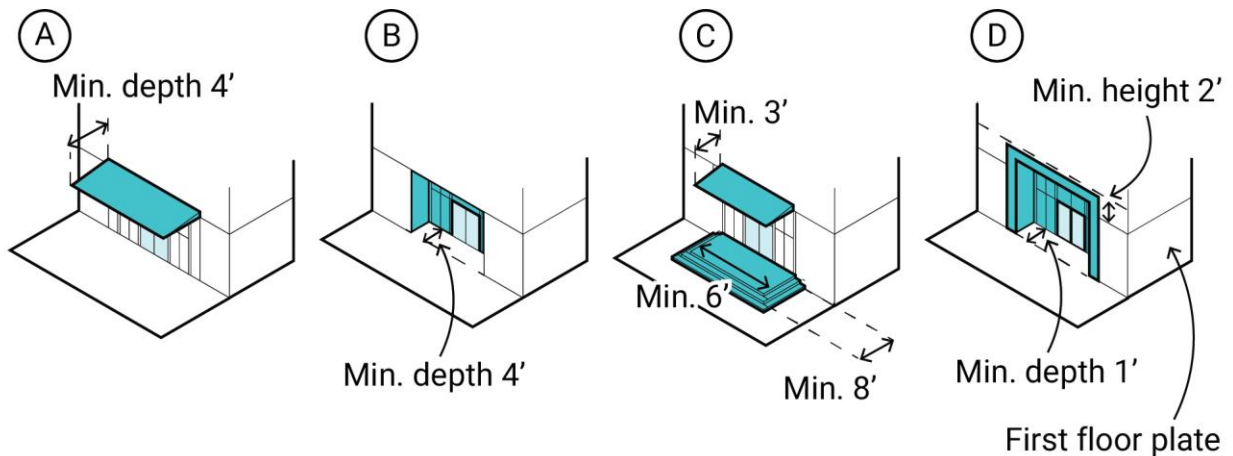


Figure 18.50.050(B)(2)(b)(i)(5): Residential primary entrance emphasis — shared entrances

ii. Individual Entrances. All units accessed through ground level individual entrances from the exterior shall provide a minimum of one (1) primary individual entranceway per unit in accordance with the following standards.

(1) In buildings located within twenty (20) feet of a front or street side lot line, all individually accessed units located along a public right-of-way shall have a primary entranceway oriented to and facing a public right-of-way.

(2) All individual primary entrances shall be connected to a publicly accessible sidewalk by a walkway with a minimum width of four (4) feet.

(3) All entrances located within ten (10) feet of an adjoining publicly accessible sidewalk shall provide finish floor elevations of between eighteen (18) and forty-two (42) inches above the adjoining sidewalk.

- (4) The primary entranceway shall include a covered or partially covered landing, deck, porch, or stoop with a minimum four (4) foot by four (4) foot area.
- (5) The primary entranceway shall be covered by a recess or projection, or combination thereof, a minimum of three (3) feet in depth.

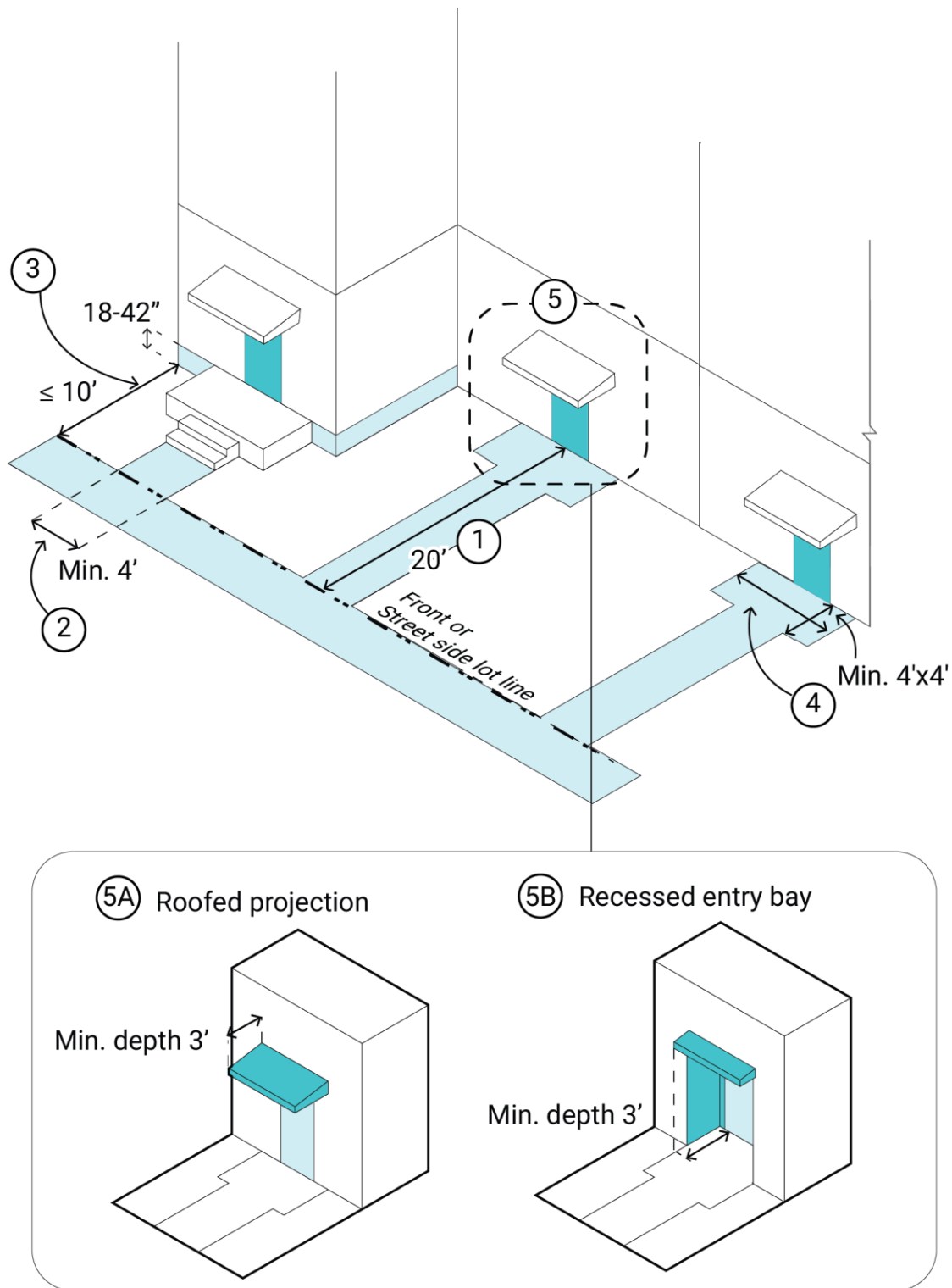


Figure 18.50.050(B)(2)(b)(ii)(5): Residential individual entrances

3. Roof Design and Articulation. Roof lines shall be varied and designed to minimize the bulk of a building, screen roof-mounted equipment, and enhance the building's architectural design through the following methods:

- a. Minimum Depth of Overhanging Eaves. Overhanging eaves, if provided, shall extend a minimum of two (2) feet beyond the supporting wall.
- b. Roof Line Offset. For buildings with two (2) or more stories, a minimum of one (1) roof line offset of at least eighteen (18) inches in height and twenty (20) feet in length shall be provided for every one hundred twenty (120) feet of façade length, except as provided below for parapet roofs.

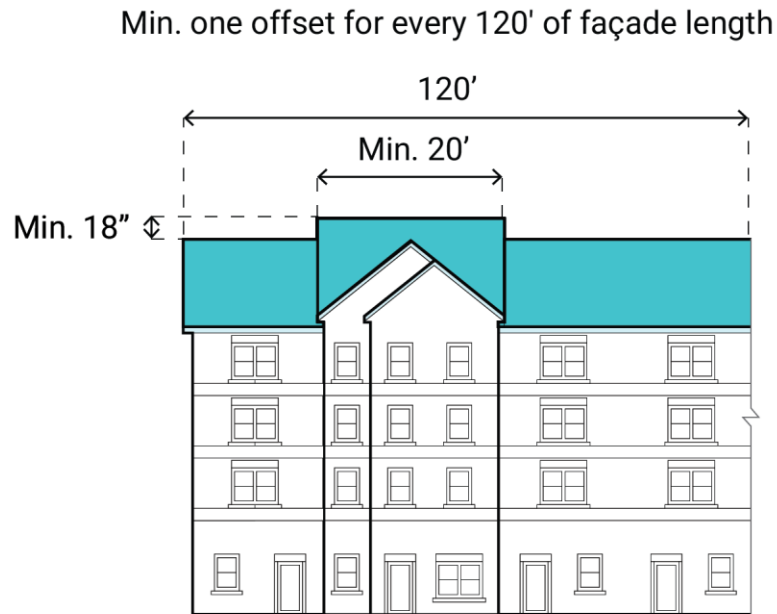


Figure 18.50.050(B)(3)(b): Roof line offset

c. Parapet Roofs.

- i. For buildings with two (2) or more stories, parapet roofs shall provide either the minimum offset pursuant to (b) above, or shall provide a roof line offset of at least eighteen (18) inches in depth and twenty (20) feet in length for every one hundred twenty (120) feet of façade length.
- ii. All parapets shall provide returns of at least six (6) feet in depth at the end of the parapet face to avoid a false front appearance.

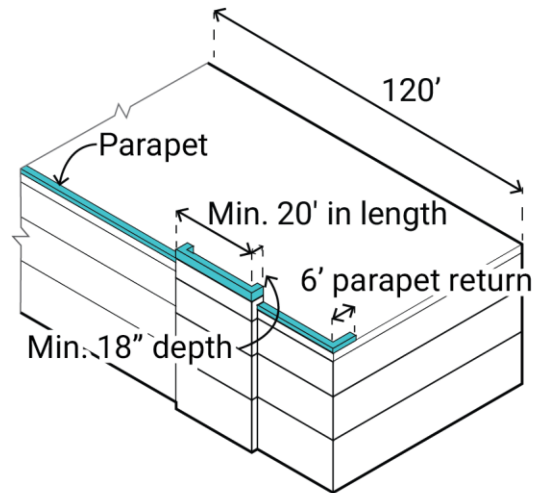


Figure 18.50.050(B)(3)(c): Parapet roofs

- d. Rooftop Equipment. Rooftop equipment shall not be visible from a publicly accessible sidewalk across the street, nor shall be visible from any publicly-accessible area located within fifty (50) feet of the building.
- e. VMU District. In the VMU District, in addition to the standards listed above, roofs shall also meet at least one (1) of the following standards:
 - i. A decorative parapet with a symmetrical appearance shall be provided on all street facing building façades.
 - ii. The roof shall be gabled, cross-gabled, or hipped. Mono pitch roofs are prohibited.

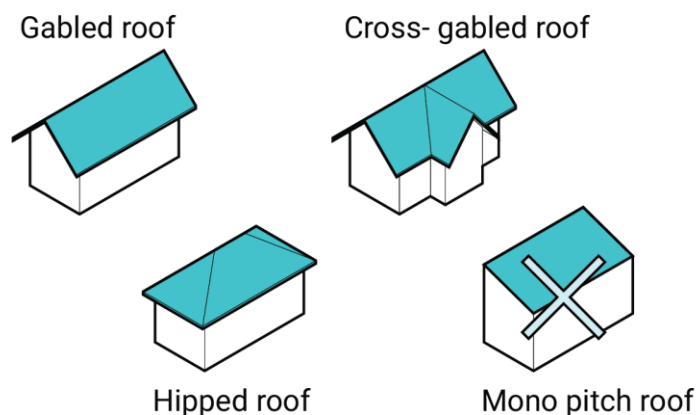


Figure 18.50.050(B)(3)(e)(ii): Roof types — VMU District

- f. Mission Boulevard. Along Mission Boulevard, roofs shall be gabled or hipped and shall have a pitch between 3:12 and 5:12.

4. Building Articulation. Buildings shall include the following design features to create visual variety and avoid a large-scale and bulky appearance:

- a. Façade Articulation. All façades facing a public right-of-way shall include at least one (1) horizontal or vertical projection or recess at least four (4) feet in depth, or two (2) projections or recesses at least two and one-half (2.5) feet in depth, for every fifty (50) horizontal feet of wall. The articulated elements shall be greater than one (1) story in height and may be grouped rather than evenly spaced in fifty (50) foot modules.

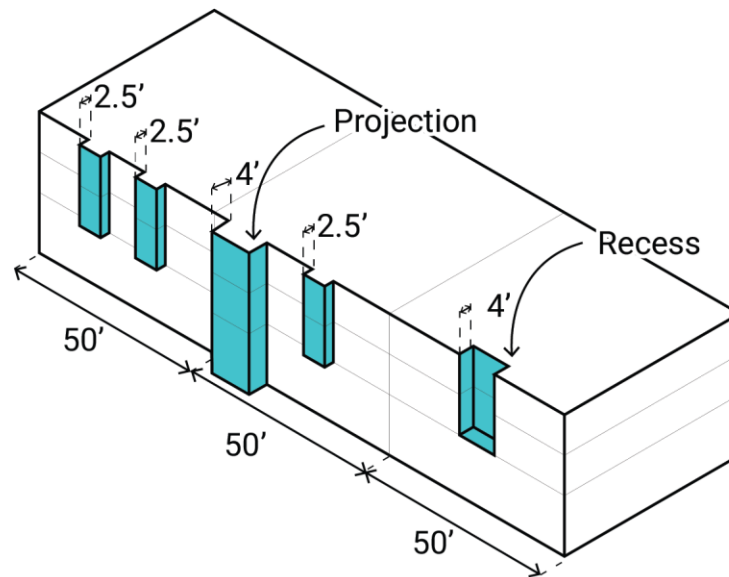


Figure 18.50.050(B)(4)(a): Façade articulation

- b. VMU District. In addition to the façade articulation requirement in subsection (4)(a) above, the following additional façade articulation standards apply in the VMU District.

- i. Façades facing Smith Street, Union City Boulevard, Horner Street, Vallejo Street, and Watson Street shall provide a minimum of one (1) of the following articulation elements every twenty-five (25) to fifty (50) feet:

- (1) A façade wall shift at least two (2) feet in depth and at least the full height of the ground floor.
- (2) A change in material a minimum of three (3) feet wide and at least the full height of the ground floor.
- (3) A change in color, bordered with decorative trim, a minimum of twenty-five (25) feet wide and at least the full height of the ground floor.

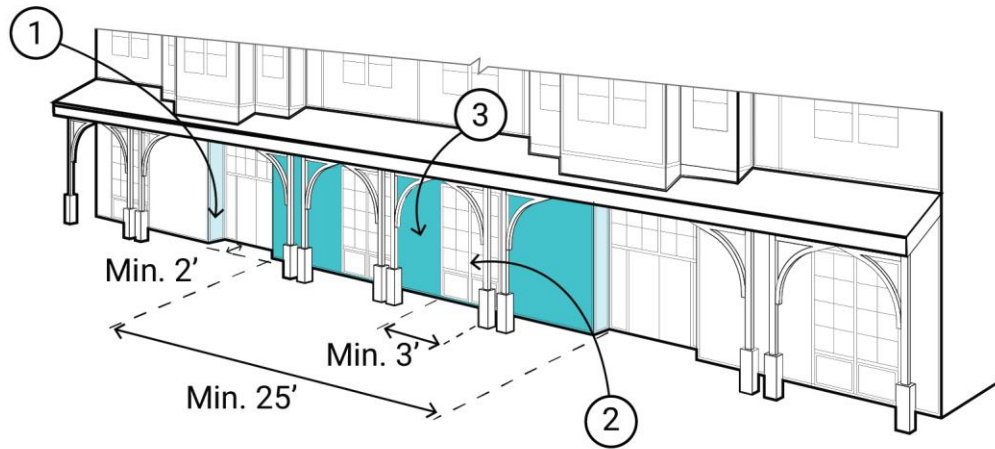


Figure 18.50.050(B)(4)(b)(i): Façade requirements, certain streets — VMU District

ii. Covered walkways or overhangs shall be provided along building frontages on Smith Street, Union City Boulevard, and Horner Street.

(1) Location. The covered walkways or overhangs shall be centered on a main entrance of the building.

(2) Minimum Dimensions. The covered walkways or overhangs shall be a minimum of five (5) feet deep and fifteen (15) feet wide.

(3) Support Columns. Columns supporting covered walkways shall be four (4) inches by six (6) inches in dimension with a defined and differentiated column base and top.

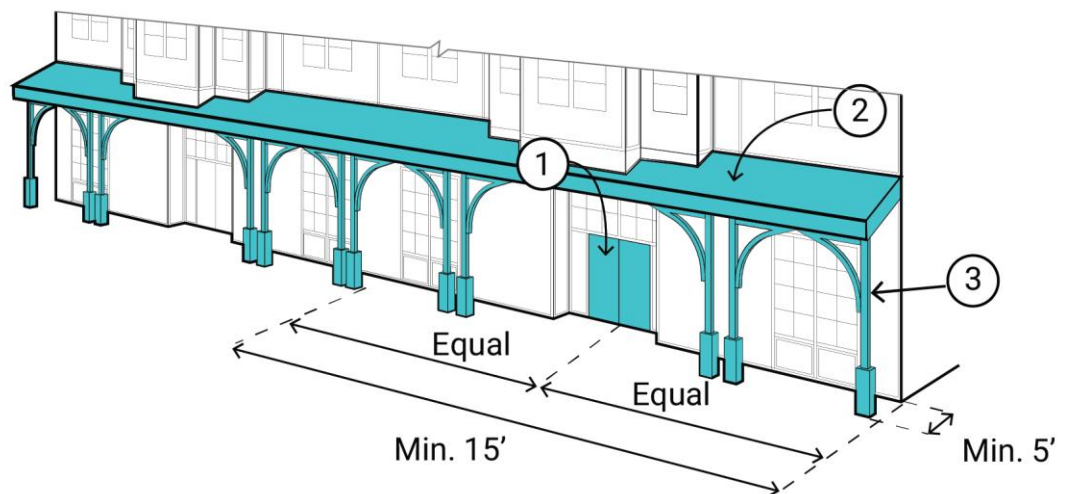


Figure 18.50.050(B)(4)(b)(ii): Covered walkways or overhangs, certain streets — VMU District

c. Street Facing Façades Along Mission Boulevard. In addition to the façade articulation requirement in subsection (4)(a) above, street facing façades along Mission Boulevard shall incorporate two (2) or more of the following features.

i. Window bays with a minimum two (2) feet in depth from building façade every fifty (50) horizontal feet.

ii. Recesses a minimum of two (2) feet in depth from building façade every fifty (50) horizontal feet.

iii. Porches, arcades and loggias over a minimum of twenty-five percent (25%) of the façades with columns a minimum of one (1) foot in width and depth.

iv. Curved arches between columns or as part of recesses or projections.

v. Arches above doors.

vi. Arches over all windows on a minimum of one (1) floor.

vii. A lintel at the base of windows.

ix. Decorative tile vents.

x. Decorative ironwork.

xi. Exposed wood beams.

xii. Balconies.

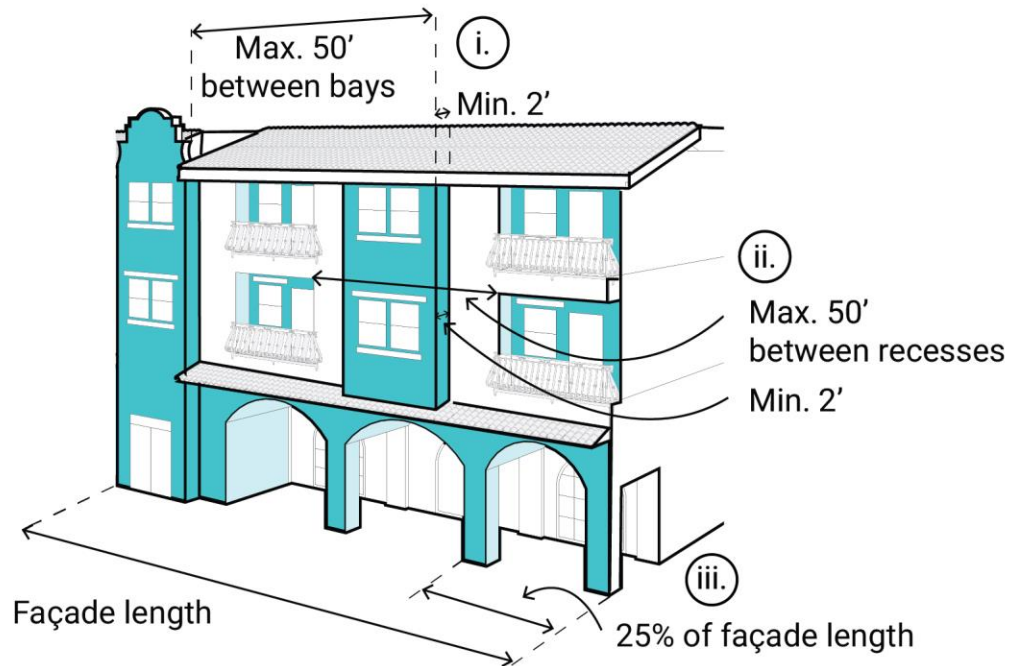


Figure 18.50.050(B)(4)(c): Façades along Mission Boulevard

d. Townhomes and Rowhouses. The design of townhomes and rowhouses shall be articulated such that individual units are differentiated from each other. In addition to the articulation requirements above, attached side-by-side dwelling units shall meet the following requirements.

i. Individual units shall be emphasized through two (2) or more of the following methods.

(1) Variations of two (2) feet or more between the horizontal planes of the primary entrance façade of adjacent units.

(2) A change in roof orientation between adjacent units (e.g., a gable roof adjacent to a hipped roof).

(3) A roofline offset of at least eighteen (18) inches for each unit exposed on the associated elevation.

(4) A change in materials.

(5) A change in color.

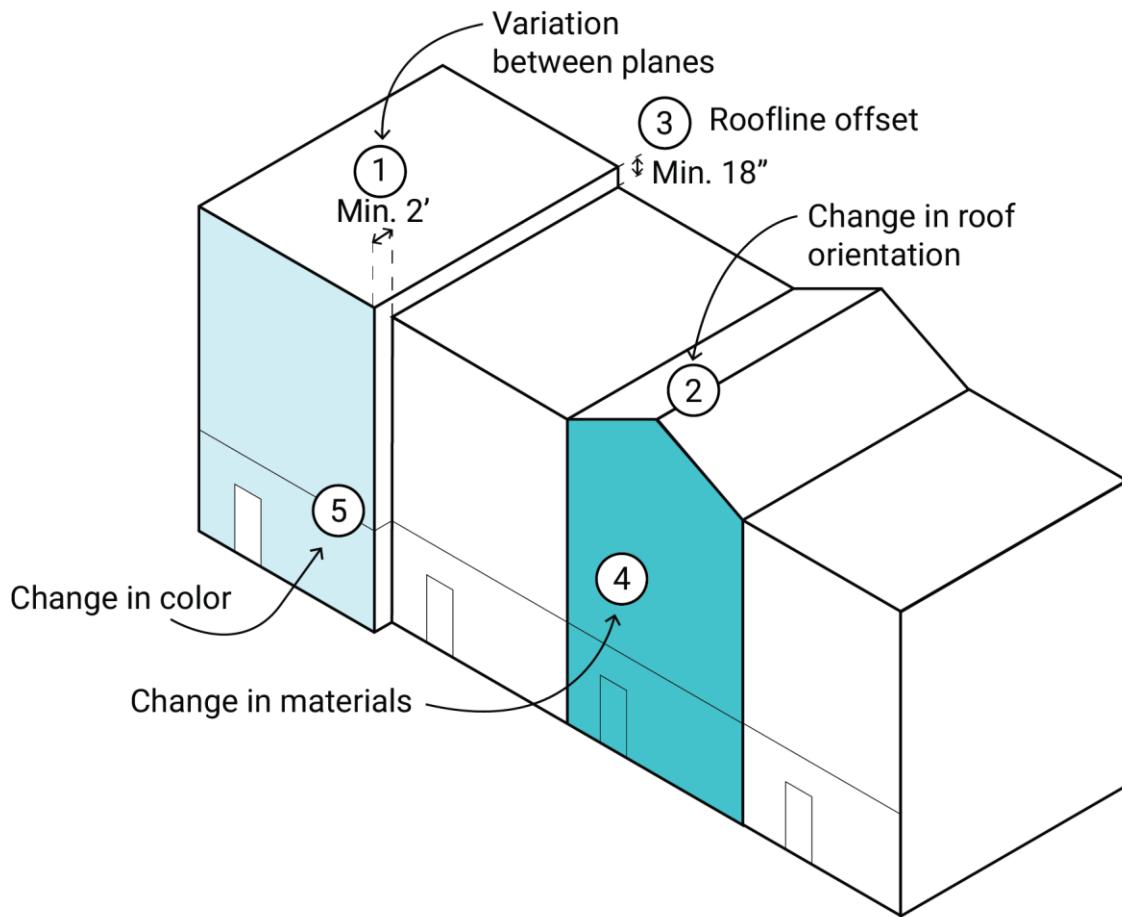


Figure 18.50.050(B)(4)(d)(i): Townhome and rowhouse articulation

5. Façade Design.

a. Façade Detailing.

- i. All building façades shall incorporate details, such as cornices, eaves, trim, changes in materials, projections such as awnings and balconies, or other design elements.

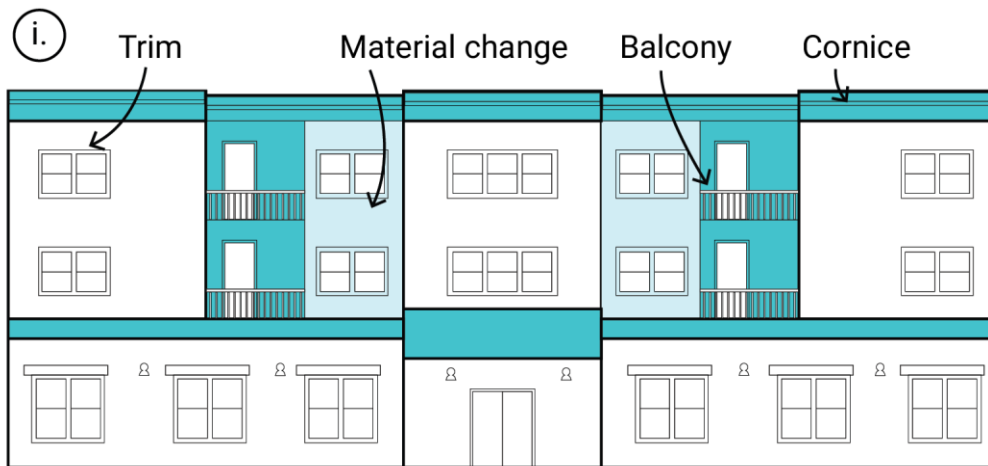


Figure 18.50.050(B)(5)(a)(i): Façade detailing design elements

- ii. No wall facing a public right-of-way shall run in a continuous plane of more than thirty (30) feet without a window, door, or other opening.
- iii. Horizontal building elements, such as cornices, eaves, trims, and expansion gaps that create visible horizontal lines shall be aligned within three (3) feet of like buildings elements on the same façade.

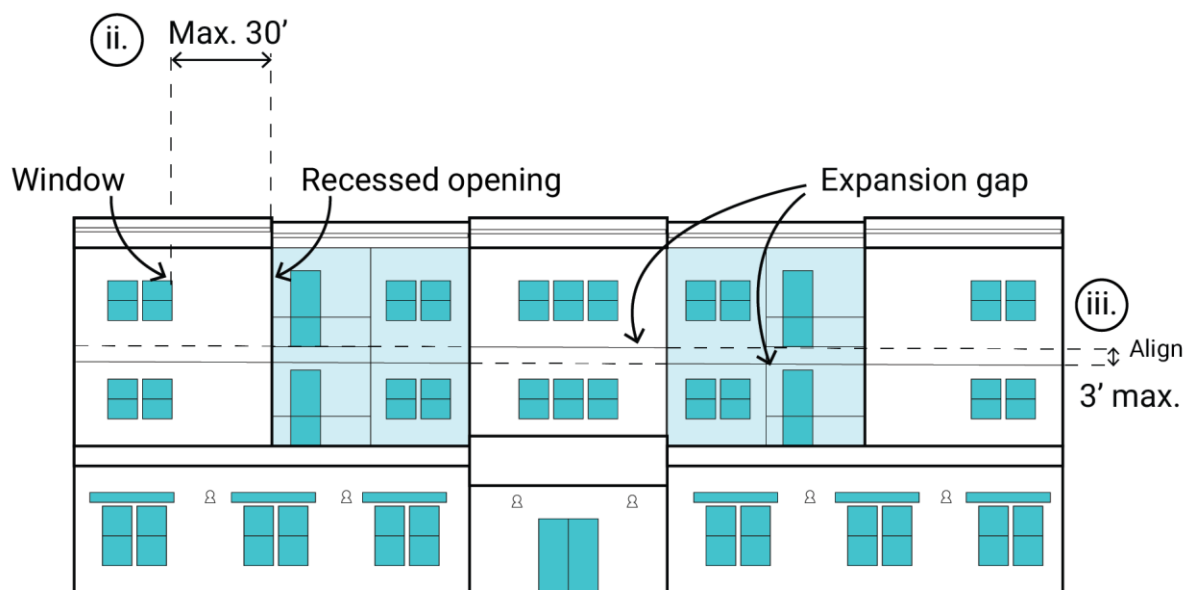


Figure 18.50.050(B)(5)(a)(iii): Building element alignment

- iv. Building vents, gutters, lighting, and exterior equipment that are part of the exterior façade shall be aligned horizontally and vertically with like elements and with other building façade details on the same façade.

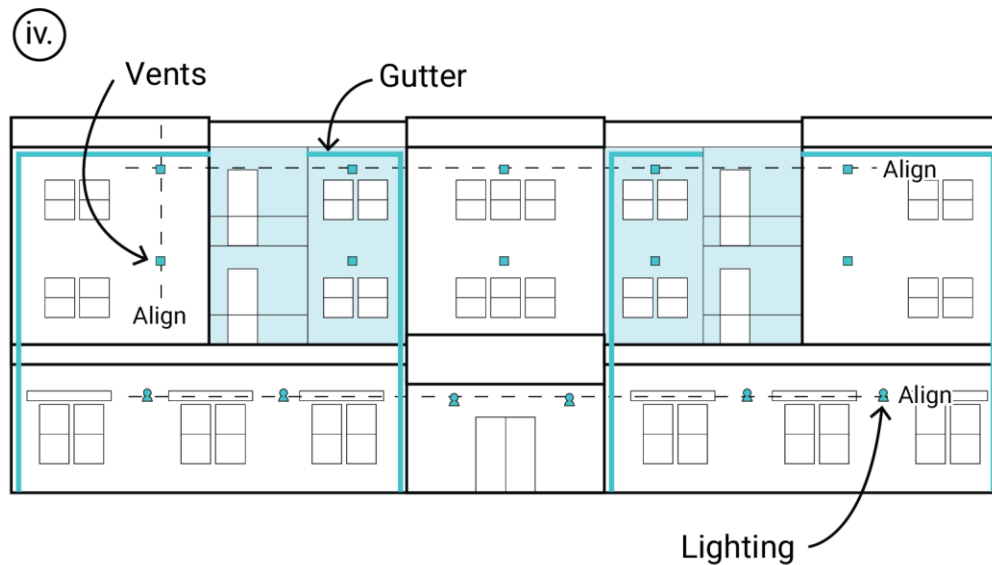


Figure 18.50.050(B)(5)(a)(iv): Building equipment alignment

b. Exterior Building Colors and Materials.

- i. Factory-processed color finishes, such as baked enamel, shall be provided on all exterior metal surfaces.
- ii. VMU District. In the VMU District, a minimum of seventy-five percent (75%) of the building siding shall be one (1) of the following materials:
 - (1) Horizontal or vertical wood siding, tongue-in-groove, or shiplap.
 - (2) Board and batten siding.
- iii. Mission Boulevard. Buildings on parcels along Mission Boulevard shall include each of the following exterior materials:
 - (1) Barrel tile roof.
 - (2) Stucco walls.
 - (3) Raised brick or stone foundation.
- iv. Exterior Materials, Other Areas. In areas outside of the VMU District and buildings not located on parcels along Mission Boulevard, exterior building materials shall be chosen based on durability, ease of maintenance, and context. Permitted materials shall include the following:
 - (1) Steel—Porcelain enamel panels, steel windows, steel exterior doors, steel rails and fences, painted, stainless or pre-weathered steel.

(2) Aluminum—Windows, panels (luco-bond and aluminum plate), storefront, curtain wall, doors; aluminum shall be natural finish anodized, powder-coated or kynar (no bronze anodized).

(3) Decorative Metals-including copper, brass, bronze, and stainless steel.

(4) Glass—Clear, low-e, nonreflective, solar-bronze or solar gray glass, shadow boxes and spandrel glass is permitted.

(5) Brick, natural clay.

(6) Stone.

(7) Pre-cast concrete, glass-fiber reinforced concrete.

(8) Cast-in-place concrete.

(9) Ceramic tile.

(10) Cement plaster.

(11) Wood.

6. Windows and Openings.

a. Nonresidential Uses: Building Transparency/Required Openings. Exterior walls facing and within twenty (20) feet of a front or street side lot line or publicly accessible sidewalk shall include windows, doors, or other openings for at least forty percent (40%) of the building wall area of grocery stores and fifty percent (50%) of the building wall area of other uses located between two and a half (2.5) and seven (7) feet above the level of the sidewalk.

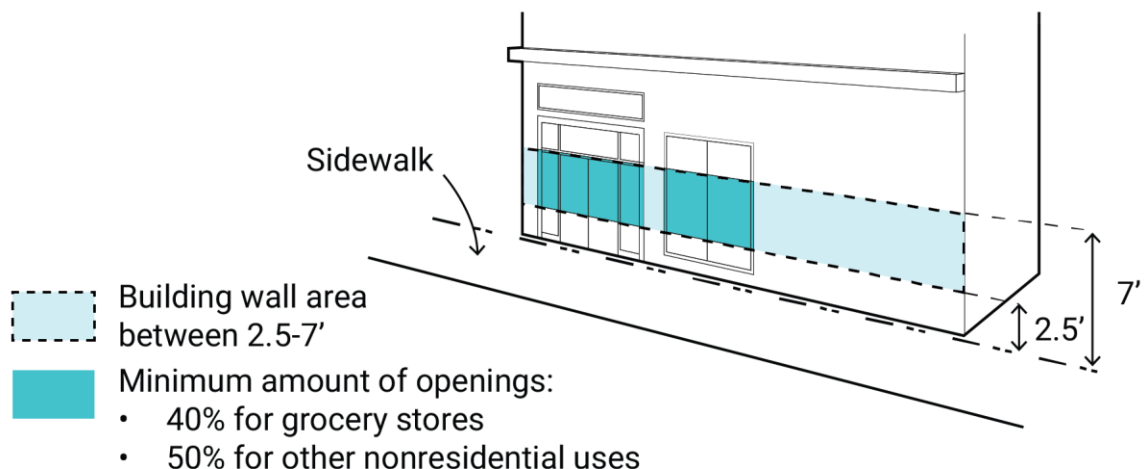


Figure 18.50.050(B)(6)(a): Nonresidential window openings and transparency

- i. Design of Required Openings. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three (3) feet deep.

- (1) VMU District. In the VMU District, Ground floor windows shall start two (2) to three (3) feet off the ground and extend above door sill height.

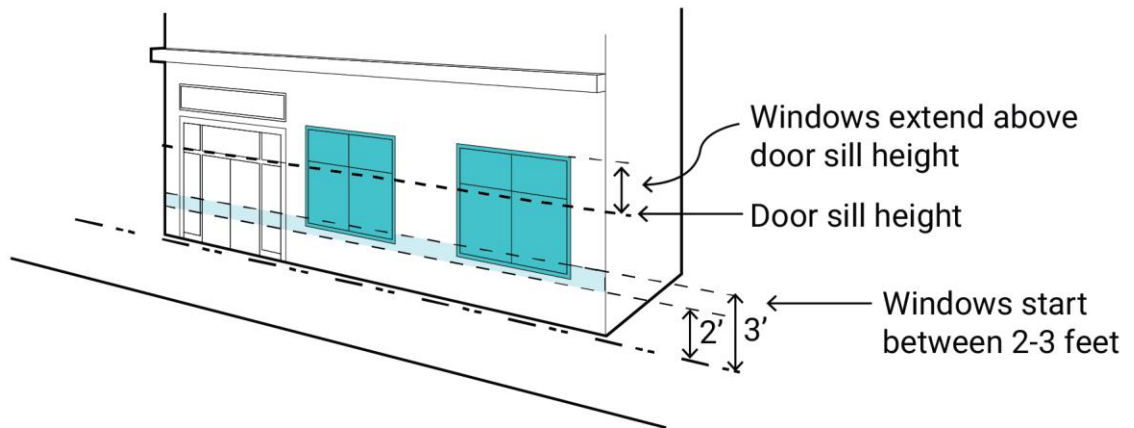


Figure 18.50.050(B)(6)(a)(i)(1): Ground floor windows — VMU District

- ii. Reductions and Exceptions. A reduction or exception to the applicable objective building transparency standard for nonresidential uses may be granted by the decision maker subject to both of the following findings:

- (1) The proposed use has certain operational characteristics with which providing the required windows and openings is incompatible.
 - (2) Street-facing building walls exhibit architectural relief and detail, and are enhanced with landscaping to create visual interest at the pedestrian level.

- b. Residential Uses: Window Trim or Recess. Windows for residential uses shall have trim at least three (3) inches wide and one-half (0.5) inch in depth, or be recessed at least two (2) inches from the plane of the surrounding exterior wall.

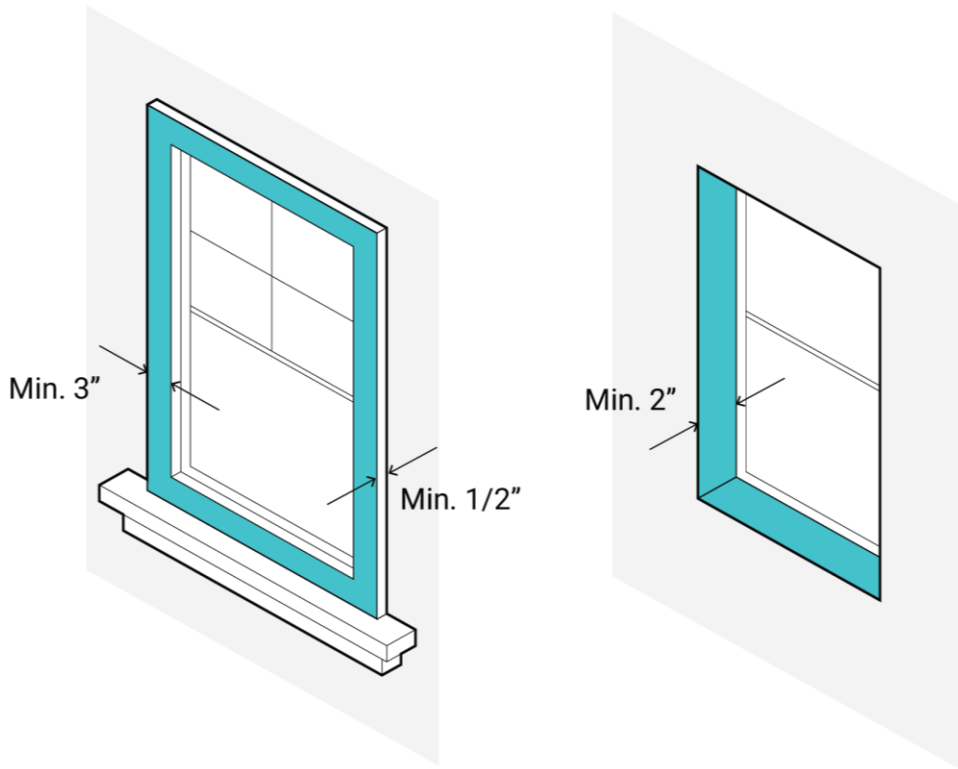


Figure 18.50.050(B)(6)(b): Residential window detail

c. Residential Uses: Transparency/Required Openings for Common Spaces. Exterior walls of common spaces, such as lobbies and community spaces, within twenty (20) feet of a front or street side lot line or publicly accessible sidewalk shall include windows, doors, or other openings for at least thirty percent (30%) of the building wall on which they are adjacent, between two and a half (2.5) feet and seven (7) feet above the level of the sidewalk.

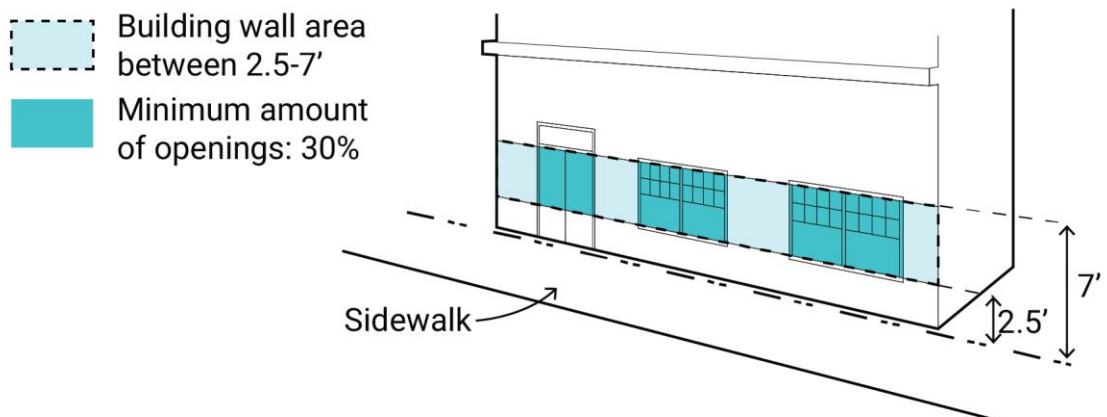


Figure 18.50.050(B)(6)(c): Window opening and transparency, residential common spaces

C. Space Requirements.

1. Residential Uses.

- a. Minimum Ground Floor Height. The minimum ground floor height for residential uses is ten (10) feet measured floor to floor.

2. Nonresidential Uses.

- a. Minimum Ground Floor Height. For nonresidential spaces planned for a restaurant use, the minimum ground floor height limit is eighteen (18) feet measured floor to floor. The minimum ground floor height for nonresidential spaces planned for uses other than restaurants is fifteen (15) feet measured floor to floor.

- b. Minimum Tenant Space Depth.

- i. Generally. Nonresidential ground floor interior tenant spaces shall be a minimum of thirty-five (35) feet in depth.
 - ii. Planned Restaurant Use. For nonresidential spaces that have a planned restaurant use, the minimum depth shall be sixty (60) feet for at least fifty percent (50%) of the width of the tenant space or twenty-five (25) feet, whichever is wider.
 - iii. Reductions and Exceptions. A reduction or exception to the applicable objective minimum depth standard may be granted by the decision maker if a finding can be made that the site is small or constrained.
- c. Required Restaurant Space. For lots larger than twenty thousand (20,000) square feet, a minimum of twenty-five percent (25%) of the ground floor nonresidential area of mixed-use development shall be designed to accommodate a restaurant use. Restaurant uses require grease traps, a minimum of one (1) restroom per tenant, a separate ventilation system, and an enclosure for waste receptacles.
- d. Indoor/Outdoor Connections. The design of ground floor commercial uses in the MMU, SEMU-R, and CSMU Districts shall promote indoor/outdoor connections by providing at least one (1) of the following:
 - i. Sliding or removable windows/doors.
 - ii. Low planters with seat walls a minimum width of twelve (12) inches.
 - iii. Entrances, recessed a minimum of four (4) feet, and porticos that allow outdoor seating or display.

- iv. Awnings and canopies that may encroach into the public right-of-way subject to approval of an encroachment permit by the Public Works Department.
- 4. Required Residential Amenities. Amenities that enhance the livability of the project shall be provided.
 - a. Activity Areas. Private and common open spaces, playground or outdoor active recreation facility, such as a lap pool.
 - i. Amount of Activity Area.
 - (1) RM Districts. In RM Districts, a minimum of one hundred fifty (150) square feet of activity area shall be provided per dwelling unit.
 - (2) Other Districts. In Districts other than RM Districts, a minimum of sixty (60) square feet of activity area shall be provided per dwelling unit.
 - ii. Configuration of Activity Area.
 - (1) Required activity area shall be provided as a combination of private open space and common open space or indoor activity space as follows:
 - (a) A minimum of seventy-five percent (75%) of units located above the ground level shall be provided private open space above the ground level (i.e., balconies) consistent with Subsection 4.a.iii, Private Open Space, below. An exception to this objective activity area configuration standard may be granted by the decision maker if a finding can be made that alternative configurations of activity area suited to the needs of the residents are provided.
 - (b) The balance of the required activity area shall be provided outdoors as private open space or common open space that meet the standards of this Section. Common indoor activity space may substitute outdoor activity area for up to fifty percent (50%) of the required area, as follows.
 - (i) Outdoor activity area may be substituted by common indoor activity space at a rate of two (2) feet of common indoor activity space provided for every one (1) foot of required outdoor activity area.
 - (2) The required activity area shall be located on the same lot as the associated residential dwelling units. An exception to this objective activity area location standard may be granted by the decision maker if a finding can be made that an activity area is on a separate common lot within the development that can effectively be used by residents.
 - (3) No portion of required activity area shall be used for storage, driveways, or vehicle parking and loading facilities.

iii. Private Open Space. Private open space provides open space areas for the exclusive use of the occupants of an individual dwelling unit and includes but is not limited to balconies, decks, terraces, patios, fenced yards, and other similar private areas.

(1) Minimum Dimensions. Private open space located on the ground level (e.g., yards, decks, patios) shall be a minimum of eight (8) feet by eight (8) feet. Private open space located above ground level (e.g., balconies) shall be a minimum of five (5) feet by five (5) feet.

(2) Accessibility. Private open space shall be accessible to only one (1) dwelling unit by a doorway to a habitable room or hallway.

(3) Surfacing. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of groundcover, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Surfaces shall not exceed a ten percent (10%) slope.

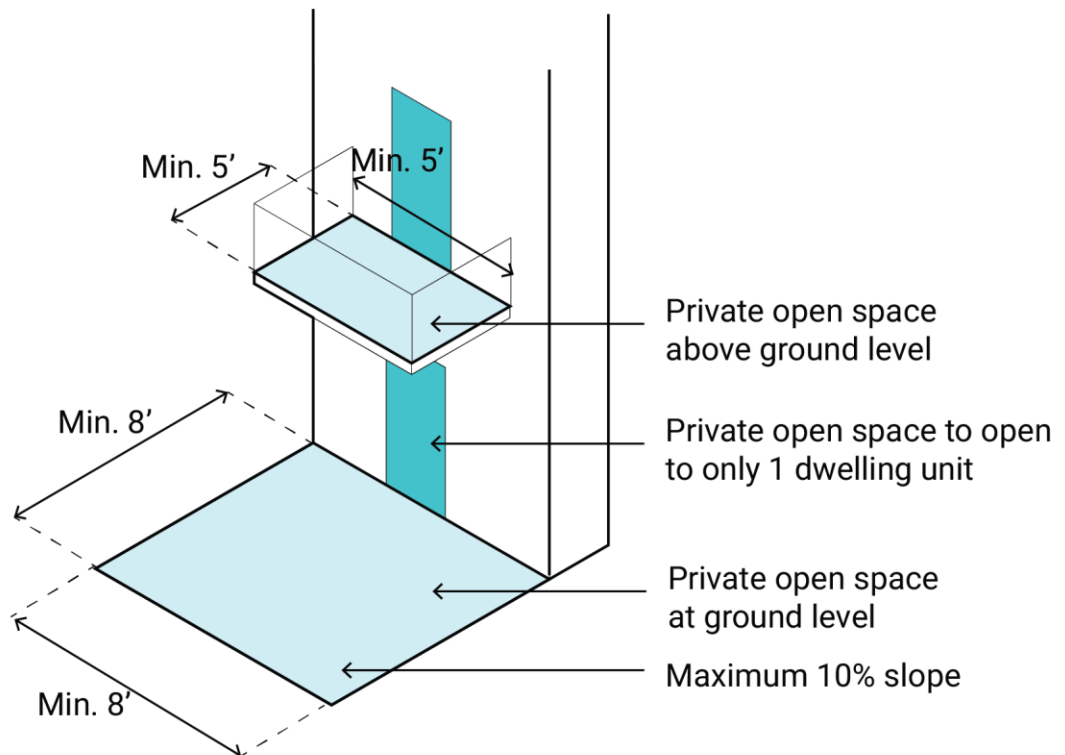


Figure 18.50.050(C)(4)(a)(iii): Private open space

iv. Common Open Space. Common open space provides open space areas for recreation and enjoyment with shared access for all building occupants. Common open space includes but is not limited to courtyards, terraces, pet areas, gardens, plazas, landscaped areas, patios, swimming pools, barbeque areas, athletic courts or fields, playgrounds, recreation areas, rooftop amenities, and other similar outdoor common areas intended for shared use by building occupants.

(1) Minimum Dimensions. Common open space shall be a minimum of twenty (20) feet by twenty (20) feet.

(2) Accessibility. Common open space shall be accessible to all building occupants. A minimum seven (7) foot-wide passageway, shall be provided to any required common open space. The passageway shall contain a minimum four (4) foot wide walkway and any area not included in the walkway shall be landscaped.

(3) Surfacing. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of groundcover, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing. Surfaces shall not exceed ten percent (10%) slope.

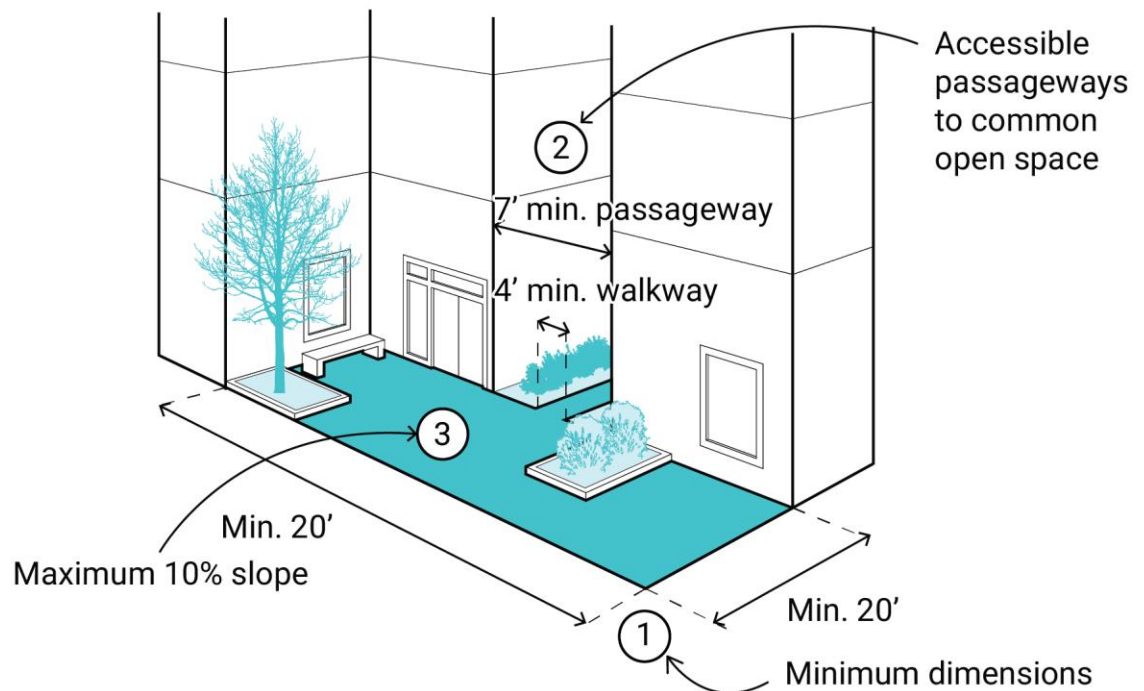


Figure 18.50.050(C)(4)(a)(iv): Common open space

- v. Common Indoor Activity Space. Common indoor activity space provides indoor amenity with shared access for all building occupants. Common indoor activity space includes but is not limited to fitness centers, shared workspaces, study rooms, conference and community rooms, joint eating and cooking areas, indoor play areas, screening room, and other similar common areas intended for shared use by building occupants.
 - (1) Minimum Dimensions. Common indoor activity space shall be a minimum of twenty (20) feet by twenty (20) feet. A reduction to this objective dimensional standard may be granted by the decision maker if a finding can be made that a usable activity area of lesser size is adequate to serve the residents.
 - (2) Accessibility. Common indoor activity space shall be accessible to all building occupants.
- b. Other Amenities. In addition to the required activity area above, projects shall include at least two (2) of the following amenities.
 - i. In-unit washer and dryer.
 - ii. Enclosed, lockable storage space at least two hundred (200) cubic feet in size with minimum dimension of four (4) feet by eight (8) feet for a minimum of fifty percent (50%) of the units.
 - iii. On-site child care facility.
 - iv. Provision of car sharing service, including parking spaces. Car share parking spaces shall be accessible to car share subscribers twenty-four (24) hours a day, seven (7) days a week.
- c. Reductions and Exceptions. A reduction or exception to the applicable objective residential amenity standard may be granted by the decision maker if a finding can be made that alternative amenities that are comparable in value and benefit residents are provided.

D. Site Design Requirements.

- 1. Frontage Improvements. Frontage improvements consistent with the General Plan, Bicycle and Pedestrian Master Plan, applicable Specific Plan and/or development strategy, Subdivision Improvement Standards, and any other applicable standard or requirement of the City shall be provided for all subdivisions, new construction, and additions of ten thousand (10,000) square feet or more of gross floor area.
- 2. Public Open Space. Where provided, public open spaces shall be consistent with the following standards.

- a. Line the edges of blocks with buildings to frame public open space by placing building edges along a minimum of fifty percent (50%) of the open space perimeter.
- b. Provide direct access from a publicly accessible sidewalk to public open spaces. Do not locate ground level public open space accessible only from inside the building.
- c. Tree canopies or permanent shade structures shall provide shade for at least twenty-five percent (25%) of open space areas.

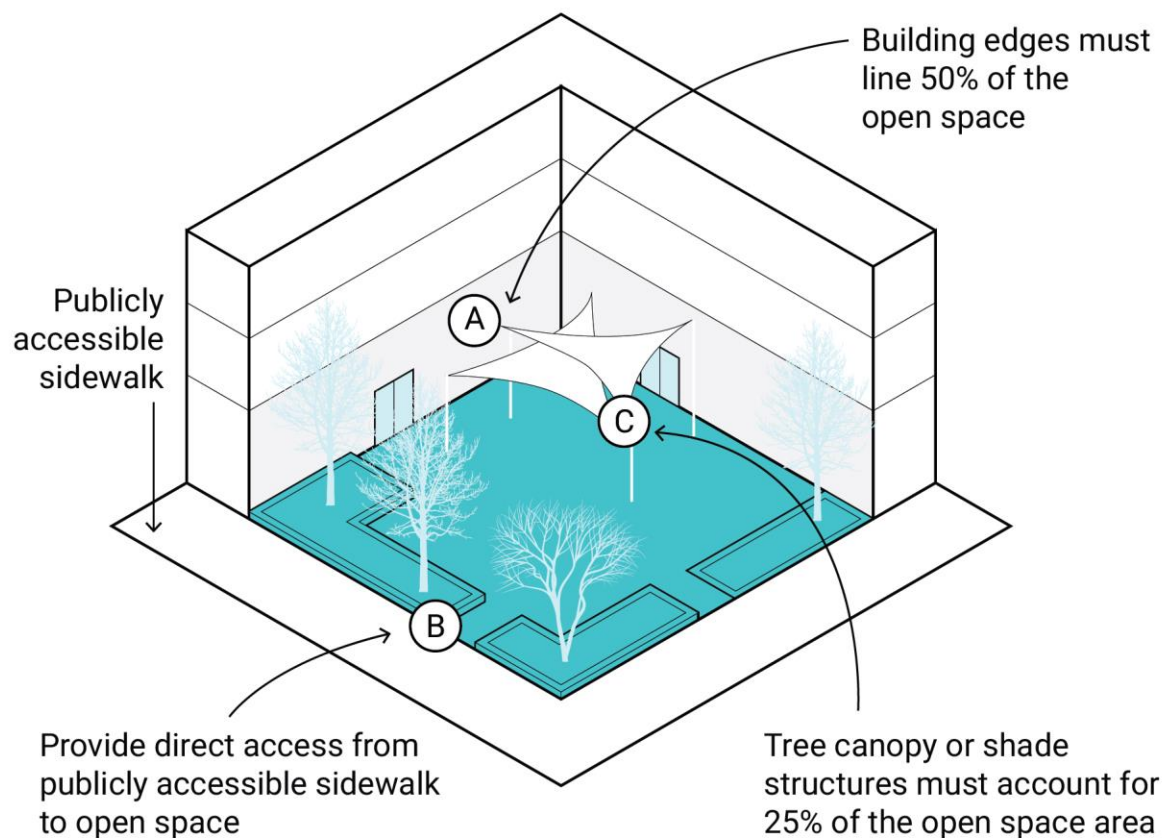


Figure 18.50.050(D)(2): Public open space site design

- d. Paseos. Public open space designed as a paseo shall be consistent with the following standards.
 - i. Within the SEMU-R zoning district: for the portions of the buildings that front onto a paseo and have a length longer than ninety (90) feet and where the paseo is less than forty (40) feet in width, the surface area of third floor and fourth floor paseo-facing walls shall be no more than eighty-five percent (85%) of the surface area of the first-floor paseo-facing wall.

(1) The surface area of a wall is calculated as the length of the building wall of the applicable floor multiplied by the height of that floor.

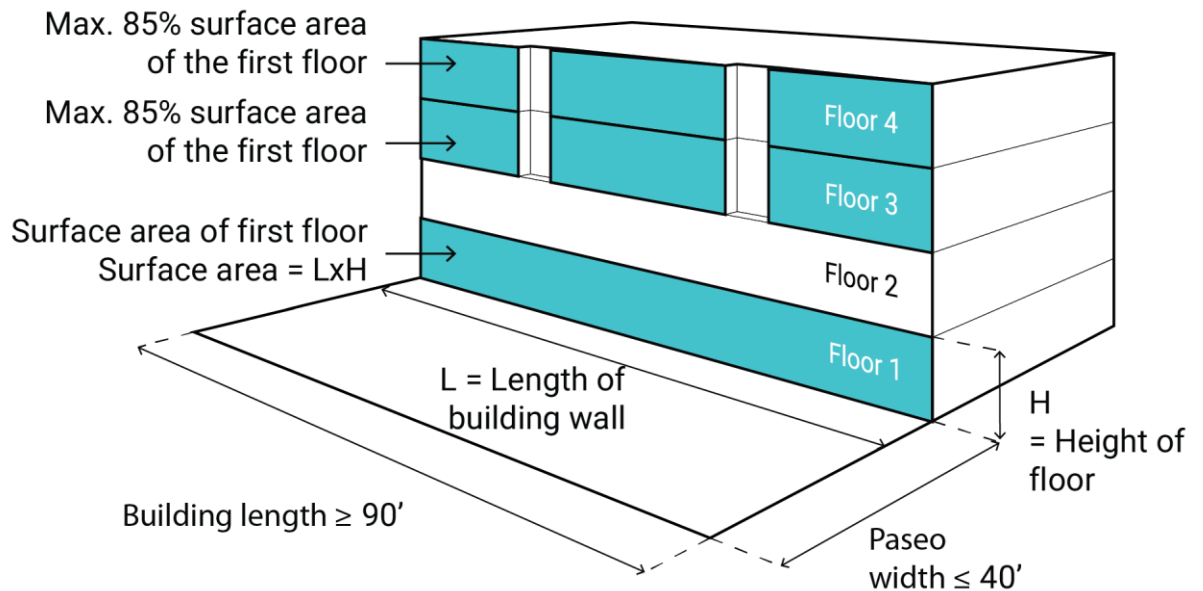


Figure 18.50.050(D)(2)(d)(i): Paseo standards — SEMU-R District

ii. Paseos in zoning districts other than SEMU-R shall have a minimum width of forty (40) feet.

iii. Paseos shall have end to end visibility, and align and connect with streets, other paseos or paths.

iv. Paseos shall have a minimum lighting level of one (1.0) foot-candle.

3. Roof Deck Planting. Planting on roof decks requires a minimum soil depth of twenty-four (24) inches for shrubs, perennials, and ground cover and a minimum of forty-two (42) inches for trees.

a. Reductions and Exceptions. A reduction to the applicable objective soil depth standard may be granted by the decision maker if a finding can be made that a reduced soil depth is adequate to support the proposed planting in good growing condition.

4. Lighting.

a. Minimum Lighting. A minimum of one (1.0) foot-candle lighting level shall be provided for all walkways throughout the site and in all parking areas. Motion sensors shall be provided for areas inside and directly adjacent to trash enclosure areas.

- b. Maximum Height of Freestanding Lighting Standards. The maximum height of a freestanding lighting standard in pedestrian areas and courtyards is sixteen (16) feet. Lighting shall be shielded from adjacent residential windows and private outdoor areas.
- c. Attached Fixtures. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.

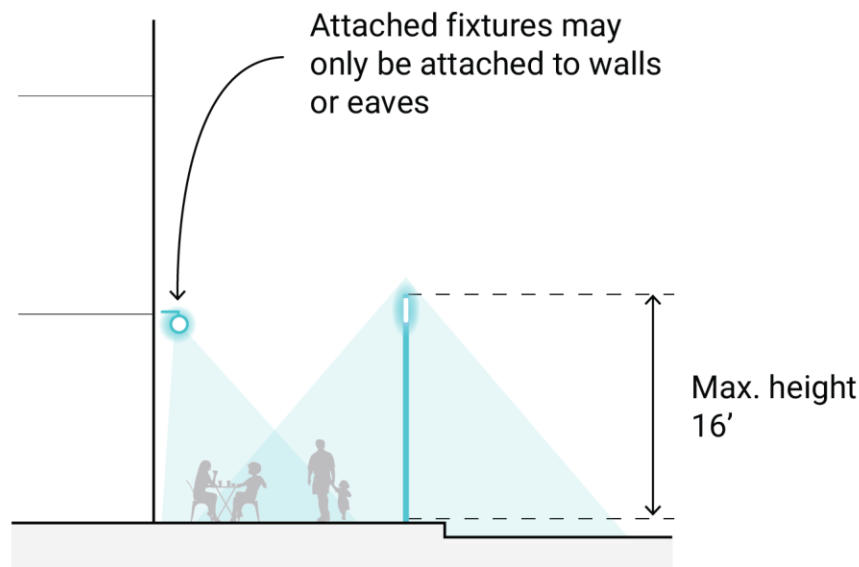


Figure 18.50.050(D)(4): lighting fixture design

- 5. Utilities. All new transformers, switching boxes, and similar appurtenances and utility equipment shall be located below-grade, in closets or interior of buildings, or in locations not visible from public right-of-way, unless prohibited by the utility provider. When screened within an enclosure, the enclosure shall have walls matching the material and color of the nearest building, be located no closer to the street than a building, and be surrounded by landscaping such as trees, shrubs, and climbing vines, that screen the enclosure, unless prohibited by the utility provider.
- a. Reductions and Exceptions. A reduction or exception to the applicable objective utility standard may be granted by the decision maker if a finding can be made that the proposed design reduces the visual impact of utilities to the greatest extent feasible.
- 6. Vehicle Parking.
 - a. Access.

- i. Access to parking facilities shall be from an alley or secondary street, wherever such alley or secondary access is feasible.
 - (1) Additional Access Limitations, CSMU District. The following additional access limitations apply in the CSMU District.
 - (a) Driveway entries/exits shall be prohibited on Decoto Road.
 - (b) Driveway entries/exits shall be prohibited on Eleventh Street, Union Square, and Railroad Avenue wherever access to parking facilities from another street or alley is feasible.
- ii. Driveway entries/exits shall be located at least twenty-five (25) feet from any primary building entrance facing the same street frontage.
- iii. Sidewalk material and grade shall be maintained as the sidewalk crosses a driveway.
- iv. Driveway pavement shall be enhanced with one (1) of the following treatments:
 - (1) Textured concrete banding. A concrete area border created with a different textured finish than the inner concrete area.
 - (2) Trowel finish banding. A concrete area border created with a trowel finish.
 - (3) Stamped concrete. Patterned concrete or imprinted concrete created by using rubber stamps or similar method to imprint patterns into the concrete.
 - (4) Integral concrete. Concrete mixed with finely ground iron oxide pigments, called integral colors, before it is poured.
 - (5) Broom finish. Rough textured finished obtained by dragging a broom on the trowelled surface of the concrete while the concrete is still fresh.
 - (6) Salt finish. A rough textured, slip-resistant surface on freshly poured concrete created by inserting coarse rock salt crystals into the wet concrete.
 - (7) Exposed aggregate finish. A rough textured surface on concrete created with a top layer of exposed aggregate.
 - (8) Trowel joints. Textured surface created using a tool with a flat blade designed to spread concrete, mortar, or plaster.



Figure 18.50.050(D)(6)(a)(iv): Driveway pavement treatment

- v. Surface parking lots with twenty-five (25) or more parking spaces shall provide a pedestrian walkway between rows of parking and extending to the main building entry. The walkway shall be of a different paving material than the drive aisles and parking spaces and be separated from ends of parking spaces by a raised curb at least six (6) inches high.
 - (1) Surface Parking Prohibited, CSMU District. Parking in the CSMU District is required to be structured. Parking lots are not allowed after the initial phases of development.
- b. Parking Structures. Parking structures shall be fully screened using decorative screening, or other decorative elements constructed of durable, high-quality materials or trellis structures with integrated irrigation that support vertical planting shall be provided on all parking structure façades that are visible from any public right-of-way.
- c. Residential Districts.
 - i. Structured Parking — Location. Any parking within a structure with three (3) or more feet above ground shall be located a minimum of forty (40) feet from the primary street facing lot line. For lots with multiple street frontages, the primary street facing lot line shall be that abutting the street with the highest roadway classification or, in the case of streets with equal roadway classifications, the street with the highest number of pedestrian building entrances on the block. This requirement does not apply to garages that accommodate parking for a single dwelling unit.
 - (1) Reductions and Exceptions. A reduction or exception to the applicable objective residential parking facility standard may be granted by the decision maker subject to both of the following findings:

- (a) The design incorporates habitable space built close to the publicly accessible sidewalk to the maximum extent feasible.
- (b) The site is physically constrained such that underground parking or above ground parking located more than forty (40) feet from the primary street frontage is not feasible.

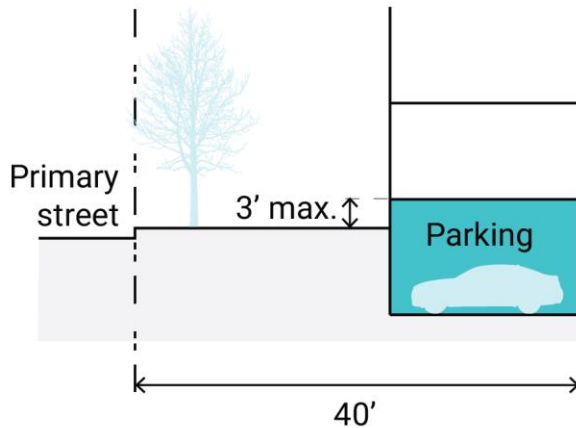


Figure 18.50.050(D)(6)(c)(i): Structured parking location limitation — residential districts

- ii. Above Ground Parking — Maximum Parking Frontage. On lots fifty (50) feet or wider, the total width of above ground parking areas visible from the public right-of-way, including open parking, carports, and garages, shall not exceed forty percent (40%) of any public right-of-way frontage.

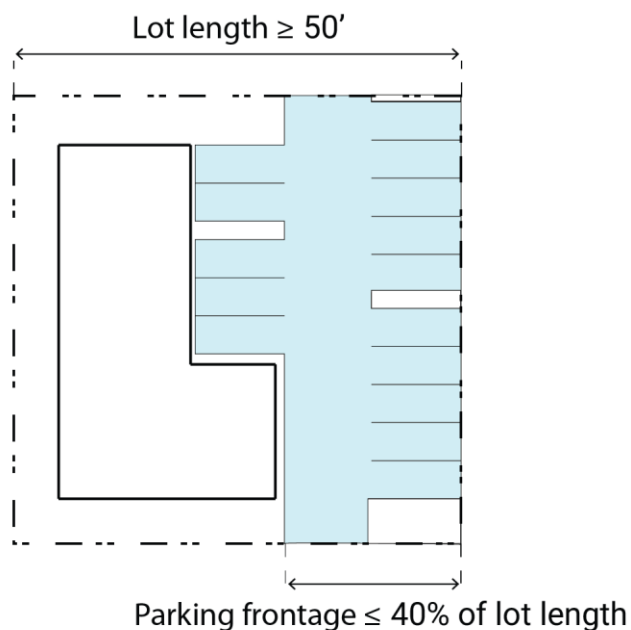


Figure 18.50.050(D)(6)(c)(ii): Above ground parking frontage limitation — residential districts

(1) Reductions and Exceptions. A reduction or exception to the applicable objective above ground parking frontage standard may be granted by the decision maker to allow a greater width subject to both of the following findings:

(a) The lot is constrained such that limiting the visibility of above ground parking to forty percent (40%) of the public right-of-way frontage is not feasible.

(b) Landscaping and other treatments have been incorporated to minimize the visibility of above ground parking from the public right-of-way frontage.

iii. Individual Garage Design. The following shall apply to all entrances of garages that accommodate parking for a single dwelling unit.

(1) Garage entrances located on street facing building frontages shall be recessed a minimum of twelve (12) inches behind the front elevation wall plane.

(2) All garage doors within the project shall be a fully insulated metal or fiberglass roll-up design with baked-on finish and installed with automatic door openers. Top window bands are allowed.

(3) The applicant and/or property owner shall provide multiple garage door designs for the development. Identical garage door designs shall not be located adjacent to one another.

d. Districts Other Than Residential Districts. In all districts other than Residential Districts, the following shall apply:

i. Limitations on Location of Parking. Above ground parking and any parking within a structure with three (3) or more feet above ground, shall be located a minimum of forty (40) feet from the primary street facing lot line. For lots with multiple street frontages, the primary street facing lot line shall be that abutting the street with the highest roadway classification or the street with the highest number of pedestrian building entrances.

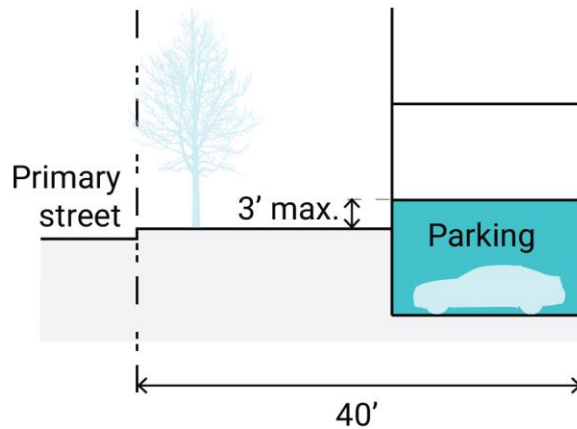


Figure 18.50.050(D)(6)(d): Parking location limitation — other districts

(1) Reductions and Exceptions. A reduction or exception to the applicable objective limitation on location of parking standard may be granted by the decision maker subject to both of the following findings:

(a) The design incorporates conditioned, usable space, or active open space close to the publicly accessible sidewalk to the maximum extent feasible.

(b) The site is physically constrained such that underground parking or above ground parking located more than forty (40) feet from the primary street frontage is not feasible.

7. Pedestrian Access. On-site pedestrian circulation and access shall be provided according to the following standards.

a. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

b. Circulation Network. On-site walkways shall be connected to the publicly accessible sidewalk and other planned or existing pedestrian routes. An on-site walkway shall connect the primary building entry or entries to a publicly accessible sidewalk on each street frontage.

c. Transit. Where transit stops are located adjacent to the lot frontage, pedestrian connections shall be provided from the transit stop to the primary building entrance of all buildings on the lot.

d. Pedestrian Walkway Design.

- i. Walkways shall be a minimum of four (4) feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material. Walkways shall be ADA compliant.
- ii. Where a required walkway crosses parking areas or loading areas, it shall be clearly identifiable through the use of a raised crosswalk, a different paving material, striping, or similar method.
- iii. Where a required walkway is parallel and within two (2) feet of an auto travel lane, it shall be raised or separated from the auto travel lane by a physical barrier consisting of a raised curb at least four (4) inches high.
- e. Reductions and Exceptions. A reduction or exception to the applicable objective public access standard may be granted by the decision maker if a finding can be made that adequate and safe pedestrian access is provided to and throughout the site.

Chapter 18.26 MARKETPLACE MIXED USE (MMU) DISTRICT

18.26.150 Design criteria.

~~A. All development shall comply with Section 18.24.050. Architectural Standards. Buildings shall be designed with a contemporary or “modern” vocabulary, using varied geometric volumes and a variety of high-quality materials (e.g. metal and glass). The following shall apply to any new buildings, additions to buildings which increase existing square footage by fifty percent (50%) or more, or modifications to existing buildings which modify the exterior of the building:~~

~~1. All street-facing façades must include at least one (1) horizontal or vertical projection or recess at least four (4) feet in depth, or two projections or recesses at least two and one-half (2½) feet in depth, for every fifty (50) horizontal feet of wall. The articulated elements must be greater than one (1) story in height and may be grouped rather than evenly spaced in fifty (50) foot modules.~~

~~2. Lower and upper stories shall be separated by horizontal detailing such as an awning, overhang, cornice line, or belt course. Separation may occur either above the ground floor or second floor.~~

~~3. All street-facing façades must include vertical projections or recesses such as pilasters, porches, decks, bay windows, entry recesses, and other details that provide architectural articulation and design interest.~~

~~4. Window designs shall differentiate the various components of the building (e.g., ground floor retail spaces, stair towers, corners, or residential units).~~

~~5. Façade elements must establish building scale and pattern, using architectural techniques such as clustering or aligning windows and doors to form a regular pattern. Horizontal building elements should be roughly aligned (within three (3) feet of height) with others in the same block.~~

~~6. The design of townhomes shall be articulated such that individual units are differentiated from each other. Each unit shall maintain separate, identifiable roof forms, massing, fenestration, and street-facing doorways.~~

~~7. Ground floor residential units shall provide finish floor elevations of between eighteen (18) to forty-two (42) inches above the adjoining sidewalk.~~

~~8. Buildings shall not include blank walls which exceed twenty (20) feet.~~

~~B. Exterior Materials. Exterior building materials shall be chosen based on character, durability, ease of maintenance and context, and may include:~~

~~1. Steel—Porcelain enamel panels, steel windows, steel exterior doors, steel rails and fences, painted, stainless or pre-weathered steel are acceptable;~~

~~2. Aluminum—Windows, panels (luco-bond and aluminum plate), storefront, curtain wall, doors; aluminum should be natural finish anodized, powder-coated or kynar (no bronze anodized);~~

~~3. Other metal;~~

~~4. Glass—Clear, low-e, nonreflective, solar-bronze or solar gray glass, shadow boxes and spandrel glass is permitted;~~

~~5. Brick, natural clay colors;~~

~~6. Stone;~~

~~7. Pre-cast concrete, glass-fiber reinforced concrete;~~

~~8. High-quality, cast-in-place concrete;~~

~~9. Ceramic tile;~~

~~10. Cement plaster;~~

~~11. Wood.~~

~~C. Equipment Screening. Mechanical/utility equipment shall be sited and screened in accordance with the following:~~

~~1. In instances where mechanical equipment cannot be located within the building due to building code or utility provider requirements, it shall be adequately screened from~~

~~off-site view and located at the rear of the site in an enclosure with walls matching the material and color of the building. The enclosure shall include gates or heavy gauge corrugated steel and shall be surrounded by trees, shrubs and climbing vines;~~

~~2. In instances where utility equipment cannot be located within the building or undergrounded due to building code or utility provider requirements, it shall be screened by locating at the rear of the site in an enclosure with walls matching the material and color of the building. The enclosure shall include gates or heavy gauge corrugated steel and shall be surrounded by trees, shrubs and climbing vines. Alternate locations may be considered to meet utility provider requirements; and~~

~~3. In instances where mechanical equipment is located on the building roof, roof top screening shall be provided, which is integrated into the building architecture.~~

~~D. Bicycle and Pedestrian Facilities. Projects that include development of a vacant site or substantial modification of a developed site shall accommodate bicycle and pedestrian facilities/access including:~~

~~1. Provisions for safe, well-lit and visually attractive pedestrian access from public streets to the parking areas and building entries;~~

~~2. Pedestrian pathways between buildings and parcels;~~

~~3. Public pedestrian and bicycle connections to the Station District's existing and proposed bicycle and pedestrian network;~~

~~4. Publicly accessible pedestrian amenities which may include plazas, pocket parks, seating areas, fountains, public art, and/or eating areas;~~

~~5. Orientation of outdoor public spaces towards activated ground-floor building frontages; and~~

~~6. Inclusion of bicycle paths and bicycle parking facilities consistent with the Bicycle and Pedestrian Master Plan and designed and installed in conformance with the design criteria outlined in Section 18.28.080.~~

~~E. Ground Floor Commercial Uses. The design of ground floor commercial uses shall comply with the following:~~

~~1. Minimum depth of commercial space is thirty-five (35) feet and minimum height is twenty (20) feet floor to floor; and~~

~~2. A minimum of twenty-five percent (25%) of the ground floor commercial area shall be designed to accommodate a restaurant use; and~~

~~3. Between two and one-half (2½) feet and seven (7) feet above grade, ground floor transparency (i.e., amount of glazing) shall be forty percent (40%) for grocery stores and fifty percent (50%) for all other commercial uses; and~~

~~4. Ground floor façades shall be designed to give identity to each retail and service establishment, through recesses, enhanced materials, signage and architectural features that are integral components of the building; and~~

~~5. The maximum distance of blank wall (a façade without doors, windows, landscaping treatments, or other pedestrian interest) on the ground level of any building facing a street, open space, or paseo shall not exceed twenty (20) feet in length; and~~

~~6. The design of ground floor commercial uses shall promote indoor/outdoor connections by providing some or all of the following:~~

~~a. Sliding or removable windows/doors;~~

~~b. Low planters with wide seat walls;~~

~~c. Recessed entrances and porticos that increase the indoor/outdoor quality or allow for increased outdoor seating or display;~~

~~d. Awnings and canopies that may encroach into the public right-of-way subject to approval of an encroachment permit by the Public Works Department; and~~

~~e. Visually transparent storefronts with clear glass windows and doors that are not blocked by storage, racks or shelving placed against glass.~~

~~18.26.170 Residential open space.~~

~~All residential development and mixed use development shall provide residential open space features, such as courtyards, pool and spa areas, recreation facilities, and picnic and play areas for use by the tenants/owners.~~

18.26.190 Off-street parking.

A. Off-street automobile parking shall be provided consistent with the following standards.

Vehicular Parking Requirements	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Allowed
1. Residential		
Studio	0.75 space/dwelling unit	1.25 spaces/dwelling unit
1 Bedroom	1.0 space/dwelling unit	2.0 spaces/dwelling unit
2 Bedroom	1.25 spaces/dwelling unit	2.0 spaces/dwelling unit
3+ Bedroom	1.5 spaces/dwelling unit	2.5 spaces/dwelling unit
2. Affordable Housing		
	0.5 space/bedroom	2.0 spaces/dwelling unit
3. Nonresidential		

Vehicular Parking Requirements	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Allowed
Retail	1.0 space/300 square feet	1.0 space/200 square feet
Office	1.0 space/300 square feet	1.0 space/250 square feet
Other Uses	See Section 18.36.050	See Section 18.36.050

Notes:

1. Tandem parking spaces can be substituted for regular parking spaces up to ten percent (10%) of the required parking demand.

2. Consistent with Government Code Section 65863.2, automobile parking requirements may be waived for a residential, commercial, or other development project if the project is located within one-half (1/2) mile of public transit, which includes a rail or bus rapid transit station, the intersection of two (2) or more bus routes with service intervals of fifteen (15) minutes or less during morning and afternoon commute periods, and any major transit stops included in the applicable regional transportation plan.

B. A minimum of one (1) motorcycle parking stall that is enclosed and weather-protected shall be provided for every twenty-five (25) units.

C. Joint use of parking spaces may be allowed subject to the limitations and conditions included in Section 18.36.160.~~D. — Parking Structures.~~

~~1. — Parking structure façades shall be designed as compatible visual extensions of the primary buildings.~~

~~2. — Auto entries shall be located in a manner that minimizes pedestrian/auto conflicts.~~

~~3. — Decorative screening or other decorative element constructed of durable, high-quality materials shall be provided on parking structure façade~~

18.26.200 Bicycle parking.

A. Bicycle parking facilities shall be provided, at a minimum, in an amount equal to:

Bicycle Parking Requirements	Short-Term Bicycle Parking Requirements	Long-Term Bicycle Parking Requirements
Residential with private garage for each unit	1.0 space/20 dwelling units. Minimum of 2 spaces.	None
All other residential	1.0 space/20 dwelling units. Minimum of 2 spaces.	1.0 space/4 dwelling units. Minimum of 2 spaces.

Retail	1.0 space/3,000 square feet.	1.0 space/10,000 square feet
Office, R&D, and Other Nonresidential uses	1.0 spaces/8,000 square feet. Minimum of 2 spaces.	1.0 space/4,000 square feet

B. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080.

C. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.~~400-090~~ and approval by the decision makers.

18.26.210 Loading.

A. ~~Adequate~~ Loading docks and/or berths shall be provided on site to serve the use. Such facilities shall be designed according to the following standards unless an alternative design is approved located on the rear or side of the building, be screened from the public right-of-way, and are subject to review and approval through the site development review or administrative site development review process.

~~1. Loading dock entrances shall not exceed 20 feet in width.~~

~~12. Loading docks shall be located inside a building and equipped with closable doors.~~

~~2B. Adequate~~ Loading zones shall be provided along the street frontage(s).

~~18.26.220 Laundry facilities.~~

~~Laundry facilities shall be provided to serve all residential dwelling units. Such facilities shall include washer and dryer appliances connected to utilities. In developments with common laundry facilities, the facilities must be in easily accessible locations and provide an adequate number of washers and dryers to serve the total number of units.~~

Chapter 18.27 VILLAGE MIXED USE (VMU) DISTRICT

18.27.170 Design criteria.

A. All development shall comply with Section 18.24.050.

B. All standalone commercial development shall comply with the Design Guidelines for Old Alvarado.

~~In order to encourage commercial revitalization and development in the Historic Alvarado area in a manner that is consistent with the vision for the Historic Alvarado District, the~~

~~design of new buildings and the rehabilitation of existing or relocated buildings shall be guided by the following design and siting criteria:~~

~~A. General Criteria:~~

- ~~1. All new construction and all rehabilitation or remodeling of buildings should stress the "Old California Town" theme. Careful attention should be given to the scale and bulk of buildings in order to maintain and enhance the character and livability of the area.~~
- ~~2. Private improvements should complement and exploit the public investment in area improvements to the fullest extent.~~
- ~~3. Weather protection in the form of shade trees, awnings, and overhangs should be provided. Long distances with no weather protection should be avoided.~~
- ~~4. Development design should feature continuous building frontage unbroken by wide openings created by parking areas, and emphasis should be given to building and sidewalk amenities that will attract foot traffic.~~
- ~~5. Scale should be maintained in parking lots. Wherever feasible these should be located to the rear of buildings, and should be broken up by planted areas and shade trees to give a sense of human scale and provide amenities.~~
- ~~6. Extensive landscaping should be provided along street frontages.~~
- ~~7. Sign sizes and placement should be coordinated to avoid the clutter created by signs of unrelated size and shape.~~
- ~~8. The Planning Commission may grant relief from the off-street parking requirements, if it can be demonstrated that sufficient parking is available off-site to service the proposed use.~~

~~B. Smith Street Commercial Area Criteria:~~

- ~~1. Efforts should be made to retain as many of the good older structures as possible and to reintroduce the character of early California more fully. Where feasible, Victorian or Carpenter-Victorian buildings should be moved in from other areas to fill in some vacant properties and provide shop and office space.~~
- ~~2. The relatively small and intimate scale of Smith Street should be retained. Large, bulky structures which would be out of scale with the street and would dominate existing buildings should be avoided.~~
- ~~3. New and relocated buildings should be placed close to the street to maximize continuous frontage and encourage foot traffic.~~
- ~~4. Where parking lots are located to the rear of buildings, attractive rear entrances should be provided.~~

~~5. Exterior treatment of buildings should feature a coordinated color scheme to be implemented as existing structures are remodeled or repainted and new buildings constructed.~~

~~C. Union City Boulevard Commercial Area Criteria.~~

~~1. Building sizes should be large enough to maintain a good scale relationship with the width of the boulevard.~~

~~2. Buildings should be placed close to the front property lines to visually reduce the barren expanse of boulevard pavement.~~

~~3. Extensive landscaping should be provided along the street frontage.~~

~~4. Development design may feature varied setbacks to accommodate small garden courts and landscaped areas along the street frontage as a means of enhancing the street scene and encourage foot traffic.~~

~~5. Exterior treatment of new and remodeled buildings should favor natural materials and earth colors which have a softening influence as opposed to hard concrete and slick surfaces.~~

18.27.180 Off-street parking.

Parking shall be required subject to the following:

A. Residential Uses. Provide automobile and bicycle parking consistent with the RM 1500 zoning district per Section 18.32.160, except that one hundred percent (100%) affordable rental developments may provide off-street parking pursuant to the standards contained in Section 18.32.160(B)(5).

B. Commercial Uses. Provide automobile and bicycle parking at commercial district standards per Section 18.36.150. For commercial uses on the ground floor as part of a mixed-use development, shared parking shall be evaluated on a case-by-case basis.

C. The decision maker may grant relief from the off-street parking requirements, if it can be demonstrated that sufficient parking is available off-site to service the proposed use.

18.27.190 Off-street loading.

A. ~~Adequate~~ Loading docks and/or berths shall be provided on-site to serve the use. Such facilities shall be designed according to the following standards unless an alternative design is approved~~located on the rear or side of the building, be screened from the public right-of-way, and are subject to review and approval~~ through the site development review or administrative site development review process. 1. Loading dock entrances shall not exceed 20 feet in width.

12. Loading docks shall be located inside a building and equipped with closable doors.
- B2. ~~Adequate~~ Loading zones shall be provided along the street frontage(s).

~~18.27.210 Residential open space~~

~~All residential and mixed-use development shall provide residential open space features, such as courtyards, pool and spa areas, recreation facilities, and picnic and play areas for use by the tenants/owners.~~

Chapter 18.28 OFF-STREET PARKING AND LOADING

18.28.080 Design criteria for bicycle parking facilities ~~located in industrial or commercial zoning districts.~~

A. Short- and Long-Term Bicycle Parking Required. Unless otherwise stated in another part of this Code, required bicycle parking shall be designed as either short- or long-term bicycle parking as follows.

1. Four or Fewer Required Bicycle Parking Spaces. Where four (4) or fewer bicycle parking spaces are required, the required bicycle parking spaces shall be designed as short-term bicycle parking in compliance with the standards of this Section.
2. Five or More Required Bicycle Parking Spaces. Where five (5) or more bicycle parking spaces are required, the required bicycle parking spaces shall be designed as short- or long-term bicycle parking in compliance with the standards of this Section as follows:
 - a. A minimum of four (4) bicycle parking spaces shall be designed as short-term bicycle parking.
 - b. A minimum of twenty percent (20%) of the required bicycle parking spaces shall be designed as long-term bicycle parking.
 - c. The balance of the required bicycle parking spaces shall be designed as either short-term bicycle parking or long-term bicycle parking.

B. Short-Term Bicycle Parking. Short-term bicycle parking intended to serve customers, messengers, and other visitors to a site who generally stay for a short time, shall be designed as specified below.

1. Location. Short-term bicycle parking shall be located within fifty (50) feet of a main entrance to the building it serves and visible from a main entrance if feasible. Where the bicycle parking area is not visible from a main entrance of the building,

signs located at the main entrance of the building shall identify the location of bicycle parking.

a. Required short-term bicycle parking may be located within the public right-of-way with an encroachment permit issued by the City.

2. Anchoring and Security. For each short-term bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one (1) wheel (two (2) points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One (1) such object may serve multiple bicycle parking spaces.

3. Size. Each short-term bicycle parking space shall be a minimum of two (2) feet in width and six (6) feet in length and shall be accessible without moving another bicycle.

4. Clearance.

a. Between Racks. Three (3) feet of clearance shall be provided between bicycle parking racks.

b. Between Other Elements. Two (2) feet of clearance shall be provided between short-term bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, pedestrian ways, and curbs.

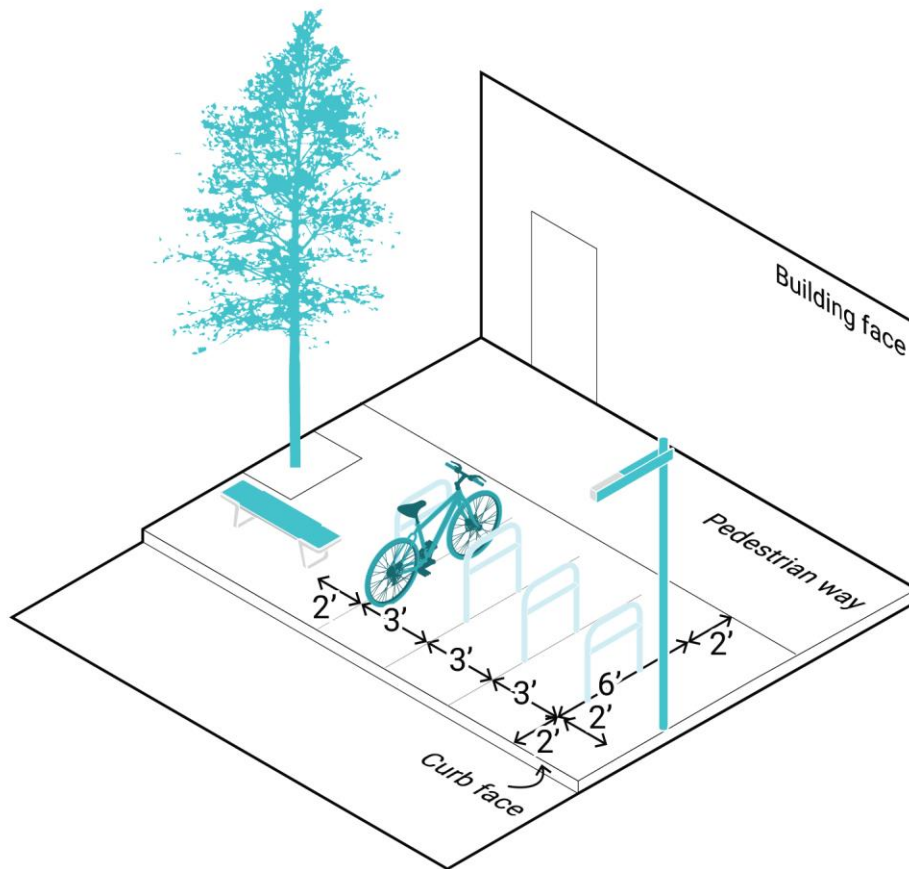


Figure 18.28.080(B): Short-term bicycle parking

5. Lighting. A minimum of one (1.0) foot-candle lighting level shall be provided in all short-term bicycle parking areas.

C. Long-Term Bicycle Parking. Long-term bicycle parking intended to serve employees, residents, visitors, and others who generally stay at a site for four (4) hours or longer shall be designed as specified below.

1. Location. Long-term bicycle parking shall be located on the same lot as the use it serves. In parking garages, long-term bicycle parking shall be located within one hundred (100) feet of an entrance to the facility.
2. Covered Spaces. Long-term bicycle parking shall be covered either inside a building, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
3. Security. Long-term bicycle parking shall be in one (1) of the following locations.

- a. A fully enclosed bicycle locker accessible only by the owner or operator of the bicycle.
 - b. A fenced, covered, and locked or guarded bicycle storage area.
 - c. A rack or stand inside a building that is within view of an attendant or security guard, visible from employee work areas, or within a secure/restricted bicycle storage room.
 - d. A unit with a foyer that accommodates a wall-mounted bike rack.
 - e. Other secure area approved by the decision maker.
4. Size. Each long-term bicycle parking space shall be a minimum of two (2) feet in width and six (6) feet in length and shall be accessible without moving another bicycle.
5. Clearance.
- a. Between Racks. Three (3) feet of clearance shall be provided between bicycle parking racks.
 - b. Between Other Elements. Two (2) feet of clearance shall be provided between long-term bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, pedestrian ways, and curbs.
6. Accessibility. Long-term bicycle parking areas shall be accessible from the public right-of-way via at least one (1) main access path that meets the following criteria.
- a. The access path shall be clear at all times.
 - b. The access path shall be a minimum of four (4) feet wide.
 - c. Any doors the path goes through shall have a minimum width of three (3) feet.
 - d. The access path shall not exceed five percent (5%) slope.
 - e. The access path shall not require any lifting of a bicycle over steps.
 - f. Elevators, when used as part of the path, shall have minimum interior dimensions of eighty (80) inches by fifty-four (54) inches.
7. Lighting. A minimum of one (1.0) foot-candle lighting level shall be provided in all long-term bicycle parking areas.
8. No Lifting. A minimum of twenty percent (20%) of long-term bicycle parking spaces shall be designed so that the bicycle does not need to be lifted in order to be secure.

9. Electrical Service. A minimum of twenty percent (20%) of long-term bicycle parking spaces shall have access to an electrical outlet for charging.

10. Racks and Stands. Racks and stands, if used, shall be securely anchored to the ground or building and be designed to enable a bicycle frame and one (1) wheel (two (2) points of contact) to be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle.~~A.——Bicycle parking facilities shall consist of bicycle lockers, racks, a totally enclosed space within a building, or a City-approved enclosure that conforms to the following:~~

~~1.——Bicycle lockers shall be a fully enclosed space accessible only by the owner or operator of the bicycle. Bicycle lockers may be pre-manufactured or designed for individual sites and must be fitted with pre-installed locking mechanisms.~~

~~2.——Bicycle racks shall be designed to support a bicycle by its frame in two (2) places. Bicycle racks shall also be designed to enable bicyclists to lock a bicycle frame and one (1) or both wheels to the rack with a user-supplied lock. Bicycle racks mounted in a row shall be placed a minimum of thirty (30) inches from one another. The exterior surface of the rack shall be durable, rust-resistant, non-marring and shall not require regular maintenance. Bicycle racks shall be located in a weather-protected area whenever feasible.~~

~~B.——Bicycle parking facility design is subject to review and approval by the Economic and Community Development Director.~~

~~C.——Bicycle parking facilities shall be securely anchored to the ground or building.~~

~~D.——Bicycle parking facilities shall not impede pedestrian or vehicular circulation.~~

~~E.——Bicycle parking facilities shall be located in highly visible well-lit areas to deter theft and vandalism. Whenever possible, bicycle parking should be located in close proximity to a building's entrance. Where applicable, bicycle parking facilities and automobile parking shall be separated by a physical barrier or sufficient distance to protect bicycles from damage.~~

~~F.——Informational signage indicating the presence of bicycle parking shall be installed adjacent to any new bicycle parking facilities.~~

~~G.——When more than ten (10) bicycle parking facilities are required by this title, they shall be required to be weather-protected through the use of bicycle shelters or lockers or a combination of the two. Bicycle shelter shall be designed to be visually and aesthetically consistent with adjacent existing or proposed structures. Bicycle shelter design is subject to review and approval by the Economic and Community Development Director.~~

~~18.28.090 Design criteria for bicycle parking facilities located in multifamily residential zoning districts.~~

~~A. Bicycle parking facilities shall consist of bicycle lockers or racks and shall be in conformance with the criteria listed in Section 18.28.080 (A) through (D).~~

~~B. Bicycle parking facilities shall be located in a weather-protected, enclosed and secure area that is highly visible and well-lit to deter theft and vandalism. Where applicable, bicycle parking facilities and automobile parking shall be separated by a physical barrier or sufficient distance to protect bicycles from damage. The provision of bicycle lockers in lieu of racks will satisfy the requirement that the bicycle parking facilities be located in a weather-protected, enclosed and secure area.~~

~~C. Five percent (5%) of the bicycle parking demand required by this title shall be accessible to guests and does not need to be located in a weather-protected or enclosed area.~~

18.28.~~400~~090 Substitution of automobile parking with bicycle parking facilities.

Subject to approval by the decision maker, the required automobile parking demand for a particular use may be reduced by up to ten percent (10%) when additional bicycle parking facilities are provided beyond what is required by the applicable provisions listed in this title. The required automobile parking demand may be reduced at a rate of one (1) parking space for each six (6) additional bicycle parking facilities provided.

18.28.~~440~~100 Transportation demand management programs.

A. Subject to use permit approval, up to a twenty-five percent (25%) reduction in required parking demand may be granted by the decision-making body if transit demand management (TDM) measures are implemented that reduce a project's overall number of vehicle trips generated and related parking demand. TDM measures may include, but are not limited to, provision of shuttles to and from BART, implementation of public transit pass programs, installation of showers and lockers to encourage people to bike or walk to work, preferential parking for people who car pool, etc.

B. A TDM plan, prepared by a qualified professional, shall be submitted with the use permit application. At a minimum, the TDM plan shall include a description of proposed TDM measures, a quantitative analysis of how measures will reduce the project's vehicles trips generated and related parking demand, and a detailed implementation plan to ensure TDM management through the life of the use permit. A responsible party (i.e., project applicant, property owner, homeowner's association, etc.) shall be identified for the implementation and management of the plan. The proposed parking demand reduction will be based on the information contained in the TDM plan. The City shall hire a consultant, at the applicant's and/or property owner's expense, to conduct a third-party peer review of the TDM plan.

C. Yearly monitoring reports (measured from the date of use permit approval) shall be submitted by the responsible party listed in the TDM plan to the Economic and Community Development Department. Monitoring reports shall detail the TDM measures being implemented and the success of these measures including the number and percentages of people who are utilizing TDM programs and the amount of vehicle trips reduced. Monitoring reports shall be prepared by a qualified professional and may be subject to a third-party peer review paid for by the applicant and/or property owner. Failure to implement the programs and/or strategies listed in the TDM plan or failure to submit monitoring reports in a timely manner may result in revocation of the use permit subject to the provisions listed in Section 18.56.100.

D. This provision applies to the following types of uses:

1. Commercial;
2. Industrial;
3. Private institutional; and
4. Multifamily residential.

Chapter 18.32 RESIDENTIAL DISTRICTS

18.32.040 Walls, fences and hedges.

A. Walls, fences and hedges located in any residential district shall be subject to the following height, location and design restrictions.

1. In the required rear and interior side yards the maximum height shall be six (6) feet as measured above the surface of the ground, except that an additional one and one-half (1.5) foot of lattice may be added above a six (6) foot high fence.

2. Height Exception. Fences a maximum of eight (8) feet in height may be allowed in the required rear yard or interior side yards when the yard abuts a flood control channel, railroad, park, licensed residential care or health facility, school, child care center, commercial use, industrial use or major arterials, including Alvarado-Niles Road, Dyer Street, Decoto Road, Whipple Road, Union City Boulevard, Mission Boulevard, Alvarado Boulevard and Lowry Road. Soundwalls are exempted from height restrictions when they are part of a site development review approval of a subdivision. The owner of the lot on which an eight (8) foot fence is constructed in accordance with this subsection shall reduce the fence height to six (6) feet within thirty (30) calendar days of the removal, relocation, or the termination of operations of the adjacent facility or use. When an eight (8) foot fence adjoins a fence of a lower height at any point other than at the intersection of two (2) or more lot lines, the eight (8) foot fence shall be designed to step or slope down to the height of the adjoining fence.

3. When located in the front yard, the maximum height shall be three (3) feet above the surface of the ground.

4. On corner and reverse corner lots, the maximum height shall be three (3) feet in the exterior side yard, except that fences meeting the other requirements listed in Section 18.32.040(A) may be permitted when located ten (10) feet from the side street lot line and at least thirty-five (35) feet from the front lot line, but not closer to the front lot line than the front face of the structure.

5. On lots developed with multifamily residential uses, fences a maximum of eight (8) feet in height may be permitted to enclose interior private open space areas at the end units of building clusters. Interior private open space areas are those areas which are located between a building unit and a garage or other structure.

6. Fences shall be wood, masonry, or earth materials. Metal, plastic, or other similar materials shall not be used except as posts or other support elements.

~~all districts, the design of fences and walls, and materials used in construction, shall aesthetically complement the yard area, and be compatible with neighboring yards, fences and structures. Acceptable materials are deemed to be natural materials such as wood, masonry and earth materials, and do not include metal, plastic or other similar materials where such fences and structures are intended to exceed three (3) feet above the surface of the ground.~~

B. Retaining Walls. Retaining walls located in any residential district, except for those located in the hillside combining district, shall be subject to the following restrictions.

1. A retaining wall which is not part of a building shall not exceed three (3) feet in height.

2. Fencing on top of a retaining wall is permitted when the total height of both the wall and fence do not exceed the applicable maximum height requirement in Section 18.32.040(A).

3. The sides of exposed exterior retaining walls shall be architecturally treated.

4. Exceptions. Exceptions may be granted by the director where the director finds that no practical alternative exists, the purpose of the regulation will not be compromised, and no detrimental impact will result.

18.32.080 Lot coverage.

The maximum site area covered by all structures located on the site shall be as prescribed in the following table:

District	Coverage
RS 10000	50%
RS 8000	50%
RS 7000	50%
RS 6000	50%
RS 4500	50%
<u>RM 3500</u>	<u>70%</u>
RM 2500	40 70%
RM 1500	40 80%
<u>RM 3500</u>	<u>40%</u>

18.32.090 Front yard.

- A. In the RS districts the minimum front yard shall be twenty (20) feet.
1. Except that in the RS 10000 and RS 8000 districts the minimum front yard shall be twenty-five (25) feet.
- B. In the RM districts, the ~~required front yard may be reduced by five (5) feet when all required off-street parking spaces are located on the rear half of the site or are entered parallel to the front lot line of the site~~ minimum front yard shall be ten (10) feet.

18.32.100 Side yards.

- A. Residential Uses. The minimum side yard for ~~a permitted residential~~ uses shall be ten percent (10%) of the width of the site; provided, that a side yard of not more than ten (10) feet shall be required and a side yard of not less than five (5) feet shall be permitted subject to the following exceptions:
1. An interior side yard providing access to a dwelling or dwelling units shall not be less than twelve (12) feet wide, with the exception of access to accessory dwelling units in R and RS districts, where the minimum side yard standards are permitted. Where the side yard provides access to off-street automobile parking, it shall be not less than twelve (12) feet and shall be paved to a ten (10) foot width. A street side yard of a corner lot providing access to a dwelling or dwelling units shall be regulated by the street side yard setbacks for the district.
2. In RM districts, where a side lot line of a site adjoins an RS district and private rear yard spaces of individual units are proposed to be located along the side lot line, a side yard setback of not less than twenty (20) feet shall be required.
3. In the RS districts, with the exception of the RS 4500 district where ten (10) feet is permissible, on the street side of a corner lot, the side yard shall be fifteen (15) feet. In the RM districts, the street side shall be ten (10) feet.

4. In the RS 4500 district:

a. Side yards may be eliminated on one (1) side (zero side yard); provided, that the side wall contains no windows or other openings. An interior side yard must be maintained on at least one (1) side of dwellings on adjoining lots where side yards are aggregated on a single side. Where dwellings are placed on the zero lot line and where a one-story structure is adjacent to another one-story structure on an adjacent lot, the minimum separation between structures shall be ten (10) feet. In no case shall a dwelling be located closer than ten (10) feet to the nonzero lot line side lot line.

b. Where dwellings are placed on the zero lot line and where a one-story structure is adjacent to a two-story structure on an adjoining lot or when a two-story structure is adjacent to another two-story structure on an adjacent lot, the minimum separation between structures shall be fifteen (15) feet. Second-story additions to existing single-family dwellings placed on the zero lot line are exempt from the increased side yard building separation provision stated above, but a minimum side yard of ten (10) feet must be maintained on one (1) side.

B. Nonresidential Uses. The minimum side yard for a ~~conditional-nonresidential~~ use and its accessory structures shall be ten percent (10%) of the width of the site; provided, that a side yard of not more than twenty (20) feet shall be required and a side yard of not less than ten (10) feet shall be permitted, subject to the following exceptions:

1. In the RS districts, on the street side of a corner lot, the side yard shall be not less than twenty (20) feet.

2. In the RM districts, on the street side of a corner lot, the side lot shall be not less than fifteen percent (15%) of the width of the site; provided, that a side yard of not more than twenty (20) feet shall be required and a side yard of not less than fifteen (15) feet shall be permitted.

3. One (1) foot shall be added at ground level to each interior side yard for each two (2) feet of height by which the structure exceeds twelve (12) feet.

~~4. Single-family residential uses within the H combining district are subject to the setbacks for permitted uses provided in subsection A above.~~

18.32.105 Rear yards.

A. In all RS ~~and RM~~ districts excepting the RS 4500 district, the minimum rear yard shall be twenty (20) feet; however, the minimum rear yard may be reduced to fifteen (15) feet if remaining rear or side yard area has a square footage area of twenty percent (20%) or more of the total lot area and a dimension of not less than fifteen (15) feet.

B. In the RS 4500 district, the minimum rear yard shall be fifteen (15) feet; however, the minimum rear yard may be reduced to ten (10) feet if remaining rear or side yard area has a square footage area of fifteen percent (15%) or more of the total lot area and a dimension of not less than ten (10) feet.

C. In the RM districts, the minimum rear yard shall be fifteen (15) feet.

CD. In the RM districts where multiple units are proposed on a site, the rear yard shall be deemed to be the yard area at the opposite end of the site from the frontage.

DE. For through lots, the minimum rear yard shall be twenty (20) feet in RS districts and fifteen (15) feet in RM districts.

18.32.115 Open space and ~~IL~~landscaped areas.

A. In all districts, the required front yard shall be landscaped and permanently maintained not including approved driveways and pedestrian pathways. Not less than five (5) feet of the required side yard on the street side of a corner lot, and not less than ten (10) feet of the required rear yard adjoining the rear property line of a double frontage lot shall be landscaped and permanently maintained. Non-living landscaping shall not exceed twenty-five percent (25%) of any required landscaped area unless approval from the City Arborist or City Landscape Architect is obtained.

~~B. In RM districts, for each dwelling unit on the site, not less than three hundred (300) square feet of usable open space conforming to the following standards shall be required:~~

~~1. The usable open space may be common space accessible to more than one (1) dwelling unit or may be private space for the exclusive use of individual units.~~

~~2. At least one-half (0.5) of the required space shall be provided at ground level exclusive of front yard setback areas, and not more than one-half (0.5) of the requirement may be satisfied by balconies or roof decks.~~

~~3. Each square foot of private open space shall be considered equivalent to two (2) square feet of common space, and may be so substituted, except in the RM 3500 district where one (1) foot shall be considered equivalent to one and one-half (1.5) square feet of common space.~~

~~4. Common usable open space shall have a minimum area of three hundred (300) square feet, and shall have no dimension less than fifteen (15) feet.~~

~~5. Private usable open space at ground level shall have a minimum area of one hundred fifty (150) square feet, and shall have no dimension less than ten (10) feet.~~

~~6. Open space located in parking area, driveway or service area shall not be counted, nor shall open space with a slope greater than ten percent (10%).~~

~~C. Projects located in the RM 2500 and RM 3500 districts, that include development of a vacant site or substantial modification of a developed site, shall provide landscaped areas that measure a minimum of forty percent (40%) of the project site area. Pools, tennis courts, and other recreational facilities, as well as street furniture, kiosks, plazas and gathering areas can be included in the landscape calculation. This area can also be utilized to satisfy the common, usable open space requirements listed in subsection B.~~

~~Projects that cannot provide the minimum amount of required landscaping shall pay a landscape in-lieu fee in the amount set forth in the City's Master Fee Schedule.~~

~~D. Projects located in the RM 1500 district, which include development of a vacant site or substantial modification of a developed site, shall provide landscaped areas that measure a minimum of twenty-five percent (25%) of the project site area. Pools, tennis courts, and other recreational facilities, as well as street furniture, kiosks, plazas and gathering areas can be included in the landscape calculation. This area can also be utilized to satisfy the common usable open space requirements listed in subsection B. Projects that cannot provide the minimum amount of required landscaping shall pay a landscape in-lieu fee in the amount set forth in the City's Master Fee Schedule.~~

E. New landscaping and modifications to existing landscaping shall comply with the provisions listed in Chapter 18.112, Water Efficient Landscape, and the Landscape Standards Policy Statement.

F. Replacement of dead, dying or deficient landscaping shall be required for establishment of new non-residential uses or modification of existing uses.

18.32.120 Height of structures.

In the RS, ~~RM 2500 and RM 3500~~ districts, no principal structure shall exceed thirty (30) feet in height. Spires, cupolas, chimneys, elevator penthouses, flagpoles and necessary mechanical appurtenances may be allowed to a maximum height limit of forty (40) feet. Amateur radio antennas and antenna structures may be allowed to exceed the basic height limitation, subject to required approvals, in accordance with Section 18.32.190.

In the RM 2500 and RM 3500 districts, no structure shall exceed forty (45) feet in height.

In the RM 1500 district, no structure shall exceed seventy-five (75) feet in height.

18.32.125 Design criteria.

The following design criteria shall be used to evaluate new construction and additions or modifications to existing structures within residential districts:

A. Single-family manufactured homes placed as a sole principal residence on a single-family lot and constructed after June 15, 1976, are subject to the following design criteria:

1. The manufactured home width shall not be less than twenty (20) feet and may be a double-wide, multi-sectional unit.
2. The exterior siding material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.

3. The roof of the manufactured home shall have a pitch of not less than two and one-half (2.5) inches of vertical rise for each twelve (12) inches of horizontal run.

4. The roof shall have eave and gable overhangs of not less than twelve (12) inches measured from the vertical side of the manufactured home, or what is customarily found on existing residential structures in the vicinity. The overhang shall have the same slope and be covered with the same roofing material as the roof itself.

5. The exterior siding material and roof of the enclosed garage shall be the same as that of the manufactured home.

6. The finished floor of the manufactured home shall not exceed thirty (30) inches above the exterior finish grade of the lot.

7. The façade of the manufactured home shall be designed with sufficient detail to make it visually compatible with the existing residential structures in the vicinity. Such detail shall include door and window trim, window type and any special architectural features uniformly present on surrounding residences.

B. Single-family dwellings, including site-built, modular homes, and additions and modifications to existing structures, shall be compatible with the scale, bulk, style, and character of dwellings in the vicinity, and shall incorporate the following design criteria:

1. The Director or appropriate decision-body may grant exceptions to the following design standards to accommodate a complete architectural design, to ensure neighborhood compatibility, or where they find that adequate design features have been incorporated to create visual variety and avoid a bulky or monolithic appearance.

2. Building Façades and Materials:

a. No façade facing a public right-of-way shall run in a continuous plane of more than ten (10) feet and no façade facing an interior lot line shall run in a continuous plane of more than fifteen (15) feet without incorporating one (1) or more of the following:

i. A vertical wall shift at least one (1) foot in depth;

ii. A change in material type;

iii. Windows or building entrances;

iv. A projection such as a stoop, bay window, or overhang.

b. A minimum of three (3) exterior colors or a combination of materials and colors shall be used on the building façade.

i. Stucco must be used in combination with a secondary material.

c. Transitions for both materials and colors shall be located at internal corners.

- i. Wainscoting shall wrap onto the side elevations and shall continue until the fence line or till no longer visible from the right-of-way. This distance shall not be less than five (5) feet.

- d. Second-story façades shall incorporate the following:

- i. A minimum of a six (6) foot inset from the front wall plane.

- ii. A minimum of an eighteen (18) inch inset from the side and rear wall plane.

- e. Where chimney extensions are involved, the extension shall conform in design and materials with the existing chimney.

3. Windows and Glazing.

- a. All windows shall incorporate the following:

- i. Trim at least three (3) inches in width must be provided around all windows, or

- ii. Windows must be recessed at least two (2) inches from the plane of the surrounding exterior wall.

- b. Upper story windows located less than ten (10) feet from and facing rear or side yard of an adjacent property shall be located to maximize privacy for adjacent properties by using at least one (1) of the following techniques:

- i. The sill height located a minimum of sixty (60) inches above the finished floor.

- ii. The location of the window is such that the centerline of the glazing is offset greater than fifteen (15) lateral feet from the centerline of any glazing on an existing adjacent primary structure.

- iii. Any window located partially or entirely below sixty (60) inches from the finished floor consists of frosted or obscured glazing.

- iv. As used in this section, frosted or obscure glass is glass which is patterned or textured such that objects, shapes, and patterns beyond the glass are not easily distinguishable.

4. Roof Form and Detailing.

- a. New structures shall provide a roof pitch no less than two and one-half (2.5) inches of vertical rise for each twelve (12) inches of horizontal run.

- i. Mansard roofs shall be prohibited.

- b. Alterations or additions to an existing structure shall provide the same roof form, material and color as the existing structure.

- c. Roof material and color shall be the same throughout the entirety of the roof.
- d. Overhanging eaves shall extend a minimum of twelve (12) inches beyond the supporting wall.
- 5. Principal Entrance.
 - a. The principal entrance shall face the street frontage.
 - b. The principal entrance shall be emphasized by utilizing at least one (1) of the following methods:
 - i. A projection (e.g., overhang) with a minimum depth of three (3) feet and a minimum horizontal area of thirty (30) square feet.
 - ii. A recess with a minimum depth of three (3) feet and a minimum horizontal area of thirty (30) square feet.
 - iii. A landing, deck, porch, or stoop with a minimum six (6) foot by six (6) foot area.
 - c. The principal entrance shall be clearly identifiable and connected to the public street by a pedestrian path with a minimum width of three (3) feet.
- C. Relocated single-family dwellings and their accessory structures shall meet the above-noted design criteria and be subject to the requirements set forth in the ordinance pertaining to house moving permits.

D. Semidetached Single-Family Dwellings and Multifamily Dwellings. All semidetached single-family dwellings and multifamily dwelling development shall comply with 18.24.050.1. ~~Common interior walls between dwellings where applicable shall be constructed as party walls and shall comply with the provisions of the Uniform Building Code as adopted by the City.~~

~~2. Exterior colors and textures shall not be changed from the original or its equivalent as provided with the original development. In the event of destruction of all or part of the housing unit by fire, earthquake or other cause, it shall be rebuilt in accordance with the approved conditional use permit with the same or equivalent colors and textures. Site development review or administrative site development review approval shall be required for any exterior additions, changes or reductions in yard space from that provided with the original development. No garages shall be converted to living space. There shall be no reduction in livable space or storage space.~~

~~E. Additions to semidetached single-family dwellings shall be compatible with the existing and adjacent residences in terms of materials and design. The addition shall be located and designed so as to not disrupt the privacy of, or create noise impacts on, adjacent residents and yards. Required setbacks and open space for developments located in other than RS 4500 zoning districts shall be established through the use permit process.~~

~~F. All residential development, including new construction and additions, shall be articulated on all elevations. A higher degree of articulation shall be provided on the front elevation defined as the elevation that faces the front lot line and includes the main entry point to the residence.~~

G. Accessory structures over one hundred twenty (120) square feet in area shall have an exterior appearance and character that reflects the existing primary residence in terms of materials and design. The color scheme shall match or be complementary to the existing residence. The structure shall be located and designed so as to not disrupt the privacy of, or create noise impacts on adjacent residents and yards.

H. All wood burning appliances installed in new residential units or wood burning appliances being added to or replacing wood burning appliances in existing residential units shall comply with the following regulations. Gas fireplaces shall be exempt from these regulations; however, the conversion of a gas fireplace to burn wood shall constitute the installation of a wood burning appliance and shall be subject to the following regulations. A wood burning appliance shall comply with these regulations if: (1) it is reconstructed; (2) additions, alterations or repairs are made to the appliance that requires opening up immediately adjacent walls; or (3) the residential units in which the appliance is located are renovated, and the renovation includes opening up walls immediately adjacent to the appliance. It shall be unlawful to:

1. Use any wood burning appliance when the Bay Area Air Quality Management District issues a "Spare the Air Tonight" warning and when an alternate approved heat source is available;
2. Install a wood burning appliance that is not one (1) of the following: (a) a pellet-fueled wood heater; (b) an EPA certified wood heater; or (c) a fireplace certified by EPA should EPA develop a fireplace certification program;
3. Use any of the following prohibited fuels in a wood burning appliance: (a) garbage; (b) treated wood; (c) plastic products; (d) rubber products; (e) waste petroleum products; (f) paints; (g) paint solvents; (h) coal; (i) glossy or colored papers; (j) particle board; (k) saltwater driftwood.

Any person who plans to install a wood burning appliance must submit documentation to the Building Division of the City demonstrating that the appliance is in compliance with subsection (H)(2) of this section. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided by law

I. All multifamily developments shall comply with the provisions listed in Chapter 7.04 regarding management of waste and recyclable materials.

18.32.150 Off-street loading.

Loading berths shall be provided and designed in compliance with the requirements of Section 18.36.140. ~~Off-street loading berths accessory to uses allowed in residential districts shall be provided in accordance with the regulations set forth hereinafter as well as in general provisions of Chapter 18.04.~~

~~Such uses as require off-street loading facilities shall provide one (1) off-street loading berth for a gross floor area up to five thousand (5,000) square feet and for each additional ten thousand (10,000) square feet of gross floor area one (1) additional loading berth.~~

~~A.—— Location. All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) ton capacity shall be closer than fifty (50) feet to any other property in residential districts unless completely enclosed by walls, or a uniformly solid fence or wall or any combination thereof, not less than six (6) feet in height.~~

~~No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets. No loading berth shall be located in a required front or side yard, and any loading berth located in a required rear yard shall be open to the sky.~~

~~B.—— Size. Unless otherwise specified, a required off-street loading berth shall be at least ten (10) feet in width by at least twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.~~

~~C.—— Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements and subject to approval by the City Engineer.~~

~~D.—— Surfacing. All open off-street loading berths shall be improved with a compacted rock base, not less than five (5) inches thick surfaced with not less than two (2) inches of asphaltic concrete or some comparable all weather dustless material.~~

~~E.—— Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence districts.~~

~~F.—— Space allocated to any off-street loading shall not be counted as satisfying off-street parking requirements.~~

~~G.—— Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities off any adjacent alley, service drive or open space on the same zoning lot which is accessible by motor vehicles.~~

18.32.160 Off-street parking.

Off-street parking spaces and bicycle parking facilities that are accessory to uses allowed in residential districts shall be provided in accordance with the regulations set forth hereinafter as well as those in general provisions in Chapter 18.04.

A. Required accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants or employees of such uses, provided that in the RM districts, not more than twenty-five percent (25%) of the accessory parking spaces required for a dwelling, lodging, house, motel or hotel may be rented out on a monthly basis to occupants of other dwellings, lodging rooming houses, motel or hotels.

B. Off-street parking facilities are to be provided in the following ratio:

1. In the RS district, a minimum of two (2) covered and enclosed parking spaces per unit.

a. A third covered and enclosed parking space shall be provided either when the habitable areas of the primary residence (excluding accessory dwelling units) exceeds three thousand (3,000) square feet, or when there are five (5) or more rooms that can be used for sleeping purposes. In neighborhoods where two (2) car garages are predominant, the additional parking space shall be provided as a tandem space to ensure neighborhood consistency.

2. In the RM district, parking shall be provided as follows:

a. One ~~(1) and one-half (1.5)~~ spaces per one (1) bedroom or studio unit, ~~one (1) of~~ which must be covered, plus one-quarter (0.25) space per unit for guest parking;

b. Two (2) spaces per unit with two (2) or more bedrooms, one (1) of which must be covered, plus one-quarter (0.25) space per unit for guest parking.

3. Senior Housing. One-half (0.5) of a covered parking space shall be provided for each bedroom, and one-quarter (0.25) of a parking space shall be provided for each unit for guest parking. The number of parking spaces required for senior housing may be decreased by the Planning Commission decision maker if it is found that a specific use will not create as great a need for off-street parking.

4. Affordable Housing. For housing developments with one hundred percent (100%) of the units affordable to lower-income households (except for one (1) manager's unit), parking shall be provided at a ratio of one (1) parking space per studio or one (1) bedroom unit, one and one-half (1.5) parking spaces per two (2) bedroom unit, and two (2) parking spaces per three (3) or four (4) bedroom unit.

C. Size.

1. Uncovered off-street parking spaces shall be at least nine (9) feet in width by eighteen (18) feet in length, exclusive of access drives, aisles, ramps, or columns. Such space shall have a vertical clearance of at least seven (7) feet.
2. Enclosed two-car garages shall have a minimum unobstructed interior dimension of twenty (20) feet in width by twenty (20) feet in length.
3. When permitted enclosed tandem garages shall have a minimum unobstructed interior dimension of ten (10) feet in width by forty (40) feet in length.
4. Enclosed one-car garages shall have a minimum unobstructed interior dimension of ten (10) feet in width by twenty (20) feet in length.
5. Covered off-street parking spaces shall be at least ten (10) feet in width by twenty (20) feet in length.

D. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and sufficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to the street or alley in a manner which will least interfere with traffic movements. Driveways across public property shall be approved by the Director of Public Works.

E. Screening and Landscaping. All open automobile parking areas shall be effectively screened on each side adjoining or fronting on any premises by a wall, fence or densely planted compact hedge not less than five (5) feet nor more than six (6) feet in height. Such required screening shall conform to the front and side yard setback requirements of the district in which the parking is located.

F. All parking spaces required for dwelling units shall be located on the same zoning lot as the dwelling served. Parking spaces for all other uses shall be located on the same zoning lot as the use served except as otherwise provided in Chapter 18.04. Off-street parking shall be provided according to the following ratios:

1. Church, School, College, and Other Institutional Auditoriums. One (1) parking space shall be provided for each five (5) seats based upon maximum seating capacity.
2. Hospitals. One (1) parking space shall be provided for each three (3) hospital beds, plus one (1) parking space for each two (2) employees, plus one (1) parking space for each doctor assigned to the staff.
3. Libraries, Art Galleries and Museums—Public. One (1) parking space shall be provided for each one thousand (1,000) square feet of gross floor area.
4. Recreation Buildings or Community Centers. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number to serve the visiting public and as determined by the City Planning Commission.

5. Public Utility and Public Service Uses. One (1) parking space shall be provided for each two (2) employees on maximum shift, plus spaces adequate in number to serve the public as determined by the City Planning Commission. Where such uses are unmanned, no spaces need be provided.

6. Sanitariums, Convalescent Homes and Nursing Homes. One (1) parking space for each six (6) beds, plus one (1) parking space for each two (2) employees, plus one (1) parking space for each doctor assigned to the staff.

7. Schools—Nursery, Elementary, Junior and Senior High. One (1) parking space for each two (2) employees, plus one (1) parking space for each ten (10) students in the senior high school.

G. No commercial vehicle in excess of three (3) tons gross unladen vehicle weight (except pickup trucks) shall be parked or stored on any lot in a residential district where in residential use; provided, however, that this section shall not prohibit temporary parking of any such vehicle while making pickups, deliveries or providing services for the residents on the lot on which the vehicle is parked.

H. Mobilehome/Recreational Vehicle Parking. Mobilehomes, recreational vehicles, trailers or boats which are on trailers may be parked in rear yards, or within driveways, on concrete aprons adjacent to driveways, or on other compact material for vehicle parking adjacent to driveways constructed pursuant to approval by the Economic and Community Development Department. Parking aprons shall comply with subsection I of this section. All such vehicles must be fully contained on private property, and shall not overhang into any portion of the public right-of-way, including the sidewalk. In addition, such vehicles may be parked within side yards which provide access to off-street parking, and are a minimum of twelve (12) feet wide with at least ten (10) feet of paved width. A minimum three (3) foot setback shall be retained along the interior side yard lot line from all vehicles.

I. In compliance with Chapter 10.36, Stopping, Standing and Parking, it is unlawful for any person, firm or group to park any vehicle, trailer, boat trailer or boat, or parts thereof within the side yard, front yard or corner vision triangle, as established by this title. This section does not apply to driveways or concrete parking aprons constructed pursuant to approval by the Economic and Community Development Department, or to driveways or concrete (or other appropriate material) parking aprons constructed prior to the adoption of the ordinance codified herein; provided, however, that such parking shall be limited to currently registered operable vehicles and shall be located on a stabilized permanent surface installed in accordance with this section.

Except for cul-de-sac or fan-shaped lots with reduced front yards, such vehicle parking areas shall not cover more than sixty percent (60%) of any required front yard or an area greater than six hundred (600) square feet, whichever is less. Parking on permeable surfaces in any instance shall not be allowed. Parking pads independent of the driveway or driveway apron shall not be allowed in the front or street side yards.

J. In the RM 1500 and RM 2500 zoning districts, a minimum of one (1) bicycle parking facility shall be provided for every three (3) units. Bicycle parking facilities shall be designed and installed in conformance with the criteria outlined in Section 18.28.~~090080~~. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.~~100-090~~ and approval by the decision maker.

Chapter 18.35 CORRIDOR MIXED USE COMMERCIAL (CMU) DISTRICT

18.35.110 Front yard.

~~For lots with frontage on Mission Boulevard, Mission Boulevard shall be considered the front yard. Front yard setbacks shall be fifteen (15) feet from the face of the parking curb and five (5) feet from the property line to ensure a comfortable pedestrian environment. On Mission Boulevard, the front yard setback shall be five (5) feet from the property line and a minimum of fifteen (15) feet from the face of curb to ensure a comfortable pedestrian environment.~~

18.35.150 Design criteria.

~~A. All development shall comply with Section 18.24.050.~~

~~The design of new buildings and the rehabilitation of existing or relocated buildings shall be guided by the following design and siting criteria:~~

~~A. All new development and all rehabilitation or remodeling of buildings should stress the California Mission style architecture and should provide landscaping to minimize the impression that this roadway is a dividing line in the City.~~

~~B. Private improvements should complement and exploit the public investment in area improvements to the fullest extent such as, but not limited to, sidewalk improvements, the undergrounding of overhead utilities, and improved street lighting.~~

~~C. Weather protection in the form of shade trees, awnings and overhangs should be provided to extent feasible. Long distances with no weather protection should be avoided.~~

~~D. Development designs should feature building frontages unbroken by wide openings created by parking areas, and emphasis should be given to building and sidewalk amenities that will attract foot traffic.~~

~~E. Scale should be maintained in parking lots. Wherever feasible these should be located to the rear of buildings, and should be broken up by planted areas and shade trees to give a sense of human scale and provide amenities.~~

~~F. — Where parking lots are located to the rear of buildings, attractive rear entrances should be provided.~~

~~G. — Extensive landscaping should be provided along the street frontage.~~

~~H. — Development design may feature varied setbacks to accommodate small garden courts and landscaped areas along the street frontage as a means of enhancing the street scene and encouraging foot traffic.~~

~~I. — Exterior treatments of new and remodeled buildings should favor natural materials and earth tone colors to match the California Mission style architecture.~~

~~J. — For mixed use and stand-alone residential developments, development design should offer commercial/retail uses and/or amenity spaces on the first floor with residential units only to be located above the first floor when directly adjacent to Mission Boulevard.~~

~~K. — The streetscape along Mission Boulevard should be enhanced by public art and landscape improvements that enhance the areas visual appeal and establish Mission Boulevard as a gateway to the City.~~

~~18.35.170 Residential open space.~~

~~All residential development shall provide residential open space features, such as courtyards, pool and spa areas, recreation facilities, and play areas for use by the tenants/owners.~~

18.35.200 Off-street loading.

~~Loading berths shall be provided and designed in compliance For commercial uses, loading berth requirements shall be evaluated on a project by project basis. Any required loading berths shall comply with the requirements of Section 18.36.140.~~

~~18.35.210 Laundry facilities.~~

~~Laundry facilities shall be provided to serve all residential dwelling units. Such facilities shall include washer and dryer appliances connected to utilities. In developments with common laundry facilities, the facilities must be in easily accessible locations and provide an adequate number of washers and dryers to serve the total number of units.~~

Chapter 18.36 COMMERCIAL DISTRICTS

18.36.050 Required conditions.

In commercial districts, including the CUL and CMU districts, the following conditions shall be required:

- A. Where a site adjoins an A, OS or R district, a solid masonry wall six (6) feet in height shall be located on the property line, except that walls located in the street side yard setback shall not exceed three (3) feet in height.
- B. No wall, fence, or hedge shall exceed six (6) feet in height if located in a required side yard or rear yard, unless a greater height is approved through the site development review or use permit process. A wall, fence, or hedge located in a required front yard or street side yard setback shall not exceed three (3) feet in height.
- C. Outdoor storage of materials and equipment permitted through the issuance of a use permit shall occur only within an area which is screened from view from public rights-of-way by a solid wall or fence with solid gates where necessary, or compact evergreen hedge not less than six (6) feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall, fence or hedge with the exception of live plant material.
- D. A use not conducted entirely within a completely enclosed structure shall be screened by a solid wall or fence, or compact evergreen hedge not less than six (6) feet in height, if such use without such screening is found by the Planning Commission decision maker to have a substantial and detrimental effect on property values in the area.
- E. All business, services, and processes shall be conducted entirely within a completely enclosed structure except for off-street parking and loading areas, and where permitted by a use permit, gasoline service stations, outdoor dining areas, nurseries, garden shops, lumber and other building materials stores. Temporary outdoor commercial events are permitted as provided by Chapter 18.54.
- F. Products which are produced and sold on-site shall be sold at retail, and not wholesale.
- G. Permitted and conditional uses in the Union Landing Commercial district shall be subject to the special design and siting criteria contained in Chapter 18.39.
- H. Other provisions of this chapter notwithstanding, all storage, handling or other use of hazardous materials shall be subject to the provisions of Chapter 18.43 of this title.
- I. All commercial development, including both new construction and additions, shall be articulated on all elevations.

J. Additions and modifications to commercial projects which are subject to the provisions of Chapter 18.76, Administrative Site Development Review, shall be designed to integrate with the existing project in terms of siting and architectural design. Above-ground utility installations, when permitted, shall be screened from public view. Roof equipment shall be screened by architecturally designed panels which are in proportion and scale with the roof line of the existing building.

K. All wood burning appliances installed in new commercial buildings or wood burning appliances being added to or replacing wood burning appliances in existing commercial buildings shall comply with the following regulations. Commercial buildings shall include, but not be limited to, hotels and restaurants. Gas fireplaces shall be exempt from these regulations; however, the conversion of a gas fireplace to burn wood shall constitute the installation of a wood burning appliance and shall be subject to the following regulations.

1. A wood burning appliance shall comply with these regulations if:
 - a. It is reconstructed;
 - b. Additions, alterations or repairs are made to the appliance that require opening up immediately-adjacent walls; or
 - c. The residential units in which the appliance is located is renovated, and the renovation includes opening up walls immediately adjacent to the appliance.
2. It is unlawful to:
 - a. Use any wood burning appliance when the Bay Area Air Quality Management District issues a "Spare the Air Tonight" warning and when an alternate approved heat source is available;
 - b. Install a wood burning appliance that is not one of the following:
 - i. A pellet-fueled wood heater,
 - ii. An EPA certified wood heater, or
 - iii. A fireplace certified by EPA should EPA develop a fireplace certification program;
 - c. Use any of the following prohibited fuels in a wood burning appliance:
 - i. Garbage,
 - ii. Treated wood,
 - iii. Plastic products,
 - iv. Rubber products,

- v. Waste petroleum products,
- vi. Paints,
- vii. Paint solvents,
- viii. Coal,
- ix. Glossy or colored papers,
- x. Particle board,
- xi. Saltwater driftwood.

Any person who plans to install a wood burning appliance must submit documentation to the Building Division of the City demonstrating that the appliance is in compliance with subsection (K)(2)(b) of this section. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided by law.

~~L. Permitted and conditional uses in the CC district located on Mission Boulevard shall be subject to the special design and siting criteria contained in Section 18.36.200 of this chapter.~~

~~ML.~~ Accessory structures must conform to the following standards:

1. 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.
2. No detached accessory building or buildings shall occupy more than thirty percent (30%) of the area of a required rear yard.
3. No detached accessory building located in a required rear yard shall exceed twelve (12) feet in height.

~~NM.~~ All development shall comply with the provisions listed in Chapter 7.04 regarding management of waste and recyclable materials.

18.36.090 Front yard.

A minimum front yard of twenty (20) feet shall be required, except as provided below.

A. For structures which exceed twenty (20) feet in height, the required setbacks shall be a minimum of twenty-five (25) feet.

B. On Mission Boulevard, the front yard setback shall be five (5) feet from the property line and a minimum of fifteen (15) feet from the face of curb to ensure a comfortable pedestrian environment.

18.36.140 Off-street loading.

A. Required Loading Berths. Where appropriate, the Planning Commission decision maker may require loading berths for each of the commercial districts that shall not be less than ten (10) feet by twenty-five (25) feet and shall be provided in accordance with the following schedule:

	Required Number
Gross <u>Nonresidential</u> Floor Area	
1 to 10,000 sq. ft.	1
10,001 to 25,000 sq. ft.	2
25,001 to 40,000 sq. ft.	3
40,001 to 100,000 sq. ft.	4

For each additional two hundred thousand (200,000) square feet of nonresidential floor area or fraction thereof over one hundred thousand (100,000) square feet of floor area one (1) additional loading berth shall be provided.

B. Design. All loading docks shall be designed according to the following standard unless an alternative design is approved through the site development review or administrative site development review process.

1. Loading dock entrances shall not exceed 20 feet in width.

21. Loading docks shall be located inside a building and equipped with closable doors.

18.36.150 Off-street parking.

Public automobile and bicycle parking facilities shall be provided as follows:

A. Places of Assembly.

1. Churches: one (1) space for each five (5) seats in main assembly room or one (1) space for each fifty (50) square feet of floor area, whichever requirement is greater;

2. Funeral homes, mortuaries: one (1) space for each fifty (50) square feet of chapel area or one (1) space for each five (5) seats in the same, whichever requirement is greater;
3. Places of public assembly having fixed seating, such as auditoriums, theaters, assembly halls, sports arenas, stadiums: one (1) space for each four (4) seats;
4. Places of public assembly having no fixed seats, such as dance halls, exhibition halls, gymnasiums, skating rinks, lodges: one (1) space for each one hundred (100) square feet of floor area used for public assembly;
5. Schools.
 - a. Business, professional, trade, art, craft, music and dancing schools and colleges: one (1) space for each employee plus one (1) for each four (4) students,
 - b. Nursery and day care centers: one (1) space for every ten (10) children, plus one (1) space for every two (2) employees.
- B. Office, Business, Commercial and Service Uses.
 1. Bowling alleys: six (6) spaces for each lane;
 2. Hotels and motels: one (1) space for every room plus one (1) space for every two (2) employees on maximum shift;
 3. Medical and dental clinic and offices: one (1) space for every two hundred (200) square feet of gross floor area;
 4. Offices, banks and professional offices: one (1) space for every two hundred (200) square feet of gross ground floor area and one (1) space for every three hundred (300) square feet of gross floor area above or below the ground floor;
 5. Restaurants, bars, nightclubs and lounges: one (1) space for every three (3) seats or one (1) space for every one hundred (100) square feet of gross floor area, whichever requirement is greater;
 6. Rest homes, convalescent hospitals, sanitariums: one (1) space for every four (4) beds plus one (1) space for every two (2) employees;
 7. Retail sales of automobiles, automobile parts, appliances, furniture, machinery, equipment rental, building materials, nurseries, and other similar retail uses involving primarily bulk merchandise: one (1) space for each four hundred (400) square feet of gross floor area plus one (1) space for each two thousand (2,000) square feet of lot area occupied by such area;

8. Service and repair uses such as printing, upholstering, appliance repair, sheet metal working, wood working or roofing: one (1) space for every five hundred (500) square feet of gross floor area;

9. Service stations: three (3) spaces for each hoist, rack or other area designed for servicing or minor repairs plus one (1) space for every two (2) employees on maximum shift.

C. Light retail sales, business and commercial establishments: one (1) space for every one hundred seventy-five (175) square feet where gross floor area is less than ten thousand (10,000) square feet; one (1) space for every two hundred (200) square feet where gross floor area is ten thousand (10,000) square feet or greater.

D. Other uses shall be provided on the same basis as required for the most similar use or as determined by the City Planning Commission.

E. Bicycle parking facilities shall be provided, at a minimum, in an amount equal to ten percent (10%) of the required automobile parking demand as determined by this chapter except for areas within one-half (1/2) mile of the Intermodal Station. For bicycle parking demand ratios in these areas, see subsection F of this section. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080. The number of required bicycle parking facilities may be increased by the decision maker for a specific use if it is found that such use shall create a greater demand for these facilities. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.400-090 and approval by the decision maker.

F. For areas within one-half (1/2) mile of the Intermodal Station, bicycle parking facilities shall be provided, at a minimum, in an amount equal to twenty percent of the required automobile parking demand as determined by this chapter. A minimum of twenty percent (20%) of the required bicycle parking demand shall be enclosed and secure to accommodate long-term users. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080. The number of required bicycle parking facilities may be increased by the decision maker for a specific use if it is found that such use shall create a greater demand for these facilities. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.400-090 and approval by the decision maker.

18.36.200 Design Criteria~~Special design and siting criteria for uses on Mission Boulevard~~

A. All development shall comply with Section 18.24.050.

B. Mixed Use Development along Mission Boulevard, CC District.

1. Mixed-use developments shall be regulated by the standard lot size, setback, maximum height, off-street parking requirements, and maximum lot coverage requirements of the CC, Community Commercial district.

2. For residential uses located above ground floor commercial uses, the density limitations, off-street parking and bicycle parking requirements shall be based on the regulations for the RM 1500 district.

~~Special design and siting criteria for uses on Mission Boulevard.~~

~~To enhance the image and establish the area along Mission Boulevard, between Decoto Road and the Hayward city limits, as a gateway to Union City by intensifying the land use and providing opportunities for new mixed-use (commercial and residential) developments. The design of new buildings and the rehabilitation of existing or relocated buildings not within Corridor Mixed Use Commercial (CMU) district shall be guided by the following design and siting criteria:~~

~~A. All new construction and all rehabilitation or remodeling of buildings should stress the California Mission style architecture and should provide landscaping to minimize the impression that this roadway is a dividing line in the City.~~

~~B. Private improvements should complement and exploit the public investment in area improvements to the fullest extent such as, but not limited to sidewalk improvements, the undergrounding of overhead utilities, and improved street lighting.~~

~~C. Weather protection in the form of shade trees, awnings and overhangs should be provided. Long distances with no weather protection should be avoided.~~

~~D. Development designs should feature building frontages unbroken by wide openings created by parking areas, and emphasis should be given to building and sidewalk amenities that will attract foot traffic.~~

~~E. Scale should be maintained in parking lots. Wherever feasible these should be located to the rear of buildings, and should be broken up by planted areas and shade trees to give a sense of human scale and provide amenities.~~

~~F. Where parking lots are located to the rear of buildings, attractive rear entrances should be provided.~~

~~G. On Mission Boulevard, the front yard setback shall be five (5) feet from the property line and a minimum of fifteen (15) feet from the face of curb to ensure a comfortable pedestrian environment.~~

~~H. Extensive landscaping should be provided along the street frontage.~~

~~I. Development design may feature varied setbacks to accommodate small garden courts and landscaped areas along the street frontage as a means of enhancing the street scene and encouraging foot traffic.~~

~~J. Exterior treatments of new and remodeled buildings should favor natural materials and earth tone colors to match the California Mission style architecture.~~

~~K. Special efforts should be made to encourage a safe, well lighted pedestrian environment along Mission Boulevard.~~

~~L. Mixed-use developments shall be regulated by the standard lot size, setback, maximum height, off-street parking requirements, and maximum lot coverage requirements of the CC, Community Commercial district.~~

~~M. For residential uses located above ground floor commercial uses, the density limitations, off-street parking and bicycle parking requirements shall be based on the regulations for the RM 1500 district.~~

~~N. Development design should offer commercial/retail uses on the first floor with residential units only to be located above the first floor when directly adjacent to Mission Boulevard.~~

~~O. On-street parking shall be permitted on Mission Boulevard.~~

~~P. The streetscape along Mission Boulevard should be enhanced by public art and landscape improvements that enhance the areas visual appeal and establish Mission Boulevard as a gateway to the City.~~

~~Q. Sign sizes and placement should be coordinated to avoid the clutter created by signs of unrelated size and shape.~~

Chapter 18.37 STATION EAST MIXED USE RESIDENTIAL (SEMU-R) DISTRICT

18.37.140 Design criteria.

A. All development shall comply with Section 18.24.050.

~~A. Architectural Standards. Buildings shall be designed with a contemporary or "modern" vocabulary, using varied geometric volumes and a variety of high-quality materials (e.g. metal and glass). The following shall apply to any new buildings, additions to buildings which increase existing square footage by fifty percent (50%) or more, or modifications to existing buildings which modify the exterior of the building:~~

~~1. All street-facing façades must include at least one horizontal or vertical projection or recess at least four feet in depth, or two projections or recesses at least two and one-half (2½) feet in depth, for every fifty (50) horizontal feet of wall. The articulated elements must be greater than one story in height and may be grouped rather than evenly spaced in fifty (50) foot modules.~~

~~2. Lower and upper stories shall be separated by horizontal detailing such as an awning, overhang, cornice line, or belt course. Separation may occur either above the ground floor or second floor.~~

~~3. All street-facing façades must include vertical projections or recesses such as pilasters, porches, decks, bay windows, entry recesses, and other details that provide architectural articulation and design interest.~~

~~4. Window designs shall differentiate the various components of the building (e.g., ground floor retail spaces, stair towers, corners, or residential units).~~

~~5. Façade elements must establish building scale and pattern, using architectural techniques such as clustering or aligning windows and doors to form a regular pattern. Horizontal building elements should be roughly aligned (within three (3) feet of height) with others in the same block.~~

~~6. The design of townhomes shall be articulated such that individual units are differentiated from each other. Each unit shall maintain separate, identifiable roof forms, massing, fenestration, and street-facing doorways.~~

~~7. Ground floor residential units shall provide finish floor elevations of between eighteen (18) to forty-two (42) inches above the adjoining sidewalk.~~

~~8. Buildings shall not include blank walls which exceed twenty (20) feet.~~

~~9. For the portions of the buildings that face onto the Grand Paseo and have a length longer than ninety (90) feet and where the Grand Paseo is less than forty (40) feet in width, the building massing shall reduce to create architectural relief and interest. This can be ensured, in part, by calculating the surface area of the first floor plane of any building façade that faces the paseo (length of the first floor of the building X height of that floor = surface area). The second floor paseo-facing area shall be no more than ninety-five percent (95%) of the first floor area. The third floor paseo-facing area shall be no more than eighty-five percent (85%) of the first floor area and the fourth floor no more than seventy-five (75%) of the first floor area.~~

~~B. Exterior Materials. Exterior building materials shall be chosen based on character, durability, ease of maintenance and context, and may include:~~

~~1. Steel—Porcelain enamel panels, steel windows, steel exterior doors, steel rails and fences, painted, stainless or pre-weathered steel are acceptable;~~

~~2. Aluminum—Windows, panels (luco-bond and aluminum plate), storefront, curtain wall, doors; aluminum should be natural finish anodized, powder-coated or kynar (no bronze anodized);~~

~~3. Other metal;~~

~~4. Glass—Clear, low-e, nonreflective, solar-bronze or solar gray glass, shadow boxes and spandrel glass is permitted;~~

~~5. Brick, natural clay colors;~~

- ~~6.—— Stone;~~
- ~~7.—— Pre-cast concrete, glass-fiber reinforced concrete;~~
- ~~8.—— High-quality, cast-in-place concrete;~~
- ~~9.—— Ceramic tile;~~
- ~~10.—— Cement plaster; and~~
- ~~11.—— Wood.~~

~~C.—— Equipment Screening. Mechanical/utility equipment shall be sited and screened in accordance with the following:~~

~~1.—— In instances where mechanical equipment cannot be located within the building due to building code or utility provider requirements, it shall be adequately screened from off-site view and located at the rear of the site in an enclosure with walls matching the material and color of the building. The enclosure shall include gates or heavy gauge corrugated steel and shall be surrounded by trees, shrubs and climbing vines;~~

~~2.—— In instances where utility equipment cannot be located within the building or undergrounded due to building code or utility provider requirements, it shall be screened by locating at the rear of the site in an enclosure with walls matching the material and color of the building. The enclosure shall include gates or heavy gauge corrugated steel and shall be surrounded by trees, shrubs and climbing vines. Alternate locations may be considered to meet utility provider requirements; and~~

~~3.—— In instances where mechanical equipment is located on the building roof, roof top screening shall be provided, which is integrated into the building architecture.~~

~~D.—— Bicycle and Pedestrian Facilities. Projects that include development of a vacant site or substantial modification of a developed site shall accommodate bicycle and pedestrian facilities/access including:~~

~~1.—— Provisions for safe, well-lit and visually attractive pedestrian access from public streets to the parking areas and building entries;~~

~~2.—— Pedestrian pathways between buildings and parcels;~~

~~3.—— Public pedestrian and bicycle connections to the Station District's existing and proposed bicycle and pedestrian network;~~

~~4.—— Publicly accessible pedestrian amenities which may include plazas, pocket parks, seating areas, fountains, public art, and/or eating areas;~~

~~5.—— Orientation of outdoor public spaces towards activated ground-floor building frontages; and~~

~~6. Inclusion of bicycle paths and bicycle parking facilities consistent with the Bicycle and Pedestrian Master Plan and designed and installed in conformance with the design criteria outlined in Section 18.28.080.~~

~~E. Ground Floor Commercial Uses. The design of ground floor commercial uses shall comply with the following:~~

~~1. Minimum depth of commercial space is thirty-five (35) feet and minimum height is twenty (20) feet floor to floor; and~~

~~2. A minimum of twenty-five percent (25%) of the ground floor commercial area shall be designed to accommodate a restaurant use; and~~

~~3. Between two and one-half (2½) feet and seven (7) feet above grade, ground floor transparency (i.e., amount of glazing) shall be forty percent (40%) for grocery stores and fifty percent (50%) for all other commercial uses; and~~

~~4. Ground floor façades shall be designed to give identity to each retail and service establishment, through recesses, enhanced materials, signage and architectural features that are integral components of the building; and~~

~~5. The maximum distance of blank wall (a façade without doors, windows, landscaping treatments, or other pedestrian interest) on the ground level of any building facing a street, open space, or paseo shall not exceed twenty (20) feet in length; and~~

~~6. The design of ground floor commercial uses shall promote indoor/outdoor connections by providing some or all of the following:~~

~~a. Sliding or removable windows/doors;~~

~~b. Low planters with wide seat walls;~~

~~c. Recessed entrances and porticos that increase the indoor/outdoor quality or allow for increased outdoor seating or display;~~

~~d. Awnings and canopies that may encroach into the public right-of-way subject to approval of an encroachment permit by the Public Works Department; and~~

~~e. Visually transparent storefronts with clear glass windows and doors that are not blocked by storage, racks or shelving placed against glass.~~

~~18.37.160 Residential open space.~~

~~All residential development and mixed use development shall provide residential open space features, such as courtyards, pool and spa areas, recreation facilities, and picnic and play areas for use by the tenants/owners.~~

18.37.190 Bicycle parking.

A. Bicycle parking facilities shall be provided, at a minimum, in an amount equal to:

Bicycle Parking Requirements	Short-Term Bicycle Parking Requirements	Long-Term Bicycle Parking Requirements
All other residential	1.0 space/20 dwelling units Minimum of 2 spaces	1.0 space/4 dwelling units Minimum of 2 spaces
Retail	1.0 space/3,000 square feet	1.0 space/10,000 square feet
Office, R&D, and Other Nonresidential uses	1.0 space/8,000 square feet. Minimum of 2 spaces	1.0 space/4,000 square feet

B. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080.

C. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.~~090100~~ and approval by the decision makers.

18.37.200 Off-street loading.

A. ~~Adequate~~ Iloading docks and/or berths shall be provided on site to serve the use. Such facilities shall be designed according to the following standards unless an alternative design is approved ~~located on the rear or side of the building, be screened from the public right-of-way, and are subject to review and approval~~ through the site development review process.

~~1. Loading dock entrances shall not exceed 20 feet in width.~~

~~21. Loading docks shall be located inside a building and equipped with closable doors.~~

~~B2. Adequate~~ Iloading zones shall be provided along the street frontage(s).

~~18.37.210 Laundry facilities.~~

~~Laundry facilities shall be provided to serve all residential dwelling units. Such facilities shall include washer and dryer appliances connected to utilities. In developments with common laundry facilities, the facilities must be in easily accessible locations and provide an adequate number of washers and dryers to serve the total number of units.~~

Chapter 18.38 STATION MIXED USE COMMERCIAL (CSMU) DISTRICT

18.38.150 Design criteria.

A. All development shall comply with Section 18.24.050.

~~New development, to the maximum extent feasible, shall comply with the following design guidelines as illustrated in pages 70 through 74 of the Intermodal Station District and Transit Facility Plan.~~

~~A. General Design Standards for Buildings and Structures. General massing, architectural details, materials, fenestration, ground floor treatment and parking garages comply with the following guidelines:~~

~~1. Street Walls. Buildings along streets shall:~~

~~a. Be continuous along setback lines and are required at street corners to maintain an active urban character;~~

~~b. Allow variations in the building edge (including arcades and column articulations for entrances, mid-block pedestrian ways, interior courtyards, and other design considerations) as long as the appearance of a continuous built edge is maintained;~~

~~c. Encourage minor street wall variations to add architectural interest and provide pedestrian amenities, such as seating and ATMs;~~

~~d. Include multiple pedestrian entrances for large buildings to increase street activity and interest;~~

~~e. Keep vehicle entrances and exits to a minimum and the scale minimized to maintain a pedestrian environment;~~

~~f. Have ground floor retail where feasible and maximize window coverage to provide flexible use as office or retail;~~

~~g. Have ground floor retail/commercial space with at least a twelve (12) foot ceiling height and a forty (40) foot to fifty (50) foot minimum depth.~~

~~2. Exterior Material Palette Standards. Exterior materials shall be chosen based on character, durability, ease of maintenance and context, and shall include:~~

~~a. Brick, natural clay colors;~~

~~b. Stone;~~

~~c. — Steel — Porcelain enamel panels, steel windows, steel exterior doors, steel rails and fences, painted, stainless or pre-weathered steel are acceptable;~~

~~d. — Aluminum — Windows, panels (luco-bond and aluminum plate), storefront, curtain wall, doors; aluminum should be natural finish anodized, powder-coated or kynar (no bronze anodized);~~

~~e. — Glass — Clear, low-e, nonreflective, solar-bronze or solar gray glass, shadow boxes and spandrel glass is permitted;~~

~~f. — Pre-cast concrete, glass-fiber reinforced concrete;~~

~~g. — High-quality, cast-in-place concrete;~~

~~h. — Ceramic tile;~~

~~i. — Cement plaster; and~~

~~j. — Wood.~~

~~3. — Fenestration Standards. Windows and doors on buildings shall be used to help define building character. By establishing the fenestration patterns, the shape, scale, proportion, rhythm, groupings, relationships to plan, and exterior wall planes should all be taken into consideration along with adjacent buildings, structures and open spaces.~~

~~4. — Ground Floor Treatments Standards. The ground floor on buildings shall:~~

~~a. — Be designed so that the building imparts a sense of human activity, habitation, and interest to the street;~~

~~b. — Not result in blank, undifferentiated street-level façades;~~

~~c. — Incorporate building lighting along public sidewalks and other pedestrian walkways that reflect the design of the overall building and provide a safe environment.~~

~~5. — Projections/Signage Standards.~~

~~a. — Projections and signs may project over the sidewalk to indicate and demarcate shop fronts and increase pedestrian interest, subject to approvals of an encroachment permit by the Public Works Department and a Sign Plan per Chapter 18.30.~~

~~b. — No commercial billboards, “A” frame signs, and excessive banners are permitted per Chapter 18.30 of this title.~~

~~6. — Garage Podiums Standards. Garage podiums shall:~~

~~a. — Not include blank walls at the pedestrian level;~~

b. ~~Be screened with retail uses, building lobbies, residential entries, or other habitable uses, or landscaping;~~

c. ~~Be treated as a design feature to be seen from eye level and above with open space uses as the preferred design alternative;~~

d. ~~Be engineered and designed with structure adequate to support “garden-like” plantings, mature trees, shrubs, perennial borders, ground cover, and paving materials balancing planted and paved surfaces;~~

e. ~~Be activated with common lobbies and/or individual entries to garden apartments and townhouses;~~

f. ~~Clearly demarcate differences between common and private open space at the podium level;~~

g. ~~Have direct access from grade to the podium level that is integrated with the street and open space network, such as access from the pedestrian alleys.~~

~~7. Parking Design Standards. Parking:~~

a. ~~Is required to be structured, unless it is on-street curbside parking;~~

b. ~~Lots are not allowed after the initial phases of development;~~

c. ~~On the ground floor, should be screened from the sidewalk by street-oriented uses, such as housing units with street access, retail uses, building entrances, lobbies and foyers, community facilities, or landscape elements;~~

d. ~~Entrances and exits for vehicles should be kept to a minimum in scale and number;~~

e. ~~Entrances and exits shall be discouraged on Eleventh Street, Union Square, and Railroad Avenue, and prohibited on Decoto Road;~~

f. ~~Entrances and exits shall be encouraged on side streets where side street access is available.~~

~~B. Specific Design Standards for Buildings and Structures. Specific design standards for office and research and development, residential, ground floor service commercial, and parking garages follows:~~

~~1. Office/Commercial/Research and Development (R and D) Uses.~~

a. ~~Ground Floor Treatments Standards. Ground floor treatment for office and research and development buildings shall:~~

i. ~~Have building entrances, lobbies and accessory public uses oriented to the nearest public space or street;~~

~~ii. Have buildings fronting multiple streets to provide multiple public entrances;~~

~~iii. Have buildings that abut a pedestrian alley provide an entrance facing that alley;~~

~~iv. Include windows where office or other private uses are at the street level that provide visual transparency and a sense of interior activity to enliven the street.~~

~~b. Service/Loading Entries Standards. Service entries shall:~~

~~i. Be located on the side streets and positioned to minimize noise impacts on adjacent residential units and public open space, and to minimize pedestrian/vehicle conflicts and traffic congestion;~~

~~ii. Have loading dock dimensions limited to minimum functional requirements;~~

~~iii. Have loading docks located on the interior of the buildings to limit their visibility from the street.~~

~~2. Residential Uses.~~

~~a. Residential Uses Overall Design Standards. Residential development shall:~~

~~i. Be designed with the safety and security of children in mind, without creating a “gated community” effect;~~

~~ii. Incorporate amenities such as play areas and other open spaces within the development;~~

~~iii. Not include sound walls and security fences that isolate or impede pedestrian access to residential development;~~

~~iv. Encourage balconies on above ground units where possible.~~

~~b. Ground Floor Treatments Standards. Ground floors of residential development shall:~~

~~i. Include multiple entries at the street level to create fine-grained, pedestrian-oriented streets;~~

~~ii. Include residential units with individual entrances fronting the street;~~

~~iii. Promote a pedestrian-friendly environment through the use of design features such as stairs, stoops, porches, doors and landscaping.~~

~~c. Parking Standards. Parking for residential development should promote a pleasant pedestrian experience by:~~

~~i. Limiting multiple individual garage entrances;~~

- ii. ~~Interspersing garage entries with “active uses” such as housing entries or occupied space;~~
- iii. ~~Screening parking from the street.~~
- 3. ~~Ground Floor Service/Retail.~~
 - a. ~~Indoor/Outdoor Connections Standards. Retail establishments and restaurants/café shall have:~~
 - i. ~~Strong indoor/outdoor connections;~~
 - ii. ~~Sliding or removable windows/doors;~~
 - iii. ~~Outdoor displays and café seating in front of commercial/retail establishments that are designed to increase pedestrian activity and interest, subject to administrative use permit approval as identified in the café standards located in Section 18.36.190;~~
 - iv. ~~Low planters with wide seat walls;~~
 - v. ~~Recessed entrances and porticos that increase the indoor/outdoor quality or allow for increased outdoor seating or display;~~
 - vi. ~~Awnings and canopies that may encroach into the public right-of-way subject to approval of an encroachment permit by the Public Works Department;~~
 - vii. ~~Visually transparent storefronts with clear glass windows and doors that are not blocked by storage, racks or shelving against glass;~~
 - viii. ~~An entrance on the alley when buildings abut a pedestrian alley.~~
 - b. ~~General Parking Garage Standards. Parking garage design shall:~~
 - i. ~~Be clean, well lit, and designed for the safety and security of patrons, while avoiding excessive light spill into adjacent residential areas;~~
 - ii. ~~Complement adjacent land uses.~~
 - c. ~~Street Wall Standards. Parking street wall design shall:~~
 - i. ~~Have a seven (7) foot minimum setback for landscape elements that screen the ground floor of parking on streets that do not have retail frontages (except on Eleventh Street where a setback is not allowed at street corners);~~
 - ii. ~~Complement the façades of adjacent uses.~~
 - d. ~~Ground Floor Treatments Standards. Ground floor treatments shall:~~

- i. ~~Emphasize the use of retail and/or commercial space at the street level to maximize window coverage;~~
- ii. ~~Include retail frontages along Eleventh Street, the public plaza, and facing the Intermodal Transit Facility where commercial space should have at least a ten (10) foot ceiling height and a forty (40) foot to fifty (50) foot depth;~~
- iii. ~~Be screened with architectural and/or landscape elements in locations where there is no ground floor commercial use.~~

~~18.38.170 Residential open space.~~

~~All residential development shall provide residential open space features, such as courtyards, pool and spa areas, recreation facilities, and picnic and play areas for use by the tenants/owners following approval by the Planning Commission.~~

18.38.195 Bicycle parking.

A. Bicycle parking facilities shall be provided, at a minimum, in an amount equal to:

Bicycle Parking Requirements	Short-Term Bicycle Parking Requirements	Long-Term Bicycle Parking Requirements
Multi-family residential on BART property ¹	1 space/20 dwelling units Minimum of 2 spaces	1 space/1 dwelling units
Multi-family residential	1 space/20 dwellings units Minimum of 2 spaces	1 space/4 dwelling units Minimum of 2 spaces
Retail	1 space/3,000 square feet	1 space/10,000 square feet
Office, R&D, and other nonresidential uses	1 space/8,000 square feet Minimum of 2 spaces	2 space/4,000 square feet

Notes:

1. Bicycle parking standards on BART property authorized by Public Utilities Code Sections 29010.1—2901.12.

B. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080.

C. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.~~100-090~~ and approval by the decision marker.

18.38.210 Loading.

A. ~~Adequate~~ Loading docks and/or berths shall be provided on-site to serve the use. Such facilities shall be designed according to the following standards unless an alternative design is approved ~~located on the rear or side of the building, be screened~~

~~from the public right-of-way, and are subject to review and approval through the site development review process.~~

~~1. Loading dock entrances shall not exceed 20 feet in width.~~

~~22. Loading docks shall be located inside a building and equipped with closable doors.~~

~~B3. Adequate loading zones shall be provided along the street frontage(s).~~

~~18.38.220 Residential storage.~~

~~Each residential unit shall have at least two hundred (200) cubic feet of enclosed, weather-proofed and lockable private storage space in addition to guest, linen, pantry and clothes closets customarily provided. Such space may be provided in any location approved by the Economic and Community Development Department, but shall not be divided into two (2) or more locations.~~

~~18.38.230 Laundry facilities.~~

~~Laundry facilities shall be provided to serve all residential dwelling units. Such facilities shall include washer and dryer appliances connected to utilities. In developments with common laundry facilities, the facilities must be in easily accessible locations and provide an adequate number of washers and dryers to serve the total number of units.~~

~~18.38.250 Review.~~

~~Through the use permit process established in Chapter 18.56, the approving body may approve variations to the following development standards: building height; setbacks; storage requirements; off-street parking and loading; location of bicycle parking; heights of walls, fences and hedges; and lot or parcel street frontage width and depth, provided that the development offers a high-quality architectural and pedestrian environment and amenities.~~

Chapter 18.100 511 AREA DISTRICT

18.100.070 Development standards and requirements—Residential Specific Plan designations.

A. Development near the Turk Island landfill shall provide the following:

1. Space to accommodate monitoring wells for methane gas migration within one thousand (1,000) feet from the landfill boundary if no long-term monitoring is provided along the periphery of the landfill;

2. Undergrounding of utilities located within one thousand (1,000) feet of the landfill boundary shall be done in such a manner to preclude migration of landfill gas; and

3. An evaluation of the need to install a landfill gas protection system for development within Development Area B-2 as identified by the Specific Plan. This evaluation shall be reviewed and accepted by the Office of Solid Waste Management of the Alameda County Division of Environmental Health prior to issuance of a building permit.

~~B. Usable open space for attached units shall be at the rate and meet the requirements of Section 18.32.115. Residential development shall be subject to Chapter 18.32 except where a specific development standard, use allowance, or other requirement or allowance is established in this Chapter.~~

~~C. For zero lot line housing, the side wall on the zero setback shall contain no windows or other openings.~~

~~D. Semiattached and attached housing shall meet the requirements of Section 8.32.050(E)(2).~~

~~E. Two (2) Story Standards.~~

~~1. For two (2) story single-family dwellings, the requirements of Section 18.32.100(A)(6) shall apply.~~

~~2. Second story additions, excluding attached units, shall comply with Section 18.32.125.~~

~~F. Landscaping shall be consistent with the City landscape standards policy statement and applicable Specific Plan policies.~~

~~G. Distance between main structures shall be consistent with Section 18.32.130.~~

~~H. Off-street loading shall be consistent with Section 18.32.150.~~

~~I. Off-street parking shall be consistent with Section 18.32.160.~~

~~J. Walls, fences and hedges shall be consistent with Section 18.32.040.~~

~~KC. Development will be designed and constructed consistent with Chapter 15.64, as amended.~~



Agenda Item

DATE: JULY 20, 2023

TO: PLANNING COMMISSION

FROM: CARMELA CAMPBELL, ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TEXT AMENDMENTS (AT 23-004) TO TITLE 18, ZONING, OF THE UNION CITY MUNICIPAL CODE TO UPDATE 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.

APPLICANT: THE CITY OF UNION CITY

REQUEST: The City of Union City is proposing to amend Title 18, Zoning, of the Union City Municipal Code, 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;

District; and Chapter 18.100 511 Area District. These amendments will establish objective design and development standards for zoning districts that allow multi-family and/or mixed-use residential development, add definitions related to the objective standards, and update other zoning district chapters for consistency.

LOCATION: Citywide

ENVIRONMENTAL ASSESSMENT:

The amendments are exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the general exemption for projects with no potential for a significant effect on the environment. As a series of text amendments, it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

SUMMARY:

The City of Union City is proposing to amend Title 18 of the Union City Municipal Code, 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.

These amendments will establish objective design and development standards for zoning districts that allow multi-family and/or mixed-use residential development as a permitted or conditional use. The purpose of the amendments is to ensure high-quality design, provide property owners and developers with greater clarity and predictability, streamline the development review process, and comply with recent state housing laws. The objective development standards will be incorporated in Chapter 18.24 Bulk Regulations, of Title 18, Zoning, of the Union City Municipal Code (UCMC) and amendments to other chapters of Title 18 are required for consistency. See Exhibit A (Clean) and B (Redlines) for the proposed amendments.

I. BACKGROUND

A. Context

Currently, most housing development projects in the City are subject to a discretionary review process with the Planning Division. Depending on the project scope and zoning district, projects must be approved at the Zoning Administrator, Planning Commission, or City Council level, prior to initiating the ministerial Building Permit process. Projects are evaluated based on conformance to applicable goals and policies in the General Plan, a specific plan (if applicable), and the applicable performance standards and design criteria in Title 18. Some of these existing guidelines and requirements are considered subjective because they allow a discretionary interpretation by the decision maker.

Through recent state legislation such as Senate Bill (SB) 330, and SB 35, the State has dramatically limited a jurisdiction's ability to apply subjective design criteria to housing developments. As a result, the City can now only rely on objective design and development standards, which do not involve discretion or subjective judgment, for certain types of housing development projects.

B. Objective Development Standards Project

In 2019, the State Housing and Community Development Department (HCD) released a Notice of Funding Availability for approximately \$123 million in revenue earmarked for local government planning grants. Union City received funding under the Senate Bill 2 (SB 2) Planning Grants Programs for financial and technical assistance to update planning documents to accelerate housing production and streamline the approval of housing development. The City is utilizing these funds from this grant to develop objective development standards, in order to implement Strategic Plan Goal C.5, which states *"Promote housing development for all income levels in the community by updating the zoning ordinance to include objective standards for new multi-family residential development in order to streamline the review of applications for housing developments, and update the Housing Element, to facilitate the development of affordable housing."*

By incorporating consistent and objective development standards into the City's Zoning Ordinance, development projects in multi-family and mixed-use zoning districts will be required to comply with these criteria, even if a discretionary review process is not required per state law. The proposed amendments will continue Union City's practice of maintaining a standard of high-quality design for new projects, while easing and streamlining the process for applicants, and complying with state requirements.

II. DISCUSSION

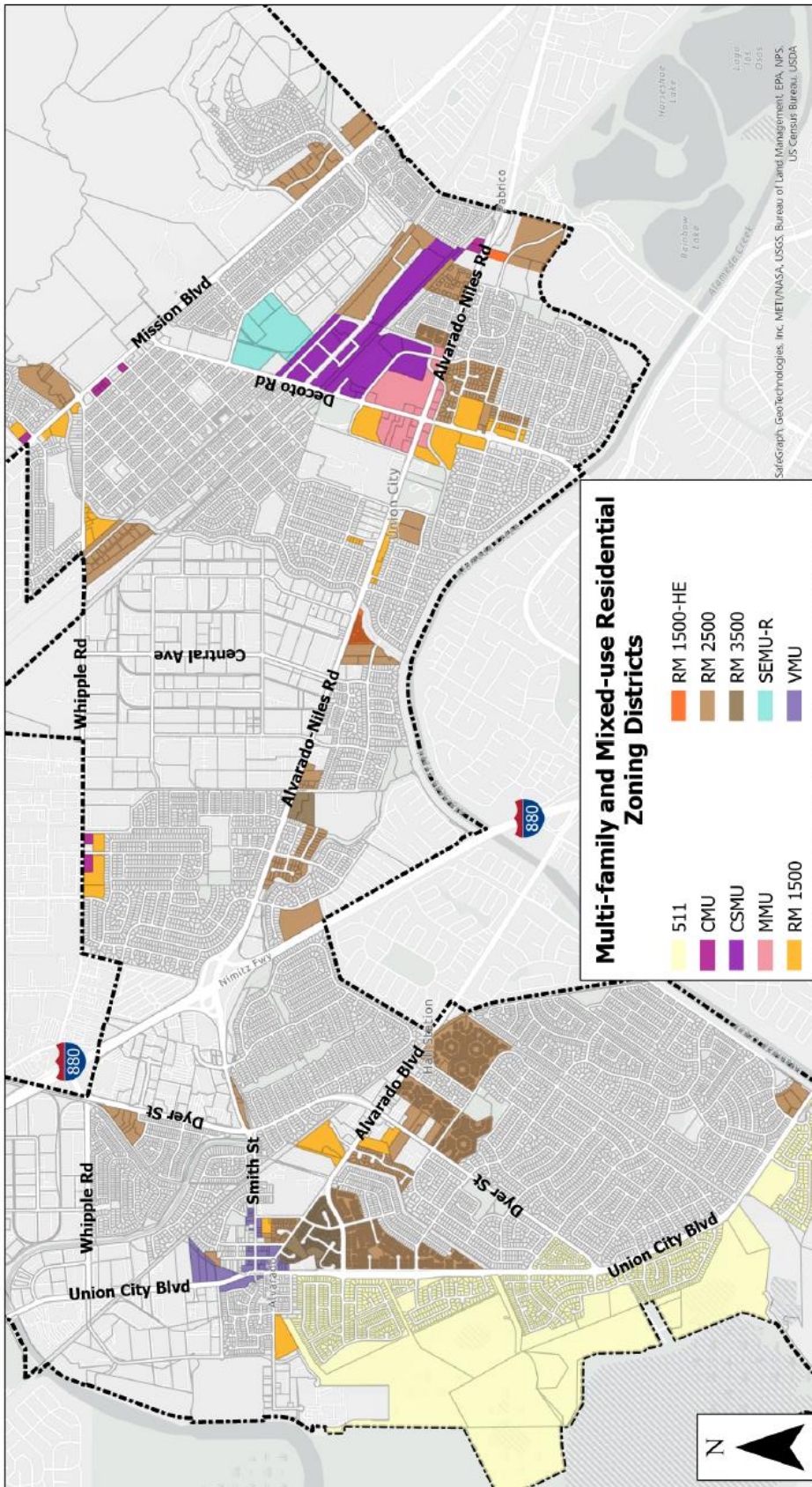
The objective standards are proposed as a new section of the Zoning Ordinance, within Chapter 18.24: Bulk Regulations. The standards will apply to all zoning districts that allow multi-family and residential mixed-use development. These standards will replace existing design criteria in each chapter of the Zoning Ordinance included in the specific zoning district chapters. The zoning districts the standards would apply to (which also contain consistency amendments) include Marketplace Mixed Use (MMU), Village Mixed Use (VMU), Corridor Mixed Use Commercial (CMU), Station East Mixed Use Residential (SEMU-R), Station Mixed Use Commercial (CSMU), the residential multi-family districts (RM), and multi-family development in the 511 Area District. The standards will also apply to standalone nonresidential development in these mixed-use districts. See Figure 1, below, which depicts the zoning districts where the standards will apply.

A high-level summary of the amendments is included below. For a more detailed review, see Exhibit A (Clean) and Exhibit B (Redlines).

A. Chapter 18.24 Bulk Regulations

The vast majority of new standards established through the Objective Development Standards project are incorporated into a new section (Section 18.24.050: Building and site design standards) of Chapter 18.24. All standards in this section are objective, meaning they would not be subject to subjective interpretation by an applicant, staff, or decision maker. To assist with understanding and interpreting the standards, figures are incorporated into the Zoning Ordinance language (see Exhibits A and B). These figures will have labels with code section and subsection references prior to City Council consideration.

The standards focus on different areas of site development and building design. This includes standards for entrances, roofs, building articulation, façade design, windows, tenant spaces, amenities, vehicular and bicycle parking design and placement, open space, and pedestrian circulation.



(Figure 1: Multi-family and Mixed-use Residential Zoning Districts)

Standards are included for specific building types to differentiate features of townhomes, stacked flats, and mixed-use buildings with ground-floor retail, and standalone nonresidential development. There are also specific standards that apply to different locations, such as along Mission Boulevard, the Historic Alvarado District, and within the Station District to achieve specific design objectives and promote the vision, or unique existing character, of these neighborhoods and streetscapes. The amendments will implement program HE-1.F, (Objective Design Standards) of the recently adopted 2023-2031 Housing Element. For more detail regarding the amendments to Chapter 18.24 establishing objective development standards see Attachment 1.

B. Chapter 18.08 Definitions

Amendments to Chapter 18.08 include adding definitions for terminology used in Chapter 18.24 to better clarify and codify certain design specific terms that may be unfamiliar or unclear. For example, definitions of “cornice” and “loggia” are included. Figures are also included in this chapter, as part of the amendments, to depict certain terms more clearly that are difficult to otherwise convey in text definitions. For example, figures are included to show different architectural features since those terms are better understood through graphic representation.

C. Chapter 18.28 Off-Street Parking and Loading

Amendments to Chapter 18.28 are limited to bicycle parking standards located in Section 18.28.080, *Design criteria for bicycle parking facilities*. Previously, the chapter included two bicycle parking sections 18.28.080 (for industrial and commercial zoning districts) and 18.28.090 (for multi-family residential zoning districts). Additionally, individual district chapters included unique bicycle parking standards in some cases. As part of the Objective Development Standards project, new bicycle parking standards were created for all project types. In contrast to some of the other proposed amendments, these bicycle parking standards will apply to projects citywide, not just those located in multi-family or mixed-use zoning districts.

D. Zoning District Chapters

Amendments to individual zoning district chapters are proposed for consistency with the new objective development standards in Chapter 18.24. This includes amendments to all chapters which allow multi-family or mixed-use residential development. The district chapters include:

- Chapter 18.26 Marketplace Mixed Use (MMU) District

- Chapter 18.27 Village Mixed Use (VMU) District
- Chapter 18.32 Residential Districts
- Chapter 18.35 Corridor Mixed Use Commercial (CMU) District
- Chapter 18.37 Station East Mixed Use Residential (SEMU-R) District
- Chapter 18.38 Station Mixed Use Commercial (CSMU) District
- Chapter 18.100 511 Area District

Each district has existing design and development criteria, some of which are objective, and others which are subjective. These criteria are typically, but not exclusively, located in individual chapter sections titled “Design criteria.” As part of the Objective Development Standards project, these existing criteria were evaluated to determine the design intent of each requirement. Where appropriate, these requirements were used to create the new objective standards in Chapter 18.24. As a result, the old design criteria are being removed as part of the amendments (as shown in Exhibit B). However, the intent of the old criteria, to promote and enhance the unique character of specific areas within the city through high-quality design, is implemented through the new objective standards in Chapter 18.24.

Further amendments are included specific to the RM zoning districts in Chapter 18.32 to address a program in the 2023-2031 Housing Element. This program (HE-1.I) requires the City to review development standards that may be constraints to future development in the RM zoning districts (RM 1500, RM 2500, and RM 3500). Potential constraints identified through the development of the program included standards for height, lot coverage, setbacks, open space, and parking for studio units. Amendments are included to these standards to allow increased development intensity, reducing potential barriers to multi-family housing development in these districts. In addition, other amendments to individual district chapters include changes to off-street loading requirements, removal of open space requirements, and other minor amendments, for consistency with the new development standards in Chapter 18.24.

E. Miscellaneous Amendments

Additional amendments to Chapter 18.04 General Provisions and Chapter 18.36 Commercial Districts are required for consistency with the objective development standards amendments. For example, some parcels located along Mission Boulevard are zoned Community Commercial (CC) and designated as mixed-use in the General Plan. Amendments are included to ensure that parcels developed along the Mission Boulevard incorporate the objective standards included in Chapter 18.24 specific to that corridor.

F. Public Outreach

Planning Commission and City Council Introduction

In the summer and fall of 2022, public outreach was conducted for the Objective Development Standards project to inform the public of the project and solicit their feedback. During this process, the project was introduced to the Planning Commission on August 18, 2022 and to the City Council on September 13, 2022. An overview of objective development standards, an analysis of existing conditions where the objective standards would be applied, and a summary of upcoming actions was provided at both meetings.

Community Outreach

In fall 2022, extensive outreach efforts were conducted with community members and stakeholders to explore design and development standard options for consideration. This included reaching over 100 community members at in-person events at the Farmer's Market, Running Dead Fun Run, and the Halloween Carnival. An online survey was also conducted and over 600 responses were received. For more detailed information on the City's community outreach efforts, please refer to the Community Outreach Summary included as an attachment to the Planning Commission Study Session staff report (Attachment 1).

Planning Commission Study Session

A Planning Commission study session to review the draft objective development standards was held on June 15, 2023. The Planning Commission staff report is included as Attachment 1. The Commission provided feedback to staff which included questions and comments regarding the draft amendments. The feedback related to questions about the purpose of specific standards, refining the language of specific standards, requesting staff to review specific requirements in greater detail, and minor edits for clarity. For a detailed overview of the Planning Commission discussion see the Planning Commission Meeting Minutes (Attachment 2). Necessary edits have been incorporated into the proposed amendments to address the comments. One item raised at the meeting that staff analyzed in more detail was the issue of storage on balconies. Ultimately, staff determined that the issue was best addressed through recorded maintenance standards and conditions of approval—rather than requiring all balconies to be solid. Additional revisions were also completed since draft standards were reviewed at the Planning

Commission Study Session to add standards or clarify the intent of specific standards, based on further analysis by staff.

Noticing

A newspaper notice for the Zoning Text Amendment was published in the Tri-City Voice on July 6, 2023, as required by State Law. To date, staff has not received any public comments.

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. Recommending that the application be granted or denied or that the proposal be adopted or rejected, 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 Zoning Text Amendment (AT-23-004) to the City Council as proposed;
2. Recommend approval of the proposed Zoning Text Amendment (AT-23-004) to the City Council with stated modifications;
3. Recommend denial of the proposed Zoning Text Amendment (AT-23-004) 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 Zoning Text Amendment (AT-23-004) to the City Council based on the following specific findings:

1. That the Zoning Text Amendments are exempt from environmental review in accordance with CEQA Guidelines Section 15061(b)(3), the general exemption for projects with no potential for a significant effect on the environment. As a series of

text amendments, it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

2. That the proposed Zoning Text Amendments are consistent with the following General Plan and Station District Specific Plan goals, policies, and programs:

General Plan

- **Goal HE-1, *Provide opportunities for and facilitate the development of a broad range of housing types to meet the needs of all Union City residents.*** The proposed amendments create objective development standards for a range of housing types to streamline project submittals and review by establishing increased clarity and predictability in the development review process.
- **Policy HE-1.7, *Remove Regulatory Constraints:*** *The City shall continue to ensure that City policies, regulations, and procedures do not add unnecessarily to the costs of producing housing while assuring the attainment of other City objectives.* The proposed amendments will replace subjective development guidelines with objective development standards, reducing costs and time associated with major design modifications after applications are submitted, while maintaining a standard of high-quality design.
- **Policy HE-1.8, *Expeditious Approval Processing:*** *The City shall continually strive to provide expeditious approval of residential developments that meet adopted development and design standards.* The proposed amendments will streamline the development submittal, review and approval processes by making design criteria objective, thereby resulting in more complete initial application submittals that will result in reduced staff time for review.
- **Program HE-1.F, *Objective Design Standards:*** *Amend the Zoning Ordinance to ensure the City's multi-family residential, single-family residential, and mixed-use design standards are clear and objective.* The proposed amendments will implement Program HE-1.F of the 2023-2031 Housing Element by streamlining the development review process and ensuring design and development standards are objective, known at the outset of the process, and can be incorporated into development proposals in advance.
- **Program HE-1.I, *Modify Development Standards to Remove Constraints:*** *The City shall review and amend the Zoning Code to ensure the height, lot coverage, setback, open space, parking for studio units, and other development standards in the RM zones facilitate and do not constrain the development of multifamily housing.* The

- proposed amendments will implement Program HE-1.I of the 2023-2031 Housing Element by modifying the lot coverage, setback, height, open space, and parking development standard requirements in the RM zoning districts to allow increased development intensity, thereby reducing the potential that standards constrain development or redevelopment of multi-family housing in those districts.
- **Policy CD 1.5, *Clear Development Regulations*:** *The City shall promote design excellence by ensuring City development regulations clearly express intended outcomes and reinforce quality design.* The proposed amendments include objective standards to promote attractive building design through pedestrian oriented frontages, articulation in massing, breaks in rooflines, varied façades, and related development standards.
 - **Policy CD 1.8, *Buildings that Engage the Street*:** *The City shall require new commercial, industrial, and residential mixed-use buildings to be oriented to and actively engage and complement the public realm through such features as building orientation, build-to and setback lines, façade articulation, ground floor transparency, and location of parking.* The proposed amendments include objective standards to orient entrances and buildings towards the street and pedestrians, provide variation in architectural features on the building exterior massing and details, locate parking away from the primary building frontage, and promote ground floor activities that engage an active streetscape environment.
 - **Goal SA-11:** *To preserve and enhance the “Old California Town” character of the Historic Alvarado District and continue to redevelop the Historic Alvarado District as a vibrant destination-oriented commercial center.* The proposed amendments include specific objective standards for development in the Historic Alvarado District to ensure that the design of buildings maintain and enhance the unique *Old California Town* character of the district through the use of architectural details to promote activated ground floors at a human scale.
 - **Goal SA-9:** *To upgrade the appearance, intensify the land uses, and enhance the economic vitality of the Mission Boulevard Corridor between the Hayward boundary and Decoto Road.* The proposed amendments include objective standards specific to the Mission Boulevard Corridor to promote high quality Mediterranean-style architecture and ground floor amenities along Mission Boulevard in order to provide a walkable and attractive experience for pedestrians as the corridor redevelops at higher densities.

Station District Specific Plan

- **Goal G-UD-1, Unified Streetscape:** *Establish a unified streetscape image for the Station District.* The proposed amendments include development standards for mixed-use zoning districts to ensure high quality design for building frontages within the Station District.
 - **Goal G-UD-6, High Quality Design:** *All new development shall enhance the visual character of the area by incorporating high quality site and building design.* The proposed amendments incorporate design standards to provide building articulation, and variation in massing and wall planes, to ensure high quality design within the Station District.
 - **Goal G-UD-9, Active Ground Floor:** *Provide ground floor commercial and other active uses that enliven and activate the streets and enhance the public interface between the buildings and the sidewalk.* The proposed amendments include development and design standards specific to ground floor uses to activate the street frontage and ensure buildings are pedestrian oriented within the Station District.
3. That the proposed Zoning Text Amendments are necessary and desirable to achieve the purpose of Title 18, which include:
- To divide the City into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of buildings, structures and land.
 - To protect the character and maintain the stability of residential, business and industrial areas within the City, and to promote the orderly and beneficial development of such areas.
 - To encourage the provision of a variety of housing types and prices to meet the needs of all economic segments of the City, and to provide adequate light, air, privacy and convenience of access to property.
 - To regulate the intensity of use of zoning lots, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air.
 - To establish the building lines and the location of buildings designed for residential, business, industrial, or other uses within such lines.
 - To fix reasonable standards to which buildings and building additions shall conform, and to promote and encourage energy-conserving measures for

residential, commercial, and industrial structures consistent with improving and maintaining standards of good design and appearance.

It is further recommended that the Planning Commission adopt a Resolution confirming this action.

Prepared by

Coleman Frick, Senior Planner

Attachments

- Exhibit A: Draft Zoning Text Amendment (Clean)
- Exhibit B: Draft Zoning Text Amendment (Redlines)
- Attachment 1: Planning Commission Study Session Staff Report, June 15, 2023
(<https://unioncity.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=3914&MeetingID=1677>)
- Attachment 2: Planning Commission Minutes for June 15, 2023

Desk Item

DATE: JULY 20, 2023
TO: PLANNING COMMISSION
FROM: CARMELA CAMPBELL, ECONOMIC AND COMMUNITY
DEVELOPMENT DIRECTOR
SUBJECT: OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS TEXT
AMENDMENT (AT-23-004)

Staff received questions/comments from Commissioner Lew regarding the Text Amendments associated with establishing objective development and design standards (AT-23-004). The following are the questions/comments and staff's responses (in *red italics*). Some of staff's responses propose updates to the text amendment wording. Any updates recommended by the Planning Commission will be incorporated into the version provided to the City Council for their consideration.

Commissioner Lew Comments

Exhibits A and B (page numbers listed below correspond to Exhibit B)

1. *Page 2:* the definition of bicycle parking facility was renumbered from 18.08.075 to 18.08.076 but the change is not shown in Exhibit B in underscored red text. Please explain this exclusion. By the way, I referred to the on-line version of Title 18 to verify the change.

The renumbering, from 18.08.075 to 18.08.076, occurred as part of the industrial code amendments (AT-23-003) approved by the City Council on July 11, 2023 (a second reading will occur on July 25, 2023). As a result, the amendments are not yet reflected in the Zoning Ordinance located online. The amendments associated with AT-23-003 can be accessed on-line through the City's Planning Commission and City Council Meetings and Videos webpage: <https://unioncity.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=3961&MeetingID=163>. The draft text amendments included in AT-23-004 associated with the objective design and development standards include the amendments adopted as part of the industrial code amendments to avoid conflicts when both sets of amendments are in place.

2. Page 2: the definitions of both bicycle parking facility and bingo games are numbered 18.08.076. Please correct this duplication of numbers.

Please see the response to #1 above. The definition of “Bingo games” is not included in Exhibit A or Exhibit B, and no changes are proposed to that definition as part of AT-23-004.

3. Page 2: three new definitions were added to Chapter 18.08, but Exhibit B does not show them as changes using underscored red text. These new definitions are conference center, construction equipment sales and rental and contractor services. Please explain this exclusion.

Please see the response to #1 above. No new definitions are added as part of AT-23-004 for the three definitions referenced. The three definitions referenced (conference center, construction equipment sales and rental, and contractor services) and convenience market were renumbered as part of AT-23-004 because new definitions were added before those four in the chapter.

4. Page 20 and 21: the building design for townhomes and row houses contains a requirement for “variations of two (2) feet or more between the horizontal planes of the primary entrance façade of adjacent units” and the accompanying figure shows an example of this requirement. However, the figure shows four adjacent townhomes but only one variation in the horizontal plane. This appears to be noncompliant with the requirement. Please clarify whether the figure on page 21 meets the City’s variation requirement as specified on page 20.

The requirement for “variations of two (2) feet or more between the horizontal planes of the primary entrance façade of the adjacent units” is part of a menu of five options, of which a minimum of two must be incorporated. Each townhome is not required to have a variation in horizontal plane in order to meet the requirement. For example, a roofline offset of 18 inches and a change in color would satisfy the requirement. The figure shows an example of how the menu of options may be applied.

5. Pages 20 and 21: the building design for townhomes and row houses requires “a change in roof orientation between adjacent units (e.g., a gable roof adjacent to a hipped roof).” Examples of both roofs are shown on page 16. The figure on page 21 shows four adjacent townhomes but only two types of roofs—one gable and three flat roofs. This appears to be noncompliant with the requirement. Please

clarify whether the figure on page 21 meets the City's roof orientation requirement as specified on page 20 and whether a flat roof is acceptable.

The roof design standard in 18.24.050(B)(3)(e)(ii) on page 16 is only applicable in the VMU Zoning District. Roofs within the VMU District are required to be gabled, cross-gabled, or hipped, and are not permitted to be flat. Regarding "a change in roof orientation between adjacent units," see the response to #4 above. The requirement is part of a menu of five options, of which a minimum of two must be incorporated. Each townhome is not required to have a change in roof orientation. The figure depicts one example of meeting the roof orientation requirement.

6. Pages 20 and 21: the building design for townhomes and row houses requires a "roofline offset of at least eighteen (18) inches for each unit exposed on the associated elevation." The figure on page 21 shows four adjacent townhomes but only one roofline offset. Is this compliant with the requirement? Please clarify whether the figure on page 21 meets the City's roofline offset requirement as specified on page 20.

See response to #4 above. The requirement for a "roofline offset of at least eighteen (18) inches for each unit exposed on the associated elevation" is part of a menu of five options, of which a minimum of two must be incorporated. Each townhome is not required to have a roofline offset. The figure depicts one example that meets the requirements.

7. Page 31: 2nd full paragraph on "Accessibility", which requires that "common indoor activity space shall be accessible to all building occupants" – if there are multiple buildings in the same development, is the developer required to provide the same common indoor activity space in each building or can space in one building be used by occupants from other buildings? Please clarify.

The space in one building may be used by occupants from other buildings. Multiple buildings in the same development are not required to provide the same common indoor activity space in each building.

8. Page 39: Item 7.c – if a new transit stop is provided “adjacent to the lot frontage” after the project is built and occupied, is the developer required to provide the pedestrian connection(s)? Please clarify.

No. The requirement would not retroactively apply.

9. Page 47: Item 18.27.180C – previous sections used the term “decision maker” instead of the Planning Commission, City Council or Zoning Administrator. I recommend consistency with previous sections of this exhibit by changing “Planning Commission” to “decision maker” here and in 18.36.140A on page 71.

Based on the feedback, staff recommends the following updates to the proposed amendments. In addition, staff recommends similar updates to some additional sections, which are listed below.

- *Page 47: Section 18.27.180(C) will be updated to read:*
 - The ~~Planning Commission~~ **decision maker** may grant relief from the off-street parking requirements, if it can be demonstrated that sufficient parking is available off-site to service the proposed use.
- *Page 64: Section 18.32.160 (B)(3) will be updated to read:*
 - 3. Senior Housing. One-half (0.5) of a covered parking space shall be provided for each bedroom, and one-quarter (0.25) of a parking space shall be provided for each unit for guest parking. The number of parking spaces required for senior housing may be decreased by the ~~Planning Commission~~ **decision maker** if it is found that a specific use will not create as great a need for off-street parking.
- *Page 69 Section 18.36.050 (D) will be updated to read:*
 - D. A use not conducted entirely within a completely enclosed structure shall be screened by a solid wall or fence, or compact evergreen hedge not less than six (6) feet in height, if such use without such screening is found by the ~~Planning Commission~~ **decision maker** to have a substantial and detrimental effect on property values in the area.
- *Page 71: Section 18.36.140(A) will be updated to read:*
 - Required Loading Berths. Where appropriate, the ~~Planning Commission~~ **decision maker** may require loading berths for each of

the commercial districts that shall not be less than ten (10) feet by twenty-five (25) feet and shall be provided in accordance with the following schedule.

10. *Page 71:* Item L is proposed for deletion; however, the remaining Items M and N are not shown as renumbered to “L” and “M.” Please explain the resultant gap between Items K and M.

The error will be corrected in the version provided to the City Council.

11. *Page 88:* Item C refers to Chapter 15.64, which is titled “Building Security Code” in the City’s Municipal Code. Is this a correct reference? Please confirm or provide a correction.

The language references existing code language. After further consideration, staff recommends Section 18.100.070 (C), which refers to compliance with the Building Security Code, be deleted as it would be a requirement of all development to comply with Title 15 (Building Code). Staff will make this change in the version provided to the City Council.

**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.*

PLANNING COMMISSION RESOLUTION NUMBER 13-23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UNION CITY RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONING TEXT AMENDMENT, AT-23-004, AMENDING TITLE 18, ZONING, OF THE UNION CITY MUNICIPAL CODE TO UPDATE 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 TO ESTABLISH OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS FOR ZONING DISTRICTS THAT ALLOW MULTI-FAMILY AND/OR MIXED-USE RESIDENTIAL DEVELOPMENT, ADD DEFINITIONS RELATED TO THE OBJECTIVE STANDARDS, AND UPDATE OTHER ZONING DISTRICT CHAPTERS FOR CONSISTENCY

WHEREAS, in 2017, Governor Brown signed Senate Bill 2 (SB 2), titled the "Building Homes and Jobs Act," which specifically established a permanent, on-going source of funding dedicated to promoting and facilitating affordable housing development; and

WHEREAS, the State Housing and Community Development Department (HCD) released a Notice of Funding Availability (NOFA) for approximately \$123 million in revenue earmarked for local government planning grants. Under this grant program, local governments are provided an eligibility allowance based on population. The City of Union City falls within the "medium localities" category, which is eligible for up to \$310,000 in grant funding; and

WHEREAS, there are a variety of activities that are eligible for grant funding under SB 2, which seeks to promote or accelerate housing production. These include updates to General Plans, Specific Plans and Zoning Ordinances; and activities that streamline the approval process; and

WHEREAS, on October 8, 2019, the City Council adopted Resolution 5533-19 authorizing application for, and receipt of, SB 2 Planning Grants Program funds; and

WHEREAS, on November 12, 2019, the City Council adopted Resolution 5540-19 authorizing the City Manager to enter into a consulting services agreement with Miller Planning Associates in the amount of \$289,300 to prepare objective standards for multi-family and mixed-use developments utilizing SB 2 Planning Grants Program funds; and

WHEREAS, as part of the implementation of the City of Union City Strategic Plan Goal C.5, which states “Promote housing development for all income levels in the community by updating the zoning ordinance to include objective standards for new multi-family residential development in order to streamline the review of applications for housing developments, and update the Housing Element, to facilitate the development of affordable housing,” staff developed objective development and design standards for development in residential and mixed-use zoning districts; and

WHEREAS, the City of Union City is proposing to amend Title 18, Zoning, of the Union City Municipal Code, 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. These amendments will establish objective design and development standards for zoning districts that allow multi-family and/or mixed-use residential development, add definitions related to the objective standards, and update other zoning district chapters for consistency; and

WHEREAS, the Objective Development Standards project was introduced to the Planning Commission on August 13, 2022 and to the City Council on September 13, 2022; and

WHEREAS, staff conducted extensive public outreach for the Objective Development Standards project at various community events throughout Union City and through an online survey in Fall 2022, during which over 700 responses were received from community members which informed the project; and

WHEREAS, The City of Union City 2023-2031 Housing Element of the Union City General Plan (“Housing Element”) was certified by HCD on May 30, 2023; and

WHEREAS, the Housing Element contains Program HE-1.F, Objective Design Standards, to amend the Zoning Ordinance to ensure the City’s multi-family residential, single-family residential, and mixed-use design standards are clear and objective; and Program HE-1.I, to Modify Development Standards to Remove Constraints, to review and amend the Zoning Ordinance to ensure the height, lot coverage, setback, open space, parking for studio units, and other development standards in the multifamily residential (RM) zoning districts facilitate and do not constrain the development of multifamily housing; and

WHEREAS, on June 15, 2023, the Planning Commission conducted a Study Session on the Objective Development Standards project and refined the proposed text amendments based on feedback received at the meeting; and

WHEREAS, on July 20, 2023, the Planning Commission held a duly noticed public hearing to consider the proposed zoning text amendments, receive the staff report and staff presentation, and discuss the matter; and

WHEREAS, the amendments to Title 18 are shown in Exhibit A (Clean) and Exhibit B (Redlined), which are attached hereto 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 approve Zoning Text Amendment, AT-23-004, as shown in Exhibit A (Clean) and Exhibit B (Redlined) and does hereby find as follows:

1. That the Zoning Text Amendments are exempt from environmental review in accordance with CEQA Guidelines Section 15061(b)(3), the general exemption for projects with no potential for a significant effect on the environment. As a series of text amendments, it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment; and
2. That the proposed Zoning Text Amendments are consistent with the following General Plan and Station District Specific Plan goals, policies, and programs:

General Plan

- **Goal HE-1**, *Provide opportunities for and facilitate the development of a broad range of housing types to meet the needs of all Union City residents.* The proposed amendments create objective development standards for a range of housing types to streamline project submittals and review by establishing increased clarity and predictability in the development review process.
- **Policy HE-1.7, Remove Regulatory Constraints:** *The City shall continue to ensure that City policies, regulations, and procedures do not add unnecessarily to the costs of producing housing while assuring the attainment of other City objectives.* The proposed amendments will replace subjective development guidelines with objective development standards, reducing costs and time associated with major design modifications after applications are submitted, while maintaining a standard of high-quality design.
- **Policy HE-1.8, Expeditious Approval Processing:** *The City shall continually strive to provide expeditious approval of residential developments that meet adopted development and design standards.* The proposed amendments will streamline the development submittal, review and approval processes by making design criteria objective, thereby resulting in more complete initial application submittals that will result in reduced staff time for review.
- **Program HE-1.F, Objective Design Standards:** *Amend the Zoning Ordinance to ensure the City's multi-family residential, single-family residential, and mixed-*

use design standards are clear and objective. The proposed amendments will implement Program HE-1.F of the 2023-2031 Housing Element by streamlining the development review process and ensuring design and development standards are objective, known at the outset of the process, and can be incorporated into development proposals in advance.

- **Program HE-1.I, *Modify Development Standards to Remove Constraints:*** *The City shall review and amend the Zoning Code to ensure the height, lot coverage, setback, open space, parking for studio units, and other development standards in the RM zones facilitate and do not constrain the development of multifamily housing.* The proposed amendments will implement Program HE-1.I of the 2023-2031 Housing Element by modifying the lot coverage, setback, height, open space, and parking development standard requirements in the RM zoning districts to allow increased development intensity, thereby reducing the potential that standards constrain development or redevelopment of multifamily housing in those districts.
- **Policy CD 1.5, *Clear Development Regulations:*** *The City shall promote design excellence by ensuring City development regulations clearly express intended outcomes and reinforce quality design.* The proposed amendments include objective standards to promote attractive building design through pedestrian oriented frontages, articulation in massing, breaks in rooflines, varied façades, and related development standards.
- **Policy CD 1.8, *Buildings that Engage the Street:*** *The City shall require new commercial, industrial, and residential mixed-use buildings to be oriented to and actively engage and complement the public realm through such features as building orientation, build-to and setback lines, façade articulation, ground floor transparency, and location of parking.* The proposed amendments include objective standards to orient entrances and buildings towards the street and pedestrians, provide variation in architectural features on the building exterior massing and details, locate parking away from the primary building frontage, and promote ground floor activities that engage an active streetscape environment.
- **Goal SA-11:** *To preserve and enhance the “Old California Town” character of the Historic Alvarado District and continue to redevelop the Historic Alvarado District as a vibrant destination-oriented commercial center.* The proposed amendments include specific objective standards for development in the Historic Alvarado District to ensure that the design of buildings maintain and enhance the unique *Old California Town* character of the district through the use of architectural details to promote activated ground floors at a human scale.
- **Goal SA-9:** *To upgrade the appearance, intensify the land uses, and enhance the economic vitality of the Mission Boulevard Corridor between the Hayward boundary and Decoto Road.* The proposed amendments include objective standards specific to the Mission Boulevard Corridor to promote high quality Mediterranean-style architecture and ground floor amenities along Mission

Boulevard in order to provide a walkable and attractive experience for pedestrians as the corridor redevelops at higher densities.

Station District Specific Plan

- **Goal G-UD-1, Unified Streetscape:** *Establish a unified streetscape image for the Station District.* The proposed amendments include development standards for mixed-use zoning districts to ensure high quality design for building frontages within the Station District.
 - **Goal G-UD-6, High Quality Design:** *All new development shall enhance the visual character of the area by incorporating high quality site and building design.* The proposed amendments incorporate design standards to provide building articulation, and variation in massing and wall planes, to ensure high quality design within the Station District.
 - **Goal G-UD-9, Active Ground Floor:** *Provide ground floor commercial and other active uses that enliven and activate the streets and enhance the public interface between the buildings and the sidewalk.* The proposed amendments include development and design standards specific to ground floor uses to activate the street frontage and ensure buildings are pedestrian oriented within the Station District.
3. That the proposed Zoning Text Amendments are necessary and desirable to achieve the purpose of Title 18, which includes:
- To divide the City into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of buildings, structures and land.
 - To protect the character and maintain the stability of residential, business and industrial areas within the City, and to promote the orderly and beneficial development of such areas.
 - To encourage the provision of a variety of housing types and prices to meet the needs of all economic segments of the City, and to provide adequate light, air, privacy and convenience of access to property.
 - To regulate the intensity of use of zoning lots, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air.
 - To establish the building lines and the location of buildings designed for residential, business, industrial, or other uses within such lines.
 - To fix reasonable standards to which buildings and building additions shall conform, and to promote and encourage energy-conserving measures for residential, commercial, and industrial structures consistent with improving and maintaining standards of good design and appearance.

I HEREBY CERTIFY that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission of the City of Union City held on July 20, 2023, by the following vote:

AYES	4 (Guio, Finnerty, Lew, Sandhu)
NOES	0
ABSTAIN	0
ABSENT	0
MOVED:	Commissioner Lew
SECONDED:	Commissioner Finnerty

APPROVED

DocuSigned by:

Lee Guio

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LEE GUIO, CHAIRPERSON

ATTEST:

DocuSigned by:

Carmela Campbell

6BAC25012775486

CARMELA CAMPBELL, SECRETARY