CITY OF UNION CITY
AGENDA FOR THE REGULAR PLANNING COMMISSION MEETING
ON THURSDAY, SEPTEMBER 21, 2017 7:00 PM
IN THE CITY COUNCIL CHAMBERS
34009 ALVARADO-NILES ROAD UNION CITY, CA

1. ROLL CALL:

Chairperson Harpal Mann, Vice-Chair Lee Guio
Commissioners: Ray Gonzales, Jr., Jo Ann Lew, Harris Mojadedi
Alternate Commissioners: Scott Sakakihara, Jeanelle Singh

2. APPROVAL OF MINUTES:

A. The regular Planning Commission minutes of August 17, 2017.

B. The minutes from the Special Joint Meeting of the Planning Commission and City Council of September 7, 2017.

3. ORAL COMMUNICATIONS:

(This is an opportunity for persons to speak on items not listed on the agenda. According to the California Government code the commission is prohibited from taking any immediate action on an item which does not appear on the agenda.)

4. WRITTEN COMMUNICATIONS:

5. PUBLIC HEARINGS:

A. CONTINUED HEARINGS:

B. NEW HEARINGS:

1. CITY OF UNION CITY, Municipal Code Amendment AT-17-002

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

- Impose zoning restrictions and use regulations on the personal cultivation of cannabis pursuant to state law; and

- Impose zoning restrictions on various commercial cannabis uses authorized and licensed by the State of California pursuant to

state law.

The proposed amendments are exempt from environmental review in accordance with Business and Professions Code section 26055(h), the exemption for the adoption of an ordinance that requires discretionary review of permits, and California Environmental Quality Act Guidelines Section 15061(b)(3), the general exemption for projects with no potential for significant effects on the environment.

6. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS:

B. NEW REPORTS:

1. STUDY SESSION, WINDFLOWER PROPERTIES, LLC, 34302 11TH ST.

The applicant, Windflower Properties LLC, is requesting the following approvals for a residential mixed-use development project in the Station District area:

- Site Development Review (SD-17-003) for construction of a mixed- use development consisting of 443 new market-rate, multifamily dwelling units (including 11 residential lofts and 13 live/work lofts), a six-level parking structure, 5,088 square feet of retail space, and related site improvements; and,

- Use Permit (UP-17-005) to allow high density residential development and live/work units, a building height greater than 65 feet, and a development modification related to storage space.

The project site is located at 34302 11th Street between Galliano Way and Berger Way (APN 87-340-2). The 3.5 acre site is zoned Station Mixed Use Commercial.

7. ECONOMIC DEVELOPMENT REPORTS:

8. COMMISSION MATTERS:

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

B. Upcoming applications for the Regular Planning Commission meeting for October 5, 2017.

9. GOOD OF THE ORDER:

10. ADJOURNMENT:

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

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested person must request the accommodation at least two working days in advance of the meeting by calling (510) 675-5319.

Agenda Item

ATTACHMENTS:

Description	Type
PCMN-2017-0817	Attachment

CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
ON THURSDAY, AUGUST 17, 2017, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD
UNION CITY, CA 94587

1. ROLL CALL: Chairperson Harpal Mann, Vice Chair Lee Guio
Commissioners Ray Gonzales Jr., Jo Ann Lew, Jeanelle Singh

STAFF: Joan Malloy (Economic and Community Development Director); Binh Nguyen (Contract Planner); Farooq Azim (Principle Engineer); Kit Faubion (City Attorney); Kris Fitzgerald (Administrative Assistant)

2. APPROVAL OF MINUTES:

A. The regular Planning Commission minutes of July 20, 2017 were approved as submitted.

3. ORAL COMMUNICATIONS: None.

4. WRITTEN COMMUNICATIONS: None.

5. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS: None.

6. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

1. OMAR MOHSENI, 33950 DEPOT RD., Administrative Site Development Review ASD-17-011 – the applicant, Omar Mohseni, is requesting approval of Administrative Site Development Review ASD-17-011 for a new 2,680 square-foot, single-family residence, with an attached 650 square-foot garage, and a 620 square-foot attached accessory dwelling unit. The property is a vacant lot located on the corner of Depot Road and Decoto Road (APN: 486-27-139). The site is located in the R 5000 zoning district. Staff is recommending that this project be considered categorically exempt under Section 15303(a), new single-family residences, New Construction or Conversion of Small Structures, of the California Environmental Quality Act CEQA Guidelines.

Binh Nguyen, Contract Planner, presented the staff report.

Commissioner Lew stated that she does not have any questions this evening.

Commissioner Singh stated that she does not have any questions.

Commissioner Guio asked what will happen to the telephone pole that is next to the lot.

Mr. Nguyen deferred the question to Mr. Azim

Farooq Azim, Principle Engineer, replied that the pole will remain but all utilities, including telephone, must be undergrounded from the pole to the property.

Commissioner Guio stated that he noticed that the center of the proposed design appears to be two and one half stories high and asked if there was any problem with that.

Mr. Nguyen replied that the maximum height allowed by the code is thirty feet so there is no problem with the height.

Commissioner Guio asked if there is any need for obscuring windows that might overlook neighbors.

Mr. Nguyen replied that there are no windows overlooking the neighboring property on the side. Mr. Nguyen stated that the accessory dwelling unit (ADU) is on the second floor where there is a master bedroom and there are no windows on that side, the windows are towards the rear.

Commissioner Guio asked for clarification about the balcony and the loft.

Mr. Nguyen replied that access to the balcony is from the loft.

Commissioner Guio asked if that is the same balcony shown all around the house on the second level.

Mr. Nguyen pointed out where the balcony is located.

Commissioner Guio asked if that is the only balcony.

Mr. Nguyen replied yes.

Commissioner Guio referred to condition #5 and asked what “integral color coat” means.

Joan Malloy, Economic and Community Development Director, replied that an integral color coat will add color to the stucco so that when it is painted it will hold that color longer with less fading.

Commissioner Guio referred to condition # 99 and asked what is the life of the project.

Ms. Malloy replied that the life of the project would be as long as the home is standing.

Commissioner Guio referred to condition #18 and asked why this condition has been added.

Ms. Malloy replied that this property had weed abatement problems through the spring and summer and prior to the 4th of July the Fire Marshal indicated that it was a safety hazard. Ms. Malloy stated that the City took action and cleared the site before the 4th of July because of the fireworks. Ms. Malloy stated that the City was unable to contact the owner of the property and so this is to pay back the costs the City incurred in clearing the property.

Commissioner Guio referred to condition #22 and asked if it only applies to the main house and not the ADU.

Ms. Malloy replied that it only applies to the main house and it is a standard policy. Ms. Malloy stated that in order to encourage ADU's there is an assumption that they fill that niche, either providing extended housing for family members or less expensive housing that might be more affordable.

Commissioner Guio referred to condition #11 and #52 and asked if they are essentially the same condition just in two locations.

Ms. Malloy replied that the two conditions could be combined.

Mr. Azim stated that he believes that the distinction is in condition #11; although both conditions refer to the northern fence, he believes that they are two different fences. Mr. Azim stated that he believes that condition #11 refers to the new fence which will be installed between the current project and the vacant lot and condition #52 refers to an existing fence that would be between the empty lot and the house located on the next property.

Commissioner Guio asked if that should be clarified.

Ms. Malloy replied that if the commission would like, the two conditions can be combined so that there is one fence condition that articulates all of the issues.

Commissioner Guio referred to condition #53 and #7 and noted that while both of these conditions mentioned street trees condition #7 stated there would be 5 street trees and condition #53 did not call out the number.

Ms. Malloy replied that they are similar and ultimately it will be a Public Works decision about how many trees and where the placement will be.

Commissioner Guio referred to condition #65 and asked what is a lateral permit.

Mr. Azim replied that it is a permit that must be drawn from Union Sanitary District to allow the residences to hook-up with the sewer system that is run by Union Sanitary District.

Commissioner Gonzales asked to confirm that this project complies with R5000 zoning requirements.

Mr. Nguyen replied that it does.

Commissioner Gonzales referred to condition #22 and asked if the homeowner occupies the main dwelling for five years then they will be exempt from paying the Housing In-Lieu fee.

Ms. Malloy replied that is correct. Ms. Malloy stated that in Community Development Block Grant areas, which include the Decoto area and Old Alvarado area, the City has an exemption from the in-lieu fee if the property owner lives in the house for five years. If they sell the house before the five years is up the fee will be due at that time.

Chairperson Mann asked what is the height of the building.

Mr. Nguyen replied that it will be thirty feet which is the maximum the code will allow.

Chairperson Mann asked if there was any feedback from the neighbors.

Mr. Nguyen replied that there has been no feedback received from neighbors.

Chairperson Mann opened the public hearing.

Commissioner Lew asked if his planning to sell the home after it is built.

Omar Mosheni, 34302 Torrey Pine Lane, Union City, CA, replied that

Commissioner Lew referred to the loft area and asked if he was aware that someone might build a two-story home on the vacant lot behind this property that there is no guarantee that he will still have the view.

Mr. Mosheni replied that he is aware that it could happen.

Commissioner Lew stated that he should have an opportunity to comment on any proposed project for that vacant lot.

Chairperson Mann asked if the staircase in the rotunda a spiral staircase.

Adolfo Martinez, 26088 Kay Avenue, Hayward, CA, replied that it is a freestanding curved staircase.

Chairperson Mann asked if he would consider this house Spanish architecture.

Mr. Martinez replied that it is more Mediterranean style.

Chairperson Mann closed the public hearing.

Commissioner Gonzales stated that having the ADU is a benefit to this application and he hopes to see more in any new applications.

Commissioner Guio stated that he likes the design.

Commissioner Singh stated that she thinks the design matches with the townhomes behind BART.

Chairperson Mann stated that he also is pleased with the architecture. Chairperson Mann asked how the commission wants to change conditions #11 and #52.

Commissioner Guio stated that he would like to see them combined.

Commissioner Lew stated that she doesn't see a need to combine the conditions because she feels that they are laid out quite logically.

Commissioner Gonzales stated that he doesn't see the change if it is not going to make any impact.

Commissioner Singh stated that she doesn't think the two conditions need to be combined.

Commissioner Guio stated that both conditions refer to parts of a northern fence and they actually refer to two different parts of the fence and to him that is not clear. Commissioner Guio stated that if the rest of the commission is comfortable with the conditions the way they are then he will be also.

Mr. Nguyen stated that for his northern fence he believes they are the same fence that is shared with the neighbor to the north I referred to that fence and the northern fence and then the other fence as the rear fence because that would be at the rear of the house. Mr. Nguyen stated that staff is proposing that we change condition #11 from the "rear" fence to the "easterly" fence so that it is consistent. Mr. Nguyen stated that the northern fence is referred to in both conditions and can be combined into one condition.

Chairperson Mann confirmed the change to condition #11 to refer to the easterly fence.

Mr. Nguyen stated that the "rear" will become the "easterly" and the property owner will need to coordinate with northern neighbor when replacing the fence.

Commissioner Lew made a motion that the Planning Commission approve Administrative Site Development Review ASD-17-011, making the findings A - D, with the modified conditions of approval and adopt a resolution confirming this action.

Commissioner Gonzales seconded the motion.

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

7. <u>ECONOMIC DEVELOPMENT REPORTS:</u> None.

8. <u>COMMISSION MATTERS</u>:

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

B. Upcoming applications for the Regular Planning Commission meeting for September 7, 2017.

9. <u>GOOD OF THE ORDER</u>:

Commissioner Lew stated that she attended the Dumbarton Rail meeting that was held on Tuesday and it was well attended. Commissioner Lew gave a review of the meeting.

Commissioner Lew stated that she received her new Leisure Services Guide in the mail and she likes the new layout; it is a lot easier to read and easier to find things for different age groups. Commissioner Lew stated she thinks

Commissioner Singh stated that the Old Alvarado Historic District Art and Wine festival will be held on Saturday, September 30th starts at 10:00 a.m. to 5:00 p.m. Commissioner Singh stated that IBike will be holding their event with them.

Commissioner Guio stated that he attended part of the session at City Hall about the Parks study and then he attended part of the SamTrans meeting. Commissioner Guio stated that he was disappointed that it would be so long before anything would happen.

Commissioner Guio stated that the Sister City Festival will be held August 20th at the Mark Green Sports Center.

Commissioner Guio stated that Union City Transit is now accepting the Clipper Card.

Commissioner Gonzales stated that he has noticed the issues with Dumbarton Rail and is frustrated that the high speed rail is able to get funding so quickly and yet the needed funding for Dumbarton Rail is not available.

Commissioner Gonzales stated that he was made aware that street sweeping citations are $90.00 and asked how long it has been at that level.

Ms. Malloy replied that she doesn't know but she could find out and send him the information.

Commissioner Gonzales pointed out that there are parts of Union City that don't have street sweeping and the ones that do are being penalized very heavily. Commissioner Gonzales stated that $90.00 is quite a high fee for the community and income level where it is being levied. Commissioner Gonzales asked for a breakdown of costs that the fee is covering and is part of it going to a third party.

Chairperson Mann stated that he also feels that the fines are excessive and that they are also excessive at the BART parking lot. Chairperson Mann stated that it is not clearly stated that you are not supposed to park in the southern lot before 10:00 a.m.

Chairperson Mann commented on the Dumbarton Rail meeting that the alternative using buses that he doesn't think that buses will work as a substitution for Dumbarton Rail.

Chairperson Mann asked if a person is appointed to a commission or to a mitigation committee are they supposed to be discussing on social media what their personal beliefs and what agenda they are going to push. Chairperson Mann asked if that was a violation of the Brown Act.

Kit Faubion, City Attorney, replied that is a complicated question. Ms. Faubion stated that if there is a development application that comes before the Planning Commission, the commission is expected to be a fair and unbiased hearing body so if someone has gone on social media and just talked about what they think about things or policies in general then if it's a general policy matter then that may not be an issue because it is not something that is before the commission in their quasi-judicial role. Ms. Faubion stated that is about as far as she can go in answering this question.

Chairperson Mann stated that some of the people connected with the East-West Connector committee are going on social media and mis-leading the public that they should show up to City Council meetings, Union City Planning Commission meetings and they are linking the East-West Connector to more housing; more traffic and these are people who are not from Union City. Chairperson Mann stated that there is a member of this commission that is assuring the public that because he is in charge of that committee that he is going to stop the project on environmental concerns. Chairperson Mann stated that he thinks it is something that shouldn't be done.

Ms. Malloy asked if this is a commissioner from Fremont.

Chairperson Mann replied yes.

Chairperson Mann stated that he attended the town hall meeting held by Congressman Eric Swawell and it was well attended. Chairperson Mann stated that he is glad that Union City is a very diverse community and he is glad that he lives here.

10. <u>ADJOURNMENT</u>: 8:02 p.m.

APPROVED:

_____

HARPAL MANN, CHAIRPERSON

ATTEST:

JOAN MALLOY, SECRETARY

Agenda Item

ATTACHMENTS:

Description	Type
Minutes from Special Joint Meeting 2017-0907	Attachment

NOTICE AND AGENDA
City of Union City
Special Joint Meeting of the City Council and Planning Commission

Thursday, September 7, 2017
6:30 p.m.

Council Chambers
34009 Alvarado-Niles Road

1. CALL TO ORDER

1.a. Pledge of Allegiance

1.b. Roll Call

CITY COUNCIL:
Mayor Dutra-Vernaci, Vice-Mayor Gacoscos, Councilmember Duncan,

PLANNING COMMISSION:
Chairperson Mann, Vice Chairperson Guio, Commissioner Gonzales, Commissioner Lew, Alternate Commissioner Sakakihara, Alternate Commissioner Singh

Absent:
Councilmember Ellis, Councilmember Singh, Commissioner Mojadedi

Staff:
Tony Acosta (City Manager), Mark Evanoff(Deputy City Manager), Kris Kokotaylo (City Attorney), Joan Malloy (Economic and Community Development Director), Carmela Campbell (Planning Manager), Gloria Ortega (Economic Development Manager), Bonnie Rowland-Williams (Human Resources Manager), Mintze Cheng (Public Works Director), Tom Ruark (City Engineer), Captain Jared Rinetti (Union City Police Department)

2. ORAL COMMUNICATIONS –

Teresa Schmidt, 33908 10th Street, Union City, Ca, stated that she recently visited her brother in Denver, Colorado. Colorado was one of the first to regulate the use of cannabis so she was able to do some research about this issue. Ms. Schmidt stated that the experience has given her some insights and she will list them shortly, but one main aspect to be expressed was: “The California proposition passed with a 57 percent; this is not by a landslide. We’re talking

about an almost 50-50 split. So we cannot assume it is wanted or will be used by 100 percent of the population here. So as a City I ask each of you to consider the value this may bring to our city. Not a value only determined by money, but by integrity, by a moral code, by what is best for the common good. What will Union City be known for going forward? Is the City in need of so much more money that these very important aspects may be overlooked? But if money is the deciding factor and this go through here is my short list of important points to really consider before going on. The need for a really good oversight group; made up of city officials and residents together. Consideration for mom and pop shops versus only big companies. Perhaps only allowing the manufacturing, research and development, or only medicinal shops instead of everything like distribution and sales. Driving under the influence; how is that established? What tests are in place for that? My brother is a para-transit bus driver in Denver and has noticed a considerable increase of very bad driving since regulation. How can you tell if somebody is smoking a vape cigarette pen or a cannabis pen while they are driving? There were so many products in those shops. Who is the expert on these? What will we teach our children? And lastly, some of this money needs to be used for real, established, concrete needs of this City, such as low-cost housing, homeless shelters and low-cost child care."

3. STAFF REPORT

A. Cannabis Ordinance

Antonio Acosta, City Manager, gave an overview of the staff report.

Bryan Godbe, President, Godbe Research, a voter and opinion research firm, gave a presentation on the public polling and results.

Mark Evanoff, Deputy City Manager, gave a presentation on the informal polling.

Kris Kokotaylo, City Attorney, gave a presentation on the regulatory framework.

Mark Evanoff, Deputy City Manager, gave an overview of follow-up steps to take.

Vice Mayor Gacoscos asked what is the possible cost of an election in June 2018.

Mr. Acosta replied that the City would be given a projected cost by the registrar of voters but the actual cost will be determined by the number of voters. Mr. Acosta stated that the cost is based on dollars per registered voter. Mr. Acosta stated that the actual number of registered voters who vote throughout the county determines the final cost and is usually significantly less than the estimate, but it is impossible to accurately predict because we don't really know the dynamics of a mid-term primary election is going to be. Mr. Acosta stated that generally speaking, there will be more voters expected at the general election in November.

Vice Mayor Gacoscos referred to the survey and stated regarding the survey results, it seems there was a pattern of number of people opposing or supporting cultivation, manufacturing, testing and sales of cannabis in Union City. The Vice Mayor inquired if the numbers change

depending upon the question asked, or if these groups have made up their minds that they support or oppose the cannabis policy or ordinance in the city. Vice Mayor Gacoscos stated that it seems that the faith groups, commissioners, and other people are opposed to the use or having it in our City, and was there any change when the questions were asked, or are they permanently opposed to having cannabis in our city; manufacturing, distribution and sales?

Mr. Godbe replied there certainly was lower overall support. It is similar when we looked at question #3 regarding legalization of recreational cannabis - it was 53 percent; regarding locations medical and retail zones it is 52 percent; and in industrial zones it's 51 percent, so those are similar groups of people. When we are just talking about generally the support for sale of medical marijuana though it actually goes up to 63 percent, so some of those people that were negative are supportive of the medical or medicinal part of this. When we gave them more regulation, when we spelled out what it means to have sale, and now I am referring to what was survey question #15. When we got more details there are in fact more support for the sale of medical marijuana, but part of those details, as I read earlier, include security features and public safety features for the general public as well as the people working in and patronizing those facilities.

Councilmember Duncan asked what are the implications of not putting in any regulatory framework. If we do nothing, does the State have the ability to decide what we do in our City?

Mr. Acosta replied that is correct. Because of Proposition 64, the State policy is now "permissive." The City has three choices. We can either officially ban it, and a number of cities have done that. No licenses, no permits. That does not mean that people can't grow it. That does not mean that delivery services can't deliver into the City, and it certainly doesn't mean that all the illegal cannabis trade is going to stop. The second choice is to do nothing. Doing nothing means the State regulations will apply and cannabis businesses will only be regulated by State regulations. And then the third approach is what we are recommending. And that is to regulate it and then make a policy decision as to whether or not we issue licenses to actually have the business. Mr. Acosta continued that even cities that have established the framework, have secured license applications, and have issued licenses, don't necessarily have an activation of those licenses. The city of San Leandro completed its process a couple of years ago, issued licenses for three retail sales and none of the businesses have opened. Mr. Acosta continued, that at the Economic Development Advisory Team meeting we were briefed that there aren't very many opportunity sites for cannabis businesses to open up, particularly large scale cultivation or manufacturing because almost every warehouse in Union City is leased, most of the industrial buildings are leased and even 90 percent of the research and development buildings are leased. So having the policy doesn't guarantee having a license. Issuing a license doesn't necessarily guarantee a business, but we feel local control is always the best way.

Councilmember Duncan referred to slide 28 and stated that there are four different uses that are possible in our regulatory framework, and asked at some point, before we get into the application process, will we have the opportunity to decide on uses? Councilmember Duncan continued, stating that we jump to the application process and it would seem this is a critical step for us to make this decision (on uses) before we move on to process permits.

Mr. Acosta replied that cultivation on a commercial basis is almost always an indoor proposition in a warehouse. That is a complicated scenario and there are a lot of variables, but licensing indoor cultivation commercially, almost by default, happens in industrial zoned area because that is where the buildings are that can house the use. Manufacturing is a more scalable, it could be large or it could be small. Manufacturing could include processing the actual plant into a variety of products, including buds and flowers that are trimmed and packaged. There is also a lot of application of extraction of essential oils and other essences of the cannabis plant because a lot of manufacturing involves food products, such as edibles, and almost all of those rely on extracts and oils. And the oils themselves have medicinal and non-medicinal applications. So manufacturing is more scalable, but we are up against the lack of available space. Mr. Acosta continued, that also, equally important is the reluctance of many property owners and building owners to allow such uses on their property because under Federal law it is still possible for the Federal government to institute asset forfeiture proceedings against the cultivators, manufactures or sellers of cannabis, even in the state that allows it, even with licenses. And, they can go after individuals associated with those businesses. This happened in Oakland with a business; not only was there asset forfeiture under a prior presidential administration, but I believe the founder and CEO was prosecuted in federal court. That is always out there. Mr. Acosta continued, regarding cannabis testing - we have a lab that is already in Union City that would like to receive a license to test cannabis. This is a very low risk business proposition because labs generally handle small amounts of cannabis. The labs use highly technical testing to assure purity and the chemical composition. Cannabis would simply be another product that they would be testing. That is something which has a very low potential for any kind of abuse, or even criminal activity, because we are talking about small amounts. Then the big concern that most people have is about adult use, or recreational retail and medicinal retail, which would be dispensaries. It is all a matter of how the City controls them and where the City locates them.

Councilmember Duncan asked as to the uses, is that a decision that we will make as we complete and review the ordinance. Is that where those decision points will be made?

Mr. Acosta replied that is correct. Staff has recommended and presented tonight in the packet a broad regulatory framework for all of these potential business applications. We believe having those regulations on the books does no harm and it enables the council to activate, or not, any of those lines of businesses. Mr. Acosta stated that the real key policy decision for cannabis businesses is in the licensing process where the Council would determine how many, what kind, and where. Mr. Acosta continued that if we have done our regulatory homework, the public, even those who are very concerned about it, will see that we are talking about a very, very highly regulated environment; and that is the way that most of the cannabis businesses want it. They don’t want people to know where they are if they are not in retail. They don’t want their facilities to smell funny. They don’t want anyone to really know they are there because of the potential for having a high value product that folks might try to liberate. We think the regulations are the key and we have proposed and prepared a very robust regulatory framework, but it is open for comment, it is open for debate, and it’s open for amendment.

Chairperson Mann asked what are Fremont and Mountain View's policies regarding legalization or regulation of marijuana within their cities.

Mr. Evanoff replied that the City of Fremont has an outright prohibition. Staff is not familiar with Mountain View's polices but we can research that and get back to you with an answer.

Chairperson Mann asked if there is a liability to the City given the fact that the Federal government still considers marijuana illegal.

Mr. Kokotaylo replied that the ordinance explicitly requires all commercial cannabis uses or businesses to indemnify the City for issuance of the permit and all activities associated with it. The City would be indemnified, and that would be incorporated into their license and that is part of our ordinance as well. Mr. Kokotaylo continued that the ordinance also includes provisions that allow the City to revoke permits and the program completely, if it receives credible information that there is going to be some sort of federal enforcement.

Chairperson Mann asked that given the fact that Union City has a significant amount of land that is the hills, would that be open for cultivation.

Mr. Kokotaylo replied that under the proposed zoning text amendments there would be no commercial cannabis business allowed except in the industrial areas. The hills are zoned agricultural so it wouldn't be allowed there.

Chairperson Mann asked if anyone has thought about, or looked into, how this will affect property prices because this is something that has been brought to the Chair's attention. In other words does Union City want to be known as a marijuana city?

Mr. Acosta replied that is a very good question and I don't know if we have a good answer (regarding the property price impacts).

Gloria Ortega, Economic Development Manager, clarified that he is asking about property values. Ms. Ortega stated that it depends, if a building is collecting higher rent because of the uses then it will impact the value of the building. This may not prompt a property tax reassessment. The property basis in terms of property taxes will remain the same. But obviously if the building is generating more income it becomes more valuable to the owner.

Chairperson Mann clarified he is asking about home values or residential property values.

Ms. Ortega asked that is he thinking that residential property values might decline?

Chairperson Mann replied that he doesn't know.

Ms. Ortega replied that she doesn't have a clear answer for that. Ms. Ortega continued that if there are dispensaries, buffer zones could be applied. Additionally, a dispensary that would have any proximity to a residential area, would likely not have an impact because they're non-descript in many cases, and there are buffer zones that are being defined for proximity to

residential and youth oriented activities. I think that generally speaking they're quite discreet. Ms. Ortega continued that when we think about these businesses, for example a dispensary, it is like a retail location and retail locations don't impact property values. We should look at the business' operation and consider it to function as any other business, but its product happens to be cannabis.

Commissioner Guio asked if there will be cost recovery fees and a 10 percent tax on sales. What is the cost recovery fee estimated to be, and will it be adjusted later?

Mr. Evanoff replied that staff will recommend to the council appropriate regulatory fees that will be based on discussions with the police department, finance and planning. Staff will estimate the amount of FTE's that will be needed to staff the administration of the program, and regulate and enforce the program. Mr. Evanoff continued that those numbers will be calculated by the finance director and we will produce that information for the council. This information will provide the documentation to support the regulatory fee to offset the City costs. Mr. Evanoff continued that with the 10 percent gross receipts tax; those funds can be spent on anything the council directs because those funds would go into the General Fund. The gross receipts tax also provides the opportunity and a funding source for strong public education and for the police department to work with Neighborhood Watch captains and the school district for identifying the key signs for illegal growth operations or illegal sales, and also working with the school district to educate the students on safe behavior to avoid cannabis and adult responsibilities for their children.

Commissioner Guio asked if the cost recovery would include an estimate for the additional police that might be required for enforcement.

Mr. Evanoff replied that is correct.

Commissioner Guio asked if background checks would be required for any organization, including medical and retail.

Mr. Evanoff replied that is correct. The background methodology would have to be verified and authorized by the Police Department but the Police Department would not be doing the background checks.

Commissioner Guio asked if that would be an on-going process as new employees are brought into the businesses.

Mr. Evanoff replied that is correct. All employees have to go through the background check.

Commissioner Guio asked if it is a one-time background check.

David McPherson, Cannabis Compliance Director, HdL Companies, replied that it is a three prong approach. In the original application the owners will go through a background application process, but in the ordinance it states that applicants will go through a Live Scan element as well. Live Scan will go to the Department of Justice and the FBI as part of that

process. If anything comes up after the initial fingerprinting was done, that information will come back to the police department on an annual basis. The third element the background check is that the State, for the owners, are going to automatically require the same process to be done. Mr. McPherson continued that for the employees, it will be done on an annual or semi-annual basis. Depending on the situation, any new employees will go through the process. The Live Scan is not mandated at the State level, and it is not mandated to be done annually from the city, but the council could make that a requirement.

Commissioner Lew stated that she submitted three pages of questions regarding this package to staff on Tuesday and asked if she could ask them tonight.

Mayor Dutra-Vernaci asked if staff has the questions and could summarize the answers because tonight certainly is an opportunity for all of us to hear your concerns.

Mr. Kokotaylo began to review the questions and stated that one of the questions related to a provision in the ordinance that following the application process, rather than reopening and starting the process, if a permit becomes available within 12 months of the conclusion of that process, the City Manager has the ability to take existing applications that were minimally qualified and re-present them to the City Council through the public hearing process. Commissioner Lew's question was why would we have that, and the reason is to save resources. If the council decides to issue three permits, and there are five qualified applicants, and the council issues the top three, and one of those top three backs out for whatever reason, the council could quickly reconsider reissuing that third permit to one of the other two qualified applicants without having to reopen the process and start it anew. Mr. Kokotaylo continued that the council could certainly elect to start anew, or the City Manager could decide to start this process over again, but that 12 month window gives a buffer for the council to reconsider. A concern could be that the information would be stale. As part of that process, the city manager and the council could reconsider conditions of approval on those permits, or reconsider whether there is new information without having to start the process. Mr. Kokotaylo stated that one of the questions was whether the applicant can request the reasons for rejection of an application. There isn't a requirement in the ordinance, but as part of the guidelines that council adopts, it will include scoring criteria and typically, this is where staff could present where an applicant didn't reach the threshold to move onto the next level. Mr. Kokotaylo asked if that responded to Commissioner Lew's question.

Commissioner Lew stated that she thinks an applicant whose application is rejected is entitled to know what areas of their application were weak or just unacceptable.

Ms. Malloy stated that the application process is going to have an entire list of scoring mechanisms, and it will be only those that are best qualified that would be forwarded to the City Council, and even at that time the council could decide whether or not to accept those applications. That would be done through a public process. So if there was some aspect of the application that the council was uncomfortable with, that application could be denied or rejected. The scoring will be reviewed by HDL staff and city staff, and only those businesses that have the highest scores would be forwarded for further consideration.

Commissioner Lew stated that she understood, but she is concerned about those that did not reach the next phase, are they actually informed that they are not successful? That they didn't score the requisite 80 percent?

Mr. Kokotaylo stated that in terms of specific breakdown of why the applicant did not move forward, the City often protects its deliberative process. If the City Council wants the process to be very transparent in that manner and have a breakdown of where the scores fell short or what was considered and all of those processes the council could certainly include that as part of the procedures.

Commissioner Lew stated that she thinks the scoring sheets should be considered proprietary. What she is concerned about is if an application contained some serious weaknesses she thinks the applicant is entitled to know what the city considers the strengths and weaknesses and deficiencies of the application and why it didn't move forward.

Mr. Kokotaylo stated if there is an application that doesn't meet the minimum qualifications, for instance, doesn't submit a security plan, is missing components of the operations plan, doesn't include a zoning verification letter from the Economic and Community Development Department, then absolutely it would be appropriate for the City to say that we rejected your application outright because you didn't comply with the code or you didn't comply with the procedures or you didn't submit everything that was required as part of the application.

Mr. McPherson stated that there is going to be a threshold of standard that the city will set, which is about equivalent to the State's level. The first phase does say that you either qualify or don't qualify, you either pass the background, or you didn't. Your location is zoned appropriately, or not. If you don't meet that criteria then you are disqualified. When it comes to the other phases, you use 80 percent as the threshold to move onto the next process. If the applicant gets 65 percent or 75 percent, this information would be shared once the process is concluded. We do not want applicants using the appeal process strategically to look at other applications. Again if the proposed business plan scored 75 percent, we know in the second section review, the applicant did not provide proper qualifications. We'll note the deficiencies, such as they did not provide insurance, the ability to get insurance, did not provide proper funding or a pro forma plan, did not provide bank account information, or identify a source of funding. That is all noted in the comments, and then once the process is closed, they will have an appeal process and the right to view that information to address their deficiencies.

Mr. Kokotaylo stated that a couple of the questions from Commissioner Lew relates to security camera requirements in the ordinance. The ordinance does require security cameras at each of these businesses; it was something that was very important to the Police Department. One of the questions is whether the cameras would record the buying and selling of cannabis and when a cash transaction is made. One of the provisions of the ordinance is that the cameras have to record each point of sale location so that would conceivably capture that activity and it also says that camera coverage must enable recording of the customer and employee's facial features with sufficient clarity to determine identity. Mr. Kokotaylo continued that there is a similar question from Commissioner Lew: "Will the camera coverage at the point of sale location record the exchange of payment if there is a sale." Mr. Kokotaylo replied that it should

and that the Police Department would have to approve any security plan so it would have to satisfy their concerns. But at a minimum, under the ordinance, it has to capture the facial features at the point of sale. Mr. Kokotaylo continued, stating that there is a question related to the security cameras and whether buyers have privacy rights regarding their purchases. These recordings would be exempt from disclosure under the Public Records Act as security procedures. The City can exempt disclosure of these recordings, similar to how the City exempts disclosure of security alarm system information. The second component of the question is whether businesses have to keep the information confidential and that is a business decision. That isn't specified in the ordinance, but the council could add a condition of approval if it wants those businesses to keep the camera recordings confidential. Mr. Kokotaylo continued that there is another questions related to the number of feet between the commercial cannabis uses and surrounding types of sensitive uses. Some examples are youth centers, day care centers, residences. That is still a point that is being worked on and to be determined. It could be anywhere between 100 feet and 600 feet between those sensitive uses. This recommendation will be included in the final regulatory ordinance. The Planning Commission and the City Council could provide input on that. It will be a council decision because it is in the regulatory ordinance (and not the land use ordinance).

Ms. Malloy stated that at this time staff is leaning towards using fairly liberal standards with regards to setbacks because there are limited locations where cannabis uses can locate and many of these properties would have very low or no impacts. For example, if the business were manufacturing food products, there wouldn't be much difference between cookies versus chocolates that might have cannabis extracts in them. Staff sees the uses as being fairly consistent with what is already allowed in the industrial district. Most of the industrial sites operate fairly independently with separate parking fields, separate entrances and there are often fences or other barriers between these sites and adjacent properties. Staff will be looking at locational criteria more carefully, but right now staff is leaning towards a more liberal interpretation or locational criteria and evaluating each site on a case-by-case basis based upon what's around it. Ms. Malloy continued that the next item that Commissioner Lew raised had to do with whether cannabis businesses are permitted or conditionally permitted. Ms. Malloy stated that staff talked extensively about whether the business should be outright permitted or conditionally permitted. Because of the very elaborate regulatory framework that is in place, staff felt that through the licensing process the City had more control to regulate and to revoke permits than if there was a land use entitlement (through a conditional use permit).

Mr. Kokotaylo stated that another question from Commissioner Lew was whether the City is telling landlords not to prohibit their tenants from growing cannabis for personal use. The proposed zoning ordinance would allow landlords to outright prohibit their tenants from growing cannabis or limit it. The City can't do that for property owners except within certain limits. Mr. Kokotaylo continued regarding another question related to this: "property owners can rent to only non-smokers or tell tenants not to smoke indoors; why are property owners unable to tell tenants not to smoke cannabis indoors?" Mr. Kokotaylo stated that there are two components here: under State law, it allows personal cultivation but there is nothing under State law that says you have to allow someone to utilize the product within a residence. So, if a landlord wanted to have a no-smoking policy, then absolutely, the landlord could have their own

contract with the tenant that says you will not smoke in my unit. Mr. Kokotaylo continued that another related question from Commissioner Lew is can a landlord choose not to rent to anyone who grows cannabis for personal use. The answer is, yes, the landlord could have a contractual provision saying that you will not use my property for cannabis cultivation.

Ms. Malloy stated that there was a comment in Commissioner Lew's questions about cannabis being deadly to both children and pets. The growing of indoor cannabis must be in a secured location, and if there are minors on site, it is illegal to grow cannabis outside. To restate, if there are children or minors living at the residence, you cannot grow cannabis outside. State law allows residents to grow cannabis inside in secured locations.

Commissioner Lew asked if there will be an education program with all this extra money that we are going to get, will there be an education program for people who intend to grow cannabis for personal use and the dangers to children and pets of the products?

Mr. Kokotaylo replied that if there were an educational program funded by additional money it would have to be additional money generated through tax revenue. The fees that would be collected for this program could only be used for enforcement or compliance monitoring or administration related to the particular business. That is consistent with Proposition 13 and 218 under the State Constitution and State law. If there was a local tax measure, then certainly those funds could be used for that purpose; but the fees collected as part of this program can only be used for administration, enforcement and compliance of the particular businesses.

Ms. Malloy stated that there are additional questions about the scoring process.

Mr. Kokotaylo noted that some reformatting and revisions for consistency are needed throughout the ordinances. Mr. Kokotaylo stated that staff wanted to get the big structure and components in front of the City Council and Planning Commission. There may also be inconsistences between the guidelines and the ordinance related to references to the different code sections. The development of the ordinances and guidelines has been a moving target, but those issues will be addressed before the final product is considered by the council.

Mr. McPherson stated that the question asked by Commissioner Lew if applicants must score a minimum of 80 percent, which we use as a threshold, can they score zero and still get through. The answer is, yes, on the 80 percent, but it has to be overall 80 percent; however, there is a minimum threshold of 70 percent in one category. An applicant could get 95 percent in one category and get 65 percent in another, but they would still have to meet a minimum threshold of 70 percent in all categories, and the overall score has to be a minimum of 80 percent.

Commissioner Lew asked if that will be included in the instructions.

Mr. McPherson replied that they could clarify and update the instructions.

Commissioner Lew stated that the reason that she asks these questions is because of an absence of information that is in these attachments. So if she can get some clarification, if

changes can be made, some editorial changes, some clarifications made, then maybe she will feel a lot more comfortable going forward.

Mr. McPherson stated there is a section that can be modified. When we get clarifying questions, we can create a Q & A for applicants. So that is an easy fix. The question has to do with Phase 2 and Phase 3 of the application process where the questions are asked again in two different areas. The purpose of that is two-fold. One is we are looking at them from an objective, independent function in Phase 2 and our review of an actual application in the package. In Phase 3, some things are more emphasized than others. This is because someone can provide a very good resume, but when you interview them they don't have the same response or technical knowledge of what they are actually being asked to do because they hire consultants to put the package together. So, in some areas we want the internal staff, who are the subject matter experts on certain areas, to be able to ask specific questions and give different point level qualities to that than we would at a different level. That is why we take two different touching points so the reviewers are looking at it from two different perspectives.

Commissioner Lew asked if they are going to ask for additional information on these two plans that are going to be looked at in both Phase 2 and Phase 3.

Mr. McPherson replied that Phase 2 is an actual review of the package and in Phase 3 is a response to interview questions.

Commissioner Lew stated that it is the same information that was provided. My clarification as to whether there is going to be an opportunity for that applicant that gets to move to Phase 3 to improve these two plans because you will be looking at them again.

Mr. McPherson stated that is where the verbal element of it comes in where they can clearly define something that they may not have done as strong a job in Phase 2, but it's that documentation that we look for clarification and then staff knows when they do Phase 3, because if there was a deficiency in there they give the applicant the benefit of doubt by emphasizing what they know is a concern on that question so they can get a more appropriate response to that question where they may not have done that in Phase 2.

Commissioner Lew stated only to the extent that they can move on to Phase 3 if they scored at least 80 percent overall.

Mr. McPherson replied that is correct.

Ms. Malloy stated that there are several comments by Commissioner Lew that identified some inconsistency of languages and those have been noted and the City Attorney will be looking at that along with HDL as we refine the regulatory agreement and the application process. In closing there were several items that Commissioner Lew raised; one is insuring safety of children and pets, which was discussed. There was also a question about how cash is handled.

Mr. McPherson elaborated in detail on how the cash would be handled and this process is going to vary depending upon the type of business operation. Mr. McPherson discussed that dispensaries would have a different approach to handling cash and the security measures taken by staff because it is a point of sale. Other uses such as testing and manufacturing may have different approaches to how cash is handled and security measures. Mr. McPherson stated the banking element is evolving and their approaches are confidential and rarely discussed publicly.

Commissioner Lew asked if banks accept cash deposits from cannabis businesses.

Mr. McPherson replied that currently most of them do not and that is something we discussed at the council workshop session. We are seeing a transition and we are working with some banks and financial institutions to improve that process that we feel is going to be done once January comes around that we'll have a better position on that.

Commissioner Lew asked what are current cannabis businesses doing in other states.

Mr. McPherson replied that in other states some of them are starting to be able to use banks as both local regulatory and state licensing are adopted. Mr. McPherson stated that at the federal level, the Trump administration is a gray area right now that doesn't clearly define what direction it is going. There was a question if law enforcement can shut down illegal cannabis operations, yes they will still be able to.

Mayor Dutra-Vernaci asked if that covered all the questions.

Ms. Malloy stated that the final questions touch upon personal cultivation, obtaining revenues for staffing and the like.

Commissioner Lew asked if the questions and answers will be part of the public record.

Ms. Malloy replied that the questions will be attached to the minutes and the answers, as discussed in the meeting, will be part of the minutes.

Commissioner Gonzales asked in regards to the types of cannabis businesses that we are looking at to be permitted, would this be an all or nothing proposal for the regulation? Meaning, could we elect not to include any single cannabis business that has been proposed?

Mr. Kokotaylo replied that the way that the ordinance has been written in terms of allowing a business, the only business that is explicitly excluded right now would be outdoor commercial cannabis cultivation businesses. It could say that there's other businesses that should be outright excluded but the way that the ordinance is structured none of these businesses can operate until the City Council adopts a resolution saying that they will permit one of these types of businesses, so adopting of the ordinance doesn't really allow anything. It's when council decides to take an action to adopt an ordinance saying we will allow up to x number of permits for this type of use, manufacturing for example. So nothing would be allowed just from adoption of the ordinance.

Commissioner Gonzales stated that sounds harmless or benign, it's not going to hurt because we still have to go through another phase the City Council would have to.

Mr. Kokotaylo replied that is correct. In fact it is multiple steps, it's the ordinance, the resolution authorizing the number of permits for the type of business, the resolution opening the application process and then awarding the permits. So it is really four steps.

Commissioner Gonzales asked that because this is something new that we all have to work with or deal with, could a city official or board commissioner within the City be held liable for any prosecution from the Federal government if any of these businesses were to become a target from the Federal government because we know it's not in compliance with Federal law?

Mr. Kokotaylo replied that the way that the ordinance is drafted is…well the short answer is no, I do not believe so.

Mayor Dutra-Vernaci stated that if so, it would probably be her.

Mr. Kokotaylo stated that will be part of the findings is that really related to the purpose and intent of these various ordinances. The ordinances provide that nothing related to the ordinances are a defense or immunity to any action brought against any person that is operating pursuant to these ordinances by either the D.A.'s office, the Attorney General's office or the United States. So it is very clear that operators operate at their own risks and our ordinance doesn't provide them immunity from what other actions may occur.

Commissioner Gonzales asked if it would be possible to issue one license at a time so the City would have time to adapt. Commissioner Gonzales continued that it would be better than just releasing three or five permits at one time and then the city has to deal with something it doesn't understand how to evolve with.

Mr. Kokotaylo replied if that was the path that the City Council wished to take it could start by adopting a resolution authorizing just one of whichever business type that they would like to see and test the waters. So the first resolution could be authorizing one permit for one type of business, and then seeing how that goes over the next year or so, and then come back adopt a new resolution authorizing a second or a third permit. So that would be the mechanism to do that.

Commissioner Gonzales stated that it could be more like a laddered system.

Mr. Kokotalyo stated that just because the City Council elects to allow a certain number of a certain type of permit, the City Council doesn't have to award those permits. As part of that process the council could allow up to three and open the application process and at the end of the day say we're only going to award one.

Commissioner Singh stated that she had some questions about personal cultivation that were answered during Commissioner Lew's questions.

Commissioner Sakakihara stated that he understands that if the City doesn't adopt the regulatory ordinance then we are basically giving control of cannabis regulation to the State or defaulting to whatever State laws. Commissioner Sakakihara asked if we fail to adopt the zoning amendment for commercial cannabis, would the use default to be allowed anywhere in the City. Commissioner Sakakihara continued that what the zoning ordinance does is define and limit which areas of the City the use can actually happen.

Mr. Kokotaylo replied that this has been a kind of moving target in terms of what is the impact of the State law. State law does say that there is a deferral to local regulations. What we would assert for Union City is we have permissive zoning and this isn't something that's explicitly stated. We have tried that before in the past and have not had success with that approach hence…just not that long ago the City adopted a prohibition on medical cannabis dispensaries and cannabis deliveries that would be the challenge would be there would be ambiguity and someone may come and argue and say that this is allowed. What has often happened is businesses will apply for a certain type of business, whether it's an agricultural use or just a general manufacturing license and say were doing this and they end up doing something else and then it becomes a challenge legally to try to close that business. That would be the dilemma that we would face. There is still some debate as to what does this mean under State law but I think it would be prudent to adopt some sort of regulation by the first of the year.

Commissioner Sakakihara asked [unable to hear] what does that achieve?

Mr. Kokotaylo replied that State law says that there are certain things the local jurisdictions have to allow and then there is some room for local regulation, reasonable regulations related to indoor cultivation and outdoor cultivation. One specific important component is that under State law if the City elects it can outright prohibit outdoor personal cultivation. The City cannot outright prohibit indoor personal cultivation, but it can adopt reasonable regulations. We have included regulations, including that the cultivation shall not interfere with the use of the primary areas of the residence: the kitchen and bathroom, for instance. Under State law there is already existing requirements that all cultivation has to be in a locked space. So, a lot of the regulations do mirror State law, but we added a few additional regulations and we allowed outdoor cultivation, but subject to some restrictions. For instance, not allowing outdoor cultivation on properties where minors reside.

Mayor Dutra-Vernaci thanked staff for the presentation and answering all the questions. She stated that as far as Union City as a whole goes, or at least those ones that have completed the survey, this is something where we're just tipping over the side of acceptance. There are those that are opposed for lots of different reasons; however, going down the road of acceptance I think that City staff is doing the right thing in terms of collaborating with our Police Department and regulating where we can. Because one thing that we did hear in our work session back in August is if we do nothing law enforcement is still out there looking for those illegal uses and that is money that is going down the drain because we don't have any additional revenue source to cover that. By regulating we will be able to put fees in place for these few entities that we are going to have and watch their operations so it is as safe to the public as it possible can be. There are recommendations to go forward with the Planning

Commission conversation on September 21st to consider the zoning ordinance and then coming back to the council on September 26th and then again on October 10th for a regulatory ordinance and those two zoning amendments. And then, lastly, consider resolutions for the types of businesses, the recovery fees, regulatory guidelines and application procedures back in October. So is that correct?

Mr. Acosta stated that staff welcomes public feedback and feedback and questions from our commissioners and the City Council anytime when thoughts occur. We will publish frequently asked questions and infrequently asked questions on our cannabis web page of our old website and in about four weeks we will put them on our new website as well. This is an on-going conversation and staff has been very clear about going in a very measured pace. We are not having a gold rush or an Oklahoma land rush. I think we really want to find out how these things work with a couple maybe three at first before we go any further, if we can even get two or three. It is one thing to say its ok, it's one thing to say here is your license, it's another thing for people to actually get going. Finally, in terms of the outreach to the public we want the public, residents, neighborhood watch groups to help us in an era of legal cannabis, if it is permitted in the City; we still want to crack down, maybe even more so, on the illegal cannabis. I have asked the Police Department to work with our marketing and communication staff to develop an infographic on the signs that you can look for to see if you've got an illegal grow house in your neighborhood. Trust me, they are here, there are lots of places, there was even one in our former city manager's home that just got busted.

Mayor Dutra-Vernaci stated that Mr. Acosta forgot to mention that Larry Cheeves had moved.

Mr. Acosta stated that Larry would never, ever consider cannabis. It's not his lifestyle but in the house he formerly owned there was a grow operation and there was no sign that it was happening. But if you look closely there are actually signs. We want the public to still have their eyes open. There is still going to be an illegal cannabis market that is providing questionable quality, probably lower price to compete with the dispensaries and everybody else. We don't want to give up on our effort to take care of the illegal cannabis that is unregulated, does attract crime, and involves lots of cash and weapons. They don't care who they sell to. That's not okay. Medical cannabis, if it's permitted in Union City, won't make that okay. We'll still want the public to help us on that. The other thing I just wanted to say, when we say retail medical cannabis, we are not talking about CVS, we are not talking about Rite Aid, we're not talking about Safeway. This is not a walk-in kind of business where you go in look at the product and say I've got a headache today I think I'll buy some cannabis. These are locked down, highly secured facility. You don't get in the front door, unless you show positive ID and have a legitimate medical referral. And that I think is tightening up. Existing medical cannabis, I think everyone would recognize the easy access to medical cards. That is not the kind of regulatory framework that we are encouraging. We're encouraging real medicinal cannabis here. There is a growing body of research and experience that suggests the medicinal importance and significance of cannabis is real. It is helping people. According to the latest research that I have seen, the demographic in which the use of medical cannabis is growing the fastest are seniors over the age of 60. So it is not an age thing, it is not just for young people, it's not really to get high, most of the medical strains have no psychoactive affect. They are there to treat a medical condition. We're not talking about 7-11 having joints

behind the counter, flavored or otherwise. We're not talking about vaping. We're talking about a highly-regulated business.

Mayor Dutra-Vernaci stated that on Wednesday, September 13th there will be a meeting at the Mark Green Sports Center at 6:30 p.m. on the Dumbarton Corridor. SamTrans completed a study that was paid for by Facebook and it does have important implications for the City of Union City and we need to make it happen. And the only way we can do that is by getting out there and showing support for it on this side of the Bay. San Mateo has wanted these measures for years and we're getting closer to it being a reality.

Mayor Dutra-Vernaci stated that on Monday, September 11th there will be 16th year remembrance at the Flight 93 memorial that starts at 10:00 a.m.

4. ADJOURNMENT: 8:19 p.m.

APPROVED:

HARPAL MANN, CHAIRPERSON

ATTEST:

JOAN MALLOY, SECRETARY

RESPECTFULLY SUBMITTED,

ANNA M. BROWN, CMC
CITY CLERK

From: Jo Ann Lew
Sent: Tuesday, September 05, 2017 9:40 PM
To: Carmela Campbell
Cc: Joan Malloy; Kristine Fitzgerald
Subject: Re: Cannabis Study Session -- September 7, 2017

Hi Carmela,

I have several questions and concerns regarding the attachments to the Cannabis Study Session packet and would like to share them with you and Joan before Thursday's meeting

1. Attachment 3 – Draft Text Amendment Cannabis Ordinance, Chapter 5.44:

a) 5th page, Item D.3 – please explain the reason for considering prior applications if a permit becomes available within 12 months after the close of a previous application period. To ensure the City has the most current information, I recommend requesting new applications or letting former applicants update their prior applications.

b) 6th page, Item #5 – can an applicant request the City provide reasons for rejecting its application?

c) 7th page, Item #6i, 5th line – there is a typo where two periods follow the word "others."

d) 10th page, Item #J2 – will security cameras record the buying and selling of cannabis and when a cash transaction is made?

e) 11th page, Item #J.2.d – will the camera coverage at the point-of-sale location record the exchange of payment if there is a sale?

f) Regarding the security requirements and use of cameras for surveillance, do buyers have privacy rights regarding their purchases? I understand the records are confidential, but I do not see whether there is a requirement that camera recordings be kept confidential.

g) 17th page, Items #E.3.a, b and c – the number of feet were excluded from the draft copy. Can this information be provided at the meeting?

h) 20th page, Items #E.1, 2, 3 and 4 under 5.44.050 and Items #C.2, 3, 3 and 4 under 5.44.060 – the number of feet were excluded from the draft copy. Can this information be provided at the meeting?

2. Attachment 4 – Draft Zoning Text Amendment for Commercial Cannabis, Chapter 18.117:

a) 2nd page, Items #I and #J – both provide similar definitions for “Cannabis manufacturer.” Are both necessary?

b) 3rd and 4th pages indicate commercial cannabis businesses will be allowed in the ML and MS districts. Will the list of conditionally permitted uses in the ML and MS districts be amended to include commercial cannabis businesses?

3. Attachment 5 – Draft Zoning Text Amendment for Personal Cultivation of Cannabis, Chapter 18.118:

a) 3rd page, Item #A.5.v under 18.118.040 – please clarify whether the City is telling landlords not to prohibit their tenants from growing cannabis for personal use. Smoking cannabis and tobacco indoors leave odors that are not easy to remove. If property owners can rent only to nonsmokers or tell tenants not to smoke indoors, why are property owners unable to tell tenants not to smoke cannabis indoors?

b) 4th page, Section 18.118.060 – enforcement appears weak, particularly since there is no mention of minors or pets being present in the household. Cannabis is deadly to both children and pets. I recommend the City do more to protect minors and pets.

c) Can a landlord choose not to rent to anyone that grows cannabis for personal use?

4. Attachment 6 – Draft Permit and License Application Process for Cannabis Businesses

a) Page 1, 1st para, last line refers to 5.44.090. This section was not included in Attachment 3. Can you provide a copy at the meeting?

b) Page 1, description of the application process in the middle of the page – do the “$X,XXX” represent costs to be paid by applicants for Phases 1 through 4? If so, when will the amounts be determined?

c) Are final applications due on November 10, 2017 (as shown on Page 1) or on October 31, 2017 (as stated on Page 2)?

d) Page 3, Phase 1, the first bullet item refers to Sections 5.44.070(d) and 5.44.300(m). Both sections were not provided in Attachment 3. Can you provide a copy at the meeting?

e) Page 3, Phase 2 – applicants must score a minimum of 80% or 1,200 points to move on to Phase 3. According to the list of points, it is possible for some applicants to achieve 1,200 points even if they receive zero points for the air quality plan and labor and employment plan. I recommend applicants receive at least 80% for each criterion.

f) Page 3, Phase 3 – why are applicants' Safety and Security Plans and Air Quality Plans being evaluated again in Phase 3 and why has the number of points for the Safety and Security Plans decreased from 300 to 200? It seems redundant to evaluate both plans twice. Also, for the same reasons I gave in e) above, I recommend applicants receive at least 80% for each criterion.

g) The lists of criteria for Phases 2 and 3 appear to exclude past experience with commercial cannabis businesses. Can a description of past experience be included in Phase 2 as criterion?

h) Will the evaluation and selection scores be made public prior to the public meetings for the applicants?

i) Who will evaluate the applications and what are the qualifications and/or experience of these evaluators? Will the evaluation process allow for an independent evaluation by each evaluator for each application during Phases 2 and 3 to ensure fair consideration and avoid group think and undue influence by others? Is there a process to ensure each evaluator does not have a personal or financial relationship with or interest in any of the applicants and, if so, the evaluator should be removed from the panel or committee?

j) Page 4, 3rd para where it states "please note that being awarded a CCB does not constitute…" – should "permit" be inserted after "CCB" since the application is for a permit as indicated in Chapter 5.44 under the definition for "Commercial Cannabis Permit"?

k) I noticed the term "Commercial Cannabis Business (CCB)" is not defined or used in Chapter 5.44. I recommend it be added to Chapter 5.44.

l) Page 4, under "Proposed Location", last line refers to Chapters 5.44.090 and 5.44.170. Both were not provided with Attachment 3. Can a copy be provided at the meeting?

m) Page 4, under "Business Plan", 2nd bullet contains references to sections in 5.44 that were not provided with Attachment 3. Can copies of 5.44.210, 5.44.260, 5.44.280 and 5.44.300 be provided at the meeting?

n) Page 4, under "Business Plan", 3rd bullet refers to operating as a not-for-profit – is this requirement contained in Chapter 5.44? I don't recall seeing it.

o) Page 5, "Labor & Employment" is listed without a bullet.

5. List of concerns regarding CCBs:

a) Ensuring the safety of children and pets.

b) How CCBs handle cash and are they allowed to use banks for business transactions.

c) CCBs as crime magnets due to the amount of cash and inventory of cannabis onsite.

d) Safety and security of CCB employees, customers and buildings and whether CCBs can obtain insurance coverage.

e) Can law enforcement shut down all illegal cannabis businesses, not just illegal sales? Also, how will law enforcement treat on-line cannabis sales?

f) How will the presence of CCBs in ML and MS districts impact nearby residences?

g) How will Federal laws that prohibit cannabis use and businesses impact Union City's plan to permit CCBs and personal cultivation of cannabis?

h) How will Union City obtain revenue and staff to enforce the new laws?

I will be in a training class most of Wednesday so please email any questions and I will reply when I return home.

Sincerely,

Jo Ann

Agenda Item

ATTACHMENTS:

Description	Type
Staff Report - Zoning Text Amendments regarding Cannabis	Staff Report
PC Reso XX-17, AT-17-002	Resolution
Draft Text of Proposed Amendment to Chapter 5.44	Resolution

Agenda Item

DATE: SEPTEMBER 21, 2017

TO: PLANNING COMMISSION

FROM: KRISTOPHER J. KOKOTAYLO, INTERIM CITY ATTORNEY
ALEX MOG, ASSOCIATE ATTORNEY

SUBJECT: ZONING TEXT AMENDMENTS REGARDING PERSONAL CULTIVATION OF CANNABIS & COMMERCIAL CANNABIS BUSINESSES (AT-17-002)

APPLICANT: CITY OF UNION CITY

LOCATION: CITYWIDE

REQUEST:

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

- Impose zoning restrictions and use regulations on the personal cultivation of cannabis pursuant to state law; and
- Impose zoning restrictions on various commercial cannabis uses authorized and licensed by the State of California pursuant to state law.

ENVIRONMENTAL ASSESSMENT:

Approval of the amendments is exempt from environmental review in accordance with Business and Professions Code section 26055(h), the exemption for the adoption of an ordinance that requires discretionary review of permits, and California Environmental Quality Act Guidelines section 15061(b)(3), the general exemption for projects with no potential for significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Municipal Code Amendments will have a significant effect on the environment.

I. BACKGROUND & ANALYSIS

California voters enacted the Compassionate Use Act ("CUA") in 1996, legalizing medical cannabis. The CUA provides qualified patients with an affirmative defense to criminal charges for possession of a reasonable amount of cannabis needed for medical conditions. In 2003, the California Legislature adopted the Medical Marijuana Program Act ("MMPA"). This law enhanced access to medical cannabis for qualified patients and caregivers by allowing for collective, cooperative cultivation projects, commonly known as "dispensaries".

In 2015, the Legislature enacted the Medical Marijuana Regulation and Safety Act, which was later renamed the Medical Cannabis Regulation and Safety Act ("MCRSA"), creating a comprehensive licensing and regulatory scheme for cultivation, manufacturing, distribution, transportation, laboratory testing, and dispensing of medical cannabis.

In November 2016, California voters passed Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"), legalizing recreational cannabis use for adults 21 years of age and older with certain restrictions. The AUMA complements the MCRSA, and creates a comprehensive regulatory and licensing structure for commercial nonmedical cannabis businesses, including cultivation, manufacturing and retail. In addition, the AUMA permits adults 21 years of age and older to cultivate up to six (6) cannabis plants at a private residence. Local jurisdictions may not prohibit such cultivation, except that they may still prohibit outdoor personal cannabis cultivation.

In order to implement the AUMA, and to address inconsistencies and other issues between the AUMA and MCRSA, the Legislature adopted SB 94 in June 2017. SB 94 consolidated the medical and recreational regulatory schemes to create one single comprehensive regulatory system to regulate all commercial cannabis uses ("MAUCRSA"). The State Bureau of Cannabis Control is currently working with several State agencies to draft regulations for all of the various license types. State licenses for all cannabis businesses are expected to be ready for issuance in January 2018.

None of the various cannabis related laws prevent the City from enacting nuisance and land use regulations regarding cannabis. A city is constitutionally authorized to make and enforce within its limits all local police, sanitary, and other ordinances. (Cal. Const. Art. XI, § 7.) Importantly, an applicant for a state license must first obtain local approval for a commercial cannabis use prior to receiving state approval and cannot submit an application for a state license if the proposed business violates a local ordinance.

Staff presented a broad overview on cannabis regulatory policy to the City Council during a study session in August. Staff conducted extensive outreach to inform the community of the study session and offered the public various opportunities to express its opinion on the issues. In addition, Godbe Research conducted a scientific poll of 529 likely Union City voters in November 2020. The survey examined voter attitudes toward the different types of cannabis business; regulations to protect public health, public safety, and the environment; and taxing cannabis operations.

In September 2017, the City Council conducted a joint study session with the Planning Commission regarding cannabis related issues. At the study sessions in August and September, based on staff's recommendation, the City Council directed staff to develop ordinances allowing for the operation of commercial cannabis businesses within the City, coupled with regulations governing such businesses and the process for obtaining the necessary licenses to operate such businesses.

In addition to a regulatory cannabis ordinance, the City Council directed staff to amend the zoning ordinance to allow for commercial cannabis uses and to regulate personal cultivation.

II. DISCUSSION

A. Title 18, Zoning Amendments

The City currently prohibits all cannabis uses including medical marijuana cultivation, delivery and dispensaries.

The proposed amendments related to personal cannabis cultivation are included in Exhibit A to the attached draft Resolution. The amendments include a minor update to Chapter 18.08 to add the definition of "private residence", and the addition of Chapter 18.118, Personal Cultivation of Cannabis, which includes the following provisions:

- Imposes zoning restrictions on the personal cultivation of cannabis pursuant to state law by allowing the personal cultivation of up to six (6) cannabis plants in any private residence, in an accessory structure to a private residence, or outdoors at a private residence, by a person 21 years of age or older or by a person that cultivates medical cannabis as a qualified patient or primary caregiver.

- Requires that all structures and equipment used for cultivation comply with all applicable building and safety codes, that cultivation not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s), and that there be no exterior evidence of cultivation.

- Requires tenants to obtain landlord approval prior to engaging in personal cultivation.

- Limits outdoor cannabis cultivation to a rear or side yard entirely enclosed by a solid fence at least six feet high. The height of the cannabis plants cannot exceed the fence height and must be set back ten (10) feet from the property line.

- Prohibits outdoor cannabis cultivation at private residences where minors reside.

The proposed amendments related to commercial cannabis uses are included in Exhibit B to the attached draft Resolution and include the following:

- Amends Chapter 18.40 to allow commercial cannabis businesses in the ML (Light Industrial) District and MS (Special Industrial District), as permitted by Chapter 18.117, which is added to the Municipal Code by the proposed amendments and makes other amendments for consistency.

- Addition of Chapter 18.117, Commercial Cannabis Uses, which includes the following provisions:

    - Imposes zoning restrictions on commercial cannabis uses authorized and licensed by the State of California. Commercial cannabis uses include manufacturing, testing, distribution, cultivation, retail/dispensary, and microbusinesses.

- Commercial cannabis uses are prohibited from operating in the City except in accordance with Chapter 5.44, which will include the regulatory requirements for commercial cannabis uses. A copy of the draft text amendments for Chapter 5.44 is attached for reference.

- The following commercial cannabis uses are permitted in the Light Industrial (ML) District: cannabis testing, cannabis distribution, indoor cultivation, dispensary/retail and microbusiness.

- The following commercial cannabis uses are permitted in the MS (Special Industrial) District: cannabis testing and dispensary/retail.

- Outdoor commercial cannabis cultivation is prohibited.

- If applicable, the commercial cannabis uses will be subject to administrative site development review or site development review.

With approval of the above amendments, personal cannabis cultivation will be regulated pursuant to the requirements of California law, and commercial cannabis uses will be permitted and regulated in certain zoning districts in the City pursuant to California law.

B. Title 5, Regulatory Ordinance

Pursuant to Chapter 18.64, the Planning Commission reviews proposed amendments to Title 18. Thus, although there are references to the proposed addition of Chapter 5.44 to the Municipal Code, the Planning Commission is not required to review and provide a recommendation on that Chapter. Because there is some intersection with the proposed Municipal Code Text Amendment, AT-17-002, a brief summary of proposed Chapter 5.44 is provided below:

- Commercial cannabis uses are generally prohibited within one hundred feet (100') of a residential zoning district, any school or child care facility, any park, library, or youth center, unless modified by the City Council.

- Commercial cannabis uses are only allowed by permits issued by the City Council. The City Council determines the number and type of permits for the permitted commercial cannabis uses by resolution. Commercial cannabis permits are issued following a competitive process.

- Commercial cannabis businesses are required to install certain security measures and provide a security plan as specified by ordinance.

- Commercial cannabis operators and employees must undergo a background check.

- Permits are issued for a limited one year duration and must be renewed.

It is anticipated that the Planning Commission's recommendation for amendments to Title 18 will be brought before the City Council for second reading, a public hearing, and adoption on October 10, 2017. At this same meeting, the City Council will consider the second

reading of an ordinance establishing a regulatory scheme governing the licensing and regulation of commercial cannabis uses in Chapter 5.44, which was discussed at the September 7 City Council/Planning Commission joint study session.

III. REQUIRED FINDINGS:

Section 18.64.060 requires that when considering Zoning Text Amendments, the Planning Commission shall provide a recommendation to the City Council on the following:

1. Recommendation whether or not the application should be granted or denied, including the reasons for the recommendation; and

2. The relationship of the application or proposal to the general plan and any applicable specific plans; and

3. Whether the change is necessary or desirable to achieve the purposes of Title 18.

IV. ALTERNATIVES:

1. Recommend approval of the proposed Municipal Code Amendments to the City Council as proposed;

2. Recommend approval of the proposed Municipal Code Amendments to the City Council with stated modifications;

3. Recommend denial of the proposed Municipal Code Amendments to the City Council, stating reasons for recommended denial; or

4. Continue the matter for further consideration.

V. RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of Municipal Code Amendments regarding personal cannabis cultivation and commercial cannabis uses to the City Council based on the following specific findings:

1. Approval of the amendments is exempt from environmental review in accordance with Business and Professions Code section 26055(h), the exemption for the adoption of an ordinance that requires discretionary review of permits, and California Environmental Quality Act Guidelines section 15061(b)(3), the general exemption for projects with no potential for significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Municipal Code Amendments will have a significant effect on the environment; and

2. That the proposed Municipal Code Amendments should be granted because the City will benefit economically from the development of a commercial cannabis industry in the City and the City has a substantial interest in protecting residents and businesses against the possible negative secondary effects and adverse impacts of personal cannabis cultivation and commercial cannabis businesses in the City; and

3. That the proposed Municipal Code Amendments are not in conflict with the General Plan; and

4. That the proposed Municipal Code Amendments are necessary and desirable to achieve the purposes of Title 18.

ATTACHMENTS

1. Planning Commission Resolution Recommending Approval to the City Council of Municipal Code Text Amendment, AT-17-002, to Amend Chapter 18.08 and Add Chapter 18.118 to Restrict and Regulate the Personal Cultivation of Cannabis, and to Amend Chapters 18.04, 18.08, and 18.40 and Add Chapter 18.117 to Impose Zoning Restrictions on Various Commercial Cannabis Uses.

   Exhibit A: Text of Proposed Municipal Code Amendment to Title 18 Regarding Personal Cannabis Cultivation
   Exhibit B: Text of Proposed Municipal Code Amendment to Title 18 Regarding Commercial Cannabis Businesses.

2. Draft Text of Proposed Municipal Code Amendment to Add Chapter 5.44 Regarding Licensing and Regulating Commercial Cannabis Uses (for information only)

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ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NUMBER -17

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UNION CITY RECOMMENDING APPROVAL TO THE CITY COUNCIL OF MUNICIPAL CODE AMENDMENTS, AT-17-002, TO AMEND CHAPTER 18.04 AND ADD CHAPTER 18.118 TO RESTRICT AND REGULATE THE PERSONAL CULTIVATION OF CANNABIS, AND TO AMEND CHAPTERS 18.04, 18.08, AND 18.40 AND ADD CHAPTER 18.117 TO IMPOSE ZONING RESTRICTIONS ON VARIOUS COMMERCIAL CANNABIS USES

WHEREAS, the City of Union City is proposing Municipal Code Amendments, AT-17-002, to add Chapter 18.118, amend Chapters 18.04, 18.08, and 18.40, and add Chapter 18.117 of the Union City Municipal Code to restrict and regulate the personal cultivation of cannabis and impose zoning restrictions on various commercial cannabis uses; and

WHEREAS, California voters enacted the Compassionate Use Act ("CUA") in 1996, legalizing medical cannabis; and

WHEREAS, in 2003, the California Legislature adopted the Medical Marijuana Program Act ("MMPA") allowing for collective, cooperative cultivation projects, commonly known as "dispensaries"; and

WHEREAS, in 2015, the Legislature enacted the Medical Cannabis Regulation and Safety Act ("MCRSA"), creating a comprehensive licensing and regulatory scheme for cultivation, manufacturing, distribution, transportation, laboratory testing, and dispensing of medical cannabis; and

WHEREAS, in November 2016, California voters passed Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"), legalizing recreational cannabis use for adults 21 years of age and older with certain restrictions; and

WHEREAS, the Legislature adopted SB 94 in June 2017 to consolidate the medical and recreational regulatory schemes to create one single comprehensive regulatory system to regulate all commercial cannabis uses; and

WHEREAS, the new comprehensive regulatory system created by SB 94, intended to regulate all commercial cannabis uses, is called the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"); and

WHEREAS, the MAUCRSA permits adults 21 years of age and older to cultivate up to six (6) cannabis plants at a private residence; and

WHEREAS, pursuant to MAUCRSA, the City can enact reasonable regulations for the personal cultivation of nonmedical cannabis that occurs inside a residence or

accessory structure, and may completely prohibit outdoor nonmedical cannabis cultivation until such time as the

California Attorney General determines that the nonmedical use of cannabis is lawful in California under federal law; and

WHEREAS, the MAUCRSA creates a comprehensive regulatory and licensing structure for commercial medical and nonmedical cannabis businesses, including cultivation, manufacturing and retail; and

WHEREAS, state licenses for all cannabis businesses are expected to be ready for issuance in January 2018; and

WHEREAS, the CUA, MMPA, AUMA and MAUCRSA do not prevent a city from using its constitutional authority to enact nuisance, health, and safety, and land use regulations regarding commercial cannabis uses and a city retains the authority to prohibit, limit or regulate commercial cannabis uses within its jurisdiction; and

WHEREAS, the City is constitutionally authorized to make and enforce within its limits all local police, sanitary, and other ordinances; and

WHEREAS, an applicant for a state commercial cannabis license must first obtain local approval prior to receiving state approval and cannot submit an application for a state license if the proposed cannabis business violates a local ordinance; and

WHEREAS, the Planning Commission desires to recommend that the City regulate the personal outdoor cultivation and indoor cultivation of cannabis in order to limit the possible negative secondary effects of cannabis cultivation, such as crime and other nuisances; and

WHEREAS, the Planning Commission desires to recommend that the City permit certain commercial cannabis uses in the Light Industrial (ML) District and the MS (Special Industrial) District, and prohibit commercial cannabis uses in all other zoning districts within the City; and

WHEREAS, the Planning Commission desires to recommend that the City prohibit commercial cannabis uses within the City unless it complies with the licensure and regulatory requirements contained in Municipal Code chapter 5.44; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments on September 21, 2017 at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report dated September 21, 2017 (including background reports) and all written and oral testimony; and

WHEREAS, the amendments to the Municipal Code propose to amend Chapter 18.08 and add Chapter 18.118, as shown in Exhibit A, and propose to amend Chapters 18.04, 18.08, and 18.40, and add Chapter 18.117, as shown in Exhibit B, with revisions shown in redline, which exhibits are attached and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Union City does hereby recommend that the City Council find as follows:

1. Approval of the amendments is exempt from environmental review in accordance with Business and Professions Code section 26055(h), the exemption for the adoption of an ordinance that requires discretionary review of permits, and California Environmental Quality Act Guidelines section 15061(b)(3), the general exemption for projects with no potential for significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Municipal Code Amendments AT-17-002 will have a significant effect on the environment; and

2. That the proposed Municipal Code Amendments should be granted because the City will benefit economically from the development of a commercial cannabis industry in the City and the City has a substantial interest in protecting residents and businesses against the possible negative secondary effects and adverse impacts of personal cannabis cultivation and commercial cannabis businesses in the City; and

3. That the proposed Municipal Code Amendments are consistent with the General Plan; and

4. That the proposed Municipal Code Amendments are necessary and desirable to achieve the purposes of Title 18.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Union City hereby recommends approval of the proposed text amendments, AT-17-002, as shown in Exhibit A and Exhibit B, and incorporated herein by reference, to the City Council.

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 September 21, 2017, by the following vote:

AYES:
NOES:
ABSTAINED
ABSENT

MOVED: Commissioner
SECONDED: Commissioner

APPROVED

_____
HARPAL MANN, CHAIRPERSON

ATTEST:

_____
JOAN MALLOY, SECRETARY

2863325.1

EXHIBIT A

Chapter 18.08

DEFINITIONS

18.08.496 Private residence.

"Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling as defined by California Health and Safety Code section 11362.2(b)(5) as may be amended.

…

Chapter 18.118

PERSONAL CULTIVATION OF CANNABIS

18.118.010 Purpose and Intent.

A. The purpose of this chapter is to impose zoning restrictions on the personal cultivation of cannabis pursuant to state law. This chapter is not intended to interfere with a patient's right to use medical cannabis pursuant to state law, as may be amended, nor does it criminalize cannabis possession or cultivation otherwise authorized by state law. This chapter is not intended to give any person or entity independent legal authority to operate a cannabis business, as it is intended simply to impose zoning restrictions regarding personal cultivation of cannabis in the City pursuant to this Code and state law.

18.118.020 Applicability.

A. Nothing in this chapter shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law. No provision of this chapter shall be deemed a defense or immunity to any action brought against any person by the Alameda County District Attorney's office, the Attorney General of the State of California or the United States of America.

18.118.030 Definitions.

A. "Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California

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Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

B. "Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

C. "Personal cultivation" means cannabis cultivation conducted by an individual strictly for that individual's personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Code and state law, including but not limited to Health and Safety Code sections 11362.1 and 11362.2, as may be amended. Personal cultivation also means and includes cultivation of medical cannabis conducted by a qualified patient exclusively for his or her personal medical use, and cultivation conducted by a primary caregiver for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, in accordance with state law, including Health and Safety Code sections 11362.7 and 11362.765, as may be amended. Except as herein defined, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of cannabis.

D. "Indoor cannabis cultivation" means cultivation of cannabis using exclusively artificial lighting.

E. "Mixed-light cannabis cultivation" means cultivation of cannabis using any combination of natural and supplemental artificial lighting. Greenhouses, hoop houses, hot houses and similar structures, or light deprivation systems are included in this category.

F. " Outdoor cannabis cultivation" means cultivation of cannabis using no artificial lighting conducted in the ground or in containers outdoors with no covering. Outdoor cultivation does not include greenhouses, hoop houses, hot houses or similar structures.

G. "Primary caregiver" shall have the same meaning as set forth in Health and Safety Code section 11362.7, as may be amended.

H. "Qualifying patient" or "qualified patient" shall have the same meaning as set forth in Health and Safety Code section 11362.7, as may be amended.

I. "Medical cannabis" or "medicinal cannabis" means cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act (Health and Safety Code section 11362.7 *et seq.*), the Medical Marijuana Program Act (Health and Safety Code section 11362.7 *et seq.*), the Medical Cannabis Regulation and Safety Act (Business and Professions Code section 19300 *et seq.*) and the Medicinal and Adult Use Cannabis Regulation and Safety Act.

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18.118.040 Indoor cannabis cultivation, mixed-light cannabis cultivation and general provisions for personal cultivation.

A. Personal cultivation, indoor cannabis cultivation and mixed-light cannabis cultivation for personal use is permitted on private residences and accessory structures to all private residences within all zoning districts, subject to all of the following minimum standards:

1. All indoor cannabis cultivation and mixed-light cannabis cultivation for personal use, including by a qualified patient or primary caregiver, shall occur at a private residence or accessory structure to a private residence, as those terms are defined in Chapter 18.08.

2. No more than six (6) cannabis plants total, per private residence, may be cultivated indoors or outdoors (or a combination of both) by either a qualified patient, primary caregiver, or an individual over twenty-one (21) years old at each private residence regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residence. For example, a qualified patient or adult over the age of twenty-one (21) may grow three (3) plants outdoors and (3) plants indoors for a total of six (6) plants maximum at one private residence.

3. Medical cannabis shall only be cultivated by:

a. A qualified patient exclusively for his or her own personal medical use but who does not sell medical cannabis to any other person and who can provide a written doctor's recommendation to the City; or

b. A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides medical cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code section 11362.765(c).

4. For persons other than qualified patients or primary caregivers, all personal cultivation shall be conducted by persons twenty-one (21) years of age or older. The cumulative total of cannabis plants on the property of a private residence, indoor and outdoor, shall not exceed six (6) cannabis plants, regardless of the number of persons residing at the private residence.

5. Indoor cannabis cultivation and mixed-light cannabis cultivation of medical and nonmedical cannabis for personal use may occur inside a private residence and/or an accessory building or structure on the same parcel, subject to the following restrictions:

i. Structures and equipment used for indoor cannabis cultivation and/or mixed-light cannabis cultivation, such as indoor grow lights, shall comply with all applicable zoning, building, electrical and fire code regulations as adopted by the City.

ii. All accessory buildings and structures used for indoor cannabis cultivation and/or mixed-light cannabis cultivation shall comply with the locational and other requirements set forth in Title 18.

iii. Personal cultivation of cannabis shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s).

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iv. No exterior evidence of cannabis cultivation occurring at the property shall be discernable from the public right-of-way.

v. A tenant must have landlord approval to engage in personal cultivation of cannabis.

vi. Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis.

vii. Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in this Code.

viii. The cultivation area shall not be accessible to minors.

6. Indoor cannabis cultivation and mixed-light cannabis cultivation for personal use shall comply with all requirements of state law in addition to any requirements imposed by this Code.

<u>18.118.050 Additional regulations for outdoor cannabis cultivation for personal use.</u>

A. Outdoor cannabis cultivation for personal use is permitted at all private residences and accessory structures to all private residences within all zoning districts of the City, subject to all of the following minimum standards:

1. Outdoor cannabis cultivation is only permitted in a rear or side yard that is entirely enclosed by a solid, opaque fence at least six feet high that is associated with a private residence or an accessory dwelling unit.

2. The height of the cannabis plants shall not exceed the standard fence height applicable to the parcel, or six feet, whichever is less.

3. The cannabis plants shall be placed at a minimum setback of ten feet from the edge of canopy to the property line.

4. No exterior evidence of cannabis cultivation occurring at the property shall be visible from the public right-of-way.

6. The cumulative total of cannabis plants outside and inside shall not exceed six cannabis plants, regardless of the number of adults 21 and older, qualified patients, and primary caregivers residing at the private residence.

7. Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis.

8. Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in this Code.

9. Outdoor cannabis cultivation shall not be permitted at private residences where minors reside.

10. Indoor cannabis cultivation and mixed-light cannabis cultivation for personal use shall comply with all requirements of state law in addition to any requirements imposed by this Code.

<u>18.118.060 Enforcement.</u>

A. Nuisance. Any violation of this chapter is declared to be a public nuisance and may be abated by the city pursuant to this Code.

B. Penalty. A violation of this section shall either be a misdemeanor or an infraction at the discretion of the prosecuting attorney. However, notwithstanding anything in this code to the contrary, persons violating this section shall not be subject to criminal liability under this Code solely to the extent such conduct or condition is

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immune from criminal liability pursuant to state law, including the Compassionate Use Act of 1996 (Health and Safety Code section 11362.5), the Medical Marijuana Program Act (Health and Safety Code sections 11362.7 et seq.), or the Adult Use of Marijuana Act, as they may be amended. This section does not prohibit the city from abating violations of this section by any administrative, civil or other non-criminal means. In such cases, a violation of this section may be considered the civil or administrative equivalent of an infraction or misdemeanor as applicable.

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EXHIBIT B

Chapter 18.04

GENERAL PROVISIONS

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18.04.210 Permitted, conditional and prohibited uses.

A. Permitted Uses. Permitted uses are as listed for each zoning district.

B. Conditional Uses. Conditional uses as listed for each zoning district shall be permitted upon granting of a use permit.

C. Prohibited Uses. The following uses are prohibited in all zoning districts.

1. Uses Not Listed. A use that is not listed as a permitted or conditionally permitted use is not a permitted use, unless a similar-use determination is made by the Director, Zoning Administrator or Planning Commission as provided in the particular zoning district.

2. Prohibited Uses. The following uses are prohibited in all zoning districts.

~~a. Medical *marijuana* dispensary, as defined in Section 18.08.403.~~

a~~b~~. Vapor bar/lounge, as defined in Section 18.08.612.

b~~c~~. E-cigarette bar/lounge, as defined in Section 18.08.242.

c~~d~~. Hookah bar/lounge, as defined in Section 18.08.282.

~~e. Medical *marijuana* cultivation, as defined in Section 18.08.401.~~

~~f. Medical *marijuana* delivery, as defined in Section 18.08.402.~~

3. Permits. No permits or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, building permit, conditional use permit, or other land use approval, shall be approved or issued for the establishment or operation of a prohibited use in the City of Union City.

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Chapter 18.08

DEFINITIONS

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~~18.08.401 Medical marijuana cultivation.~~

~~"Medical marijuana cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana as defined in California Business and Professions Code Section 19300.5(l) as that section may be amended from time to time.~~

~~18.08.402 Medical marijuana delivery.~~

~~"Medical marijuana delivery" shall have the same meaning as "delivery" as defined in California Business and Professions Code Section 19300.5(m) as that section may be amended from time to time.~~

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~~18.08.403 Medical marijuana dispensary.~~

~~"Medical marijuana dispensary" or "dispensary" means: (1) any facility, building, structure or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical marijuana to two (2) or more of the following: a qualified patient or a person with an identification card, or a primary caregiver, in strict accordance with California Health and Safety Code Section 11362.5 et seq.; or (2) any facility, building, structure or location where two (2) qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate in order to collectively or cooperatively distribute, sell, dispense, transmit, process, deliver, exchange or give away marijuana for medicinal purposes pursuant to California Health and Safety Code Section 11362.5 et seq., and such group is organized as a medical marijuana cooperative or collective as set forth in the Attorney General's guidelines. The terms "primary caregiver," "qualified patient," and "person with an identification card" shall be as defined in California Health and Safety Code Section 11362.5 et seq.~~

~~For purposes of this chapter, a "medical marijuana dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by applicable law and complies strictly with applicable law, including, but not limited to, California Health and Safety Code Section 11362.5 et seq.~~

~~1. A clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code;~~

~~2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code;~~

~~3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code;~~

~~4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code;~~

~~5. A residential hospice or a home health agency licensed pursuant to Chapter 8 of the California Health and Safety Code.~~

Chapter 18.40

INDUSTRIAL DISTRICTS

Article II. ML (Light Industrial) District Regulations

18.40.220 Principal uses permitted.

…

L. Miscellaneous Manufacturing and Uses.

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Commercial cannabis use as permitted by Chapter 18.117 and consistent with this chapter;

…

Article III. MS (Special Industrial) District Regulations

18.40.320 Principal uses permitted.

…

G. Miscellaneous Manufacturing and Uses.

…

Commercial cannabis use as permitted by Chapter 18.117 and consistent with this chapter;

…

Chapter 18.117

COMMERCIAL CANNABIS BUSINESSES

18.117.010 Purpose and Intent.

A. The purpose of this chapter is to impose zoning restrictions on various commercial cannabis uses authorized and licensed by the State of California pursuant to state law. This chapter is not intended to give any person or entity independent legal authority to operate a commercial cannabis use, it is intended to impose zoning restrictions regarding commercial cannabis businesses that may operate in the City pursuant to the Union City Municipal Code and state law. This chapter is in addition to any other business license and regulatory requirements imposed on cannabis businesses by this Code or other applicable state law. If a commercial cannabis use is not specifically permitted in this chapter it is not allowed in any zone within the City.

18.117.020 Applicability.

A. Nothing in this chapter shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law. No provision of this chapter shall be deemed a defense or immunity to any action brought against any person by the Alameda County District Attorney's office, the Attorney General of the State of California or the United States of America.

18.117.030 Definitions.

A. "Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus

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Cannabis that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

B. "Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

C. "Indoor cannabis cultivation" means cultivation of cannabis using exclusively artificial lighting.

D. "Mixed-light cannabis cultivation" means cultivation of cannabis using any combination of natural and supplemental artificial lighting. Greenhouses, hoop houses, hot houses and similar structures, or light deprivation systems are included in this category.

E. "Outdoor cannabis cultivation" means cultivation of cannabis using no artificial lighting conducted in the ground or in containers outdoors with no covering. Outdoor cultivation does not include greenhouses, hoop houses, hot houses or similar structures.

F. "Cannabis dispensary" or "dispensary" means any commercial cannabis facility, whether fixed or mobile, operated in accordance with state and local laws and regulations, where cannabis and/or cannabis products are offered for retail sale, including an establishment that delivers cannabis and/or cannabis, products as part of a retail sale, operated pursuant to a cannabis license Type 10, or a cannabis license type subsequently established.

G. "Cannabis distribution facility" means the location or a facility, whether fixed or mobile, where a person conducts the business of procuring, selling, and transporting cannabis, and the inspection, quality assurance, storage, labeling, packaging and other related processes. This facility requires a cannabis license Type 11, or a cannabis license type subsequently established.

H. "Cannabis license" means a state license issued pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA") or a subsequently applicable state law.

I. "Cannabis licensee" means a person issued a state license under MAUCRSA to engage in commercial cannabis uses or activity.

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J. “Cannabis manufacturer” means a person that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products, either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or re-labels its container, that holds a cannabis license Type 6 or 7, or a cannabis license type subsequently established.

K. “Cannabis manufacturing facility” means a facility operated by a cannabis manufacturer for the manufacturing of cannabis.

L. “Cannabis nursery” means a cannabis licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

M. “Cannabis testing service” or “cannabis testing laboratory” means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products, including the equipment provided by such laboratory, facility, or entity, that holds a cannabis license Type 8, or a cannabis license type subsequently established.

N. “Commercial Cannabis Permit,” “Cannabis Permit,” or “Permit” means a permit issued by the City pursuant to Chapter 5.44 for the operation of a commercial cannabis use within the City.

O. “Commercial cannabis use” means any commercial cannabis activity licensed pursuant to the MAUCRSA, including but not limited to, cultivation, possession, distribution, laboratory testing, labeling, retail, delivery, sale or manufacturing of cannabis or cannabis products. “Commercial cannabis use” also means any cannabis activity licensed pursuant to additional state laws regulating such businesses. Commercial cannabis uses shall not include legal medical cannabis or cannabis activities carried out exclusively for one’s personal use that do not involve commercial activity or sales.

P. “Microbusiness” means a commercial cannabis facility operating under a cannabis license Type 12, or a cannabis license type subsequently established, and meeting the definition of microbusiness pursuant to Business and Professions Code section 26070(a)(3)(A), as may be amended, which cultivates less than 10,000 square feet of cannabis and acts as a licensed distributor, Level 1 manufacturer, and retailer.

<u>18.117.040 General conditions.</u>

A. Commercial cannabis uses are prohibited from operating in all zoning districts in the City except as expressly permitted by and in conformance with the provisions of this chapter as well as Chapter 5.44.

B. All commercial cannabis uses permitted by this chapter must, prior to establishing and operating any such commercial cannabis use, obtain and maintain at all times a valid cannabis license, as may be applicable, and any local permit, license, variance or other entitlement required by this Code, including a commercial cannabis permit.

C. All commercial cannabis uses permitted by this chapter must comply with distance and setback requirements of this Code, including Title 18 and Chapter 5.44, and any established conditions of approval with a commercial cannabis permit.

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D. No commercial cannabis use may operate without a commercial cannabis permit issued by the City.

E. The City is not obligated to issue commercial cannabis permits, but may do so pursuant to Chapter 5.44.

18.117.050 Cannabis manufacturing facility.

A. Cannabis manufacturing facilities are permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit issued pursuant to Chapter 5.44, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76 , in the following zone:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.

18.117.060 Cannabis testing service.

A. Cannabis testing services are permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76, in the following zones:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.

2. Special Industrial (MS), subject to any applicable requirements of Chapter 18.40, Article III, MS (Special Industrial) District Regulations.

18.117.070 Cannabis distribution facility.

A. Cannabis distribution facilities are permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit issued pursuant to Chapter 5.44, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76, in the following zone:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.

18.117.080 Cannabis cultivation.

A. Indoor cannabis cultivation and mixed-light cannabis cultivation is permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit issued pursuant to Chapter 5.44, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76, in the following zone:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.

B. Outdoor cannabis cultivation for commercial purposes is prohibited in all zoning districts.

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18.117.090 Cannabis dispensary/retail under cannabis license Type 10.

A. Cannabis dispensaries, including non-storefront retail cannabis businesses, are permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit issued pursuant to Chapter 5.44, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76, in the following zones:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.

2. Special Industrial (MS), subject to any applicable requirements of Chapter 18.40, Article III, MS (Special Industrial) District Regulations.

18.117.100 Microbusiness.

A. Microbusinesses are permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit issued pursuant to Chapter 5.44, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76, in the following zone:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.

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ATTACHMENT 2

Draft text of proposed Municipal Code Amendment to Add Chapter 5.44 Regarding Licensing and Regulating Commercial Cannabis Use

(FOR INFORMATION ONLY - NO ACTION NEEDED)

Chapter 5.44

CANNABIS

5.44.010 Purpose and Intent.

A. The purpose of this chapter is to identify and establish standards for uses related to cannabis cultivation, use, and commercial activities that are permitted, but which have the potential to create significant effects on the community and surrounding properties. Furthermore, it is the purpose and intent of this chapter to:

1. Assist law enforcement agencies in performing their duties effectively and in accordance with California law.

2. Acknowledge that the cultivation of medical and nonmedical cannabis is illegal under federal law, while granting limited immunity from local prosecution to those medical and nonmedical cannabis activities that do not violate the restrictions and limitations set forth in this chapter or California law.

3. Ensure that cannabis grown for medical and nonmedical purposes remains secure and does not find its way to minors or illicit markets.

4. Implement state law by providing an equitable approach for regulating the cultivation of medical and nonmedical cannabis in a manner that is consistent with state law and balances the needs of businesses, medical patients and their caregivers with the health, safety, morals and general welfare of the residents and businesses within the city.

5. Require that medical and nonmedical commercial cannabis and commercial cannabis products be cultivated in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the public domain, to provide for the health, safety and welfare of the public, to prevent odor created by cannabis plants from impacting adjacent properties, and to ensure that cannabis remains secure and does not find its way to minors or illicit markets.

5.44.020 Definitions

A. "Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of

any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

B. "Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

C. "Cannabis cultivation area" means the total aggregate area(s) of cannabis cultivation on a single premise as measured around the outermost perimeter of each separate and discrete area of cannabis cultivation at the drip-line of the canopy expected at maturity and includes, but is not limited to, the space between plants within the cultivation area, the exterior dimensions of garden beds, garden plots, hoop houses, green houses, and each room or area where cannabis plants are grown.

D. "Cannabis indoor cultivation" means cultivation of cannabis using exclusively artificial lighting.

E. "Cannabis mixed-light cultivation" means cultivation of cannabis using any combination of natural and supplemental artificial lighting. Greenhouses, hoop houses, hot houses and similar structures, or light deprivation systems are included in this category.

F. "Cannabis outdoor cultivation" means cultivation of cannabis using no artificial lighting conducted in the ground or in containers outdoors with no covering. Outdoor cultivation does not include greenhouses, hoop houses, hot houses or similar structures.

G. "Cannabis cultivation site" means the premise(s), leased area(s), property, location or facility where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where all or any combination of those activities.

H. "Cannabis dispensary" or "dispensary" means any commercial cannabis facility, whether fixed or mobile, operated in accordance with state and local laws and regulations, where cannabis and/or cannabis products are offered for retail sale, including an establishment that delivers cannabis and/or cannabis, products as part of a retail sale, operated pursuant to a cannabis license Type 10, or a cannabis license type subsequently established.

I. "Cannabis distribution facility" means the location or a facility, whether fixed or mobile, where a person conducts the business of procuring, selling, and transporting cannabis, and the inspection, quality assurance, storage, labeling, packaging and other related processes. This facility requires a cannabis license Type 11 or a cannabis license type subsequently established.

J. "Cannabis license" means a state license issued pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA").

K. "Cannabis licensee" means a person issued a state license under MAUCRSA to engage in commercial cannabis uses or activity.

L. "Cannabis manufacturer" means a person that produces, prepares, propagates, or compounds cannabis or cannabis products, either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or

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repackages cannabis or cannabis products or labels or re-labels its container, that holds a cannabis license Type 6 or 7, or a cannabis license type subsequently established, and that holds a valid local license or permit.

M. “Cannabis manufacturing facility” means a facility operated by a cannabis manufacturer.

N. “Cannabis nursery” means a cannabis licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis

O. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

P. “Cannabis testing service” or “cannabis testing laboratory” means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products, including the equipment provided by such laboratory, facility, or entity, that holds a cannabis license Type 8, or a cannabis license type subsequently established.

Q. “Chief of Police” means the Police Chief of the City, or his or her designated representative.

R. “Child care center” shall have the same meaning as “child day care facility” in Health and Safety Code section 1596.750, and as “day care center” in Health and Safety Code section 1596.76, as both may be amended: any child care facility, including infant centers, preschools, extended day care facilities, and school-age child care centers where nonmedical care is provided to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

S. “City” means the City of Union City.

T. “City Manager” means the City Manager of the City of Union City, or his or her designated representative.

U. “Commercial Cannabis Permit,” “Cannabis Permit,” or “Permit” shall mean a permit issued by the City pursuant to this chapter for the operation of a commercial cannabis use within the City.

V. “Commercial cannabis use” means any commercial cannabis activity licensed pursuant to MAUCRSA, including but not limited to, cultivation, possession, distribution, laboratory testing, labeling, retail, delivery, sale or manufacturing of cannabis or cannabis products. “Commercial cannabis use” also means any cannabis activity licensed pursuant to additional state laws regulating such businesses. Commercial cannabis uses shall not include legal medical cannabis or cannabis activities carried out exclusively for one’s personal use that do not involve commercial activity or sales.

W. “Council” or “City Council” means the City Council of the City of Union City.

X. “Distributor” means any commercial cannabis operation that distributes cannabis or cannabis products under a cannabis license Type 11, or a cannabis license type subsequently established.

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Y. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

Z. “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

AA. “Medical cannabis” or “medicinal cannabis” means cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act (“CUA,” Health and Safety Code section 11362.7 *et seq.*), the Medical Marijuana Program Act (“MMPA,” Health and Safety Code section 11362.7 *et seq.*) and the Medical Cannabis Regulation and Safety Act (“MCRSA,” Business and Professions Code section 19300 *et seq.*) and MAUCRSA.

BB. “Microbusiness” means a commercial cannabis facility operating under a cannabis license Type 12, or a cannabis license type subsequently established, and meeting the definition of microbusiness pursuant to Business and Professions Code section 26070(a)(3)(A), as may be amended, which cultivates less than 10,000 square feet of cannabis and acts as a licensed distributor, Level 1 cannabis manufacturer, and retailer.

CC. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, tribe, or any other group or combination acting as a unit and includes the plural as well as the singular number.

DD. “Premises” means a legal parcel, or a leasehold interest in land, or a leased or owned space in a building where the commercial cannabis use will be or is conducted.

EE. “Primary caregiver” shall have the same meaning as set forth in Health and Safety Code section 11362.7, as may be amended.

FF. “Public place” means any publicly owned property or property on which a public entity has a right of way or easement. Public place also means any private property that is readily accessible to the public without a challenge or barrier, including but not limited to front yards, driveways, and private businesses.

GG. “Qualifying patient” or “qualified patient” shall have the same meaning as set forth in Health and Safety Code section 11362.7, as may be amended.

HH. “Operator” means the natural person or designated officer responsible for the operation of any commercial cannabis use and issued a permit pursuant to this chapter.

II. “Sale,” “sell,” and “to sell” shall have the same meaning as set forth in Business and Professions Code section 26001(aa), as may be amended: any transaction whereby, for any consideration, title to cannabis is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom such cannabis or cannabis product was purchased.

JJ. “School” means any public or private school providing instruction to students in kindergarten or any grades 1 through 12.

KK. “Volatile solvent” means volatile organic compounds, including but not limited to: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline,

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Kerosene, 02 or H2; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene as determined by the Fire Marshall

LL. "Youth center" shall have the same meaning as in Health and Safety Code section 11353.1, as may be amended: any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

5.44.030 Standards for All Commercial Cannabis Uses

A. Purpose. This Section provides the application, development, operating, and permit standards for all commercial cannabis uses within the City. Additional standards may apply to particular commercial cannabis uses, as established in other Sections of this chapter and as imposed by a commercial cannabis permit.

B. Applicability. Commercial cannabis uses shall be permitted only in compliance with the requirements of this chapter, state law and all applicable requirements of the Union City Municipal Code and a commercial cannabis permit issued pursuant to this chapter. Except for hospitals and research facilities that obtain written permission for cannabis cultivation under federal law, it is unlawful to cultivate, distribute, manufacture, test or transport cannabis, in amounts that exceed personal use allowances under California law, within the City without a valid permit issued pursuant to the provisions of this chapter. Possession of other types of State or City permits or licenses does not exempt an opeartor from the requirement of obtaining a permit under this chapter.

C. Limitations on Use. Commercial cannabis uses shall only be allowed in compliance with this chapter and all applicable codes set forth in the Union City Municipal Code, including but not limited to: building, plumbing, electrical, fire, hazardous materials, and public health and safety. The operator shall comply with all laws and regulations applicable to the type of use, and shall comply with all permit, license, approval, inspection, reporting and operational requirements of other local, state or other agencies having jurisdiction over the type of operation. The operator shall provide copies of other agency and department permits, licenses, or certificates to the City to serve as verification for such compliance.

D. Permit Requirements and Application Procedure. A commercial cannabis permit shall be required for any commercial cannabis use operating within the City. Commercial cannabis uses shall also be subject to permit requirements and regulations established by the state and those established by the City Council through resolution or ordinance. Commercial cannabis permits shall be subject to the requirements and limitations set forth in this chapter and shall be issued according to the following procedure:

1. The City Council shall establish the number of permits issued for each type of commercial cannabis use by resolution, as may be adjusted from time to time. The City Council is not obligated to adopt a resolution to issue permits for any type of commercial cannabis use.

2. The City Council may in its sole discretion elect, by resolution, to open the process for accepting applications for permits for specified commercial cannabis uses.

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Nothing in this chapter obligates the City Council to open the process for accepting applications. The City Council shall adopt the procedures to govern the application process and the manner in which the City Council will determine the most qualified applicant to receive the permit(s). Following an open application period and review of applications by City staff and recommendations by the City Manager consistent with the City Council adopted procedures, the City Council shall consider commercial cannabis permit applications meeting minimum qualifications at a public hearing. The City shall provide notice to properties and property owners within 300 feet of the boundaries of the property upon which the commercial cannabis use is proposed at least fifteen (15) days prior to the public hearing for consideration of the permit application(s). The City Council may issue up to the maximum number of qualified commercial cannabis permits, as established by resolution, with any and all conditions that the City Council deems necessary. The City Council is not required to issue any permits following the application process and may issue fewer permits than there are qualified applicants. Any amendments to a commercial cannabis permit issued shall be approved by the City Council.

3. If a commercial cannabis permit becomes available within twelve (12) months following the close of a previous application period, City staff may first review all minimally qualified applications from the prior application process, and consider them for submittal to the City Council pursuant to the public hearing process in Section 5.44.030(D)(2).

4. The City Council may adopt by resolution such forms, fees, and procedures as are necessary to implement this chapter with respect to the initial selection, future selection, investigation process, renewal, revocation, and suspension of any permit. Such procedures may include a priority ranking system, and appointment of staff review panel for cannabis permits.

5. The City reserves the right to reject any or all applications. Prior to permit issuance, the City may also modify, postpone, or cancel any request for applications at any time without liability, obligation, or commitment to any party, firm, or organization. Applicants for permits assume the risk that the City may elect to terminate or not issue permits for any commercial cannabis uses at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application.

6. The application must include, at a minimum, the following:

a. Signed Affidavit. The property owner and applicant, if other than the property owner, shall sign the application for the cannabis permit, and shall include affidavits agreeing to abide by and conform to the conditions of the permit and all provisions of the Union City Municipal Code pertaining to the establishment and operation of the commercial cannabis use, including, but not limited to, the provisions of this Section. The affidavit(s) shall acknowledge that the approval of the cannabis permit shall, in no way, permit any activity contrary to the Union City Municipal Code, or any activity which is in violation of any applicable laws.

b. All necessary information related to the proposed commercial cannabis use and its proposed operators, including names, birth dates, addresses, social security numbers, relevant criminal history, relevant work history, names of businesses owned or operated by the applicant within the last ten (10) years, investor and/or partner

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information, and APN number of the parcel upon which the commercial cannabis use will be located. Certain private information will be exempt from disclosure to the public, pursuant to applicable law, to protect an individual's privacy interests and public health and safety.

c. Operating Plan as required under Section 5.44.050(D).

d. Security Plan as required under Section 5.44.030(J).

e. A zoning verification letter from the Economic and Community Development Department that the proposed location of the commercial cannabis use is consistent with Title 18.

f. Property Owner Consent. Permits for commercial cannabis uses shall only be issued where written permission from the property owner and/or landlord is provided. The applicant shall provide evidence of such written consent.

g. Air Quality. The applicant shall provide a calculation of the anticipated emissions of air pollutants. Applicants are encouraged to design their project so as to minimize or avoid air pollutant emissions.

h. Greenhouse Gas Emissions. The applicant shall provide calculations of the anticipated greenhouse gas emissions for the operation of the commercial cannabis use. The applicant shall further demonstrate compliance with any applicable state, regional, or local plan for the reduction of greenhouse gas emissions. No cannabis permit shall be granted for any commercial cannabis use that would violate any state, regional, or local plan for the reduction of greenhouse gases, nor shall any cannabis permit be issued where the construction and/or operation of the commercial cannabis use would exceed any applicable threshold of significance for greenhouse gas emissions under the California Environmental Quality Act.

i. Hazardous Materials. To the extent that the applicant intends to use any hazardous materials in its operations, the applicant shall provide a completed building occupancy classification form, identifying all hazardous materials proposed for storage, use or handling on the premises, including compressed and cryogenic gases such as carbon dioxide, nitrogen, and others. "Hazardous materials" includes any hazardous substance regulated by any federal, state, or local laws or regulations intended to protect human health or the environment from exposure to such substances.

j. Water Supply. The applicant shall demonstrate to the satisfaction of the City that sufficient water supply exists for the use.

k. Wastewater. The applicant shall demonstrate to the satisfaction of the City that sufficient wastewater capacity exists for the proposed use. To the extent the proposed use will result in agricultural or industrial discharges to the City's wastewater system, the applicant shall provide a plan for meeting all federal, state, and local requirements for such discharges.

l. Parking. The application shall be accompanied by a site plan that demonstrates compliance with applicable parking requirements.

m. New or Improved Structures. If new structures or exterior and/or interior building improvements are proposed, including additions to existing buildings and installation of equipment such as tanks for storing hazardous materials, a site plan, floor plan, and elevation plan detailing the location and design shall be submitted with the application.

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n. Deferred Maintenance. Any deferred maintenance issues associated with the building and site shall be addressed prior to establishment of the use. This includes, but is not limited to, replacement of dead or deficient landscaping, re-painting of the building, repaving or restriping of parking lot area, replacement of damaged fencing, removal or replacement of uplifted sidewalks, and removal of any trash or debris. A site plan shall be submitted with the application detailing any proposed improvements necessary to comply with this provision.

E. Limited Term and Interests. Permits shall be limited-term, and shall be issued for a maximum period of one (1) year. No property interest, vested right, or entitlement to receive a future permit to operate a commercial cannabis use shall inure to the benefit of such operator as such permits are revocable. The City may elect at any time to cease issuing commercial cannabis permits, including upon receiving credible information that the federal government will commence enforcement measures against such businesses and/or local governments that permit them.

F. Permit Requirements. In addition to state permitting requirements and the requirements of this chapter, all commercial cannabis uses shall be subject to the applicable requirements of Title 18. The City may refuse to issue any discretionary or ministerial permit, license, variance or other entitlement, which is sought pursuant to this Code, including a building permit, where the property upon which the use or structure is proposed is in violation of the Union City Municipal Code, or any other local, state or federal law. Commercial cannabis uses shall also be subject to permit requirements and regulations established by the Union City Municipal Code and any additional requirements established by other sections of this chapter, resolution or ordinance of the City Council. Operators must also obtain a City business license.

1. Operator Qualifications. Commercial cannabis operators must meet the following qualifications:

a. Operators must be 21 years of age or older.

b. Operators shall be subject to a background investigation by the Chief of Police at the time of application for a permit. Permits for commercial cannabis uses shall not be permitted for operators that:

i. are on parole or probation for the possession, sale, manufacture, use, distribution or transportation of a controlled substance; or

ii. have been convicted of a crime of moral turpitude; or

iii. have been convicted of any misdemeanor or felony within the last ten years involving the following: the use of violence, force, fear, fraud or deception; or the unlawful possession, sale, manufacture, use, distribution or transportation of a controlled substance; or the use of money to engage in criminal activity; or the unlawful possession or use of a firearm. Permits for commercial cannabis uses shall not be permitted for operators with criminal convictions that substantially relate to the qualifications, functions, or duties of the business or profession, including a felony conviction involving fraud, deceit, or embezzlement, a criminal conviction for the sale or provision of illegal controlled substances to a minor, or any criminal conviction for a crime moral turpitude as determined by the Chief of Police.

2. Exercise and Renewal of Permit. Commercial cannabis permits shall be exercised only by the operator and shall expire upon termination of the business for which it was issued, or upon sale or transfer of ownership of the business engaged in

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the commercial cannabis use, unless the operator obtains City approval. All permits issued shall include the following provision: "This permit shall expire upon change of tenancy or sale or transfer of the business or property." Any permit that is abandoned for a period of six (6) months shall automatically expire, and shall become null and void with no further action required on the part of the City. Permits for commercial cannabis uses, other than dispensaries, shall be issued to the operator for a period not to exceed one (1) year from the date of permit approval and shall be subject to annual permit renewals. The operator must apply for permit renewal a minimum of 30 days prior to the expiration of the limited term permit. A commercial cannabis permit may have its renewal request administratively approved by the City Manager only if all of the following findings are made:

a. The use has been conducted in accordance with this chapter, with the operator's approved operating and security plans, and with all applicable permit conditions of approval, state and local laws and regulations.

b. The business for which the permit was approved has not been transferred to another owner or operator.

c. There are no outstanding violations of health, safety, or land use.

d. The commercial cannabis use for which the permit was approved has remitted all City taxes and fees due.

3. Revocation and Suspension. Any permit issued under this chapter for commercial cannabis uses may be immediately suspended for any of the reasons listed in (a) through (h) below. Any permit issued under this chapter may be revoked by the City Manager, following notice and opportunity for a hearing, upon any of the following:

a. An operator fails to comply with the requirements of this chapter, this Code or any conditions of approval of the permit.

b. An operator's state license for commercial cannabis uses is revoked, terminated, or not renewed.

c. The commercial cannabis use has not been in regular and continuous operation for three (3) consecutive months.

d. State law permitting the use for which the permit was issued is amended or repealed resulting in prohibition of such use, or the City receives credible information that the federal government will commence enforcement measures against such businesses and/or local governments that permit them.

e. Circumstances under which the permit was granted have changed and the public health, safety, and welfare require the suspension, revocation, or modification.

f. The permit was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the permit application.

g. The operator fails to remit City taxes or fees when due.

h. The operator's state license for commercial cannabis uses is suspended. The City shall not reinstate the permit until documentation is received showing that the state license has been reinstated or reissued. The City Manager shall have discretion as to whether to reinstate any permit.

4. False or misleading information. Applicants providing false or misleading information in the permitting process will result in rejection of the application and/or nullification or revocation of any issued permit.

5. Appeals.

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a. Within ten (10) calendar days after the date of a decision of the City Manager to revoke, suspend or not renew a permit, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was improper.

b. At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council.

c. Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo, and shall conduct the hearing pursuant to the procedures set forth by the City.

d. The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing. The operator shall not operate the commercial cannabis use while awaiting appeal.

e. At the hearing, the appellant may present any information the appellant deems relevant to the decision appealed.

f. At the conclusion of the hearing the City Council may affirm, reverse or modify the decision of the City Manager. The decision of the City Council shall be final.

G. Compliance with County Health Officials. Commercial cannabis uses shall be subject to any permit requirements and regulations, including inspections, established by the Alameda County Public Health Department. All such permit requirements and regulations shall be interpreted to implement the purpose and intent of this chapter, and shall not prohibit any commercial cannabis use allowed under this chapter.

H. Development Standards.

1. Building Requirements. All structures used for commercial cannabis uses shall comply with all applicable sections of the Union City Municipal Code and shall obtain all required approvals, including any required discretionary approvals or building permits, prior to occupation of the structure. Commercial cannabis uses that provide access to the public including, but not limited to, employees, vendors, contractors, business partners, members, customers or patients shall meet Union City Municipal Code requirements for accessibility including accessible parking, accessible path of travel, restrooms, and washing facilities.

2. Emissions Control. All commercial cannabis uses shall utilize appropriate measures in construction and, where applicable, operations to prevent the emissions of dust, smoke, noxious gases, or other substances that have the potential to impact local or regional air quality.

3. Odor Control and Ventilation. Commercial cannabis uses shall comply with all current and future state laws and regulations related to odor control and ventilation, in addition to any specific requirements for the particular use established in this chapter. No commercial cannabis use may operate in a manner whereby cannabis odors are detectable from adjacent and nearby properties. All commercial cannabis uses must install a ventilation system that adequately controls for odor, humidity, and mold.

I. Health and Safety. Commercial cannabis uses shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses

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by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.

J. Security. The following security measures shall be required by all operators. Additional security measures may apply to particular commercial cannabis uses, as established in this chapter.

1. A site security plan shall be required at the time of permit application and shall be subject to review and approval by the Chief of Police and the City Manager. All site security plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Such plans shall include, at a minimum, information regarding the implementation of the requirements of this Section 5.44.030(J). The Chief of Police may require additional information, including but not limited to, if required, identification of on-site security personnel and proper certification of personnel, be included in the site security plan.

2. Commercial cannabis uses must have security cameras installed that shall be motion-sensored and capable of recording activity on the premises, including entry points to the property, and within all buildings and structures on the premises, including all entrances, exits, perimeter windows and all areas where customers and employees may have access, with the exception of any restroom area. Security cameras shall record 24 hours per day, 7 days per week. The premises shall be equipped with, and at all times be monitored by, a secure web-based surveillance system. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of an individual committing a crime on the premises and the ability to capture license plates entering and exiting the premises. The operator shall provide the Chief of Police remote access of any on-site web-based video surveillance to monitor remotely at any time. Additionally:

a. Areas where cannabis is grown, tested, cured, manufactured, or stored shall have camera placement in the room facing the primary entry door at a height which will provide a clear unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.

b. Cameras shall also be placed at each location where weighing, packaging, transport preparation, processing, or labeling activities occur. Cameras shall be positioned to record all weighing, packaging, transport preparation, processing, or labeling activities

c. At least one camera must be dedicated to record the access points to the secured surveillance recording area.

d. At each point-of-sale location, camera coverage must enable recording of the customer(s) and employee(s) facial features with sufficient clarity to determine identity.

3. Surveillance video shall be kept for a minimum of sixty (60) days in a format that can be easily accessed for viewing. Operators shall be required to cooperate with all law enforcement investigations and provide video footage related to any such investigation upon request. Motion-sensor lighting and alarms shall be required and shall be professionally installed and monitored to insure the safety of persons and to protect the premises from theft. Alarm and surveillance systems shall be equipped with a failure notification system that provides prompt notification to the

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operator of any prolonged surveillance interruption and/or failure of the system. All surveillance equipment, records and recordings must be stored in a secured area that is only accessible to management staff. Operators must keep a current list of all authorized employees who have access to the surveillance system and/or alarm system.

4. An operator shall maintain up-to-date and current records and existing contracts on the premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of any alarm installation company, and the name of any monitoring company. All monitoring companies shall be licensed by the Bureau of Security and Investigative Services to monitor motion-sensor lighting and alarms. Off-site monitoring and video recording storage of the premises by the operator or an independent third-party is authorized as long as standards exercised at the remote location meet or exceed all standards for on-site monitoring.

5. All security measures installed on the premises shall have the capability to remain fully operational during a power outage.

6. Weapons and firearms are prohibited on the premises, unless authorized by the Chief of Police. This provision shall not apply to public officials engaged in official duty.

7. Security measures shall be designed to ensure emergency access in compliance with fire safety standards.

8. All structures used for commercial cannabis use shall have locking doors, with commercial-grade non-residential locks, to prevent free access.

9. Security measures shall prevent individuals from remaining on the premises of the commercial cannabis use if they are not engaging in activities expressly related to the operations of the commercial cannabis use.

10. Security measures shall include a transportation plan that details the procedures established for the safe and secure transport of cannabis, cannabis products, and currency to and from the commercial cannabis use premises, including the transfer of currency for remitting City tax payments

11. Except for live growing cannabis plants and products on display for sale at dispensaries during hours which the business is open to the public, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault that meets approval of the Chief of Police. To the fullest extent possible, all cannabis and cannabis products shall be kept in a manner that prevents theft and loss, except for limited amounts used for the purposes of display or immediate sales.

12. Panic buttons shall be installed in all commercial cannabis use premises with easy access by employees and all employees shall be properly trained on its use.

13. Any security bars installed on the windows or the doors of the commercial cannabis use shall be installed only on the interior of the building in compliance with all applicable codes.

14. Windows and roof hatches of the premises shall be secured from the inside with effective means so as to prevent unauthorized entry, and shall be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable provisions in this Code.

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15. Each commercial cannabis use shall identify a liaison and provide contact information to the Chief of Police who shall be available at all times to meet with the Chief of Police regarding security measures and operational issues.

16. Minimum lighting level of one-foot candle shall be provided at building entrances and in parking lot areas. All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. Exterior lighting on the premises shall be balanced to complement the security/surveillance systems to ensure all areas of the premises are visible, and shall provide increased lighting at all entrances to the premises. The lighting required shall be turned on from dusk to dawn. The site security plan shall include a photometric plan meeting these requirements and fixture details if new or upgraded lighting is required.

K. Operating Standards. In addition to any other requirements, the following are the minimum development criteria and operational standards applicable to commercial cannabis uses:

1. The commercial cannabis use shall provide adequate security on the premises pursuant to Section 5.44.030(J), and any additional requirements in this section, including lighting and alarms, to insure the safety of persons and to protect the premises from theft.

2. The site plan, circulation, parking, lighting, facility exterior, and any signage shall be subject to the requirements of Title 18 and City review and approval.

3. No exterior signage or symbols shall be displayed which advertises the availability of cannabis, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior.

4. Odor control devices and techniques shall be incorporated in all commercial cannabis uses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis uses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation and is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis use. As such, commercial cannabis uses must install and maintain the following equipment or any other equipment which the Building Official or designee determines has the same or better effectiveness:

a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or,

b. An air system that creates negative air pressure between the commercial cannabis use's interior and exterior so that the odors generated inside the commercial cannabis use are not detectable on the outside of the commercial cannabis use site.

5. No cannabis shall be consumed on the premises of any commercial cannabis use, unless allowed under a permit. On-site consumption of cannabis may be allowed if expressly permitted by the permit, and if consumption occurs in accordance with state laws and regulations, as may be amended, and any conditions placed on the permit, including those related to ventilation and odor control.

6. No commercial cannabis use may increase in size without amending the permit and seeking City approval.

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L. Employees.

1. All employees of operators must be at least 21 years of age.

2. All employees of operators shall be subject to a background investigation and approval by the Chief of Police prior to performing any work for an operator. Applications for City authorization for an employee to work for an operator of a commercial cannabis use shall be developed and processed by the Chief of Police.

3. The Chief of Police may deny authorization to an employee seeking to work for an operator of a commercial cannabis use if the employee:

a. is on parole or probation for the possession, sale, manufacture, use, distribution or transportation of a controlled substance; or

b. has been convicted of a crime of moral turpitude; or

c. has been convicted of any misdemeanor or felony within the last ten years involving the following: the use of violence, force, fear, fraud or deception; or the unlawful possession, sale, manufacture, use, distribution or transportation of a controlled substance; or the use of money to engage in criminal activity; or the unlawful possession or use of a firearm. Employee authorization may be denied for individuals with criminal convictions that substantially relate to the qualifications, functions, or duties of the business or profession, including a felony conviction involving fraud, deceit, or embezzlement, a criminal conviction for the sale or provision of illegal controlled substances to a minor, or any criminal conviction for a crime moral turpitude as determined by the Chief of Police.

4. An operator shall not employ and individual that has not received authorization from the Chief of Police.

5. Each operator of a commercial cannabis use shall maintain on-site a current register of all the employees currently employed by the operator, and shall produce such register to the Chief of Police, designee, or any other City official authorized to enforce the Union City Municipal Code for purposes of determining compliance with this Section.

6. The Chief of Police is authorized to take all actions necessary in order to implement an employee authorization system, which may include requiring any employee of an operator to obtain a work permit from the City or requiring an employee of an operator to undergo future background investigations. The Chief of Police may establish a fee for the cost of issuing such authorization.

7. An employee that changes employment from the operator of one commercial cannabis use to another commercial cannabis use shall notify the City in writing of the change within ten (10) business days.

8. The Chief of Police may revoke authorization to an employee to upon any of the grounds for denial of authorization pursuant to Section 5.44.030(L)(3).

9. The applicant or authorized employee may appeal the denial or revocation of authorization within ten (10) business days after notice of the denial is served on the applicant or authorized employee to the City Manager by filing with the City Clerk a written notice of appeal specifying the grounds for such appeal. The appeal must also include the appeal fee established by resolution of the City Council. The date, time, and place of the appeal hearing shall be provided in writing to the applicant or authorized employee with at least ten (10) days' notice and copies of hearing rules. If the applicant or authorized employee fails to present evidence establishing that the denial or

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revocation is improper, the City Manager shall uphold the determination of the Chief of Police and give written notice to the applicant or authorized employee. The authorized employee shall cease working for an operator of a commercial cannabis use within five (5) days of service of the notice of the City Manager's determination.

M. Tracking. Commercial cannabis operators shall comply with any track and trace program established by the City or state agencies. Commercial cannabis operators must maintain records tracking all cannabis production and products, and shall make all records related to commercial cannabis use available to the City upon request.

N. Police Notification. Operators shall notify the Union City Police Department within 24 hours of discovering any of the following:

1. Significant discrepancies identified during inventory. The level of significance shall be 2% of inventory or per state regulations, whichever is stricter.

2. Diversion, theft, or loss, or any criminal activity involving the commercial cannabis use or any agent or employee of the commercial cannabis use.

3. Any other breach of security.

O. Inspections and Monitoring. Commercial cannabis uses and operations shall be subject to inspections by appropriate local and state agencies, including but not limited to, the Chief of Police and the City. Inspections by the City shall be conducted during regular business hours, with at least 24-hours' notice unless public health or safety otherwise requires. Administrative monitoring shall be required for each commercial cannabis use. An annual inspection and monitoring fee may be adopted by Resolution of the City Council.

P. Restriction on Alcohol Sales. No alcoholic beverages may be sold, dispensed, or consumed on or about the premises of any commercial cannabis use.

Q. Record Keeping.

1. Each operator shall maintain accurate records detailing all revenues and expenses of the commercial cannabis use and all assets and liabilities. On no less than an annual basis, at or before the time of the renewal of a permit, or at any time upon reasonable request of the City, each operator shall file a sworn statement detailing the number of sales by the operator during the previous twelve-month period, or shorter period based upon the timing of the request, provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each operator shall submit to the City a financial audit of the operator's operations conducted by an independent certified public accountant. Each operator shall be subject to a regulatory compliance review and financial audit as determined by the City Manager.

2. Each operator shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis use, and separately of all the officers, managers, employees, and agents currently employed or otherwise engaged by the commercial cannabis use. The register required by this paragraph shall be provided to the City Manager upon request.

3. Each operator shall maintain a record of all persons, patients, collectives and primary caregivers served by the operator as required by MAUCRSA. A cannabis

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dispensary shall keep an accurate account of the number of customers that visit the dispensary each month, and for the entire permit year.

4. All operators shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth MAUCRSA.

R. Liability and Indemnification. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this chapter shall not become a personal liability of any public officer or employee of the City. To the maximum extent permitted by law, the operators under this chapter shall defend (with counsel acceptable to the City), indemnify and hold harmless the City and its respective officials, officers, employees, representatives, agents and volunteers from any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings, or judgment (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) against the City to attack, set aside, void or annual, any cannabis-related approvals and actions and strictly comply with the conditions under which such permit is granted, if any. The City may elect, in its sole discretion, to participate in the defense of said action and the operator shall reimburse the City for its reasonable legal costs and attorneys' fees. Operators shall be required to agree to the above obligations in writing.

<u>5.44.040 Standards for Commercial Cannabis Cultivation</u>

A. Purpose. This Section establishes development, operating, and permit standards for commercial cannabis uses related to cannabis cultivation in locations permitted by Title 18.

B. Applicability. This Section shall apply to all commercial cannabis uses related to cannabis cultivation, including but not limited to, cannabis indoor cultivation and cannabis mixed-light cultivation and associated drying, curing, grading, and trimming facilities. Cannabis cultivation does not include operations that manufacture cannabis products such as oils, tinctures, or edibles which are classified separately. Operators engaged in commercial cannabis uses related to cannabis cultivation shall comply with state laws and regulations and the following standards in addition to the requirements of Section 5.44.030. Permits shall only be issued to commercial cannabis cultivation uses identified pursuant to cannabis license Types, 1A, 1B, 1C, 2A, 2B, 3A, 3B and 4, pursuant to Business and Professions Code section 26050. Commercial cannabis use related to cannabis outdoor cultivation is prohibited.

C. Permit Requirements. In addition to the requirements of Section 5.44.030, commercial cannabis uses related to cannabis cultivation shall be subject to requirements of Title 18 and this Section.

D. Limitations on Use. All commercial cannabis uses related to cultivation shall be conducted and maintained in compliance with applicable state laws and regulations, this chapter, and with any other standards adopted by the City Council through resolution or ordinance. All structures related to commercial cannabis uses related to cultivation shall be subject to all applicable laws, including the California Building Code, California Fire Code, and the Union City Municipal Code.

E. Development Criteria.

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1. Number of Permits. Multiple permits may be issued for multi-tenant operations on a single parcel provided that the total cultivation area of all tenants does not exceed the maximum cultivation area allowed under the state license with the largest allowable cultivation area and provided such permits are allowed under state law.

2. Square Footage Limitations. The total combined square footage of the cultivation area shall not exceed the maximum size thresholds as allowed by Title 18 and in the requirements for cannabis license Types, 1A, 1B, 1C, 2A, 2B, 3A, 3B, and 4. Structures and areas where cannabis is processed, dried, aged, stored, trimmed, packaged or weighed, and areas were equipment is stored and washed, shall be limited to the on-site cultivation use only.

3. Distance Requirements. Establishment of cannabis cultivation for commercial uses shall be consistent with Title 18 and unless otherwise allowed under state law:

a. Shall not be established on any parcel containing a dwelling unit used as a residence, nor within one hundred feet (100') of a residential zoning district.

b. Shall not be established within one hundred feet (100') from any school or child care facility.

c. Shall not be established within one hundred feet (100') of any park, library, or youth center.

d. The distance requirements of subsection (E)(3) above may be waived or modified by the City Council when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur, unless otherwise prohibited under state law.

e. All structures used for cannabis indoor cultivation or cannabis mixed-light cultivation and all structures used for drying, curing, grading or trimming and all cannabis indoor cultivation or cannabis mixed-light cultivation structures shall comply with the setbacks required by this chapter and Title 18. Structures associated with the cultivation shall not be located in the front yard setback area and shall be screened from public view. There shall be no exterior evidence of cultivation either within or outside the structure..

5. Fire Code Requirements. The operator shall prepare and implement a fire prevention plan for construction and ongoing operations and obtain an operational permit from the Fire Department. The fire prevention plan shall include, but not be limited to, emergency vehicle access and turn-around at the facility site(s), vegetation management and fire break maintenance around all structures.

6. Lighting. All indoor and mixed light operations shall be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. .

7. Runoff and Stormwater Control. Runoff containing sediment, or other waste or by-products, shall not be allowed to drain to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator shall prepare and implement a stormwater management plan and an erosion and sediment control plan, approved by the City. The plan must include best management practices for erosion control during and after construction, and permanent drainage and erosion control measures pursuant to Chapter 15.85 of the Union City Municipal Code.

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8. Security and Fencing. In addition to the security requirements in Section 5.44.030(J), the following security and fencing standards apply to commercial cannabis uses related to cannabis cultivation.

a. Security cameras shall be motion-sensored and be installed with capability to record activity beneath the canopy from surrounding parcels and shall not be pointed at or recording activity on surrounding parcels.

b. All mixed-light cultivation sites shall be screened by native, fire resistant vegetation and fenced with locking gates consistent with height limitations of the base zoning district to screen cultivation operations from public view. Fencing shall be consistent with the surrounding area and shall not diminish the visual quality of the site or surrounding area. Razor wire, chain-link and similar fencing shall not be permitted.

c. Security measures shall be designed to ensure emergency access in compliance with fire safety standards. All structures used for cultivation or storage of cannabis shall have locking doors, using commercial-grade locks, to prevent free access.

F. Operating Standards. In addition to standards contained in Section 5.44.030, the following standards shall apply to all commercial cannabis uses related to cannabis cultivation.

1. Air Quality and Odor. All cannabis cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities. Cultivation sites may not create odors amounting to a nuisance and must comply with the Union City Municipal Code.

2. Energy Use. Use of renewable resources for cannabis indoor cultivation and cannabis mixed-light operations is encouraged, and the City's commercial cannabis permit application procedures may award credit for use of renewable resources.

3. Hazardous Materials. All commercial cannabis uses related to cultivation that utilize hazardous materials shall comply with applicable hazardous waste generator, underground storage tank, above ground storage tanks requirements and maintain any applicable state or local permits for these programs including permits required by the Certified Unified Program Agency ("CUPA").

4. Hours of Operation. The hours of operations for commercial cannabis uses related to cultivation shall be specified in the permit.

5. Waste Management. A waste management plan addressing the storing, handling and disposing of all waste by-products of the cultivation and processing activities shall be submitted for review and approval by the City. This plan shall characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose or reuse the wastes in compliance with any regulations adopted by the City Council through resolution or ordinance.

All garbage and refuse on the site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on the site shall not be accumulated or stored for more than seven (7) calendar days, and shall be properly disposed of

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before the end of the seventh day. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with local and state codes, laws and regulations. All waste generated from commercial cannabis uses related to cultivation must be properly stored and secured to prevent access by the public.

6. Waste Water Discharge. A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic waste water anticipated, pre-treatment method (when applicable), as well as disposal method. All commercial cannabis uses related to cultivation shall comply with all state regulations, any regulations adopted by the City Council through resolution or ordinance and the discharger shall submit to the City verification of compliance with the waste discharge requirements of the applicable Regional Water Quality Control Board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sanitary sewer, septic, irrigation, greywater or bio-retention treatment systems.

7. Water Supply. An on-site water supply source adequate to meet all on site uses on a sustainable basis shall be provided. Trucked water shall not be allowed, except as noted below and for emergencies requiring immediate action as determined by the City. The onsite water supply shall be considered adequate with documentation of any one of the following sources:

a. Municipal Water: The public water supplier providing water service to the site has adequate supplies to serve the proposed use.

b. Recycled Water: The use of recycled process waste water from an onsite use or connection to a municipal recycled water supply for the cultivation use, provided that an adequate on-site water supply is available for employees and other uses.

<u>5.44.050 Standards for Commercial Cannabis Dispensaries</u>

A. Purpose. This Section provides the location, operational, and permit standards for any cannabis dispensary within the City in order to promote the health, safety, and general welfare of its residents and businesses. The standards in this section shall be in addition to standards contained in Section 5.44.030 for all commercial cannabis uses.

B. Applicability. Cannabis dispensaries shall be permitted only in compliance with the requirements of this Section, and all other applicable requirements of this chapter, and Title 18.

C. Permit Requirements. Permits shall only be issued to cannabis dispensaries with cannabis license Types 10 and 12. In addition to the requirements of Section 5.44.030, commercial cannabis uses related to cannabis dispensaries shall be subject to requirements of Title 18 and this Section.

D. Compliance with Operating Plan and Conditions Required. In addition to the general requirements of Section 5.44.030, a cannabis dispensary shall submit, as a part of the permit application, an operating plan that specifies the manner in which operations will be handled and security provided, and which details the number of employees, hours and days of operation allowed and approved. The operating plan shall provide that the cannabis dispensary shall require, at a minimum, a doctor's written recommendation in compliance with state law for medical cannabis sales, as

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well as a photo identification for any person entering the site. Any commercial cannabis use issued a permit for a dispensary shall be operated in conformance with the approved operating plan and shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval to ensure that the operation of the dispensary is consistent with protection of the health, safety and welfare of the community, customers, qualified patients, and primary caregivers, and will not adversely affect surrounding uses.

1. No person shall be allowed onto the premises of a cannabis dispensary unless he/she is an employee, customer, vendor or contractor of the dispensary, a primary caregiver, and/or a qualified patient or an employee of an agency having jurisdiction monitoring or investigating the terms of regulatory compliance. If the cannabis dispensary denies entry for monitoring and inspection to any employee of an agency having jurisdiction, the permit may be suspended by the City Manager. In strict accordance with California Health and Safety Code section 11362.5 et seq., no person under the age of eighteen (18) shall be allowed on a medical cannabis dispensary site, and no person under the age of twenty-one (21) shall be allowed on a nonmedical cannabis dispensary premises pursuant to California Business and Professions Code section 26140. All persons entering the premises shall present a photo identification and shall establish proof of doctor's recommendation, except as representing a regulatory agency; a doctor's recommendation shall not be required for customers of a nonmedical cannabis dispensary. The operating plan submitted pursuant to this Section 5.44.050(D) shall specify how the operator will comply with and enforce this provision.

2. No cannabis dispensary shall conduct or engage in the commercial sale of any product, good or service unless otherwise approved by the permit. A dispensary may sell live starter plants, clones and seeds from qualified cannabis nurseries, but shall not cultivate or clone cannabis. An operator of a cannabis dispensary may sell manufactured cannabis, including edible products, and vaporizing devices if the operator has obtained all other necessary permits for such activities.

3. Record Keeping. A medical cannabis dispensary shall maintain records of its members using only the State of California Medical Marijuana Identification Card number issued by the County or the County's designee, pursuant to California Health and Safety Code section 11362.7 et seq., or a copy of a written doctor's prescription or recommendation, as a protection for the confidentiality of the cardholders. The dispensary shall track when members' medical cannabis recommendations and/or identification cards expire and enforce conditions of membership by excluding members whose identification cards or recommendations are invalid or expired. The dispensary shall maintain member records in a manner to protect confidential information in the records if the records contain information protected by applicable law, including but not limited to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and Public Law 104-191. A dispensary shall exclude members who are caught diverting cannabis for nonmedical use. All membership records shall be maintained on-site.

a. A dispensary shall, by using the patient or caregiver's identification number, keep an accurate account of the number of members that visit the dispensary each month, and also for the entire permit year.

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b. The dispensary shall keep accurate records, follow accepted cash handling practices and maintain a general ledger of cash transactions. A medical dispensary shall maintain records of all members' contribution of labor, resources or money to the dispensary.

c. The dispensary shall allow the City to access the books, records, accounts and all data relevant to its operations for purposes of conducting an audit or examination to determine compliance with the Union City Municipal Code, conditions of approval, and applicable laws. Books, records, accounts and all relevant data shall be produced no later than twenty-four (24) hours after receipt of the City's request.

d. The dispensary shall maintain a log of member or customer complaints and shall make the log available to the City upon request. The log shall contain at a minimum: the date of the complaint, the complaining member's identification number or reference to his or her written recommendation, the nature of the complaint, and the action taken by the dispensary to address the complaint.

4. Required Signage. The following signs, in measurements of not less than eight by ten inches (8x10"), shall be clearly and legibly posted in a conspicuous location inside the cannabis dispensaries where they will be visible to customers in the normal course of a transaction, stating:

a. "The sale of cannabis without a state license is illegal."

b. "Smoking cannabis on this property, within twenty feet (20') of the dispensary, or in any public place is illegal under California law."

c. For medical cannabis dispensaries: "No one under the age of eighteen (18) shall be allowed on the premises, unless they are a qualified patient or a primary caregiver."

d. For nonmedical cannabis dispensaries: "No one under the age of twenty-one (21) shall be allowed on the premises."

E. Distance Requirements. Establishment of cannabis dispensaries shall be consistent with Title 18 and unless otherwise allowed under state law and approved by the City:

1. Shall not be established on any parcel containing a dwelling unit used as a residence, nor within one hundred feet (100') of a residential zoning district.

2. Shall not be established within one hundred feet (100') of any other medical cannabis dispensary.

3. Shall not be established within one hundred feet (100') from any school or child care facility.

4. Shall not be established within one hundred feet (100') of any park, library, or youth center.

5. The distance requirements of subsections (E)(1)—(4) above may be waived or modified by the City Council when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur, unless otherwise prohibited under state law.

<u>5.44.060 Standards for Cannabis Manufacturing Facilities, Cannabis Testing Services, Cannabis Distribution Facilities, Deliveries, and Microbusinesses</u>

A. Permits under this Section shall only be issued to operators of commercial cannabis uses with cannabis license Types 6, 7, 8, 10, 11, and 12.

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B. Additional Operating Standards. In addition to the requirements of Section 5.44.030 and any requirements of Title 18, commercial cannabis uses permitted under this Section shall not be open to the general public and shall implement a track and trace program that records the movement of cannabis and cannabis products through the business.

C. Distance Requirements. Establishment of commercial cannabis uses under this Section shall be consistent with Title 18 and unless otherwise allowed under state law and approved by the City:

1. Shall not be established on any parcel containing a dwelling unit used as a residence, nor within one hundred feet (100') of a residential zoning district.

2. Shall not be established within one hundred feet (100') of any other medical cannabis dispensary.

3. Shall not be established within one hundred feet (100') from any school or child care facility.

4. Shall not be established within one hundred feet (100') of any park, library, or youth center.

5. Notwithstanding, the subsections (E)(1)—(4) may be waived or modified by the City Council when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur, unless otherwise prohibited under state law.

D. Manufacturing and delivery operations shall be subject to additional permitting and inspection requirements of the Alameda County Health Official, per Section 5.44.030(G).

E. Delivery. Deliveries of cannabis in the City shall only be permitted for operators that obtain a permit under this chapter for cannabis dispensaries and operates from a premises within the City. Such operators shall be in conformance with state law, shall be subject to the permit procedures and requirements for cannabis dispensaries under Section 5.44.050 and comply with the following:

1. Deliveries can only be conducted between the hours of 8:00 a.m. to 8:00 p.m.

2. A delivery business wishing to make deliveries must obtain a cannabis license Type 10, or a cannabis license type subsequently established.

3. Deliveries shall be made by an employee of the delivery business and said employee shall carry with him/her at all times a physical copy of the permit, business license and state license, when such a license is available. Delivery businesses shall comply with all state law and regulations pertaining to cannabis delivery businesses.

G. Microbusinesses. Any commercial cannabis permit issued to a microbusiness with a cannabis license Type 12, or a cannabis license type subsequently established, that contains a dispensary operation, shall be subject to the permit procedures and requirements for cannabis dispensaries under Section 5.44.050. Any commercial cannabis permit issued to a microbusiness with a cultivation component will also be subject to the requirements of Section 5.44.040 for cultivation operations.

<u>5.44.070 Enforcement</u>

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A. Violations.

1. Any activity performed contrary to the provisions of this chapter is hereby declared to be a public nuisance.

2. Any violation of a term, condition, or the approved plans and specifications of any permit issued pursuant to this chapter shall constitute a violation.

B. Remedies. In addition to the revocation and suspension provisions in Section 5.44.030(F) and any all available remedies under the law, the following remedies shall be available to the City or other enforcement agency regarding violations of this chapter:

1. Administrative enforcement pursuant to Chapter 1.18 of the Municipal Code.

2. Civil enforcement.

3. Criminal enforcement.

C. In any enforcement action brought pursuant to this Section, whether by administrative or judicial proceedings, each person who causes, permits, suffers, or maintains the unlawful cannabis use shall be liable for all costs incurred by the City, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible person to undertake, any abatement action in compliance with the requirements of this Section. In any action by the agency having jurisdiction to abate unlawful cannabis uses under this Section, whether by administrative or judicial proceedings, the prevailing party shall be entitled to a recovery of the reasonable attorney's fees incurred. Recovery of attorneys' fees under this subdivision shall be limited to those actions or proceedings in which the City elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the City in the action or proceeding.

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Agenda Item

ATTACHMENTS:

Description	Type
Study Session Windflower Block 2 Staff Report	Staff Report
Exhibit A - Plans Part 1	Exhibit
Exhibit A - Plans Part 2	Exhibit
Exhibit A - Plans Part 3	Exhibit
Exhibit A - Plans Part 4	Exhibit
Exhibit A - Plans Part 5	Exhibit
Exhibit A - Plans Part 6	Exhibit
Exhibit A - Plans Part 7	Exhibit

AGENDA ITEM

DATE: **SEPTEMBER 21, 2017**

TO: **PLANNING COMMISSION**

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

SUBJECT: **STUDY SESSION FOR THE DEVELOPMENT OF A 3.5 ACRE PARCEL (CURRENTLY CITY-OWNED PARKING LOT) WITH ±443 NEW MULTI-FAMILY MARKET-RATE RESIDENTIAL UNITS (INCLUDING 11 RESIDENTIAL LOFTS AND 13 LIVE/WORK UNITS), 5,088 SQUARE FEET RETAIL SPACE, AND RELATED SITE IMPROVEMENTS**

APPLICANT: **WINDFLOWER PROPERTIES, LLC**

LEGAL OWNER: **CITY OF UNION CITY**

REQUEST: Approval for the following entitlements:

1. SD-17-003 (Site Development Review) to allow the construction of a mixed use development of ±443 new market-rate, multi-family dwelling units (including 11 residential lofts and 13 live/work units), a six-level parking structure, ±5,088 square feet of retail space, and related site improvements; and,

2. UP-17-005 (Use Permit) to allow high density residential uses and live/work units, and a building height greater than 65 feet, within the Station Mixed Use Commercial zoning district and a development modification related to storage space.

LOCATION: 34302 11th Street (87-340-2), between Galliano Way and Berger Way

SIZE OF PARCEL: 3.5 acres

GENERAL PLAN: CSMU (Station Mixed Use Commercial)

ZONING: CSMU (Station Mixed Use Commercial)

SURROUNDING LAND USES:

LOCATION	GENERAL PLAN DESIGNATION	ZONING DISTRICT	LAND USE
North	CSMU Station Mixed Use Commercial	CSMU Station Mixed Use Commercial	Galliano Way, vacant land
South	CSMU Station Mixed Use Commercial	CSMU Station Mixed Use Commercial	Multifamily residential/mixed use project under construction
East	RDC Research and Development Campus	RDC Research and Development Campus	Cheeves Way, Southern Pacific Railroad right-of-way, vacant land
West	CSMU Station Mixed Use Commercial	CSMU Station Mixed Use Commercial	11th Street, East Plaza, parking lot, BART station

NOTICING: Owners and occupants of property within 300 feet of this site were provided written notice of this study session.

ENVIRONMENTAL ASSESSMENT:

Station District Mixed Use Development Project EIR

On November 9, 2010, the City Council certified an Environmental Impact Report (EIR) for the Station District Mixed-use Development Project (Resolution 4072-10). This project was initially proposed by Barry Swenson Builders and included the development of 1,030 dwelling units, up to 37,500 square feet of retail, and up to 6,200 square feet of "business condominiums". The development encompassed six acres of the 50-acre Intermodal Station District area. The six acres included Block 2 (the 3.52 acre project site under consideration) and Block 3 (the site of the Windflower 1 project, currently under construction, and the adjacent public promenade). The EIR was prepared because the development included a change to the allowed density to allow approximately 400 more units than analyzed in the 2002 EIR prepared for the updated Community Redevelopment Plan. The 2010 EIR was the environmental document that staff relied upon for the environmental assessment of Block 3 development (Windflower 1, now known as Union Flats). The Block 2 (Windflower 2) project is also proposing to utilize this EIR for environmental clearance.

For the subject property, Block 2, the EIR analyzed the potential environmental impact of 699 residential units and up to 22,300 square feet of retail. The residential units included one-bedroom units, two-bedroom units and three-bedroom units.

Site Development Review SD-17-003, up-17-006

The proposed project encompasses the same area as the portion of Block 2 that was analyzed in the November 2010 EIR. However, the Windflower 2 project proposes substantially less development than analyzed: (1) 443 residential units (256 fewer units); and (2) 5,088 square feet of retail (17,212 fewer square feet); although there would be approximately 11,039 square feet of live/work space which floor area is already part of the 443 residential units. In addition, the applicant is proposing mid-rise (up to eight story) buildings, not towers, townhouses and flats as were analyzed in the November 2010 EIR. The towers in the 2010 EIR were proposed up to 16 stories or 170 feet.

As part of the entitlement process, staff is requesting that the Planning Commission consider a CEQA determination that the proposed project is within the scope of the previously certified EIR and that the EIR adequately describes the project for the purposes of CEQA. Also, no new information of substantial importance has been discovered requiring revisions to the impacts, mitigation measures or alternatives that were provided in the EIR. Finally, there have not been any substantial changes with respect to City policies or requirements that would require additional environmental analysis. Thus, pursuant to Section 15162 and 15168 of the CEQA Guidelines, the proposed Windflower Block 2 project is within the scope of the project and analysis in the November 2010 EIR and no further analysis is required. The Station District Mixed-use Development Project EIR may be found on the City's web page at http://www.unioncity.org/departments/economic-community-development/ecd-archives, or in the Planning section under "Planning Document Archive".

LOCATION MAPS:

Figure 1: Aerial view of project site location

Figure 2: Aerial close up of project site

I. BACKGROUND

A. History of Station District

Since 2001, the City has been planning for and investing in the 100 acre Station District area that surrounds the Bay Area Rapid Transit (BART) station and includes the former lands of Pacific States Steel Corporation (PSSC), PG&E, and the BART properties. The Union City Redevelopment Agency (RDA) invested over $130 million in property cleanup, infrastructure improvements, and amenities, and has improved access to the BART station to accommodate future transit-oriented development.

Over the years, several successful projects have been constructed in the Greater Station District including:

1. The redevelopment of the PSSC site with 216 townhouses and 119 single-family houses located along 11th Street;

2. The 438-unit Avalon Bay project located on Union Square;

3. The 157-unit MidPen affordable housing project that is located at Cheeves Way and 11th Street (Block 4); and,

4. The Union Flats project currently under construction adjacent to the proposed project with 243 multifamily units (including 40 live/work lofts), and 2,416 s.f. retail (Block 3).

In addition, City Council recently approved a project for a 31,381 square foot mixed use office building and associated site improvements on Block 7 of the Station Area, located at Decoto Road and Station Way.

The City/RDA's extensive investment in BART, and pedestrian and roadway infrastructure have made all of these projects possible, which reflects over $300 million of private investment.

B. History of the Project Site

In August 2011, the City issued a Request for Proposal (RFP) for the development of Blocks 1, 2, 3, 6 and 7, with a priority placed on Block 3. Figure 3 below illustrates the blocks and land use concept for the Station District.

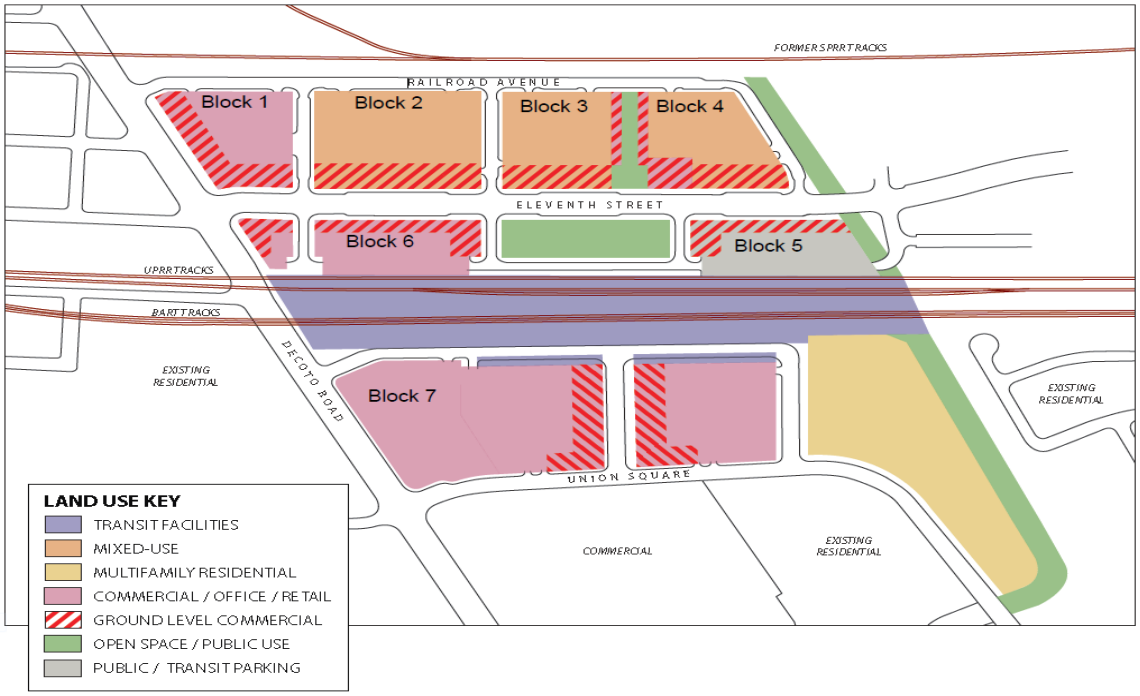


Figure 3 Blocks and Land Use Concept for the Station District

Windflower Properties, LLC, was the selected developer for Blocks 2 and 3. Block 3 is developed with Union Flats; a 243-unit mixed use project that is nearing construction completion.

Windflower Properties is now exercising its option to develop Block 2. Accordingly, on June 13, 2017, the City Council authorized the City Manager to enter into a Disposition and Development Agreement for Block 2. The DDA specifies the purchase price for the property and other financial arrangements (including requiring reimbursement of attorneys' fees and the cost of a contract planner), as well as requiring the project to provide ground floor commercial space consistent with the policies for the Station District Plan and the General Plan, and consideration of modifications to some development standards.

II. PROJECT ANALYSIS

A. Proposal and Entitlements

The applicant, Windflower Properties, LLC, will be requesting that the City approve the following entitlements for the construction of ±443 multi-family market-rate residential units, a six-level parking structure, ±5,088 square feet of retail space, and related site improvements on the 3.5 acre Block 2 parcel in the Station Mixed Use Commercial zoning district:

SD-17-003, Site Development Review to allow the construction of the mixed use development and to approve the architecture and site design. Table 1, below, summarizes the residential unit count to date. Project plans are attached to this staff report and labeled Exhibit A.

TABLE 1

Summary of Proposed Unit Count

Unit Count	Unit Type/# of Bedrooms	Square Feet (Average)	Location
32	1	654	Building A Levels 3 - 8
122	1 plus	796	Building A Levels 3 – 8; Building B - all levels
90	2 bed	1,038	Building A Levels 3 - 8 at corners; Building B all levels at corners
152	Jr. 1	521	Building A Levels 4 – 8; Building B – all levels
23	Studio	454	Building A Level 2
24	1 - loft and live/work units	790	Building A Ground floor fronting 11th Street and courtyard off Galliano Way
443		**TOTAL**	

Source: Project plans, September 2017.

The project also includes a total of 5,088 square feet of retail space (in addition to the 13 live/work units), in three locations along 11th Street: at the corner of 11th and Galliano Way; the corner of 11th Street and Berger Way; and adjacent to the leasing office, approximately mid-block on 11th Street.

UP-17-005, Use Permit, to allow high density residential uses and live/work units, a building height greater than 65 feet within the Station Mixed Use Commercial zoning district, and a reduction in on-site storage requirements as allowed by Section 18.38.250. As shown on the Title Sheet of the plans and on Sheet A200 a separate storage area is provided for 321 units out of the total 443 units, leaving 122 units without a separate storage area. The applicant is proposing that the large walk-in closet proposed in the 1 Plus Bedroom units (122 units) satisfy the storage requirements for these units since the storage areas provided is in excess of what is provided in the other one and two bedroom units.

B. Overview of Architecture and Siting

The applicant and the project architect (David Baker Architects) will make a presentation to the Planning Commission at the study session including a discussion of the project architecture and design philosophy. The project plans are provided in Exhibit A. Figure 4, below, shows the Site Plan. The project is comprised of six residential building masses and a parking garage on the 3.5 acre block (see Sheets G110, G200, and A100.) Each of the residential buildings orient towards courtyards that provide outdoor amenities and open space for the residents. All of the residential buildings provide open air corridors. The parking garage fronts on Cheeves Way and is flanked by four of the buildings, which are referred to as Building B in Exhibit A, Sheet A100. The parking garage is an open structure with walkways around three sides that link to the residential units in the four sections of Building B. The rear of the garage can be viewed from the interior courtyard area. Yoga and fitness rooms, other common rooms, and open space roof decks are integrated into the garage on the courtyard side to provide gathering places for residents, and to provide some screening of the garage. Building B is five stories or 55 feet tall.

Attached to the garage on the main courtyard side is an open air staircase and elevator tower. This is a large, airy, visually prominent structure which provides access to the garage and units in Building B.

A taller (eight story, 85 feet tall) Building A is proposed along 11th Street, which consists of a three story concrete podium and five stories of wood construction above. The building is designed as two separate masses that are linked by open air walkways. The building includes 24 loft units (13 of which are live/work units), 5,088 square feet of commercial space in three areas, the lobby, leasing office, bike storage, mail room, and a lounge area (see Sheet A201). These uses are located on the first level of the building. The main project entrance is an open–air pass through connecting 11th Street to the courtyard within where the pool, hot tub, seating and barbecue areas, and other common open space areas are located. This building is not directly connected to the garage.

There are five elevators that serve the project. Two elevators are incorporated into the large, open-air staircase that is located in the courtyard. These elevators provide access to the garage and Building B. One elevator is located within the parking garage at the southwest corner. This elevator also provides access for Building B, which includes a total of 235 units. Two elevators are located in Building A in the lobby area and these elevators serve 208 units. Staircases are provided throughout the development as required by code.

Figure 4: Site Plan (Sheet A100)

The design of the project emphasizes open spaces. These include landscaped areas such as the courtyards and roof gardens, as well as open elements related to the buildings. The main courtyard is substantial, measuring approximately 23,000 square feet and is the location of the pool, hot tub and other amenities. It is flanked by two public areas adjacent to Galliano Way and Berger Way (totaling approximately 7,400 square feet). Other open spaces include the northern courtyards which separate elements of Building B and total over 10,000 square feet. Open or semi-open building elements include the garage, open walkways between the two sides of Building A, and the main staircase and elevator tower on the courtyard side of the garage.

The exterior materials consist of: textured concrete with vine cover used on the columns along the 11th Street frontage; vertical wood siding used as an accent around the live/work units; brown fiber cement siding used on a portion of Building A along the 11th Street frontage; white and dark grey cement board which is one of the primary materials used on the building exteriors; wood slats used as accent material above the corner retail spaces; smooth concrete on garage exteriors; and a green screen with cables (or other screening treatment to be decided) used on the Cheeves Way exterior of the garage and within the courtyard interiors adjacent to the garage. Exterior materials and details are shown on Sheets A410, A420, A421 and A422. The applicant has also supplied samples of materials and colors proposed, which will be brought to the study session.

In addition to the façade materials, the building is also enhanced with perforated metal sunshades around selected windows, projecting metal balconies on 69 units, and storefront window systems on the loft units, retail commercial spaces, and leasing office.

The applicant intends to utilize factory built modules for the project to limit construction costs and time, similar to the construction of the Union Flats project on Block 3. Traditional construction schedules are shortened substantially because the units are constructed off-site while site work and foundation/podium construction are completed concurrently. Each residential unit would consist of one or more modules, depending on unit size. The modules would be constructed out of state and would be transported by truck to the site. The modules come from the factory complete with interior finishes and appliances. The modules are then set in place in various configurations and utilities connected. The project will be designed to meet a minimum LEED Gold Standard.

In the event that the three story concrete element of Building A is not economically feasible, the applicant has provided occupancy information (A210-B) and elevations (A300-B) for a seven-story building (two levels of concrete and five levels of wood construction). The applicant requests that this information be included in the plans considered by the Planning Commission and City Council so that any approval would encompass this alternative. The project will be conditioned to allow staff to work with the applicant post-approval to further enhance the alternative elevations should this reduced project scope move forward.

C. General Plan Consistency

The project is located within the CSMU, Station Mixed Use Commercial, General Plan land use designation (see Figure 5 on the next page).

The purpose of this designation is to define an area of visual prominence through high intensity development that embodies high aesthetic and design standards necessary to make the area attractive to people as a place to shop, work, and, where appropriate, live. The General Plan has numerous goals and polices throughout that guide development in the Station District. Exhibit B highlights the key goals and policies that apply to the proposed project. The goals and policies and project consistency are summarized as follows:

<u>Economic Development Element</u> – Goals are to transform the District to take advantage of the transit opportunities by encouraging higher intensity development within walking distance to the Intermodal Station. The project is consistent with the goal as it is a high-density residential mixed use project which facilitates use of the Intermodal Station by project tenants and visitors. Ground floor commercial uses would serve the project tenants, workers in nearby commercial buildings and BART patrons.

<u>Land Use Element</u> – Goals are to create an environment surrounding the Intermodal Station that is mixed-use and transit-oriented and to encourage a variety of densities and types of residential uses in the area to help achieve City housing goals. Policies also address the need for the Station District to be pedestrian-friendly with a design that minimizes the impact of parking on the quality of the streetscape and the neighborhood; that the range of uses and design of the circulation systems should minimize the disruption of existing traffic in Union City; and that the City shall locate high density/mixed-income residential uses close to the Intermodal Station.

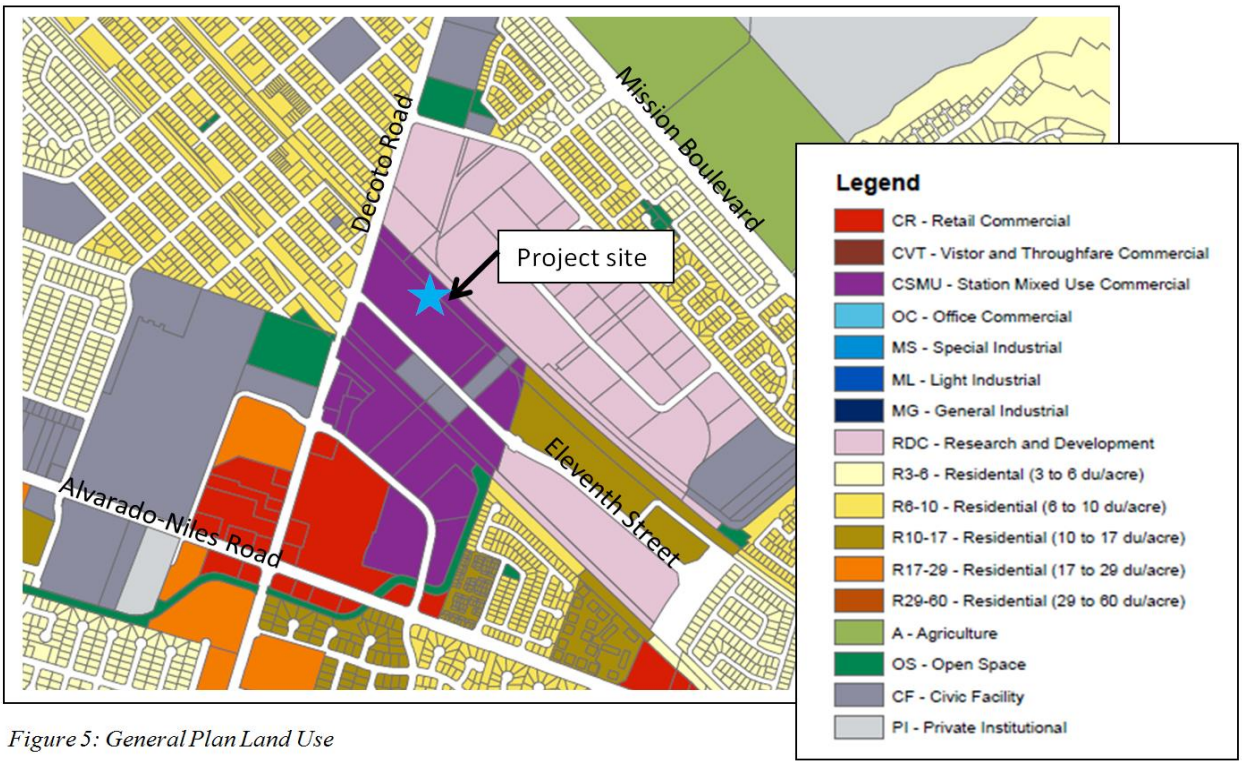


Figure 5: General Plan Land Use

The project is consistent with the General Plan Land Use Element in that the uses are consistent with the Station Mixed Use designation as a high intensity use with a residential density of 126 units per acre and retail space along the 11th Street frontage. This high intensity mixed-use project adjacent to the Intermodal Station is pedestrian friendly, and minimizes disruption of traffic. Parking for the site is integrated into the development and minimizes its impact on the quality of the streetscape by limiting the parking entrance to the Cheeves Way side of the project and visually screening the garage.

<u>Community Design Element</u> – Goals include the development and design of the Station District at a level of quality commensurate with its role as a major transit hub, business center, and residential address. Policies require development to be of the highest architectural quality and reflect the image of Union City in the 21st century; that the City shall avoid visual monotony by encouraging variety in architectural styles; the area shall be pedestrian-friendly with visual harmony and quality and varied building setbacks.

The proposed project is consistent with development of this area as a transit hub by locating a high density residential and mixed use project adjacent to the Intermodal Station. The project is pedestrian-friendly, and would be built with high quality materials and would incorporate high quality design. The structure of the project with building elements separated by landscaped courtyards is consistent with the Community Design Element policy related to varied building setbacks.

D. Zoning Consistency

Compliance with the Station Mixed Use Commercial (CSMU) District Zoning

The project site has a zoning designation of CSMU (Station Mixed Use Commercial). The purpose of the CSMU District is to establish a mixed use town center/central business district of high-density residential, commercial, office, and research and development uses that will serve as an important regional center, while providing strong pedestrian connections throughout the district.

The development, as currently proposed, requires a use permit for mixed use, residential and live/work units and buildings over 65 feet in height in the Station Mixed Use Commercial (CSMU) district as well a variation from the applicable development standards for a reduction in storage space. Table 2, below, shows compliance with the CSMU development standards.

TABLE 2

CSMU Zoning Development Standards

Category	Standard	Proposed Project	Compliance?
Site area per unit	60 units per acre minimum and 165 units per acre maximum	126 units per acre	Yes
Front yard setback	15 feet from face of parking curb (along 11th Street)	17’ 6”	Yes
Side yard setback (interior)	None required	n/a	n/a
Side yard setback (street)	15 feet from face of parking curb (along Galliano Way and Berger Way)	15 feet	Yes
Rear yard setback	15 feet from face of parking curb (along Cheeves Way)	19 feet	Yes
Building height	3 stories minimum plus 14 stories or 160 feet maximum	5 to 8 stories	Yes
	Over 5 stories or 65 feet requires CUP	Maximum 85 feet building height (97 feet with roof equipment)	Yes, with approved CUP
Parking - vehicles	Residential units = 1 space/unit = 443 required Ground floor retail as part of mixed use = none required	460 provided	Yes
Parking - bikes	1 space/3 units = 147 spaces required	168 spaces provided	Yes
Parking - motorcycles	1 space/25 units = 17 spaces required	18 spaces provided	Yes
Storage	Minimum 200 c.f. in a single area for each unit.	201 – 204 c.f. provided for 321 units; 122 units have no out of unit storage but 122 one bedroom plus units have large walk-in closets.	Yes, with approved CUP

Compliance with Station Mixed Use Commercial (CSMU) Design Criteria

Chapter 18.38 of the UCMC includes Design Criteria relating to buildings, materials, the appearance of garages, ground floor treatment standards and specific design standards for different types of uses. Compliance with the CSMU Design Criteria is addressed in the paragraphs below and is further discussed in the **Miscellaneous Issues** section of this report.

General Design Standards: These include standards related to street walls being continuous, variations in street edge, multiple pedestrian entrances, minimizing vehicle entrances, and having ground floor retail. The project provides a street wall interspersed with courtyards with seating open to the public, one garage entrance on the rear of the project, and ground floor retail and live/work units on 11th Street.

Exterior Material Palette and Fenestration Standards: Specifies the uses of high quality materials, including brick and stone, steel, glass, concrete, and wood. As noted above in **Overview of Architecture and Siting**, the project incorporates high quality and varied materials including textured concrete, vertical wood siding, wood slats, fiber cement siding, decorative metal around the windows and used for the balconies.

Ground Floor Treatments: The ordinance calls for design that activates the sidewalk. This project provides multiple entries and commercial spaces on 11th Street, and publicly accessible courtyards and seating off Galliano Way and Berger Way.

Parking design standards: Requires structured parking screened from the sidewalk, minimum number of entrances and exits. See the **Miscellaneous Issues** section for an extensive discussion of the screening of the garage structure. The one garage entrance/exit is located on Cheeves Way.

Specific design standards related to residential uses: These criteria include creating a project with the safety and security of children in mind, incorporating amenities, allowing pedestrian access, encouraging balconies, including individual unit entrances at the street, using stairs, stoops, porches and landscaping to promote a pedestrian-friendly environment. The project incorporates amenities including a pool and hot tub, courtyard seating areas, and roof patios. Balconies are included with 69 of the units. The plan set also includes detailed renderings and landscape plans for Galliano Way and Berger Way (G211, G212, L200, L202, L306, L307) which provide direct access to residential units. The plans show the end units with stoops and stairs on Galliano Way and Berger Way, articulation of the unit entrances, and layered and varied landscaping including trees, shrubs and groundcover.

Ground floor retail standards: Include strong indoor/outdoor connections, outdoor displays and seating, low planters with seat walls, recessed entrances and porticos, visually transparent street walls, retail frontage along 11th Street. The project provides large store-front windows along 11th Street for both the live/work units and the commercial spaces, creating a visually transparent street wall. This area and the corners on Galliano Way and Berger Way also are designed for outdoor dining or display. The courtyard areas include planters and other seating opportunities both in the private and public areas.

Staff believes the design of the Windflower 2 project is consistent with the design criteria listed in the CSMU Zoning District chapter.

E. Miscellaneous Issues

The paragraphs below describe elements of the proposed project in more detail and point out areas where staff is requesting input from the Planning Commission.

Garage Structure: As shown in Exhibit A on Sheet G209, A303, and detail L on A410, the garage consists of six levels of auto parking (motorcycle and most of the bike parking is accommodated in the garage basement) on a steel framework with concrete decking. An air well in the center of the garage provides natural light in the garage and is planted with a bamboo grove. Staff understands that the intent is to use an open design for the garage and to avoid the need for a mechanical ventilation system. The applicant originally proposed a green screen along the Cheeves Way garage elevation with growing vines, which is shown on Sheet A303. Tall growing bamboo and vines are also proposed on portions of the garage elevations facing the courtyards on Building B.

The Station Mixed Use Commercial District Design Criteria require that garages are integrated into the building architecture and screened from the sidewalk by street oriented uses or landscape elements. Staff has expressed some concerns about the effectiveness and long-term viability of the proposed green screen and is concerned that it would not effectively screen the structure or the parked cars from the view of pedestrians on Cheeves Way and from persons visiting or working in the future Research and Development campus to the east. The applicant has heard staff's concerns and wishes to work with the City post-approval to address this issue.

This project will be required to comply with the Art in Public Places Program (UCMC Chapter 12.40), which requires a contribution of one percent of the project cost toward public art, with one-third of the one percent required as a contribution to the Union City Public Art Fund. Total project cost is estimated at approximately $125 million. The applicant is proposing an art installation that would also serve as a screen on the Cheeves Way garage elevation as an alternative to the green screen. The applicant provided some examples of the proposed concept, which consists of mesh or metal panels that are connected to form a moving membrane when exposed to wind. The Planning Commission can view an example of this concept on-line at: http://nedkahn.com/portfolio/technorama-facade-video/. At this time, the applicant has not engaged an artist.

The purpose of the Art in Public Places Program is to provide publicly-accessible works of art for public enjoyment. Eleventh Street is the primary spine of the Station District where public art would be the most visible. The project is also providing public courtyards on both Berger Street and Galliano Street, which could provide alternative locations. The garage elevation on Cheeves Way is not visually accessible to most users of the Station Area. However, it would be highly visible from the Research and Development Campus (RDC) area, to the east of the garage. At this time, though, the RDC area is undefined and is being evaluated as part of the General Plan update. Currently, a range of residential and commercial uses are being considered.

Additionally, it is not the intent of the Art in Public Places Program to use funds for architectural enhancement of a project, and specifically to use these funds for screening which is an ordinance requirement. A justification for this use might be found if the design and visual effect of the art installation/screen were above and beyond any functional requirement and created a unique visual experience that could not have been otherwise achieved. Staff anticipates further discussion with the developer on this issue and is seeking the Planning Commission's feedback on the proposal to use Art in Public Places funds in this manner.

Garage Walkway Screening: As noted, pedestrian walkways extend along three sides of the garage on all six levels. The walkways extending along the courtyard side of the garage also provide access to the common rooms (yoga, fitness, etc.) and roof patios on the courtyard level and above. The walkways and the view of the garage from the central courtyard is rendered on Sheet G209. Depending on the slope of the parking deck, in some locations the walkways are level with the cars; in others, the pedestrian is slightly above or below the parking deck.

Based on feedback from staff, the applicant is proposing a visual and physical separation between pedestrians on these walkways and cars on the parking deck consisting of a perforated metal screen between the walkway and the garage interior. A conceptual design is shown on Sheet G209. The applicant is requesting that the specific design of the screen be finalized post-approval. Staff is proposing a condition of approval that will require the applicant to work with staff prior to Building Permit issuance to develop an acceptable design for this screen.

Walkways linking two sides of Building A: The two sides of Building A, on floors 4 through 8, are linked by steel-framed and concrete decked walkways. The walkways are likely to be well-used, as the building elevators are located in the part of Building A closer to Berger Way. The portion of Building A closer to Galliano Way does not include an elevator. These walkways are open, with a stainless steel and wire mesh guardrails. (A sample of the guardrail will be available at the study session.) For each level, the deck of upper walkway forms the roof of the one below. However, the top walkway has no roof.

Staff expressed some concern about residents using the upper deck in inclement weather. Staff also expressed concern that the railing was industrial-looking and should be replaced with something more decorative such as the metal utilized on the balconies (see rendering on Sheet G211). The applicant provided feedback that the walkway design with metal mesh and railings as proposed provides a light and open pedestrian connection and provides needed visual relief to assist in breaking up the massing of Building A. According to the architect, this design contributes to the open-air feel of the project which incorporates open hallways, courtyards, roof patios and other open spaces. Staff is seeking Planning Commission feedback on the design of the walkways.

Loft and Live/Work Units: The Station District Plan and the General Plan include policies to ensure that mixed use development in the Station District includes ground-floor retail commercial uses. The project includes 5,088 square feet of commercial space in three locations on the 11th Street frontage and is proposing live/work lofts similar to what was approved with Block 3. Staff is hopeful that the units will eventually be used for commercial uses as the area continues to develop. The project will include a condition to require the applicant to submit a marketing plan for the live/work lofts to ensure that the units are marketed to commercial tenants.

The project proposes 24 loft units, 13 of which would be live/work units. Eleven of the live/work units would be located on the 11th Street frontage and two of the units would be accessed from the public courtyard off Galliano Way. Permitted and conditionally permitted uses in the Live/Work area are listed in the CSMU District section 18.38.032.

Floor plans for the live/work units (Sheet A501) show a second level that extends over about two- thirds of the first level. Since the concept of these live/work units was originally proposed on Block 3, staff has worked with the applicant to ensure that they are designed with an emphasis on accommodating commercial uses. Staff provided feedback that the commercial use of the unit would be more viable if the lower level remained more open and recommends reducing the second level to 50 percent of the first level area, similar to what was approved on Block 3. This equates to a reduction in the second level floor of about 5 feet. The applicant

believes the units are more marketable with a larger second level. To address both staff and the applicant's concerns, it is recommended that the second level be reduced a minimum of 3 feet. Staff will continue to evaluate this issue and is seeking Planning Commission feedback.

At the City's request, the applicant has designed the live/work units so that two or more units can be combined to create a larger commercial space. A condition of approval will be included in the project to require staff review and approval of floor plans for the combined unit configuration prior to construction or alteration.

Trash Collection: Sheets G400, G401 and G402 provide details of the trash collection areas and trash rooms. Trash rooms are located in multiple locations in both buildings, on all building levels. The applicant is proposing to use a chute system for trash, recycling and organic waste. Roberto Munoz, the City's Recycling Manager, expressed concern regarding a chute system to handle organic waste based on feedback from other cities. The main concerns were contamination of the organic waste chute from residents not packaging organic waste correctly, and the potential for developments to take the organic chutes out of operation due to contamination and maintenance issues, which would be in violation of the City's Municipal Code. The alternative would be to provide organics recycling containers in each trash room. The applicant provided feedback that they regularly design multi-family developments with organic chutes and were not aware of any issues. They also indicated that the organic chutes proposed in this project would incorporate a spray washing system. Mr. Munoz requested examples of where this system has been successfully implemented for his review, which the applicant is addressing. We anticipate having additional feedback on this issue at the Planning Commission public hearing.

As shown in G400, the intent is to roll out dumpsters in four locations; one on Galliano Way, two on Cheeves Way, and one on Berger Way. The rollout areas are proposed to be designated and striped as loading areas on the curb, to allow for use of this curb area when dumpsters are not present.

Landscaping: Conceptual landscape plans are included in Exhibit A (L100 through L309) and the proposed landscaping is illustrated on several renderings (G203, G204, G206, G210, G211, and G212). The landscape architect (Andrea Cochrane Landscape Architects) describes the landscaping approach as embodying Bay Friendly principles, and including a diverse mix of California native and adaptive plants (including succulents) that come from environments closely akin to Union City's climate. Selected species and varieties are noninvasive, provide habitat, and have demonstrated their ability to grow in urban or developed conditions and require minimal maintenance.

The plans include landscape details for several key areas (Public Plaza at Berger Way, Berger Way setback planting, Main Courtyard and 11th Street) on Sheets L102 through L108. The planting plan also includes a variety of plant "palettes" for specific areas of the project (building perimeter, courtyards, promenade, etc.). These are illustrated on Sheets L301 through L309. The applicant has provided three options for the public courtyard space along Berger Way (Sheets L102, L103 and L104) to provide some flexibility to better accommodate the future use of the adjacent commercial space. The option shown in L102 may need to be amended to remove the proposed GrassPave surface as the Fire Marshall believes this surface is inadequate to support fire equipment.

The project will include a condition to require compliance with the City's Landscape Standards Policy Statement and Water Efficient Landscape ordinance (Chapter 18.112). The applicant will be preparing more detailed planting plans post-approval, which will be reviewed by the City's consulting landscape architect.

Project and Intermodal Station Area Parking: The project proposes a six-level garage structure with access from Cheeves Way. The project includes 442 regular parking spaces, 18 ADA spaces, and 18 motorbike spaces, 168 bicycle spaces and 321 individual personal storage areas on the basement level. The total of 460 parking spaces meets the requirement of one space per residential unit required by the CSMU District (18.38.190.A.) and no additional parking is required for ground floor retail uses in mixed use development (18.38.190.B.) The 17 additional spaces would accommodate visitors.

The regular parking spaces measure 8.5' x 17' which is smaller than the City's standard for parking spaces (9' x 18') but is the same as that approved for the parking structure associated with Union Flats on Block 3 and Station Center on Block 4. Additionally, the Design Guidelines for Blocks 2, 3 and 4 allow this size space in structured parking. The reduction can be granted through the Site Development Review process.

Approximately 31 parking spaces are also available on the street on Block 2 (see Sheet G300) although it is intended that the majority of these will be short-term parking and loading spaces which will require additional enforcement efforts by the City.

The project site (Block 2) is owned by the City and currently is used as a paid parking lot with a capacity of 362 parking spaces. The parking is used by visitors to the area and as parking for BART passengers. Peak occupancy in this lot averages about 213 spaces, although this number only includes those paying on a daily basis, and not those utilizing parking passes.

The long-term plan is to eliminate surface parking in the Station District as the various blocks develop. Anticipating the loss of this lot (Lot 2) with the proposed development, the City Council has been informed of plans to replace this parking capacity in other locations, primarily along public streets. Administrative Services staff is continuing to collect data on parking occupancies in the Station Area and intends to take this information, as well as recommendation for parking management in the Station Area, to the City Council later this year.

Loading Areas: The project proposes on-street loading areas and short-term parking which will allow loading and unloading for residents moving in and out of the project, for residents unloading groceries, etc., for package delivery services, and for ride-sharing services to drop off and pick up passengers. No off-street loading is proposed. The CSMU District notes that requirements for loading shall be evaluated on a project by project basis and that loading zones can be provided on side streets. Staff is supportive of the loading zone configuration shown.

Screening of Roof-Top Equipment: Sheet G410 shows a four foot high screening parapet on the roof of each building. Cross-sections indicate that roof top equipment (including solar hot water system panels and other mechanical enclosures) would not be visible from the streets immediately surrounding the project (Galliano Way, Cheeves Way, Berger Way and 11th Street). A standard condition will be added to the project requiring that roof-top equipment be adequately screened from the public way including Decoto Road due to the visual prominence of this building and proximity to this major thoroughfare.

Affordable Housing: The affordable housing requirement for Block 2 was satisfied by the MidPen affordable housing project on Block 4 which provided 155 affordable units for the Station District developments. This is confirmed in the City Council approved DDA for the project. No additional affordable housing or affordable housing fee is required.

Signal Pre-Emption: The 2010 EIR for Blocks 2 and 3 called for a rail safety assessment and installation of improvements on Decoto Road including a signal pre-emption mechanism and changes in signal timing that would increase safety along Decoto Road in the vicinity of the

project site. A condition of approval will be included in the project to require the developer of Block 2 to pay a fair-share contribution towards the cost of these improvements.

F. Conclusion

The applicant, Windflower Properties, LLC, is proposing to develop ±443 multi-family residential market-rate units on Block 2 of the Station District, with related site improvements. Approval of the project would require two entitlements: (1) site development review; and (2) use permit.

This is a preliminary review of the project and staff is not currently making a recommendation on the project. However, the project is generally consistent with goals and policies of the Station Area listed in both the General Plan and the Station Mixed Use Commercial (CSMU) District.

III. RECOMMENDATION

This is an informational report and no Planning Commission action is required. The study session is an opportunity for the Planning Commission to familiarize itself with the project, ask questions and provide feedback. The study session is also an opportunity for the public to provide feedback on the proposed project.

JANICE STERN, AICP
CONTRACT PLANNER

Exhibit A: Project Plans
Exhibit B: Selected General Plan Goals and Policies
Exhibit C: Photographs of Project Site

EXHIBIT A

Project Plans

Plans are provided separately

EXHIBIT B

Selected General Plan Goals and Policies

34588 11th Street
General Plan Compliance

The project site is located within the CSMU, Station Mixed Use Commercial, General Plan land use designation (see figure below). The purpose of this designation is to define an area of visual prominence through high intensity development to promote Union City's identity, high aesthetic, and design standards to make the area attractive to people as a place to shop, work, and, where appropriate, live.

The designation is primarily commercial in nature and is intended to promote retail and office opportunities. The designation is applied to the immediate vicinity of the intermodal station because the opportunity to connect with regional and subregional transportation providers would support a higher density of uses. The following lists the pertinent General Plan goals and policies for the proposed project in the Station Mixed Use Commercial land use area.

Economic Development Element

Goal ED-B.1 To transform the Station District into a unique place that takes advantage of transit-oriented development opportunities.

Policy ED-B.1.1 The City shall encourage higher intensity development by allowing additional employment, commercial, and residential space to be developed and redeveloped within walking distance of the intermodal facility.

Goal ED-B.2 To take a proactive planned approach to the development and redevelopment of the Station District.

Policy ED-B.3.1 The City shall identify and select developers willing to invest and implement the agreed upon vision presented in the General Plan and Economic Development Strategy.

Policy ED-B.3.2 The City shall invest its resources in a public/private partnership with developers to attract business to the Station District.

Policy ED-B.3.4 The City shall identify federal, state, local and other public funding sources to make required infrastructure and circulation improvements within the Station District.

Land Use Element

Goal LU-B.1 To create an environment surrounding the intermodal facility that is mixed use and transit-oriented ands which has good connectivity with the rest of the city while integrating well with the surrounding neighborhoods.

Policy LU-B.1.3 The City shall ensure that the Station District includes opportunities for light industrial, office, commercial, high-density mixed-income residential, ground floor retail, and community uses.

Policy LU-B.1.4 The City shall ensure that the Station District land uses and urban design maximize transit use and minimize automobile dependence.

Policy LU-B.1.5 The area surrounding the intermodal facility shall have strong public space integrated with ground floor retail commercial uses.

Goal LU-B.5 To encourage a variety of densities and types of residential uses in the area to help achieve City housing goals, ensure proper relationships to adjoining lands, and to support existing and future commercial uses within and nearby the Station District.

Policy LU-B.5.1 The City shall locate high density/mixed-income residential uses close to the intermodal facility.

Policy LU-B.5.3 The City shall provide a sufficient variety of housing development to accommodate different family sizes including a sufficient number of rental and for sale units for larger families.

Goal LU-B.7 To guide all new development in the Station District in such a way as to ensure harmony with existing and potential uses both within the Station District and in adjacent neighborhoods.

Policy LU-B.7.1 Where appropriate, the City should ensure that new development is integrated with adjoining uses by creating connections and minimizing the separation that results from the road corridors, rail lines, and flood control channels in the area. However, there should be distinct visual separation and noise buffering between new residential uses and existing industrial uses that are to be preserved under the terms of the DIPSA Specific Plan.

Policy LU-B.7.3 Landscaping, design, a walkway system and other elements should be used to integrate new uses with existing uses. Cohesive links should be established between neighborhoods. In particular, a safe pedestrian link should be developed between the Guy Emmanuelle School and the Decoto neighborhood northwest of Decoto Road.

Policy LU-B.7.4 The City shall require that all new development proposals include detailed plans for integrating new construction and uses with existing and planned uses on adjoining sites. In particular, residential development proposals shall include measures to ensure that new development is compatible with existing industrial uses. New residential development shall be designed to include buffering between new and existing uses. Existing industrial uses shall not be required to participate in such buffering or otherwise be adversely affected by the addition of residential uses. However, should existing industrial uses

choose to expand, they shall comply with the normal design and site development review requirements of the City.

Goal LU-B.8 To balance residential, commercial and light industrial land uses so as to achieve a high quality of life for the Station District and minimize adverse impacts on the greater community.

Policy LU-B.8.2 The City shall create opportunities for mixed uses within the Station District so that people can live close to work, shopping, and service activities.

Community Design Element

Goal CD-B.1 To develop and design the Station District at a level of quality commensurate with its role as a major transit hub, business center, and residential address and to design the Station District so as to signify Union City's rising status as the "Gateway to Silicon Valley."

Policy CD-B.1.1 The City shall require that development in the Station District be of the highest architectural quality and reflect the image of Union City in the 21st century. The City shall avoid visual monotony by encouraging variety in architectural styles.

Policy CD-B.1.3 The City shall require that the Station District be pedestrian-friendly with a design that minimizes the impact of parking on the quality of the streetscape and the neighborhood.

Policy CD-B.1.6 The City shall require that all new projects be designed to achieve visual harmony and quality within the Station District. Views to and from the hills should be preserved. A graceful transition from the flatlands to the hillsides should be promoted.

Policy CD-B.1.8 The City shall ensure that mixed use development around the intermodal facility includes ground-floor retail commercial uses.

Policy CD-B.1.11 The City shall encourage a mix of residential densities within the Station District when such mix will enhance the opportunities for neighborhood design. Specific objectives include unique streetscapes with a sense of openness, landscaping opportunities, and varied building setbacks. Further, mixed densities should be permitted when this approach will allow maximizing open space and recreational opportunities within the neighborhood.

Policy CD-B.1.13 Where appropriate, the City shall encourage taller buildings in order to help provide identity to the area. The City should encourage tall mixed-use buildings adjacent to the intermodal facility designed to provide a landmark image for the area. However, in allowing taller buildings, the City should take special care to avoid blocking significant views from adjoining existing and planned uses.

Policy CD-B.1.14 The City shall promote visual excitement within individual projects through building design and the way components of the project are assembled on the site. Massing of structures and arrangement of spaces should add interest, provide separation between public and private areas, and offer relief from parking areas and busy streets.

Policy CD-B.1.21 The City shall ensure that the Station District has clear connections to the citywide network of open spaces.

Policy CD-B.1.29 The City shall discourage the use of sound walls and gated communities in the Station District, while recognizing that safety and security will need to be addressed.

Policy CD-B.1.30 The City shall require that multi-family housing be designed for the safety and security of children, and provide amenities for children, such as playgrounds, within the complex.

EXHIBIT C

Photographs of Project Site

Photo C-1: Site viewed looking north-east from 11th Street

Photo C-2: Site viewed from 11th Street and Galliano Way

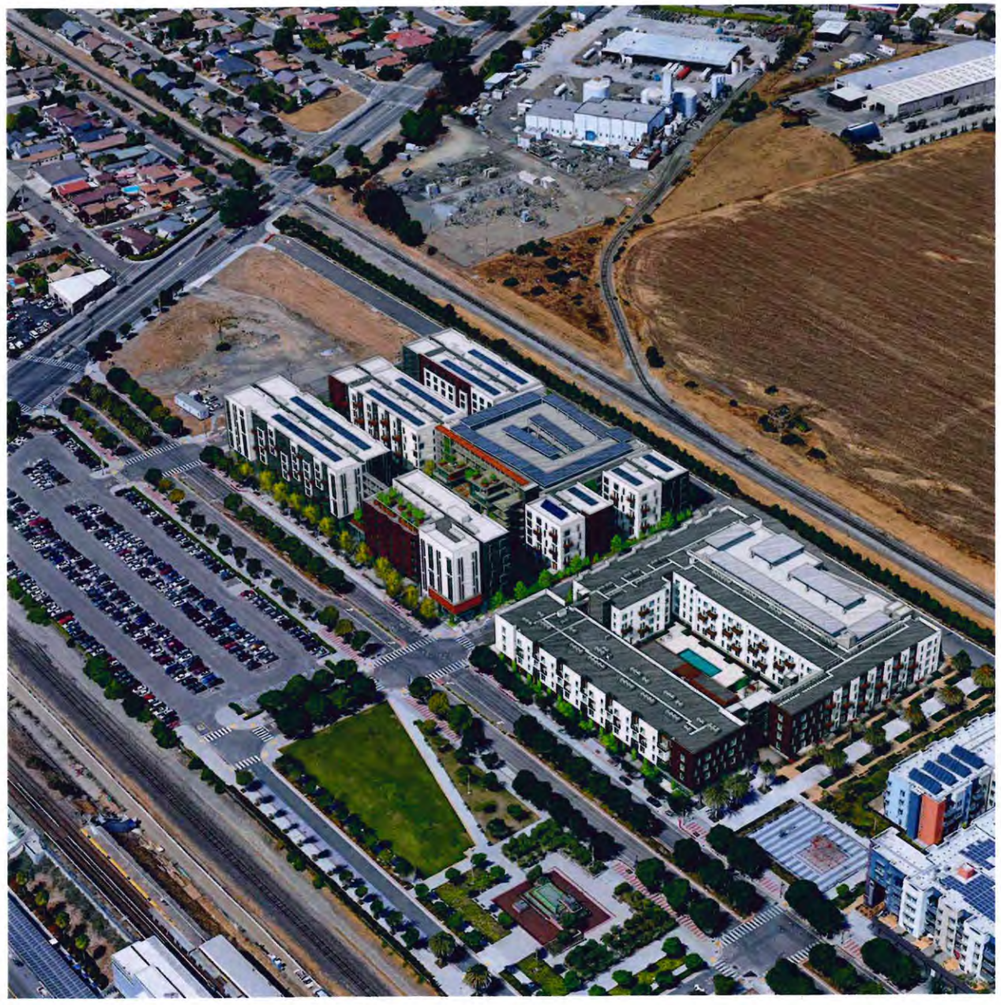
Photo C-3: Rear of site at Galliano Way and Cheeves Way

Photo C-4: Site as viewed from Berger Way and 11th Street

Photo C-5: Photo showing site and Union Flats project under construction on Block 3.

WINDFLOWER PHASE II

ENTITLEMENT SET



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SEP 11 2017
UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT

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G204	RENDERING - LOFT FRONTAGES
G205	RENDERING- 11TH ST. CORNER
G206	RENDERING - ENTRY PLAZA
G207	RENDERING - DECOTO RD & 12TH ST.
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G209	RENDERING
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CIVIL

T-1	TOPOGRAPHIC SURVEY
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EX-2	STORMWATER EXHIBIT

BUILDING TYPES & HEIGHTS

BUILDING A
5 LEVELS OF TYPE III/A CONSTRUCTION OVER 3 LEVELS
TYPE I/A CONCRETE CONSTRUCTION
BUILDING HEIGHT - 85' FROM GRADE PLANE (53.5')

BUILDING B
5 LEVELS OF TYPE II/A CONSTRUCTION

BUILDING C
TYPE I/A CONCRETE CONSTRUCTION
OPEN AIR GARAGE

FIRE SPRINKLERS

AREAS ARE TO BE PROTECTED ACCORDING TO NFPA 13.

SPRINKLER SYSTEM TO BE INSPECTED BY A QUALIFIED PROFESSIONAL INSPECTOR AT MODULAR UNIT FACTORY.

PROJECT SITE

Legal:

Lot	2
Track	8002 (305 M 1-2)
Parcel	A

Zone: CSMU (station Mix use Commercial)

Lot size: LOT AREA: 155,215 SF / 3.5

EXHIBIT A

PROJECT INFORMATION

BUILDING AREA

BUILDING A

COMMERCIAL	5088 SF
Common	5275 SF
CORRIDOR	17400 SF
LIVE/WORK	11039 SF
RESIDENTIAL	153896 SF
SERVICE	5427 SF
STAIR / ELV	5740 SF
	203864 SF

BUILDING B

CORRIDOR	27365 SF
RESIDENTIAL	156623 SF
SERVICE	2751 SF
STAIR	3830 SF
	190568 SF

BUILDING C

CIRCULATION	14987 SF
Common	2936 SF
GARAGE	169362 SF
SERVICE	438 SF
STAIR / ELV	4857 SF
	192580 SF

RESIDENTIAL UNITS

BUILDING A

Unit Type	Count	Area
1BD	24	16147 SF
1BD+	82	66157 SF
2BD	45	46689 SF
JR.1	10	5166 SF
RES. LOFT	11	9303 SF
Studio	23	10434 SF
	195	153896 SF
LIVE/ WORK	13	11039 SF

BUILDING B

Unit Type	Count	Area
1BD	8	4784 SF
1BD+	40	30993 SF
2BD	45	46770 SF
JR.1	142	74075 SF
	235	156623 SF

TOTAL

1BD	32
1BD+	122
2BD	90
JR.1	152
STUDIO	23
RES. LOFT	11
LIVE / WORK	13
TOTAL	443

PARKING

CAR PARKING

Type	Number of Spaces
Regular 8'-6" X 17'-0"	442
ADA 9'-0" X 18'-0"	18
Grand total	460
Motorcycle	18

Bike Parking

Type	Number of bikes
Building A	
Bike Rack - Doucle Decker: DD8	16
Bike Rack - Doucle Decker: DD16	80
	96
Building B	
Bike Rack - Doucle Decker: DD8	8
Bike Rack - Doucle Decker: DD16	64
	72
Grand total	168

STORAGE

Storage

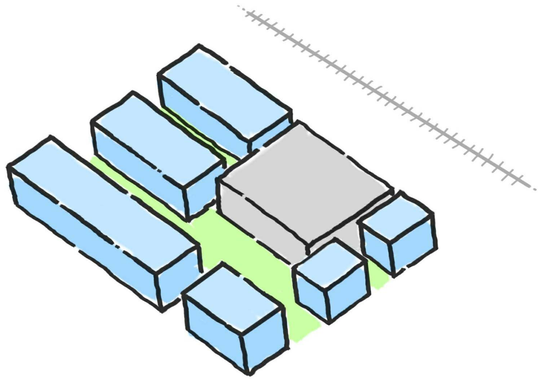
Size	Volume	Count
8'-6"w. 3'-0"d. 8'-0"h	204.00 CF	103
4'-0"w. 6-2"d. 8'-0"h	201.44 CF	218
		321

BALCONIES (SEE SHEET A204 FOR SIZES)

SMALL BALCONIES @ 11TH STREET	11
LARGE BALCONIES	22
SMALL BALCONIES	36

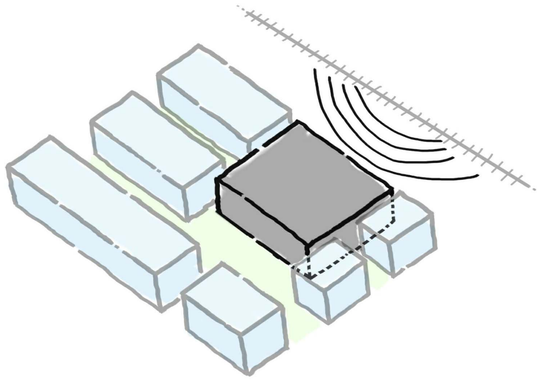
ZONING SUMMERY

ITEM	REQ. BY ZONING	SECTION	PROPOSED	STATUS
Min. site area	*Not less than twenty thousand (20,000) SF*	*18.38.060*	Total 153,215 SF (3.51 Acres)	Complying
Site area per dwelling unit	*A minimum of (60) units per acre and a maximum of (165) units per acre is permitted. The minimum site area per dwelling unit shall be two hundred sixty-four (264) square feet.*	*18.38.070*	126 unit per acre 345 SF per unit	Complying
Site floor area ratio	*For all nonresidential uses, the minimum floor area ratio (FAR) shall be 1.0 and the maximum shall be 4.0.*	*18.38.080*	Residential	Complying
Frontage, width and depth of site	*Every lot shall have a minimum street frontage width of at least (100) feet and a minimum depth of two hundred (200) feet*	*18.38.090*	~456 feet Frontage X 336 feet Depth	Complying
Lot coverage	*The amount of the site area covered by structures shall not be restricted*	*18.38.100*	~2.38 acres 67% of the site	Complying
Front yard	*Front yard setbacks shall be (15) feet from the face of the parking curb to ensure a comfortable pedestrian environment*	*18.38.110*	From curb to PL 15 feet , from PL to building line on ground floor varies between 2'-6" to 14'-0"	Complying
Side yard	*Interior side yard setbacks shall not be required. Street side yard setbacks shall be (15) feet from the face of the parking curb to ensure a comfortable pedestrian environment*	*18.38.120*	From curb to PL 10 feet + 5 feet from PL to building line on ground floor	Complying
Rear yard	*Rear yards shall not be required, except that street rear yards shall be (15) feet from the face of the parking curb to ensure a comfortable pedestrian environment*	*18.38.130*	From curb to PL 13'-6" feet + 7' @ Residential portion & 12' @ garage	Complying
Height of structures	*The minimum height of buildings shall be (3) stories and the maximum height of buildings shall be (14) stories or (160) feet, excluding mechanical penthouses and elevator towers; provided, that they do not exceed twenty-five percent (25%) of the roof area of the building. Buildings higher than five (5) stories or sixty-five (65) feet shall require approval of a use permit* Additionally; The transit-oriented development will include a range of building heights. Although the building height varies, they will be carefully composed to create a diverse and visually pleasing "townscape". While the predominant building height is anticipated to be 5 to 6 fl oors or up to 65 feet per Design Guidline page 13	*18.38.140*	up 85 feet for the portion along 11th street & 60 feet for the rest, excluding mechanical, elevator, and stair penthouses, measured from top of first level to top of roof structure. up to 8 stories along 11th street and 5 stories for the ramaning	Complying
Distance between main structures	*No distance between structures shall be required.*	*18.38.160*	Varies, See plans	Complying
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*	*18.38.170*	Approx. 40,000 SF of on grade common open space with a pool and common amenities with openings to public streets. in addition to roof decks	Complying
Off-street parking	***A.Residential Use.****For rental units, provide (1) covered and enclosed parking stalls per each unit, except affordable housing developments may be parked at 1.3 parking stalls per unit and may not be enclosed.* ***443 X 1 = (443) req. parking for Res.*** *A minimum of (1) bicycle parking facility shall be provided for every (3) units. Bicycle parking facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.090.* ***443/3= (148) Req. bicycle parking*** *The enclosed storage space (per Section 18.38.220) for each unit may incorporate space for the required bicycle parking. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.100 and approval by the decision maker.* *A minimum of (1) motorized cycle parking stall that is enclosed and weather-protected shall be provided for every (25) units.* ***443/25=18 req. motorcycle parking*** ***B. Retail Use.*** *Provide automobile and bicycle parking at commercial district standards per Section 18.36.150* ***If light retail 3700/175 = (21) req. parking for retail*** ***21x0.2= 4 req. bicycle parking for retail***	*18.38.170* *18.36.150* *18.36.190*	**Type** **Number of Spaces** Regular 8'-6" X 17'-0" 442 ADA 9'-0" X 18'-0" 18 Grand total 460 Bike Parking **Type** **Number of bikes** For Building A Bike Rack - Doucle Decker: DD8 16 Bike Rack - Doucle Decker: DD16 80 96 For Building B Bike Rack - Doucle Decker: DD8 8 Bike Rack - Doucle Decker: DD16 64 72 Grand total 168 Motorcycle 18 Retail parking: non for retail	Complying
Off-street loading	*For commercial uses, loading berth requirements shall be evaluated on a project by project basis.* *For residential uses, loading berth requirements shall be evaluated on a project by project basis*	*18.38.210*	No off-street loading	Complying
Residential storage	*Each residential unit shall have at least (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 (2) or more locations*	*18.38.220*	Storage Size Volume Count 8'-6"w. 3'-0"d. 8'-0"h 204.00 CF 103 4'-0"w. 6-2"d. 8'-0"h 201.44 CF 218 321	Modification needed for (1bedroom+ & Lofts) units to meet storage req. whitin the unit
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*	*18.38.230*	Laundry facilities are provided inside each unit	Complying



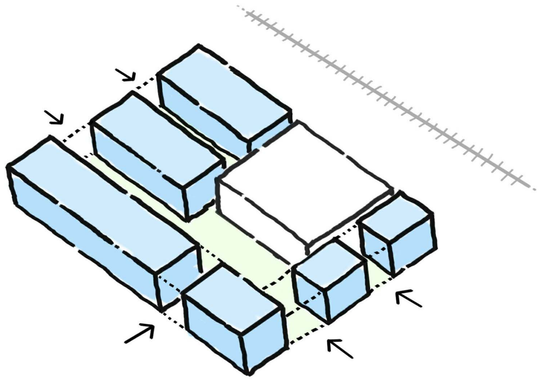
COURTYARDS

APARTMENT “BARS” DEFINES GREEN COURTYARDSAPARTMENT “BARS” DEFINES GREEN COURTYARDS



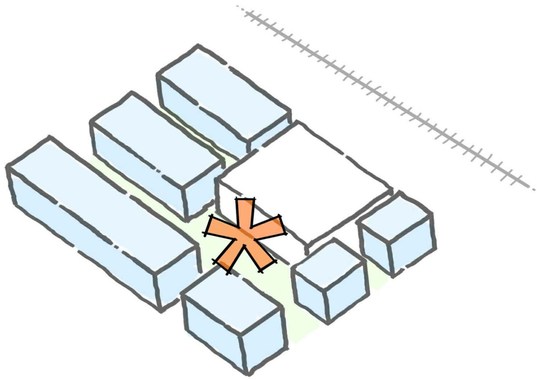
SOUND BUFFER

“WRAPPED” GARAGE THAT ALSO FUNCTIONS AS A SOUND BUFFER TO THE ADJACENT RAILROAD



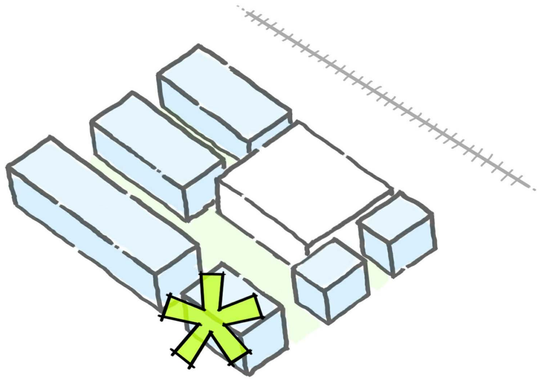
POROSITY

COURTS VISIBLE FROM THE NIGHBORHOOD THROUGH GAPS



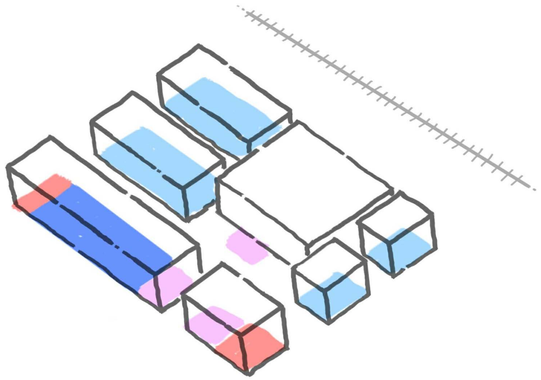
COMMON USES

AN ICONIC SHARED USE BUILDING FEATURES COMMON AMENITIES



ICONIC ENTRY

ICONIC ELEMENTS SUCH AS GREEN WALLS, PORTALS AND ART WALLS TO MARK THE ENTRY



URBAN ACTIVE EDGE

COURTS VISIBLE FROM THE NIGHBORHOOD THROUGH GAPS

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

CONCEPT DIAGRAMS

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G110

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

RENDERING - AERIAL

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G200

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

RENDERING - VIEW FROM BART

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G201

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

RENDERING - 11TH STREET

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G202

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

RENDERING- PORTAL

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G203

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

RENDERING - LOFT FRONTAGES

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G204

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

RENDERING- 11TH ST. CORNER

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G205

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

RENDERING - ENTRY PLAZA

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G206

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

RENDERING - DECOTO RD & 12TH ST.

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G207

WINDFLOWER PROPERTIES

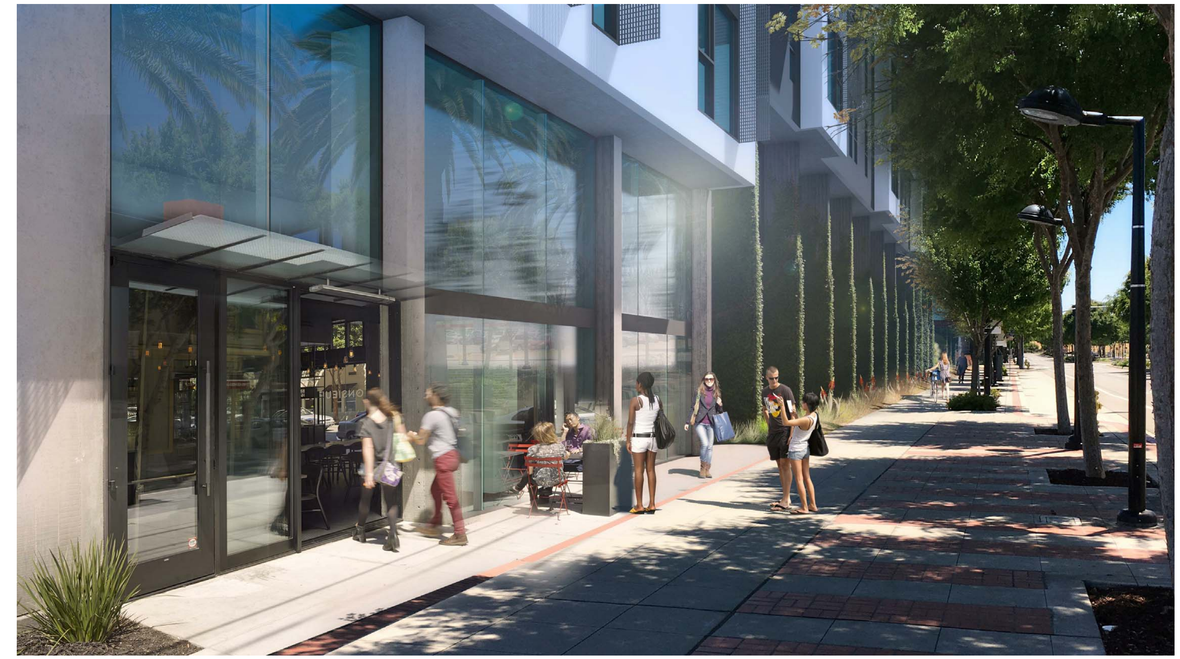
ENTITLEMENT SET

Windflower 2.0

RENDERING-11TH STREET

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G208



11th STRET COMMERCIAL FRONTAGE

VIEW FROM THE WALKWAYS LOOKING AT COMMON BUUILDINGS AND COURTYARD

VIEW OF THE MAIN COURTYARD LOOKING AT THE COMMON BUILDINGS

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

RENDERING

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G209

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

RENDERING - BERGER WAY

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G210

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

RENDERING - COURTYARD ALONG BERGER WAY

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G211

WINDFLOWER PROPERTIES

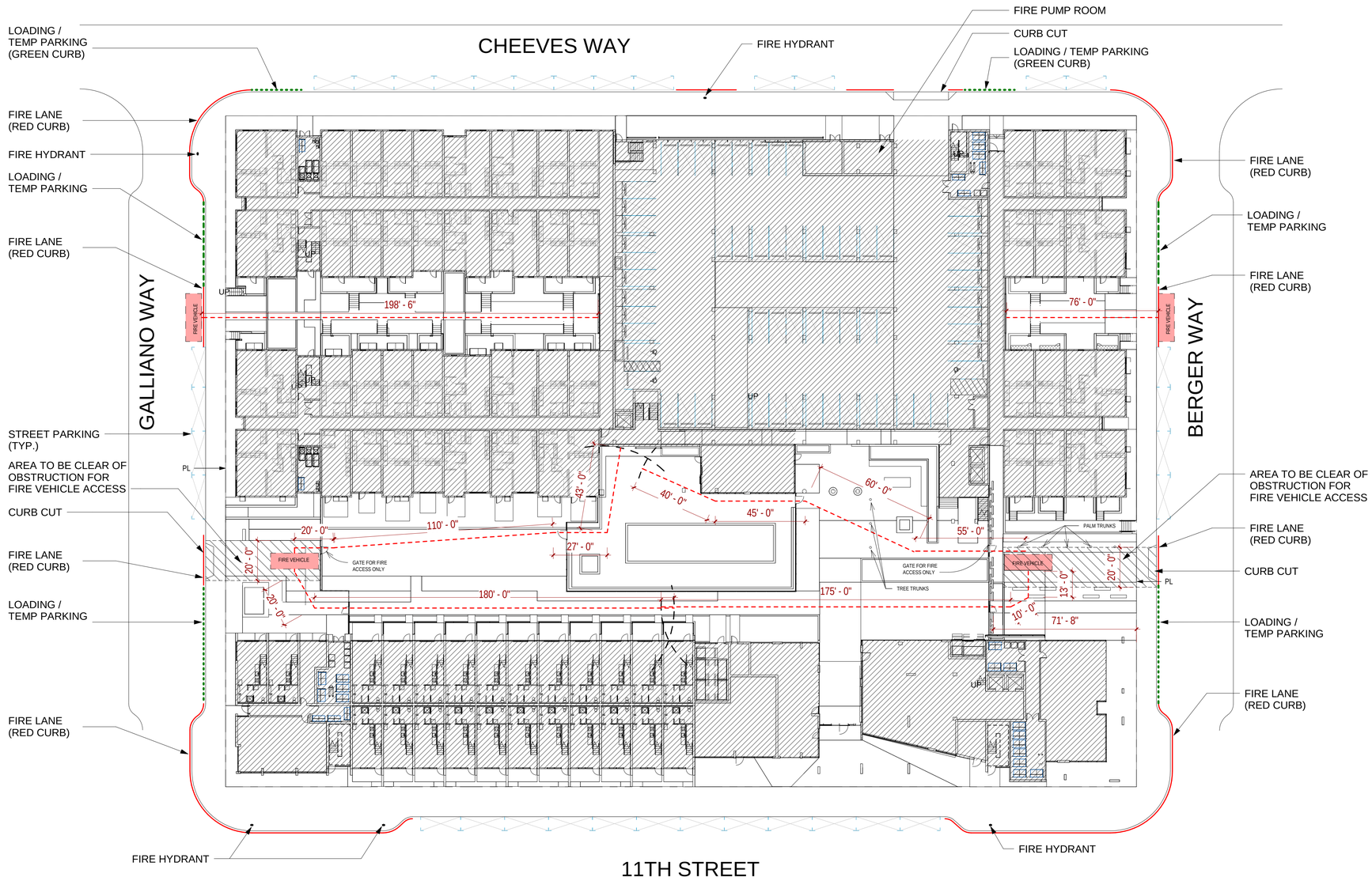
ENTITLEMENT SET

Windflower 2.0

COURTYARD RENDERINGS

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

G212



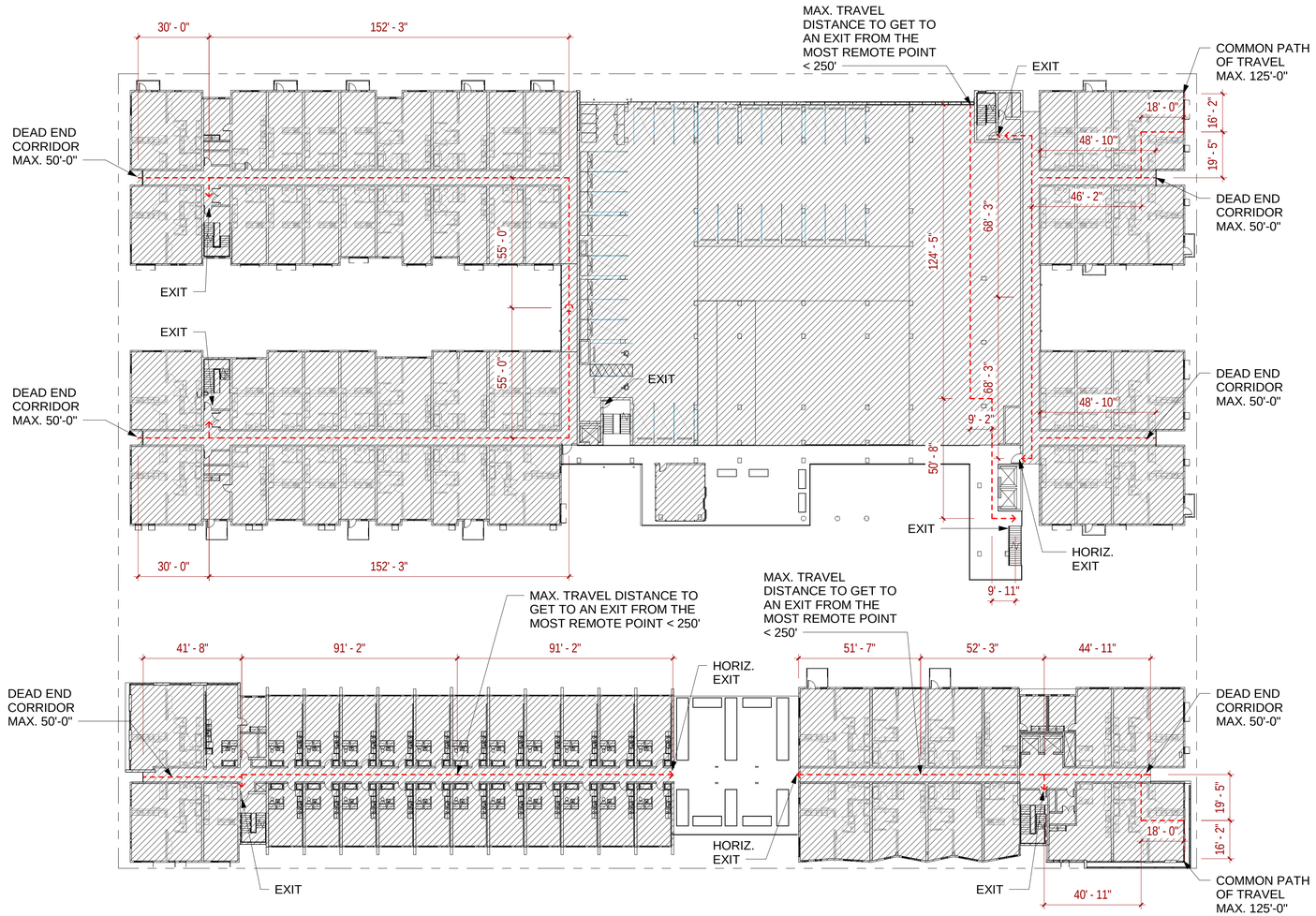
ENTITLEMENT SET

Windflower 2.0

FIRE ACCESS DIAGRAM

job #: 21610
date: 09/11/2017
scale: 1" = 30'-0" when printed on 22X34

G300



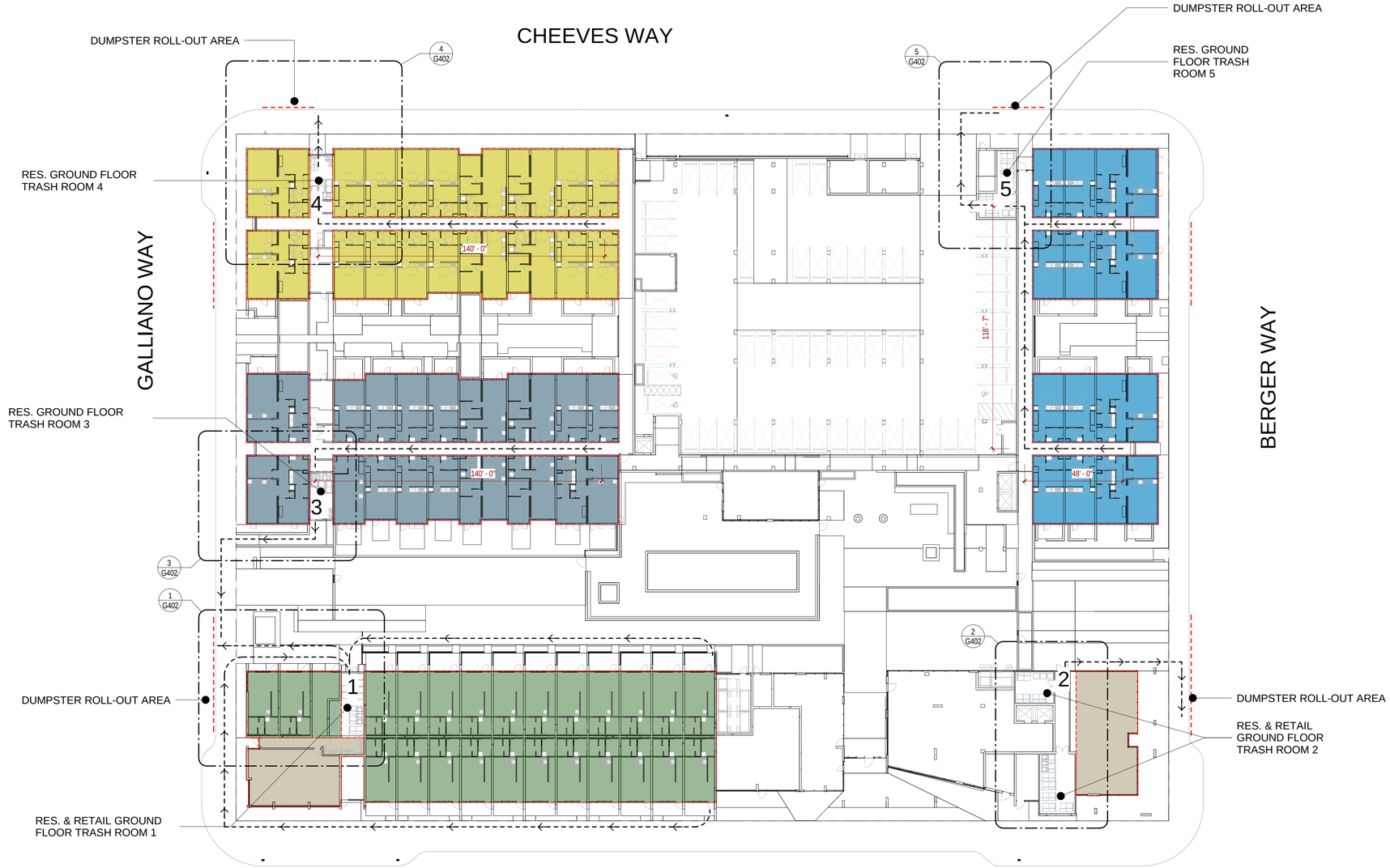
ENTITLEMENT SET

Windflower 2.0

TYPICAL UPPER FLOOR EGRESS DIAGRAM

job #: 21610
date: 09/11/2017
scale: 1" = 30'-0" when printed on 22X34

G310



- RESIDENTIAL - TRASH COLLECTON AREA 1
- RESIDENTIAL - TRASH COLLECTON AREA 2
- RESIDENTIAL - TRASH COLLECTON AREA 3
- RESIDENTIAL - TRASH COLLECTON AREA 4
- RESIDENTIAL - TRASH COLLECTON AREA 5
- RETAIL
- Calculating...

WINDFLOWER PROPERTIES

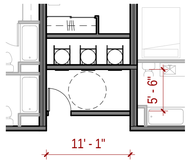
ENTITLEMENT SET

Windflower 2.0

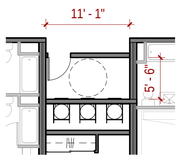
TRASH DIAGRAM - GROUND FLOOR

job #: 21610
date: 09/11/2017
scale: 1" = 30'-0" when printed on 22X34

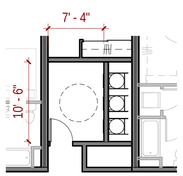
G400



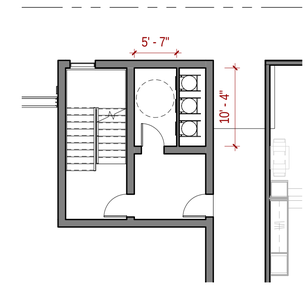
4 Trash Room 4
1" = 10'-0"



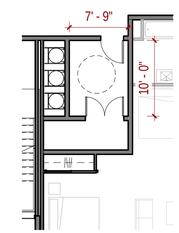
3 Trash Room 3
1" = 10'-0"



1 Trash Room 1
1" = 10'-0"



5 Trash Room 5
1" = 10'-0"



2 Trash Room 2
1" = 10'-0"

- RESIDENTIAL - TRASH COLLECTON AREA 1
- RESIDENTIAL - TRASH COLLECTON AREA 2
- RESIDENTIAL - TRASH COLLECTON AREA 3
- RESIDENTIAL - TRASH COLLECTON AREA 4
- RESIDENTIAL - TRASH COLLECTON AREA 5
- RETAIL
- Calculating...

WINDFLOWER PROPERTIES

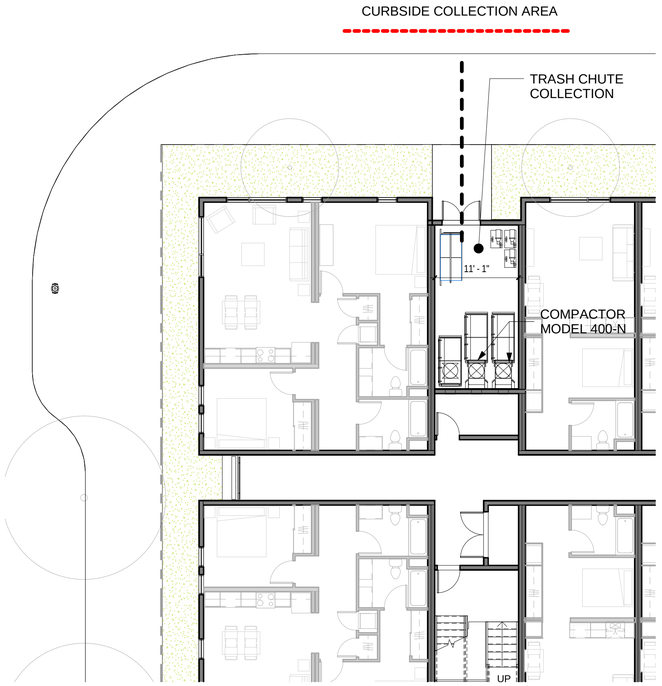
ENTITLEMENT SET

Windflower 2.0

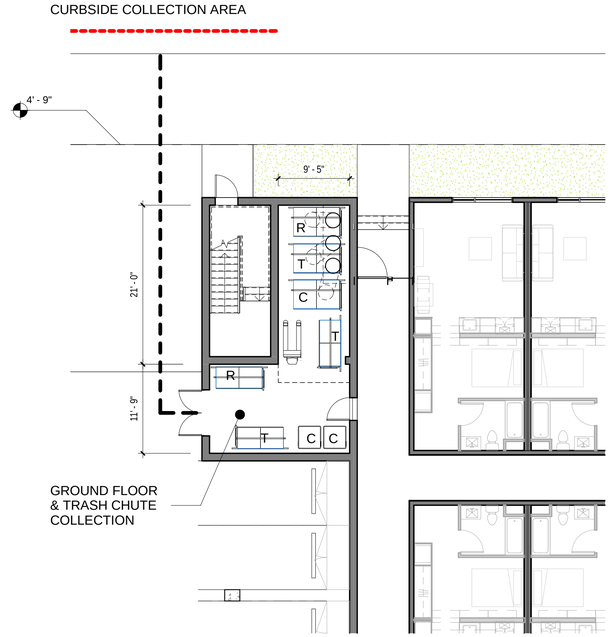
TRASH DIAGRAM - TYPICAL UPPER FLOORS

job #: 21610
date: 09/11/2017
scale: As indicated when printed on 22X34

G401



4 GROUND FLOOR TRASH COLLECTION AREA - 4
1" = 10'-0"



5 GROUND FLOOR TRASH COLLECTION AREA - 5
1" = 10'-0"

TRASH PLAN NARRATIVE

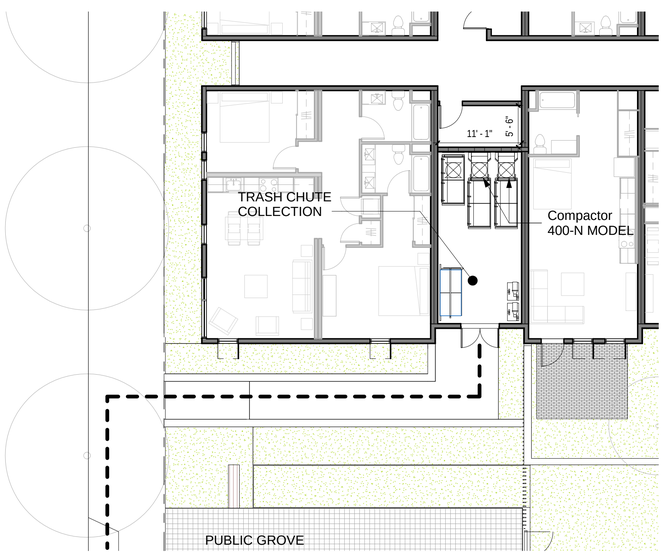
5 UPPER FLOOR TRASH ROOMS:

-TREE CHUTES PER ROOM, ONE FOR TRASH, ONE FOR RECYCLING & ONE FOR COMPOSE
-SEPARATION DISTANCE BETWEEN ROOMS = VARIES - SEE SHEETS G400 & G401
- LONGEST DISTANCE TRAVELED TO TRASH CHUTE ROOM = 178 FEET
- ALL TRASH ROOMS TO BE <500 S.F. IN AREA

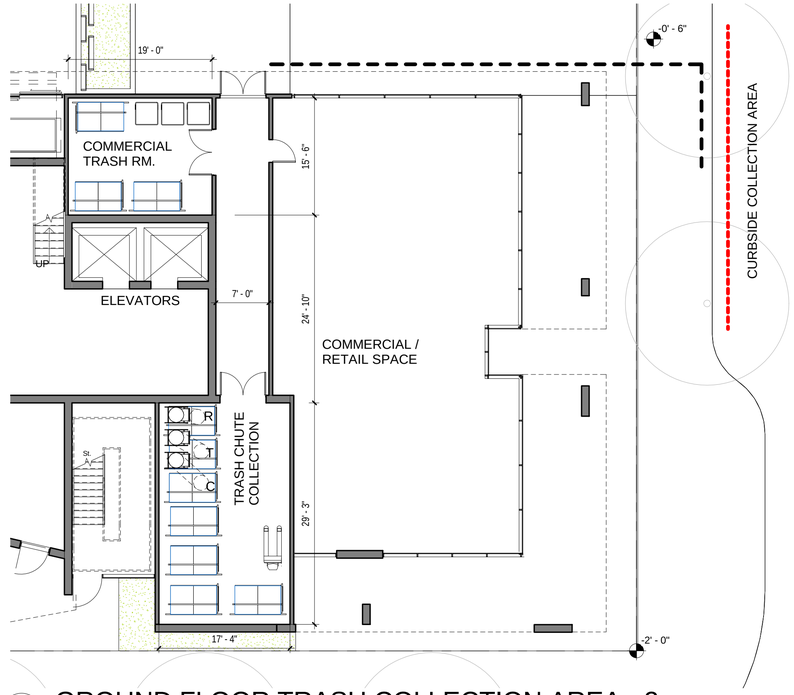
TRASH
3-CU YD & 1-CU YD FRONT END LOAD BINS [WITH COMPACTION UNIT] SERVICED 3 TIMES A WEEK

RECYCLING
3-CU YD & 1-CU YDFRONT END LOAD BINS [WITH COMPACTION UNIT] SERVICED 3 TIMES A WEEK

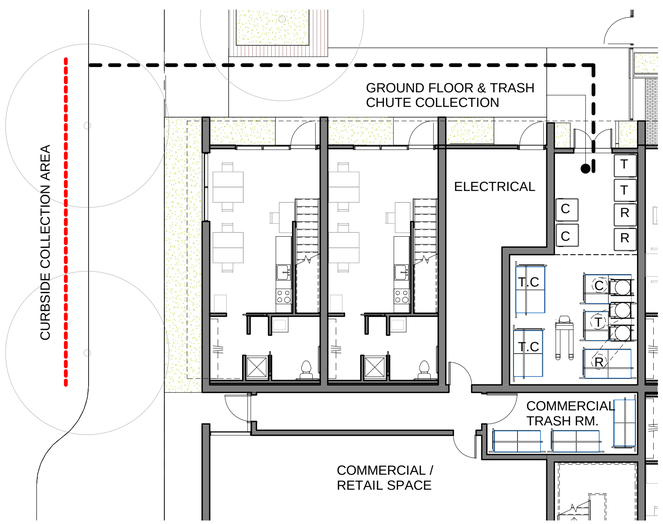
TRASH GENERATION [W/ COMPACTION 1/3]	NO. UNITS SERVED	TRASH & COM. - 75% (PER COLLECTION) [W/ COMPACTION 1/3]	REC. - 25% (PER COLLECTION) [W/ COMPACTION 1/3]
TRASH AREA 1:			
UPPER FLOORS:	116	29 (9.6)	10 (3.3)
GROUND FLOOR:	24	6 (2)	2 (0.7)
TRASH AREA 2:			
UPPER FLOORS:	68	17 (5.6)	6 (2)
GROUND FLOOR:	0	0	0
TRASH AREA 3:			
UPPER FLOORS:	68	17 (5.6) [1.8]	6 (2) [0.6]
GROUND FLOOR:	17	4.5 (1.5) [0.5]	1.5 (.5) [0.1]
TRASH AREA 4:			
UPPER FLOORS:	72	18 (6) [2]	6 (2) [0.6]
GROUND FLOOR:	18	4.5 (1.5) [0.5]	1.5 (.5) [0.1]
TRASH AREA 5:			
UPPER FLOORS:	48	12 (4)	4 (1.3)
GROUND FLOOR:	12	3 (1)	1 (.3)



3 GROUND FLOOR TRASH COLLECTION AREA - 3
1" = 10'-0"



2 GROUND FLOOR TRASH COLLECTION AREA - 2
1" = 10'-0"



1 GROUND FLOOR TRASH COLLECTION AREA - 1
1" = 10'-0"

WINDFLOWER PROPERTIES

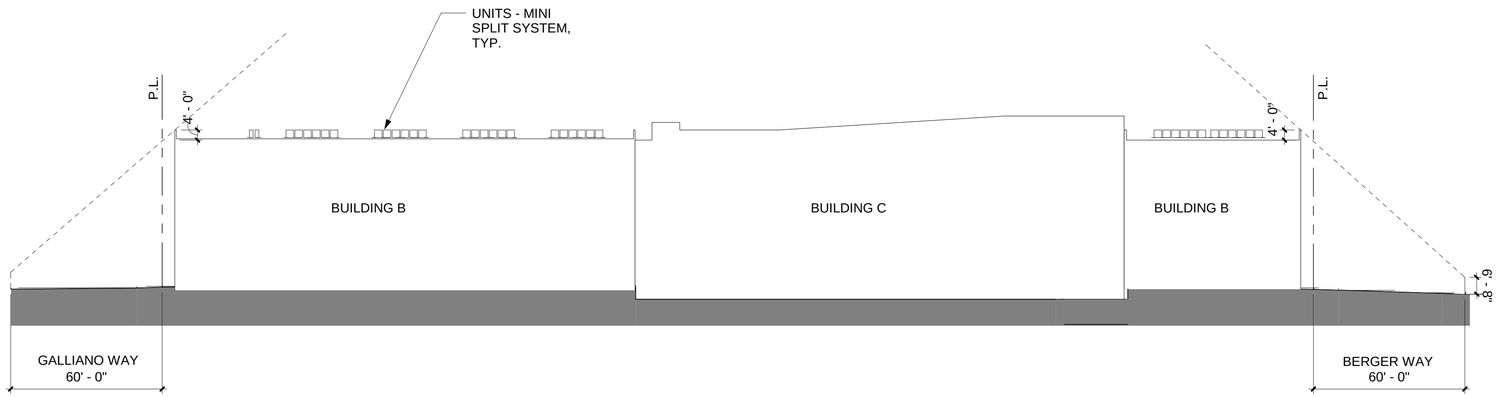
ENTITLEMENT SET

Windflower 2.0

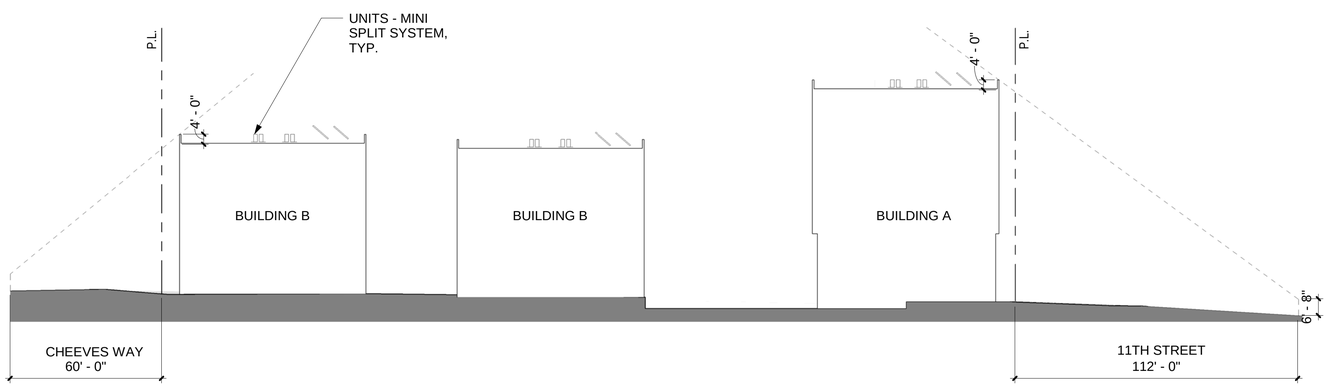
TRASH ROOMS PLANS

job #: 21610
date: 09/11/2017
scale: 1" = 10'-0" when printed on 22X34

G402



2 Longitudinal Section Mechanical Equipment Screening
1" = 30'-0"



1 Cross Section Mechanical Equipment Screening
1" = 30'-0"

WINDFLOWER PROPERTIES

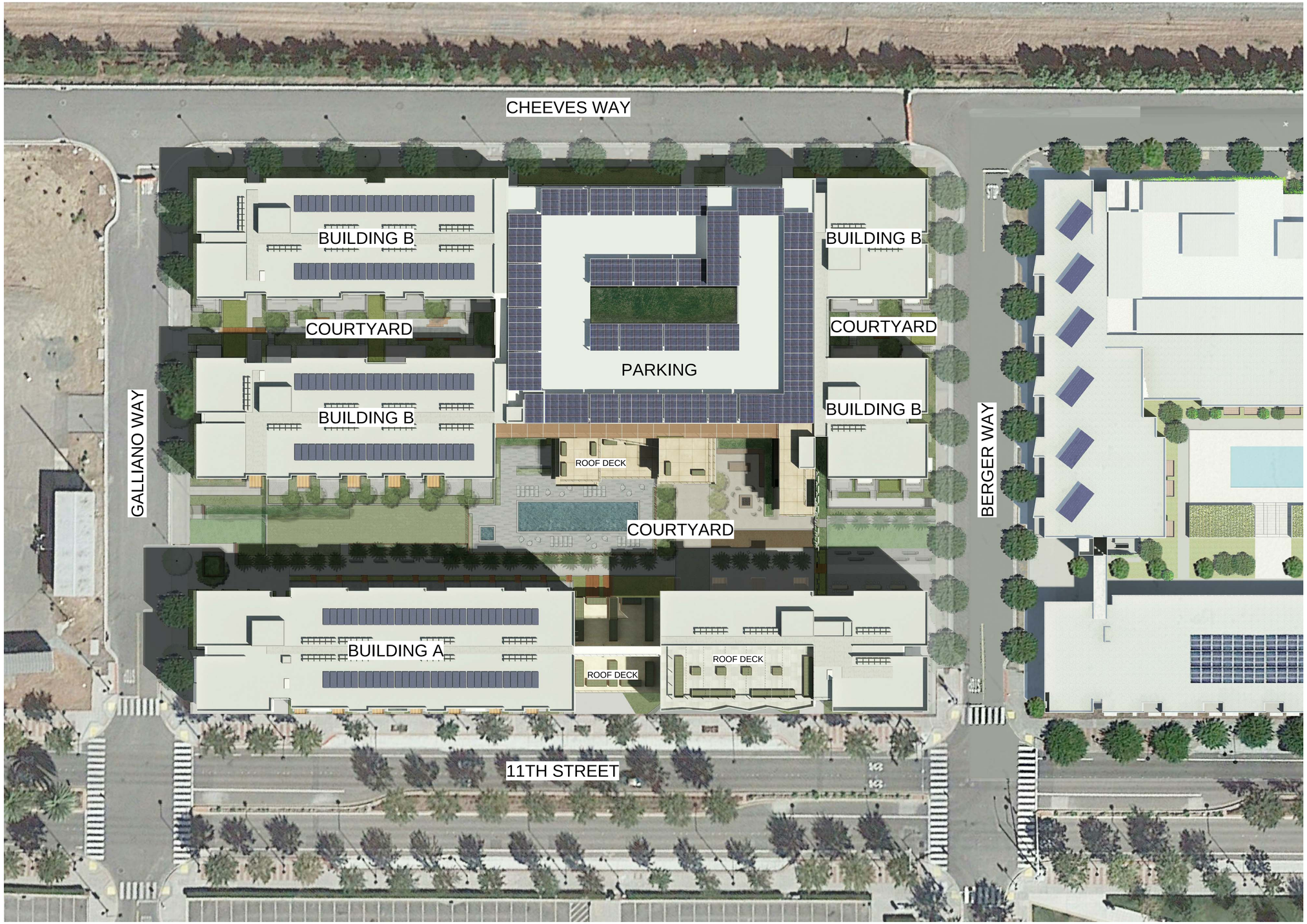
ENTITLEMENT SET

Windflower 2.0

ROOFTOP EQUIPMENT VISIBILITY
FROM PUBLIC R.O.W

job #: 21610
date: 09/11/2017
scale: 1" = 30'-0" when printed on 22X34

G410



WINDFLOWER PROPERTIES

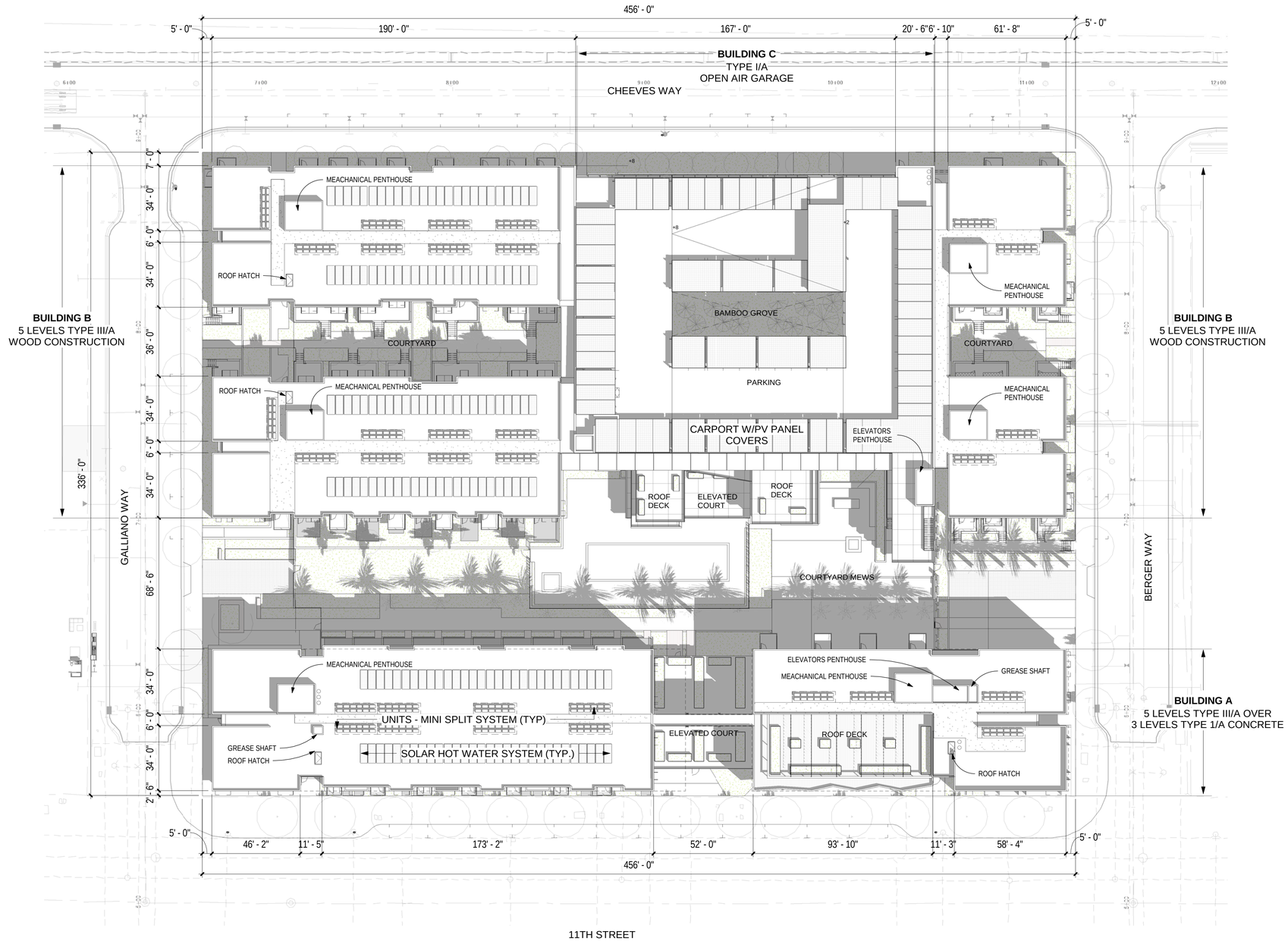
ENTITLEMENT SET

Windflower 2.0

SITE PLAN - CONTEXT

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

A100



0' 8' 16' 32'

WINDFLOWER PROPERTIES

ENTITLEMENT SET

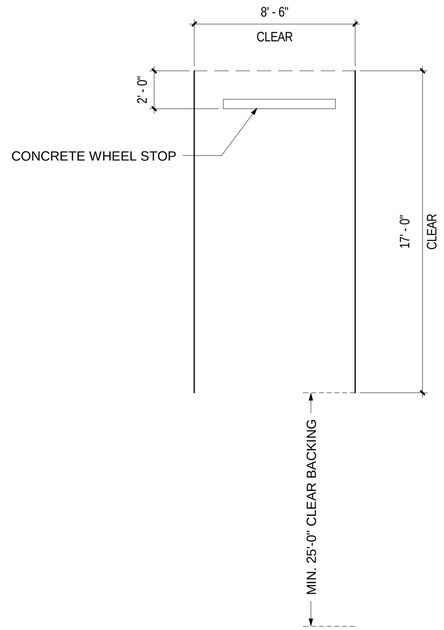
Windflower 2.0

SITE & ROOF PLAN

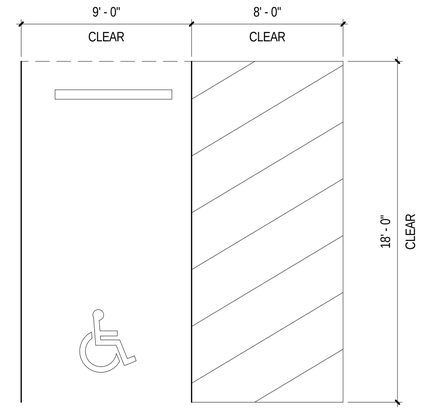
job #: 21610
date: 09/11/2017
scale: 1" = 30'-0" when printed on 22X34

A101

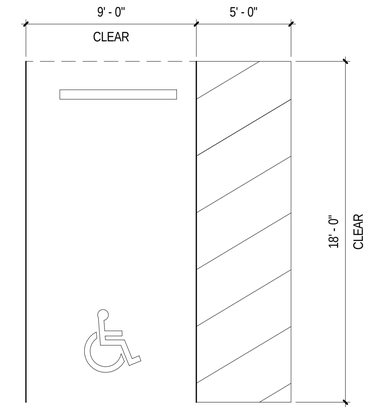
TYPICAL PARKING STALL



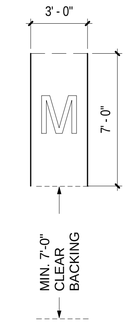
ADA VAN ACCESSIBLE

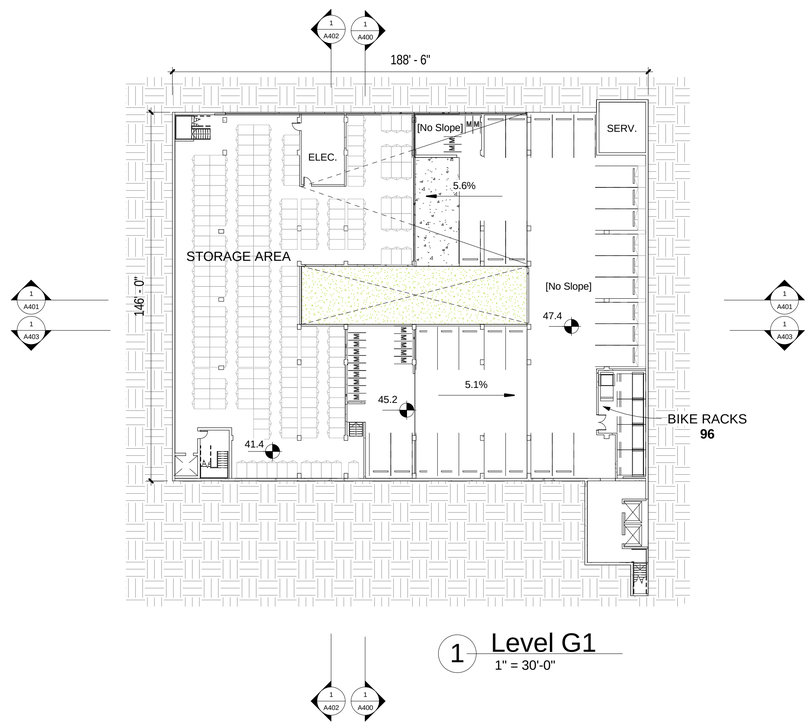


ADA ACCESSIBLE



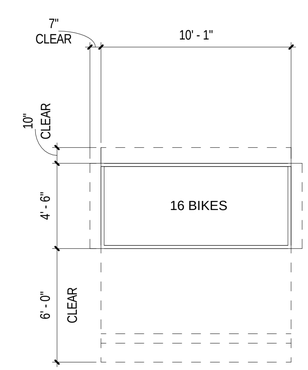
MOTORCYCLE PARKING

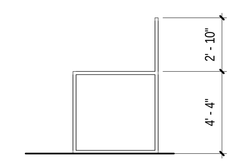


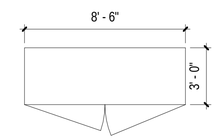


1 Level G1
1" = 30'-0"

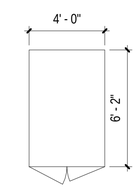
TYPICAL DOUBLE DECKER BIKE PARKING



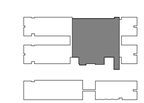


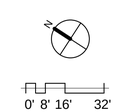


STORAGE UNIT
8'-6" W. X 3'-0" D. X 8'-0" H



STORAGE UNIT
4'-0" W. X 6'-2" D. X 8'-0" H





WINDFLOWER PROPERTIES

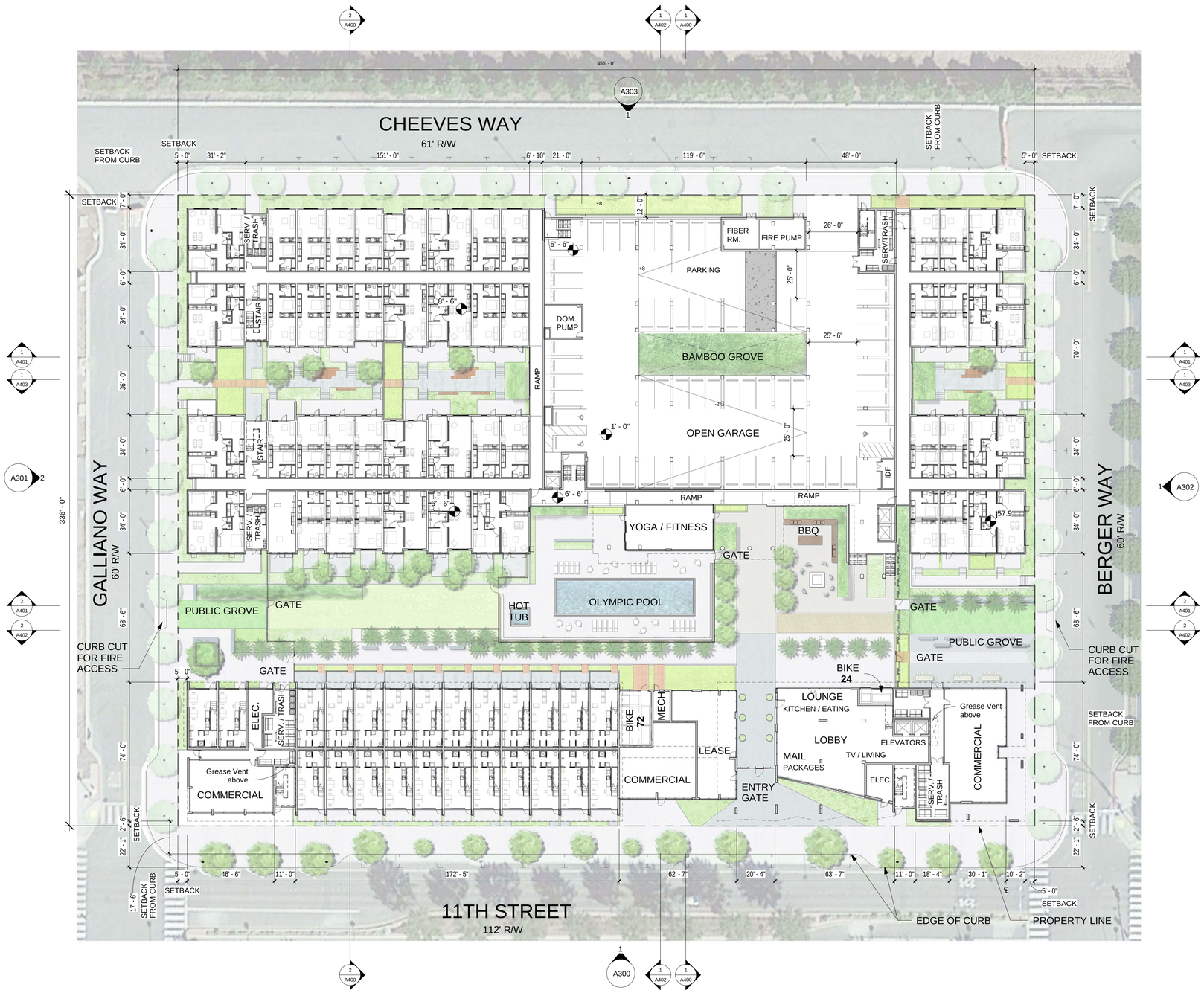
ENTITLEMENT SET

Windflower 2.0

BASEMENT FLOOR PLAN - PARKING STRUCTURE

job #: 21610
date: 09/11/2017
scale:As indicated when printed on 22X34

A200



Level A1

22	**Elec.**	**460 SF**
23	**Mech.**	**172 SF**
24	**Elec.**	**293 SF**
26	**Bikes**	**160 SF**
A10	**Retail**	**1943 SF**
A11	**Retail**	**1676 SF**
A12	**Service**	**1176 SF**
A13	**Service**	**386 SF**
A14	**Common**	**3253 SF**
A15	**Common**	**1477 SF**
A16	**Stair**	**277 SF**
A17	**Stair**	**263 SF**
A18	**Elevators**	**173 SF**
A19	**Service**	**535 SF**
A20	**Retail**	**1469 SF**
A101	**LIVE/ WORK**	**504 SF**
A102	**LIVE/ WORK**	**501 SF**
A103	**LIVE/ WORK**	**501 SF**
A104	**LIVE/ WORK**	**501 SF**
A105	**LIVE/ WORK**	**501 SF**
A106	**LIVE/ WORK**	**501 SF**
A107	**LIVE/ WORK**	**501 SF**
A108	**LIVE/ WORK**	**501 SF**
A109	**LIVE/ WORK**	**501 SF**
A110	**LIVE/ WORK**	**501 SF**
A111	**LIVE/ WORK**	**501 SF**
A113	**RES. LOFT**	**501 SF**
A114	**RES. LOFT**	**501 SF**
A115	**RES. LOFT**	**501 SF**
A116	**RES. LOFT**	**501 SF**
A117	**RES. LOFT**	**501 SF**
A118	**RES. LOFT**	**501 SF**
A119	**RES. LOFT**	**501 SF**
A120	**RES. LOFT**	**501 SF**
A121	**RES. LOFT**	**501 SF**
A122	**RES. LOFT**	**501 SF**
A123	**RES. LOFT**	**501 SF**
A124	**LIVE/ WORK**	**502 SF**
A125	**LIVE/ WORK**	**517 SF**
		25755 SF

COMMERCIAL	**5088 SF**
Common	**4729 SF**
LIVE/WORK	**6532 SF**
RESIDENTIAL	**5510 SF**
SERVICE	**3182 SF**
STAIR / ELV	**713 SF**
	25755 SF

Level B1

B10	Corridor	1760 SF
B11	Corridor	3710 SF
B12	STAIR	265 SF
B13	STAIR	266 SF
B14	Service	357 SF
B15	Service	344 SF
B16	STAIR	237 SF
B19	SERVICE	458 SF
B101	2BD	1037 SF
B102	JR.1	517 SF
B103	JR.1	525 SF
B104	2BD	1037 SF
B105	JR.1	517 SF
B106	JR.1	517 SF
B107	2BD	1037 SF
B108	JR.1	517 SF
B109	JR.1	517 SF
B110	2BD	1037 SF
B111	JR.1	517 SF
B112	JR.1	520 SF
B113	2BD	1035 SF
B114	JR.1	517 SF
B115	JR.1	517 SF
B116	1BD+	798 SF
B117	1BD+	775 SF
B118	1BD+	733 SF
B119	1BD+	776 SF
B120	JR.1	517 SF
B121	JR.1	489 SF
B122	JR.1	517 SF
B123	JR.1	521 SF
B124	JR.1	517 SF
B125	JR.1	490 SF
B126	JR.1	470 SF
B127	JR.1	521 SF
B128	2BD	1035 SF
B129	2BD	1035 SF
B130	JR.1	517 SF
B131	JR.1	512 SF
B132	JR.1	517 SF
B133	JR.1	517 SF
B134	1BD+	765 SF
B135	1BD+	797 SF
B136	1BD+	765 SF
B137	1BD+	766 SF
B138	JR.1	471 SF
B139	JR.1	517 SF
B140	JR.1	517 SF
B141	JR.1	517 SF
B142	JR.1	517 SF
B143	JR.1	517 SF
B144	JR.1	517 SF
B145	JR.1	517 SF
B146	2BD	1034 SF
B147	2BD	1035 SF
		38264 SF

CORRIDOR	5470 SF
RESIDENTIAL	30867 SF
SERVICE	1159 SF
STAIR	768 SF
	38264 SF

LEVEL C1

G010	**PARKING/STORAGE/BIKE**	**21577 SF**
G011	**SERVICE**	**438 SF**
G020	**STAIR**	**229 SF**
G021	**STAIR**	**184 SF**
G030	**Elevators**	**95 SF**
G031	**Elevators**	**190 SF**
G022	**STAIR**	**177 SF**
G040	**WALKWAY**	**1974 SF**
		24863 SF

CIRCULATION	**1974 SF**
GARAGE	**21577 SF**
SERVICE	**438 SF**
STAIR / ELV	**874 SF**
	24863 SF

0' 8' 16' 32'

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

FLOOR PLAN - LEVEL 1

job #: 21610
date: 09/11/2017
scale: 1" = 30'-0" when printed on 22X34

A201

Level A2

21	**Common**	**545 SF**
A26	**Stair**	**271 SF**
A27	**Stair**	**262 SF**
A28	**Elevators**	**176 SF**
A29	**SERVICE**	**387 SF**
A101	**LIVE/ WORK**	**355 SF**
A102	**LIVE/ WORK**	**344 SF**
A103	**LIVE/ WORK**	**344 SF**
A104	**LIVE/ WORK**	**344 SF**
A105	**LIVE/ WORK**	**344 SF**
A106	**LIVE/ WORK**	**344 SF**
A107	**LIVE/ WORK**	**344 SF**
A108	**LIVE/ WORK**	**344 SF**
A109	**LIVE/ WORK**	**344 SF**
A110	**LIVE/ WORK**	**344 SF**
A111	**LIVE/ WORK**	**344 SF**
A113	**RES. LOFT**	**355 SF**
A114	**RES. LOFT**	**344 SF**
A115	**RES. LOFT**	**344 SF**
A116	**RES. LOFT**	**344 SF**
A117	**RES. LOFT**	**344 SF**
A118	**RES. LOFT**	**344 SF**
A119	**RES. LOFT**	**344 SF**
A120	**RES. LOFT**	**344 SF**
A121	**RES. LOFT**	**344 SF**
A122	**RES. LOFT**	**344 SF**
A123	**RES. LOFT**	**344 SF**
A124	**LIVE/ WORK**	**353 SF**
A125	**LIVE/ WORK**	**363 SF**
		9942 SF

Common	**545 SF**
LIVE/WORK	**4507 SF**
RESIDENTIAL	**3793 SF**
SERVICE	**387 SF**
STAIR / ELV	**710 SF**
	9942 SF

Level B2

B20	Corridor	1887 SF
B21	Corridor	3722 SF
B22	STAIR	265 SF
B23	STAIR	266 SF
B24	Service	83 SF
B25	Service	161 SF
B26	STAIR	237 SF
B29	SERVICE	114 SF
B201	2BD	1037 SF
B202	JR.1	517 SF
B203	JR.1	525 SF
B204	2BD	1037 SF
B205	JR.1	517 SF
B206	JR.1	517 SF
B207	2BD	1037 SF
B208	JR.1	517 SF
B209	JR.1	517 SF
B210	2BD	1037 SF
B211	JR.1	517 SF
B212	JR.1	519 SF
B213	2BD	1034 SF
B214	JR.1	517 SF
B215	JR.1	517 SF
B216	1BD+	798 SF
B217	1BD+	773 SF
B218	1BD+	733 SF
B219	1BD+	772 SF
B220	JR.1	517 SF
B221	JR.1	486 SF
B222	JR.1	517 SF
B223	JR.1	517 SF
B224	JR.1	517 SF
B225	JR.1	486 SF
B226	1BD	470 SF
B227	JR.1	801 SF
B228	2BD	1035 SF
B229	2BD	1035 SF
B230	JR.1	517 SF
B231	JR.1	512 SF
B232	JR.1	517 SF
B233	JR.1	517 SF
B234	1BD+	765 SF
B235	1BD+	797 SF
B236	1BD+	765 SF
B237	1BD+	766 SF
B238	JR.1	471 SF
B239	JR.1	517 SF
B240	JR.1	517 SF
B241	JR.1	517 SF
B242	JR.1	517 SF
B243	JR.1	517 SF
B245	JR.1	517 SF
B246	1BD	701 SF
B247	2BD	1035 SF
B248	2BD	1035 SF
		38046 SF

CORRIDOR	5609 SF
RESIDENTIAL	31312 SF
SERVICE	357 SF
STAIR	768 SF
	38046 SF

G110	**PARKING**	**23962 SF**
G120	**STAIR**	**300 SF**
G121	**STAIR**	**184 SF**
G130	**Elevators**	**95 SF**
G131	**Elevators**	**190 SF**
G140	**WALKWAY**	**2046 SF**
G150	**Common**	**1174 SF**
		27950 SF

CIRCULATION	**2046 SF**
Common	**1174 SF**
GARAGE	**23962 SF**
STAIR / ELV	**769 SF**
	27950 SF

N

0' 8' 16' 32'

WINDFLOWER PROPERTIES

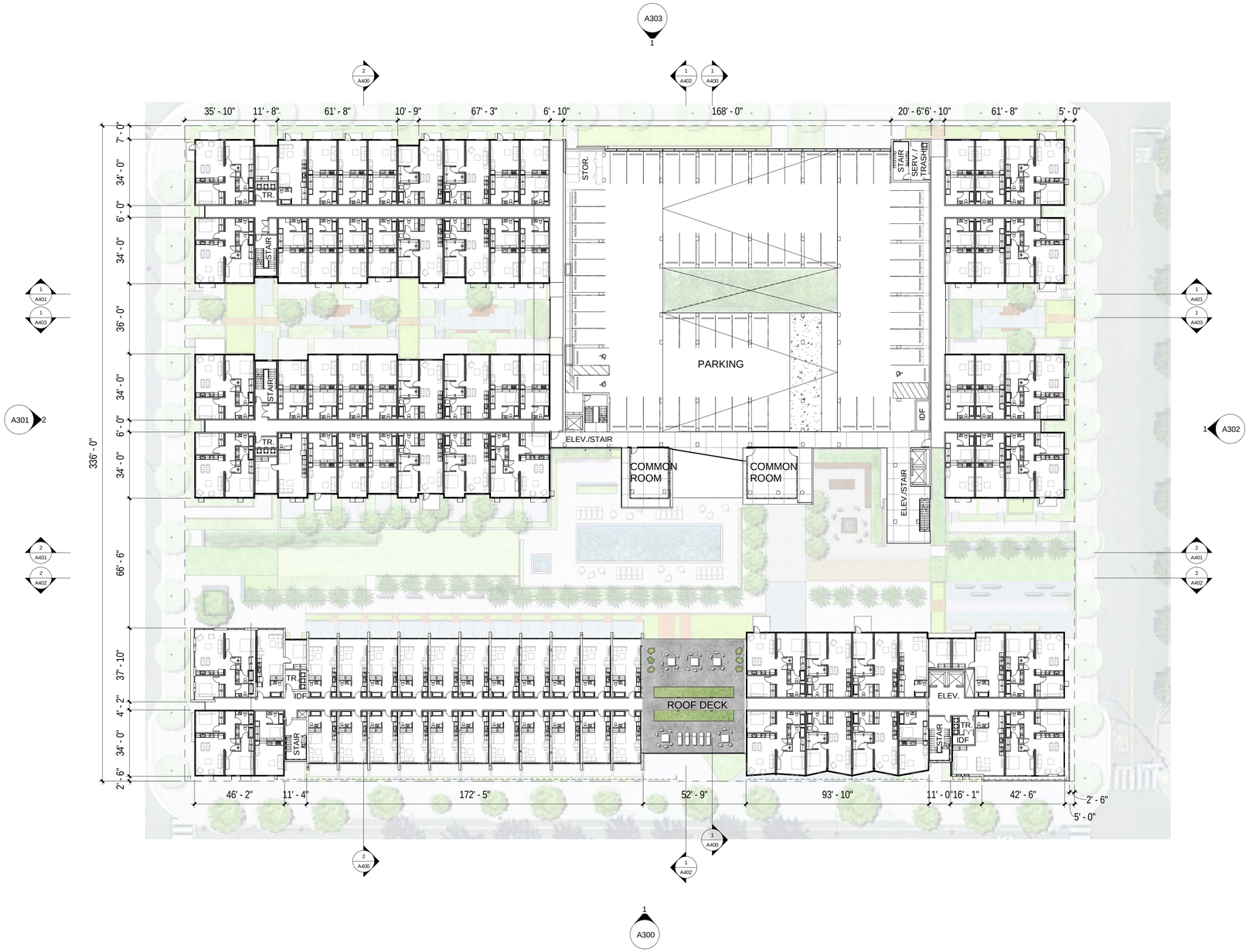
ENTITLEMENT SET

Windflower 2.0

FLOOR PLAN - LEVEL 2

job #: 21610
date: 09/11/2017
scale: 1" = 30'-0" when printed on 22X34

A202



Level A3

A30	Corridor	1240 SF
A31	Corridor	1509 SF
A32	Service	172 SF
A33	Service	133 SF
A36	Stair	282 SF
A37	Stair	266 SF
A38	Elevators	158 SF
A301	2BD	1045 SF
A302	2BD	1162 SF
A303	Studio	518 SF
A304	1BD	696 SF
A305	Studio	424 SF
A306	Studio	475 SF
A307	Studio	424 SF
A308	Studio	475 SF
A309	Studio	425 SF
A310	Studio	475 SF
A311	Studio	425 SF
A312	Studio	475 SF
A313	Studio	425 SF
A314	Studio	475 SF
A315	Studio	426 SF
A316	Studio	475 SF
A317	Studio	426 SF
A318	Studio	475 SF
A319	Studio	427 SF
A320	Studio	475 SF
A321	Studio	427 SF
A322	Studio	475 SF
A323	Studio	428 SF
A324	Studio	475 SF
A325	Studio	431 SF
A326	Studio	475 SF
A327	2BD	1007 SF
A328	2BD	1023 SF
A329	1BD+	769 SF
A330	1BD+	797 SF
A331	1BD+	769 SF
A332	1BD+	797 SF
A333	JR.1	511 SF
A334	1BD	724 SF
A335	1BD	714 SF
A336	1BD	694 SF
A337	2BD	1033 SF
A338	2BD	1033 SF
		26969 SF

CORRIDOR	2749 SF
RESIDENTIAL	23209 SF
SERVICE	305 SF
STAIR / ELV	706 SF
	26969 SF

Unit Type	Count	Area
1BD	4	2828 SF
1BD+	4	3132 SF
2BD	6	6303 SF
JR.1	1	511 SF
Studio	23	10434 SF
	38	23209 SF

Level B3

B30	Corridor	1887 SF
B31	Corridor	3648 SF
B32	STAIR	265 SF
B33	STAIR	266 SF
B34	Service	161 SF
B35	Service	161 SF
B36	STAIR	237 SF
B39	SERVICE	114 SF
B301	2BD	1037 SF
B302	JR.1	517 SF
B303	JR.1	525 SF
B304	2BD	1037 SF
B305	JR.1	517 SF
B306	JR.1	517 SF
B307	2BD	1037 SF
B308	JR.1	517 SF
B309	JR.1	517 SF
B310	2BD	1037 SF
B311	JR.1	517 SF
B312	JR.1	519 SF
B313	2BD	1051 SF
B314	JR.1	521 SF
B315	JR.1	521 SF
B316	1BD+	805 SF
B317	1BD+	780 SF
B318	1BD+	740 SF
B319	1BD+	779 SF
B320	JR.1	522 SF
B321	JR.1	491 SF
B322	JR.1	521 SF
B323	JR.1	522 SF
B324	JR.1	522 SF
B325	JR.1	491 SF
B326	1BD	475 SF
B327	JR.1	718 SF
B328	2BD	1035 SF
B329	2BD	1034 SF
B330	JR.1	517 SF
B331	JR.1	512 SF
B332	JR.1	517 SF
B333	JR.1	517 SF
B334	1BD+	765 SF
B335	1BD+	797 SF
B336	1BD+	765 SF
B337	1BD+	766 SF
B338	JR.1	471 SF
B339	JR.1	517 SF
B340	JR.1	517 SF
B341	JR.1	517 SF
B342	JR.1	517 SF
B343	JR.1	517 SF
B344	JR.1	517 SF
B345	1BD	701 SF
B346	2BD	1035 SF
B347	2BD	1035 SF
		38053 SF

CORRIDOR	5535 SF
RESIDENTIAL	31315 SF
SERVICE	435 SF
STAIR	768 SF
	38053 SF

Unit Type	Count	Area
1BD	2	1175 SF
1BD+	8	6197 SF
2BD	9	9337 SF
JR.1	28	14605 SF
	47	31315 SF

G210	PARKING	24211 SF
G221	STAIR	184 SF
G230	Elevators	95 SF
G231	Elevators	190 SF
G240	WALKWAY	2464 SF
G250	Common	525 SF
G222	STAIR	174 SF
		27843 SF

CIRCULATION	2464 SF
Common	525 SF
GARAGE	24211 SF
STAIR / ELV	643 SF
	27843 SF

0' 8' 16' 32'

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

FLOOR PLAN - LEVEL 3

job #: 21610
date: 09/11/2017
scale: 1" = 30'-0" when printed on 22X34

A203

Level A4

A40	Corridor	3041 SF
A42	Service	177 SF
A43	Service	137 SF
A46	Stair	285 SF
A47	Stair	294 SF
A48	Elevators	204 SF
A401	2BD	1038 SF
A402	2BD	1035 SF
A403	JR.1	524 SF
A404	1BD	518 SF
A405	1BD+	770 SF
A406	1BD+	1006 SF
A407	1BD+	750 SF
A408	1BD+	845 SF
A409	1BD+	776 SF
A410	1BD+	820 SF
A411	1BD+	750 SF
A412	1BD+	845 SF
A413	1BD+	776 SF
A414	1BD+	820 SF
A415	1BD+	750 SF
A416	1BD+	845 SF
A417	2BD	1004 SF
A418	2BD	1064 SF
A419	2BD	1017 SF
A420	2BD	1043 SF
A421	1BD+	769 SF
A422	1BD+	805 SF
A423	1BD+	769 SF
A424	1BD+	805 SF
A425	JR.1	512 SF
A426	1BD	736 SF
A427	1BD	700 SF
A428	1BD	698 SF
A429	2BD	1038 SF
A430	2BD	1038 SF
		29001 SF

CORRIDOR	3041 SF
RESIDENTIAL	24863 SF
SERVICE	314 SF
STAIR / ELV	783 SF
	29001 SF

Unit Type	Count	Area
1BD	4	2651 SF
1BD+	16	12900 SF
2BD	8	8276 SF
JR.1	2	1036 SF
	30	24863 SF

Level A5

A50	Corridor	3145 SF
A52	Service	169 SF
A53	Service	133 SF
A56	Stair	285 SF
A57	Stair	264 SF
A58	Elevators	157 SF
A501	2BD	1037 SF
A502	2BD	1035 SF
A503	JR.1	524 SF
A504	1BD	518 SF
A505	1BD+	791 SF
A506	1BD+	1010 SF
A507	1BD+	750 SF
A508	1BD+	845 SF
A509	1BD+	776 SF
A510	1BD+	820 SF
A511	1BD+	776 SF
A512	1BD+	820 SF
A513	1BD+	776 SF
A514	1BD+	821 SF
A515	1BD+	750 SF
A516	1BD+	845 SF
A517	2BD	1004 SF
A518	2BD	1064 SF
A519	2BD	1017 SF
A520	2BD	1033 SF
A521	1BD+	769 SF
A522	1BD+	797 SF
A523	1BD+	769 SF
A524	1BD+	797 SF
A525	JR.1	512 SF
A526	1BD	731 SF
A527	1BD	708 SF
A528	1BD	698 SF
A529	2BD	1038 SF
A530	2BD	1038 SF
		29021 SF

CORRIDOR	3145 SF
RESIDENTIAL	24868 SF
SERVICE	302 SF
STAIR / ELV	706 SF
	29021 SF

Unit Type	Count	Area
1BD	4	2655 SF
1BD+	16	12912 SF
2BD	8	8266 SF
JR.1	2	1036 SF
	30	24868 SF

Level A6

A60	Corridor	3126 SF
A62	Service	176 SF
A63	Service	129 SF
A66	Stair	274 SF
A67	Stair	281 SF
A68	Elevators	159 SF
A601	2BD	1037 SF
A602	2BD	1035 SF
A603	JR.1	523 SF
A604	1BD	518 SF
A605	1BD+	770 SF
A606	1BD+	1010 SF
A607	1BD+	776 SF
A608	1BD+	820 SF
A609	1BD+	776 SF
A610	1BD+	820 SF
A611	1BD+	776 SF
A612	1BD+	820 SF
A613	1BD+	776 SF
A614	1BD+	821 SF
A615	1BD+	777 SF
A616	1BD+	820 SF
A617	2BD	1004 SF
A618	2BD	1065 SF
A619	2BD	1028 SF
A620	2BD	1044 SF
A621	1BD+	780 SF
A622	1BD+	809 SF
A623	1BD+	780 SF
A624	1BD+	809 SF
A625	JR.1	500 SF
A626	1BD	713 SF
A627	1BD	744 SF
A628	1BD	731 SF
A629	2BD	1054 SF
A630	2BD	1054 SF
		29135 SF

CORRIDOR	3152 SF
RESIDENTIAL	24856 SF
SERVICE	316 SF
STAIR / ELV	700 SF
	29023 SF

Unit Type	Count	Area
1BD	4	2706 SF
1BD+	16	12939 SF
2BD	8	8321 SF
JR.1	2	1023 SF
	30	24989 SF

Level B5

B50	Corridor	1914 SF
B51	Corridor	3436 SF
B52	STAIR	266 SF
B53	STAIR	309 SF
B54	Service	132 SF
B55	Service	132 SF
B56	STAIR	211 SF
B59	SERVICE	128 SF
B501	2BD	1043 SF
B502	JR.1	521 SF
B503	JR.1	532 SF
B504	2BD	1043 SF
B505	JR.1	521 SF
B506	JR.1	510 SF
B507	2BD	1043 SF
B508	JR.1	521 SF
B509	JR.1	521 SF
B510	2BD	1043 SF
B511	JR.1	521 SF
B512	JR.1	521 SF
B513	2BD	1053 SF
B514	JR.1	521 SF
B515	JR.1	521 SF
B516	1BD+	805 SF
B517	1BD+	780 SF
B518	1BD+	740 SF
B519	1BD+	779 SF
B520	JR.1	521 SF
B521	JR.1	491 SF
B522	JR.1	521 SF
B523	JR.1	521 SF
B524	JR.1	521 SF
B525	JR.1	491 SF
B526	1BD	475 SF
B527	JR.1	756 SF
B528	2BD	1043 SF
B529	2BD	1043 SF
B530	JR.1	521 SF
B531	JR.1	521 SF
B532	JR.1	521 SF
B533	JR.1	521 SF
B534	1BD+	772 SF
B535	1BD+	805 SF
B536	1BD+	772 SF
B537	1BD+	773 SF
B538	JR.1	475 SF
B539	JR.1	521 SF
B540	JR.1	521 SF
B541	JR.1	521 SF
B542	JR.1	521 SF
B543	JR.1	521 SF
B544	JR.1	521 SF
B545	1BD	744 SF
B546	2BD	1043 SF
B547	2BD	1043 SF
		38092 SF

Level B4

B40	Corridor	1913 SF
B41	Corridor	3489 SF
B42	STAIR	266 SF
B43	STAIR	266 SF
B44	Service	147 SF
B45	Service	132 SF
B46	STAIR	210 SF
B49	SERVICE	129 SF
B401	2BD	1043 SF
B402	JR.1	521 SF
B403	JR.1	532 SF
B404	2BD	1043 SF
B405	JR.1	521 SF
B406	JR.1	521 SF
B407	2BD	1043 SF
B408	JR.1	521 SF
B409	JR.1	521 SF
B410	2BD	1043 SF
B411	JR.1	521 SF
B412	JR.1	521 SF
B413	2BD	1053 SF
B414	JR.1	521 SF
B415	JR.1	521 SF
B416	1BD+	804 SF
B417	1BD+	780 SF
B418	1BD+	740 SF
B419	1BD+	779 SF
B420	JR.1	521 SF
B421	JR.1	491 SF
B422	JR.1	521 SF
B423	JR.1	521 SF
B424	JR.1	521 SF
B425	JR.1	491 SF
B426	1BD	475 SF
B427	JR.1	743 SF
B428	2BD	1043 SF
B429	2BD	1043 SF
B430	JR.1	521 SF
B431	JR.1	521 SF
B432	JR.1	521 SF
B433	JR.1	521 SF
B434	1BD+	772 SF
B435	1BD+	805 SF
B436	1BD+	772 SF
B437	1BD+	773 SF
B438	JR.1	476 SF
B439	JR.1	521 SF
B440	JR.1	521 SF
B441	JR.1	521 SF
B442	JR.1	521 SF
B443	JR.1	521 SF
B444	JR.1	521 SF
B445	1BD	744 SF
B446	2BD	1043 SF
B447	2BD	1043 SF
		38114 SF

CORRIDOR	5350 SF
RESIDENTIAL	31565 SF
SERVICE	392 SF
STAIR	785 SF
	38092 SF

Unit Type	Count	Area
1BD	2	1219 SF
1BD+	8	6226 SF
2BD	9	9395 SF
JR.1	28	14724 SF
	47	31565 SF

CORRIDOR	5401 SF
RESIDENTIAL	31563 SF
SERVICE	407 SF
STAIR	742 SF
	38114 SF

Unit Type	Count	Area
1BD	2	1219 SF
1BD+	8	6226 SF
2BD	9	9395 SF
JR.1	28	14723 SF
	47	31563 SF

N

0' 8' 16' 32'

WINDFLOWER PROPERTIES

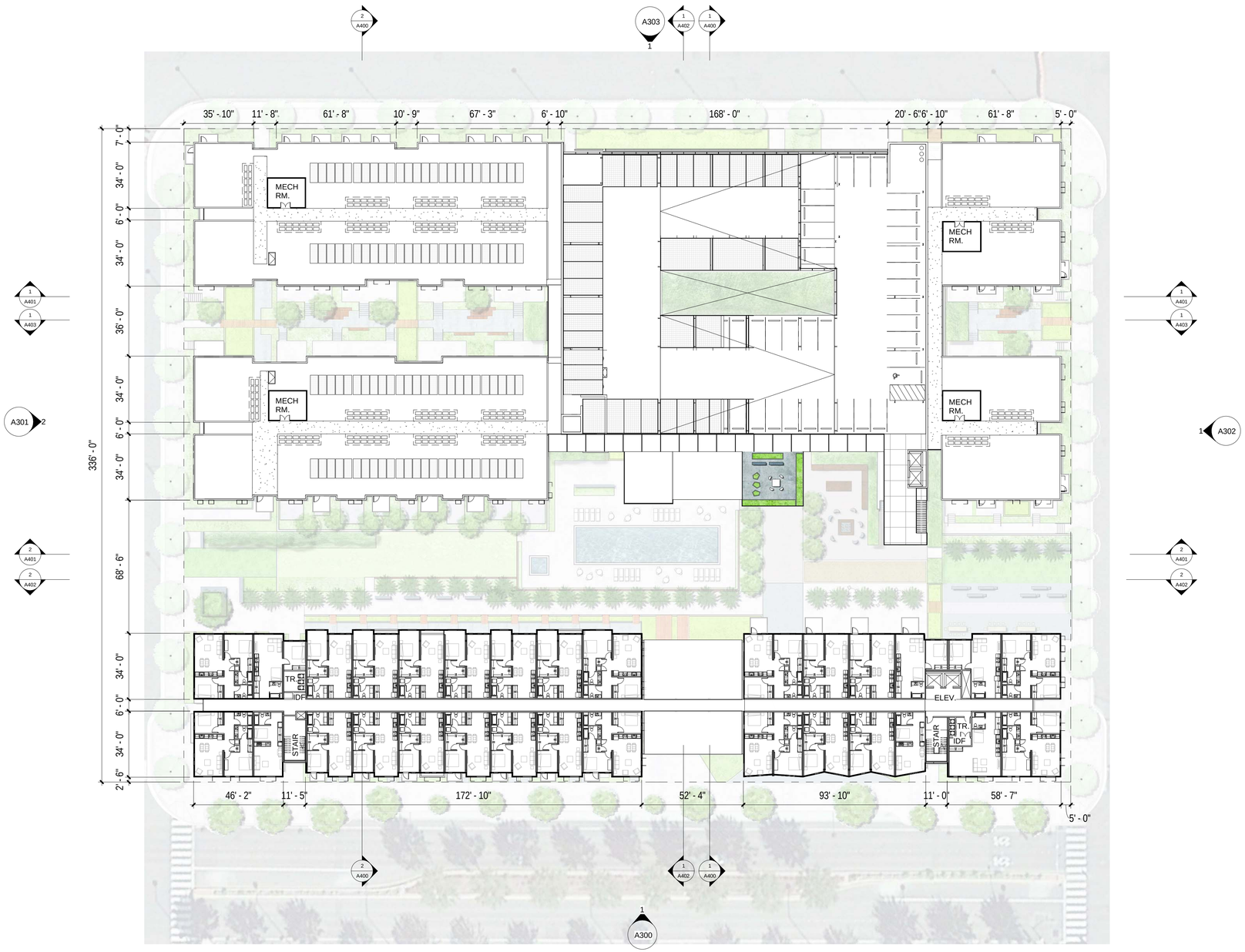
ENTITLEMENT SET

Windflower 2.0

FLOOR PLAN - LEVEL 4-6

job #: 21610
date: 09/11/2017
scale:As indicated when printed on 22X34

A204



Level A7

A70	Corridor	3152 SF
A72	Service	186 SF
A73	Service	129 SF
A76	Stair	270 SF
A77	Stair	273 SF
A78	Elevators	157 SF
A701	2BD	1037 SF
A702	2BD	1035 SF
A703	JR.1	524 SF
A704	1BD	518 SF
A705	1BD+	779 SF
A706	1BD+	1010 SF
A707	1BD+	776 SF
A708	1BD+	820 SF
A709	1BD+	750 SF
A710	1BD+	845 SF
A711	1BD+	776 SF
A712	1BD+	820 SF
A713	1BD+	776 SF
A714	1BD+	820 SF
A715	1BD+	776 SF
A716	1BD+	820 SF
A717	2BD	1004 SF
A718	2BD	1064 SF
A719	2BD	1017 SF
A720	2BD	1033 SF
A721	1BD+	769 SF
A722	1BD+	797 SF
A723	1BD+	769 SF
A724	1BD+	797 SF
A725	JR.1	512 SF
A726	1BD	731 SF
A727	1BD	709 SF
A728	1BD	698 SF
A729	2BD	1038 SF
A730	2BD	1038 SF
		29023 SF

CORRIDOR	3152 SF
RESIDENTIAL	24856 SF
SERVICE	316 SF
STAIR / ELV	700 SF
	29023 SF

N

0' 8' 16' 32'

WINDFLOWER PROPERTIES

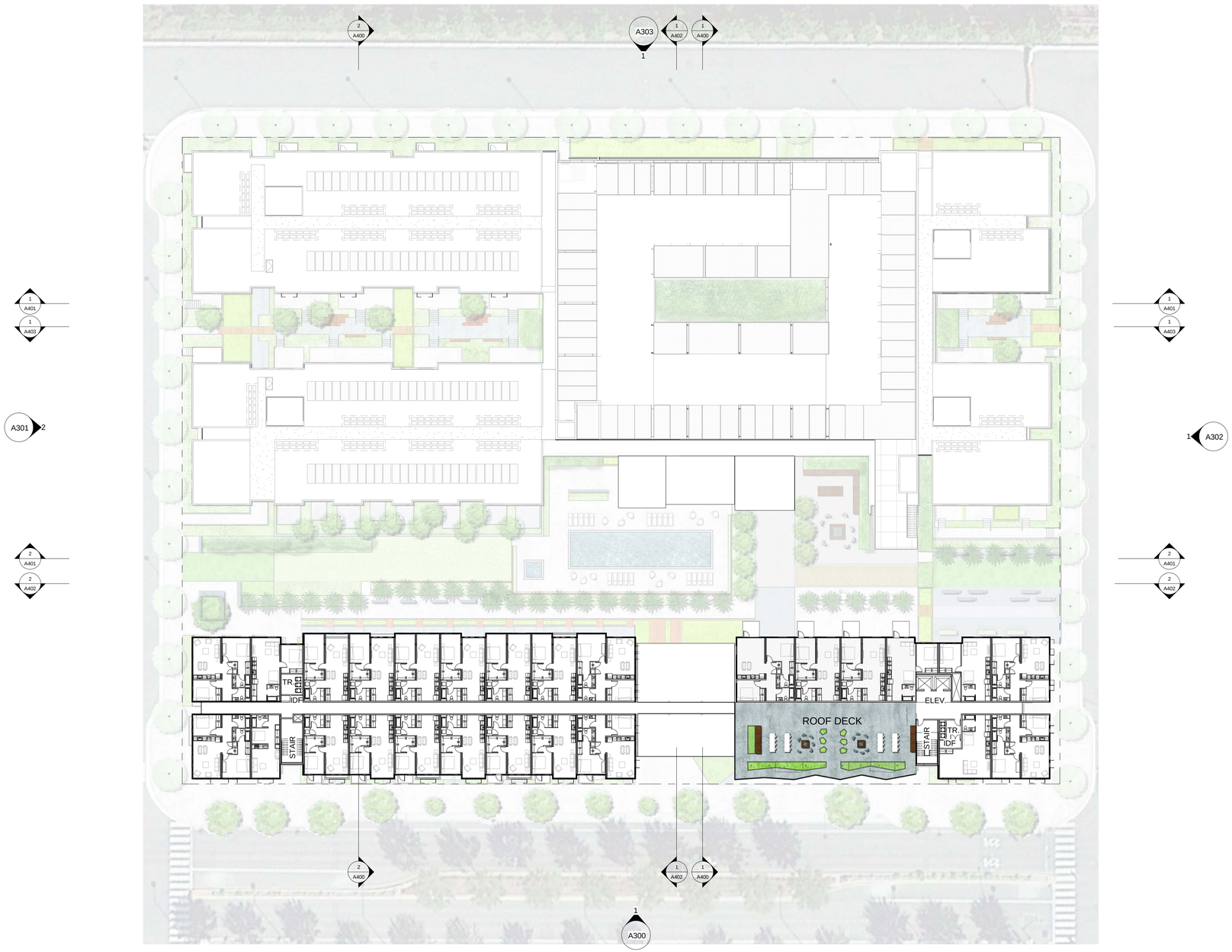
ENTITLEMENT SET

Windflower 2.0

FLOOR PLAN - LEVEL 7

job #: 21610
date: 09/11/2017
scale: 1" = 30'-0" when printed on 22X34

A207



Level A8

A80	Corridor	617 SF
A81	Service	186 SF
A81	Corridor	1569 SF
A82	Service	130 SF
A86	Stair	270 SF
A87	Stair	273 SF
A88	Elevators	165 SF
A801	2BD	1038 SF
A802	2BD	1035 SF
A803	JR.1	524 SF
A804	1BD	518 SF
A805	1BD+	753 SF
A806	1BD+	1035 SF
A807	1BD+	776 SF
A808	1BD+	820 SF
A809	1BD+	750 SF
A810	1BD+	845 SF
A811	1BD+	776 SF
A812	1BD+	820 SF
A813	1BD+	750 SF
A814	1BD+	845 SF
A815	1BD+	776 SF
A816	1BD+	820 SF
A817	2BD	1004 SF
A818	2BD	1065 SF
A819	2BD	1043 SF
A820	1BD+	805 SF
A821	1BD+	805 SF
A822	1BD	731 SF
A823	1BD	707 SF
A824	1BD	694 SF
A825	2BD	1038 SF
A826	2BD	1038 SF
		25018 SF

CORRIDOR	2187 SF
RESIDENTIAL	21807 SF
SERVICE	316 SF
STAIR / ELV	708 SF
	25018 SF

0' 8' 16' 32'

WINDFLOWER PROPERTIES

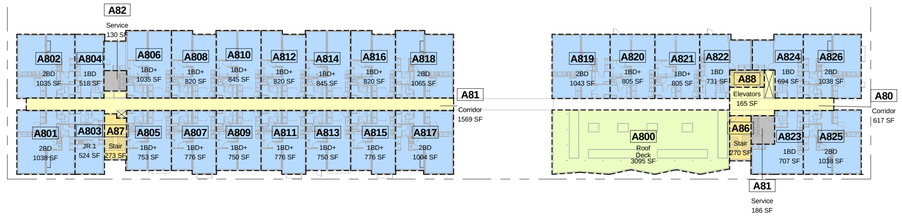
ENTITLEMENT SET

Windflower 2.0

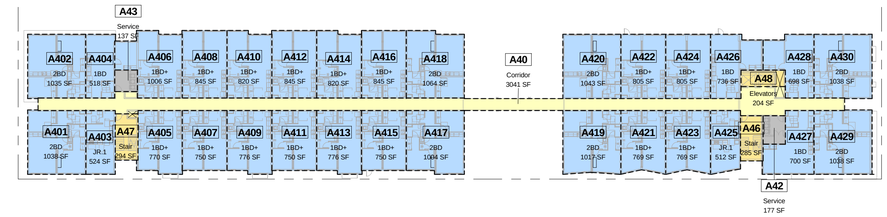
FLOOR PLAN - LEVEL 8

job #: 21610
date: 09/11/2017
scale: 1" = 30'-0" when printed on 22X34

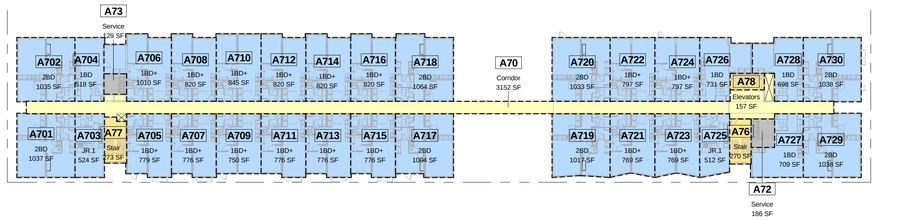
A208



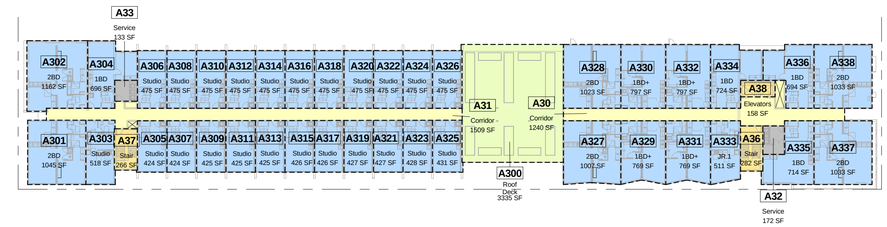
8 Level A8
1" = 40'-0"



4 Level A4
1" = 40'-0"



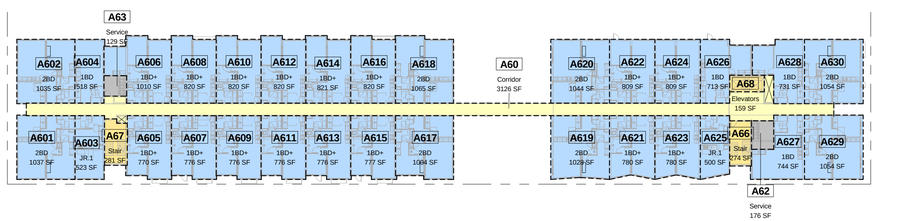
7 Level A7
1" = 40'-0"



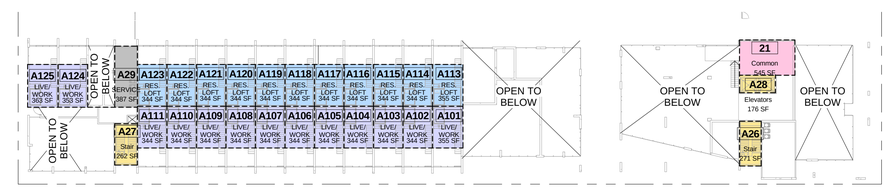
3 Level A3
1" = 40'-0"

COMMERCIAL		5088 SF
Common		5275 SF
CORRIDOR		17400 SF
LIVE/WORK		11039 SF
RESIDENTIAL		153896 SF
SERVICE		5427 SF
STAIR / ELV		5740 SF
		203864 SF

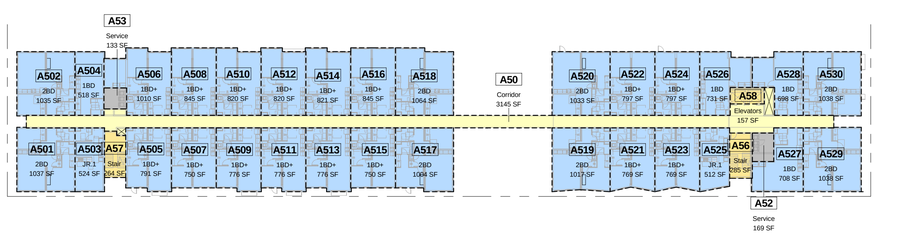
A300	Roof Deck	3335 SF	Level A3
A800	Roof Deck	3095 SF	Level A8
		6431 SF	



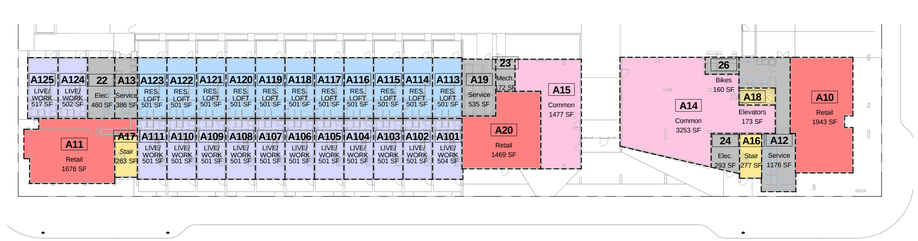
6 Level A6
1" = 40'-0"



2 Level A2
1" = 40'-0"



5 Level A5
1" = 40'-0"



1 Level A1
1" = 40'-0"

COMMERCIAL
Common
CORRIDOR
LIVE/WORK
RESIDENTIAL
Roof Deck
SERVICE
STAIR / ELV

WINDFLOWER PROPERTIES

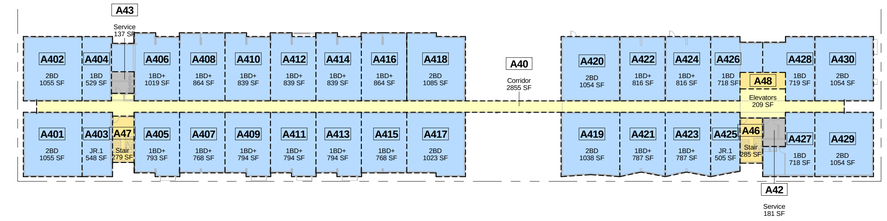
ENTITLEMENT SET

Windflower 2.0

BUILDING A - OCCUPANCIES

job #: 21610
date: 09/11/2017
scale: As indicated when printed on 22X34

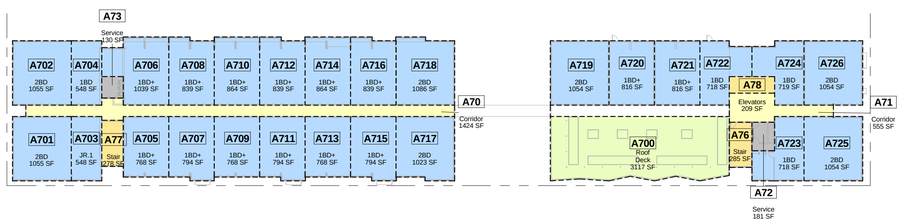
A210



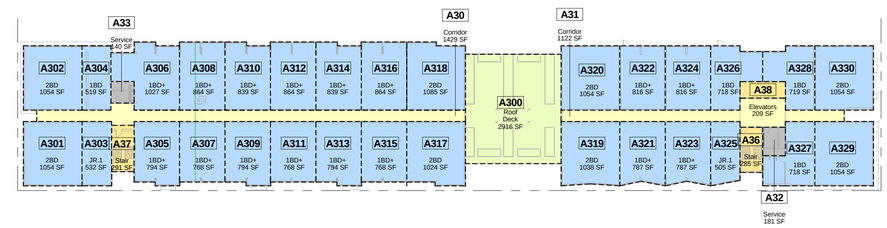
4 Level A4
1" = 40'-0"

Unit Type	Count	Area
1BD	20	13470 SF
1BD+	78	64331 SF
2BD	39	41049 SF
JR.1	9	4745 SF
RES. LOFT	11	9342 SF
	157	132936 SF

LIVE/ WORK	13	11067 SF



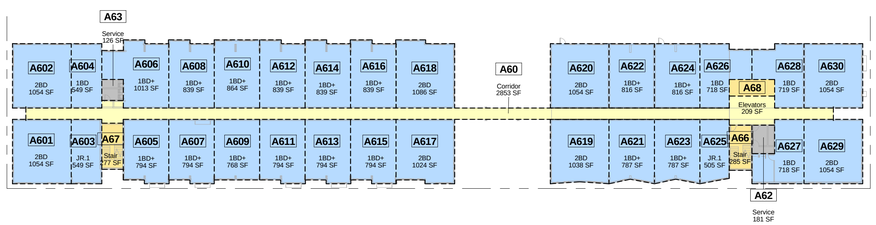
7 Level A7
1" = 40'-0"



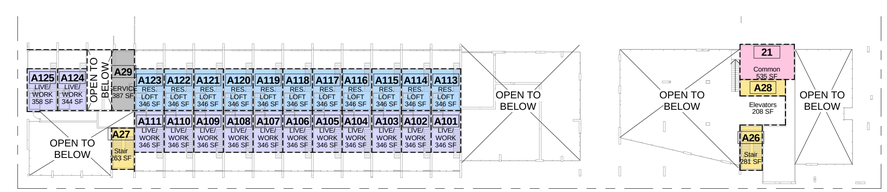
3 Level A3
1" = 40'-0"

Common		5653 SF	
CORRIDOR		13086 SF	
FLEX		11067 SF	
RESIDENTIAL		132936 SF	
Retail		4915 SF	
SERVICE		4762 SF	
STAIR / ELV		5380 SF	
		177800 SF	

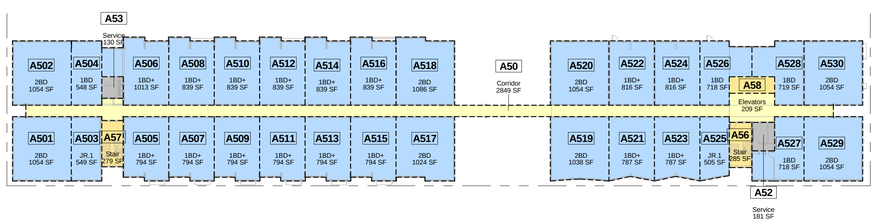
A300	Roof Deck	2916 SF	Level A3
A700	Roof Deck	3117 SF	Level A7
		6034 SF	



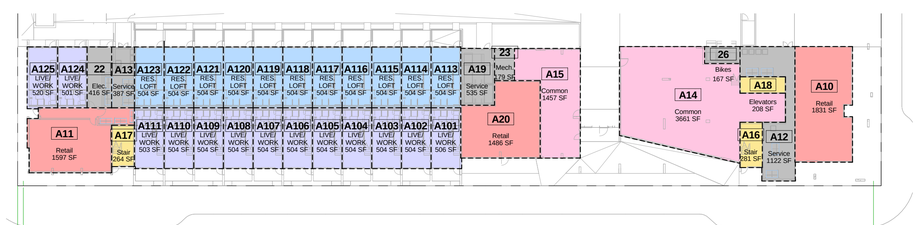
6 Level A6
1" = 40'-0"



2 Level A2
1" = 40'-0"

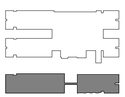


5 Level A5
1" = 40'-0"



1 Level A1
1" = 40'-0"

- Common
- CORRIDOR
- FLEX
- RESIDENTIAL
- Retail
- Roof Deck
- SERVICE
- STAIR / ELV



WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

BUILDING A - OCCUPANCIES - ALT. OPTION

job #: 21610
date: 09/11/2017
scale:As indicated when printed on 22X34

A210-B

Level B1

B10	Corridor	1760 SF
B11	Corridor	3710 SF
B12	STAIR	265 SF
B13	STAIR	266 SF
B14	Service	357 SF
B15	Service	344 SF
B16	STAIR	237 SF
B19	SERVICE	458 SF
B101	2BD	1037 SF
B102	JR.1	517 SF
B103	JR.1	525 SF
B104	2BD	1037 SF
B105	JR.1	517 SF
B106	JR.1	517 SF
B107	2BD	1037 SF
B108	JR.1	517 SF
B109	JR.1	517 SF
B110	2BD	1037 SF
B111	JR.1	517 SF
B112	JR.1	520 SF
B113	2BD	1035 SF
B114	JR.1	517 SF
B115	JR.1	517 SF
B116	1BD+	798 SF
B117	1BD+	775 SF
B118	1BD+	733 SF
B119	1BD+	776 SF
B120	JR.1	517 SF
B121	JR.1	489 SF
B122	JR.1	517 SF
B123	JR.1	521 SF
B124	JR.1	517 SF
B125	JR.1	490 SF
B126	JR.1	470 SF
B127	JR.1	521 SF
B128	2BD	1035 SF
B129	2BD	1035 SF
B130	JR.1	517 SF
B131	JR.1	512 SF
B132	JR.1	517 SF
B133	JR.1	517 SF
B134	1BD+	765 SF
B135	1BD+	797 SF
B136	1BD+	765 SF
B137	1BD+	766 SF
B138	JR.1	471 SF
B139	JR.1	517 SF
B140	JR.1	517 SF
B141	JR.1	517 SF
B142	JR.1	517 SF
B143	JR.1	517 SF
B144	JR.1	517 SF
B145	JR.1	517 SF
B146	2BD	1034 SF
B147	2BD	1035 SF
		38264 SF

Level B2

B20	Corridor	1887 SF
B21	Corridor	3722 SF
B22	STAIR	265 SF
B23	STAIR	266 SF
B24	Service	83 SF
B25	Service	161 SF
B26	STAIR	237 SF
B29	SERVICE	114 SF
B201	2BD	1037 SF
B202	JR.1	517 SF
B203	JR.1	525 SF
B204	2BD	1037 SF
B205	JR.1	517 SF
B206	JR.1	517 SF
B207	2BD	1037 SF
B208	JR.1	517 SF
B209	JR.1	517 SF
B210	2BD	1037 SF
B211	JR.1	517 SF
B212	JR.1	519 SF
B213	2BD	1034 SF
B214	JR.1	517 SF
B215	JR.1	517 SF
B216	1BD+	798 SF
B217	1BD+	773 SF
B218	1BD+	733 SF
B219	1BD+	772 SF
B220	JR.1	517 SF
B221	JR.1	486 SF
B222	JR.1	517 SF
B223	JR.1	517 SF
B224	JR.1	517 SF
B225	JR.1	486 SF
B226	1BD	470 SF
B227	JR.1	801 SF
B228	2BD	1035 SF
B229	2BD	1035 SF
B230	JR.1	517 SF
B231	JR.1	512 SF
B232	JR.1	517 SF
B233	JR.1	517 SF
B234	1BD+	765 SF
B235	1BD+	797 SF
B236	1BD+	765 SF
B237	1BD+	766 SF
B238	JR.1	471 SF
B239	JR.1	517 SF
B240	JR.1	517 SF
B241	JR.1	517 SF
B242	JR.1	517 SF
B243	JR.1	517 SF
B245	JR.1	517 SF
B246	1BD	701 SF
B247	2BD	1035 SF
B248	2BD	1035 SF
		38046 SF

Level B3

B30	Corridor	1887 SF
B31	Corridor	3648 SF
B32	STAIR	265 SF
B33	STAIR	266 SF
B34	Service	161 SF
B35	Service	161 SF
B36	STAIR	237 SF
B39	SERVICE	114 SF
B301	2BD	1037 SF
B302	JR.1	517 SF
B303	JR.1	525 SF
B304	2BD	1037 SF
B305	JR.1	517 SF
B306	JR.1	517 SF
B307	2BD	1037 SF
B308	JR.1	517 SF
B309	JR.1	517 SF
B310	2BD	1037 SF
B311	JR.1	517 SF
B312	JR.1	519 SF
B313	2BD	1051 SF
B314	JR.1	521 SF
B315	JR.1	521 SF
B316	1BD+	805 SF
B317	1BD+	780 SF
B318	1BD+	740 SF
B319	1BD+	779 SF
B320	JR.1	522 SF
B321	JR.1	491 SF
B322	JR.1	521 SF
B323	JR.1	522 SF
B324	JR.1	522 SF
B325	JR.1	491 SF
B326	1BD	475 SF
B327	JR.1	718 SF
B328	2BD	1035 SF
B329	2BD	1034 SF
B330	JR.1	517 SF
B331	JR.1	512 SF
B332	JR.1	517 SF
B333	JR.1	517 SF
B334	1BD+	765 SF
B335	1BD+	797 SF
B336	1BD+	765 SF
B337	1BD+	766 SF
B338	JR.1	471 SF
B339	JR.1	517 SF
B340	JR.1	517 SF
B341	JR.1	517 SF
B342	JR.1	517 SF
B343	JR.1	517 SF
B344	JR.1	517 SF
B345	1BD	701 SF
B346	2BD	1035 SF
B347	2BD	1035 SF
		38053 SF

Level B4

B40	Corridor	1913 SF
B41	Corridor	3489 SF
B42	STAIR	266 SF
B43	STAIR	266 SF
B44	Service	147 SF
B45	Service	132 SF
B46	STAIR	210 SF
B49	SERVICE	129 SF
B401	2BD	1043 SF
B402	JR.1	521 SF
B403	JR.1	532 SF
B404	2BD	1043 SF
B405	JR.1	521 SF
B406	JR.1	521 SF
B407	2BD	1043 SF
B408	JR.1	521 SF
B409	JR.1	521 SF
B410	2BD	1043 SF
B411	JR.1	521 SF
B412	JR.1	521 SF
B413	2BD	1053 SF
B414	JR.1	521 SF
B415	JR.1	521 SF
B416	1BD+	804 SF
B417	1BD+	780 SF
B418	1BD+	740 SF
B419	1BD+	779 SF
B420	JR.1	521 SF
B421	JR.1	491 SF
B422	JR.1	521 SF
B423	JR.1	521 SF
B424	JR.1	521 SF
B425	JR.1	491 SF
B426	1BD	475 SF
B427	JR.1	743 SF
B428	2BD	1043 SF
B429	2BD	1043 SF
B430	JR.1	521 SF
B431	JR.1	521 SF
B432	JR.1	521 SF
B433	JR.1	521 SF
B434	1BD+	772 SF
B435	1BD+	805 SF
B436	1BD+	772 SF
B437	1BD+	773 SF
B438	JR.1	476 SF
B439	JR.1	521 SF
B440	JR.1	521 SF
B441	JR.1	521 SF
B442	JR.1	521 SF
B443	JR.1	521 SF
B444	JR.1	521 SF
B445	1BD	744 SF
B446	2BD	1043 SF
B447	2BD	1043 SF
		38114 SF

Level B5

B50	Corridor	1914 SF
B51	Corridor	3436 SF
B52	STAIR	266 SF
B53	STAIR	309 SF
B54	Service	132 SF
B55	Service	132 SF
B56	STAIR	211 SF
B59	SERVICE	128 SF
B501	2BD	1043 SF
B502	JR.1	521 SF
B503	JR.1	532 SF
B504	2BD	1043 SF
B505	JR.1	521 SF
B506	JR.1	510 SF
B507	2BD	1043 SF
B508	JR.1	521 SF
B509	JR.1	521 SF
B510	2BD	1043 SF
B511	JR.1	521 SF
B512	JR.1	521 SF
B513	2BD	1053 SF
B514	JR.1	521 SF
B515	JR.1	521 SF
B516	1BD+	805 SF
B517	1BD+	780 SF
B518	1BD+	740 SF
B519	1BD+	779 SF
B520	JR.1	521 SF
B521	JR.1	491 SF
B522	JR.1	521 SF
B523	JR.1	521 SF
B524	JR.1	521 SF
B525	JR.1	491 SF
B526	1BD	475 SF
B527	JR.1	756 SF
B528	2BD	1043 SF
B529	2BD	1043 SF
B530	JR.1	521 SF
B531	JR.1	521 SF
B532	JR.1	521 SF
B533	JR.1	521 SF
B534	1BD+	772 SF
B535	1BD+	805 SF
B536	1BD+	772 SF
B537	1BD+	773 SF
B538	JR.1	475 SF
B539	JR.1	521 SF
B540	JR.1	521 SF
B541	JR.1	521 SF
B542	JR.1	521 SF
B543	JR.1	521 SF
B544	JR.1	521 SF
B545	1BD	744 SF
B546	2BD	1043 SF
B547	2BD	1043 SF
		38092 SF
Grand total		190568 SF

2 Level B2
1" = 40'-0"

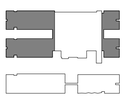
Unit Type	Count	Area
1BD	8	4784 SF
1BD+	40	30993 SF
2BD	45	46770 SF
JR.1	142	74075 SF
	235	156623 SF

CORRIDOR	27365 SF
RESIDENTIAL	156623 SF
SERVICE	2751 SF
STAIR	3830 SF
	190568 SF

3 LEVEL B3-5
1" = 40'-0"

1 Level B1
1" = 40'-0"

CORRIDOR
RESIDENTIAL
SERVICE
STAIR



WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

BUILDING B - OCCUPANCIES

job #: 21610
date: 09/11/2017
scale:As indicated when printed on 22X34

A211

Not Placed

G111	SERVICE	Not Placed
G211	SERVICE	Not Placed
G311	SERVICE	Not Placed
G411	SERVICE	Not Placed
G511	SERVICE	Not Placed
G710	PARKING-(ROOF)	Not Placed
		0 SF

Level G1

G010	PARKING/STORAGE/BIKE	21577 SF
G011	SERVICE	438 SF
G020	STAIR	229 SF
G021	STAIR	184 SF
G030	Elevators	95 SF
G031	Elevators	190 SF
G022	STAIR	177 SF
G040	WALKWAY	1974 SF
		24863 SF

Level B1

G110	PARKING	23962 SF
G120	STAIR	300 SF
G121	STAIR	184 SF
G130	Elevators	95 SF
G131	Elevators	190 SF
G140	WALKWAY	2046 SF
G150	Common	1174 SF
		27950 SF

Level B2

G210	PARKING	24211 SF
G221	STAIR	184 SF
G230	Elevators	95 SF
G231	Elevators	190 SF
G240	WALKWAY	2464 SF
G250	Common	525 SF
G222	STAIR	174 SF
		27843 SF

Level B3

G310	PARKING	24511 SF
G321	STAIR	184 SF
G330	Elevators	95 SF
G331	Elevators	190 SF
G340	WALKWAY	2950 SF
G350	Common	539 SF
G322	STAIR	174 SF
G351	Common	698 SF
		29341 SF

Level B4

G410	PARKING	24511 SF
G421	STAIR	184 SF
G430	Elevators	95 SF
G431	Elevators	190 SF
G440	WALKWAY	2312 SF
G422	STAIR	174 SF
		27466 SF

Level B5

G510	PARKING	24511 SF
G521	STAIR	184 SF
G530	Elevators	95 SF
G531	Elevators	190 SF
G540	WALKWAY	2312 SF
G522	STAIR	174 SF
		27466 SF

Level B TOP OF MODULE

G610	PARKING-(ROOF)	24949 SF
G621	STAIR	184 SF
G630	Elevators	95 SF
G631	Elevators	190 SF
G640	WALKWAY	930 SF
G622	STAIR	174 SF
		26522 SF

Level A7

G611	PARKING-(ROOF)	1129 SF
		1129 SF

Grand total 192580 SF

CIRCULATION	14987 SF
Common	2936 SF
GARAGE	169362 SF
SERVICE	438 SF
STAIR / ELV	4857 SF
	192580 SF

Level B2

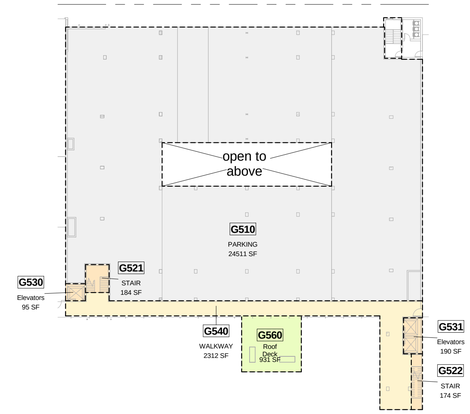
Roof Deck	1176 SF

Level B4

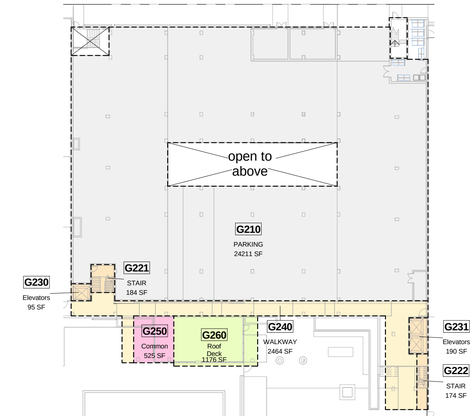
Roof Deck	573 SF
Roof Deck	724 SF

Level B5

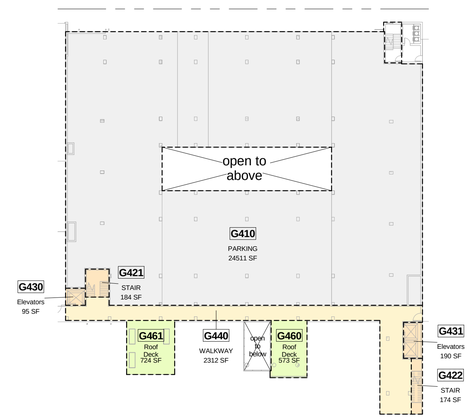
Roof Deck	931 SF
Grand total	3404 SF



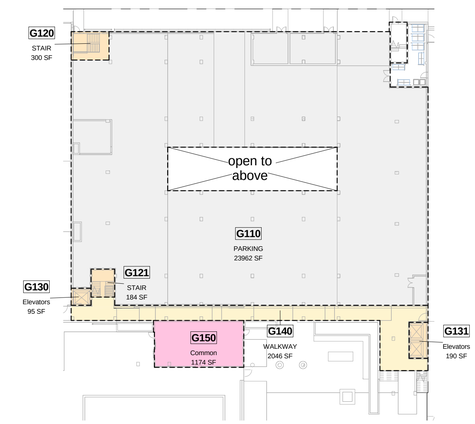
5 Level C5
1" = 40'-0"



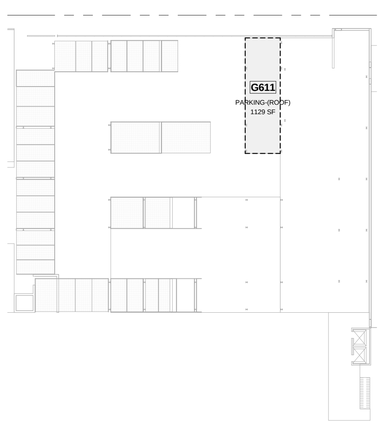
2 Level C2
1" = 40'-0"



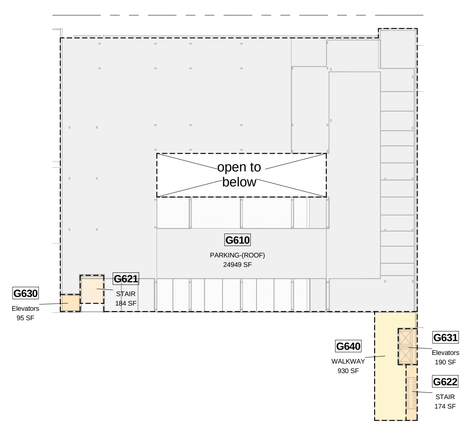
4 Level C4
1" = 40'-0"



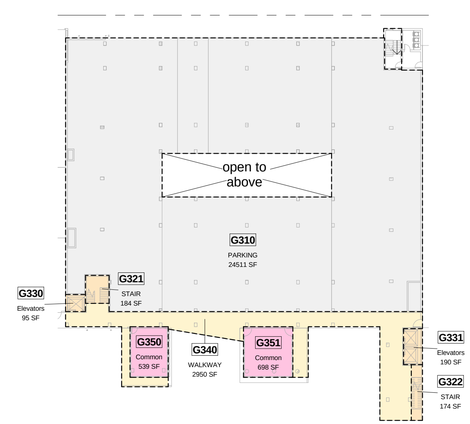
1 Level C1
1" = 40'-0"



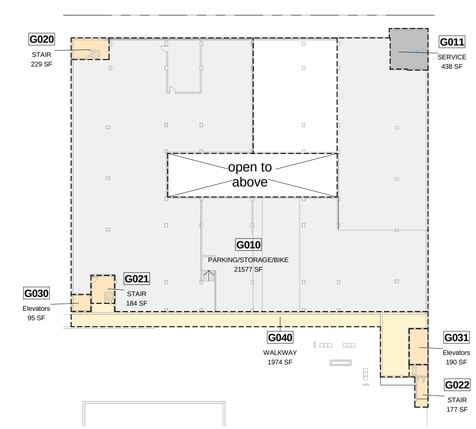
7 Level C6 - Roof
1" = 40'-0"



6 Level C6
1" = 40'-0"

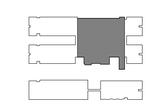


3 Level C3
1" = 40'-0"



0 Level G1
1" = 40'-0"

CIRCULATION
Common
GARAGE
Roof Deck
SERVICE
STAIR / ELV
Calculating...



WINDFLOWER PROPERTIES

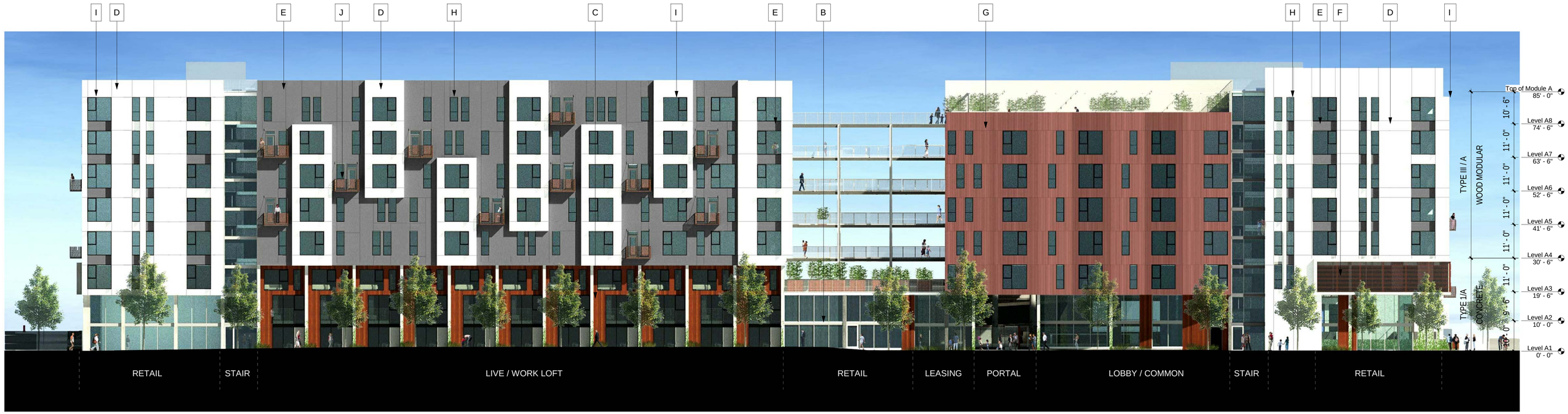
ENTITLEMENT SET

Windflower 2.0

BUILDING C - OCCUPANCIES

job #: 21610
date: 09/11/2017
scale: As indicated when printed on 22X34

A212



1 SOUTH ELEVATION
1/16" = 1'-0"

A	TEXTURED CONCRETE WITH VINE COVER
B	STOREFRONT SYSTEM
C	VERTICAL WOOD SIDING
D	CEMENT BOARD - WHITE
E	CEMENT BOARD - DARK GREY
F	WOOD SLATS
G	FIBER CEMENT SIDING WITH RANDOM PATTERN
H	ALUMINUM WINDOWS
I	PERFORATED METAL SUNSHADE SYTEM
J	PROJECTING BALCONY
K	SMOOTH CONCRETE
L	GREEN SCREEN WITH CABLES
M	GARAGE SCREEN

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

SOUTH ELEVATION - 11TH STREET

job #: 21610
date: 09/11/2017
scale:As indicated when printed on 22X34

A300

1 SOUTH ELEVATION
1/16" = 1'-0"

A	TEXTURED CONCRETE WITH VINE COVER
B	STOREFRONT SYSTEM
C	VERTICAL WOOD SIDING
D	CEMENT BOARD - WHITE
E	CEMENT BOARD - DARK GREY
F	WOOD SLATS
G	FIBER CEMENT SIDING WITH RANDOM PATTERN
H	ALUMINUM WINDOWS
I	PERFORATED METAL SUNSHADE SYTEM
J	PROJECTING BALCONY
K	SMOOTH CONCRETE
L	GREEN SCREEN WITH CABLES

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

SOUTH ELEVATION - 11TH STREET - ALT. OPTION

job #: 21610
date: 09/11/2017
scale: As indicated when printed on 22X34

A300-B

2 WEST ELEVATION

1/16" = 1'-0"

A	TEXTURED CONCRETE WITH VINE COVER
B	STOREFRONT SYSTEM
C	VERTICAL WOOD SIDING
D	CEMENT BOARD - WHITE
E	CEMENT BOARD - DARK GREY
F	WOOD SLATS
G	FIBER CEMENT SIDING WITH RANDOM PATTERN
H	ALUMINUM WINDOWS
I	PERFORATED METAL SUNSHADE SYTEM
J	PROJECTING BALCONY
K	SMOOTH CONCRETE
L	GREEN SCREEN WITH CABLES
M	GARAGE SCREEN

WINDFLOWER PROPERTIES

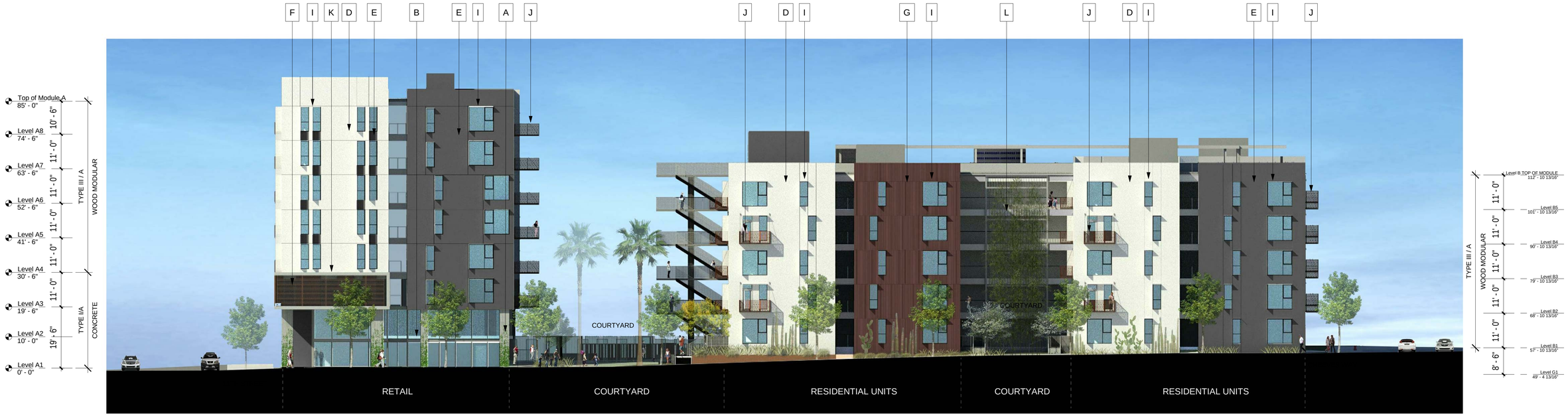
ENTITLEMENT SET

Windflower 2.0

WEST ELEVATION - GALLIANO WAY

job #: 21610
date: 09/11/2017
scale: As indicated when printed on 22X34

A301



1 EAST ELEVATION
1/16" = 1'-0"

A	TEXTURED CONCRETE WITH VINE COVER
B	STOREFRONT SYSTEM
C	VERTICAL WOOD SIDING
D	CEMENT BOARD - WHITE
E	CEMENT BOARD - DARK GREY
F	WOOD SLATS
G	FIBER CEMENT SIDING WITH RANDOM PATTERN
H	ALUMINUM WINDOWS
I	PERFORATED METAL SUNSHADE SYTEM
J	PROJECTING BALCONY
K	SMOOTH CONCRETE
L	GREEN SCREEN WITH CABLES
M	GARAGE SCREEN

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

EAST ELEVATION - BERGER WAY

job #: 21610
date: 09/11/2017
scale: As indicated when printed on 22X34

A302

1 NORTH ELEVATION
1/16" = 1'-0"

A	TEXTURED CONCRETE WITH VINE COVER
B	STOREFRONT SYSTEM
C	VERTICAL WOOD SIDING
D	CEMENT BOARD - WHITE
E	CEMENT BOARD - DARK GREY
F	WOOD SLATS
G	FIBER CEMENT SIDING WITH RANDOM PATTERN
H	ALUMINUM WINDOWS
I	PERFORATED METAL SUNSHADE SYTEM
J	PROJECTING BALCONY
K	SMOOTH CONCRETE
L	GREEN SCREEN WITH CABLES
M	GARAGE SCREEN

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

NORTH ELEVATION - CHEEVES WAY

job #: 21610
date: 09/11/2017
scale: As indicated when printed on 22X34

A303

2 Building Section
1/16" = 1'-0"

1 Building Section
1/16" = 1'-0"

A	TEXTURED CONCRETE WITH VINE COVER
B	STOREFRONT SYSTEM
C	VERTICAL WOOD SIDING
D	CEMENT BOARD - WHITE
E	CEMENT BOARD - DARK GREY
F	WOOD SLATS
G	FIBER CEMENT SIDING WITH RANDOM PATTERN
H	ALUMINUM WINDOWS
I	PERFORATED METAL SUNSHADE SYTEM
J	PROJECTING BALCONY
K	SMOOTH CONCRETE
L	GREEN SCREEN WITH CABLES
M	GARAGE SCREEN

WINDFLOWER PROPERTIES

ENTITLEMENT SET

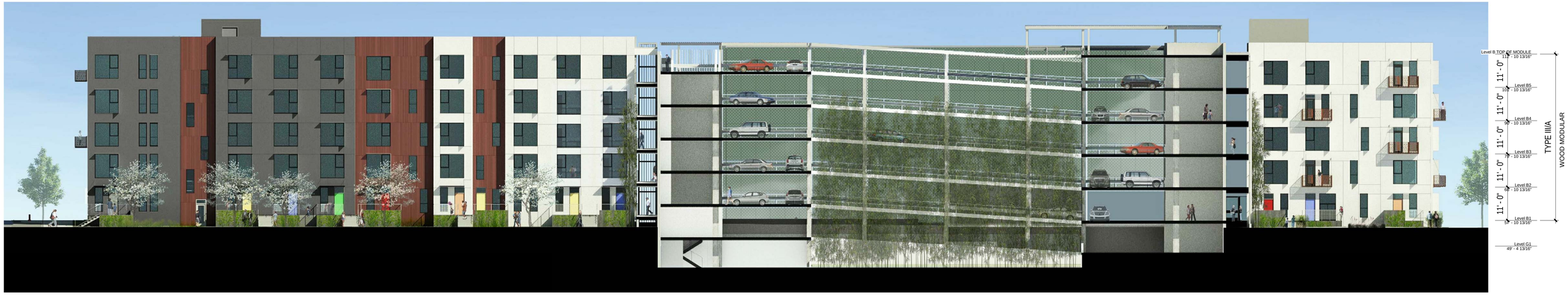
Windflower 2.0

BUILDING SECTION

job #: 21610
date: 09/11/2017
scale:As indicated when printed on 22X34

A400

2 Building Section
1/16" = 1'-0"



1 Building Section
1/16" = 1'-0"

A TEXTURED CONCRETE WITH VINE COVER
B STOREFRONT SYSTEM
C VERTICAL WOOD SIDING
D CEMENT BOARD - WHITE
E CEMENT BOARD - DARK GREY
F WOOD SLATS
G FIBER CEMENT SIDING WITH RANDOM PATTERN
H ALUMINUM WINDOWS
I PERFORATED METAL SUNSHADE SYTEM
J PROJECTING BALCONY
K SMOOTH CONCRETE
L GREEN SCREEN WITH CABLES
M GARAGE SCREEN

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

BUILDING SECTION

job #: 21610
date: 09/11/2017
scale: As indicated when printed on 22X34

A401

2 Building Section
1/16" = 1'-0"

1 Building Section
1/16" = 1'-0"

A TEXTURED CONCRETE WITH VINE COVER
B STOREFRONT SYSTEM
C VERTICAL WOOD SIDING
D CEMENT BOARD - WHITE
E CEMENT BOARD - DARK GREY
F WOOD SLATS
G FIBER CEMENT SIDING WITH RANDOM PATTERN
H ALUMINUM WINDOWS
I PERFORATED METAL SUNSHADE SYTEM
J PROJECTING BALCONY
K SMOOTH CONCRETE
L GREEN SCREEN WITH CABLES
M GARAGE SCREEN

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

BUILDING SECTION

job #: 21610
date: 09/11/2017
scale: As indicated when printed on 22X34

A402

1 Building Section
1/16" = 1'-0"

A TEXTURED CONCRETE WITH VINE COVER
B STOREFRONT SYSTEM
C VERTICAL WOOD SIDING
D CEMENT BOARD - WHITE
E CEMENT BOARD - DARK GREY
F WOOD SLATS
G FIBER CEMENT SIDING WITH RANDOM PATTERN
H ALUMINUM WINDOWS
I PERFORATED METAL SUNSHADE SYTEM
J PROJECTING BALCONY
K SMOOTH CONCRETE
L GREEN SCREEN WITH CABLES
M GARAGE SCREEN

WINDFLOWER PROPERTIES

ENTITLEMENT SET

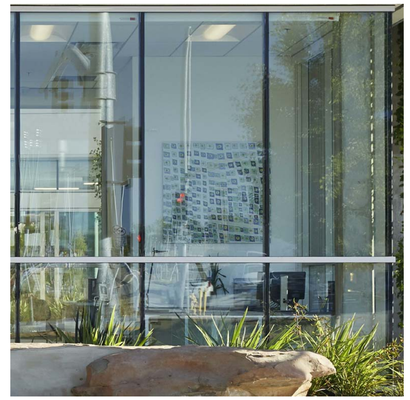
Windflower 2.0

BUILDING SECTION

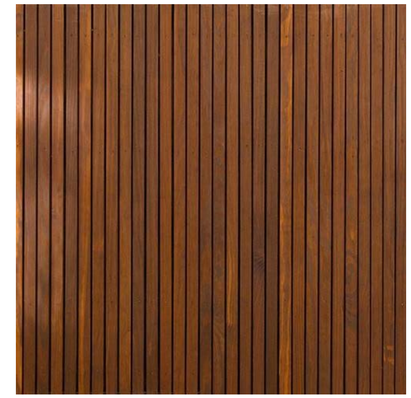
job #: 21610
date: 09/11/2017
scale: As indicated when printed on 22X34

A403

A TEXTURED CONCRETE WITH VINE COVER



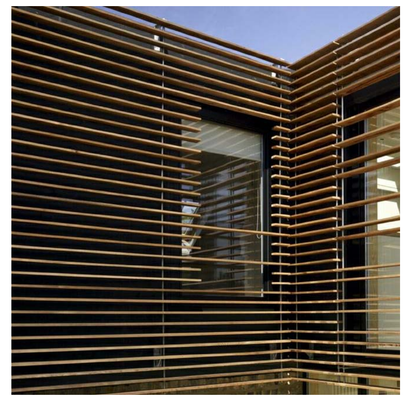
B - STOREFRONT SYSTEM



C - VERTICAL WOOD SIDING

D - CEMENT BOARD - WHITE

E - CEMENT BOARD - DARK GREY



F - WOOD SLATS

G - FIBER CEMENT SIDING WITH RANDOM PATTERN

H - ALUMINUM WINDOWS

I - PERFORATED METAL SUNSHADE SYSTEM

J - PROJECTING BALCONY

K - SMOOTH CONCRETE

L - GREEN SCREEN WITH CABLES

WINDFLOWER PROPERTIES

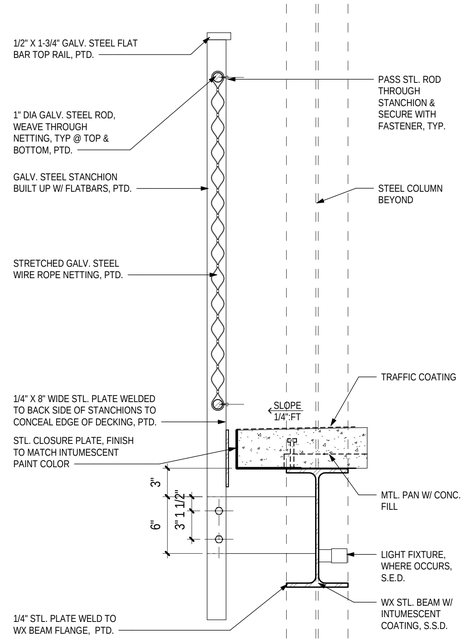
ENTITLEMENT SET

Windflower 2.0

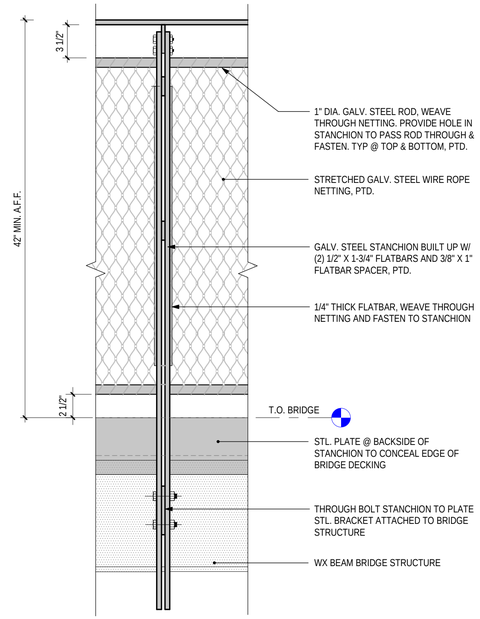
EXTERIOR MATERIALS

job #: 21610
date: 09/11/2017
scale: when printed on 22X34

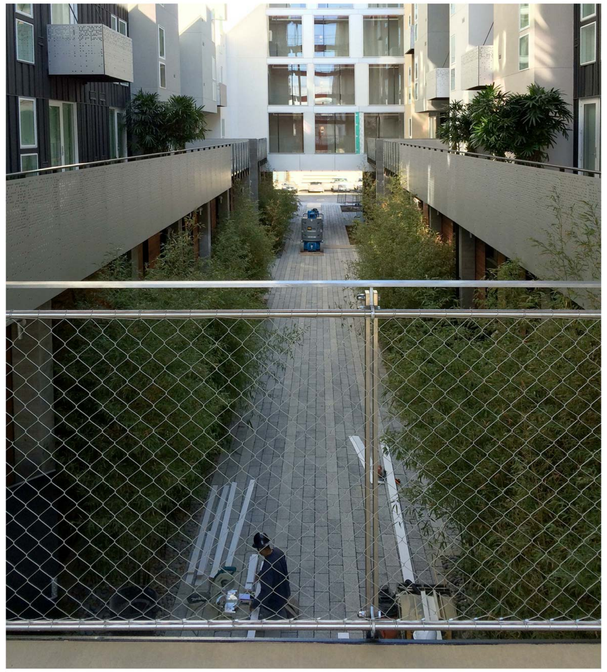
A410

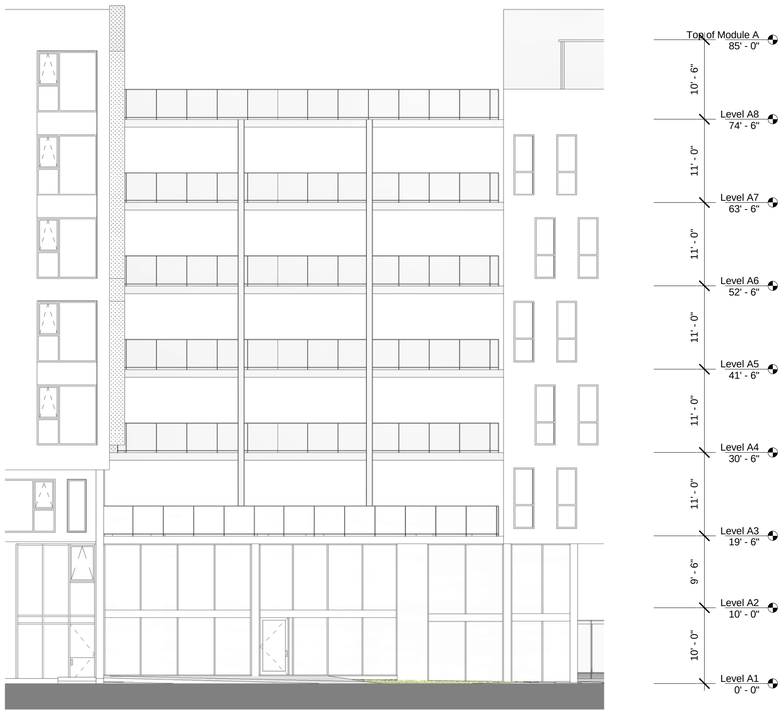


2 GUARDRAIL SECTION @ BRIDGE
1 1/2" = 1'-0"



1 GUARDRAIL ELEVATION @ BRIDGE
1 1/2" = 1'-0"





3 SOUTH BRIDGE ELEVATION
1" = 10'-0"

GUARDRAIL / BRIDGE EXAMPLE - PORTRERO 1010

WINDFLOWER PROPERTIES

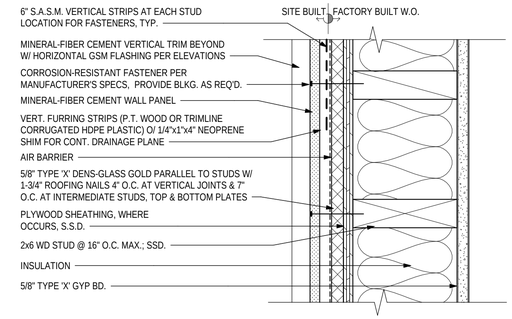
ENTITLEMENT SET

Windflower 2.0

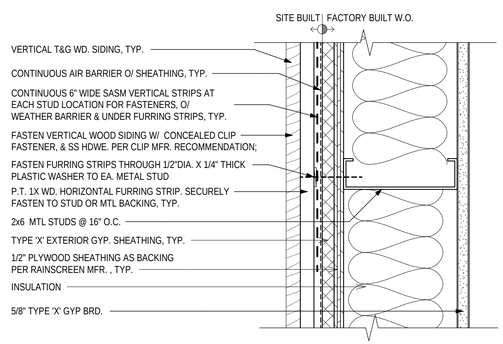
DETAILS - GUARDRAILS

job #: 21610
date: 09/11/2017
scale:As indicated when printed on 22X34

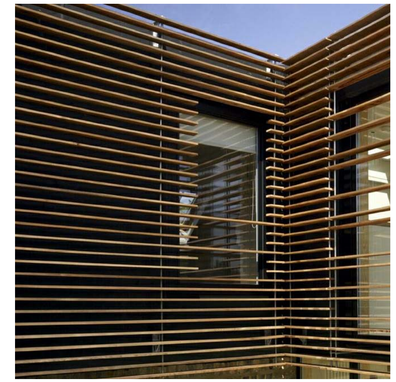
A420

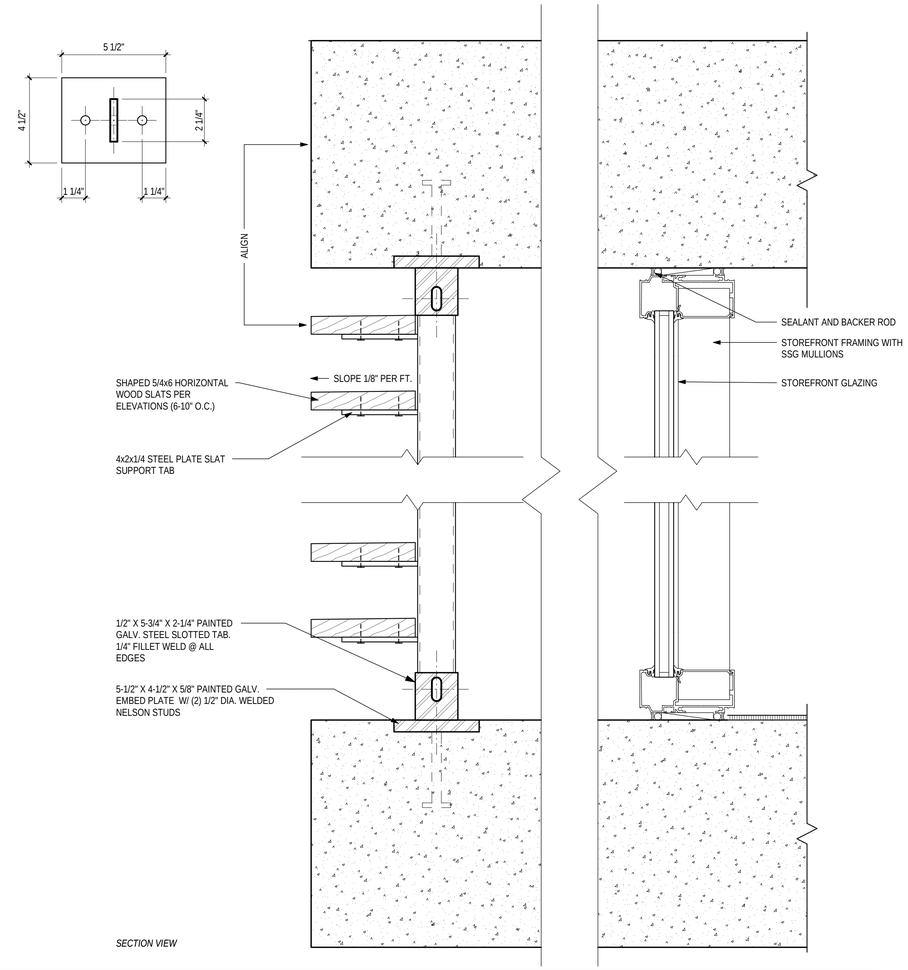


1 EXTERIOR WALL @ CEMENT BOARD
3" = 1'-0"

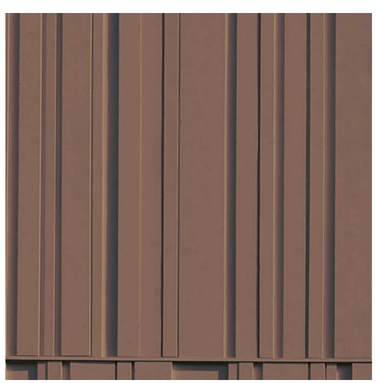


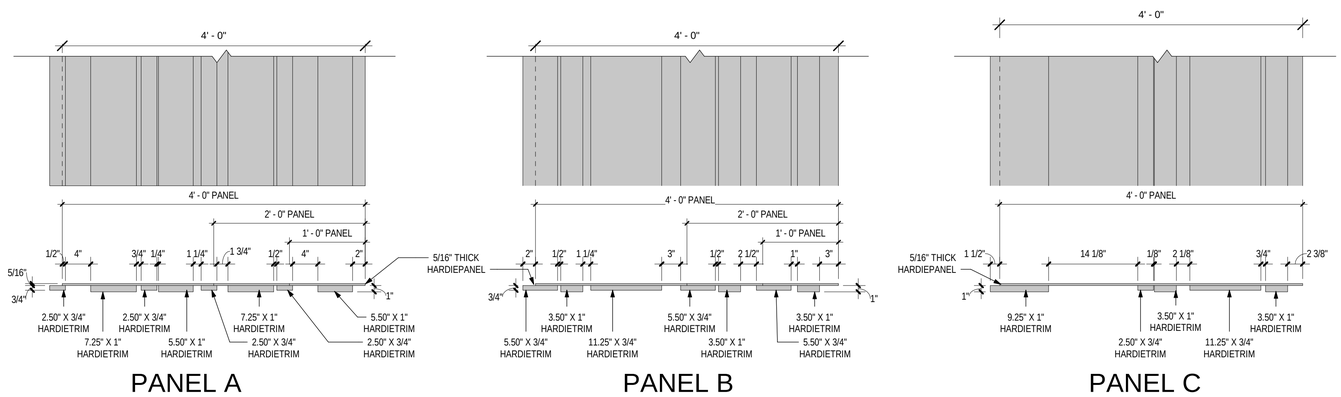
2 EXTERIOR WALL @ VERTICAL WOOD SIDING
3" = 1'-0"





3 WOOD SLAT SYSTEM
3" = 1'-0"





4 VERTICAL HARDIE TRIM PANELS
1" = 1'-0"

WINDFLOWER PROPERTIES

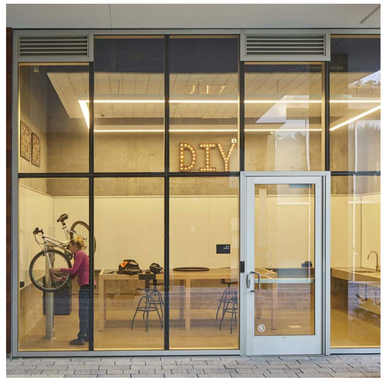
ENTITLEMENT SET

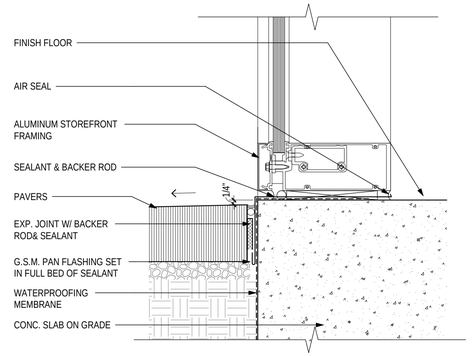
Windflower 2.0

DETAILS - EXTERIOR WALLS

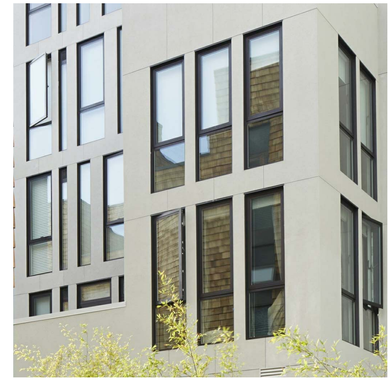
job #: 21610
date: 09/11/2017
scale:As indicated when printed on 22X34

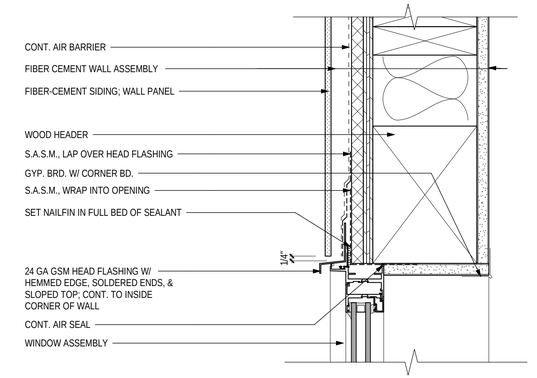
A421



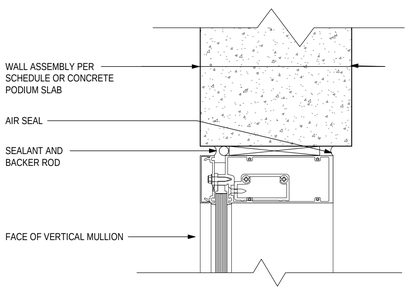


1 STOREFRONT SILL @ PAVERS
3" = 1'-0"

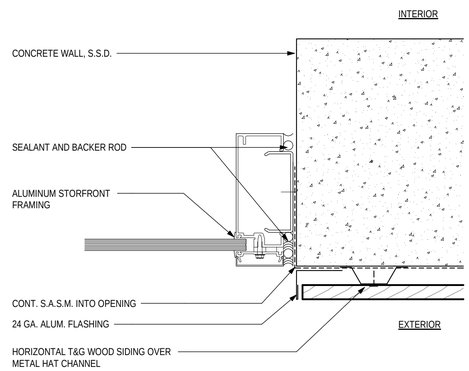




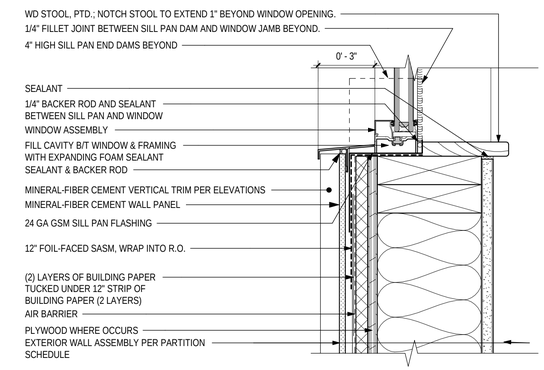
6 WINDOW - HEAD @ FIBER CEMENT PANEL
3" = 1'-0"



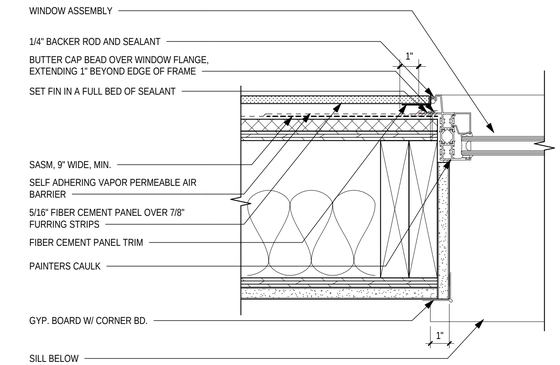
5 STOREFRONT HEAD @ CONCRETE PODIUM
3" = 1'-0"



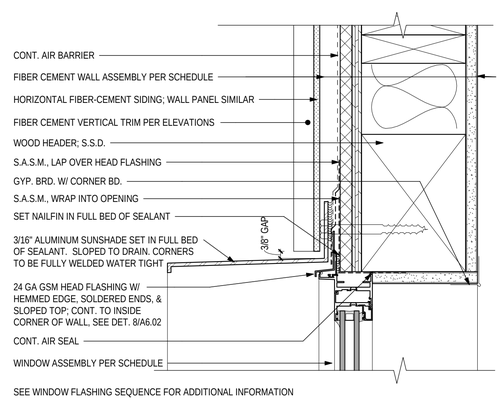
4 STOREFRONT JAMB @ CONCRETE W/WOOD SIDING
3" = 1'-0"



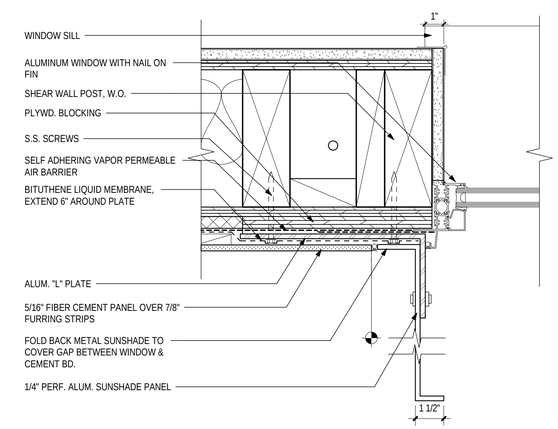
2 WINDOW - SILL @ FIBER CEMENT PANEL
3" = 1'-0"



7 WINDOW - JAMB @ FIBER CEMENT PANEL
3" = 1'-0"



3 HORIZONTAL SUNSHADE PLATE @ FIBER CEMENT PANEL & WINDOW
3" = 1'-0"



8 VERTICAL SUNSHADE PLATE @ FIBER CEMENT PANEL & WINDOW
3" = 1'-0"

WINDFLOWER PROPERTIES

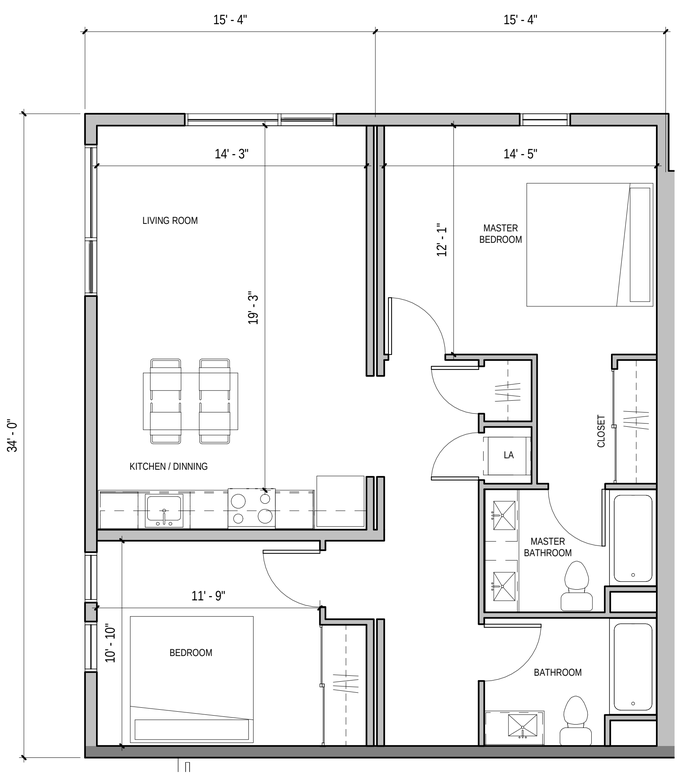
ENTITLEMENT SET

Windflower 2.0

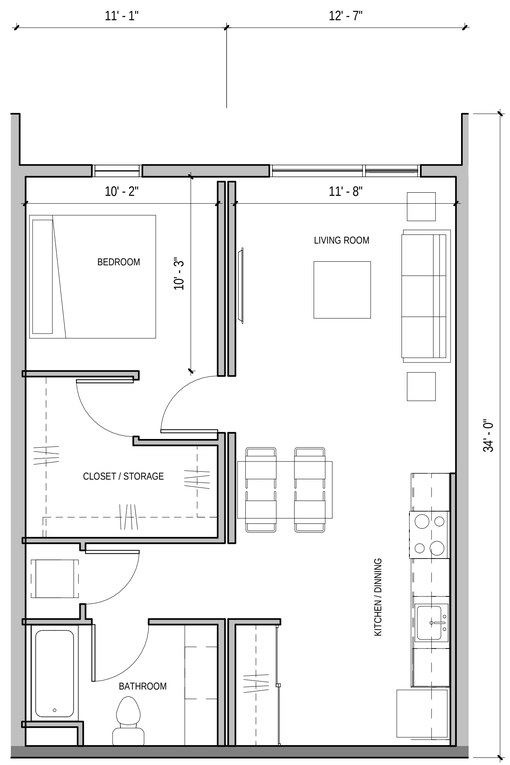
DETAILS - WINDOWS & STOREFRONT

job #: 21610
date: 09/11/2017
scale: 3" = 1'-0" when printed on 22X34

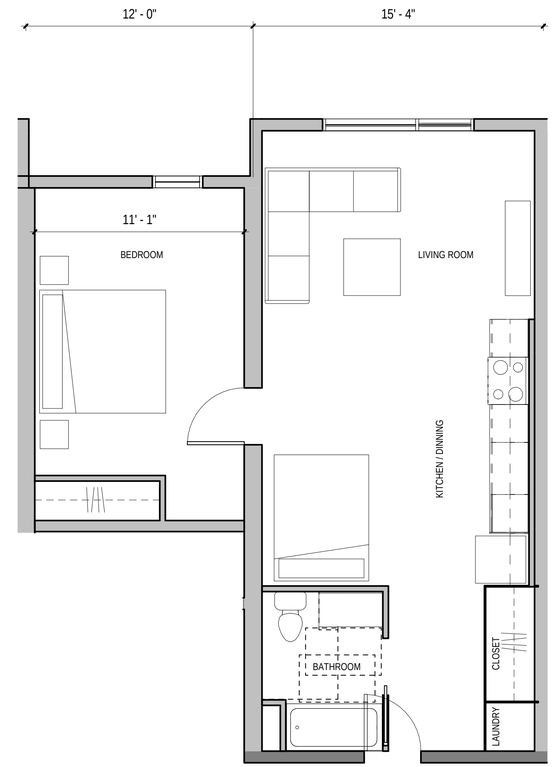
A422



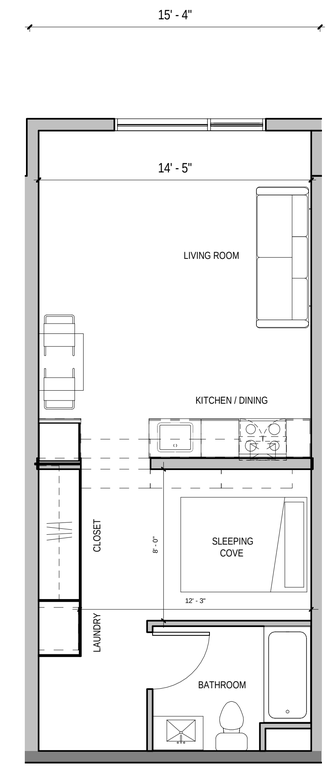
4 TYPICAL - 2 BEDROOM
1/4" = 1'-0"



3 TYPICAL - 1 BEDROOM +
1/4" = 1'-0"



2 TYPICAL - 1 BEDROOM
1/4" = 1'-0"



1 TYPICAL - JR. 1BEDROOM
1/4" = 1'-0"

WINDFLOWER PROPERTIES

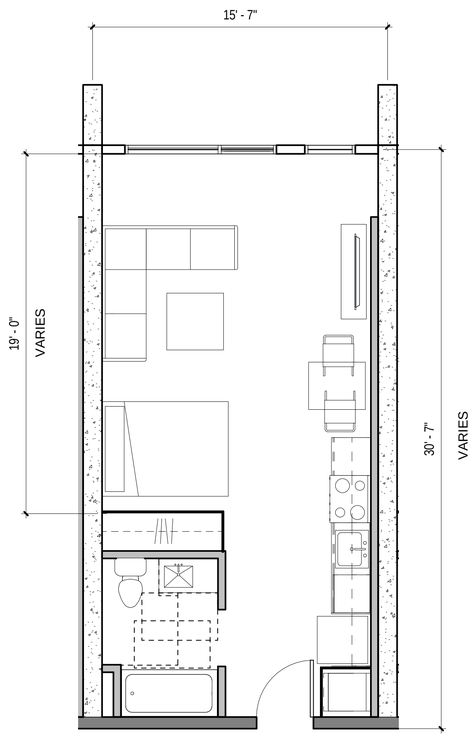
ENTITLEMENT SET

Windflower 2.0

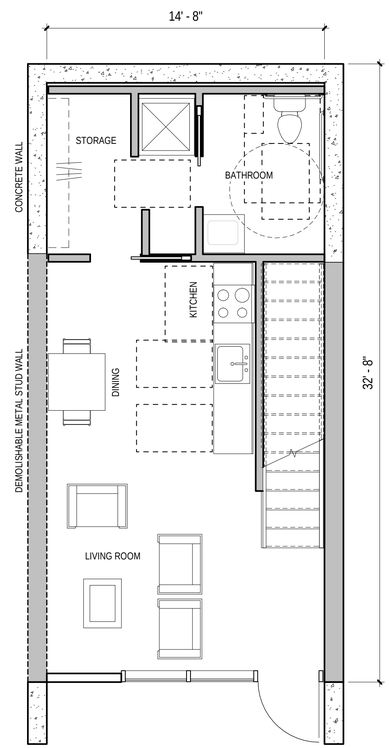
TYPICAL UNIT TYPES

job #: 21610
date: 09/11/2017
scale: 1/4" = 1'-0" when printed on 22X34

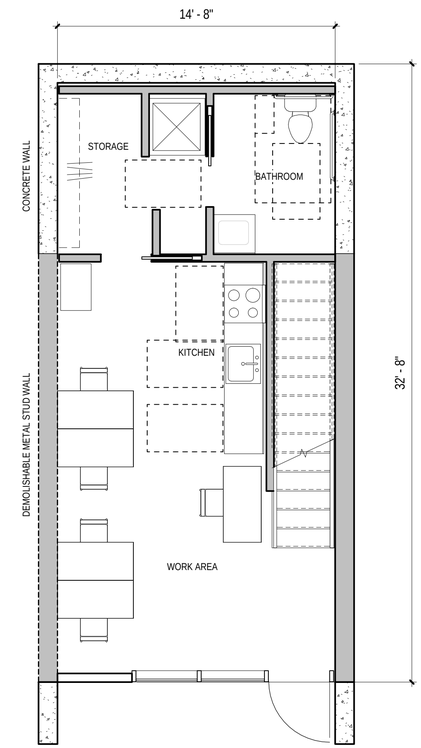
A500



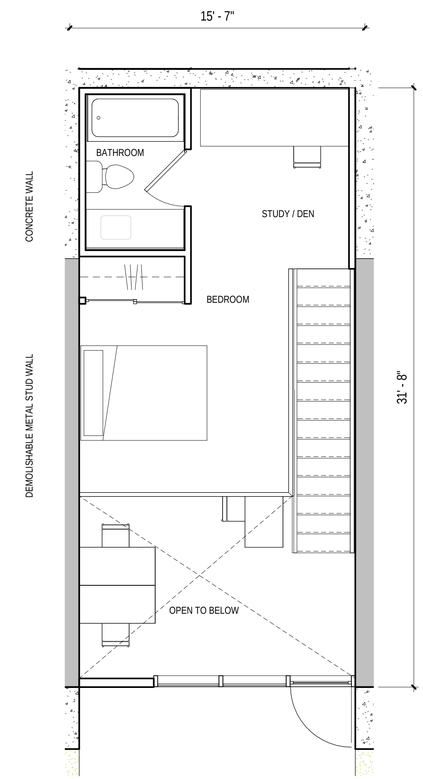
1 UNIT PLAN - STUDIO
1/4" = 1'-0"



2 UNIT PLAN - RES. LOFTS LEVEL 1
1/4" = 1'-0"



3 UNIT PLAN - LIVE/WORK LEVEL 1
1/4" = 1'-0"



4 UNIT PLAN - RES. LOFTS & LIVE/WORK LEVEL 2
1/4" = 1'-0"

WINDFLOWER PROPERTIES

ENTITLEMENT SET

Windflower 2.0

TYPICAL UNIT TYPES

job #: 21610
date: 09/11/2017
scale: 1/4" = 1'-0" when printed on 22X34

A501

BIKEPARKING.COM™

Tel: +1 415.333.6428 Tel: +1 888.764.2453 Fax: +1 415.333.2032
Palmer Group, LLC : 1728 Ocean Avenue #132, San Francisco, CA 94112 USA

[DoubleDecker™ Bike Rack]

**** Minimum vertical clearance 102″ required with bicycles parked ****

Product Data

Locking Options, per bike position [* = recommended]

-LL	Locking Loop*	Fixed loop for locking at rear wheel area
-LA	Locking Arm	Movable arm for locking rear triangle
-NL	Non-Locking Point	No locking provisions

Finish Options [* = recommended]

-G	Galvanized*	Hot dipped
-P	Powder Coated	Color frames, galvanized bike trays

Mounting Options

Due to their weight especially when loaded, these racks can be used freestanding.*
Optional, order four fasteners [(2) 1/2″ x 4-1/2″ and (2) 1/2″ x 5-1/2″] per rack only if racks are to be mounted to concrete (3″ thick or greater concrete)

ZBOLT-DD	Concrete Zinc Wedge Anchor Fastener
SSBOLT-DD	Concrete Stainless Steel Wedge Anchor Fastener

Construction

Back Panel Frames	.120 carbon steel tubing (1″ x 1″, 1″ x 2″)
Rear tray supports	1″ x 1″ x 1/8″ angle iron
Side Brackets	.120 carbon steel tubing (2″ x 2″)
Side Bracket Flanges	2″ x 6″ x 1/4‟ thick steel
Locking-Lengths	.120 carbon steel tubing (2″ x 2″)
Locking-Length Flanges	2″ x 7″ x 3/8‟ thick steel
Wheel Channels	.120″ mild steel sheer
Locking Loops	3/4‟ solid round bar
Locking Arms	3/4″ solid square bar
Welding	MIG
Mounting holes	5/8″ DIA., one per corner (4 total)

Assembly (racks are shipped knocked down)

Time	30-45 minutes per rack (2 persons working)
Tools	Cordless driver recommended
	3/4″ socket and open-end wrenches
	Phillips-head screwdriver or driver bit

Model	Bicycle	Width	Depth	Height	Weight - lbs.		
					-NL	-LL	-LA
DD04	4	33.5″	53″	86″	175	185	210
DD06	6	48″	53″	86″	213	229	268
DD08	8	62.5″	53″	86″	243	265	314
DD10	10	77″	53″	86″	296	310	373
DD12	12	91.5″	53″	86″	330	362	439
DD14	14	106″	53″	86″	365	403	485
DD16	16	120.5″	53″	86″	403	447	535

Locking Loop Galvanized option shown

Locking Arm Powder Coat option shown

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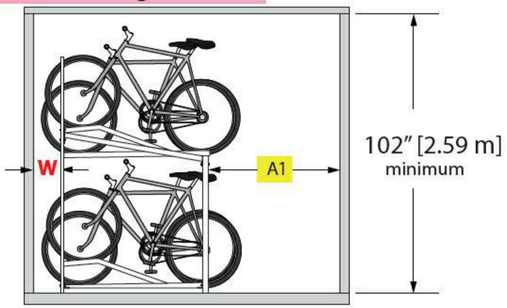
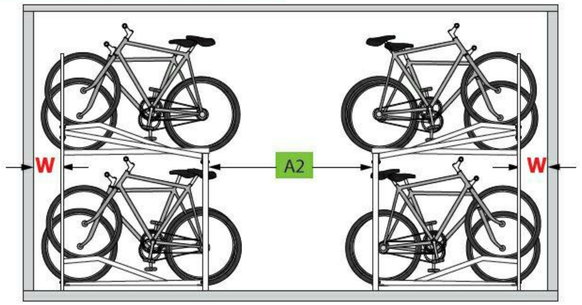
11/5/2015

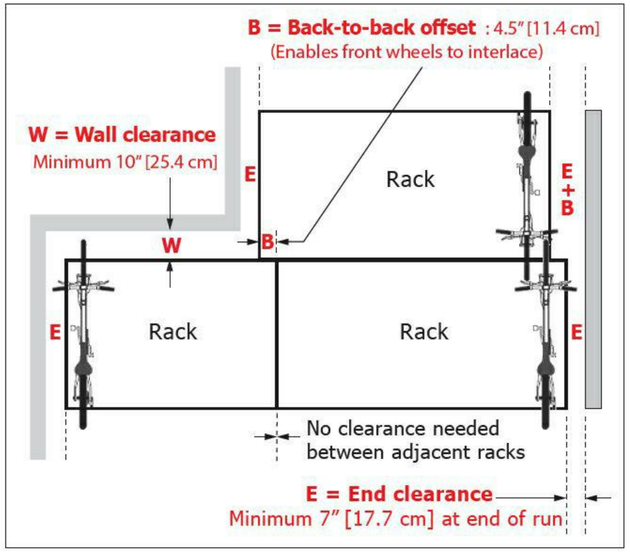
① 1 Aisle Single Loaded

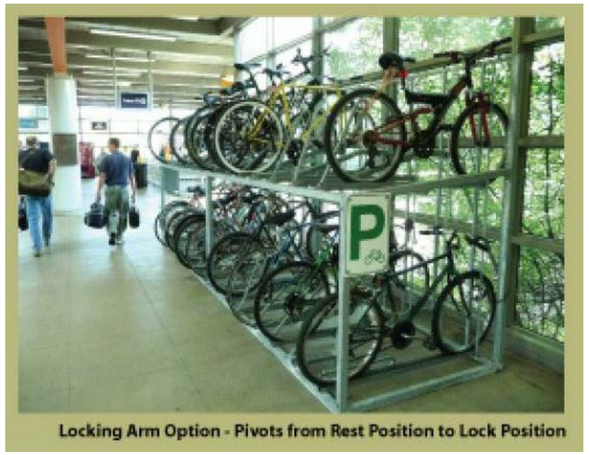
** minimum vertical clearance 102″ (260 cm) required with bicycles parked **



② 1 Aisle Double Loaded







Locking Arm Option - Pivots from Rest Position to Lock Position

Locking Loop Option - Provides Best Stationary Locking Point

KEY

1. ELEVATED PATH OVER FLOW-THROUGH PLANTERS
2. PALM TREES
3. PUBLIC PLAZAS
4. PUBLIC ART ON GARAGE
5. BAMBOO
6. BOCCE COURT
7. FIRE PIT
8. BBQ/PICNIC
9. POOL
10. SPA
11. STOOPS
12. RAISED TERRACES
13. PRIVATE GARDENS
14. MAIN ENTRY WITH SPECIAL PAVING & POTS
15. OUTDOOR SPACES AT FLEX LOFTS W/ PAVER STRIP AND PLANTING
16. SHARED PATIOS WITH SEATING
17. PRIVATE PATIOS WITH FENCES
18. GRASSPAVE LAWN (FIRE ACCESS)

ENTITLEMENT SET

Windflower 2.0

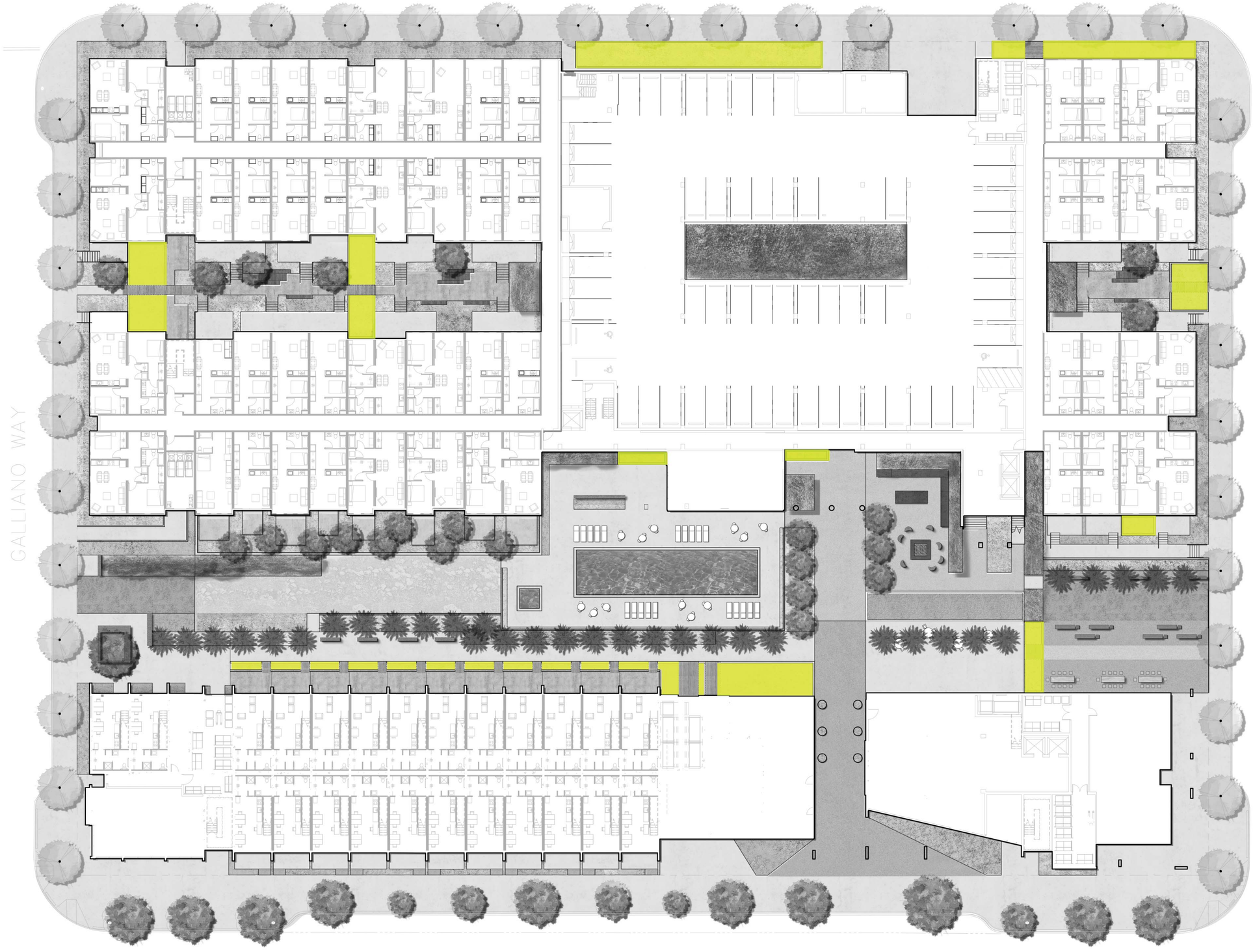
LANDSCAPE PLAN

job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L100



ENTITLEMENT SET

Windflower 2.0

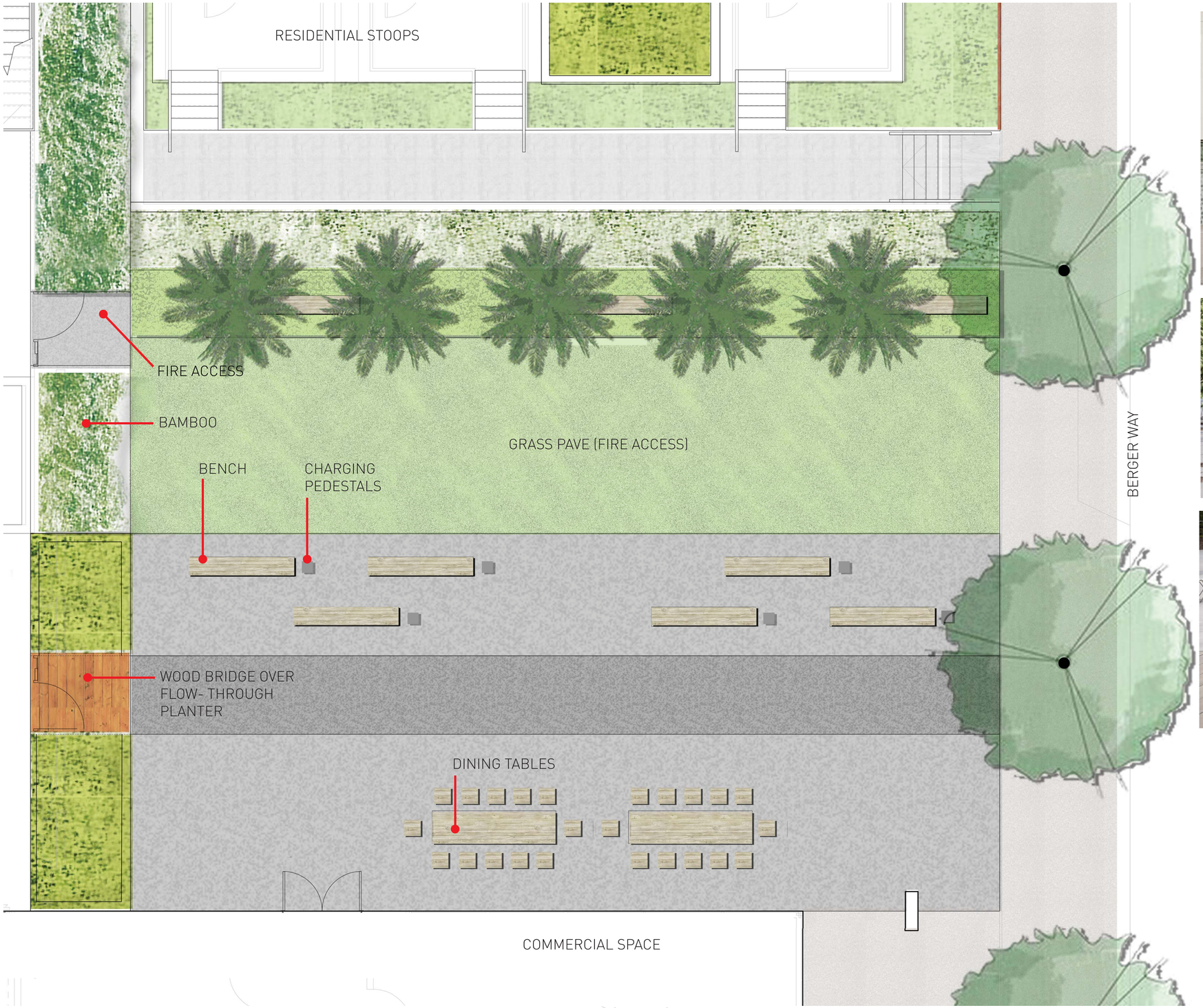
FLOW-THROUGH PLANTERS

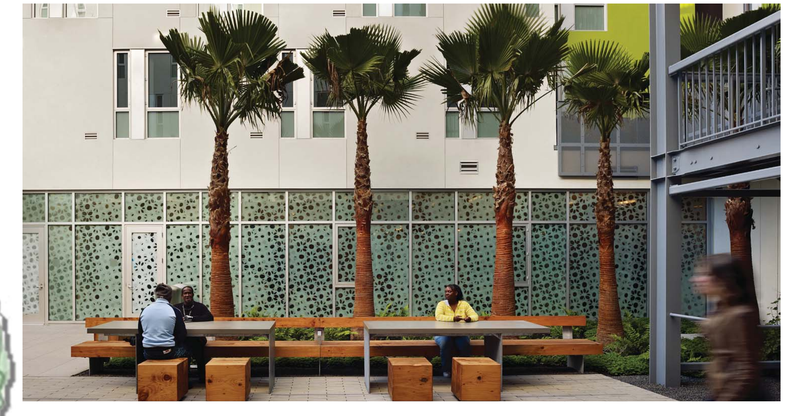
job #: 21610
date: 08/29/2017
scale: 1"=20'

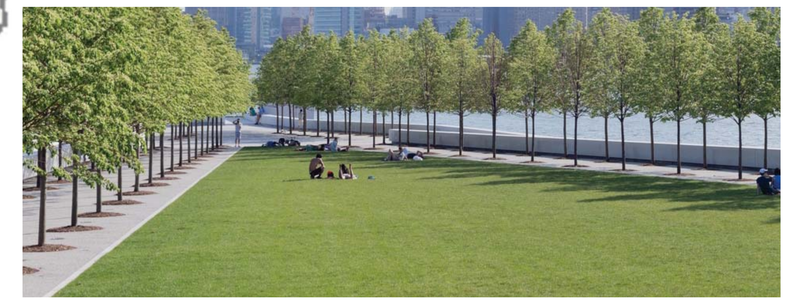
N

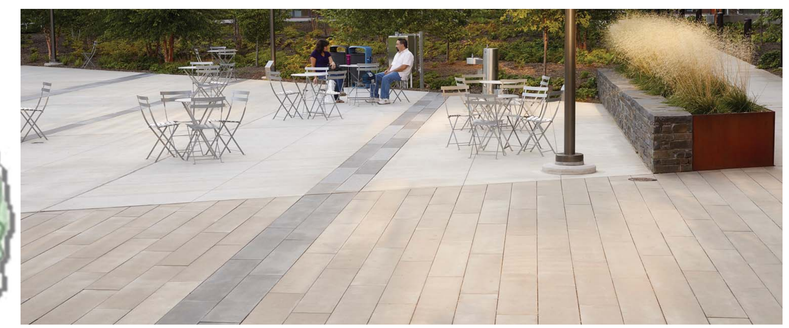
when printed on 22X34
10' 0' 10' 20'

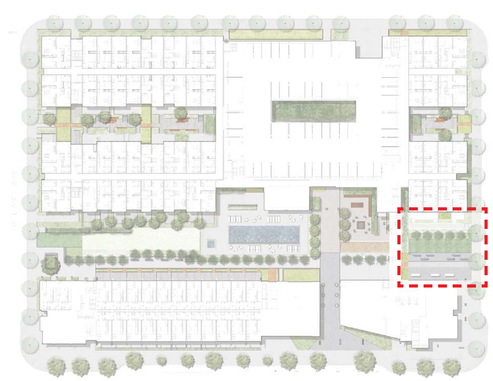
L101











ENTITLEMENT SET

Windflower 2.0

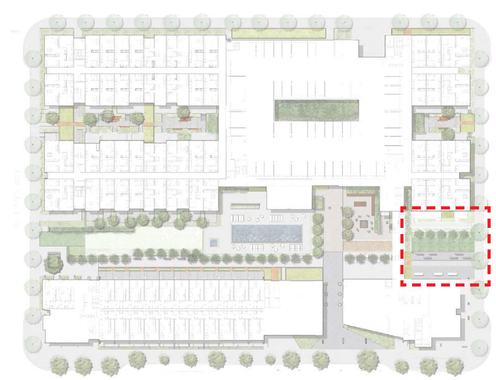
PUBLIC PLAZA @ BERGER WAY
OPTION 1

job #: 21610
date: 08/29/2017
scale: 1/4"=1'-0'

N

when printed on 22X34
2' 0' 2' 4'

L102



ENTITLEMENT SET

Windflower 2.0

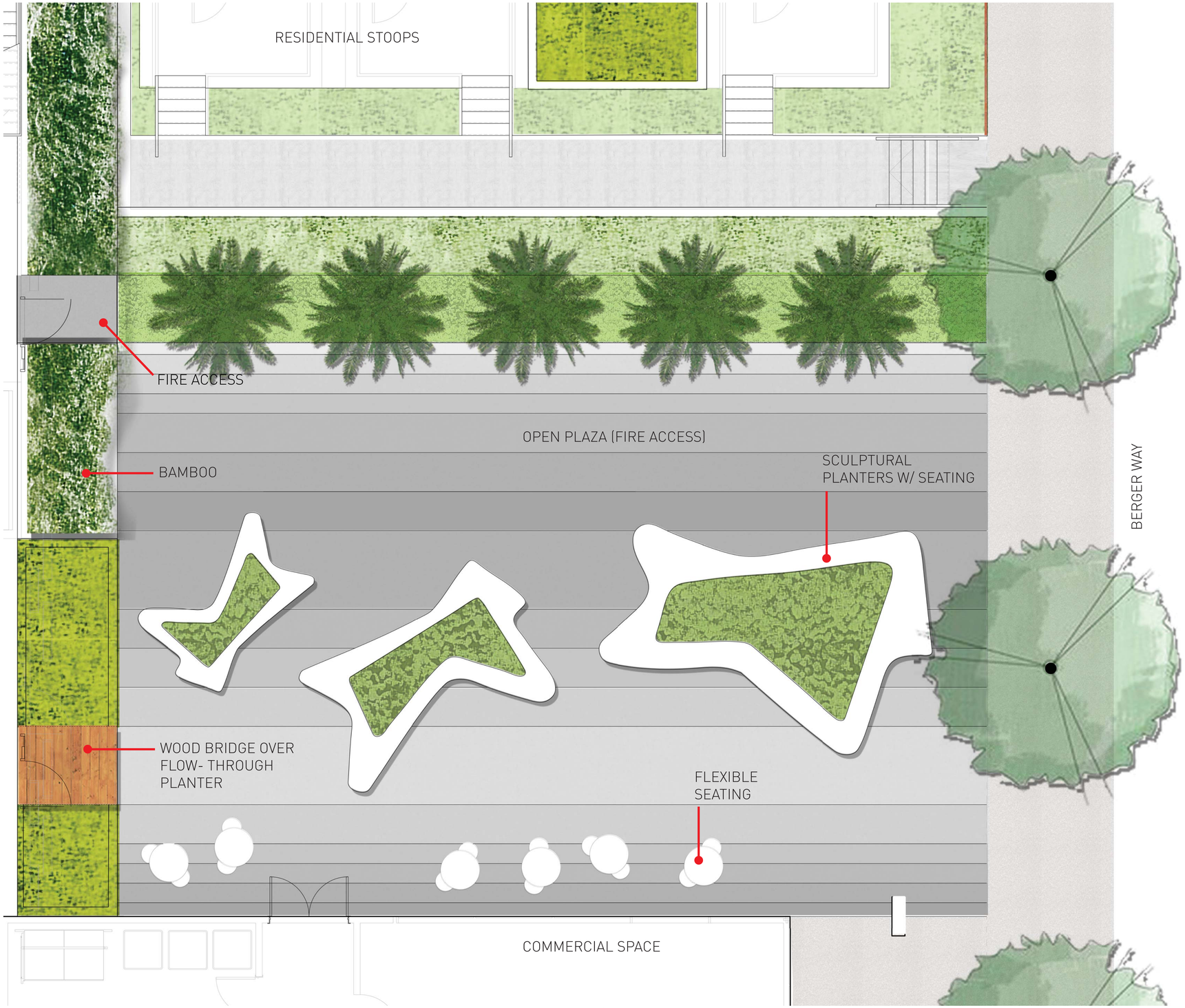
PUBLIC PLAZA AT BERGER WAY
OPTION 2

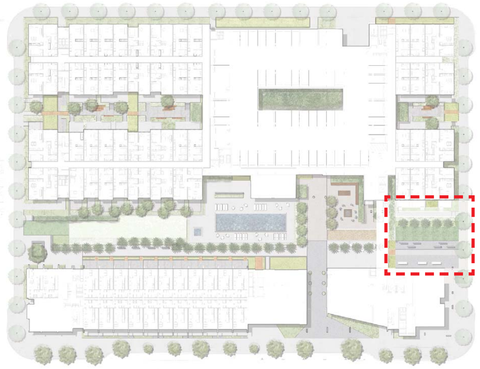
job #: 21610
date: 08/29/2017
scale: 1/4"=1'-0'

N

when printed on 22X34
2' 0' 2' 4'

L103





ENTITLEMENT SET

Windflower 2.0

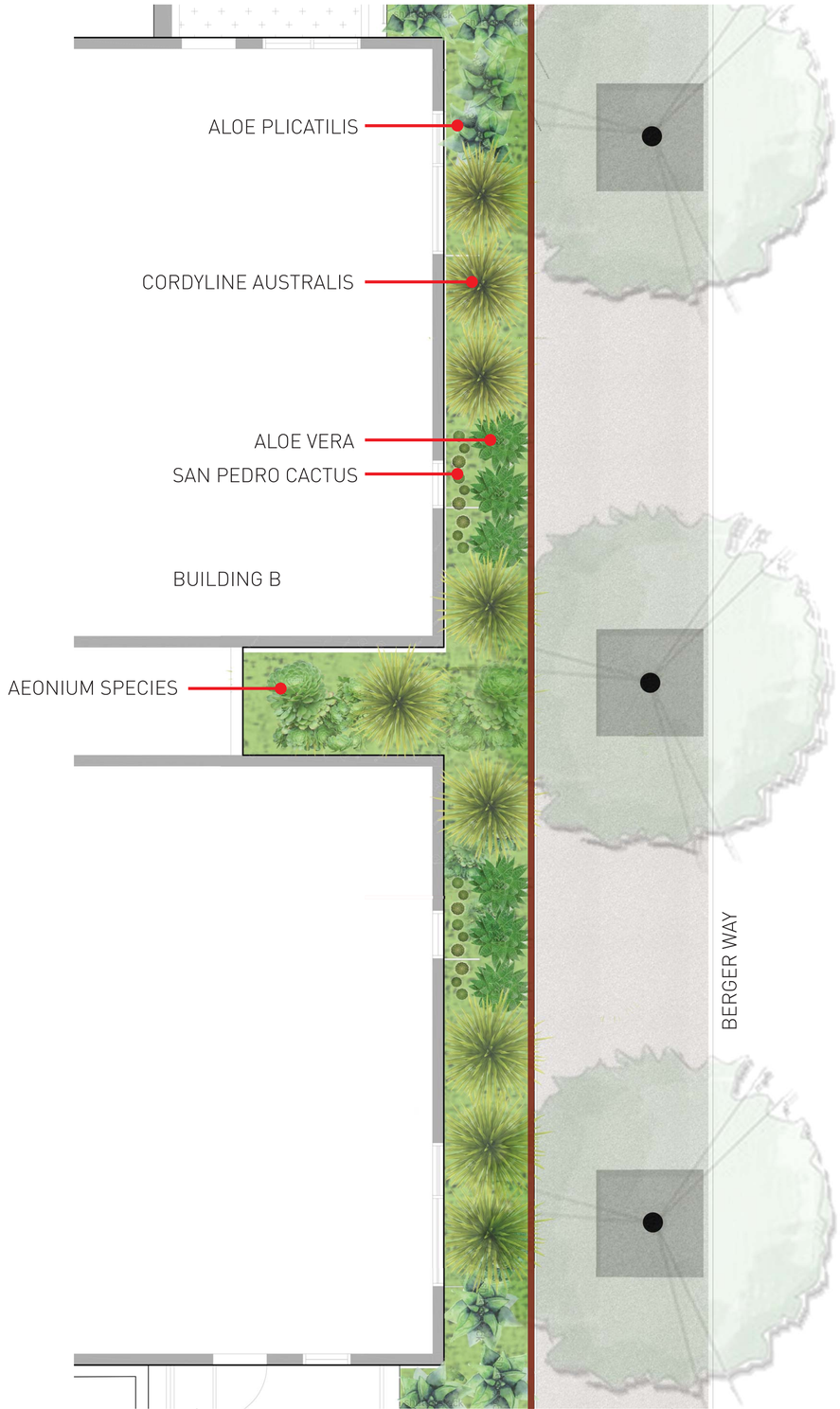
PUBLIC PLAZA AT BERGER WAY
OPTION 3

job #: 21610
date: 08/29/2017
scale: 1/4"=1'-0'

N

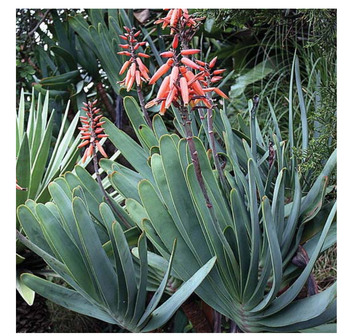
when printed on 22X34
2' 0' 2' 4'

L104



CORDYLINE AUSTRALIS

SAN PEDRO CACTUS


ALOE PLICATILIS

ALOE VERA

AEONIUM SPECIES

ENTITLEMENT SET

Windflower 2.0

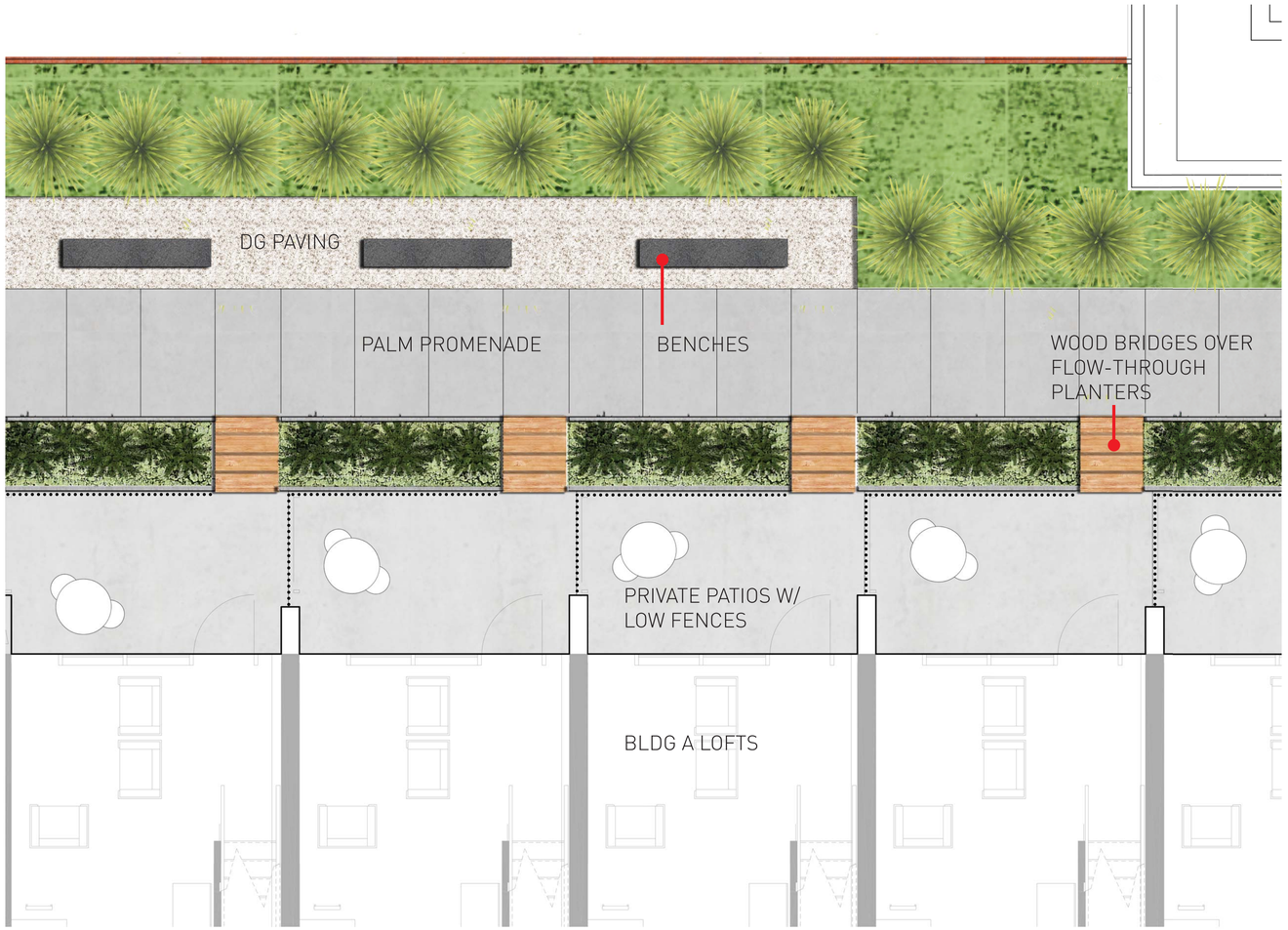
PLANTING AT BERGER WAY

job #: 21610
date: 08/29/2017
scale: 1/4″=1′-0′

N

when printed on 22X34
2′ 0′ 2′ 4′

L105



ENTITLEMENT SET

Windflower 2.0

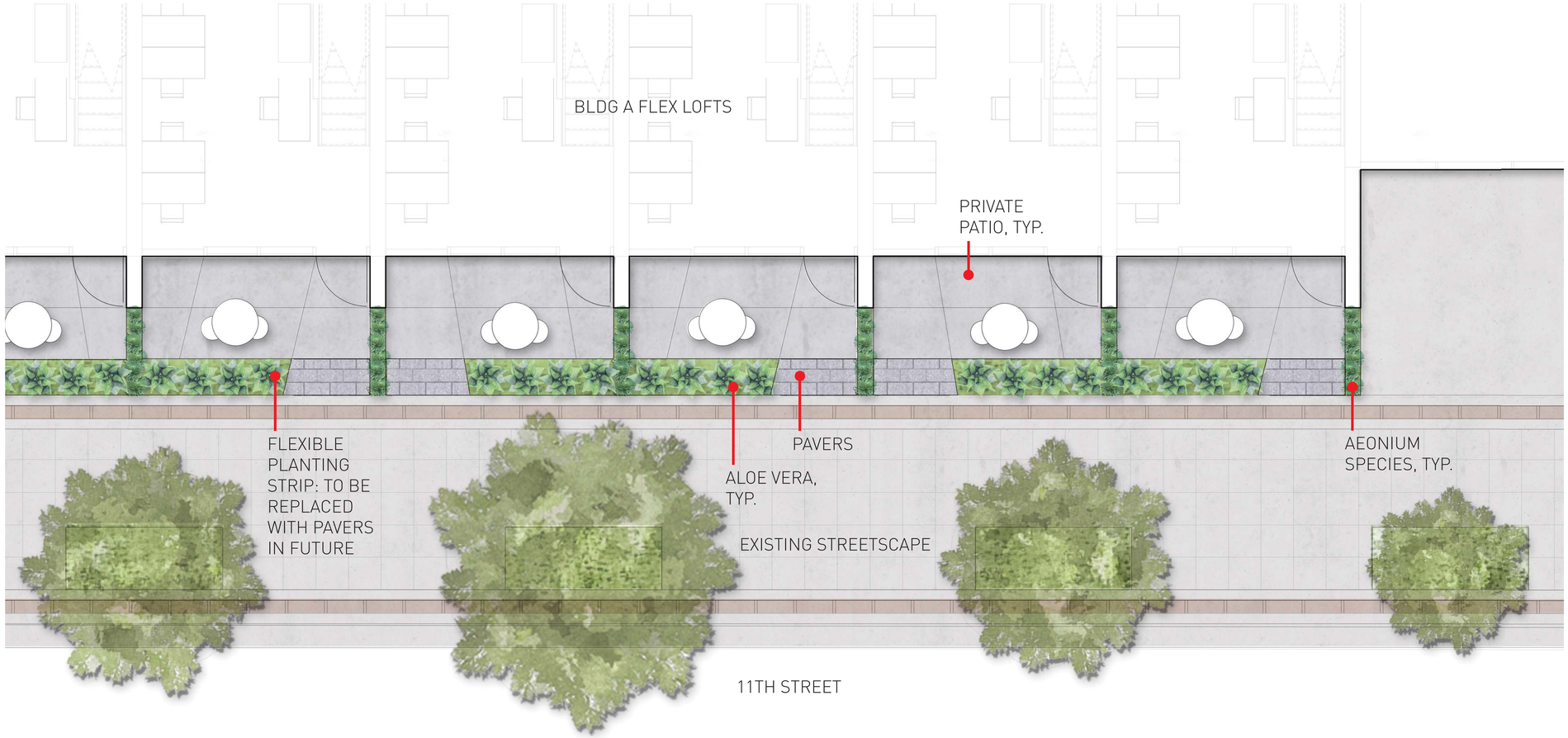
MAIN COURTYARD
ENLARGED PLAN

job #: 21610
date: 08/29/2017
scale: 1/4"=1'-0'

N

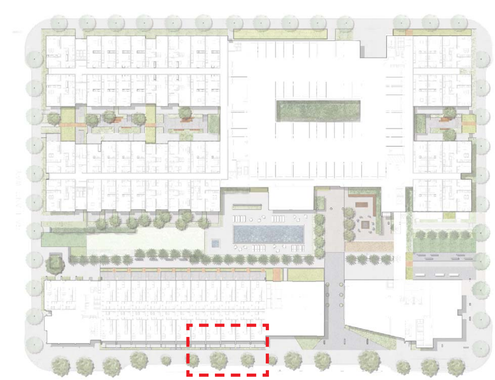
when printed on 22X34
2' 0' 2' 4'

L106



ALOE VERA

AEONIUM SPECIES



ENTITLEMENT SET

Windflower 2.0

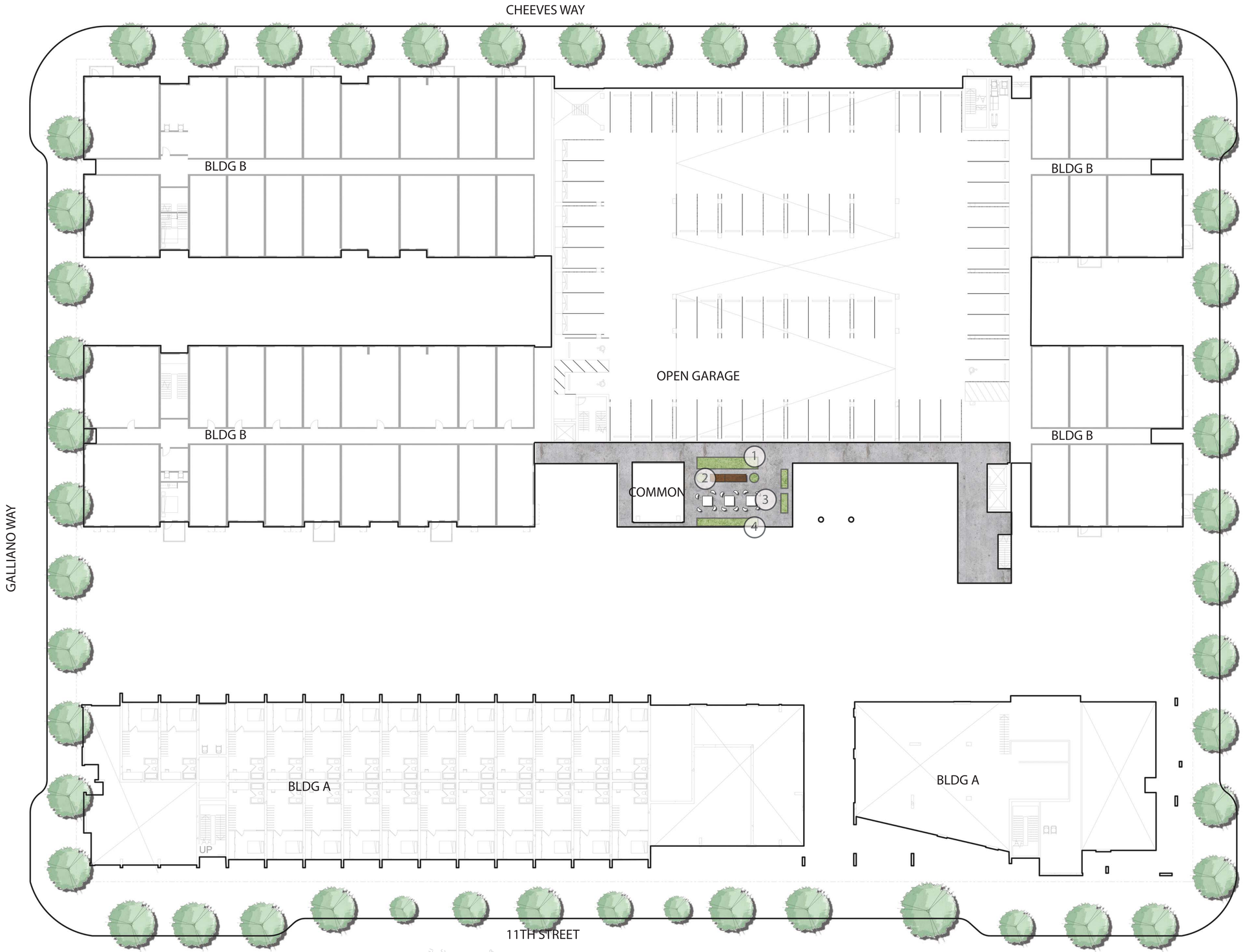
OUTDOOR SPACES ON 11TH STREET
ENLARGED PLAN

job #: 21610
date: 08/29/2017
scale: 1/8"=1'-0'

N

when printed on 22X34
4' 0' 4' 8'

L107



KEY

1. BAMBOO PLANTER
2. BBQ/PICNIC
3. SEATING
4. RAISED PLANTER

ENTITLEMENT SET

Windflower 2.0

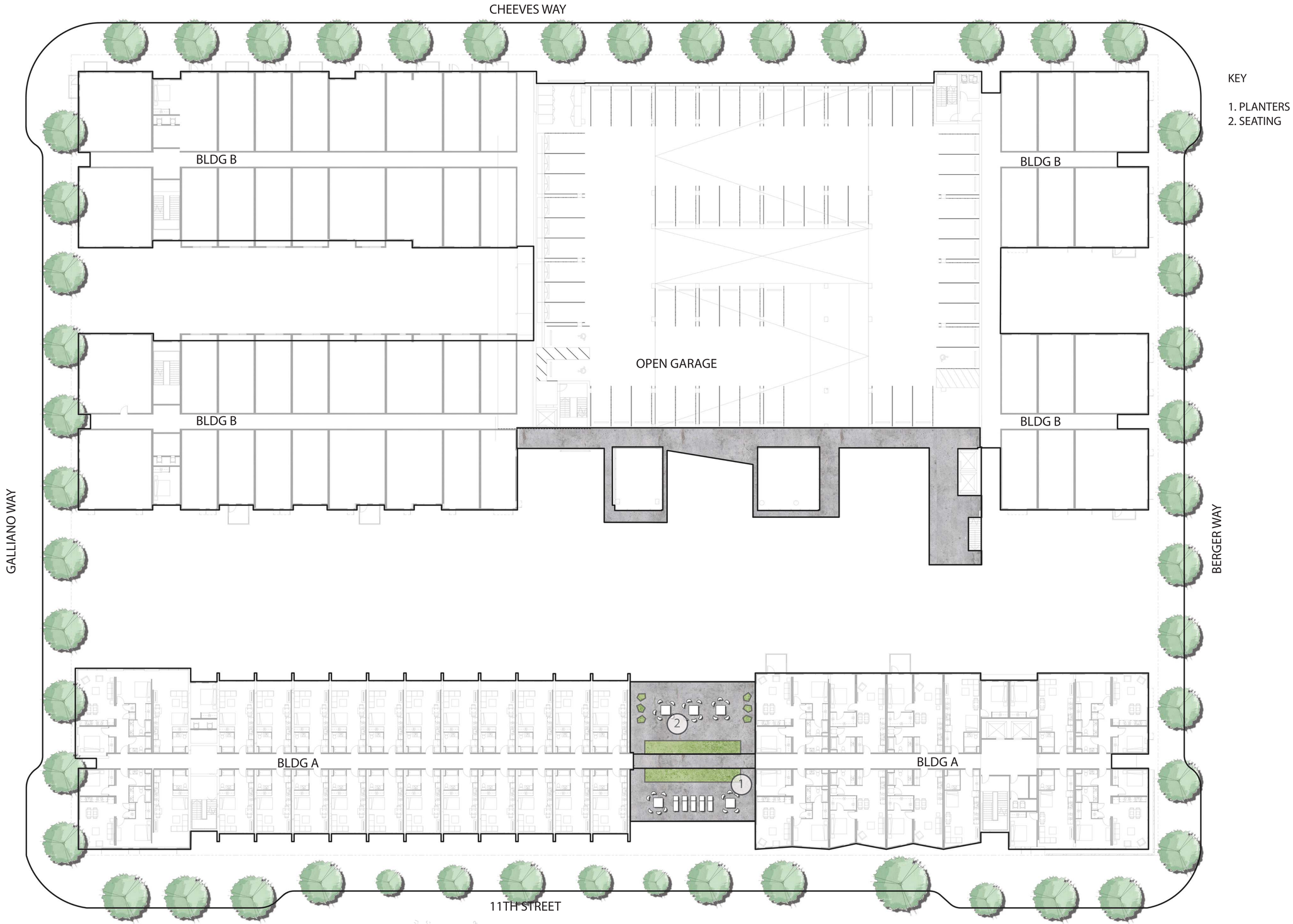
ROOF DECK LEVEL 2

job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L108



ENTITLEMENT SET

Windflower 2.0

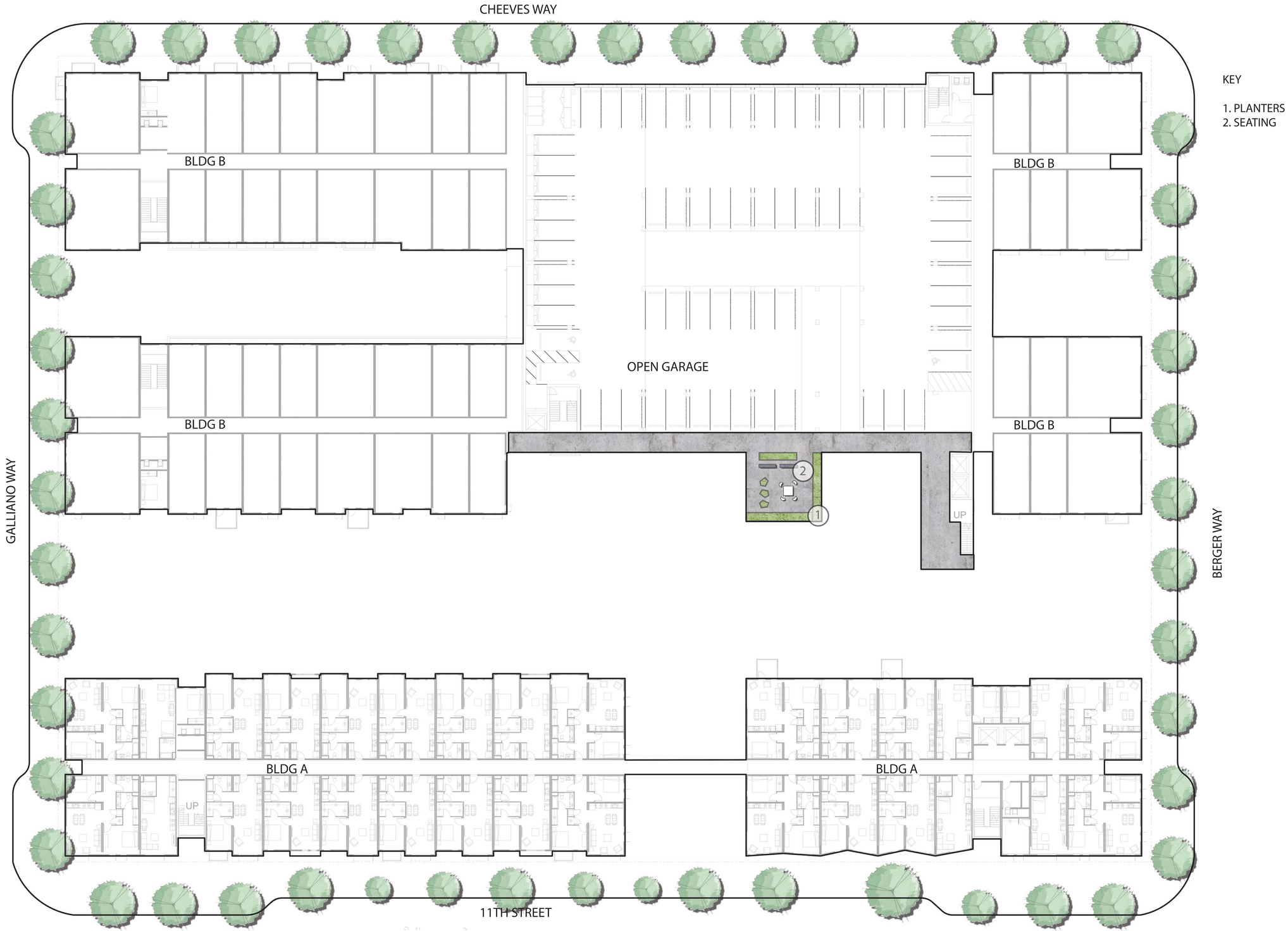
ROOF DECK LEVEL 3

job #: 21610
date: 08/29/2017
scale: 1″=20′

N

when printed on 22X34
10' 0' 10' 20'

L109



ENTITLEMENT SET

Windflower 2.0

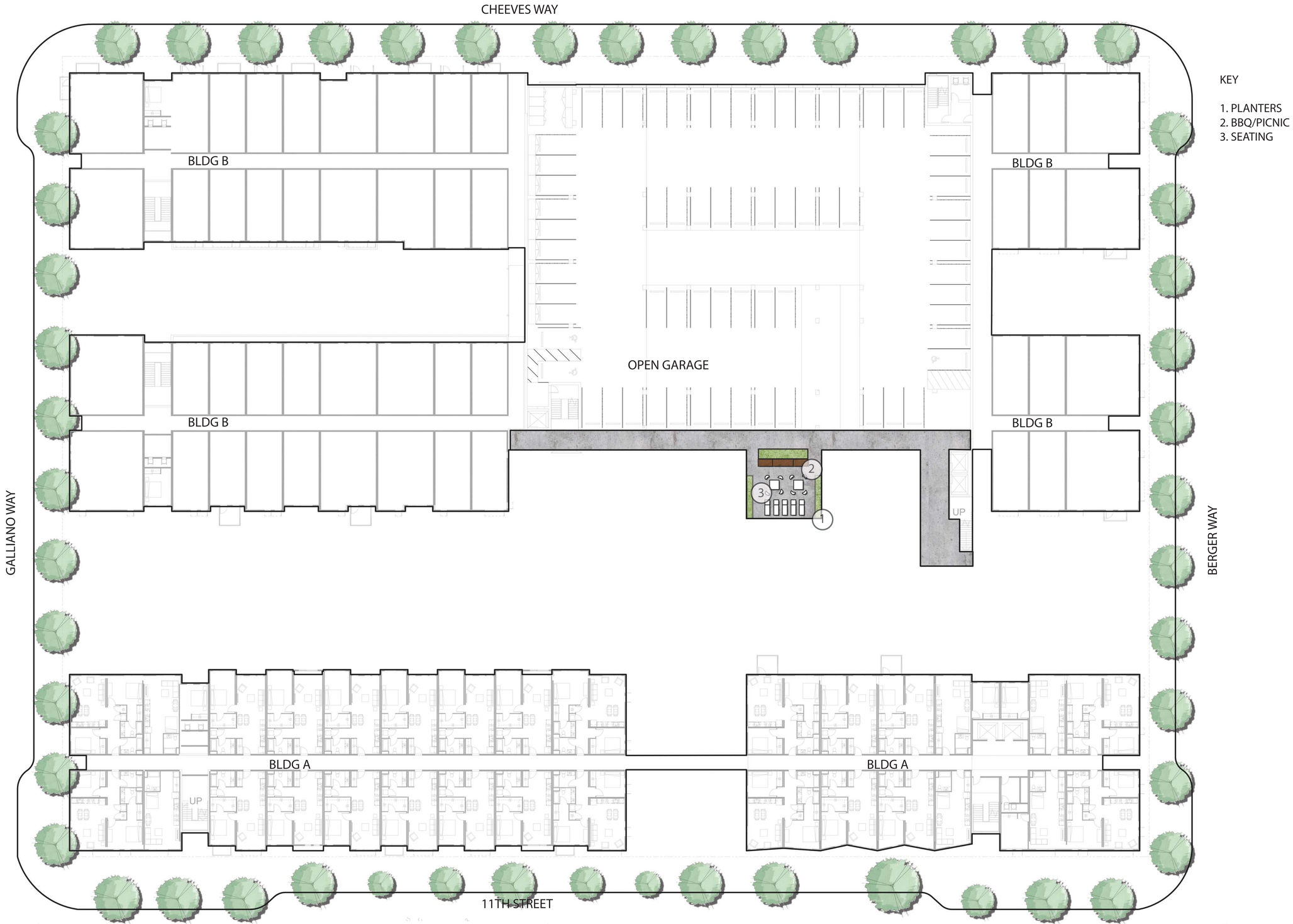
ROOF DECK LEVEL 4

job #: 21610
date: 08/29/2017
scale: 1″=20′

N

when printed on 22X34
10' 0' 10' 20'

L110



ENTITLEMENT SET

Windflower 2.0

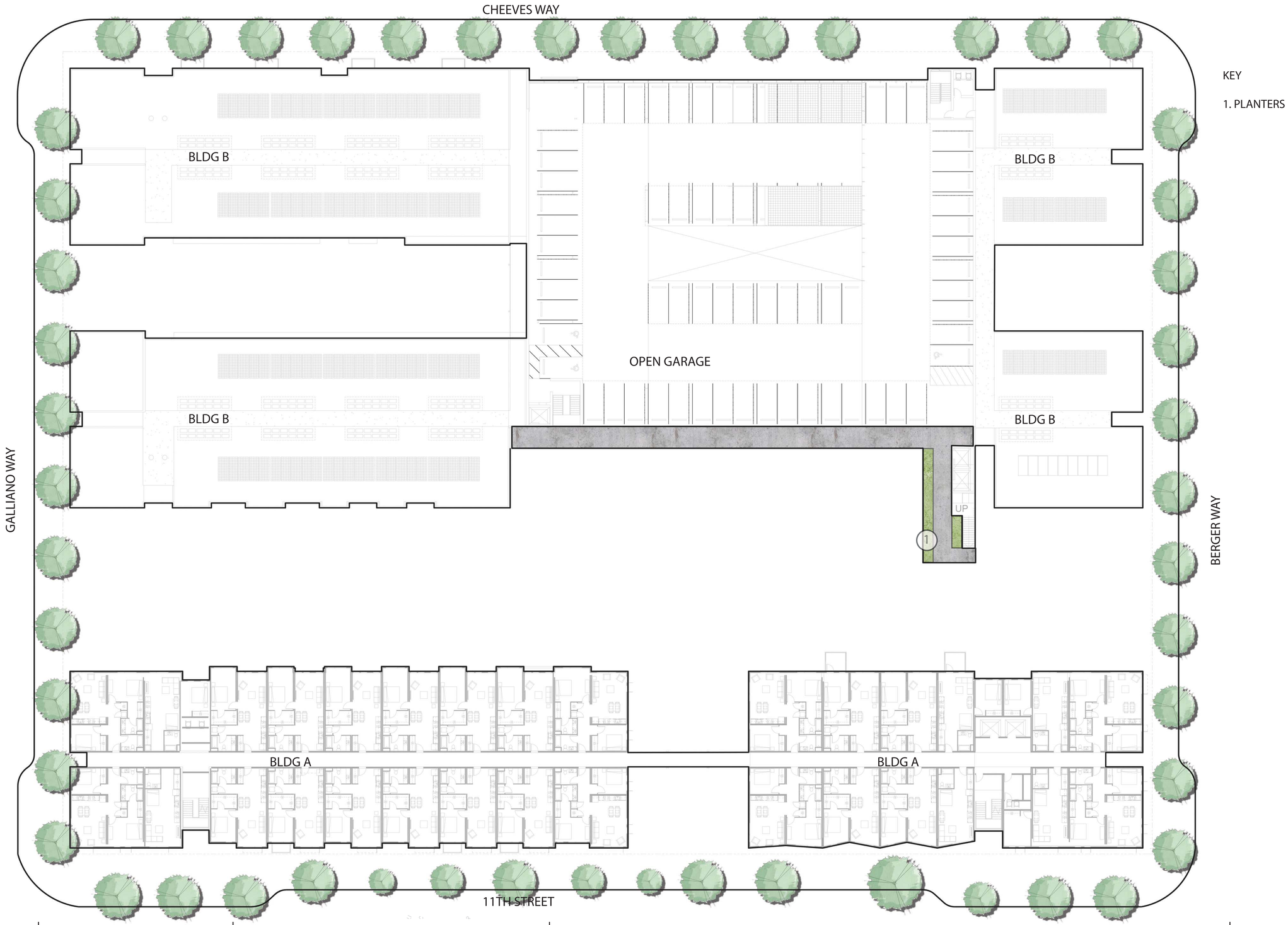
ROOF DECK LEVEL 5

job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L111



ENTITLEMENT SET

Windflower 2.0

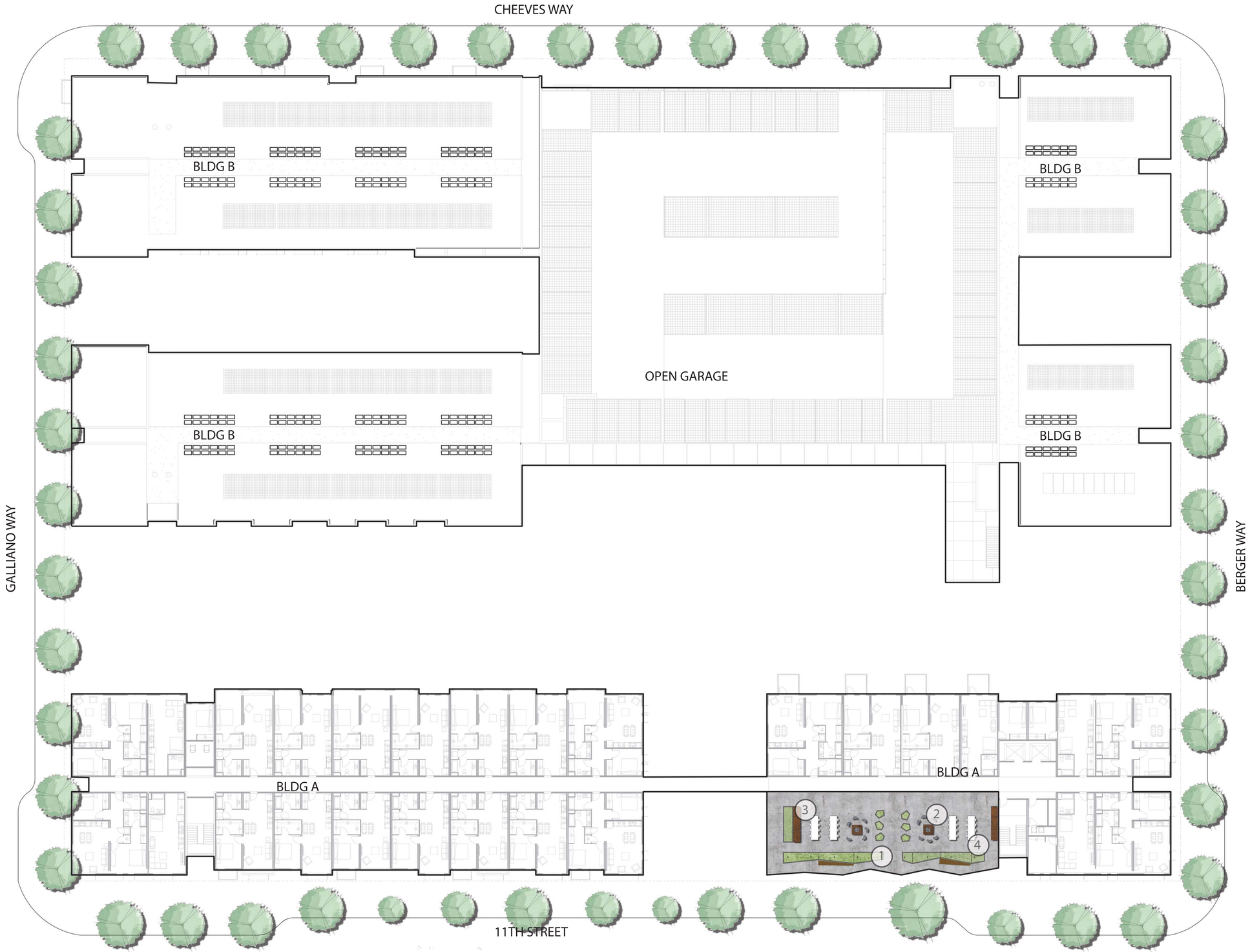
ROOF DECK LEVEL 6

job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L112



KEY

1. PLANTERS
2. FIRE PIT
3. BBQ/PICNIC
4. SEATING

ENTITLEMENT SET

Windflower 2.0

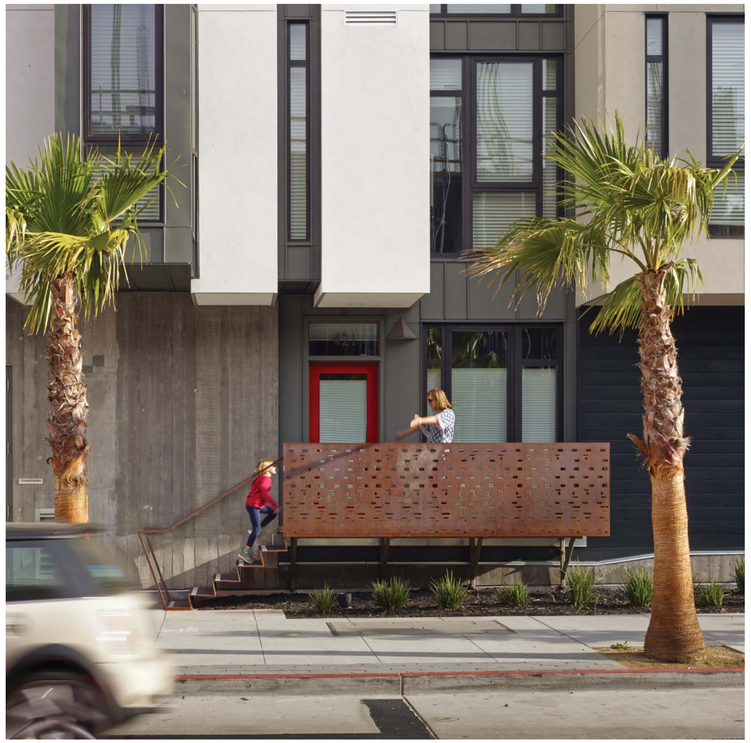
ROOF DECK LEVEL 8

job #: 21610
date: 08/29/2017
scale: 1″=20′

N

when printed on 22X34
10' 0' 10' 20'

L113



ENTITLEMENT SET

Windflower 2.0

PRECEDENT IMAGES :
STOOPS

job #: 21610
date: 08/29/2017
scale: 1″=20′

N

when printed on 22X34
10' 0' 10' 20'

L200

ENTITLEMENT SET

Windflower 2.0

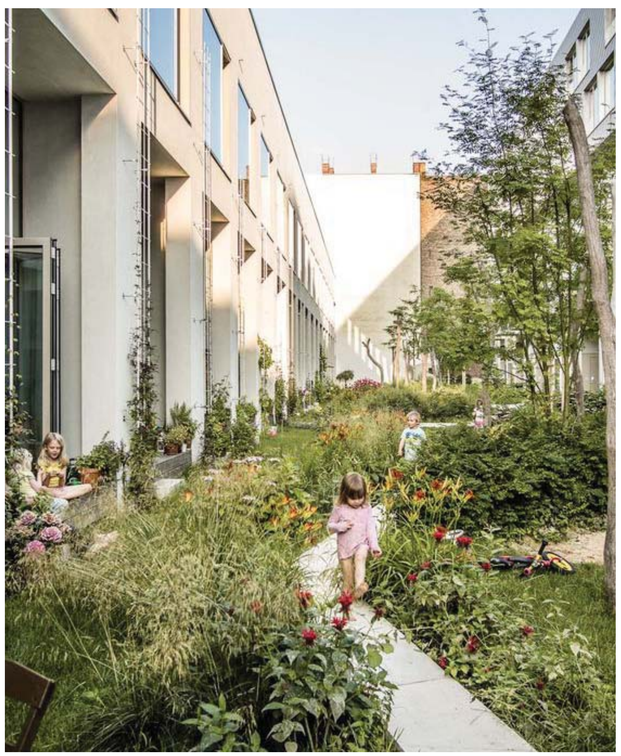
PRECEDENT IMAGES :
FLOW-THROUGH PLANTERS

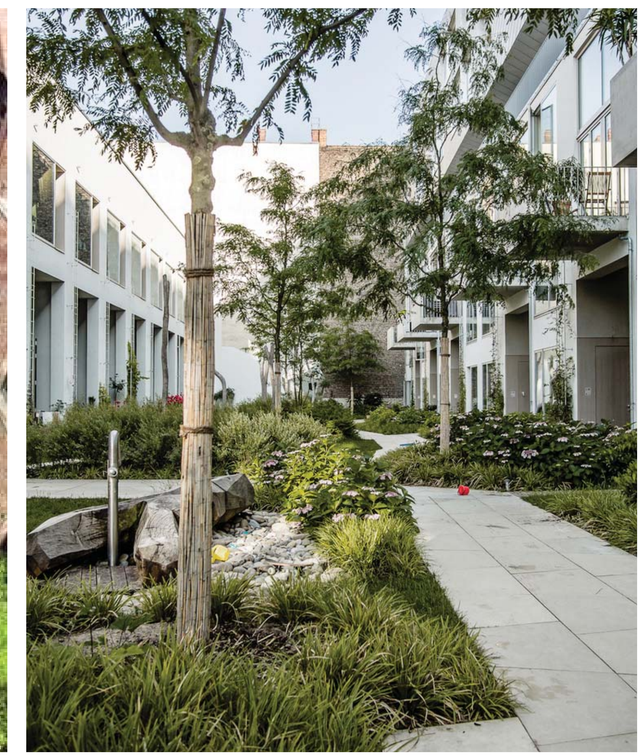
job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L201





ENTITLEMENT SET

Windflower 2.0

PRECEDENT IMAGES :

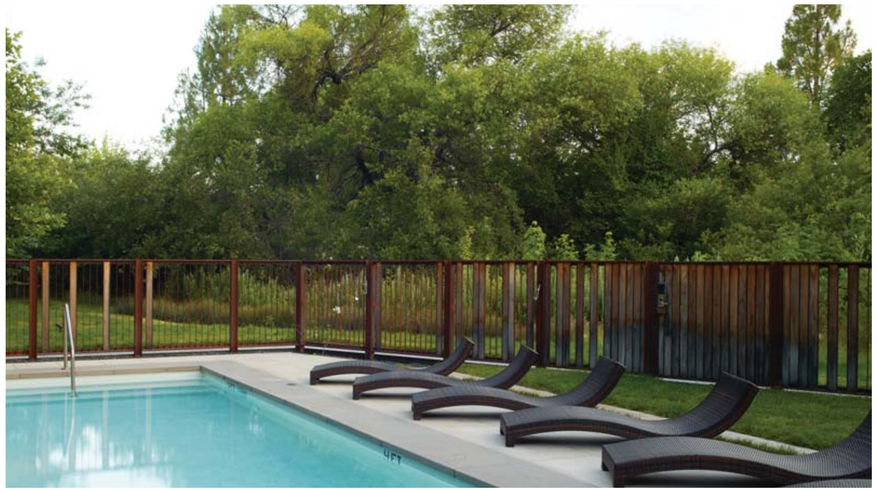
ELEVATED PATHS, GARDENS, & SHARED COURTYARDS

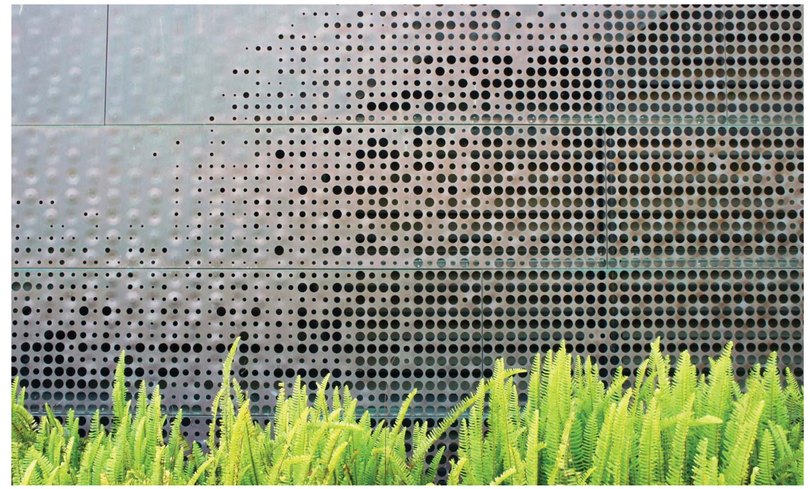
job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L202





PAVERS

WOOD

POOL PATIO & COPING

GRAVEL MULCH

GRASSPAVE

ENTITLEMENT SET

Windflower 2.0

MATERIALS :
FENCING, SITE FURNISHING, PAVING

job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L203

KEY

1. Building Perimeter & Entry Planting
2. Bamboo
3. Palm Promenade & BBQ Courtyard
4. Private Garden & Galliano Entry
5. Raised Terrace
6. North Courtyard Stoops
7. Flow-Through Planters, North Courtyard
8. Flow-Through Planters
9. Vines
10. Grass Pave

BAY FRIENDLY LANDSCAPE

Our landscape design is composed of a diverse mix of California native and adaptive plants that come from environments closely akin to Union City's climate in which they will thrive. We have chosen species and cultivated varieties that are noninvasive, provide habitat and have demonstrated their ability to grow in urban or developed conditions and require minimal maintenance.

The adaptive plants come from climates such as the Mediterranean and other areas around the world. Their seasonal temperatures and rainfall are similar to Union City. The plants from these areas have developed similar adaptations to seasonal rainfall and summer drought and will thrive along with the California natives in this environment.

Our final design will embody Bay Friendly principles, adhere to city landscape guidelines, while providing comfortable and appealing outdoor spaces for residents and visitors.

ENTITLEMENT SET

Windflower 2.0

PLANTING PLAN

job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L300

1. Yucca rostrata and agave species
2. Agave species
3. Agave villamorosa - Octopus Agave
4. Aeonium species
5. Aloe arborescens
6. Echinopsis pachanoi - San Pedro Cactus
7. Cordyline australis
8. Aloe species

ENTITLEMENT SET

Windflower 2.0

PLANT PALETTE :
1. BUILDING PERIMETER & ENTRY PLANTING

job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L301

Bambusa oldhamii - Timber Bamboo

ENTITLEMENT SET

Windflower 2.0

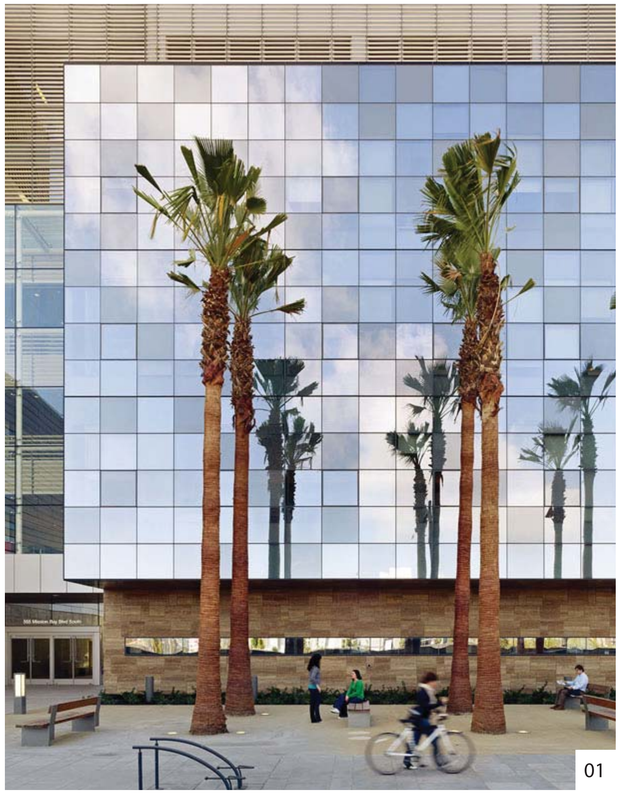
PLANT PALETTE :
2. BAMBOO

job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L302


01

02

02

03

04

03

1. Washingtonia filibusta
2. Chamaerops humilis
3. Yucca species
4. Cordyline tree

ENTITLEMENT SET

Windflower 2.0

PLANT PALETTE :
3. PALM PROMENADE & BBQ COURTYARD

job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L303

01

03

05

01

02

04

06

1. Ribes viburnifolium - Evergreen Currant
2. Helleborus argutifolius - Lenten Rose
3. Acanthus mollis - Bear's Breeches
4. Heuchera species - Coral Bells
5. Pittosporum species
6. Ribes sanguineum white - Flowering Currant

ENTITLEMENT SET

Windflower 2.0

PLANT PALETTE :
4. PRIVATE GARDEN & GALLIANO ENTRY

job #: 21610
date: 08/29/2017
scale: 1"=20'

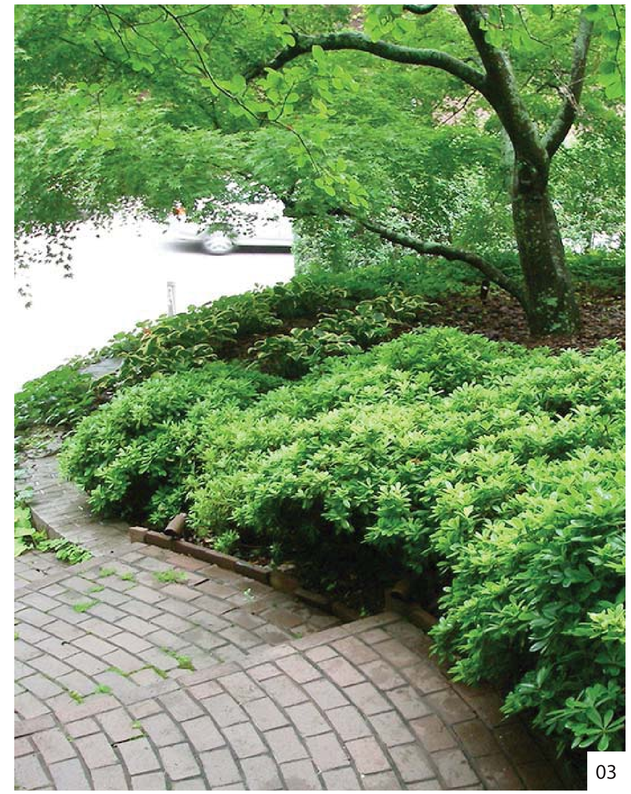
N

when printed on 22X34
10' 0' 10' 20'

L304

01

02


03

04

05

06

1. Acer palmatum - Japanese Maple
2. Lomandra species
3. Pittosporum species
4. Helleborus argutifolius - Lenten Rose
5. Heuchera species - Coral Bells
6. Ribes sanguineum white - Flowering Currant

ENTITLEMENT SET

Windflower 2.0

PLANT PALETTE :
5. RAISED TERRACE

job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L305

01

02

03

02

04

1. Cornus 'Eddies White Wonder' - Dogwood
2. Dicksonia antarctica - Tree Fern
3. Lomandra species
4. Woodwardia fimbriata - Giant Chain Fern

ENTITLEMENT SET

Windflower 2.0

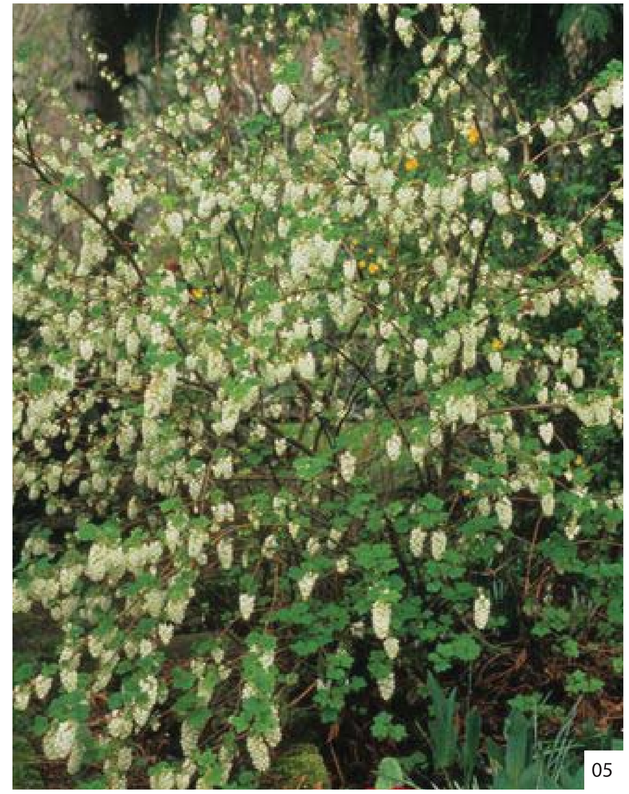
PLANT PALETTE :
6. NORTH COURTYARD STOOPS

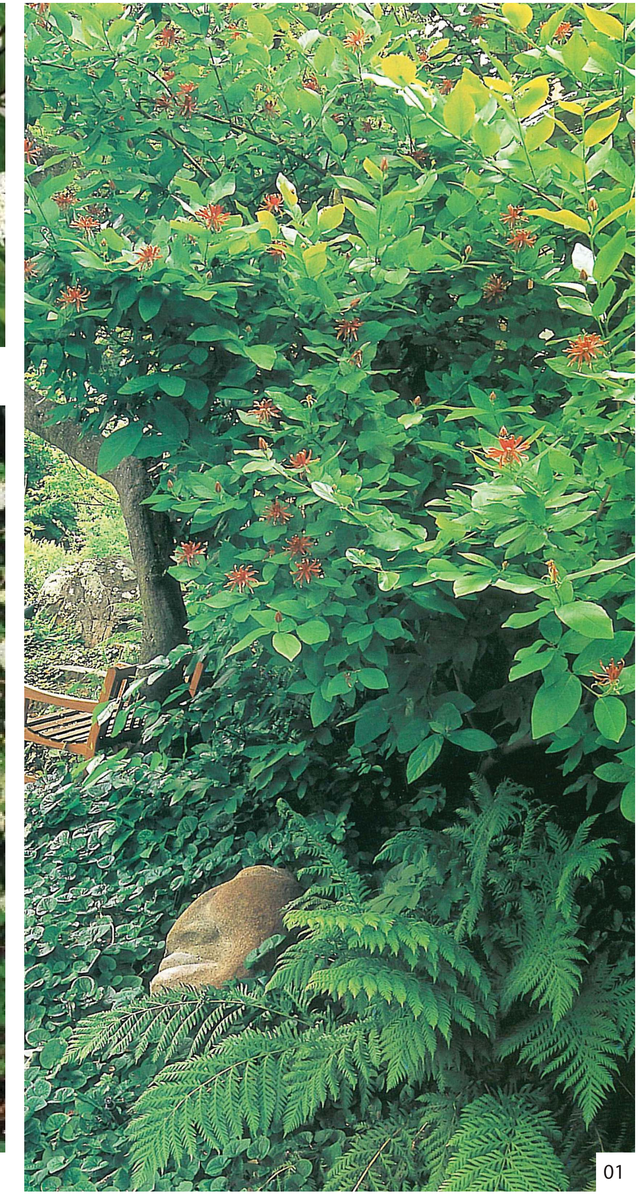
job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L306





1. Calycanthus occidentalis - Spice Bush
2. Heuchera species - Coralbells
3. Polystichum setiferum - Soft Shield Fern
4. Cornus sericea - Redtwig Dogwood
5. Ribes sanguineum white - Flowering Currant

ENTITLEMENT SET

Windflower 2.0

PLANT PALETTE :
7. FLOW-THROUGH PLANTERS, NORTH COURTYARD

job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L307

01

01

01

03

05

02

02

04

06

1. Chondropetalum tectorum - Small Cape Rush
2. Carex Species - Sedge
3. Carex divulsa - Berkeley Sedge
4. Lomandra hystrix 'Tropic Bell'
5. Polystichum setiferum - Soft Shield Fern
6. Woodwardia fimbriata - Giant Chain Fern

ENTITLEMENT SET

Windflower 2.0

PLANT PALETTE :
8. FLOW-THROUGH PLANTERS

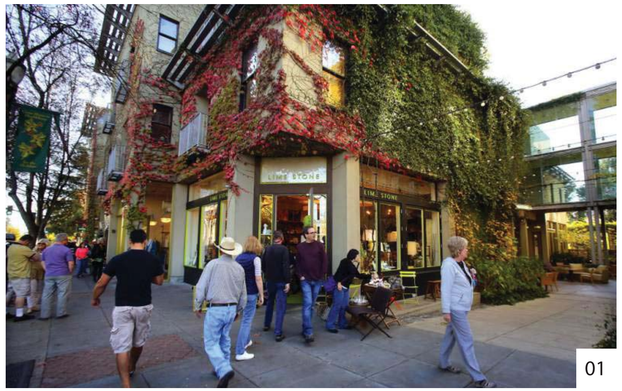
job #: 21610
date: 08/29/2017
scale: 1"=20'

N

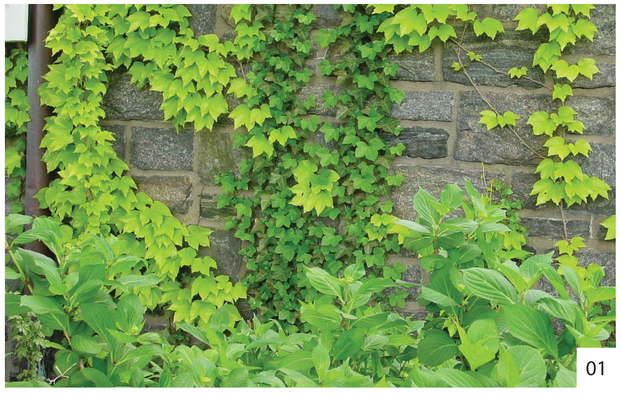
when printed on 22X34
10' 0' 10' 20'

L308

01



01


01

02

03

03

1. Parthenocissus tricuspidata - Boston Ivy
2. Lonicera japonica halliana - Honeysuckle
3. Trachelospermum jasminoides - Star Jasmine

ENTITLEMENT SET

Windflower 2.0

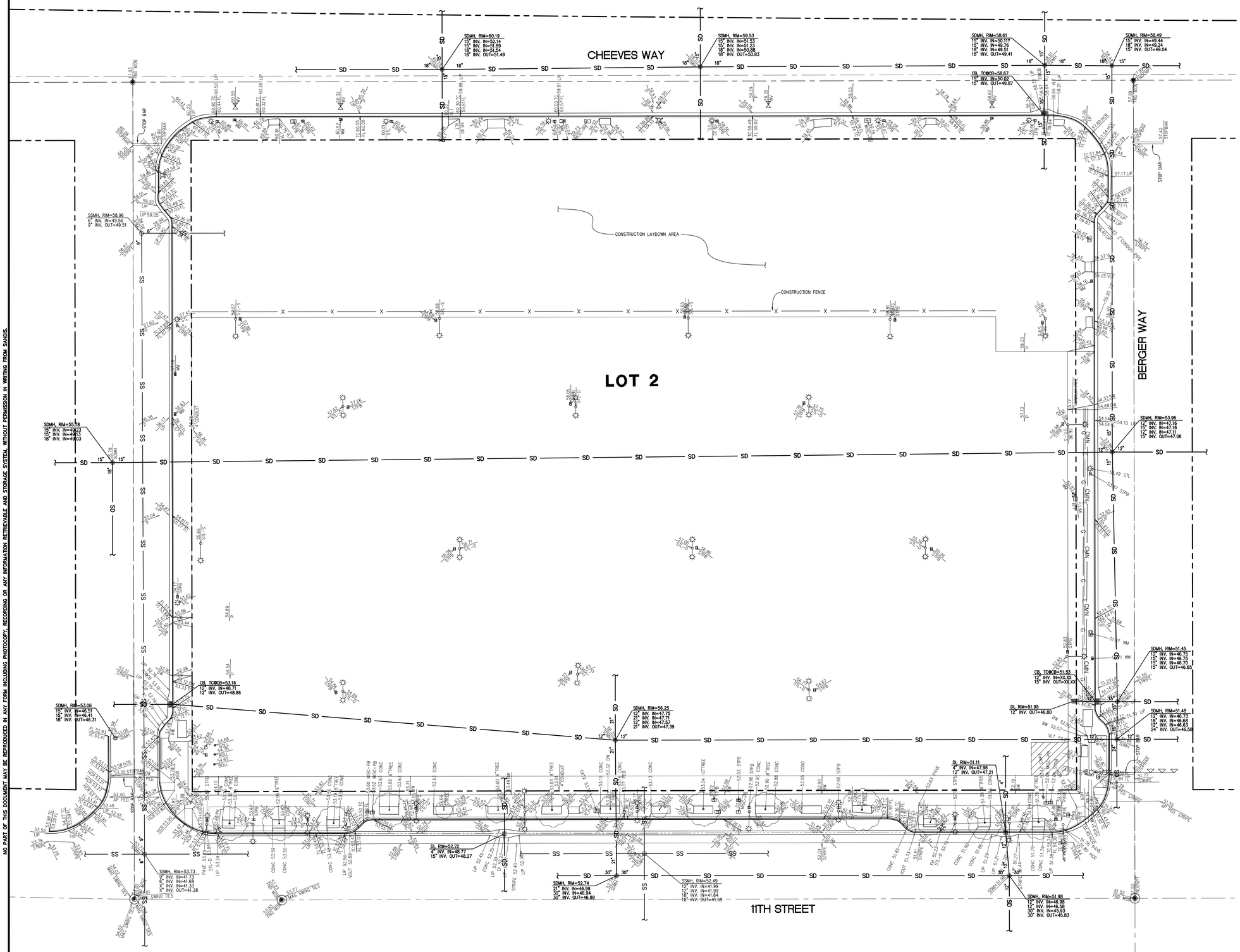
PLANT PALETTE :
9. VINES

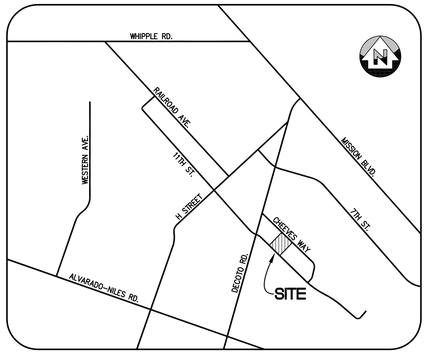
job #: 21610
date: 08/29/2017
scale: 1"=20'

N

when printed on 22X34
10' 0' 10' 20'

L309





VICINITY MAP

N.T.S.

LEGEND

ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

- BUILDING FACE
- EDGE OF PAVEMENT
- BUILDING OVERHANG
- CURB LINE
- SS — SANITARY SEWER
- SD — STORM DRAIN
- T — TELECOMMUNICATIONS LINE
- W — WATER LINE
- UGE — UNDERGROUND ELECTRIC LINE
- X — FENCE
- 101 / 100 — CONTOURS
- HWS — HOT WATER SUPPLY
- HWR — HOT WATER RETURN
- CWS — CHILLED WATER SUPPLY
- CWR — CHILLED WATER SUPPLY
- TV/FA — TV / FIRE ALARM
- TEL — TELECOM
- 460V — ELECTRIC
- FG — (UNKNOWN UTILITY)
- A — (UNKNOWN UTILITY)
- FOUND STANDARD CITY MONUMENT
- SDMH — STORM DRAIN MANHOLE
- SSMH — SANITARY SEWER MANHOLE
- SSCO — SANITARY SEWER CLEANOUT
- AD — AREA DRAIN
- ELECTRIC UTILITY BOX
- TELEPHONE PULL BOX
- CABLE TELEVISION BOX
- POWER POLE
- WATER VALVE
- GAS VALVE
- WATER METER
- ELECTROLIER
- ELECTRIC VALVE
- SIGN
- GUY WIRE
- FIRE HYDRANT
- x 95.94 — SPOT ELEVATION
- TREE WITH DRIPLINE, TYPE AND DIAMETER AS INDICATED

ABBREVIATIONS

BFP – BACKFLOW PREVENTOR
BOLL – BOLLARD
BW – BACK OF WALK
CATV – CABLE TELEVISION PULLBOX
CHKSHT – SURVEY CHECK SHOT
CNPT – SURVEY CONTROL POINT
CONC – CONCRETE
DI – DRAIN INLET
DW – DOMESTIC WATER
EP – EDGE OF PAVEMENT
EPB – ELECTRICAL PULLBOX
FH – FIRE HYDRANT
FL – FLOW LINE
FND MON – FOUND SURVEY MONUMENT
FNDCNPT – FOUND SURVEY CONTROL POINT
HCR – ACCESSIBLE RAMP
LIP – LIP OF GUTTER
MISC–PB – MISCELLANEOUS PULLBOX
P – PAVEMENT ELEVATION
PED – ELECTRIC / TRAFFIC PEDESTAL
SDMH – STORM DRAIN MANHOLE
SSMH – SANITARY SEWER MANHOLE
STL – STREET LIGHT
STL–D – DOUBLE–ARM STREET LIGHT
STL–S – SINGLE–ARM STREET LIGHT
STPB – STREET LIGHT PULLBOX
TC – TOP OF CURB
TC@CB – TOP OF CURB AT CATCH BASIN
VGUT – VALLEY GUTTER
VLT – VAULT
WM – WATER METER
WV – WATER VALVE

BENCHMARK

UNION CITY RECORD OF SURVEY NO. 2318
MONUMENT NO. 1016 AT THE INTERSECTION OF 11TH STREET AND GALLIANO WAY.

ELEV. = 53.26 FEET

BASIS OF BEARINGS

THE BEARING NORTH 46°15'52" WEST OF THE MONUMENTED LINE OF 11TH STREET AS SHOWN ON THE MAP OF TRACT 8002 (305 M 1).

BOUNDARY NOTE

PROJECT BOUNDARY AND RIGHT OF WAY INFORMATION IS BASED ON RECORD BOUNDARY PROVIDE BY CLIENT.

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636 Ninth Street | Oakland, CA 94607 | P. 510.873.8866 | www.sandis.net
SILICON VALLEY TRI-VALLEY CENTRAL VALLEY EAST BAY/SF

DATE:	06-02-2017
SCALE:	1"=20'
DRAWN BY:	GL
APPROVED BY:	MAK
DRAWING NO.:	614089,B

DATE _____, 2015

MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES 6-30-17

No.	REVISION	DATE	BY

WINDFLOWER LOFTS
BLOCK 2 STATION DISTRICT

UNION CITY CALIFORNIA

TOPOGRAPHIC SURVEY

SHEET **T-1** OF **1** SHEETS

File: X:\P\614089.B\(3) SURVEY\(1) MAPPING\Sent\2017-06-02 TOPO\T-1.dwg Date: Jun 02, 2017 - 4:22 PM

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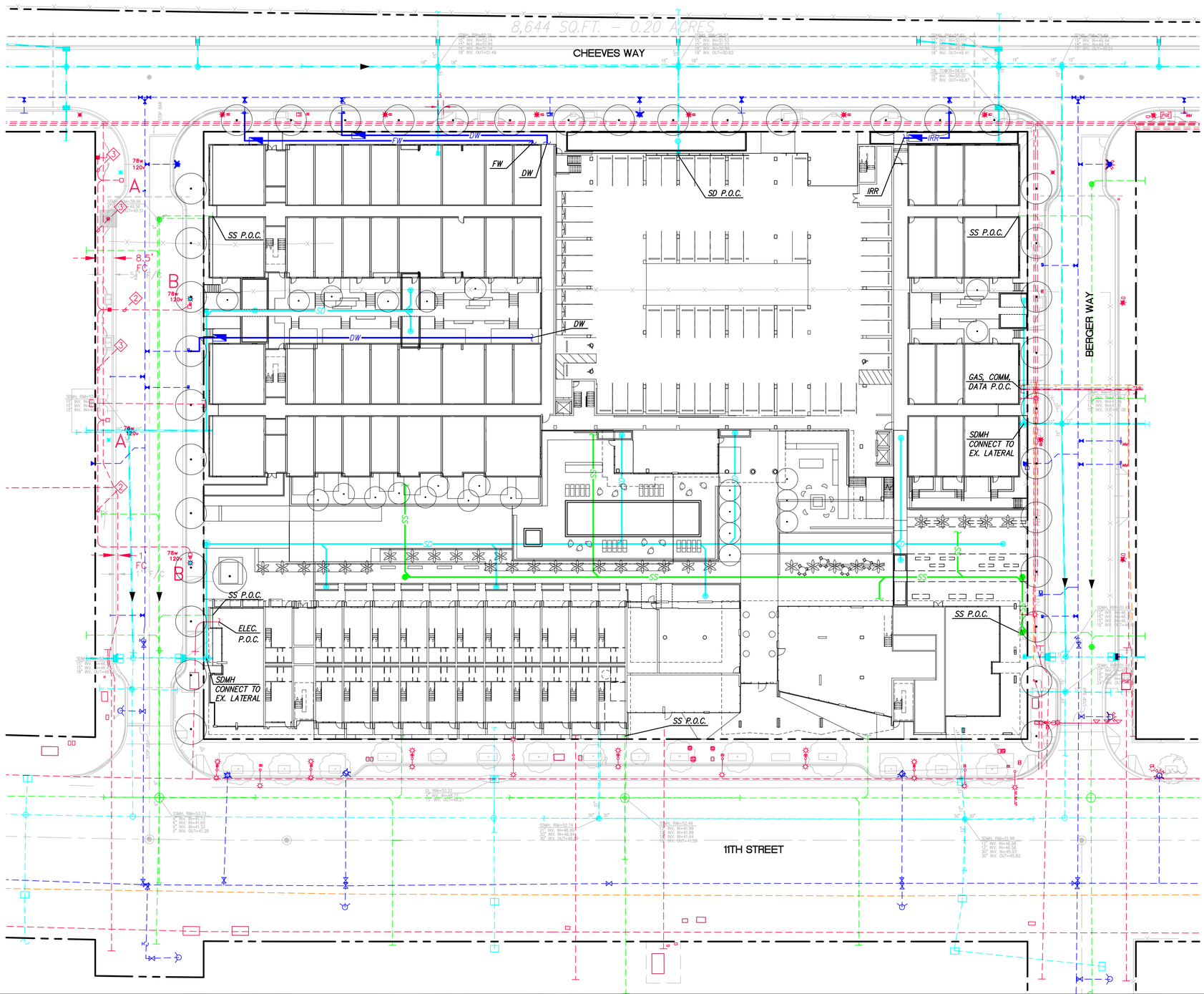
SANDIS
OAKLAND
SCALE: 1"=30'



LEGEND

- EXISTING WATER LINE
- EXISTING GAS/FIBEROPTIC LINE
- EXISTING JOINT TRENCH/ELECTRIC LINE
- EXISTING STORM DRAIN LINE
- EXISTING SANITARY SEWER LINE
- PROPOSED WATER LINE
- PROPOSED GAS/FIBEROPTIC LINE
- PROPOSED JOINT TRENCH/ELECTRIC LINE
- PROPOSED STORM DRAIN LINE
- PROPOSED SANITARY SEWER LINE

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SILICON VALLEY TRI-VALLEY CENTRAL VALLEY EAST BAY/SF

DATE:	06-23-17
SCALE:	1"=30'
DRAWN BY:	GL/RAB
APPROVED BY:	MAK
DRAWING NO:	614089.B

DATE _____

MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES 6-30-17

No.	REVISION	DATE	BY

WINDFLOWER PHASE II

UNION CITY CALIFORNIA

CONCEPTUAL UTILITY EXHIBIT

SHEET **EX-1** OF **1** SHEETS

File: X:\P\614089.B\(4) ENGINEERING\(3) EXHIBITS\CONCEPTUAL UTILITY\EX-1.dwg Date: Sep 11, 2017 – 7:58 AM

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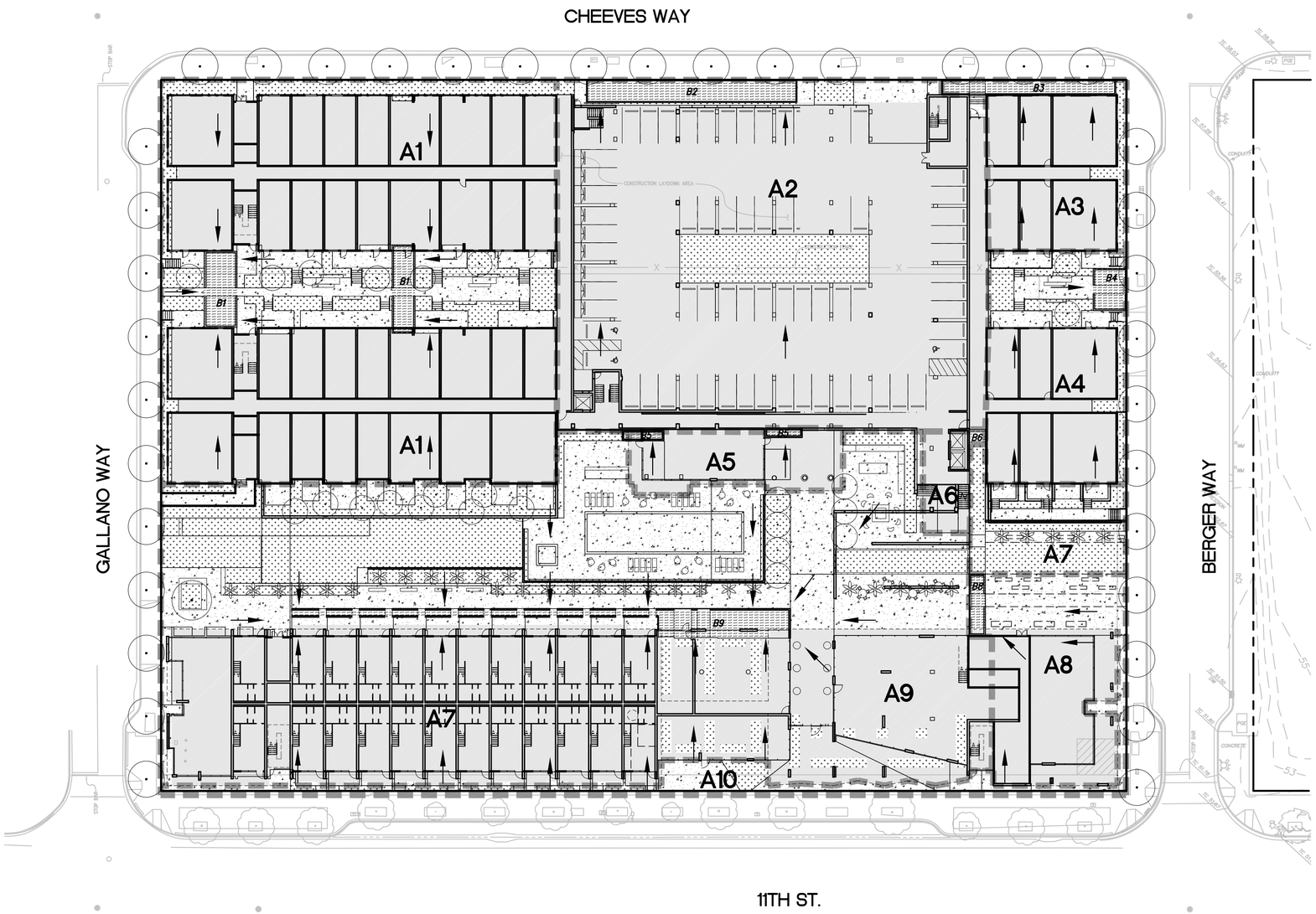
SANDIS
EAST BAY/SF
SCALE: 1"=30'



PRELIMINARY STORMWATER TREATMENT MEASURES

WATERSHED					BIORETENTION AREAS			PONDING DEPTH
#	NEW IMPERVIOUS AREA (SF)			TOTAL WATERSHED (SF)	LABEL	REQUIRED TREATMENT AREA (SF)	AVAILABLE TREATMENT AREA (SF)	PONDING DEPTH
	ROOF	IMPERVIOUS	TOTAL					
A1	27461	3911	27,258	33965	B1	867	867	9"
A2	26213	0	26,213	33392	B2	950	950	6
A3	4434	0	4,434	5486	B3	488	488	6"
A4	5580	1256	6,836	7991	B4	269	269	6"
A5	2798	0	2,798	2798	A5	115	115	6"
A6	1046	0	1,046	1046	A6	49	49	6"
A7	0	827	827	3276	SELF-RETAINING AREA			
A8	4204	1,929	6,133	6133	A8	163	163	10"
A9	26,297	17939	44,236	55,514	B9	1161	1161	12
A10		2768	2,768	2,768	DRAINS TO STREET			

NOTES:

1. THE LOCATION AND SIZE OF THE BIORETENTION AREAS ARE APPROXIMATE AND MAY CHANGE AS A MORE DETAILED DESIGN IS FINALIZED.

STORMWATER MANAGEMENT PLAN NOTES

1. THE PROPOSED PROJECT WILL INCLUDE MORE THAN 10,000 SQUARE FEET OF IMPERVIOUS SURFACE AND HAS THEREBY BEEN PLANNED TO COMPLY WITH THE PROVISION C.3 – NEW DEVELOPMENT AND REDEVELOPMENT OF THE MUNICIPAL REGIONAL STORMWATER PERMIT (ORDER NO. R2-2009-0074).

2. GENERAL STORMWATER QUALITY APPROACH – STORMWATER QUALITY FEATURES WILL INCLUDE MINIMIZING IMPERVIOUS SURFACES, MAXIMIZING INFILTRATION, AND FILTERING STORMWATER RUNOFF BY DRAINING IMPERVIOUS SURFACES TO BIORETENTION FACILITIES AND SELF RETAINING AREAS PRIOR TO BEING CONVEYED OFFSITE.

3. SIZING CRITERIA – STORMWATER QUALITY FEATURES WILL BE SIZED TO COMPLY WITH THE NPDES PERMIT PROVISION C.3 AND THE LATEST EDITION (2013) OF THE ALAMEDA COUNTY STORMWATER MANUAL. THE BIORETENTION AREAS SHOWN HAVE BEEN SIZED USING COMBINED FLOW AND VOLUME METHOD

HYDROMODIFICATION MANAGEMENT NOTES

HYDROMODIFICATION IS REQUIRED IF ALL THREE CRITERIA BELOW ARE MET:

- PROJECT CREATES OR REPLACES 1 ACRE OF IMPERVIOUS SURFACE OR MORE.
- PROJECT WILL INCREASE IMPERVIOUS AREA.
- PROJECT IS LOCATED IN A SUSCEPTIBLE AREA AS SHOWN ON THE ALAMEDA COUNTY HYDROMODIFICATION SUSCEPTIBILITY MAP.

THE BLOCK 2 PROJECT MEETS ALL THREE CRITERIA ABOVE AND THEREFORE THE PROJECT WILL NEED TO COMPLY WITH THE HYDROMODIFICATION REQUIREMENTS OF THE MUNICIPAL REGIONAL PERMIT.

TRANSIT ORIENTED DEVELOPMENT NOTE

THIS PROJECT QUALIFIES AS A TRANSIT ORIENTED DEVELOPMENT PROJECT AND IS CONSIDERED A CATEGORY C SPECIAL PROJECT. BASED ON THE ALAMEDA COUNTY SPECIAL PROJECTS WORKSHEET, THIS PROJECT COULD BE ALLOWED TO USE NON-LID TREATMENT METHODS FOR UP TO 100% OF THE PROJECT'S REQUIRED STORMWATER TREATMENT.

TOTAL PROJECT AREA: 153,216 S.F.
AREA ALLOWED TO BE TREATED BY NON-LID METHODS: 153,216 SF
AREA PROPOSED TO BE TREATED BY NON-LID MEATHODS: 33,707 SF

LEGEND

- WATERSHED AREA
- ROOF (IMPERVIOUS)
- PAVING (IMPERVIOUS)
- LANDSCAPING (PERVIOUS)
- TREATMENT AREA (BIOTREATMENT)
- DIRECTION OF RUNOFF (PAVING)

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SILICON VALLEY TRI-VALLEY CENTRAL VALLEY EAST BAY/SF

DATE: 03-30-17
SCALE: 1"=30'
DRAWN BY: GL
APPROVED BY: MAK
DRAWING NO.: 614089.B

DATE _____

MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES 6-30-17

No.	REVISION	DATE	BY

WINDFLOWER PHASE II
UNION CITY CALIFORNIA

STORMWATER EXHIBIT

SHEET EX-2 OF 1 SHEETS

File: X:\P\614089.B\(4) ENGINEERING\(3) EXHIBITS\SMP\EX-2.dwg Date: Sep 11, 2017 – 8:00 AM

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