



Agenda Item

DATE: JULY 21, 2022

TO: PLANNING COMMISSION

FROM: CARMELA CAMPBELL, ECONOMIC, AND COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: STUDY SESSION FOR DRAFT AMENDMENTS TO TITLE 18, ZONING, OF THE UNION CITY MUNICIPAL CODE TO UPDATE CHAPTERS 18.24, 18.31, 18.32, 18.34, AND 18.72 (AT-22-01)

Staff is requesting feedback from the Planning Commission regarding draft amendments to Title 18, Zoning, of the Union City Municipal Code. These amendments include updates to the following Chapters:

- Chapter 18.24: Bulk Regulations
- Chapter 18.31: SB 9 Subdivisions and Development Projects
- Chapter 18.32: Residential Districts,
- Chapter 18.34: Accessory Dwelling Units
- Chapter 18.72: Administrative Site Development Review.

The Study Session provides an opportunity for the Commission and the public to provide feedback on the draft amendments. The draft amendments are shown in Exhibit A (clean version) and B (red-lined version).

I. BACKGROUND

Chapter 18.31 – SB 9 Subdivisions and Development Projects

To address the State's ongoing housing crisis, Governor Newsom signed Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) into law, which became effective on January 1, 2022. SB 9 requires cities to ministerially approve a lot split for properties that are zoned single-family residential and to approve up to two residential units on each lot ministerially. This would essentially allow up to four units on what is now a single-family lot without

any discretionary review process or review under the California Environmental Quality Act (CEQA). State law establishes a minimum lot size for the newly created lots of 1,200 square feet, which is well below the 4,500 – 6,000 square feet currently required in the City's various single-family residential zoning districts. On November 23, 2021, the City adopted an urgency ordinance (Ordinance 892-21), which ensured there were minimum standards in place for when the bill became effective and added Chapter 18.31 to the Municipal Code. On December 14, 2021, the City adopted Ordinance 893-21, extending the urgency ordinance to provide staff additional time to develop more detailed requirements including objective design standards, which are included with the proposed amendments.

Chapter 18.32 - Residential Updates

As part of the larger ongoing effort to modify and streamline the City's design guidelines and standards for residential units, staff is proposing to align the objective design standards for SB 9 developments, ADUs, and single-family residential developments. The updates to the design criteria for single-family residential projects are intended to provide greater clarity for both staff and applicants in evaluating design features. Other design criteria included in the chapter, including those related to manufactured homes, are also proposed to be consolidated with the new objective standards. Additional updates are proposed to Chapter 18.32, Residential Districts, to provide further clarity on requirements for accessory structures, retaining walls, home occupations, fencing and parking. In addition, some minor updates to address formatting are proposed to this chapter. A minor update is also proposed to Chapter 18.24, Bulk Regulations, in conjunction with the updates to Chapter 18.32.

Chapter 18.34 - Accessory Dwelling Units (ADUs)

Following the ADU updates reviewed by the Planning Commission and adopted by the City Council in 2021, staff received feedback from the California Department of Housing and Community Development (HCD). This feedback provided direction on additional modifications that are needed in order to be consistent with State law. These modifications are incorporated into the proposed amendments. Following up on the discussion above, the chapter was also updated to add objective design standards for consistency with Chapters 18.31 and 18.32.

II. DISCUSSION

Chapter 18.31 - SB 9 Subdivisions and Development Projects

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home. SB 9 contains eligibility criteria, which has been included in the proposed Zoning text amendments which limits the applicability in certain instances. These criteria address sites with environmental site constraints (e.g., wetlands, wildfire risk, etc.), buildings that are considered a historic resource, and also restricts demolition of units, which accommodate renters and low-income households.

SB 9 projects can only be accommodated in single-family residential zones. Parcels located in multifamily residential, commercial, industrial agricultural, or mixed-use zones are not subject to SB 9 mandates even if they allow single-family residential uses as a permitted use. For Union City, the affected Zoning Districts are R-5000, RS-6000, RS-6000-H, RS-6000D, RS (S), RS (s) 3000, RS 4500, and 511, which are mapped in Figure 1 below.

The City may apply objective development standards (e.g., front setbacks, heights, etc.), objective subdivision standards (e.g., minimum lot depths, etc.), and objective design standards (e.g., roof pitch, eave projections, façade materials, etc.) as long as the standards would not physically preclude either of the following:

Up to Two Primary Units. The City must allow up to two primary units on the subject parcel or, in the case of a lot split, up to two primary units on each of the resulting parcels.

Units at least 800 square feet in size. The City must allow each primary unit to be at least 800 square feet in size.

The terms “objective development standards,” “objective subdivision standards,” and “objective design standards” mean standards that involve no personal or subjective judgment by city staff. Any objective standard that would physically preclude either or both of the two objectives noted above must be modified or waived by the local agency in order to facilitate the development of the project, with the following two exceptions:

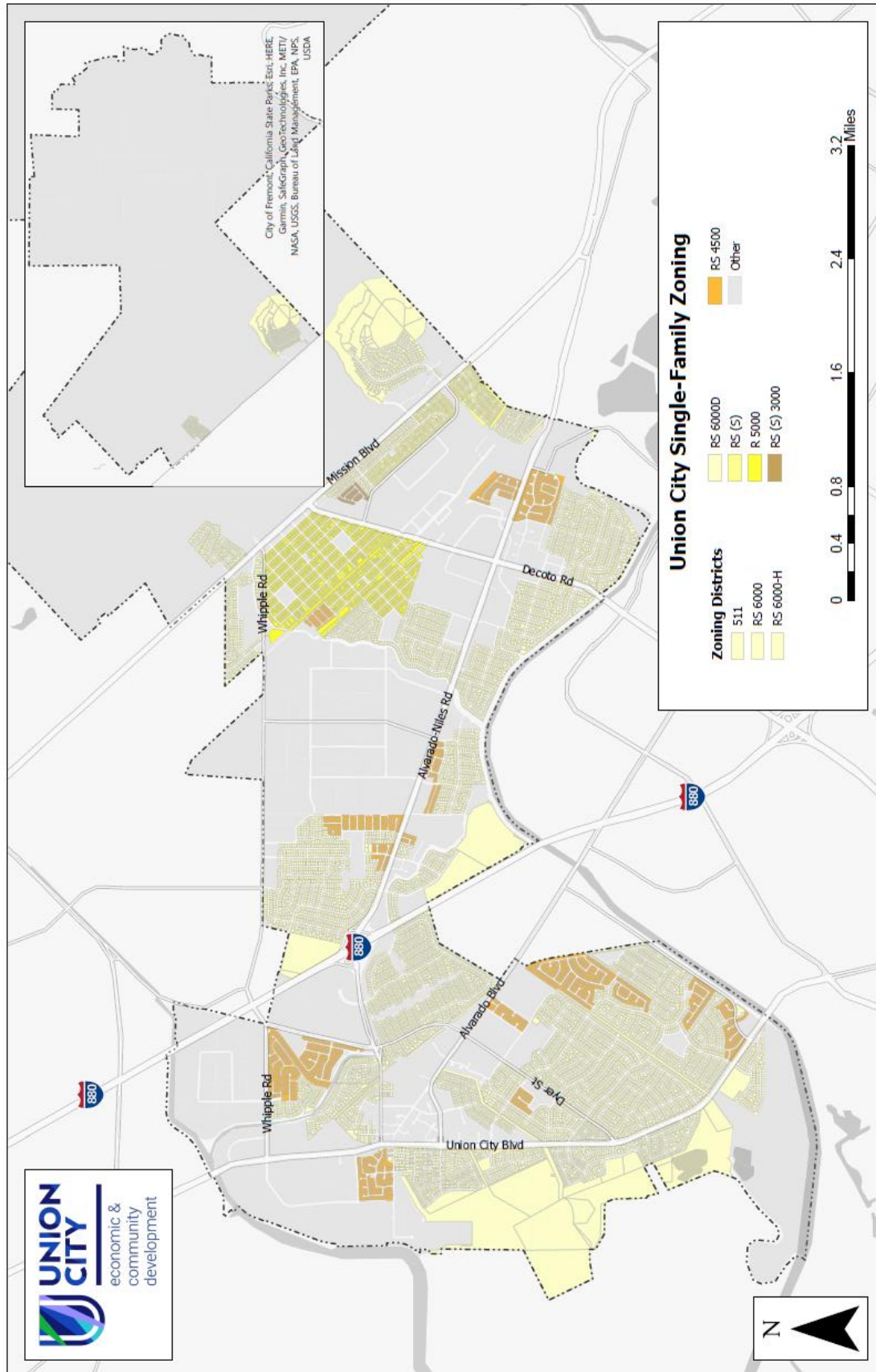


Figure 1: Union City Single-Family Zoning

Setbacks for Existing Structures. The local agency may not require a setback for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure (i.e., a building reconstructed on the same footprint).

Four-Foot Side and Rear Setbacks. SB 9 establishes an across-the-board maximum four-foot side and rear setbacks. Additionally, the four-foot side and rear setback standards are not subject to being waived.

The proposed updates to Chapter 18.31 include objective development standards, objective subdivision standards, and objective design standards. A high-level summary of these sections are included below. For a more detailed review, see attached Exhibit A (clean) and Exhibit B (redlined version).

18.31.090 Objective Development Standards

- Allows at least 800 square feet per SB 9 unit
- Separate utility connections required.
- Must allow for separate conveyance; therefore, the units must be designed to allow for separate sale or establishment as condominium units.
- Setbacks - Established by the zoning district.
 - o Except must allow 4-foot interior side and rear setbacks.
- Height - Established by the zoning district.
 - o Except for portions of units located within required yards, building heights are limited to 16 feet.
- Lot Coverage – Established by the zoning district
 - o Except must allow at least an 800 square foot unit.
- Building Separations – Minimum six (6) feet unless,
 - o Conflict with unit size or setbacks; and
 - o Building and Fire code requirements are met; and
 - o The building meets the required four (4) foot side or rear setbacks.

- Parking – One (1) off-street, covered and enclosed parking space shall be provided per SB 9 unit, except if the parcel is located
 - o within one-half mile walking distance of either a high-quality transit corridor¹ or a major transit stop² or
 - o within one block of a car share vehicle³.
- Planned Unit Developments (PUD) / Specific Plan Requirements- Standards set forth in a PUD⁴ or Specific Plan shall apply.
 - o Except if conflicts with SB 9 standards included in Chapter or precludes an SB 9 Housing Development
- Occupancy requirements
 - o For projects that don't include an urban lot split, property owner must live in one of the two units.
 - o For projects that do include an urban lot split, the property owner must live onsite for a minimum of 3 years, except in the case of a community land trust or nonprofit.
- Ability to Rent Unit – Units cannot be rented for less than 30 days (i.e., cannot be used as a short-term rental).

¹ Per Section 21155 of the California Public Resources Code., a “high-quality transit corridor” is defined as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hour.

² Per Section 21064.3 of the California Public Resources Code, a “major transit stop” is defined as **(a)** an existing rail or bus rapid transit station, **(b)** a ferry terminal served by either a bus or rail transit service, or **(c)** the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

³ Staff is not aware of any car share vehicles within Union City.

⁴ For more information regarding PUDs, see Chapter 18.44, Planned Unit Development, of the Municipal Code, which can be accessed online at (https://library.qcode.us/lib/union_city_ca/pub/municipal_code/item/title_18-chapter_18_44?view=all)

18.31.100 Objective Subdivision Standards

- SB Lot split – No more than two parcels
- Cannot exceed a 60/40 split (the second parcel cannot be smaller than 40 percent of the original parcel)
- Parcel Standards
 - o Minimum of 1,200 square feet, and
 - o Minimum 30 feet of frontage (except flag lots) and lot depth shall not exceed two times the lot width.
- Flag lots – Only allowed if a conventional lot does not allow a parcel of at least 1,200 square feet or a unit of at least 800 square feet.
- Driveway Standards – 12 feet paved, except where greater width is required for Fire Department access.
- Public Utility Easements must be provided when needed.

18.31.110 Objective Design Standards

- Roof Form and Detailing
 - o Minimum Pitch
 - o Match existing structure (if attached)
 - o Match predominant roof material throughout the neighborhood
 - o Consistent material and color throughout roof
 - o Minimum twelve inch (12") overhang eaves
 - o Garages shall match room form and materials of primary unit
- Roof Mounted Solar
 - o Non-reflective and low profile
- Building Facades and Materials
 - o Changes in wall plane
 - o Minimum 3 color façade (Can be color and/or material)
 - o Second Story
 - Inset from front wall plane
 - Inset from side or rear wall plane
 - o Chimney extensions shall match existing

- Windows and Glazing
 - o Trim around windows, or
 - o Windows recessed from the wall plane
 - o Upper story windows shall;
 - Have a sill height of at least 60 inches above the finished floor, or
 - Be offset from the centerline of any windows on an adjacent property, or
 - Provide obscure glazing on window.
- Principal entrances
 - o Front entrances shall be oriented towards the street
 - o Front entrances shall be emphasized by either providing a projection, recess, or deck/stoop
- Balconies and upper-story decks – Not allowed
- Exterior Stairways – Not allowed
- Walls, fences and hedges – Established by 18.32.040
- Mechanical and utility equipment- Must be concealed from view
- Storage of waste containers - Must be concealed from view
- Landscaping – Established by 18.112
- Garages
 - o Meet requirements in 18.32.020(I) and 18.32.160(C)
 - o Attached Garage -Setback 4 feet behind front wall plane
 - o Garage door
 - Stucco – door shall be recessed
 - Wood clad/Siding or Masonry – door shall be surrounded by trim

Chapter 18.32 - Residential Districts / Chapter 18.24 – Bulk Regulations

Staff is proposing updates to Chapter 18.32 to add objective design standards, clarify language, and address some other miscellaneous items. See below for a high-level summary of the proposed updates. A minor update is also proposed to Chapter 18.24 for consistency with updates to this chapter.

18.32.020 Permitted uses

- Manufactured home design criteria

- Section removed from Permitted Uses and added to Section 18.32.125:
Design Criteria
- Microenterprise Home Kitchen Operation (MEHKO)
 - Allowed per state law, incorporated as an allowed home occupation
- Accessory Structures
 - Reformat accessory structure requirements for clarity

18.32.040 Walls Fences and Hedges

- Retaining walls – Added requirements for retaining walls

18.32.045 Decks and Balconies

- Clarify requirements for decks and balconies to address privacy concerns

18.32.125 Design Criteria

- Manufactured home design criteria
 - Language moved from Section 18.32.020
- Objective Design Standards
 - Building facades and materials
 - Changes in wall plane
 - Minimum 3-color façade (Can be color and/or material)
 - Second Story Facades
 - Inset from front wall plane
 - Inset from side or rear wall plane
 - Chimney extensions shall match existing
 - Windows and Glazing
 - Trim around windows, or
 - Windows recessed from the sounding wall plane
 - Upper-story windows shall:
 - Have a sill height of at least 60 inches above the finished floor,
or
 - Be offset from the centerline of any windows on an adjacent

property, or

- Provide obscure glazing on window
- Roof form and detailing
 - Minimum Pitch
 - Match existing structure if attached
 - Match predominant roof material throughout the neighborhood.
 - Consistent material and color throughout roof
 - Minimum twelve-inch (12") overhang eaves
 - Garages shall match room form and materials
- Roof-mounted solar
 - Non-reflective and low profile
- Principal entrance
 - Front entrances shall be oriented towards the street
 - Front entrances shall be emphasized by providing a projection, recess, or deck/stoop

18.32.160 Off-street parking

- Tandem spots – Added size requirements
- Clarified required unobstructed dimensions for parking spaces

18.24.050 Permitted obstructions in all yards

- Removed “trellis and arbors” from list of items so they will be subject to setbacks included in Chapter 18.32 for accessory structures.

Chapter 18.34 - Accessory Dwelling Units

Staff is proposing updates to Chapter 18.34 to clarify wording, add objective design standards, and in response to feedback received from the State Housing and Community Development Department. See below for a high-level summary of the proposed updates.

- Add reference to Chapter 18.31
 - ADUs are in some cases limited on properties developed under SB 9
- Clarify what is included in the size of an ADU

- Enclosed patios or non-conditioned space (i.e., storage rooms) directly accessible or solely attached to the ADU shall be included in the ADU square footage.
- Second-Story ADUs
 - Language added to reflect that the City must allow ADUs converted from existing space anywhere within a residential unit including area on the second story.
- Addressing
 - Address to be visible from the front of the lot and address also required to be displayed at the primary entrance to the unit.
- Objective Design Standards
 - Align standards with those applied to SB 9 Units

Chapter 18.72 - Administrative Site Development (ASD) Review

Staff is proposing updates to Chapter 18.72 to update applicability and criteria (see below) and additional miscellaneous edits for consistency or to clarify procedures/submittal requirements included in Sections 18.72.050, 18.72.080, 18.72.100.

18.72.030 Applicability

- Updated for consistency with updates to Chapter 18.32 regarding decks and balconies
- Increased minimum size of accessory structures subject to ASD review from 120 sq. ft. to 450 sq. ft. to streamline review process for small structures
- Included reference to address where ASD review is required in other portions of the Code

18.72.040 Limitations

- Added language for projects which must be referred up to Planning Commission for review and approval, which reflect current practices

Next Steps

It is anticipated that the zoning text amendments will be brought back to the Planning Commission for recommendation to the City Council in late summer/early fall.

IV. RECOMMENDATION

It is recommended that the Planning Commission provide feedback on the draft Municipal Code Amendments

Prepared by

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Attachments

Exhibit A: Draft Amendments (Clean)

Exhibit B: Draft Amendments (Red-Lined)