



Agenda Item

DATE: SEPTEMBER 1, 2022

TO: PLANNING COMMISSION

FROM: CARMELA CAMPBELL, ECONOMIC, AND COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TEXT AMENDMENT TO TITLE 18, ZONING, OF THE UNION CITY MUNICIPAL CODE (AT-22-002)

APPLICANT: CITY OF UNION CITY

REQUEST: The City of Union City is proposing an amendment to Title 18: Zoning, Chapter 18.50, *Civic Facilities (CF)*, of the Union City Municipal Code, to conditionally permit seasonal sales lots for holiday trees and pumpkins in the CF Zoning District upon the granting of an administrative use permit.

LOCATION: Citywide

ENVIRONMENTAL ASSESSMENT:

The project is categorically exempt per Section 15061(b)(3), the general exemption for projects with no potential for significant effect on the environment, of the California Environmental Quality Act (CEQA) Guidelines.

I. BACKGROUND & PROPOSAL

The City of Union City is seeking a Zoning Text Amendment, AT-22-002, to amend Title 18, Chapter 18.50, *Civic Facilities (CF)*, of the Union City Municipal Code, to allow seasonal sales lots for holiday trees and pumpkins in the CF Zoning District as a conditionally permitted use subject to the granting of an Administrative Use Permit by the Zoning Administrator pursuant to the administrative use permit process under Chapter 18.54, and subject to the provisions of the Policy Statement for the Regulation of Seasonal Sales Lots.

Currently, seasonal sales lots are not permitted in the CF Zoning District. Seasonal sales lots are a permitted use within the Professional and Administrative Commercial (CPA), Neighborhood Commercial (CN), Community Commercial (CC) and Specialty

Commercial (CS) Zoning Districts. Seasonal sales lots are currently a conditionally permitted use in the Agriculture (A) and Private Institutional (PI) Zoning Districts and require approval of an Administrative Use Permit prior to establishment of the use. The proposed Zoning Text Amendment is listed in Exhibits A and B (red-lined version).

The “Policy Statement for the Regulation of Seasonal Sales Lots” (“Policy Statement”) is also being amended to reflect the proposed update and to correct a minor typo. See Exhibits C and D (red-lined version) for the updated version of the Policy Statement.

The Policy Statement includes requirements for establishment and operation of seasonal sales lots including holiday tree lots and pumpkin patches and does not include entertainment uses such as carnival rides and booths, haunted houses, corn mazes, etc. The Policy Statement allows for operations for a maximum of 45 days and limits sales between the hours of 9 a.m. and 10 p.m., daily. The Policy Statement also requires temporary site access and parking areas be designed and constructed to ensure that there are no safety, traffic, or clean water impacts. Documentation is also required to be submitted prior to the opening of the seasonal sales lot including a site plan showing the layout, proof of insurance, and proof of any other required agency approval including the City and possibly the State Fire Marshal.

II. DISCUSSION

The proposed text amendment and update to the Policy Statement will allow for the establishment of seasonal sales lots, including holiday tree lots and pumpkins patches, within the CF Zoning District which is applied to lands owned by the City and other public agencies including the New Haven Unified School District. The impetus for the proposed amendment and update is to facilitate the on-going operation of the City’s only holiday tree lot, which has been operating at the Logan High School parking lot for the last several years by J&G Trees.

The proposed Zoning Text Amendment will update the uses in the CF District by allowing for a use that aligns with the City’s policies to provide for a diversity of public and community-supportive uses that support the needs of Union City’s residents and employees. It also aligns with General Plan Policy LU-8.1 *Vibrant Public Spaces*, a policy that supports the creation of vibrant public spaces at public buildings.

C. Noticing & Communication

A newspaper notice for the zoning text amendment was published in the Tri-City Voice on August 16, 2022, as required by law. No public comment or feedback has been received by staff.

E. Conclusion

The proposed Zoning Text Amendment (AT-22-002) to Title 18, Chapter 18.50, of the Municipal Code will update the City's CF District regulations to conditionally permit seasonal sales lots subject to Administrative Use Permit approval. Staff recommends the Planning Commission recommend to the City Council approval of AT-22-002 and make the required findings as provided in Section V of this report, in support of this approval.

The text amendment is tentatively scheduled for a first reading by the City Council on September 13, 2022. The second reading would likely occur on, September 27, 2022, and the provisions would become effective 30 days later. This text amendment and update to the Policy Statement is anticipated to be combined with the residential zoning text amendments, which were reviewed and recommended for approval by the Planning Commission at their August 18, 2022 meeting.

III. REQUIRED FINDINGS

Amendments

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;

Seasonal sales lots will be temporary and provide a convenient service to residents. The added use to the CF Zoning District will provide a service to residents while protecting public health, safety, convenience and general welfare through compliance with the Policy Statement for Regulation of Seasonal Sales Lots.

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

Allowing seasonal sales lots for holiday trees and pumpkins in the CF Zoning District aligns with General Plan Policy LU-8.1 Vibrant Public Spaces, a policy that supports creation of vibrant

public spaces at public buildings. The added use to the CF district will provide a service to residents in a safe environment while creating an active and inviting space during holiday seasons.

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

Seasonal sales lots will be temporary, will provide a convenient service to residents, and will only be permitted in compliance with the Policy Statement for Regulation of Seasonal Sales Lots, which includes requirements to protect the public health, safety, convenience and general welfare.

IV. ALTERNATIVES

1. Recommend approval of the proposed Zoning Text Amendment to the City Council as proposed;
2. Recommend approval of the proposed Zoning Text Amendment to the City Council with stated modifications;
3. Recommend denial of the proposed Zoning Text Amendment to the City Council, stating reasons for denial;
4. Continue the matter for further consideration.

V. RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of Zoning Text Amendment (AT-22-002) to the City Council based on the following specific findings:

1. That the Zoning Text Amendment is categorically exempt per Section 15061(b)(3), the general exemption for projects with no potential for significant effect on the environment, of the California Environmental Quality Act (CEQA) Guidelines; and
2. That the proposed Zoning Text Amendment is consistent with the General Plan, including the Land Use Element, which supports creation of vibrant public spaces at public buildings; and
3. That the proposed Zoning Text Amendment is necessary and desirable to achieve the purposes of Title 18.

It is further recommended that the Planning Commission adopt a Resolution confirming this action.

Prepared by

Natalie Dean, Associate Planner

Attachments

Exhibit A: Zoning Text Amendments

Exhibit B: Zoning Text Amendments (Redlined)

Exhibit C: Policy Statement for the Regulation of Seasonal Sales Lots

Exhibit D: Policy Statement for the Regulation of Seasonal Sales Lots (Redlined)

Attachment 1: Purpose of Title 18