

## **Chapter 18.27 VILLAGE MIXED USE (VMU) DISTRICT**

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### **18.27.010 Purpose.**

The purpose of the village mixed use (VMU) district is to create neighborhood-serving commercial centers where commercial uses are the primary use, but mixed-use residential development is allowed to support the commercial uses and create vibrant places for people to live, work, shop, and play. This designation applies to sites considered to be within the boundary of the Historic Alvarado District.

### **18.27.020 Permitted uses.**

The following uses shall be permitted:

A. Accessory dwelling units consistent with Chapter 18.34.

B. Civic facilities.

C. Commercial uses, located in a stand-alone/in-line building, or incorporated into the ground floor of a residential or office mixed use development, including:

1. Art studios;
  2. Body art;
  3. Banks/savings and loans, excluding check cashing businesses;
  4. Business services;
  5. Civic facilities;
  6. Educational and instruction uses (business, beauty, computer, dance, martial arts, etc.) with an occupant load of less than fifty (50) through the Uniform Building Code;
  7. Entertainment and recreation uses (excluding video arcades, pool rooms/halls and dance halls) with an occupant load of less than fifty (50) through the Uniform Building Code;
  8. Fitness uses with an occupant load of less than fifty (50) through the Uniform Building Code;
  9. Florists;
  10. Food service, such as full-service/sit-down restaurants, quick service restaurants, and retail and carry out food stores;
  11. Food stores excluding convenience markets;
  12. General merchandise/retail stores, excluding adult business stores, clearance center/dollar stores, pawn shops, second hand/thrift stores, and retail tobacco stores;
  13. Health services (medical, dental, physical therapy and pharmacies);
  14. Live music (non-amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(A);
  15. Miscellaneous small repair services (watches, clocks, jewelry, small countertop appliances);
  16. Office uses;
  17. Outdoor dining areas subject to the provisions listed in Section 18.39.055.
  18. Personal services, such as laundry, dry cleaning, beauty parlor, barbershop, nail salon, shoe repair, travel agency, tailor, photography studio, and similar uses excluding massage; and
  19. Pet grooming (no overnight boarding of animals);
- D. Home occupations subject to the conditions listed in Section 18.32.020 (G).

E. Office mixed use developments with ground floor commercial uses identified in Section 18.27.020 (C).

F. Residential uses that do not have frontage on Smith Street, Union City Boulevard, or Horner Street; and residential uses located above ground floor commercial uses (identified in Section 18.27.020 (C)) with frontage on Smith Street, Union City Boulevard, and Horner Street;

G. Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the Director shall make the findings required by Section 18.52.060, Addition of uses.

### **18.27.030 Conditional uses.**

The following conditional uses shall be permitted in the VMU district upon the granting of a use permit:

A. Approval by Zoning Administrator (refer to Chapter 18.54 for a detailed description of the administrative use permit process).

1. Child Day care facilities;
2. Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B);
3. Outdoor activities located in private and public plazas;
4. Outdoor displays in conjunction with an existing adjacent business;
5. Sidewalk cafes with outdoor dining and seating areas subject to the standards of Section 18.36.190 (sidewalk café standards); and
6. Any other use determined by the Zoning Administrator to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

B. Approval by Planning Commission (refer to Chapter 18.56 for a detailed description of the use permit process).

1. Bars, comedy clubs, nightclubs, and lounges;
2. Convenience markets;
3. Entertainment and recreation uses with an occupant load of 50 or more through the Uniform Building Code;
4. Farmers markets, when coordinated in conjunction with the City or Chamber of Commerce;
5. Liquor stores;

7. Massage;

8. Veterinarian offices and small animal hospitals including short-term overnight boarding of animals for medical purposes, provided that that all operations are conducted within a completely enclosed building; there is sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety, and welfare; and there is no walking of animals outside of the property; and

9. Any other use determined by the Planning Commission to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed.

#### **18.27.040 Accessory uses.**

A. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same lot are permitted.

B. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same lot are permitted only upon the granting of a conditional use permit pursuant to the provisions of Chapter 18.56.

C. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

#### **18.27.050 Tobacco products.**

The sale, donation, or distribution of tobacco products, regardless of floor area, shall be prohibited within one thousand (1,000) feet of "sensitive uses." Distance shall be measured from the closest exterior wall of the structure or portion of the structure in which tobacco is sold, donated, or distributed to the property line of the "sensitive use."

#### **18.27.060 Performance standards.**

A. All business, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas and solid waste/recycling enclosures. Outdoor storage is prohibited. Incidental equipment that is necessary to conduct the operation of the business and that is required to be installed outdoors may be allowed subject to approval by the Director or decision maker.

B. All development shall comply with Chapter 7.04 related to management of solid waste, organic waste, and recyclable materials. Solid waste, organic waste and recycling enclosures shall comply with Section 7.04.055 and shall be enclosed within the building or screened by a solid wall so as to not be visible from public streets.

C. Site shall be maintained in good order at all times and consistent with project conditions of approval (if applicable). This shall include, but is not limited to, maintenance and repair of all on-site structures including building façade materials or

paint, fencing/walls, signage, paved areas including sidewalks and driveways, and landscaping, as may be necessary to preserve a high quality aesthetic for the area.

D. Only one (1) driveway per parcel shall be permitted for each street frontage except that additional driveways may be permitted if determined by the Public Works Department that additional driveways are necessary to facilitate on-site traffic circulation.

#### **18.27.070 Walls, fences, and hedges.**

Walls, fences, or hedges over three (3) feet in height are subject to review and approval through the site development review or administrative site development review process. No walls, fences, or hedges shall exceed six (6) feet unless a greater height is required for noise attenuation or screening of waste/recycling enclosures, mechanical equipment, loading facilities. Where a site adjoins an OS, MS, CF, PI, or residential (R) district, a solid masonry wall six (6) feet in height shall be located on the shared property line.

#### **18.27.080 Minimum site area.**

A minimum site area of not less than five thousand (5,000) square feet shall be required.

#### **18.27.090 Density**

For residential and mixed-use development, a minimum of thirty (17) units per acre is required and a maximum of thirty (30) units per acre is permitted. The minimum site area per dwelling unit is 1,452 square feet.

#### **18.27.100 Site floor area ratio.**

For all nonresidential uses, the minimum floor area ratio (FAR) shall be 0.3 and the maximum shall be 1.0. The maximum FAR for mixed-use development is 1.5, inclusive of residential and nonresidential uses.

#### **18.27.110 Frontage, width and depth of site.**

No minimum site frontage, depth, and width shall be required.

#### **18.27.120 Lot coverage.**

The amount of the site area covered by structures shall not be restricted provided the development meets all applicable standards.

#### **18.27.130 Front yard setback.**

No front yard setback shall be required, except as follows:

A. On Union City Boulevard, the front yard setback shall be five (5) feet from the property line and a minimum of fifteen (15) feet from the face of curb to ensure a comfortable pedestrian environment.

**18.27.140 Side yard setback.**

No side yard setback shall be required, except as follows:

A. Where the side property line of a site adjoins property in a R, RS or RM district, a side yard setback of not less than twenty (20) feet adjoining the residential district shall be required.

**18.27.150 Rear yard setback.**

No rear yard shall be required, except as follows:

A. Where the rear property line of a site adjoins property in a R, RS or RM district, a rear yard of not less than twenty (20) feet adjoining the residential district shall be required.

**18.27.160 Height of structures.**

The maximum height of buildings shall be forty (40) feet. The height limit may be increased to a maximum of fifty (50) feet subject to a use permit. Before the approval of any structure which exceeds forty (40) feet, the decision maker must make a finding that any such excess height will not be detrimental to the light, air or privacy of any other structure or use within the surrounding area.

**18.27.170 Design criteria.**

In order to encourage commercial revitalization and development in the Historic Alvarado area in a manner that is consistent with the vision for the Historic Alvarado District, the design of new buildings and the rehabilitation of existing or relocated buildings shall be guided by the following design and siting criteria:

A. General Criteria.

1. All new construction and all rehabilitation or remodeling of buildings should stress the "Old California Town" theme. Careful attention should be given to the scale and bulk of buildings in order to maintain and enhance the character and livability of the area.
2. Private improvements should complement and exploit the public investment in area improvements to the fullest extent.
3. Weather protection in the form of shade trees, awnings, and overhangs should be provided. Long distances with no weather protection should be avoided.

4. Development design should feature continuous building frontage unbroken by wide openings created by parking areas, and emphasis should be given to building and sidewalk amenities that will attract foot traffic.
5. Scale should be maintained in parking lots. Wherever feasible these should be located to the rear of buildings, and should be broken up by planted areas and shade trees to give a sense of human scale and provide amenities.
6. Extensive landscaping should be provided along street frontages.
7. Sign sizes and placement should be coordinated to avoid the clutter created by signs of unrelated size and shape.
8. The Planning Commission may grant relief from the off-street parking requirements, if it can be demonstrated that sufficient parking is available off-site to service the proposed use.

B. Smith Street Commercial Area Criteria.

1. Efforts should be made to retain as many of the good older structures as possible and to reintroduce the character of early California more fully. Where feasible, Victorian or Carpenter Victorian buildings should be moved in from other areas to fill in some vacant properties and provide shop and office space.
2. The relatively small and intimate scale of Smith Street should be retained. Large, bulky structures which would be out of scale with the street and would dominate existing buildings should be avoided.
3. New and relocated buildings should be placed close to the street to maximize continuous frontage and encourage foot traffic.
4. Where parking lots are located to the rear of buildings, attractive rear entrances should be provided.
5. Exterior treatment of buildings should feature a coordinated color scheme to be implemented as existing structures are remodeled or repainted and new buildings constructed.

C. Union City Boulevard Commercial Area Criteria.

1. Building sizes should be large enough to maintain a good scale relationship with the width of the boulevard.
2. Buildings should be placed close to the front property lines to visually reduce the barren expanse of boulevard pavement.
3. Extensive landscaping should be provided along the street frontage.

4. Development design may feature varied setbacks to accommodate small garden courts and landscaped areas along the street frontage as a means of enhancing the street scene and encourage foot traffic.

5. Exterior treatment of new and remodeled buildings should favor natural materials and earth colors which have a softening influence as opposed to hard concrete and slick surfaces.

#### **18.27.180 Off-street parking.**

Parking shall be required subject to the following:

A. Residential Use. Provide automobile and bicycle parking consistent with the RM 1500 zoning district per Section 18.32.160, except that one hundred percent (100%) affordable rental developments may provide off-street parking pursuant to the standards contained in Section 18.32.160(B)(5).

B. Commercial Uses. Provide automobile and bicycle parking at commercial district standards per Section 18.36.150. For commercial uses on the ground floor as part of a mixed-use development, shared parking shall be evaluated on a case-by-case basis.

#### **18.27.190 Off-street loading.**

A. Adequate loading docks and/or berths shall be provided on-site to serve the use. Such facilities shall be located on the rear or side of the building, be screened from the public right-of-way, and are subject to review and approval through the site development review or administrative site development review process.

B. Adequate loading zones shall be provided along the street frontage(s).

#### **18.27.200 Landscaping.**

A. New landscaping and modifications to existing landscaping shall comply with the provisions listed in Chapter 18.112 and the Landscape Standards Policy Statement. Approved landscaping shall be maintained for the life of the project including replacement of dead, dying or deficient landscaping.

B. Projects that include development of a vacant site or substantial modification of a developed site, shall provide landscaped areas that measure a minimum ten percent (10%) of the project site area. Projects that cannot provide the minimum amount of required landscaping may pay a landscape in-lieu fee in the amount set forth in the City's Master Fee Schedule subject to approval through the site development review process.

#### **18.27.210 Residential Open space.**

All residential and mixed-use development shall provide residential open space features, such as courtyards, pool and spa areas, recreation facilities, and picnic and play areas for use by the tenants/owners.



### **18.27.220 Signs, marquees, awnings.**

Signage shall be consistent with Chapter 18.30 and any approved sign plan or planned sign program. Signage shall be designed as an integral element of a building's architecture and shall be compatible, including color and scale, with the building. A sign plan or planned sign program, consistent with Section 18.30.100, shall be required for any development. Blade signs may project over the sidewalk to indicate and demarcate commercial uses and increase pedestrian interest, subject to approval of an encroachment permit by the Public Works Department.

## **Chapter 18.35 CORRIDOR MIXED USE COMMERCIAL (CMU) DISTRICT**

### **18.35.010 Purpose.**

The purpose of the Corridor Mixed Use Commercial (CMU) district is to establish a mixed use residential/commercial district of high-density residential, commercial and office uses by intensifying the land use and providing opportunities for new mixed-use (residential and commercial/office) developments. (Ord. 875-20 § 4, 2020)

### **18.35.020 Permitted uses.**

The following uses shall be permitted:

A. Residential uses with a minimum density of seventeen (17) units per acre and a maximum density of forty-five (45) units per acre with activated ground floor uses including, but not limited to, residential amenity space, leasing office, lobby, and business center.

B. Residential mixed-use developments with a minimum density of seventeen (17) units per acre and a maximum density of forty-five (45) units per acre with ground floor commercial uses located along the primary frontage.

BC. Commercial Uses on the Ground Floor as Part of a Residential Mixed Use Development.

1. Banks/savings and loans, excluding check cashing businesses;
2. Business services;
3. Office uses;
4. Civic facilities;
5. Food, such as restaurants and cafés, quick service, full service, bakeries with retail sales, retail and carry-out;
6. Food stores, up to twenty-five thousand (25,000) square feet, excluding convenience markets;

7. General merchandise/retail stores, excluding adult business stores, clearance center/dollar stores, pawn shops, second hand/thrift stores, and retail tobacco stores;
8. Health clubs;
9. Health services, such as medical, dental, optical, physical therapy and pharmacies;
10. Live music (non-amplified) at full service/sit down restaurants subject to the standards of Section [18.36.195](#)(A);
11. Personal services, such as laundry, dry cleaning, beauty parlor, barbershop, nail salon, body art, shoe repair, travel agency, tailor, photography studio, and similar uses; and
12. Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section [18.52.060](#) shall be addressed.

**~~CD~~**. Commercial and/or Office Uses Not Part of a Residential Mixed Use Development.

1. Any commercial use permitted in the CC District.

**~~DE~~**. Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section [18.52.060](#) shall be addressed. (Ord. 875-20 § 4, 2020)

**18.35.030 Conditional uses.**

The following conditional uses shall be permitted in the CMU Zoning District upon the granting of a use permit:

- A. Approval by Zoning Administrator (refer to Chapter [18.54](#) for a detailed description of the administrative use permit process).
  1. Child day care facilities;
  2. Educational and instructional uses (business, beauty, computer, dance, martial arts) with an occupant load of fifty (50) or more through the Uniform Building Code;
  3. Exterior sidewalk ATMs (automated teller machines), when there is adequate security and lighting and adequate queuing area that does not impede pedestrian or vehicular traffic flow (drive-thru ATMs are not permitted);
  4. Outdoor displays, such as flowers or newspapers, in conjunction with an existing adjacent business;
  5. Sidewalk cafés per Section [18.36.190](#);
  6. Veterinary offices and small animal hospitals including short-term overnight boarding of animals for medical purposes and incidental care such as bathing and

trimming, provided that all operations are conducted within a completely enclosed building;

7. All other uses determined by the Zoning Administrator to be essentially the same or very similar to the above conditionally permitted uses. In making this determination, the findings required under Section [18.52.060](#) shall be addressed.

B. Approval by Planning Commission (refer to Chapter [18.56](#) for a detailed description of the use permit process).

1. Bars, comedy clubs, nightclubs, and lounges;
2. Commercial recreation facilities;
3. Convenience markets;
4. Entertainment and recreation uses with an occupant load of fifty (50) or more through the Uniform Building Code;
5. Fast food/quick service restaurant, full service/sit down restaurant, and retail and carry out;
6. Health services (including, but not limited to: laboratories, drug treatment clinics, palm reading);
7. Live music (amplified) at full service/sit down restaurants subject to the standards of Section [18.36.195\(B\)](#);
8. Lodging, hotels and motels;
9. Massage;
10. Retail tobacco store, only where located more than one thousand (1,000) feet from another such use and a “sensitive use.” Distance shall be measured from the closest exterior wall of the structure or portion of the structure in which the use is located to the property line of the “sensitive use”;
11. Service stations with the following operational characteristics:
  - a. All operations, except for the sale of gasoline and the washing of automobiles, are conducted in a building enclosed on at least three (3) sides, pump islands located no closer than twenty (20) feet to any property line, and alcoholic beverages not sold on site;
  - b. Gas station marketeers subject to the provisions of the Gas Station Marketeer Policy Statement;
12. Any other use determined by the Planning Commission to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section [18.52.060](#) shall be addressed.

C. Approval by City Council (refer to Chapter [18.56](#) for a detailed description of the use permit process).

1. Mixed use residential developments. (Ord. 875-20 § 4, 2020)

**18.35.040 Performance standards.**

A. All business, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, approved sidewalk cafés, and approved outdoor displays.

B. Additions and modifications to commercial or residential projects, which are subject to the provisions of Chapter [18.76](#), Site Development Review, shall be designed to integrate with the existing project in terms of siting and architectural design. Above-ground utility installations, when permitted through specific site development review, shall be screened from public view. Roof top equipment, with the exception of solar energy equipment, shall be screened by architecturally-designed panels which are in proportion and scale with the roof line of the building.

C. Trash and refuse collection facilities and disposal facilities shall be enclosed within the building or screened by a solid wall and not be visible from public streets.

D. All development shall comply with the provisions listed in Chapter [7.04](#) regarding management of waste and recyclable materials. (Ord. 875-20 § 4, 2020)

**18.35.050 Walls, fences, and hedges.**

Walls, fences, or hedges over three (3) feet in height are subject to review and approval through the administrative site development (ASD) review or site development (SD) review process. No walls, fences, or hedges shall exceed six (6) feet unless for the purposes of screening trash and loading facilities, or as required for sound attenuation. (Ord. 875-20 § 4, 2020)

**18.35.060 Minimum site area.**

A minimum site area of not less than twenty thousand (20,000) square feet shall be required. (Ord. 875-20 § 4, 2020)

**18.35.070 Site area per dwelling unit.**

A minimum of seventeen (17) units per acre and a maximum of forty-five (45) units per acre is permitted. The minimum site area per dwelling unit shall be ~~two thousand five hundred sixty-two (2,562)~~ nine-hundred sixty-eight (968) square feet. (Ord. 875-20 § 4, 2020)

**18.35.080 Floor area ratio (FAR).**

The minimum FAR shall be 0.5 and the maximum shall be 1.5 for mixed uses developments. For all nonresidential uses, the minimum floor area ratio (FAR) shall be 0.3 and the maximum shall be 1.0 for standalone nonresidential uses. (Ord. 875-20 § 4, 2020)

**18.35.090 Frontage, width and depth of site.**

Every lot shall have a minimum width of at least two hundred (200) feet and a minimum depth of one hundred fifty (~~150~~100) feet. (Ord. 875-20 § 4, 2020)

**18.35.100 Lot coverage.**

The amount of the site area covered by structures shall not be restricted. (Ord. 875-20 § 4, 2020)

**18.35.110 Front yard.**

For lots with frontage on Mission Boulevard, Mission Boulevard shall be considered the front yard. Front yard setbacks shall be fifteen (15) feet from the face of the parking curb and five (5) feet from the property line to ensure a comfortable pedestrian environment. (Ord. 875-20 § 4, 2020)

**18.35.120 Side yards.**

No side yards shall be required, subject to the following exceptions:

A. On the side street side of a corner site, a side yard of not less than ten (10) feet shall be required.

B. One (1) foot shall be added at ground level to each interior side yard for each three (3) feet of height by which the structure exceeds twelve (12) feet. (Ord. 875-20 § 4, 2020)

**18.35.130 Rear yards.**

A minimum rear yard setback of ten (10) feet shall be required. (Ord. 875-20 § 4, 2020)

**18.35.140 Height of structures.**

The maximum height of buildings shall be fifty-five (55) feet, excluding non-habitable architectural features, mechanical penthouses and elevator towers; provided, that they do not exceed twenty-five percent (25%) of the roof area of the building. (Ord. 875-20 § 4, 2020)

**18.35.150 Design criteria.**

The design of new buildings and the rehabilitation of existing or relocated buildings shall be guided by the following design and siting criteria:

A. All new development and all rehabilitation or remodeling of buildings should stress the California Mission style architecture and should provide landscaping to minimize the impression that this roadway is a dividing line in the City.

B. Private improvements should complement and exploit the public investment in area improvements to the fullest extent such as, but not limited to, sidewalk improvements, the undergrounding of overhead utilities, and improved street lighting.

C. Weather protection in the form of shade trees, awnings and overhangs should be provided to extent feasible. Long distances with no weather protection should be avoided.

- D. Development designs should feature building frontages unbroken by wide openings created by parking areas, and emphasis should be given to building and sidewalk amenities that will attract foot traffic.
- E. Scale should be maintained in parking lots. Wherever feasible these should be located to the rear of buildings, and should be broken up by planted areas and shade trees to give a sense of human scale and provide amenities.
- F. Where parking lots are located to the rear of buildings, attractive rear entrances should be provided.
- G. Extensive landscaping should be provided along the street frontage.
- H. Development design may feature varied setbacks to accommodate small garden courts and landscaped areas along the street frontage as a means of enhancing the street scene and encouraging foot traffic.
- I. Exterior treatments of new and remodeled buildings should favor natural materials and earth tone colors to match the California Mission style architecture.
- J. For mixed use and stand-alone residential developments, development design should offer commercial/retail uses and/or amenity spaces on the first floor with residential units only to be located above the first floor when directly adjacent to Mission Boulevard.
- K. The streetscape along Mission Boulevard should be enhanced by public art and landscape improvements that enhance the areas visual appeal and establish Mission Boulevard as a gateway to the City. (Ord. 875-20 § 4, 2020)

**18.35.160 Distance between main structures.**

No distance between structures shall be required. (Ord. 875-20 § 4, 2020)

**18.35.170 Residential open space.**

All residential development shall provide residential open space features, such as courtyards, pool and spa areas, recreation facilities, and play areas for use by the tenants/owners. (Ord. 875-20 § 4, 2020)

**18.35.180 Signs, marquees, awnings.**

All signs, marquees, and awnings shall be subject to the applicable limitations and requirements set forth in Chapter [18.30](#). A Sign Plan shall be required with each development. Any encroachments into the public right-of-way shall require approval of an encroachment permit by the Public Works Department. (Ord. 875-20 § 4, 2020)

**18.35.190 Off-street parking.**

Parking shall be required subject to the following:

- A. Residential Use. Provide automobile and bicycle parking at residential district standards for the RM 1500 zoning district per Section [18.32.160](#), except that one

hundred percent (100%) affordable rental developments may provide off-street parking pursuant to the standards contained in Section [18.32.160](#)(B)(5).

B. Commercial Uses. Provide automobile and bicycle parking at commercial district standards per Section [18.36.150](#) (off-street parking in commercial districts). For commercial uses on the ground floor as part of a mixed-use development, shared parking shall be evaluated on a case-by-case basis. (Ord. 875-20 § 4, 2020)

**18.35.200 Off-street loading.**

For commercial uses, loading berth requirements shall be evaluated on a project by project basis. Any required loading berths shall comply with the requirements of Section [18.36.140](#). (Ord. 875-20 § 4, 2020)

**18.35.210 Laundry facilities.**

Laundry facilities shall be provided to serve all residential dwelling units. Such facilities shall include washer and dryer appliances connected to utilities. In developments with common laundry facilities, the facilities must be in easily accessible locations and provide an adequate number of washers and dryers to serve the total number of units. (Ord. 875-20 § 4, 2020)

## **Chapter 18.36 COMMERCIAL DISTRICTS**

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- 18.36.200 Special design and siting criteria for uses on Mission Boulevard.
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### **18.36.010 Use—Bulk regulations.**

Use and bulk regulations applying specifically to commercial districts are set forth in this chapter. Regulations set forth in other chapters that apply to commercial districts include, but are not limited to:

Chapter 18.04—General Provisions

Chapter 18.16—Nonconforming Buildings, Structures and Uses

Chapter 18.24—Bulk Regulations

Chapter 18.28—Off-street Parking and Loading

Chapter 18.30—Sign Regulations

Chapter 18.35—Corridor Mixed Use Commercial (CMU) District

~~Chapter 18.38—Station Mixed Use Commercial (CSMU) District~~

Chapter 18.39—Union Landing Commercial (CUL) District

Chapter 18.52—Administration

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Chapter 18.72—Administrative Development Review

Chapter 18.76—Site Development Review

Chapter 18.106—Landmark and Historic Preservation (LHP) Overlay Zone

### **18.36.015 Purpose.**

A. CPA District—Professional and Administrative Commercial. To provide an area wherein professional offices, limited personal services and light retail activities may develop in close relationship with each other.



B. CN District—Neighborhood Commercial. To provide limited retail and convenience goods and services, with minimal associated impacts, to meet the day to day needs of the City's residential neighborhoods.

C. CC District—Community Commercial. To stabilize, promote and improve the characteristics of the commercial business environment by providing adequate locations for stores, services and offices which fulfill the needs of the residents of the City as a whole.

D. CVR District—Visitor and Recreation Commercial. To provide areas for commercial activities oriented to serve the traveling public, located near freeway interchanges and high capacity major arterials in such a fashion as to provide safe and convenient access and minimize conflicts with nearby residential land uses.

~~E. CSMU District—Station Mixed Use Commercial District. Refer to Chapter 18.38.~~

~~F. VMUCS District—Village Mixed Use Specialty Commercial District. Refer to Chapter 18.27. To promote a mix of small, convenience retail, commercial, office and entertainment uses to enhance the market base of the Old Alvarado neighborhood.~~

~~GE.~~ CUL—Union Landing Commercial District. Refer to Chapter 18.39 and Section 18.36.050.

~~HE.~~ CMU—Corridor Mixed Use Commercial District. Refer to Chapter 18.35.

#### 18.36.020 Permitted uses.

A. A use that is not listed is not a permitted use. In addition to uses lawfully established on the effective date of this title, the following uses shall be permitted in a C district when the symbol "X" is marked in the column beneath the C district:

| PERMITTED USES                       | CP<br>A | CN | CC | CV<br>R | <del>CS</del> |
|--------------------------------------|---------|----|----|---------|---------------|
| Apparel and accessory stores         |         | X  | X  | X       | <del>X</del>  |
| Automobile sales (new vehicles only) |         |    | X  |         |               |

|   |   |   |   |   |   |
|---|---|---|---|---|---|
| Bakeries with retail sales  |   | X | X |   | ✗ |
| Banks/savings and loans (excluding check cashing businesses)  | X | X | X |   | ✗ |
| Business services (photocopying and small printing shops, computer and data processing, graphic design, sign shops)   | X | X | X | X | ✗ |
| Educational and instruction uses (business, beauty, computer, dance, martial arts, etc.) with an occupant load of less than fifty (50) through the Uniform Building Code      | X | X | X | X | ✗ |
| Entertainment and recreation uses (excluding video arcades, pool rooms/halls and dance halls) with an occupant load of less than fifty (50) through the Uniform Building Code | X |   | X | X | ✗ |
| Food, fast food/quick service restaurant, in-line only  |   | X | X |   | ✗ |
| Food, full service/sit down restaurant  | X | X | X | X | ✗ |
| Food, retail and carry out food store   |   | X | X |   | ✗ |
| Food stores, excluding convenience markets  |   | X | X |   | ✗ |
| Furniture and home furnishings  |   |   | X |   | ✗ |
| General merchandise/retail stores   |   | X | X |   | ✗ |
| Health services (medical, dental, physical therapy and pharmacies)  | X | X | X | X | ✗ |

|  |   |   |   |   |   |
|--|---|---|---|---|---|
| Live music (non-amplified) at full service/sit down restaurants subject to the provisions of Section 18.36.195(A)                              | X | X | X | X | ✗ |
| Lodges and meeting halls   |   |   | X | X |   |
| Lodging (hotel and motel)  |   |   |   | X |   |
| Miscellaneous small repair services (watches, clocks, jewelry, small countertop appliances)  |   | X | X |   | ✗ |
| Miscellaneous limited retail typically found in office buildings or hotels   | X |   |   | X |   |
| Nurseries and garden stores (without outdoor storage)  |   | X | X |   | ✗ |
| Office   | X | X | X | X | ✗ |
| Personal services (laundry, dry cleaning, beauty parlor, barbershop, nail salon, shoe repair, travel agency, tailor, photography studio, etc.) | X | X | X | X | ✗ |
| Pet grooming (no overnight boarding of animals)  |   | X | X |   | ✗ |
| Public buildings and grounds   | X |   | X |   | ✗ |
| Residential uses, within the <del>Old Alvarado and</del> Mission Boulevard neighborhoods, located above ground floor commercial uses           |   | X | X |   | ✗ |

|   |   |   |   |   |   |
|---|---|---|---|---|---|
| Seasonal sales lots for holiday trees and pumpkins subject to the provisions of the Policy Statement for the Regulation of Seasonal Sales Lots  | X | X | X |   | ✗ |
| Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed | X | X | X | X | ✗ |

### 18.36.030 Conditional uses.

The following conditional uses shall be permitted in a C district, upon the granting of a use permit, when the symbol “X” is marked in the column beneath the C district:

A. Approval by Zoning Administrator (refer to Chapter 18.54 for a detailed description of the administrative use permit process).

| CONDITIONAL USES   | CP<br>A | CN | CC | CV<br>R | CS |
|--|---------|----|----|---------|----|
| Automotive rental agencies with minor parking requirements, involving no automotive repair or vehicle washing on site                                      | X       |    | X  | X       |    |
| Adult day care facilities  | X       |    |    |         |    |
| Child day care facilities  | X       | X  | X  |         | ✗  |
| Educational and instructional uses (business, beauty, computer, dance, martial arts) with an occupant load of 50 or more through the Uniform Building Code |         | X  | X  |         |    |

|   |   |   |   |   |   |
|---|---|---|---|---|---|
| Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B)  | X | X | X | X | ✗ |
| Outdoor dining/seating areas  | X | X | X | X | ✗ |
| Outdoor flower display along the street frontage of a permanently established florist in Union City   |   | X | X |   | ✗ |
| Veterinarian offices and small animal hospitals including short-term overnight boarding of animals for medical purposes, provided that all operations are conducted within a completely enclosed building; there is sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety, and welfare; and there is no walking of animals outside of the property |   |   | X |   |   |
| Any other use determined by the Zoning Administrator to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed   | X | X | X | X | ✗ |

B. Approval by Planning Commission (refer to Chapter 18.56 for a detailed description of the use permit process).

| <b>CONDITIONAL USES</b>  | <b>CP<br/>A</b> | <b>CN</b> | <b>CC</b> | <b>CV<br/>R</b> | <b>CS</b> |
|--|-----------------|-----------|-----------|-----------------|-----------|
| Adult business, only where located at least 1,000 feet away from a school, day care, or faith based facility |                 |           | X         |                 |           |

|   |  |   |   |   |   |
|---|--|---|---|---|---|
| Arcades, computer gaming, pool rooms/halls  |  |   | X |   | ✗ |
| Automotive sales—Used vehicles, permitted only in conjunction with new car sales                        |  |   | X |   |   |
| Automobile washing, including the use of mechanical conveyors, blowers and steam cleaners               |  |   | X |   |   |
| Bars, comedy clubs, nightclubs, and lounges   |  | X | X | X | ✗ |
| Body art  |  | X | X |   |   |
| Check cashing   |  |   | X |   |   |
| Church uses with existing buildings built for and previously occupied by a church                       |  | X |   |   |   |
| Convenience markets   |  | X | X |   | ✗ |
| Cybercafé   |  | X | X |   | ✗ |
| Discount clubs  |  |   | X |   |   |
| Drive-in/drive-through uses   |  | X | X |   |   |
| Entertainment and recreation uses with an occupant load of 50 or more through the Uniform Building Code |  |   | X | X | ✗ |

|  |   |   |   |  |   |
|--|---|---|---|--|---|
| Farmers markets, when coordinated in conjunction with the City or the Chamber of Commerce                                    |   | X |   |  | ✗ |
| Food, fast food/quick service restaurant, stand alone  |   | X | X |  | ✗ |
| Guns and/or ammunition sales   |   |   | X |  |   |
| Health services (including, but not limited to: laboratories, drug treatment clinics, palm reading)                          | X |   | X |  |   |
| Hospitals, sanitariums and nursing homes   | X |   | X |  |   |
| Liquor stores  |   | X | X |  | ✗ |
| Lodging (hotel and motel)  |   |   | X |  |   |
| Lumber or other building materials with outdoor storage or display   |   |   | X |  |   |
| Massage  | X | X | X |  | ✗ |
| Mortuaries, crematoriums and funeral homes   |   |   | X |  |   |
| Nurseries and garden stores with outdoor storage   |   |   | X |  |   |
| Public utility and public service pumping stations, power stations, electrical substations, service groups and storage tanks |   | X | X |  | ✗ |

|   |  |   |   |  |  |
|---|--|---|---|--|--|
| Retail tobacco store, only where located more than 1,000 feet from another such use and a “sensitive use.” Distance shall be measured from the closest exterior wall of the structure or portion of the structure in which the use is located to the property line of the “sensitive use” |  |   | X |  |  |
| Service stations with the following operational characteristics:  |  |   |   |  |  |
| 1. All operations, except for the sale of gasoline and the washing of automobiles, are conducted in a building enclosed on at least 3 sides, pump islands located no closer than 20 feet to any property line, and alcoholic beverages not sold on site                                   |  | X | X |  |  |
| 2. Minor automobile service, such as engine tune-ups, oil change, tire sales and service, brake service and smog check  |  |   | X |  |  |
| 3. The rental of trailers as an incidental part of the service station operation  |  |   | X |  |  |
| 4. The rental of hand tools, garden tools, and other similar equipment as an incidental part of the operation of the service station  |  | X | X |  |  |
| 5. Gas station marketeers subject to the provisions of the Gas Station Marketeer Policy Statement   |  | X | X |  |  |
| Superstores   |  |   | X |  |  |



|  |   |   |   |   |   |
|--|---|---|---|---|---|
| Veterinarian offices and small animal hospitals including short-term overnight boarding of animals for medical purposes, provided that that all operations are conducted within a completely enclosed building; there is sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety, and welfare; and there is no walking of animals outside of the property |   |   |   |   | × |
| Any other use determined by the Planning Commission to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed   | X | X | X | X | × |

#### **18.36.040 Tobacco products.**

The sale, donation, or distribution of tobacco products, regardless of floor area, shall be prohibited within one thousand (1,000) feet of “sensitive uses.” Distance shall be measured from the closest exterior wall of the structure or portion of the structure in which tobacco is sold, donated, or distributed to the property line of the “sensitive use.” Service stations are exempt from the requirements of this section.

#### **18.36.050 Required conditions.**

In commercial districts, including the CUL and CMU districts, ~~but excluding the GSMU districts~~, the following conditions shall be required:

- A. Where a site adjoins an A, OS or R district, a solid masonry wall six (6) feet in height shall be located on the property line, except that walls located in the street side yard setback shall not exceed three (3) feet in height.
- B. No wall, fence, or hedge shall exceed six (6) feet in height if located in a required side yard or rear yard, unless a greater height is approved through the site development review or use permit process. A wall, fence, or hedge located in a required front yard or street side yard setback shall not exceed three (3) feet in height.
- C. Outdoor storage of materials and equipment permitted through the issuance of a use permit shall occur only within an area which is screened from view from public

rights-of-way by a solid wall or fence with solid gates where necessary, or compact evergreen hedge not less than six (6) feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall, fence or hedge with the exception of live plant material.

D. A use not conducted entirely within a completely enclosed structure shall be screened by a solid wall or fence, or compact evergreen hedge not less than six (6) feet in height, if such use without such screening is found by the Planning Commission to have a substantial and detrimental effect on property values in the area.

E. All business, services, and processes shall be conducted entirely within a completely enclosed structure except for off-street parking and loading areas, and where permitted by a use permit, gasoline service stations, outdoor dining areas, nurseries, garden shops, lumber and other building materials stores. Temporary outdoor commercial events are permitted as provided by Chapter 18.54.

F. Products which are produced and sold on-site shall be sold at retail, and not wholesale.

~~G. Permitted and conditional uses in the CS district located in the Old Alvarado area shall be subject to the special design and siting criteria contained in the land use plan for Old Alvarado adopted by the City Council Resolution No. 4076.80 and as prescribed in Section 18.36.180 of this chapter.~~

~~H. Permitted and conditional uses in the Decoto Industrial Park Study Area (DIPSA) shall be subject to the special design and siting criteria contained in the DIPSA plan.~~

GI. Permitted and conditional uses in the Union Landing Commercial district shall be subject to the special design and siting criteria contained in Chapter 18.39.

HJ. Other provisions of this chapter notwithstanding, all storage, handling or other use of hazardous materials shall be subject to the provisions of Sections 18.40.410 through 18.40.450 of this title.

KI. All commercial development, including both new construction and additions, shall be articulated on all elevations.

LJ. Additions and modifications to commercial projects which are subject to the provisions of Chapter 18.76, Administrative Site Development Review, shall be designed to integrate with the existing project in terms of siting and architectural design. Above-ground utility installations, when permitted, shall be screened from public view. Roof equipment shall be screened by architecturally designed panels which are in proportion and scale with the roof line of the existing building.

**MK.** All wood burning appliances installed in new commercial buildings or wood burning appliances being added to or replacing wood burning appliances in existing commercial buildings shall comply with the following regulations. Commercial buildings shall include, but not be limited to, hotels and restaurants. Gas fireplaces shall be exempt from these regulations; however, the conversion of a gas fireplace to burn wood shall constitute the installation of a wood burning appliance and shall be subject to the following regulations.

1. A wood burning appliance shall comply with these regulations if:
  - a. It is reconstructed;
  - b. Additions, alterations or repairs are made to the appliance that require opening up immediately-adjacent walls; or
  - c. The residential units in which the appliance is located is renovated, and the renovation includes opening up walls immediately adjacent to the appliance.
2. It is unlawful to:
  - a. Use any wood burning appliance when the Bay Area Air Quality Management District issues a "Spare the Air Tonight" warning and when an alternate approved heat source is available;
  - b. Install a wood burning appliance that is not one of the following:
    - i. A pellet-fueled wood heater,
    - ii. An EPA certified wood heater, or
    - iii. A fireplace certified by EPA should EPA develop a fireplace certification program;
  - c. Use any of the following prohibited fuels in a wood burning appliance:
    - i. Garbage,
    - ii. Treated wood,
    - iii. Plastic products,
    - iv. Rubber products,
    - v. Waste petroleum products,
    - vi. Paints,

- vii. Paint solvents,
- viii. Coal,
- ix. Glossy or colored papers,
- x. Particle board,
- xi. Saltwater driftwood.

Any person who plans to install a wood burning appliance must submit documentation to the Building Division of the City demonstrating that the appliance is in compliance with subsection (P)(2)(b) of this section. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided by law.

**NL.** Permitted and conditional uses in the CC district located on Mission Boulevard shall be subject to the special design and siting criteria contained in Section 18.36.200 of this chapter.

**OM.** Accessory structures must conform to the following standards:

1. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
2. No detached accessory building or buildings shall occupy more than thirty percent (30%) of the area of a required rear yard.
3. No detached accessory building located in a required rear yard shall exceed twelve (12) feet in height.

~~**P.** The provisions of Chapter 18.102, Decoto Industrial Park Study Area (DIPSA), including design guidelines and findings, shall apply to all development within the DIPSA.~~

**QN.** All development shall comply with the provisions listed in Chapter 7.04 regarding management of waste and recyclable materials.

#### **18.36.060 Site area.**

A minimum site area of not less than five thousand (5,000) square feet shall be required.

#### **18.36.070 Frontage, depth and width of site.**

No minimum site frontage, depth, and width shall be required.

#### **18.36.080 Coverage.**

The amount of the site area covered by structures shall not be restricted subject to the exception that in the CPA district the maximum site area covered by structures shall be fifty percent (50%).

#### **18.36.090 Front yard.**

A minimum front yard of twenty (20) feet shall be required. For structures which exceed twenty (20) feet in height, the required setbacks shall be a minimum of twenty-five (25) feet. ~~No front yard shall be required in the CS district, within the Old Alvarado neighborhood.~~

#### **18.36.100 Side yards.**

No side yards shall be required, subject to the following exceptions:

- A. In the CN and CC districts, on the side street side of a corner site, a side yard of not less than ten (10) feet shall be required.
- B. Where the side property line of a site adjoins property in a residential district, a side yard of not less than twenty (20) feet adjoining the residential district shall be required.
- C. One (1) foot shall be added at ground level to each required interior side yard for each three (3) feet of height by which the structure exceeds twelve (12) feet.

#### **18.36.110 Rear yard.**

No rear yard shall be required, subject to the following exceptions:

- A. In the CN district, a rear yard of not less than ten (10) feet shall be required.
- B. Where the rear property line of a site adjoins property in an A or R district, a rear yard of not less than twenty (20) feet shall be required.
- C. One (1) foot shall be added at ground level to the required rear yard for each three (3) feet of height by which the structure exceeds twelve (12) feet.

#### **18.36.120 Height of structures.**

No structure shall exceed the height as prescribed in the following table:

|                        | DISTRICT |    |     |     |               |
|------------------------|----------|----|-----|-----|---------------|
|                        | CPA      | CN | CC  | CVR | <del>CS</del> |
| Height limit (in feet) | 100      | 30 | 100 | 100 | <del>40</del> |

#### **18.36.140 Off-street loading.**

Where appropriate, the Planning Commission may require loading berths for each of the commercial districts that shall not be less than ten (10) feet by twenty-five (25) feet and shall be provided in accordance with the following schedule:

| Gross Floor Area          | Required Number |
|---------------------------|-----------------|
| 1 to 10,000 sq. ft.       | 1               |
| 10,001 to 25,000 sq. ft.  | 2               |
| 25,001 to 40,000 sq. ft.  | 3               |
| 40,001 to 100,000 sq. ft. | 4               |

For each additional two hundred thousand (200,000) square feet of floor area or fraction thereof over one hundred thousand (100,000) square feet of floor area one (1) additional loading berth shall be provided.

#### **18.36.150 Off-street parking.**

Public automobile and bicycle parking facilities shall be provided as follows:

- A. Places of Assembly.

1. Churches: one (1) space for each five (5) seats in main assembly room or one (1) space for each fifty (50) square feet of floor area, whichever requirement is greater;
2. Funeral homes, mortuaries: one (1) space for each fifty (50) square feet of chapel area or one (1) space for each five (5) seats in the same, whichever requirement is greater;
3. Places of public assembly having fixed seating, such as auditoriums, theaters, assembly halls, sports arenas, stadiums: one (1) space for each four (4) seats;
4. Places of public assembly having no fixed seats, such as dance halls, exhibition halls, gymnasiums, skating rinks, lodges: one (1) space for each one hundred (100) square feet of floor area used for public assembly;
5. Schools.
  - a. Business, professional, trade, art, craft, music and dancing schools and colleges: one (1) space for each employee plus one (1) for each four (4) students,
  - b. Nursery and day care centers: one (1) space for every ten (10) children, plus one (1) space for every two (2) employees.
- B. Office, Business, Commercial and Service Uses.
  1. Bowling alleys: six (6) spaces for each lane;
  2. Hotels and motels: one (1) space for every room plus one (1) space for every two (2) employees on maximum shift;
  3. Medical and dental clinic and offices: one (1) space for every two hundred (200) square feet of gross floor area;
  4. Offices, banks and professional offices: one (1) space for every two hundred (200) square feet of gross ground floor area and one (1) space for every three hundred (300) square feet of gross floor area above or below the ground floor;
  5. Restaurants, bars, nightclubs and lounges: one (1) space for every three (3) seats or one (1) space for every one hundred (100) square feet of gross floor area, whichever requirement is greater;
  6. Rest homes, convalescent hospitals, sanitariums: one (1) space for every four (4) beds plus one (1) space for every two (2) employees;

7. Retail sales of automobiles, automobile parts, appliances, furniture, machinery, equipment rental, building materials, nurseries, and other similar retail uses involving primarily bulk merchandise: one (1) space for each four hundred (400) square feet of gross floor area plus one (1) space for each two thousand (2,000) square feet of lot area occupied by such area;
  8. Service and repair uses such as printing, upholstering, appliance repair, sheet metal working, wood working or roofing: one (1) space for every five hundred (500) square feet of gross floor area;
  9. Service stations: three (3) spaces for each hoist, rack or other area designed for servicing or minor repairs plus one (1) space for every two (2) employees on maximum shift.
- C. Light retail sales, business and commercial establishments: one (1) space for every one hundred seventy-five (175) square feet where gross floor area is less than ten thousand (10,000) square feet; one (1) space for every two hundred (200) square feet where gross floor area is ten thousand (10,000) square feet or greater.
- D. Other uses shall be provided on the same basis as required for the most similar use or as determined by the City Planning Commission.
- E. Bicycle parking facilities shall be provided, at a minimum, in an amount equal to ten percent (10%) of the required automobile parking demand as determined by this chapter except for areas within one-half (1/2) mile of the Intermodal Station. For bicycle parking demand ratios in these areas, see subsection F of this section. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080. The number of required bicycle parking facilities may be increased by the decision maker for a specific use if it is found that such use shall create a greater demand for these facilities. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.100 and approval by the decision maker.
- F. For areas within one-half (1/2) mile of the Intermodal Station, bicycle parking facilities shall be provided, at a minimum, in an amount equal to twenty percent of the required automobile parking demand as determined by this chapter. A minimum of twenty percent (20%) of the required bicycle parking demand shall be enclosed and secure to accommodate long-term users. Required facilities shall be designed and installed in conformance with the design criteria outlined in Section 18.28.080. The number of required bicycle parking facilities may be increased by the decision maker for a specific use if it is found that such use shall create a greater demand for these



facilities. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.100 and approval by the decision maker.

#### **18.36.160 Joint use of parking spaces.**

The Planning Commission may authorize off-street parking as specified in Section 18.36.150, or the joint use of parking facilities for uses or activities if it finds that the normal hours of operation of such uses or activities do not substantially coincide or overlap with each other. Joint-use parking shall be subject to the following limitations and conditions:

- A. No more than fifty percent (50%) of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.
- B. The applicant shall submit sufficient data to indicate that there is no substantial conflict in the principal operating hours of the uses proposing to make use of the joint parking facilities.
- C. The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner in the office of the County Recorder and a copy thereof filed with the City.

#### **18.36.170 Landscaping.**

- A. New landscaping and modifications to existing landscaping shall comply with the provisions listed in Chapter 18.112, Water Efficient Landscape Ordinance, and the Landscape Standards Policy Statement.
- B. Replacement of dead, dying or deficient landscaping shall be required for establishment of new uses or modification of existing uses.
- C. Site Coverage Requirements.
  - 1. Projects located in commercial districts referenced in this chapter (excluding the Professional and Administrative Commercial (CPA) district), that include development of a vacant site or substantial modification of a developed site, shall provide landscaped areas that measure ten percent (10%) of the project site area.
  - 2. Projects located in the CPA district, that include development of a vacant site or substantial modification of a developed site, shall provide landscaped areas that measure a minimum of fifteen percent (15%) of the project site area.

3. Drive-in and drive-through establishments (gas stations, fast food, etc.) shall include landscaped areas that measure a minimum of twenty percent (20%) of the project site's area. Excluding sidewalks and walkways, decorative hardscape surfaces and hardscape elements, can constitute up to five percent (5%) of the total requirement.

D. Landscape In-Lieu Fee.

1. Projects that cannot provide the minimum amount of landscaping required in Section 18.32.170(B) shall pay a landscape in-lieu fee in the amount set forth in the City's Master Fee Schedule.

E. Parking Lot Coverage.

1. To provide adequate visual screening of parking areas from public rights-of-way, there shall be a landscaped strip ten (10) feet in width which shall be contiguous and parallel to such rights-of-way and shall be planted with trees, shrubs, and ground cover sufficient to obtain the required screening.

**~~18.36.180 Special design and siting criteria for uses in the Old Alvarado area.~~**

~~In order to encourage commercial revitalization and development in the Old Alvarado area commercial districts in a manner that is consistent with the land use plan for Old Alvarado, the design of new buildings and the rehabilitation of existing or relocated buildings shall be guided by the following design and siting criteria:~~

~~A. General Criteria:~~

~~1. All new construction and all rehabilitation or remodeling of buildings should stress the "Old California Town" theme. Careful attention should be given to the scale and bulk of buildings in order to maintain and enhance the character and livability of the area.~~

~~2. Private improvements should complement and exploit the public investment in area improvements to the fullest extent.~~

~~3. Weather protection in the form of shade trees, awnings, and overhangs should be provided. Long distances with no weather protection should be avoided.~~

~~4. Development design should feature continuous building frontage unbroken by wide openings created by parking areas, and emphasis should be given to building and sidewalk amenities that will attract foot traffic.~~

- ~~5.—— Scale should be maintained in parking lots. Wherever feasible these should be located to the rear of buildings, and should be broken up by planted areas and shade trees to give a sense of human scale and provide amenities.~~
- ~~6.—— Extensive landscaping should be provided along street frontages.~~
- ~~7.—— Sign sizes and placement should be coordinated to avoid the clutter created by signs of unrelated size and shape.~~
- ~~8.—— The Planning Commission may grant relief from the off-street parking requirements, if it can be demonstrated that sufficient parking is available off-site to service the proposed use.~~
- ~~9.—— Mixed-use developments shall be regulated by the standard lot size, setback, maximum height, off-street parking requirements and maximum lot coverage requirements of the CS, Specialty Commercial district.~~
- ~~10.—— For residential uses located above ground floor commercial uses, the density limitations, off-street parking, and bicycle parking requirements shall be based on the regulations for the RM 1500 district. The height limit may be increased to a maximum of fifty (50) feet subject to a use permit. Before the approval of any structure which exceeds forty (40) feet, the Planning Commission must make a finding that any such excess height will not be detrimental to the light, air or privacy of any other structure or use within the surrounding area.~~
- ~~11.—— On Union City Boulevard, the front Yard setback shall be five (5) feet from the property line and a minimum of fifteen (15) feet from the face of curb to ensure a comfortable pedestrian environment.~~

~~B.—— Smith Street Commercial Area Criteria:~~

- ~~1.—— Efforts should be made to retain as many of the good older structures as possible and to reintroduce the character of early California more fully. Where feasible, Victorian or Carpenter Victorian buildings should be moved in from other areas to fill in some vacant properties and provide shop and office space.~~
- ~~2.—— The relatively small and intimate scale of Smith Street should be retained. Large, bulky structures which would be out of scale with the street and would dominate existing buildings should be avoided.~~
- ~~3.—— New and relocated buildings should be placed close to the street to maximize continuous frontage and encourage foot traffic.~~

~~4. Where parking lots are located to the rear of buildings, attractive rear entrances should be provided.~~

~~5. Exterior treatment of buildings should feature a coordinated color scheme to be implemented as existing structures are remodeled or repainted and new buildings constructed.~~

~~C. Union City Boulevard Commercial Area Criteria.~~

~~1. Building sizes should be large enough to maintain a good scale relationship with the width of the boulevard.~~

~~2. Buildings should be placed close to the front property lines to visually reduce the barren expanse of boulevard pavement.~~

~~3. Extensive landscaping should be provided along the street frontage.~~

~~4. Development design may feature varied setbacks to accommodate small garden courts and landscaped areas along the street frontage as a means of enhancing the street scene and encourage foot traffic.~~

~~5. Exterior treatment of new and remodeled buildings should favor natural materials and earth colors which have a softening influence as opposed to hard concrete and slick surfaces.~~

**18.36.1~~890~~ Sidewalk café standards.**

Sidewalk cafes with outdoor dining and seating areas are permitted with an administrative use permit approval as detailed in Chapter 18.54, subject to the follow standards:

A. Outdoor dining and seating areas must be located directly in front of the tenant space of the business requesting outdoor dining and seating.

B. A six (6) foot-wide free and clear pedestrian walkway must be provided at all times along the public sidewalk. This walkway must provide for pedestrian access to doorways and crosswalks. Associated amenities for the outdoor dining and seating area, such as landscape planters, shall not encroach into the six (6) foot-wide pedestrian walkway.

C. No tables or seating shall be placed within the area of any handicap ramps, driveways, or doorways.

- D. The canopies of umbrellas associated with outdoor tables must provide a minimum vertical clearance of seven (7) feet, unless the umbrella does not extend beyond the outside edge of the table, and shall not be located within nine (9) feet of the face of curb.
- E. Tables, chairs, umbrellas, and other associated amenities (i.e., landscape planters, etc.) to the outdoor dining/seating shall be attractive, made of durable materials, and of a coordinated design style.
- F. An encroachment permit from the Public Works Department must be obtained.
- G. By accepting an administrative use permit, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittees' installation, operation, maintenance or removal of sidewalk café.
- H. The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of, the area affected by the sidewalk café dining and seating, including any design requirements hereafter enacted, from the building frontage to the curb.
- I. The permittee shall restrict the sidewalk café seating and dining to the approved location and ensure compliance with all applicable laws, including laws against blocking the public right-of-way, health and safety laws, public cleanliness laws, and laws regulating sale and public consumption of alcohol.
- J. When any sidewalk café is found to be in conflict with existing or proposed facilities or improvements owned, maintained or operated by the City, or any existing or proposed City design plans, such placement shall, upon written demand of the City Manager or his or her designee, be removed or relocated in such a way as to eliminate the conflict; and said removal or relocation shall be at the sole expense of the permittee. Should the permittee fail to comply with said written demand within a reasonable period of time not to exceed thirty (30) calendar days, the City may cause such relocation of the placement at the expense of the permittee. Any such noncompliance shall also be a violation of this section.
- K. A permit for a sidewalk café, or a copy thereof, shall be posted in plain view within the food service establishment for which the permit has been issued.
- L. Any authorized sidewalk café shall be subject to additional taxes, permits or fees as required by law.

M. The permittee shall carry liability insurance in the amount of at least one million dollars (\$1,000,000).

N. When the Zoning Officer finds that the proposed additional seating would lead to new parking demand that exceeds available supply because of the amount of sidewalk café seating, he/she may require off-street parking for the outdoor area devoted for the sidewalk café at the rate required for interior floor area for food service establishments in the district.

### **18.36.1905 Standards for live music at full service/sit down restaurants.**

The following standards shall apply in the following Zoning Districts: CPA, CC, CN, CVR, ~~VMUGS~~, CSMU, CUL, MMU, SEMU-R, SEE, and other districts as specified in the district regulations.

A. Non-amplified live music at full service/sit down restaurants is permitted outdoors until 8:00 p.m. and indoors until 12:00 a.m. subject to compliance with the Union City Community Noise Ordinance in Chapter 9.40.

B. Amplified live music at full service/sit down restaurants is permitted with an administrative use permit approval as detailed in Chapter 18.54 and shall fully comply with the following standards:

1. Amplified live music shall not be permitted outdoors.
2. Amplified live music shall end by 12:00 a.m.
3. Third-party promoters, cover charges, and drink minimums shall be prohibited.
4. Dance floors and stages shall be prohibited.
5. A full food menu shall be offered and food sales shall be fifty percent (50%) or more of the total gross sales.
6. The maximum occupant load shall be clearly posted.
7. Windows shall remain clear and unobstructed.
8. A security plan addressing, at a minimum, security staffing, emergency exiting, staff training, and exterior site lighting shall be submitted for review and approval by the Police Department as part of the discretionary review.
9. Live music shall conform to the Union City Community Noise Ordinance in Chapter 9.40.

10. The business owner and/or operator shall take reasonable actions necessary to inhibit loitering, shouting, fighting, and other activities that would disturb the peace.

11. By accepting a discretionary permit, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's hosting of live music.

#### **18.36.200 Special design and siting criteria for uses on Mission Boulevard.**

To enhance the image and establish the area along Mission Boulevard, between Decoto Road and the Hayward city limits, as a gateway to Union City by intensifying the land use and providing opportunities for new mixed-use (commercial and residential) developments. The design of new buildings and the rehabilitation of existing or relocated buildings not within Corridor Mixed Use Commercial (CMU) district shall be guided by the following design and siting criteria:

A. All new construction and all rehabilitation or remodeling of buildings should stress the California Mission style architecture and should provide landscaping to minimize the impression that this roadway is a dividing line in the City.

B. Private improvements should complement and exploit the public investment in area improvements to the fullest extent such as, but not limited to sidewalk improvements, the undergrounding of overhead utilities, and improved street lighting.

C. Weather protection in the form of shade trees, awnings and overhangs should be provided. Long distances with no weather protection should be avoided.

D. Development designs should feature building frontages unbroken by wide openings created by parking areas, and emphasis should be given to building and sidewalk amenities that will attract foot traffic.

E. Scale should be maintained in parking lots. Wherever feasible these should be located to the rear of buildings, and should be broken up by planted areas and shade trees to give a sense of human scale and provide amenities.

F. Where parking lots are located to the rear of buildings, attractive rear entrances should be provided.

G. On Mission Boulevard, the front yard setback shall be five (5) feet from the property line and a minimum of fifteen (15) feet from the face of curb to ensure a comfortable pedestrian environment.

- H. Extensive landscaping should be provided along the street frontage.
- I. Development design may feature varied setbacks to accommodate small garden courts and landscaped areas along the street frontage as a means of enhancing the street scene and encouraging foot traffic.
- J. Exterior treatments of new and remodeled buildings should favor natural materials and earth tone colors to match the California Mission style architecture.
- K. Special efforts should be made to encourage a safe, well lighted pedestrian environment along Mission Boulevard.
- L. Mixed-use developments shall be regulated by the standard lot size, setback, maximum height, off-street parking requirements, and maximum lot coverage requirements of the CC, Community Commercial district.
- M. For residential uses located above ground floor commercial uses, the density limitations, off-street parking and bicycle parking requirements shall be based on the regulations for the RM 1500 district.
- N. Development design should offer commercial/retail uses on the first floor with residential units only to be located above the first floor when directly adjacent to Mission Boulevard.
- O. On-street parking shall be permitted on Mission Boulevard.
- P. The streetscape along Mission Boulevard should be enhanced by public art and landscape improvements that enhance the areas visual appeal and establish Mission Boulevard as a gateway to the City.
- Q. Sign sizes and placement should be coordinated to avoid the clutter created by signs of unrelated size and shape.

#### **18.36.210 Special criteria for superstores.**

Establishment of superstores shall be subject to the criteria outlined in the document entitled, "Policy Statement for Use Permit Review of Superstores."