

ATTACHMENT 2

ORDINANCE NO. XXX-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING ZONING MAP AMENDMENT (A-22-003) TO UPDATE THE ZONING MAP FOR CONSISTENCY WITH THE DRAFT 2023-2031 HOUSING ELEMENT

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens; and

WHEREAS, the City's Zoning Ordinance (Title 18) currently regulates the uses allowed within the City.

PLANNING COMMISSION REVIEW

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments on October 20, 2022, at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report dated October 20, 2020 and all written and oral testimony, and adopted Resolution No. 21-22 recommending approval of the Zoning Map amendments. The staff report and resolution are incorporated herein by reference; and

CITY COUNCIL REVIEW

WHEREAS, the City Council held a duly noticed public hearing on the proposed amendments on November 8, 2022, at which time all interested parties had the opportunity to be heard. The City Council considered a staff report dated November 8, 2022 (including background reports) and incorporated herein by reference, the Planning Commission recommendation, and all written and oral testimony before taking action on the amendments; and

WHEREAS, the amendment to the Official Zoning Map includes the following components, as shown in Exhibit A, which is attached hereto and incorporated herein by reference:

- Rezoning APNs 475-141-13-2, 475-141-2, 87-36-148, and 87-36-149 from Neighborhood Commercial (CN) to Corridor Mixed Use (CMU)
- Rezoning APNs 486-18-59, 486-18-60, 486-18-61, 486-18-62, 486-18-63, 486-18-64, 486-18-65-2, 486-18-69, and 486-18-71 from Neighborhood Commercial (CN) to RM 1500
- Rezoning APN 486-18-70 from R 5000 to RM 1500
- Rezoning APN 486-6-30 from Community Commercial (CC) to Corridor Mixed Use (CMU)
- Rezoning APN 483-10-12-1 from RS 6000 to RM 2500
- Rezoning APNs 483-10-22-3, 483-10-21-1, 483-10-20, and 483-10-19-1 and all other parcels currently zoned Specialty Commercial (CS) to Village Mixed-Use (VMU)
- Rezoning APN 482-27-16-1 from Light Industrial (ML) to RM 1500

- Rezoning APNs 483-5-11-2, 483-5-12, 483-5-9-2, 483-5-10, 483-5-7-7, and 483-5-8-1 from Special Industrial (MS) to Village Mixed-Use (VMU)

THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. CEQA. The City Council adopted Resolution 6034-22, dated November 8, 2022 and incorporated herein by reference, adopting an Addendum to the 2040 General Plan Environmental Impact Report for the Draft 2023-2031 Housing Element Amendments.

SECTION 3. Findings. The City Council makes the following findings in support of approving this Ordinance, based on the whole of the record before it.

1. The proposed Zoning Map Amendments are consistent with the General Plan,
2. The proposed Zoning Map Amendments are necessary and desirable to achieve the purposes of Title 18.

SECTION 4. Approval. The City Council hereby approves the amendments to the Official Zoning Map, as described above and as shown in attached Exhibit A, which is incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

SECTION 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 6. Publication and effective date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City
at a regular meeting held on the 22nd day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

CAROL DUTRA-VERNACI
Mayor

ATTESTED:

APPROVED AS TO FORM:

ANNA M. BROWN
City Clerk

KRISTOPHER J. KOKOTAYLO
City Attorney