



Agenda Item

DATE: JUNE 15, 2023

TO: PLANNING COMMISSION

FROM: CARMELA CAMPBELL, ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: STUDY SESSION: REVIEW OF DRAFT ZONING TEXT AMENDMENTS (AT-23-004) RELATED TO OBJECTIVE DEVELOPMENT STANDARDS

REQUEST: Staff recommends that the Planning Commission review the draft amendments and provide any feedback on the Draft Objective Standards.

LOCATION: Citywide within multi-family and mixed-use residential zoning districts.

I. SUMMARY AND BACKGROUND

The Objective Development Standards Project (“Project”) will establish objective design and development standards for each zoning district that allows multi-family and/or mixed-use residential development as a permitted or conditional use. The new standards are objective, meaning they would not be subject to interpretation, consistent with State law requirements. Objective standards will provide property owners and developers with greater predictability and direction, and will help streamline the development review process. Attachment 1 is a summary of the Project approach, organization, and contents. Attachment 2 is a summary of the community outreach process which informed the Project. Attachment 3 includes the draft zoning text amendments containing the new objective development standards code section, and a red-lined version of the proposed zoning text amendments to bicycle parking standards related to the Project.

By incorporating consistent and objective development standards into the City's Municipal Code, development projects in multi-family and mixed-use zoning districts will be required to comply with these criteria, even if a discretionary review process is not required per state law. The Project will continue Union City's practice of maintaining a standard of high-quality design for new projects, while easing and streamlining the process for applicants, and complying with state requirements.

A. Background

Project Context

Through recent state legislation such as Senate Bill (SB) 330, SB 35, and SB 9 (which only applies to single-family residential properties), the State has dramatically limited a jurisdiction's ability to apply subjective design criteria to housing developments. As a result, the City can now only rely on objective design and development standards, which do not involve discretion or subjective judgment, for certain types of housing development projects. Staff anticipates that this trend of legislation requiring that jurisdictions only apply objective standards to housing development will continue in future years.

Project Background

Creation of the objective development standards began in early 2022 with analysis and assessment of existing housing development, design standards, and policy objectives in Union City. This included conversations with architects and developers of recent projects, to understand their experience using the City's Zoning Ordinance and perspectives on design standards.

In the summer and fall of 2022, City staff and the Project consultants (the Project team) conducted outreach efforts with community members to explore design and development standard options for consideration, including a Farmer's Market booth, and at tables at City-sponsored Halloween events including the Running Dead 5K Fun Run, Community Carnival. The Project team also hosted an online survey. See Attachment 2, Community Outreach Summary, which details the community outreach process.

During the outreach process, the Project was introduced to the Planning Commission on August 18, 2022 (and can be accessed via the following URL: <https://unioncity.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=3527&Meet>

[ingID=1609](#)) and to the City Council on September 13, 2022 (and can accessed via the following URL:

<https://unioncity.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=3541&MeetingID=1546>). An overview of objective development standards, an analysis of existing conditions where the objective standards would be applied, and a summary of upcoming actions was provided at both meetings. Subsequent to those meetings, the Project team developed Draft Objective Development Standards zoning text amendment (Attachment 3) based on several factors, including the development goals and physical characteristics of the individual zoning districts where the standards would apply, as well as the results of the community outreach efforts.

II. DISCUSSION AND OVERVIEW

A. Objective Development Standards

Existing Process

Currently, most housing development projects in Union City are subject to a discretionary review process with the Planning Division. Depending on the project scope and zoning district, projects must be approved at the Zoning Administrator, Planning Commission, or City Council level; prior to initiating the ministerial Building Permit process. Through this existing process multi-family and mixed-use projects begin with a preliminary review process, followed by a formal application process which concludes with a public hearing where the Planning Commission or City Council approves the project. Projects are evaluated based on conformance to applicable goals and policies in the General Plan, a specific plan (if applicable), and the applicable performance standards and design criteria in Title 18, Zoning, of the Union City Municipal Code. Some of these existing guidelines and requirements are considered subjective because they allow a discretionary interpretation by the reviewing body.

Objective Development Standards Purpose

The purpose of the Project is to create objective development standards for multi-family housing and nonresidential development located in mixed-use residential zoning districts in order to achieve high-quality building design. The Project objectives are multifaceted and include:

- Implementing City housing goals;

- Enabling quality designed development projects;
- Adding predictability and direction for developers and the community; and
- Providing consistency with state law.

Approach and Applicability

The objective development standards will apply to development occurring in multi-family residential and mixed-use zoning districts. Based on decision-maker and community feedback, the Project team determined an approach to developing standards with the following objectives:

- Build on existing zoning regulations, standards, and guidelines;
- Reflect community input and design preferences;
- Incorporate best practices and consider options that reflect market conditions;
- Provide flexibility as priorities, design approaches, and multifamily living evolve; and
- Align with City policy goals for walkable, connected neighborhoods.

Summary of Draft Standards

Contents

The objective development standards (Attachment 3) establish the parameters for building envelopes, including height, massing, and density. In addition, the standards address site design and building design, and the relationship between the project, adjacent buildings, and the public realm. The intent of the standards is to result in amenity rich development with engaging ground levels, articulated facades, ample landscaping, and inviting gathering areas. As envisioned, new development designed using the standards would benefit residents and visitors to the city, as well as surrounding development (both existing development and future development).

Implementation

The objective standards are proposed as a new section of the Zoning Ordinance, within Chapter 18.24: Bulk Regulations. As proposed, they will apply to all zoning districts that allow multi-family and residential mixed-use development. These standards will replace existing design criteria in each chapter of the Zoning Ordinance included in the specific zoning district chapters. The standards will also apply to standalone nonresidential

development in these mixed-use districts; but will not apply within the mixed-use employment districts (SEE, and soon to be created CMUE).

Within these generally applicable regulations, there are standards that apply to specific building types to differentiate features of townhomes, stacked flats, and mixed-use buildings with ground-floor retail, and standalone nonresidential development. Similarly, there are standards that apply to different locations, such as Mission Boulevard and the Historic Alvarado District, to achieve specific design objectives and evoke the existing character of these unique neighborhoods.

Design and Development Criteria

The objective standards focus on different areas of site and building design which in totality influence the look and feel of development. This includes *development standards* which influence the form and layout of the building, *building design* which focuses on the detail of structures, and *site design* which addresses the siting of the building and site improvements (see Figure 1 below).

Figure 1: Objective Standards Design Criteria



The draft Zoning Ordinance text (Attachment 3) for the Project is organized into categories based on the design focus area. There are two overarching categories, *building design* and *site design*, and sub-categories:

1. Building Design
 - Orientation and entrances
 - Building articulation
 - Roof lines
 - Façade details
 - Windows and openings
 - Space requirements
2. Site Design
 - Frontage and site improvements
 - Public open space
 - Parking and loading
 - Pedestrian access

Flexibility in Design Approaches

One critique of objective standards generally is that they can have the potential to be too prescriptive and result in homogeneous design outcomes. In order to provide additional flexibility, similar to more iterative design approaches, options for acceptable methods of meeting the standards are provided where appropriate. This approach also reflects the variety of design styles, locations, and lot configurations in the city.

The regulations also allow for waivers and modifications from specific standards through a discretionary review process if required findings by the decision maker can be made. The intent is to allow applicants who demonstrate they cannot meet specific standards, or that standards are infeasible due to specific situations regarding their site or project, to propose alternate ways to achieve design objectives. This alternative would not be available to applicants applying through a ministerial process allowable per state law (e.g. SB 35) without going through a discretionary review process.

B. Additional Considerations

In addition to the draft objective standards (Attachment 3), the Project team is working on some parallel efforts related to the process. These efforts, connected to the Project, are detailed below.

Definitions and Figures

Although descriptive and intended to be clear to the reader, some of the language included in the draft Zoning Ordinance text (Attachment 3) is technical, dense, or could be interpreted different ways by applicants unfamiliar with zoning ordinance vocabulary. The final Zoning Ordinance amendments associated with the Project will include definitions for terms included in the standards and figures to depict specific standards. Both the definitions and figures will be included with the revised Objective Development Standards text amendment when the Planning Commission considers the Project.

Development Code Revisions

Because the objective development standards will apply to zoning districts that already have design requirements in place, revisions to individual chapters are required for consistency. These text amendments are in process and will be presented when the Planning Commission considers the Project.

Standard Conditions of Approval

The City utilizes a list of Standard Conditions which are applied to each discretionary development project that is approved. These conditions range from requirements for paint samples, to infrastructure requirements, and operational requirements for specific uses. Some are required prior to applicants submitting for building permits, while others apply during construction, prior to occupancy, or during project operations. Because state law mandates that certain types of projects can only go through a ministerial review process, staff is evaluating the best way to apply the City's Standard Conditions to these projects. More information will be provided to the Planning Commission when the Project is brought back for consideration.

Applicant Handout/ Review Checklist

The Project team is developing a handout/checklist to provide helpful information to applicants submitting applications for projects in multi-family and mixed-use zoning districts. The intent of the handout/checklist is to streamline the submittal and review process for new projects, with the intent of reducing the overall time necessary for review. This component will be completed after the final Objective Development Standards are adopted by the City Council.

C. Next Steps

The Project team will further refine and revise the draft standards based on feedback from the Planning Commission and public comments on the draft standards. It is anticipated that the Project will be brought to the Planning Commission for consideration and recommendation to the City Council on July 20, 2023.

III. CONSISTENCY WITH THE GENERAL PLAN

The Project is consistent with various goals and policies in the General Plan, including the Housing and Community Design Elements. The project supports Housing Production Goal HE-1: *Provide opportunities for and facilitate the development of a broad range of housing types to meet the needs of all Union City residents*, of the recently adopted 2023-2031 Housing Element. Specific policies in support of this goal include Policy HE-1.7: *Remove Regulatory Constraints by ensuring that City policies, regulations, and procedures do not add unnecessarily to the costs of producing housing while assuring the attainment of other City objectives*, and Policy HE-1.8, *Expeditious Approval Processing: The City shall continually strive to provide expeditious approval of residential developments that meet adopted development and design standards*. The project would be consistent with these policies through the creation of objective standards as well as the production of handouts and related materials to assist applicants with the submittal process to reduce the time of the application review process. Additionally, the project is consistent with the following Implementation Program in support of this goal: Program HE-1.F: *Objective Design Standards: Amend the Zoning Ordinance to ensure the City's multi-family residential, single-family residential, and mixed-use design standards are clear and objective*.

Applicable Community Design policies include CD 1.5: *Clear Development Regulations* to promote design excellence by ensuring City development regulations clearly express intended outcomes and reinforce quality design, and CD 1.8: *Buildings that Engage the Street*, to ensure residential mixed-use buildings be oriented to, and actively engage and complement, the public realm through such features as building orientation, build-to and setback lines, façade articulation, ground floor transparency, and location of parking.

The Project is also consistent with multiple goals and policies in the Special Areas Element, including applicable policies in support of the Historic Alvarado District Goal SA-11: *To preserve and enhance the "Old California Town" character of the Historic Alvarado*

District and continue to redevelop the Historic Alvarado District as a vibrant destination-oriented commercial center, and Mission Boulevard Corridor Goal SA-9: To upgrade the appearance, intensify the land uses, and enhance the economic vitality of the Mission Boulevard Corridor between the Hayward boundary and Decoto Road.

Further, the project is consistent with the applicable goals and policies in the recently adopted Station District Specific Plan regarding urban design, including block pattern and streetscape design, parks and public spaces, and site and building design.

IV. NOTICING & COMMUNICATION

In fall 2022, the Project team conducted extensive outreach efforts with community members and stakeholders to explore design and development standard options for consideration. This included reaching over 100 community members at in-person events at the Farmer's Market, Running Dead Fun Run, and the Halloween Carnival. An online survey was also conducted and over 600 responses were received. Attachment 2 summarizes the community outreach events and responses. The draft standards (Attachment 3) incorporate feedback from stakeholders.

The Project website, www.unioncity.org/606/Objective-Design-Standards, provides information about the Project, documents, upcoming meetings, and ways to stay involved. Community members are encouraged to sign up on the website so they can be alerted when specific opportunities to provide input arise.

The Planning Commission meeting information was posted on the City's website.

V. RECOMMENDATION

Staff recommends that the Planning Commission review the draft amendments and provide any feedback on the Draft Objective Standards.

Prepared by

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Attachments

1. Attachment 1: Study Session Project Summary
2. Attachment 2: Community Outreach Summary
3. Attachment 3: Draft Zoning Text Amendments