



Agenda Item

DATE: JULY 20, 2023

TO: PLANNING COMMISSION

FROM: CARMELA CAMPBELL, ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TEXT AMENDMENTS (AT 23-004) TO TITLE 18, ZONING, OF THE UNION CITY MUNICIPAL CODE TO UPDATE CHAPTER 18.04 GENERAL PROVISIONS; CHAPTER 18.08 DEFINITIONS; CHAPTER 18.24 BULK REGULATIONS; CHAPTER 18.26 MARKETPLACE MIXED USE (MMU) DISTRICT; CHAPTER 18.27 VILLAGE MIXED USE (VMU) DISTRICT; CHAPTER 18.28 OFF-STREET PARKING AND LOADING; CHAPTER 18.32 RESIDENTIAL DISTRICTS; CHAPTER 18.35 CORRIDOR MIXED USE COMMERCIAL (CMU) DISTRICT; CHAPTER 18.36 COMMERCIAL DISTRICTS; CHAPTER 18.37 STATION EAST MIXED USE RESIDENTIAL (SEMUR) DISTRICT; CHAPTER 18.38 STATION MIXED USE COMMERCIAL (CSMU) DISTRICT; AND CHAPTER 18.100 511 AREA DISTRICT.

APPLICANT: THE CITY OF UNION CITY

REQUEST: The City of Union City is proposing to amend Title 18, Zoning, of the Union City Municipal Code, Chapter 18.04 General Provisions; Chapter 18.08 Definitions; Chapter 18.24 Bulk Regulations; Chapter 18.26 Marketplace Mixed Use (MMU) District; Chapter 18.27 Village Mixed Use (VMU) District; Chapter 18.28 Off-Street Parking and Loading; Chapter 18.32 Residential Districts; Chapter 18.35 Corridor Mixed Use Commercial (CMU) District; Chapter 18.36 Commercial Districts; Chapter 18.37 Station East Mixed Use Residential (SEMUR) District; Chapter 18.38 Station Mixed Use Commercial (CSMU) District;

District; and Chapter 18.100 511 Area District. These amendments will establish objective design and development standards for zoning districts that allow multi-family and/or mixed-use residential development, add definitions related to the objective standards, and update other zoning district chapters for consistency.

LOCATION: Citywide

ENVIRONMENTAL ASSESSMENT:

The amendments are exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the general exemption for projects with no potential for a significant effect on the environment. As a series of text amendments, it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

SUMMARY:

The City of Union City is proposing to amend Title 18 of the Union City Municipal Code, Chapter 18.04 General Provisions; Chapter 18.08 Definitions; Chapter 18.24 Bulk Regulations; Chapter 18.26 Marketplace Mixed Use (MMU) District; Chapter 18.27 Village Mixed Use (VMU) District; Chapter 18.28 Off-Street Parking and Loading; Chapter 18.32 Residential Districts; Chapter 18.35 Corridor Mixed Use Commercial (CMU) District; Chapter 18.36 Commercial Districts; Chapter 18.37 Station East Mixed Use Residential (SEMU-R) District; Chapter 18.38 Station Mixed Use Commercial (CSMU) District; and Chapter 18.100 511 Area District.

These amendments will establish objective design and development standards for zoning districts that allow multi-family and/or mixed-use residential development as a permitted or conditional use. The purpose of the amendments is to ensure high-quality design, provide property owners and developers with greater clarity and predictability, streamline the development review process, and comply with recent state housing laws. The objective development standards will be incorporated in Chapter 18.24 Bulk Regulations, of Title 18, Zoning, of the Union City Municipal Code (UCMC) and amendments to other chapters of Title 18 are required for consistency. See Exhibit A (Clean) and B (Redlines) for the proposed amendments.

I. BACKGROUND

A. Context

Currently, most housing development projects in the 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. 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. Some of these existing guidelines and requirements are considered subjective because they allow a discretionary interpretation by the decision maker.

Through recent state legislation such as Senate Bill (SB) 330, and SB 35, 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.

B. Objective Development Standards Project

In 2019, the State Housing and Community Development Department (HCD) released a Notice of Funding Availability for approximately \$123 million in revenue earmarked for local government planning grants. Union City received funding under the Senate Bill 2 (SB 2) Planning Grants Programs for financial and technical assistance to update planning documents to accelerate housing production and streamline the approval of housing development. The City is utilizing these funds from this grant to develop objective development standards, in order to implement Strategic Plan Goal C.5, which states *"Promote housing development for all income levels in the community by updating the zoning ordinance to include objective standards for new multi-family residential development in order to streamline the review of applications for housing developments, and update the Housing Element, to facilitate the development of affordable housing."*

By incorporating consistent and objective development standards into the City's Zoning Ordinance, 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 proposed amendments 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.

II. DISCUSSION

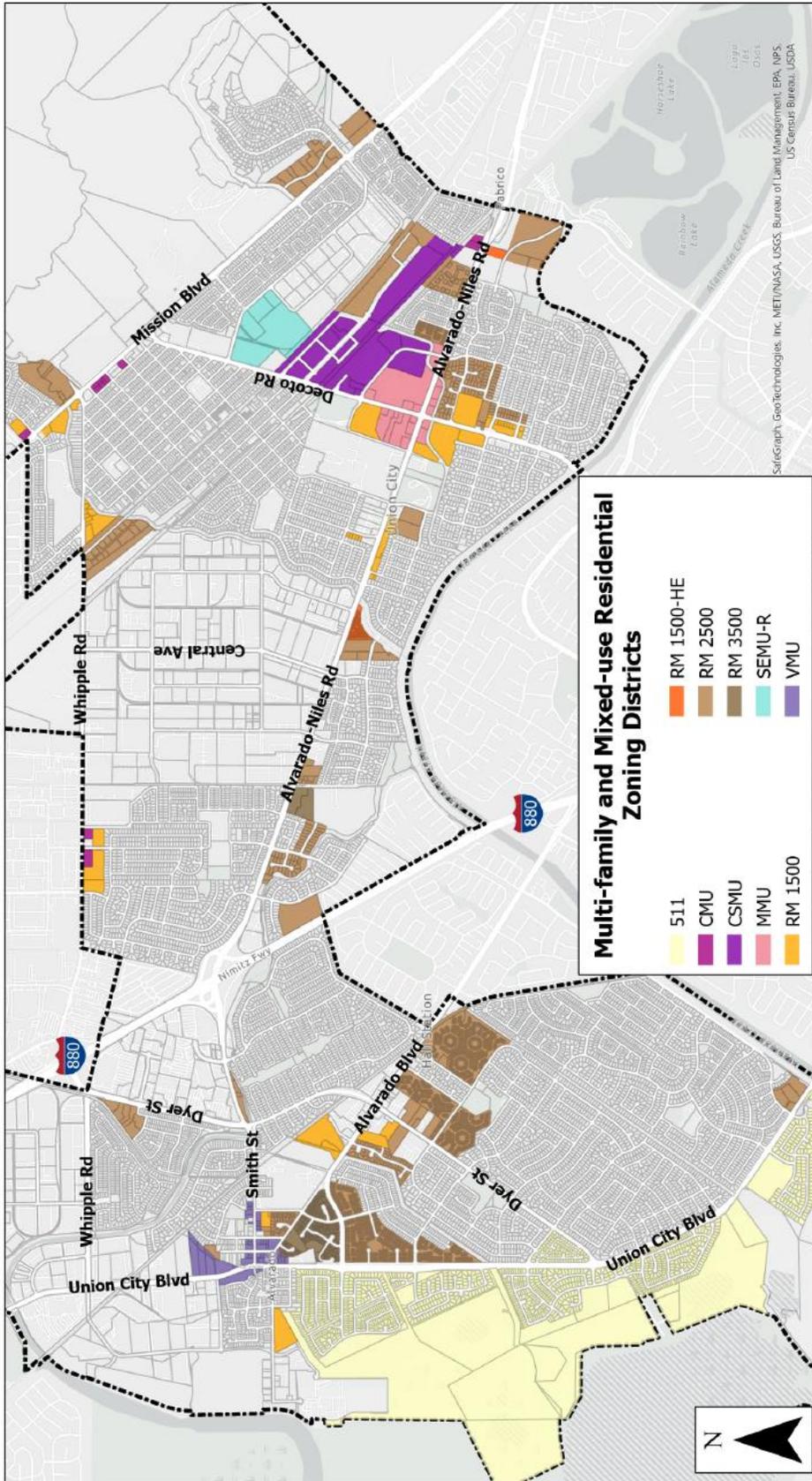
The objective standards are proposed as a new section of the Zoning Ordinance, within Chapter 18.24: Bulk Regulations. The standards will apply to all zoning districts that allow multi-family and residential mixed-use development. These standards will replace existing design criteria in each chapter of the Zoning Ordinance included in the specific zoning district chapters. The zoning districts the standards would apply to (which also contain consistency amendments) include Marketplace Mixed Use (MMU), Village Mixed Use (VMU), Corridor Mixed Use Commercial (CMU), Station East Mixed Use Residential (SEMUR), Station Mixed Use Commercial (CSMU), the residential multi-family districts (RM), and multi-family development in the 511 Area District. The standards will also apply to standalone nonresidential development in these mixed-use districts. See Figure 1, below, which depicts the zoning districts where the standards will apply.

A high-level summary of the amendments is included below. For a more detailed review, see Exhibit A (Clean) and Exhibit B (Redlines).

A. Chapter 18.24 Bulk Regulations

The vast majority of new standards established through the Objective Development Standards project are incorporated into a new section (Section 18.24.050: Building and site design standards) of Chapter 18.24. All standards in this section are objective, meaning they would not be subject to subjective interpretation by an applicant, staff, or decision maker. To assist with understanding and interpreting the standards, figures are incorporated into the Zoning Ordinance language (see Exhibits A and B). These figures will have labels with code section and subsection references prior to City Council consideration.

The standards focus on different areas of site development and building design. This includes standards for entrances, roofs, building articulation, façade design, windows, tenant spaces, amenities, vehicular and bicycle parking design and placement, open space, and pedestrian circulation.



(Figure 1: Multi-family and Mixed-use Residential Zoning Districts)

Standards are included for specific building types to differentiate features of townhomes, stacked flats, and mixed-use buildings with ground-floor retail, and standalone nonresidential development. There are also specific standards that apply to different locations, such as along Mission Boulevard, the Historic Alvarado District, and within the Station District to achieve specific design objectives and promote the vision, or unique existing character, of these neighborhoods and streetscapes. The amendments will implement program HE-1.F, (Objective Design Standards) of the recently adopted 2023-2031 Housing Element. For more detail regarding the amendments to Chapter 18.24 establishing objective development standards see Attachment 1.

B. Chapter 18.08 Definitions

Amendments to Chapter 18.08 include adding definitions for terminology used in Chapter 18.24 to better clarify and codify certain design specific terms that may be unfamiliar or unclear. For example, definitions of “cornice” and “loggia” are included. Figures are also included in this chapter, as part of the amendments, to depict certain terms more clearly that are difficult to otherwise convey in text definitions. For example, figures are included to show different architectural features since those terms are better understood through graphic representation.

C. Chapter 18.28 Off-Street Parking and Loading

Amendments to Chapter 18.28 are limited to bicycle parking standards located in Section 18.28.080, *Design criteria for bicycle parking facilities*. Previously, the chapter included two bicycle parking sections 18.28.080 (for industrial and commercial zoning districts) and 18.28.090 (for multi-family residential zoning districts). Additionally, individual district chapters included unique bicycle parking standards in some cases. As part of the Objective Development Standards project, new bicycle parking standards were created for all project types. In contrast to some of the other proposed amendments, these bicycle parking standards will apply to projects citywide, not just those located in multi-family or mixed-use zoning districts.

D. Zoning District Chapters

Amendments to individual zoning district chapters are proposed for consistency with the new objective development standards in Chapter 18.24. This includes amendments to all chapters which allow multi-family or mixed-use residential development. The district chapters include:

- Chapter 18.26 Marketplace Mixed Use (MMU) District

- Chapter 18.27 Village Mixed Use (VMU) District
- Chapter 18.32 Residential Districts
- Chapter 18.35 Corridor Mixed Use Commercial (CMU) District
- Chapter 18.37 Station East Mixed Use Residential (SEMUR) District
- Chapter 18.38 Station Mixed Use Commercial (CSMU) District
- Chapter 18.100 511 Area District

Each district has existing design and development criteria, some of which are objective, and others which are subjective. These criteria are typically, but not exclusively, located in individual chapter sections titled “Design criteria.” As part of the Objective Development Standards project, these existing criteria were evaluated to determine the design intent of each requirement. Where appropriate, these requirements were used to create the new objective standards in Chapter 18.24. As a result, the old design criteria are being removed as part of the amendments (as shown in Exhibit B). However, the intent of the old criteria, to promote and enhance the unique character of specific areas within the city through high-quality design, is implemented through the new objective standards in Chapter 18.24.

Further amendments are included specific to the RM zoning districts in Chapter 18.32 to address a program in the 2023-2031 Housing Element. This program (HE-1.I) requires the City to review development standards that may be constraints to future development in the RM zoning districts (RM 1500, RM 2500, and RM 3500). Potential constraints identified through the development of the program included standards for height, lot coverage, setbacks, open space, and parking for studio units. Amendments are included to these standards to allow increased development intensity, reducing potential barriers to multi-family housing development in these districts. In addition, other amendments to individual district chapters include changes to off-street loading requirements, removal of open space requirements, and other minor amendments, for consistency with the new development standards in Chapter 18.24.

E. Miscellaneous Amendments

Additional amendments to Chapter 18.04 General Provisions and Chapter 18.36 Commercial Districts are required for consistency with the objective development standards amendments. For example, some parcels located along Mission Boulevard are zoned Community Commercial (CC) and designated as mixed-use in the General Plan. Amendments are included to ensure that parcels developed along the Mission Boulevard incorporate the objective standards included in Chapter 18.24 specific to that corridor.

F. Public Outreach

Planning Commission and City Council Introduction

In the summer and fall of 2022, public outreach was conducted for the Objective Development Standards project to inform the public of the project and solicit their feedback. During this process, the project was introduced to the Planning Commission on August 18, 2022 and to the City Council on September 13, 2022. 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.

Community Outreach

In fall 2022, extensive outreach efforts were conducted 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. For more detailed information on the City's community outreach efforts, please refer to the Community Outreach Summary included as an attachment to the Planning Commission Study Session staff report (Attachment 1).

Planning Commission Study Session

A Planning Commission study session to review the draft objective development standards was held on June 15, 2023. The Planning Commission staff report is included as Attachment 1. The Commission provided feedback to staff which included questions and comments regarding the draft amendments. The feedback related to questions about the purpose of specific standards, refining the language of specific standards, requesting staff to review specific requirements in greater detail, and minor edits for clarity. For a detailed overview of the Planning Commission discussion see the Planning Commission Meeting Minutes (Attachment 2). Necessary edits have been incorporated into the proposed amendments to address the comments. One item raised at the meeting that staff analyzed in more detail was the issue of storage on balconies. Ultimately, staff determined that the issue was best addressed through recorded maintenance standards and conditions of approval—rather than requiring all balconies to be solid. Additional revisions were also completed since draft standards were reviewed at the Planning

Commission Study Session to add standards or clarify the intent of specific standards, based on further analysis by staff.

Noticing

A newspaper notice for the Zoning Text Amendment was published in the Tri-City Voice on July 6, 2023, as required by State Law. To date, staff has not received any public comments.

III. REQUIRED FINDINGS

Section 18.64.060 requires that, when considering zoning text amendments, the Planning Commission shall provide a recommendation to the City Council on the following:

1. Recommending that the application be granted or denied or that the proposal be adopted or rejected, including the reasons for the recommendation;
2. The relationship of the application or proposal to the general plan and any applicable specific plans; and
3. Whether the change is necessary or desirable to achieve the purposes of Title 18.

IV. ALTERNATIVES

1. Recommend approval of the proposed Zoning Text Amendment (AT-23-004) to the City Council as proposed;
2. Recommend approval of the proposed Zoning Text Amendment (AT-23-004) to the City Council with stated modifications;
3. Recommend denial of the proposed Zoning Text Amendment (AT-23-004) to the City Council, stating reasons for denial;
4. Continue the matter for further consideration.

V. RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of Zoning Text Amendment (AT-23-004) to the City Council based on the following specific findings:

1. That the Zoning Text Amendments are exempt from environmental review in accordance with CEQA Guidelines Section 15061(b)(3), the general exemption for projects with no potential for a significant effect on the environment. As a series of

text amendments, it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

2. That the proposed Zoning Text Amendments are consistent with the following General Plan and Station District Specific Plan goals, policies, and programs:

General Plan

- **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.* The proposed amendments create objective development standards for a range of housing types to streamline project submittals and review by establishing increased clarity and predictability in the development review process.
- **Policy HE-1.7, Remove Regulatory Constraints:** *The City shall continue to ensure that City policies, regulations, and procedures do not add unnecessarily to the costs of producing housing while assuring the attainment of other City objectives.* The proposed amendments will replace subjective development guidelines with objective development standards, reducing costs and time associated with major design modifications after applications are submitted, while maintaining a standard of high-quality design.
- **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 proposed amendments will streamline the development submittal, review and approval processes by making design criteria objective, thereby resulting in more complete initial application submittals that will result in reduced staff time for review.
- **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.* The proposed amendments will implement Program HE-1.F of the 2023-2031 Housing Element by streamlining the development review process and ensuring design and development standards are objective, known at the outset of the process, and can be incorporated into development proposals in advance.
- **Program HE-1.I, Modify Development Standards to Remove Constraints:** *The City shall review and amend the Zoning Code to ensure the height, lot coverage, setback, open space, parking for studio units, and other development standards in the RM zones facilitate and do not constrain the development of multifamily housing.* The

- proposed amendments will implement Program HE-1.I of the 2023-2031 Housing Element by modifying the lot coverage, setback, height, open space, and parking development standard requirements in the RM zoning districts to allow increased development intensity, thereby reducing the potential that standards constrain development or redevelopment of multi-family housing in those districts.
- **Policy CD 1.5, *Clear Development Regulations*:** *The City shall promote design excellence by ensuring City development regulations clearly express intended outcomes and reinforce quality design.* The proposed amendments include objective standards to promote attractive building design through pedestrian oriented frontages, articulation in massing, breaks in rooflines, varied façades, and related development standards.
 - **Policy CD 1.8, *Buildings that Engage the Street*:** *The City shall require new commercial, industrial, and residential mixed-use buildings to 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 proposed amendments include objective standards to orient entrances and buildings towards the street and pedestrians, provide variation in architectural features on the building exterior massing and details, locate parking away from the primary building frontage, and promote ground floor activities that engage an active streetscape environment.
 - **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.* The proposed amendments include specific objective standards for development in the Historic Alvarado District to ensure that the design of buildings maintain and enhance the unique *Old California Town* character of the district through the use of architectural details to promote activated ground floors at a human scale.
 - **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.* The proposed amendments include objective standards specific to the Mission Boulevard Corridor to promote high quality Mediterranean-style architecture and ground floor amenities along Mission Boulevard in order to provide a walkable and attractive experience for pedestrians as the corridor redevelops at higher densities.

Station District Specific Plan

- **Goal G-UD-1, Unified Streetscape:** *Establish a unified streetscape image for the Station District.* The proposed amendments include development standards for mixed-use zoning districts to ensure high quality design for building frontages within the Station District.
 - **Goal G-UD-6, High Quality Design:** *All new development shall enhance the visual character of the area by incorporating high quality site and building design.* The proposed amendments incorporate design standards to provide building articulation, and variation in massing and wall planes, to ensure high quality design within the Station District.
 - **Goal G-UD-9, Active Ground Floor:** *Provide ground floor commercial and other active uses that enliven and activate the streets and enhance the public interface between the buildings and the sidewalk.* The proposed amendments include development and design standards specific to ground floor uses to activate the street frontage and ensure buildings are pedestrian oriented within the Station District.
3. That the proposed Zoning Text Amendments are necessary and desirable to achieve the purpose of Title 18, which include:
- To divide the City into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of buildings, structures and land.
 - To protect the character and maintain the stability of residential, business and industrial areas within the City, and to promote the orderly and beneficial development of such areas.
 - To encourage the provision of a variety of housing types and prices to meet the needs of all economic segments of the City, and to provide adequate light, air, privacy and convenience of access to property.
 - To regulate the intensity of use of zoning lots, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air.
 - To establish the building lines and the location of buildings designed for residential, business, industrial, or other uses within such lines.
 - To fix reasonable standards to which buildings and building additions shall conform, and to promote and encourage energy-conserving measures for

residential, commercial, and industrial structures consistent with improving and maintaining standards of good design and appearance.

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

Prepared by

Coleman Frick, Senior Planner

Attachments

- Exhibit A: Draft Zoning Text Amendment (Clean)
- Exhibit B: Draft Zoning Text Amendment (Redlines)
- Attachment 1: Planning Commission Study Session Staff Report, June 15, 2023
(<https://unioncity.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=3914&MeetingID=1677>)
- Attachment 2: Planning Commission Minutes for June 15, 2023