

ATTACHMENT 1

ORDINANCE NO. XXX-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY FOR ZONING TEXT AMENDMENT, AT-23-004, TO AMEND TITLE 18, ZONING, OF THE UNION CITY MUNICIPAL CODE TO UPDATE CHAPTER 18.04 GENERAL PROVISIONS; CHAPTER 18.08 DEFINITIONS; CHAPTER 18.24 GENERAL DEVELOPMENT 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 TO ESTABLISH OBJECTIVE DEVELOPMENT STANDARDS AND RELATED UPDATES FOR CONSISTENCY AND FIND THAT THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, in 2017, Governor Brown signed Senate Bill 2 (SB 2), titled the "Building Homes and Jobs Act," which specifically established a permanent, on-going source of funding dedicated to promoting and facilitating affordable housing development; and

WHEREAS, the State Housing and Community Development Department (HCD) released a Notice of Funding Availability (NOFA) for approximately \$123 million in revenue earmarked for local government planning grants. Under this grant program, local governments are provided an eligibility allowance based on population. The City of Union City falls within the "medium localities" category, which is eligible for up to \$310,000 in grant funding; and

WHEREAS, there are a variety of activities that are eligible for grant funding under SB 2, which seeks to promote or accelerate housing production. These include updates to General Plans, Specific Plans and Zoning Ordinances and activities that streamline the approval process; and

WHEREAS, on October 8, 2019, the City Council adopted Resolution 5533-19 authorizing application for, and receipt of, SB 2 Planning Grants Program funds; and

WHEREAS, on November 12, 2019 the City Council adopted Resolution 5540-19 authorizing the City Manager to enter into a consulting services agreement with Miller Planning Associates to prepare objective standards for multi-family and mixed-use developments utilizing SB 2 Planning Grants Program funds; and

WHEREAS, as part of the implementation of the City of Union City 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,” staff developed objective development and design standards for development in residential and mixed-use zoning districts; and

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; and

WHEREAS, the City Council desires to amend Title 18, Zoning, of the Union City Municipal Code, Chapter 18.04 General Provisions; Chapter 18.08 Definitions; Chapter 18.24 General Development Regulations (retitled from 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, add definitions related to the objective standards, and update other zoning district chapters for consistency; and

WHEREAS, staff conducted extensive public outreach for the Objective Development Standards project at various community events throughout Union City and through an online survey in Fall 2022, during which over 700 responses were received from community members which informed the project; and

PLANNING COMMISSION REVIEW

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments on July 20, 2023, at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report dated July 20, 2023 and all written and oral testimony, and adopted Resolution No. 13-23 recommending approval of the 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 September 12, 2023, at which time all interested parties had the opportunity to be heard. The City Council considered a staff report dated September 12, 2023 (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 Title 18 of the Municipal Code is shown in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a red-lined version of the amendment is shown in Exhibit B, which is attached hereto and incorporated herein by reference.

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. Approval of the Zoning Text Amendment (AT-23-004) is exempt from environmental review per the requirements of the California Environmental Quality Act (CEQA) 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.

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

SECTION 4. Approval. The City Council hereby approves the amendments to the Municipal Code, more particularly, amending Chapters 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.