

PLANNING COMMISSION RESOLUTION NUMBER 13-23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UNION CITY RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONING TEXT AMENDMENT, AT-23-004, AMENDING 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 (SEMU-R) DISTRICT; CHAPTER 18.38 STATION MIXED USE COMMERCIAL (CSMU) DISTRICT; AND CHAPTER 18.100 511 AREA DISTRICT TO 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

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 in the amount of \$289,300 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 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 (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, the Objective Development Standards project was introduced to the Planning Commission on August 13, 2022 and to the City Council on September 13, 2022; 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

WHEREAS, The City of Union City 2023-2031 Housing Element of the Union City General Plan (“Housing Element”) was certified by HCD on May 30, 2023; and

WHEREAS, the Housing Element contains Program HE-1.F, Objective Design Standards, to amend the Zoning Ordinance to ensure the City’s multi-family residential, single-family residential, and mixed-use design standards are clear and objective; and Program HE-1.I, to Modify Development Standards to Remove Constraints, to review and amend the Zoning Ordinance to ensure the height, lot coverage, setback, open space, parking for studio units, and other development standards in the multifamily residential (RM) zoning districts facilitate and do not constrain the development of multifamily housing; and

WHEREAS, on June 15, 2023, the Planning Commission conducted a Study Session on the Objective Development Standards project and refined the proposed text amendments based on feedback received at the meeting; and

WHEREAS, on July 20, 2023, the Planning Commission held a duly noticed public hearing to consider the proposed zoning text amendments, receive the staff report and staff presentation, and discuss the matter; and

WHEREAS, the amendments to Title 18 are shown in Exhibit A (Clean) and Exhibit B (Redlined), which are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing recitals are true and correct and made a part of this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Union City hereby recommends that the City Council approve Zoning Text Amendment, AT-23-004, as shown in Exhibit A (Clean) and Exhibit B (Redlined) and does hereby find as follows:

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; and
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 multifamily 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 includes:
- 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.

I HEREBY CERTIFY that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission of the City of Union City held on July 20, 2023, by the following vote:

AYES	4 (Guio, Finnerty, Lew, Sandhu)
NOES	0
ABSTAIN	0
ABSENT	0
MOVED:	Commissioner Lew
SECONDED:	Commissioner Finnerty

APPROVED

DocuSigned by:

Lee Guio

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LEE GUIO, CHAIRPERSON

ATTEST:

DocuSigned by:

Carmela Campbell

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CARMELA CAMPBELL, SECRETARY