

Summary

Table 3.9-1 below provides a summary of the potential environmental impacts of the Proposed Project related to land use. As shown in Table 3.9-1, the Proposed Project would have less-than-significant impacts related to land use within the Proposed Project area.

Table 3.9-1. Summary of Potential Impacts on Land Use

| Impact | Level of Significance before Mitigation | Mitigation Measures | Level of Significance after Mitigation |
|---|---|-----------------------------|---|
| Impact LAN-1: Division of an Established Community | No Impact | Mitigation is not required. | N/A |
| Impact LAN-2: Conflict with an Existing Land Use Plan or Policy | Less Than Significant <i>(with approval of GPA and Zoning text change)</i> | Mitigation is not required. | Less Than Significant |
| Impact LAN-3: Conflict with an Existing HCP or NCCP | No impact | Mitigation is not required. | N/A |

Introduction

This section describes the regulatory federal, state, and local setting of the Proposed Project, the potential impacts to land use that would result from the Proposed Project, and the mitigation measures that would reduce these impacts. Growth-inducing impacts are discussed in Chapter 4.

Sources of Information

The key sources of data and information used in the preparation of this section are listed and briefly described below.

- 2002 Union City General Plan
- City of Union City Website

Regulatory Setting

State

California planning law requires each city and county in the state to adopt a general plan for its future development. This plan identifies the allowable uses of land within the city's boundaries and establishes policies for both the development and protection of resources. They form the foundation for zoning and establish regulatory standards for development and resource protection.

Local

Union City General Plan

The City of Union City General Plan (General Plan) is the long term vision for the physical, economic, and social evolution of Union City and outlines policies, standards, and programs to guide development. The Land Use Element of the Plan describes the City's Land Use Diagram, the land use designations that appear on the diagram, and related development standards. It also sets out goals, policies and implementation programs. Relevant General Plan goals and policies are provided as follows.

Land Use Element

Goal LU-B.1: To create an environment surrounding the intermodal facility that is mixed use and transit-oriented and which has good connectivity with the rest of the city while integrating well with the surrounding neighborhoods.

Policy LU-B.1.5 The area surrounding the intermodal facility shall have strong public space integrated with ground floor retail commercial uses.

Policy LU-B.1.6 The City shall ensure that the Station District includes inviting parks, plazas, and community gathering places that complement the intermodal facility and the surrounding land uses.

Policy LU-B.1.7 The Station District should be pedestrian-friendly with a design that minimizes the impact of parking on the quality of the streetscape and the neighborhood.

Goal LU-B.4: To encourage and support the timely redevelopment of the Station District as an area of high quality commercial, office, research and development (R&D), light industrial, residential and service commercial industries and uses, with appropriate associated uses, such as transportation links, parks, schools, etc.

Goal LU-B.5: To encourage a variety of densities and types of residential uses in the area to help achieve a variety of densities and types of residential

uses in the area to help achieve City housing goals, ensure proper relationships to adjoining lands, and to support existing and future commercial uses within and nearby the Station District.

Policy LU-B.5.1 The City shall locate high density/mixed-income residential uses close to the intermodal facility.

Policy LU-B.5.2 Where necessary, the City shall provide a transition from existing or planned lower density residential uses to new office, light industrial, and service commercial areas and/or retail commercial use areas. Land use intensity/density should be highest adjacent to the intermodal facility and transition to lower intensity/density land use toward the edge of the Station District.

Policy LU-B.5.3 The City shall provide a sufficient variety of housing development to accommodate different family sizes including a sufficient number of rental and for sale units for larger families.

Goal LU-B.6: To provide, or ensure the provision of affordable housing in concert with the goals, policies, and standards of the adopted Union City Housing Element and Redevelopment Area requirements.

Policy LU-B.6.1 The City shall require all new development to comply with the affordable housing requirements of the Housing Element and the Redevelopment Plan.

Goal LU-B.7: To guide all new development in the Station District in such a way as to ensure harmony with existing and potential uses both within the Station District and in adjacent neighborhoods.

Goal LU-B.8 To balance residential, commercial and light industrial land uses so as to achieve a high quality of life for the Station District and minimize adverse impacts on the greater community.

Policy LU-B.8.1 The intermodal facility shall be designed and linked to reduce the need for area residents to use private automobiles for daily work, shopping and service needs.

Policy LU-B.8.2 The City shall create opportunities for mixed uses within the Station District t so that people can live close to work, shopping, and service activities.

Union City Zoning Ordinance

The first purpose of the Zoning Ordinance (Title 18 of the Union City Municipal Code) is to promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people. The adopted Zoning Map divides the City into districts. The Zoning Ordinance identifies regulations for each district that regulate the location, construction, alteration and use of buildings.

Development standards such as building lines (setbacks), height limits, and parking standards are also included in the Zoning Ordinance for each district.

Environmental Setting

Regional Land Uses

The Proposed Project is located in Union City, California (refer to Figure 2-1). Union City is located in the San Francisco Bay region, approximately 30 miles southeast of San Francisco and 20 miles north of San Jose. The City is accessed regionally by Interstate 880 (I-880) from the north or south and Interstate 580 (I-580) from the east. Neighboring cities include Hayward (to the north), Newark, and Fremont (to the south). The region can be characterized as suburban, and single-family residential development is the predominant land use in the City. In addition, the City has a sizeable industrial base primarily located in three industrial parks. Supporting land uses include commercial/retail, institutional/educational, recreational facilities and transportation/infrastructure. This includes shopping centers (including Union Landing), schools, parks, and the Union City BART station. The suburban character of the region is typical of Alameda County.

Adjacent Land Uses

The Proposed Project site is roughly rectangular in shape and adjacent land uses include the Air Liquide facility to the north, miscellaneous industrial uses to the north and northeast, the Decoto neighborhood (residential subdivision) to west and northwest of the project site, the Charles F. Kennedy Park to the west, and the Union City BART station and the Marketplace Shopping Center to the south. To the south and southeast are residential developments including a 438 Avalon Bay apartment complex and 216 KB Homes multi-family units. In addition, Union Pacific Railroad (UPRR) tracks run parallel to the northern and southern borders of the project site, immediately adjacent to Railroad Avenue and the BART station.

Project Site Existing and Proposed General Plan and Zoning Designations

The current General Plan designation for the Proposed Project site is Station Mixed Use Commercial (CSMU) and Civic Facility (CF), which are defined in the General Plan (GP) as follows:

- **CSMU (1.0-4.0 floor area ratio [FAR] with an average of 2.0)**—This designation is primarily commercial in nature and is intended to promote retail and office opportunities, subject to high aesthetic and design standards. High density residential land use between 45 and 80 units per acre is allowed. This designation prescribes 544 square feet for each dwelling unit and a minimum parcel size of 5,000 square feet for commercial development.

- **CF**—This designation is applied to the City’s public buildings and facilities that serve the general public
- The Applicant has applied for a General Plan Amendment to increase the maximum density from 80 to 165 units per acre and update the required site area per dwelling accordingly. The General Plan Amendment also includes a modification to Figure LU-3 to allow for residential mixed-use in addition to commercial uses (Figure 2-4). The City recently adopted a new General Plan Element on Environmental Sustainability. As part of that movement, the City is re-evaluating existing land use patterns and increasing densities near transit to encourage more people to use public transit and decrease Union City’s carbon footprint.

The existing zoning classification for the project site is CSMU (Station Mixed Use Commercial). The purpose of the CSMU district is to establish a mixed use town center/central business district of high-intensity residential, commercial, office, and research and development uses. The CSMU permits commercial and civic uses, and conditionally allows other uses such as childcare facilities and fast food restaurants. This zoning designation includes performance standards, including specific standards relative to walls, fences, shrubbery, setbacks, heights of building and structures, signage, and parking.

The Proposed Project includes a Zoning Text Amendment to incorporate the development standards listed in the Design Guidelines that were prepared for Blocks 2, 3 and 4 (Appendix C) and to accommodate the project. These include the following changes to Chapter 18.38, *Station Mixed Use Commercial*:

- Increase maximum allowed residential density to be consistent with the revised General Plan wording
- Increase allowed height from 8 to 14 stories and from 100 feet to 155 feet¹
- Allow for glass fiber reinforced concrete (GFRC) with integral color as a building material
- Allow for flexibility in loading berths requirements for mixed-use developments and residential storage requirements

FOCUS Program and Priority Development Areas

The Intermodal Station District has been identified as a Priority Development Area for the region through the FOCUS program. FOCUS is a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area. It unites the efforts of four regional agencies, including the Association of Bay Area Governments (ABAG), into a single program that links land use and transportation. Priority Development Areas are typically characterized as complete, livable communities, located on in-fill sites that are

¹ Buildings in excess of 14 stories or 160 feet will be reviewed pursuant to Section 18.38.250 of the Municipal Code.

served by transit, where amenities and services can be accommodated to meet the day-to-day needs of residents in a pedestrian-friendly environment.

ABAG requires Union City to absorb a certain percentage of new population moving to the Bay Area, which is reflected in their bi-annual regional population projections. Priority Development Areas are characterized as places where future growth should occur. The proposed increase in density reflects the City's desire to accommodate this projected growth and be consistent with the regional population projections for the Intermodal Station District.

Impact Analysis

This section describes the impact analysis relating to land use for the Proposed Project. It describes the methods used to determine the impacts of the Project and lists the thresholds used to conclude whether an impact would be significant. Measures to mitigate (i.e., avoid, minimize, rectify, reduce, eliminate, or compensate for) significant impacts accompany each impact discussion.

Methods

Potential land use impacts are based on the Proposed Project's potential to conflict with existing or planned land uses at the site and in the project vicinity during both the construction and operation phases of the proposed project.

Information regarding current land uses was gathered from the General Plan Land Use Element, the Zoning Ordinance, and a review of the Proposed Project's preliminary plans.

Thresholds of Significance

For this analysis, an impact pertaining to Land Use was considered significant under CEQA if it would result in any of the following environmental effects, which are based on professional practice and State CEQA Guidelines Appendix G (14 CCR 15000 et seq.):

- physically divide an established community;
- conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or
- conflict with any applicable habitat conservation plan or natural community conservation plan.

Impacts and Mitigation Measures

Impact LAN-1: Division of an Established Community

The Proposed Project site is a vacant parcel bordered by existing development to the west, and planned development on the north, south, and east. Development would primarily occur within the two-block area. The Proposed Project uses would be compatible with adjacent land uses which include a mixture of residential and transit-related development. Potential land use compatibility issues related to construction activities such as site grading, excavation, construction staging and building erection could result in nuisance effects (i.e., air quality, noise, traffic, and aesthetics). Potential impacts related to these effects are addressed in other sections of this document.

Existing access to the residential neighborhood, parks, school, and commercial/retail centers via Decoto Road, Railroad Avenue, and 11th Street would not be impeded by the Proposed Project. As part of the Proposed Project, Gallano Way, Berger Way, and Cheeves Way would be constructed. A pedestrian promenade would also connect Cheeves Way to 11th Street at the southern end of the Project site. Therefore, no impacts related to the physical division of an established community are anticipated.

Impact LAN-2: Conflict with an Existing Land Use Plan, Policy or Regulation

Consistency of the Proposed Project with individual General Plan policies is discussed in further detail in Appendix G, Consistency Analysis. As indicated there, the project is considered consistent with the General Plan policies, with the adoption of the proposed General Plan amendments included in the project description.

The existing General Plan land use designation allows for the development of up to 80 residential units per acre, and a FAR not to exceed 4.0.

Development of the Proposed Project would result in an increased development intensity of approximately 165 dwelling units per acre. The increased development would result in a higher concentration of residences, increased population, visitors/customers, and traffic (refer to Section 3.11 Population and Housing and Section 3.13 Traffic and Circulation).

Approval of the proposed amendments would reconcile any inconsistency with the General Plan and Zoning Ordinance. Therefore, the Proposed Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, which would be a less-than-significant impact.

Impact LAN-3: Conflict with a HCP or NCCP

As described in Section 3.3 Biological Resources, although Alameda County has a Habitat Conservation Plan (HCP), it is under the jurisdiction of the San Francisco Public Utilities Commission and does not include the Proposed Project site area. There are no other adopted HCPs or other natural community conservation plans (NCCPs) that include the project site. As such, the Proposed Project could not conflict with an adopted HCP or NCCP. Therefore, the Proposed Project would have no impacts related to potential conflicts with an adopted HCP, NCCP, or other approved local, regional, or state HCP.

Cumulative Impacts

The Proposed Project was previously conceived in the Intermodal Station District and Transit Facility Plan that was incorporated into the General Plan. The Station District Plan envisions a high-density mixed-use, transit-oriented development. The Project would not result in division of an established community, convert farmland or agricultural lands, or result in a loss of existing housing. Adoption of the proposed General Plan Amendment and Zoning text change would ensure that the Proposed Project is consistent with existing land use plans, policies, and regulations. Therefore, the Proposed Project's contribution to cumulative changes to land use would not be considerable.