

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, ADOPTING REQUIRED
CEQA FINDINGS REGARDING MITIGATIONS AND ALTERNATIVES, ADOPTING
A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 2040
GENERAL PLAN**

WHEREAS, California Government Code Section 65300 *et seq.* requires every city and county in California to adopt a general plan for its long-range development, and further, to periodically update that Plan to reflect current conditions and issues; and

WHEREAS, the current Union City General Plan was adopted in 2002 and is now more than 15 years old; and

WHEREAS, the City began the process of drafting the 2040 General Plan in 2016, and began publishing preliminary drafts of each General Plan element starting in June 2017; and

WHEREAS, the City has conducted an extensive community outreach process to ensure broad public participation for development of the 2040 General Plan; and

WHEREAS, the public had the opportunity to participate in the development of the 2040 General Plan through various meetings and workshops; and

WHEREAS, the City created a special website dedicated to the 2040 General Plan, <http://www.uc2040.com/>, which provided public access to pertinent agenda reports, background reports, workshop materials, existing policy documents, environmental documents, drafts elements of the 2040 General Plan, a calendar of meetings and other events, as well as a form that could be used to submit feedback regarding the draft 2040 General Plan; and

WHEREAS, the City provided public notices of General Plan study sessions held by the Planning Commission and City Council through mailed notices and notices on the City's website, and by all other methods required by law; and

WHEREAS, the City determined that an Environmental Impact Report (EIR) would be prepared for the 2040 General Plan and circulated a Notice of Preparation (NOP) dated October 22, 2018 to public agencies and interested parties for consultation on the scope of the EIR; and

WHEREAS, based on the project description and responses to the NOP, the City prepared a Draft EIR dated June 2019 (SCH No. 2018102057) which reflected the independent judgment of the City as to the potential environmental effects of the 2040 General Plan. The Draft EIR, a copy of which is posted on the 2040 General Plan website and on file in the Economic and Community Development Department, is incorporated herein by reference; and

WHEREAS, the City circulated the Draft EIR for a 45-day day public review period, from June 26, 2019 to August 12, 2019. The Draft EIR was distributed to local, regional, and State agencies. The public was advised of its availability. The Draft EIR was available for review on the City's General Plan website and at City Hall; and

WHEREAS, the City received comment letters from State, regional, and local agencies as well as interested individuals and organizations during the public review period. In accordance with CEQA, the City prepared written responses to all the comments received during the public review period, both oral and written. The City prepared a Final EIR dated November 2019, a copy of which is posted on the 2040 General Plan website and on file in the Economic and Community Development Department, is incorporated herein by reference. The Final EIR included an annotated copy of each comment letter identifying specific comments, responses to each specific comment, and clarifications and minor corrections to information presented in the Draft EIR. The responses to comments provide the City's good faith, reasoned analysis of the environmental issues raised by the comments; and

WHEREAS, information was generated in the course of preparing written responses for the Final EIR. The City carefully reviewed both the comments and the written responses to assess whether they constituted significant new information that would require recirculation of the Draft EIR under the standards in CEQA Guidelines section 15088.5. After its review, the City determined that the Final EIR, including the comments, clarifications and minor corrections to the Draft EIR, do not constitute significant new information requiring recirculation of the Draft EIR; and

WHEREAS, a staff report, dated November 21, 2019 and incorporated herein by reference, described and analyzed the 2040 General Plan and the related Draft and Final EIRs for the Planning Commission; and

WHEREAS, the Planning Commission reviewed the staff report, and the Draft and Final EIRs at a noticed public hearing on November 21, 2019 at which time all interested parties had the opportunity to be heard; and

WHEREAS, following the public hearing, the Planning Commission unanimously recommended that the City Council certify the EIR for the 2040 General Plan, make all required mitigation and alternatives findings, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program, all in compliance with the requirements of CEQA; and

WHEREAS, a staff report, dated December 10, 2019 and incorporated herein by reference, described and analyzed the 2040 General Plan and the related Draft and Final EIRs for the City Council; and

WHEREAS, the City Council reviewed the staff report, and the Draft and Final EIRs at a noticed public hearing on December 10, 2019 at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Draft and Final EIRs reflect the City's independent judgment and analysis on the potential for environmental impacts and constitute the Environmental Impact Report for the 2040 General Plan; and

WHEREAS, the EIR identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures. Approval of the 2040 General Plan by the City Council will therefore require adoption of findings on impacts and mitigations and a Mitigation Monitoring and Reporting Program; and

WHEREAS, the EIR identified significant and unavoidable environmental impacts of the 2040 General Plan. Approval of the 2040 General Plan by the City Council will therefore require adoption of Alternatives Findings and a Statement of Overriding Considerations; and

WHEREAS, the complete 2040 General Plan EIR consists of the Draft EIR and the Final EIR together. The Draft and Final EIRs are available for review in the Economic and Community Development Department at City Hall during normal business hours. The location and custodian of the EIR and other documents that constitute the record of proceedings for the 2040 General Plan is the City of Union City Economic and Community Development Department, 34009 Alvarado-Niles Road, Union City, CA 94587.

NOW, THEREFORE BE IT RESOLVED THAT that the City Council of the City of Union City hereby certifies and declares as follows:

- A. The foregoing recitals are true and correct and made a part of this resolution.
- B. The City Council independently reviewed and considered the information contained in the EIR, including the written and oral comments received on the Draft EIR and written responses to the comments, prior to approving the 2040 General Plan.
- C. The EIR reflects the City's independent judgment and analysis on the potential environmental impacts of the 2040 General Plan and provides information to the decision-makers and the public on the environmental consequences of approving the 2040 General Plan.
- D. The EIR adequately describes the 2040 General Plan, its significant environmental impacts, mitigation measures, and a reasonable range of alternatives to the 2040 General Plan.

BE IT FURTHER RESOLVED THAT: the City Council hereby adopts the CEQA Findings Concerning Significant Impacts, Mitigation Measures and Alternatives, as well as well as the Statement of Overriding Consideration set forth in **Exhibit A**, and the Mitigation Monitoring and Reporting Program set forth in **Exhibit B**, all in compliance with the requirements of CEQA. Exhibits A and B are incorporated herein by reference.