

## ATTACHMENT 4



**DATE:** NOVEMBER 21, 2019  
**TO:** PLANNING COMMISSION  
**FROM:** CARMELA CAMPBELL, ECONOMIC AND COMMUNITY  
DEVELOPMENT DIRECTOR  
**SUBJECT:** REVIEW OF FINAL DRAFT 2040 GENERAL PLAN AND ASSOCIATED  
ENVIRONMENTAL IMPACT REPORT

The City has prepared final revisions to the 2040 General Plan and has released the Final Environmental Impact Report. All documents are available on the City's general plan website (<http://www.uc2040.com/documents/>) for review.

### **BACKGROUND**

The draft 2040 General Plan (2040 GP) is the City's roadmap for the future. It describes the community vision, and contains the goals, policies, and implementation programs necessary to achieve that vision. California State Law requires every city and county to adopt a general plan. Major themes of the 2040 GP include the following:

- Maintain a balanced mix of residential, employment, and commercial uses;
- Ensure new development is fiscally neutral or positive to the City;
- Encourage transit-oriented development in the Station District;
- Support reinvestment/intensification of commercial and employment districts;
- Create vibrant public spaces that serve as gathering places;
- Develop a balanced, integrated, multimodal transportation system; and
- Protect the city's natural resources (creeks, hills, and marshes).

The 2040 GP contains the following 10 elements:

- **Economic Development Element.** The Economic Development Element supports the continued growth of the local economy, increased fiscal solvency of Union City, and overall improvement in the quality of life for Union City residents.

- **Health and Quality of Life Element.** The Health and Quality of Life Element is organized into eight sections: Healthy Food Access; Parks and Open Space; Recreation, Arts and Cultural Programming; Social Services and Healthcare; Seniors; Building Social Capital Through Citizen Engagement; Unity in Diversity; and Environmental Justice.
- **Land Use Element.** The Land Use Element contains the Land Use Diagram as well as the policies and standards that directly shape land use decisions and the resulting physical form of Union City.
- **Community Design Element.** This element addresses the overall city form and identity, as well as the natural setting, corridors, gateways, public spaces, and public art.
- **Mobility Element.** The Mobility Element seeks to create an efficient, safe, balanced, and integrated multi-modal transportation system that is accessible to all users.
- **Safety Element.** The Safety Element addresses natural hazard risks, such as earthquakes, wildfire, and flooding, manmade hazards and nuisances, and disaster preparedness and emergency response.
- **Public Facilities and Services Element.** Public Facilities and Services Element focuses on the variety of public facilities that are necessary to sustain existing households and businesses and to accommodate future population and employment growth.
- **Resource Conservation Element.** Resource Conservation Element seeks to preserve, protect, and enhance the natural and historical resources that make Union City a unique place.
- **Special Areas Element.** Union City has several distinctive districts that serve as important commercial, employment, and residential areas. This element contains policies specific to each of these areas.
- **Housing Element.** The Housing Element identifies and analyzes existing and projected housing needs in order to preserve, improve, and develop housing for all economic segments of the community. Note: The Housing Element was recently updated in 2015 and is published under separate cover. It is not included in the current update process but is considered a part of the General Plan.

## DISCUSSION

### Draft 2040 General Plan

The 2040 GP is a comprehensive update of the City's current 2002 General Plan and establishes the community vision for future development of the City through 2040. As part of the general plan update process, the 2040 GP has been reorganized and reformatted, with updated goals and policies that reflect the community vision for Union City. The City's General Plan Land Use Map has also been updated to reflect the vision and the underlying theme that threads through the 2040 GP: creating quality places that improve the quality of life for residents, attract new and retain existing businesses, and enhance the City's fiscal stability, while preserving successful areas of the community.

The City published preliminary drafts of each General Plan element starting in June 2017. During numerous meetings taking place over the course of approximately 20 months, the City collected feedback on each element from the public, General Plan Advisory Committee, Planning Commission, and City Council. Certain elements were also reviewed by other City commissions and committees including the Economic Development Advisory Team, Human Relations Commission, Youth Commission, Senior Commission, and the Park and Recreation Commission.

The preliminary draft elements were revised in response to the feedback received and form the basis of the 2040 GP.

After City Council review of each element, the draft element was revised and re-released online. A record of revisions for each element can be found on the project website at [www.uc2040.com](http://www.uc2040.com). Since the last City Council meeting on the General Plan in February 2019, the 2040 General Plan has gone through additional changes. Staff and the consultant team made minor refinements to policy language to provide clarification but did not change the intent. See Attachment 1 for an overview of the updates incorporated into the final draft of the 2040 GP since the last version. All elements have been compiled and re-formatted to be highly graphic and in line with the City's new branding style.

### Community Engagement

The 2040 General Plan was shaped over a five-year period by an extensive public outreach process that included over 65 meetings with residents, business owners, commissions, committees, and decision-makers.

- **Community Workshops and Open Houses.** The City held over a half-dozen community workshops to get input from the community to help shape the vision, guiding principles, and land use framework upon which the General Plan is based. The City also held a series of workshops in the Decoto neighborhood focused on neighborhood-specific issues, as well as a workshop focused on the City's parks and open space areas. During the public review phase of the General Plan update, the draft elements were posted on the project website for review and notice was

provided of their availability through the email distribution list, which contained over 8,700 email addresses, and the City's social media channels.

- **Online Townhall Forum.** The General Plan Online Townhall Forum was an online discussion forum that helped the City gather citizen input about the General Plan. The City recognized that many members of the community would not have the time to attend community workshops and public meetings. During pivotal points throughout the General Plan Update process, the Online Townhall Forum was open to provide community members with more opportunities to share their ideas with the City.
- **General Plan Advisory Committee Meetings.** The General Plan Advisory Committee (GPAC) was created to provide input on the overall General Plan update process. The GPAC met over a dozen times to inform the General Plan process, including review of all the draft General Plan components, and ensure the plan reflects the values of the community. The GPAC consisted of 14 community members, including: two City Council members, two Planning Commissioners, five members representing each of the City commissions (i.e., Parks and Recreation Commission, Human Relations Commission, Senior Commission, Youth Commission, and Economic Development Advisory Team), a representative of the New Haven Unified School District and the Chamber of Commerce, and three at-large community members. These meetings were open to the public, and members of the public were able to provide comments during the meetings.
- **Economic Development Advisory Team Meetings.** The Economic Development Advisory Team (EDAT) was established in 2000 to advise the City on issues pertaining to economic development. The EDAT is made up of members of the City Council, Planning Commission, Chamber of Commerce, and at-large members who represent the business community. The EDAT provided input during key points in the process and reviewed several draft elements of the General Plan.
- **City Council and Planning Commission Meetings.** Throughout the process, the City Council and Planning Commission held several study sessions regarding a variety of General Plan topics, including City services, transportation, parks and open space, and City's existing conditions document (i.e., Background Report). Several additional meetings were held to review milestone documents and provide guidance to staff and the consultants. These meetings were open to the public.

### Environmental Impact Report

#### *Draft Environmental Impact Report*

A draft Environmental Impact Report (DEIR) was prepared for the 2040 GP, consistent with the California Environmental Quality Act (CEQA). The CEQA process discloses

significant environmental effects of proposed actions and identifies ways to avoid or reduce environmental impacts.

To initiate the CEQA process for the 2040 GP, a Notice of Preparation (NOP) was circulated to the public and interested agencies from October 22, 2018 to November 21, 2018. The purpose of the NOP process is to receive feedback on the scope and content of the EIR. The City held a public scoping meeting on November 8, 2018 to solicit public comment. In addition, the City received seven comment letters from interested agencies in response to the NOP. The feedback received through this process informed the preparation of the EIR and is included in the document's appendix.

The DEIR analyzes the potential environmental impacts associated with the implementation of the 2040 GP. The DEIR includes analysis related to the following resource areas:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

For each resource area, CEQA includes a list of questions. The responses to the questions are used as a basis to determine whether the project will result in any potential environmental impacts. Most resource areas use quantitative or qualitative "thresholds of significance" that provide guidance on the extent of a project's impacts.

Impacts can be categorized as either less than significant, less than significant with mitigation incorporated, or significant and unavoidable. Projects that include impacts that are significant require preparation of an EIR. A "less than significant" determination implies that an impact may be adverse, but does not exceed the threshold levels and does not require mitigation measures. The category of "less than significant with mitigation incorporated" applies where the incorporation of mitigation measures has reduced an impact from significant to less than significant.

The EIR identified impacts associated with the following resource areas as less than significant: Energy, Hazards and Hazardous Materials, Hydrology and Water Quality,

Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.

The EIR identified impacts associated with the following resource areas as less than significant with incorporation of mitigation measures: Air Quality (Mitigation Measure AQ-1 Health Risk Assessments), Biological Resources (Mitigation Measure BIO-1 Nesting Bird Protection Policy), Cultural Resources (Mitigation Measure CR-1 Cultural Resources Study Implementation Program), and Geology and Soils (Mitigation Measure GEO-1 Protection of Paleontological Resources). The above-referenced mitigations require the preparation of site-specific special studies when warranted by site conditions.

The EIR identified four resource areas as having significant and unavoidable impacts and are described below in more detail.

**Aesthetics.** Impacts to scenic vistas and existing visual character were identified as significant and unavoidable impacts because future development envisioned by the 2040 GP would involve more efficient development that by its nature is more intensive, including buildings that are taller than what is generally existing in the urbanized areas of Union City. Due to Union City's low inventory of vacant and underutilized land, this type of development is necessary to meet future population and employment growth identified in Plan Bay Area 2040. Taller buildings would range in height from 40 to 75 feet in the City's business and industrial parks and up to 160 feet in the Greater Station District. The majority of structures in Union City are one- or two-stories in height. Therefore, development proposed by the 2040 GP may potentially reduce the visual character and quality of Union City and potentially impact scenic vistas.

While goals and policies included in the 2040 GP would minimize visual intrusion and assist in reducing obstructions of scenic views, potential impacts from taller buildings within the area's identified for growth throughout the City may block scenic vistas and reduce views. There are no mitigation measures available to reduce the visual impact associated with this impact.

**Greenhouse Gases.** The 2040 GP includes policies and implementation programs to reduce greenhouse gas (GHG) emissions and contribute to the City's fair share of statewide GHG reduction targets. However, buildout of the 2040 GP is anticipated to result in GHG emissions above the targets established by the DEIR. Mitigation Measure GHG-1 requires the City to update the Climate Action Plan to achieve GHG reduction targets consistent with state targets. The City anticipates beginning this work next fiscal year.

When the City's Climate Action Plan is updated, this impact may be reduced to less than significant. However, without an updated Climate Action Plan, GHG impacts are considered significant and unavoidable.

**Noise and Vibration.** Implementation of applicable 2040 GP policies would contribute to reducing construction noise impacts.. However, it is not certain that implementation of

these policies would reduce construction noise and vibration impacts below applicable thresholds established in the Union City Municipal Code. The DEIR identifies short-term construction noise and vibration impacts as significant and unavoidable. Mitigation Measure N-1, “Construction Noise Reduction” (MM N-1) is included in the DEIR and requires the implementation of additional measures to reduce noise and vibration impacts when certain circumstances exist such as when a project requires the use of a pile driver.

**Transportation.** The EIR determined traffic impacts to be significant and unavoidable. Goals, policies, and implementation measures in the 2040 GP are designed to reduce vehicle miles traveled (VMT) in Union City through infill development, higher-density and mixed-use development, and trip reduction measures. However, even with implementation of these measures, the VMT per service population would not achieve the State directive of 15 percent below the regional average. There are no other feasible mitigation measures for this impact. The 2040 GP already emphasizes infill and reuse development designed to reduce VMT and contains goals and policies aimed at minimizing VMT.

Population and employment growth would result in more vehicles trips on City roadways. These additional trips would result in roadway segments that would operate at an unacceptable Level of Service under either the Existing Plus Project Conditions scenario or the Cumulative Plus Project Conditions scenario, or both. The additional growth along with an overall increase in traffic regionally would also result in more vehicles trips on regional roadways, including Mission Boulevard. There is no feasible mitigation to avoid this impact as the City cannot control the travel modes of its residents or employees working within the City. In addition, the City has no control over the large amount of cut-through traffic that is accommodated on Union City roadways.

**Other Topics.** The DEIR addresses cumulative impacts, growth-inducing impacts, and other topics required by CEQA including an analysis of alternatives. The analysis of alternatives focuses on various land use scenarios that incorporate different assumptions regarding the combinations of future land uses and associated infrastructure improvements. Alternatives analyzed in the DEIR include:

- Alternative 1: No Project Alternative
- Alternative 2: Reduced Density Alternative
- Alternative 3: Enhanced Employment Alternative

This section also includes a discussion of alternatives that were initially considered but ultimately not included as potential alternatives. The first of these alternatives is the “No Construction of the Quarry Lakes Parkway Alternative.” The Quarry Lakes Parkway project is not a project directly resulting from the implementation of the proposed 2040 GP. The project will occur with or without adoption of the 2040 GP. As such, this alternative was ultimately rejected. The second alternative which was considered,

referred to as “Designate Vacant Parcels Currently Identified for Residential and Employment Generating Uses as Open Space Alternative”, was rejected because it would not meet the City’s objectives related to economic development and the need to provide for housing.

### *Final Environmental Impact Report*

The 45-day public review period for the 2040 GP DEIR concluded on Monday, August 12, 2019. Following the conclusion of the public review period, the Final Environmental Impact Report (FEIR) was prepared and includes responses to comments on the DEIR received during the public review period. The FEIR is accompanied by a Mitigation Monitoring and Reporting Program (MMRP). The MMRP includes all mitigation measures included in the EIR and identifies the responsible entity for verifying compliance.

When an environmental impact report determines that a project will have significant, adverse impacts on the environment, the City must mitigate those impacts unless the City Council determines that the potential mitigation measures would be infeasible because of specific economic, legal, social, technological, or other considerations. Alternatively, the project may be revised so that the significant environmental effect is avoided. The City may not approve a project that will have significant and unavoidable environmental impacts unless the City Council adopts written findings that the project’s overriding benefits warrant approval of the project. These findings are known as the “Statement of Overriding Consideration” and they must be supported by evidence in the record.

The 2040 General Plan EIR has identified several significant and unavoidable environmental impacts. For some of these impacts, it is recommended that certain policies be added to the General Plan to avoid or substantially lessen the significant environmental effect. In addition, the Final EIR has identified several significant environmental impacts that cannot be feasibly mitigated because of specific economic, legal, social, technological, or other considerations. Accordingly, the City Council must adopt a Statement of Overriding Consideration finding that the benefits of the 2040 General Plan warrant approval despite these impacts. The Statement of Overriding Consideration does not require approval by the Planning Commission and is not attached to this staff report.

## **RECOMMENDATION**

It is recommended that the Planning Commission adopt the attached resolutions (Attachments 2 and 3) recommending to the City Council certification of the Environmental Impact Report and adoption of the 2040 General Plan.

Attachment 1: List of Updates to Draft General Plan from Prior Version

Attachment 2: Draft Resolution Recommending to City Council Certification of EIR

Attachment 3: Draft Resolution Recommending to City Council Adoption of the 2040 GP