

ATTACHMENT 1

RESOLUTION NO. XXXX-23

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY ADOPTING AN
ADDENDUM TO THE 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT FOR
THE 2023-2031 HOUSING ELEMENT AND SAFETY ELEMENT GENERAL PLAN
AMENDMENTS**

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, an Environmental Impact Report (EIR) (State Clearinghouse No. 2018102057) for the 2040 General Plan, dated November 2019, was prepared; and

WHEREAS, on December 10, 2019, by Resolution No. 5548-19, the City Council certified the EIR, adopted required CEQA Findings Regarding Mitigations and Alternatives, adopted a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program for the 2040 General Plan; and

WHEREAS, on December 10, 2019, by Resolution No. 5549-19, the City Council adopted documents consisting of text, maps, and charts, entitled Union City 2040 General Plan, dated December 10, 2019, which included the reports in support thereof as the General Plan of Union City; and

WHEREAS, pursuant to Government Code Section 65302, the General Plan includes seven mandatory elements, including the Housing Element and Safety Element; and

WHEREAS, state law requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Union City (City) Regional Housing Needs Allocation (RHNA) of 2,728 housing units, comprised of 862 very-low income units, 496 low-income units, 382 moderate-income units, and 988 above moderate-income units; and

WHEREAS, the Safety Element serves as a policy guide to reduce the potential risk of death, injuries, property damage, economic loss, and social dislocation resulting from natural and human-made hazards, such as earthquakes, fire, flood, extreme heat, and drought; and

WHEREAS, the City prepared the 2023-2031 Union City Housing Element ("Housing Element") for the sixth cycle planning period in compliance with state law; and an update to the Safety Element pursuant to the requirements of Senate Bill 1035, Senate Bill 99, and Assembly Bill 747 (AG-23-001); and

WHEREAS, on November 8, 2022 the City Council, on the recommendation of the Planning Commission, adopted Resolution 6034-22 adopting an Addendum to the 2040 General Plan EIR and Resolution 6035-22 amending the General Plan (AG-22-003), and introduced two Ordinances (906-22 and 907-22) for consistency with the Draft 2023-2031 Housing Element; including rezoning Housing Element Sites to increase capacity and accommodate the City's RHNA; these ordinances amended Title 18 Zoning, of the Union City Municipal Code (AT-22-006), and amended the Zoning Map (A-22-003); and

WHEREAS, Section 15164 of the CEQA Guidelines provides that an addendum to a previously adopted environmental impact report or mitigated negative declaration may be prepared if only minor technical changes or additions to the project are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent environmental impact report or negative declaration have occurred; and

WHEREAS, the City has prepared an Addendum to the 2040 General Plan EIR for the Housing Element and Safety Element amendments (“Addendum”), which determined that none of the conditions described in CEQA Guidelines Section 15162 will occur; and

WHEREAS, the Addendum was posted to the City’s website and referenced in the public notice for the April 20, 2023 Planning Commission public hearing; and

WHEREAS, a staff report, dated April 20, 2023 and incorporated herein by reference, described and analyzed the Housing Element and Safety Element amendments and Addendum for the Planning Commission; and

WHEREAS, on April 20, 2023, the Planning Commission adopted Resolution No. 7-23 recommending that the City Council adopt the Addendum, all in compliance with the requirements of CEQA; and

WHEREAS, a staff report, dated May 23, 2023, and incorporated herein by reference, described and analyzed the Housing Element and Safety Element amendments and Addendum for the City Council; and

WHEREAS, the City Council reviewed the staff report, and the Housing Element and Safety Element amendments and Addendum at a noticed public hearing on May 23, 2023, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Addendum, reflects the City’s independent judgment and analysis on the potential for environmental impacts; and

WHEREAS, none of the conditions requiring preparation of a subsequent EIR or negative declaration have occurred, and that the changes that are part of the Housing Element and Safety Element amendments identified in the Addendum would not result in any significant impacts not considered under the original 2040 General Plan EIR or a substantial increase in the severity of any previously identified significant impacts; and

WHEREAS, the Addendum is available for review on the City’s website at <https://www.unioncity.org/347/Planning-Documents>, and at the Economic and Community Development Department at City Hall during normal business hours. The location and custodian of the Addendum and other documents that constitute the record of proceedings for Housing Element and Safety Element amendments 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 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 Addendum to the 2040 General Plan EIR, as well as all other information (both written and oral) provided by City staff, City consultants, and the public to the City Council at its May 23, 2023 meeting relating to the Addendum, prior to making its decision regarding the Housing Element and Safety Element amendments.
- C. The City Council has reviewed and considered the Addendum to the 2040 General Plan Environmental Impact Report and finds that none of the conditions requiring preparation of a subsequent EIR or negative declaration have occurred, and that the changes that are part of the project would not result in any significant impacts not considered under the original EIR or a substantial increase in the severity of any previously identified significant impacts.
- D. The Addendum to the 2040 General Plan Environmental Impact Report is the appropriate CEQA document for the project and has been prepared in compliance with CEQA and the CEQA Guidelines. The Addendum has been prepared as required by law and the document reflects the independent judgement and analysis of the City of Union City, which has exercised overall control and direction of its preparation.

BE IT FURTHER RESOLVED THAT: the City Council hereby adopts the Addendum to the 2040 General Plan Environmental Impact Report for AG-23-001 in compliance with the requirements of CEQA.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on the 23th day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

CAROL DUTRA-VERNACI
Mayor

ATTESTED:

APPROVED AS TO FORM:

ANNA M. BROWN
City Clerk

KRISTOPHER J. KOKOTAYLO
City Attorney