



Agenda Item

DATE: APRIL 20, 2023

TO: PLANNING COMMISSION

FROM: CARMELA CAMPBELL, ECONOMIC, AND COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: 2023-2031 HOUSING ELEMENT AND SAFETY ELEMENT UPDATE AND AN ADDENDUM TO THE 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (EIR)

APPLICANT: CITY OF UNION CITY

REQUEST: GENERAL PLAN AMENDMENT (AG-23-001) AND AN ADDENDUM TO THE 2040 GENERAL PLAN EIR: The City is proposing to adopt the 2023-2031 Union City Housing Element and update the Safety Element, amending the 2040 General Plan.

LOCATION: Citywide

ENVIRONMENTAL ASSESSMENT:

In accordance with the California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164, an Addendum (Attachment 1, Exhibit A) to the 2040 General Plan Environmental Impact Report (EIR) has been prepared for the proposed Housing Element and Safety Element amendments.

SUMMARY:

The City of Union City ("City") is proposing amendments to the General Plan as part of the 2023-2031 sixth cycle Housing Element and Safety Element update. Both elements are being updated to comply with California Housing Element law (i.e., State law). The City, as the lead agency under CEQA, has also prepared an Addendum to the 2040 General Plan EIR evaluating potential environmental impacts associated with the amendments.

See Attachment 2, Exhibit A for the draft Housing Element and Exhibit B for the proposed amendments to the Safety Element.

I. BACKGROUND

A. 2023-2031 Sixth Cycle Housing Element (“Housing Element”)

The Housing Element is one of seven mandatory elements that must be included in Union City’s General Plan and unlike the other elements is required to be updated every eight years and approved by the Department of Housing and Community Development (HCD), per State law. This element evaluates housing needs and issues in the City, and contains goals, policies, objectives, and implementation programs that the City uses to guide actions related to housing. An important part of State law is the determination of the City’s ability to accommodate state forecasted housing demand for all income levels. The Association of Bay Area Governments (ABAG) manages the Regional Housing Needs Allocation (RHNA) process, which assigns a “fair share” of housing to the jurisdictions in the Bay Area. Each jurisdiction is required to report to HCD on how the fair share allocation can be accommodated within the planning period. The total allocation is broken down into four income categories: above moderate (120 percent or more of Area Median Income (AMI)), moderate (80-120 percent of AMI), low (50-80 percent of AMI), and very low-income (0-50 percent of AMI). The lower two income categories (“Low Income” and “Very Low Income”) must be accommodated on sites zoned for higher density residential development (Table 1).

For the 2023-2031 planning period, Union City’s RHNA is 2,728 units, a 137 percent increase from the prior planning period. The majority of jurisdictions in the Bay Area saw similar or greater increases. The RHNA allocation is broken down by affordability levels.

Table 1: Regional Housing Needs Allocation

UNION CITY 2023-2031 RHNA ALLOCATION					
	Very Low- Income Units (0-50% AMI)	Low-Income Units (50-80% AMI)	Moderate- Income Units (80-120% AMI)	Above Moderate- Income Units (120%+ AMI)	TOTAL UNITS
Housing units	862	496	382	988	2,728
Percent (%) of total	32%	18%	14%	36%	100%

B. Draft Housing Element Components

The Housing Element consists of nine chapters, which are described below. For a detailed overview of the chapters and key components, see Planning Commission staff report dated July 7, 2022 (Attachment 4).

- **Chapter 1: Introduction.** Introduction to the Housing Element, description of state housing element law, General Plan consistency, and a summary of community participation.
- **Chapter 2: Existing Needs Assessment.** Analyzes demographic and socio-economic conditions; existing housing stock characteristics; housing affordability, overpayment, and overcrowding; and special needs for persons experiencing homelessness, persons with disabilities, seniors, large families, and female-headed households.
- **Chapter 3: Sites Inventory.** Identifies opportunities for housing production to meet the City's fair share of regional housing needs, as determined by the RHNA. It includes a description of the City's RHNA and the results of the inventory of sites within the city that are suitable for residential development during the eight-year planning period.
- **Chapter 4: Fair Housing Assessment.** Provides an analysis of fair housing issues and practices in Union City, including patterns of integration and segregation, disparities in access to opportunity, and disproportionate housing needs. It also examines the relationship between the sites inventory and its potential impact on fair housing issues in the city. The chapter also includes a summary of strategies to affirmatively further fair housing.
- **Chapter 5: Program Resources.** Summarizes staff resources and funding available to support City housing programs.
- **Chapter 6: Potential Housing Constraints.** Analyzes potential constraints on the production, maintenance, or improvement of housing, including governmental constraints like land use controls, permits and processing procedures, fees, and zoning for a variety of housing types as well as non-governmental constraints such as land and development costs and the availability of financing.

- **Chapter 7: Opportunities for Energy Conservation.** Analyzes opportunities for energy conservation in residential development including green building and energy-efficiency requirements, and energy conservation programs.
- **Chapter 8: Evaluation of Previous (2015-2023) Housing Element.** Summarizes the City's accomplishments during the previous Housing Element planning period and evaluates each of the previous programs.
- **Chapter 9: Goals, Policies and Programs.** Establishes goals, policies, and implementation programs that will provide direction to help the City meet its housing goals.

C. Draft Housing Element Review

The Planning Commission reviewed the sixth cycle (2023-2031) Draft Housing Element at their July 7, 2022 meeting and recommended submittal, with minor amendments, to HCD for state mandated review (see Attachment 4—staff report, and Attachment 5—meeting minutes). The amended Draft Housing Element was submitted to HCD by staff on July 28, 2022. HCD's initial 90-day review period concluded on October 26, 2022 and HCD provided comments requesting revisions to the Housing Element. A revised Housing Element, responsive to HCD's comments, was submitted to HCD on January 30, 2023 for an additional 60-day review period. This included a response to HCD's comments (Attachment 3, Exhibit A). Staff met with HCD to discuss further revisions requested during the review period and was provided preliminary comments requesting additional revisions to the Housing Element. HCD's second review concluded on March 10, 2023, a response letter is included as Attachment 3 Exhibit B.

The Final Draft Housing Element (Attachment 2, Exhibit A) incorporates revisions, which respond to comments from HCD during the two review rounds. These are shown as track changes (initial revisions) and highlights (additional revisions).

Draft Housing Element Amendments

In addition to the Housing Element, staff brought forward related amendments associated with the Draft Housing Element in late 2022. These amendments included rezoning Housing Element sites and amending the Municipal Code for consistency. The objective of these amendments was to ensure that the City could accommodate its RHNA of 2,728 housing units, including 1,358 lower-income units by January 31, 2023 and to

alleviate any penalties associated with not having adequate sites in place by that deadline. The Planning Commission recommended that the City Council adopt the amendments (4-0) at its October 20, 2022 meeting. The City Council adopted the amendments at its November 8, 2022 meeting (with a second reading at the November 22, 2022 meeting).

D. Safety Element

Recent state laws (SB 1035, AB 747, SB 99) now require cities to conduct a climate change vulnerability assessment and to integrate climate adaptation and resiliency strategies into their safety elements upon each revision of a jurisdiction's Housing Element or Local Hazard Mitigation Plan with the goal of identifying new information relating to flood and fire hazards, climate adaptation and resiliency strategies. The Safety Element is being updated in accordance with these provisions as part of the Housing Element update process. The Safety Element amendments are included as Attachment 2, Exhibit B.

II. DISCUSSION

A. Revision Process

The Final Draft Housing Element (Attachment 2, Exhibit A) reflects two rounds of review by HCD and revisions based on their comments and follow-up conversations. Staff believes that this revised Housing Element is responsive to HCD's comments and in substantial compliance with state law. However, minor revisions may be required based on discussions with HCD, prior to, or after, adoption by the City Council.

B. Compliance with RHNA Requirements

In order to demonstrate that the city can accommodate the number of units assigned by ABAG as part of the RHNA allocation process, the City is relying on a mix of approved, but not yet constructed sites and future opportunity sites. Approved sites include projects like Seven Hills Estates, Lazuli Landing, Horner Street Mixed Use, Turk Island, Station East Residential Mixed Use Project, and the Dyer Meteor Townhome project. In total, 1,491 units are included in the approved projects category.

To meet the remaining RHNA and account for a buffer, capacity for an additional 2,187 units is included in the sites inventory on vacant and underutilized¹ sites and in the projected number of accessory dwelling units. In total, the capacity identified in the Draft

Housing Element is 3,678 units as detailed in Table 2 below. The location of these sites within the city is shown in Figure 1.

Table 2: Sites Inventory Capacity Summary

	Lower ²	Moderate	Above-Moderate	Total
Regional Housing Needs Allocation	1,358	382	988	2,728
Approved Projects	202	440	849	1,491
Station District Specific Plan Sites	668	570	200	1,438
Citywide Vacant Sites	0	6	25	31
Citywide Underutilized Sites ¹	627	18	0	645
Accessory Dwelling Units (ADUs)	44	22	7	73
Total Capacity	1,541	1,056	1,081	3,678
Surplus (+)	183	674	93	950

¹ Non-vacant sites that have the potential for redevelopment.

² Lower-income includes extremely low-, very low-, and low-income households.

Figure 1: Sites Inventory Map



Updated December, 2022

Housing opportunity sites, excluding approved projects, are listed below in Table 3. This includes rezoned sites, recommended by the Planning Commission, and approved by the City Council last fall. Of the 2,114 total units included in the opportunity sites, 68 percent of units are located in the Station District Specific Plan Area. The vast majority of sites, especially outside of the Station District, are located on underutilized parcels with existing uses. Additional details are provided for these sites within Chapter 3 of the Housing Element (Attachment 2 Exhibit A).

Table 3: Sites Inventory Detail – Opportunity Sites

Site ID	Site Name	APN(s)	Parcel Acreage	Vacant or Underutilized*	Realistic Capacity by Income (units)			
					Lower	Mod.	Above Mod.	Total
Station District Specific Plan Sites								
LM-1	Restoration Site (City-owned)	87-335-6	16.00	Vacant	300	370		670
LM-2	34015 7 th Street (Station East Subarea)	87-23-11	3.45	Underutilized	160			160
LM-3	ANR Near BART Site	87-11-7-2	0.94	Underutilized	73			73
		87-11-8-2	0.69					
		Total	1.63					
LM-4	Gateway Site (City-owned)	87-11-15-14	8.26	Vacant	135	200	200	535
		87-11-15-15	6.80					
		87-11-15-3	1.33					
		87-11-17-6	1.70					
		87-11-17-7	1.97					
		87-11-18-3	1.42					
		Total	25.19					
Subtotal of Station District Specific Plan Sites					668	570	200	1,438
Citywide Vacant Sites								
AM-1 through AM-18	Decoto Neighborhood Vacant Lot 1-18	486-27-138, 486-30-30-2, 486-30-13-3, 486-30-13-5, 486-30-13-4, 486-45-24, 486-33-58-2, 486-33-58-1, 486-33-47, 486-24-1, 486-9-33-1, 486-9-33-2, 486-9-32-1,	Varies between 0.11 and 0.35	Vacant			19	1 for all lots (except 2 for AM-9)

		486-9-33-2, 486-9-32-1, 486-6-22, 486-3-23-2, 87-91-26-3, 87-91-30-4						
AM-19	Historic Alvarado District Vacant Lot 1	483-10-23, 483-10-24-2	0.12	Vacant			1	1
AM-20	Historic Alvarado District Vacant Lot 2	482-10-23	0.52	Vacant			4	4
AM-21	Historic Alvarado District Vacant Lot 3	482-15-9	0.17	Vacant			1	1
LM-5	Alvarado Niles Road Site	475-158-7	0.45	Vacant		6		6
<i>Subtotal of Citywide Vacant Sites</i>					0	6	25	31
Citywide Underutilized Sites								
LM-6	854 Whipple Road Site	486-18-62	0.47	Underutilized	24			24
		486-18-63	0.16					
		486-18-64	0.13					
		486-18-65-2	0.18					
		<i>Total</i>	<i>0.95</i>					
LM-7	Whipple and Liston Way Site	475-141-13-2	0.85	Underutilized	32			32
LM-8	Whipple and Medallion Drive Site	475-141-2	1.45	Underutilized	55			55
LM-9	Whipple/ Cemex Site	486-18-61	0.18	Underutilized	116			116
		486-18-69	1.17					
		486-18-70	2.96					
		486-18-71	0.27					
		<i>Total</i>	<i>4.58</i>					
LM-10	Mission and Tamarack Drive Site	87-36-148	0.73	Underutilized	28			28
		87-36-149	0.02					
		<i>Total</i>	<i>0.75</i>					

LM-11	Mission and F Street Site	486-6-30		0.58	Underutilized	22			22
LM-12	Vallejo St. and Granger Ave. Site	483-10-12-1		1.26	Underutilized		18		18
LM-13	Smith Street Site	483-10-22-3		0.71	Underutilized	27			27
		483-10-21-1		0.13					
		483-10-20		0.11					
		483-10-19-1		0.13					
		Total		1.08					
LM-14	Diamond Mine Mini-Storage Site	482-27-16-1		5.93	Underutilized	151			151
LM-15	Union City Boulevard Site	A	483-5-11-2	1.46	Underutilized	172			172
			483-5-12	0.34					
		B	483-5-9-2	1.64					
			483-5-10	0.37					
		C	483-5-7-7	2.48					
			483-5-8-1	0.48					
		Total		6.76					
Subtotal of Citywide Underutilized Sites						627	18	0	645
TOTAL						1,295	594	225	2,114

*Non-vacant sites that have the potential for redevelopment.

C. Revised Housing Element

Since the Planning Commission last reviewed the Draft Housing Element in July 2022, revisions have been made based on the comments received from HCD in October 2022 (see Attachment 3, Exhibit A). Additional revisions were made based on comments received in March 2023 (Attachment 3 Exhibit B), and meetings between staff and HCD regarding their comments. These revisions are summarized below.

1. *Affirmatively Furthering Fair Housing (AFFH)*: Assembly Bill 686 (AB 686), passed in 2018, created new requirements for jurisdictions to “affirmatively further fair housing.” As defined in AB 686, affirmatively furthering fair housing means to take “meaningful actions, in addition to combating discrimination, which overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.” As a result of this recent legislation HCD has enhanced its focus on AFFH in the sixth cycle. Union City and the vast majority

of other jurisdictions received many comments regarding AFFH, and HCD requested changes to the draft Housing Element.

- I. Persons experiencing homelessness: Information regarding 2022 point-in-time homeless count added; analysis updated.
- II. Housing inventory site census tract distribution:
 - Expanded discussion/analysis regarding ethnicity, income, access to opportunity, and displacement risk and sensitivity.
 - Created Program HE-1.H (Development Standards for Missing Middle Housing Types) to amend the Zoning Ordinance and establish standards that facilitate “missing middle” housing in single-family zoning districts.
 - Strengthened Program HE-2.D (ADU Promotion) to amend the ADU ordinance to allow two ADUs on parcels if one is deed-restricted as lower income.
- III. Goals, priorities, metrics, actions, and milestones to address fair housing issues:
 - Added new Program HE-7.F (Scattered Site Housing for Persons Experiencing Homelessness) to partner with other Alameda County jurisdictions and Bay Area Community Services (BACS) to apply for Project Homekey funds to support the acquisition and conversion of single-family homes to supportive shared housing for people experiencing homelessness.
 - Modified Program HE-6.D (Increase Opportunities in the Decoto and Historic Alvarado District Neighborhoods) to identify specific improvements, include more specifics on funding, and identify an AFFH objective.
 - Modified multiple programs to include more specific commitments, timing, geographic targeting, and/or metrics.
- IV. Further AFFH analysis (3/10/23 letter): Additional analysis included in AFFH section to expand the evaluation of the inventory sites in relation to fair housing issues by census tract.
- V. AFFH mid-term planning period (2026) review (3/10/23 letter): Because most of the AFFH programs included in the Housing Element are ongoing and/or have timeframes before the mid-term of the planning

period (2026), the City is responding that it will evaluate the effectiveness of programs as part of the normal program implementation process and will course correct as needed, rather than reviewing AFFH program effectiveness at the mid-term of the sixth cycle planning period. Staff is discussing this comment with HCD.

2. *Sites Inventory*: The City received multiple comments on the opportunity sites and approved projects listed in the Housing Element to meet the City's RHNA. (Relevant changes from the July 2022 Draft Housing Element based on these comments, and revisions, are reflected in Tables 1 and 2, and Figure 1 in Section B, above).
 - I. Approved projects: Additional details added regarding the status of approved projects.
 - II. Small sites (less than ½ acre): Details added regarding sites which include multiple parcels under a single ownership, demonstrating the parcel sizes comprising these sites are not a constraint. Additional information added based on 3/10/23 follow-up comments from HCD.
 - III. Large sites (over 10 acres): Additional details added and program modified for Restoration Site. Program added to work with property owners within the Marketplace subarea on redeveloping existing retail centers to include residential uses. Safeway Marketplace Site removed from inventory.
 - IV. Realistic capacity: Information added regarding track record of recent housing development projects to support capacity assumptions for housing element sites.
 - V. Suitability of non-vacant sites: Expanded discussion of the factors considered in identifying non-vacant sites and non-vacant site factors to site profiles.
 - VI. Environmental constraints: Additional analysis included in discussion section.
 - VII. Track record of prior housing developments (3/10/23 letter): Details added regarding prior lot consolidation and non-vacant site factors for previously approved/developed housing projects.

3. *Housing Constraints*: HCD requested additional information on a number of items related to processes or requirements that they believed could have to potential to make approving and constructing housing more difficult.
 - I. Local land use controls: Information added in analysis related to minimum development standards, single room occupancy (SRO) units, and parking standards.
 - II. Added new implementation Program HE-1.I (Modify Development Standards to Remove Constraints) to review and revise development standards in the RM zones.
 - III. Processing and permit procedures: Section revised to include more specifics pertaining to the site development review process. Additional information included for Objective Development Standards project (currently underway).
 - IV. Persons with disabilities:
 - Modified Program HE-7.A (Zoning Ordinance Amendments for Special Needs Housing) to remove conditional use permit requirement for large group homes.
 - Modified Program HE-7.C (Reasonable Accommodation) to adopt objective findings for reasonable accommodation requests.
4. *Policies and Programs*: HCD requested revisions to policies and programs included in the Housing Element to make the projected impact more clearly defined.
 - I. SRO units: Modified Program HE-7.A (Zoning Ordinance Amendments for Special Needs Housing) to reduce potential barriers for development of SROs.
 - II. Compliance with state accessory dwelling unit (ADU) law: Modified Program HE-2.D (Accessory Dwelling Unit [ADU] Promotion) to include annual review of ADU law to ensure compliance with State law.
 - III. Specific metrics and outcomes: Amended multiple programs to describe specific commitments and outcomes.
 - IV. Additional information for programs on City owned land: Modified Restoration Site, Gateway Site, and Program HE-2.C (Monitor Publicly-Owned Land) to include more specifics regarding timeframes and

milestones. Additional information added based on 3/10/23 follow-up comments from HCD.

- V. Affordable units noticing: Program HE-3.A (Monitor and Preserve Affordable Units) revised to address noticing requirements.
5. *Miscellaneous*: Additional revisions were requested by HCD in areas not listed above to include data related to housing costs, public participation, history of lot consolidation for approved projects, outreach to historic underrepresented populations, and an emergency shelters program.
- I. Additional rent cost and cost burden data: Data regarding housing costs added.
 - II. Public participation: Additional details on public participation added. "Top Suggested Strategies to Prioritize" section added based on HCD comment.
 - III. AB 2339 (emergency shelters) compliance: Revised Program HE-7.A (Zoning Ordinance Amendments for Special Needs Housing) to comply with AB 2339 requirements to identify a residential or mixed use site that will permit shelters by right.
 - IV. Added Program HE-1.J (Facilitate Site Consolidation) back into the Housing Element to address HCD comment to promote lot consolidation.
 - V. Outreach to vulnerable populations (3/10/23 letter): Program (HE-6.E) added to expand outreach and build community engagement capacity among historically underrepresented populations by targeting outreach and engagement efforts regarding affordable housing opportunities and other housing programs and services to these groups.

D. Safety Element

The Safety Element is being updated concurrently with the Housing Element in compliance with three laws passed since the Housing Element was last updated:

- SB 1035: Requires jurisdictions to review their Safety Element at least every eight years and revise it as necessary to address climate change and resiliency strategies. Information relating to flood, fire, and other climate hazards not available during

the previous revision of the Safety Element should be incorporated into the update.

- SB 99: Requires jurisdictions, during the next revision (i.e., sixth cycle) of the Housing Element, to review their safety element and revise it as necessary to identify residential developments in any hazard area identified in the Safety Element that do not have at least two emergency evacuation routes.
- AB 747: Requires jurisdictions to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.

The three laws listed above have been addressed in the Safety Element updates (Attachment 2 Exhibit B). These updates include the following components:

- Safety Element Policy and Implementation Program Update (p. 202-281 of the General Plan): Revisions include amending language in the existing Safety Element to reference recent state law requirements and clarify existing procedures, clearly outline the anticipated climate change impacts in the city based on current science and projection models, updating the Union City sea level rise figure, removing policies and programs and adding new policies and programs to address climate change adaptation and resiliency based on additional analysis of scientific studies since the Safety Element was originally adopted.
- Evacuation Route Analysis (Appendix A): The analysis identifies residential developments in the city that do not have at least two emergency evacuation routes. A total of three developments are identified and shown in Figure 1 of Appendix A. This identification of residential developments with limited accessibility will aid the City in anticipating locations that could be vulnerable during an evacuation event, and opportunities for improved connectivity and access.
- Climate Change Vulnerability Assessment (Appendix B): The climate change vulnerability assessment summarizes various climate change effects and potential impacts that Union City may experience over the coming decades, evaluates Union City's current capacity to adjust and adapt to climate change (i.e., adaptive capacity), and characterizes Union City's overall vulnerability to climate change.

E. EIR Addendum

An EIR was prepared for the Union City 2040 General Plan, and was certified in December, 2019. This EIR evaluated the potential environmental impacts that would result from the 2040 General Plan, and concluded that although most potential impacts could be mitigated to a less than significant level with the incorporation of mitigation measures, several impacts would remain significant and unavoidable. Consequently, the City Council adopted Findings and a Statement of Overriding Considerations as required by CEQA Guidelines Section 15093, as well as a Mitigation Monitoring and Reporting Program (MMRP) that would be incorporated into the project to ensure that most impacts would be less than significant.

Under CEQA Guidelines Sections 15162 and 15164, preparation of an addendum is appropriate where a previously certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts than what were previously analyzed. An Addendum to the 2040 General Plan EIR was previously adopted by the City Council on November 8, 2022, after recommendation by the Planning Commission, for the General Plan amendments and rezoning of the Housing Element inventory sites. For the 2023-2031 Housing Element and Safety Element update, which includes policies and programs that plan for an adequate supply of housing at various income levels and for natural hazard resiliency, the City determined that an Addendum to the 2040 General Plan EIR was appropriate for these General Plan amendments.

The Addendum (Attachment 1, Exhibit A) was prepared in accordance with all applicable CEQA Guidelines. The Addendum evaluates whether the project would result in any changes in circumstances or substantial new information as compared to the environmental impacts identified in the certified EIR prepared for the General Plan. In regard to each potential environmental impact analyzed, the Addendum establishes that no substantial changes in circumstances have occurred, nor has any new information of substantial importance been identified requiring new analysis or verification, and no new or more severe impacts would occur beyond what was previously analyzed in the General Plan EIR. Additionally, the impact analysis concluded that since no new or more severe impacts were identified, no changes or modifications to the previously adopted

MMRP were required. Attachment 1 is a Resolution recommending the City Council adopt an Addendum to the 2040 General Plan EIR.

F. Public Outreach

The City conducted extensive community outreach for the Housing Element using a variety of approaches. This included two virtual workshops in Spanish and English, a web-based survey in five languages, and a table at the Old Alvarado Park Farmer's Market. Notices were sent to all interested parties when revisions to the Housing Element were posted to the website. A newspaper notice for the Housing and Safety Element Update and this Planning Commission meeting was published in the Tri-City Voice as required by State Law. Public comments received on the Housing Element are included in Appendix A of the Final Draft Housing Element (Attachment 2 Exhibit A).

III. REQUIRED FINDINGS

CEQA

The Planning Commission recommends that the City Council adopt the Addendum to the 2040 General Plan Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines based on the following findings:

1. That the City of Union City has independently reviewed and considered the information contained in the Addendum to the 2040 General Plan EIR (SCH: 2018102057) prior to making its recommendation.

The Planning Commission 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 Planning Commission at its April 20, 2023 meeting relating to the Addendum, prior to making its recommendation.

2. That none of the conditions requiring preparation of a subsequent EIR or negative declaration have occurred.

The Planning Commission has reviewed and considered the Addendum to the 2040 General Plan Final 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 previously identified significant effects.

3. The Addendum to the 2040 General Plan EIR is the appropriate CEQA document for the project and has been prepared in compliance with CEQA and the CEQA Guidelines.

The Addendum to the 2040 General Plan Final 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.

General Plan Amendment

4. Pursuant to Government Code Section 65358(a), that the proposed General Plan Amendment is in the public interest.

The General Plan amendment is in the public interest because the amendment will further the goals and policies of the General Plan Housing Element, to promote a mix of housing types and affordability throughout the city that meets the needs of existing and future residents, and include a mix of housing types within neighborhoods to promote a diversity of household types and housing choices for residents of all ages and income levels, and the General Plan Safety Element to minimize risks to the public health, safety, and welfare of the community and minimize damage to structures, property, and infrastructure resulting from natural and manmade hazards through disaster preparedness and emergency response, and to plan for and adapt to climate change by increasing resiliency to risks including sea-level rise, temperature change, and other impacts.

Housing Element

5. *In accordance with Government Code Section 65583.2, the City finds, based on substantial evidence in the record, including but not limited to the location, existing uses, potential for intensification based on building value to land value ratios, the City's past experience with converting existing uses to higher density residential development, current market demand for the existing and proposed uses, development trends, regulatory incentives, and*

similarity to other commercial and low density residential sites on which residential development applications have been filed, that the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to additional residential development during the period covered by the 2023-2031 Housing Element.

6. *As required by Government Code Section 65585(e), the City has considered the findings made by the HCD included in the letters to the City dated October 26, 2022 and March 10, 2023, consistent with Government Code Section 65585(f), and has changed the Housing Element in response to the findings of the Department to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.*
7. *The 2023-2031 Housing Element substantially complies with state law, including Article 10.6 (Housing Elements) of the Government Code, and contains, as required by Government Code Section 65583, the following:*
 - a. *An assessment of housing needs and an inventory of resources and constraints relevant to meeting these needs;*
 - b. *A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing;*
 - c. *A program that sets forth an 8-year schedule of actions to implement the policies and achieve the stated goals and objectives;*
 - d. *Identification of adequate sites with appropriate zoning densities and infrastructure to meet the community's need for housing, as reflected in the Regional Housing Needs Allocation for 2023-2031;*
 - e. *The removal of governmental constraints to housing development where appropriate and legally possible;*
 - f. *A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and outreach capacity; and*
 - g. *An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.*

IV. ALTERNATIVES

1. Recommend adoption of Resolution #07-23 and Resolution #08-23 recommending adoption of the Addendum to the 2040 General Plan EIR and adopting the 2023-2031 Housing Element and Safety Element update and repealing the 2015-2023 Housing Element (AG-23-001) to the City Council, and authorize the City Manager to make minor revisions to the Housing Element based on any further changes required by HCD;
2. Recommend adoption of Resolution #07-23 and Resolution #08-23 recommending adoption of the Addendum to the 2040 General Plan EIR and adopting the 2023-2031 Housing Element and Safety Element update and repealing the 2015-2023 Housing Element (AG-23-001) to the City Council, as modified by the Planning Commission, and and authorize the City Manager to make minor revisions to the Housing Element based on any further changes required by HCD;
3. Recommend denial of the 2023-2031 Housing Element and Safety Element Update to the City Council.
4. Continue the matter for further consideration.

V. RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution #07-23 and Resolution #08-23 recommending adoption of the Addendum to the 2040 General Plan EIR and adopting the 2023-2031 Housing Element and Safety Element update and repealing the 2015-2023 Housing Element (AG-23-001) to the City Council, and authorize the City Manager to make minor revisions to the Housing Element based on any further changes required by HCD, based on the following specific findings:

CEQA

1. *The Planning Commission 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 Planning Commission at its April 20, 2023 meeting relating to the Addendum, prior to making its recommendation.*
2. *The Planning Commission has reviewed and considered the Addendum to the 2040 General Plan Final 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 previously identified significant effects.

3. *The Addendum to the 2040 General Plan Final 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.*

General Plan Amendment

4. *The General Plan amendment is in the public interest because the amendment will further the goals and policies of the General Plan Housing Element, to promote a mix of housing types and affordability throughout the city that meets the needs of existing and future residents, and includes a mix of housing types within neighborhoods to promote a diversity of household types and housing choices for residents of all ages and income levels, and the General Plan Safety Element to minimize risks to the public health, safety, and welfare of the community and minimize damage to structures, property, and infrastructure resulting from natural and manmade hazards through disaster preparedness and emergency response, and to plan for and adapt to climate change by increasing resiliency to risks including sea-level rise, temperature change, and other impacts.*

Housing Element

5. *In accordance with Government Code Section 65583.2, the City finds, based on substantial evidence in the record, including but not limited to the location, existing uses, potential for intensification based on building value to land value ratios, the City's past experience with converting existing uses to higher density residential development, current market demand for the existing and proposed uses, development trends, regulatory incentives, and similarity to other commercial and low density residential sites on which residential development applications have been filed, that the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to additional residential development during the period covered by the 2023-2031 Housing Element.*

6. *As required by Government Code Section 65585(e), the City has considered the findings made by the HCD included in the letters to the City dated October 26, 2022 and March 10, 2023, consistent with Government Code Section 65585(f), and has changed the Housing Element in response to the findings of the Department to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.*
7. *The 2023-2031 Housing Element substantially complies with state law, including Article 10.6 (Housing Elements) of the Government Code, and contains, as required by Government Code Section 65583, the following:*
 - a. *An assessment of housing needs and an inventory of resources and constraints relevant to meeting these needs;*
 - b. *A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing;*
 - c. *A program that sets forth an 8-year schedule of actions to implement the policies and achieve the stated goals and objectives;*
 - d. *Identification of adequate sites with appropriate zoning densities and infrastructure to meet the community's need for housing, as reflected in the Regional Housing Needs Allocation for 2023-2031;*
 - e. *The removal of governmental constraints to housing development where appropriate and legally possible;*
 - f. *A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and outreach capacity; and*
 - g. *An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.*

Prepared by

Coleman Frick, Senior Planner

Attachments

1. Attachment 1: Draft Planning Commission Resolution Recommending the City Council Adopt an Addendum to the 2040 General Plan EIR
 - Exhibit A: Draft Addendum to the 2040 General Plan EIR

2. Attachment 2: Draft Planning Commission Resolution Recommending the City Council approve 2023-2031 Housing Element and Safety Element update (AG-23-001)
 - Exhibit A – Final Draft 2023-2031 Housing Element (with changes from the July 2022 Draft Housing Element identified in track changes and yellow highlights)
 - Exhibit B – Safety Element Amendments
 - Appendix A: Senate Bill 99 Evacuation Route Analysis
 - Appendix B: Climate Change Vulnerability Assessment
3. Attachment 3: HCD Comment Responses Letters
 - Exhibit A: Response to Letter #1
 - Exhibit B: Response to Letter #2
4. Attachment 4: July 7, 2022 Planning Commission staff report
5. Attachment 5: July 7, 2022 Planning Commission Meeting Minutes