

Attachment 9

PLANNING COMMISSION RESOLUTION NUMBER #08-23

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UNION CITY
RECOMMENDING THE CITY COUNCIL ADOPT GENERAL PLAN
AMENDMENT, AG-23-001, TO UPDATE THE HOUSING ELEMENT FOR THE 2023-
2031 PLANNING PERIOD, AND SAFETY ELEMENT, IN COMPLIANCE WITH STATE
HOUSING ELEMENT AND SAFETY ELEMENT LAW**

WHEREAS, by Resolution No. 5549-19, duly adopted by the City Council of Union City on December 10, 2019, there was 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 need 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 Housing Element must be adopted to comply with state law, accommodate the RHNA, affirmatively further fair housing, and facilitate and encourage a variety of housing types for all income levels, including multifamily housing; 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, Senate Bill (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; and

WHEREAS, SB 99 requires jurisdictions 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; and

WHEREAS, Assembly Bill (AB) 747 requires jurisdictions to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios; and

WHEREAS, the City has prepared an update to the Safety Element pursuant to the requirements of SB 1035, SB 99, and AB 747; and

WHEREAS, the City has prepared the 2023-2031 Union City Housing Element (“Housing Element”) for the sixth cycle planning period in compliance with state law; and

WHEREAS, the City circulated the draft Housing Element for a 30-day public review period from June 13, 2022 to July 13, 2022 in compliance with State of California Government Code Section 65583. The draft Housing Element was available for review on the City’s website; and

WHEREAS, the Planning Commission reviewed the draft Housing Element at their July 7, 2022 meeting and recommended submittal, with minor amendments, to the State Department of Housing and Community Development (HCD) for state mandated review; and

WHEREAS, in accordance with Government Code Section 65585 (b), on July 28, 2022, the City submitted the draft Housing Element to HCD for its review; and

WHEREAS, in September, 2022, the City referred the draft Housing Element to all California Native American tribes on the contact list provided by the Native American Heritage Commission and to other entities listed. No California Native American tribe requested consultation; and

WHEREAS, on October 26, 2022, the City received a letter from HCD providing comments regarding the draft Housing Element; and

WHEREAS, the City revised the Housing Element based on the comments received from HCD; 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 Environmental Impact Report (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 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, on January 30, 2023 the City submitted a revised draft Housing Element and annotated response letter to HCD for its review; and

WHEREAS, on March 10, 2023, the City received a letter from HCD providing its

comments regarding the revised draft Housing Element; and

WHEREAS, on April 14, 2023, the City posted a second revised draft Housing Element and annotated response letter to HCD on the City's website; and

WHEREAS, General Plan Amendment, AG 23-001, amends the 2040 General Plan by adding the 2023-2031 Housing Element, labeled as Exhibit A, attached hereto and made a part hereof, and updating the Safety Element, labeled as Exhibit B, attached hereto and made a part hereof, and repealing the 2015-2023 Housing Element in its entirety; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Addendum to the 2040 General Plan EIR was prepared for the Housing Element and Safety Element amendments; and

WHEREAS, the City conducted extensive community outreach regarding the Housing Element using a variety of approaches, including two virtual workshops in Spanish and English, a web-based survey in five languages, an informational table was located at the Old Alvarado Park Farmer's Market, and notices were sent to all interested parties when revisions to the Housing Element were posted to the website; 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 EIR Addendum for the Planning Commission; and

WHEREAS, pursuant to Section 65854 of the Government Code, the Planning Commission held a duly noticed public hearing on the project on April 20, 2023 at which time all interested parties had the opportunity to be heard. The Planning Commission considered the Housing Element and Safety Element amendments, HCD's comments, the City's response to HCD's comments, an EIR Addendum, and a staff report dated April 20, 2023, and all written and oral testimony, and determined the Housing Element and Safety Element update to be consistent with State law and the 2040 General Plan; and

WHEREAS, the Planning Commission adopted Resolution No. __-23 recommending that the City Council Adopt an Addendum to the 2040 General Plan Environmental Impact Report.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Union City hereby recommends the City Council adopt a resolution approving General Plan Amendment, AG 23-001, to amend the 2040 General Plan as contained in Exhibit A and

B and repeal the 2015-2023 Housing Element in its entirety, based on the following findings:

1. That the proposed 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.
2. 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.
3. 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.
4. 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Union City hereby recommends the City Council authorize the City Manager or designee to file all necessary material with the Department of Housing and Community Development for the Department to find that the Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department to achieve certification. Such changes by the City Manager shall not change the policy of the City or include any legislative action.

I HEREBY CERTIFY that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission of the City of Union City held on April 20, 2023 by the following vote:

AYES: 4 (GUIO, AGBUYA, LEW, MCLELLAND)
NOES: 0
ABSTAINED:
ABSENT:1 (SANDHU)
MOVED: AGBUYA
SECONDED: LEW

APPROVED

DocuSigned by:
Lee Guio
55B2266449B66482...

LEE GUIO, CHAIRPERSON

ATTEST:

DocuSigned by:
Carmela Campbell
6BAC25042775466...

CARMELA CAMPBELL, SECRETARY