

ORDINANCE NO. 25-____

AN ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA ADDING ARTICLE
16 TO CHAPTER 3 OF THE HAYWARD MUNICIPAL CODE RELATING TO FIRE
HAZARD SEVERITY ZONES

WHEREAS, Government Code § 51175-89 requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones, which are based on uniform criteria and the severity of fire hazards expected in those areas;

WHEREAS, within 30 days of receiving a transmittal from the State Fire Marshal identifying fire hazard severity zones, the City of Hayward was required to make the information available for public view and comment, in a format that is understandable and accessible to the public, including the use of maps;

WHEREAS, the City received transmittal of the fire hazard severity zones from the State Fire Marshal on February 24, 2025;

WHEREAS on March 19, 2025, the City made the information received from the State Fire Marshal available for public view and comment in a format that is understandable and accessible to the public by creating a website with such information which includes maps and contact information for those with questions and/or comments;

WHEREAS, within 120 days of receiving the transmittal from the State Fire Marshal, the City is required to designate, by ordinance, moderate, high and very high fire safety zones, which it is seeking to do herein;

WHEREAS, the 120-day deadline to adopt the ordinance will expire on June 23, 2025;

WHEREAS, within 30 days of adoption of this Ordinance, the City is required to transmit a copy of the adopted ordinance to the State Board of Forestry and Fire Protection.

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 16 is added to Chapter 3 of the City of Hayward Municipal Code to read as follows:

SEC. 3-16.00 Title.

This Article shall be known as the “Fire Severity Map Ordinance”

SEC. 3-16.01 Purpose.

The purpose of this ordinance is to designate those areas within the Hayward City limits that the California Department of Forestry and Fire Protection has determined, under California Government Code Section 51179, are Very High Hazard Severity Zones (VHFHS Zones).

SEC. 3-16.02 Effect.

Basic authorities and responsibilities for designated Very High Hazard Severity Zones (VHFHS Zones) are set forth in Government Code Section 51175 et seq.

SEC. 3-16.03 Map.

The map, prepared by the Fire Resource Assessment Program, California Department of Forestry and Fire Protection labeled Very High Hazard Severity Zones (VHFHS Zones) in the Local Response Area (LRA) as prepared by Cal Fire dated February 24, 2025, is available on the City of Hayward website, which can be accessed at the following web address: <https://www.hayward-ca.gov/fire-department> , as well as on the Cal Fire website, which can be accessed at the following web address: <https://experience.arcgis.com/experience/6a9cb66bb1824cd98756812af41292a0> .

SEC. 3-16.04 Designation.

The areas recommended as VHFHS Zones as set forth on the Very High Fire Hazard Severity map are designated VHFHS Zones.

SECTION 2. California Environmental Quality Act (CEQA).

The City Council independently finds and determines that this action is exempt from CEQA pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code; and, under Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

SECTION 3. Severance.

If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

SECTION 4. Effective Date and Publication.

This ordinance shall become effective thirty (30) days after adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 27th day of May, 2025, by Council Member_____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 2025, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

APPROVED:_____
Mayor of the City of Hayward

DATE:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

Acting City Attorney of the City of Hayward