



DATE: January 21, 2025

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Implementation of the Hayward 2023-2031 Housing Element: Adoption of a Resolution and Introduction of an Ordinance Regarding Implementation of the Hayward 2023-2031 Housing Element; Public Hearing on Proposed Zoning Text Amendments to Hayward Municipal Code Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance), Article 2 (Off-Street Parking Regulations), Article 24 (Mission Boulevard Code) and Article 28 (Downtown Development Code) and Finding that no Further Environmental Review is Required Pursuant to the California Environmental Quality Act (CEQA)

RECOMMENDATION

That the City Council Introduce an Ordinance (Attachment III) to approve the proposed Text Amendments to the Hayward Municipal Code Chapter 10, Article 1, 2, 24, and 28 (Planning, Zoning and Subdivisions) associated with the implementation of Hayward 2023-2031 Housing Element Actions, pursuant to the accompanying Resolution (Attachment II) making findings in support of the text amendments and determining that no further environmental review is required pursuant to the California Environmental Quality Act.

SUMMARY

On February 7, 2023, the City Council adopted the Hayward 2023-2031 Housing Element, which contained goals, policies, programs, and actions to help Hayward meet its housing needs for individuals at all income levels. This project aims to fulfill several Housing Element actions related to supportive housing to remain in compliance with state housing law and to expand housing options for Hayward's unhoused and other vulnerable populations.

In October 2024, the City Council¹ and Planning Commission² held work sessions on this topic and provided feedback on Staff's draft regulations. The City Council and Planning Commission were generally supportive of the recommendations but directed staff to explore allowing temporary restroom facilities for Safe Parking and requiring bicycle parking for the proposed uses. They also asked several questions about hotel conversions, the Administrative Use Permit

¹ October 15, 2024 City Council Work Session: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6892956&GUID=4DDBC601-F514-4271-9A83-2FA274C848DC&Options=&Search=>

² October 10, 2024 Planning Commission Work Session: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6884218&GUID=F2BC543F-E535-44BB-B452-4B67E38D8A1F&Options=&Search=>

process, public outreach and enforcement. The draft regulations were also available for public review from September 24, 2024, through October 21, 2024. All public comments received during the public comment period and staff responses are available in Attachment V. Based on that feedback, Staff revised the zoning amendments accordingly, which are summarized below:

- Clarify Permitted Use definition to be inclusive of “By-Right” uses.
- Revise Dwelling Unit definition to clarify units are permanent.
- Require one short-term bicycle parking space per every ten sleeping units and one long-term bicycle parking space per every four sleeping units for SROs.
- Revise Safe Parking Definition to clarify it allows individuals to sleep within their vehicles and add a cross-reference to the Vehicle definition.
- Clarify that all safe parking vehicles shall be parked within striped parking spaces.
- Allow temporary bathroom facilities for safe parking operations.
- Revise Emergency Shelter definition to clarify it is for individuals experiencing homelessness.
- Clarify that Emergency Shelters shall be more than 300 feet from one another.

On December 12, 2024³, the Planning Commission voted 7-0 to recommend the City Council approve the proposed zoning amendments with modifications to require a Conditional Use Permit for safe parking, create a neighborhood accountability group to explore impacts related to supportive housing development, add a definition for homeless which includes housing insecurity and fix miscellaneous typographical errors. Staff’s recommendation remains that safe parking be permitted with an Administrative Use Permit, rather than a Conditional Use Permit, which is reflected in the zoning amendments (Attachment III). Additionally, the creation of a neighborhood accountability group is outside the scope of this project which is related to amendments to the Municipal Code. However, staff did revise the amendments to add a definition for homeless and fix the miscellaneous typographical errors as recommended by the Planning Commission.

BACKGROUND

The State of California is in a housing and shelter crisis with more than 171,000 people experiencing homelessness daily. The California Statewide Study of People Experiencing Homelessness⁴, published by the University of California San Francisco in June 2023, noted that California’s unhoused population is predominately minorities and individuals over 40 years old; that most individuals experiencing homelessness reported a period in their life where they experienced a serious mental health condition; and, that the median length of homelessness is 22 months. Based upon the 2024 Point-In-Time (PIT) Count⁵, there are approximately 512 people experiencing homelessness in Hayward, which is up 30% from 2022.

³ December 12, 2024 Planning Commission Hearing: <https://hayward.legistar.com/LegislationDetail.aspx?ID=7044061&GUID=462738B5-FB2F-4DFD-819E-9117DA90DAD4&Options=&Search=>

⁴ The California Statewide Study of People Experiencing Homelessness: <https://homelessness.ucsf.edu/our-impact/studies/california-statewide-study-people-experiencing-homelessness>

⁵ January 2024 Point-In-Time Count: <https://everyonehome.org/main/continuum-of-care/point-in-time-count-2024/>

The City of Hayward has adopted several Plans and Resolutions aimed at addressing this crisis, including the Hayward 2023-2031 Housing Element⁶. The Housing Element was adopted by the City Council on February 7, 2023⁷, and is composed of goals, policies, programs, and actions to help our community meet its housing needs. This project aims to fulfill the following actions to remain in compliance with State housing law and expand supportive housing options for Hayward's unhoused population:

- **Action 13.1:** Explore innovative and alternative housing options that provide greater flexibility and affordability in the housing stock. This may include allowing shelters, transitional housing and tiny homes with wraparound services on site at churches, social services agencies/nonprofits that do this work in the community and on publicly owned land. The City will promote other types of alternative housing options including single room occupancy developments or conversions, group homes, and by-right permanent supportive housing. The City has the goal of completing five tiny home developments, single-room occupancy developments, supportive housing developments, emergency shelters, transitional housing development and/or conversions in the planning period as indicated in the recently certified Housing Element.
- **Action 13.3:** Assess and amend the Hayward Municipal Code (HMC) as needed to allow Supportive Housing as a “by-right” use where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651⁸.
- **Action 13.4:** Evaluate the permit process for group homes of seven or more persons and amend the HMC to include a set of objective standards to provide certainty to applicants through the permitting process. Evaluate the potential of allowing this use through the Administrative Use Permit process or allow “by-right” subject to objective standards.
- **Action 13.5:** Amend the HMC parking regulations for Homeless and Emergency Shelters and Navigation Centers to comply with Government Code section 65583, subdivision (a)(4)(A)⁹.
- **Action 13.6:** Amend the HMC to comply with California Government Code section 65662¹⁰ which requires a Low Barrier Navigation center to be a use by-right in areas zoned for mixed-use and non-residential zones permitting multifamily uses, provided specific legal requirements are met.
- **Action 13.7:** Amend the HMC to allow tiny homes and emergency shelters on church and publicly owned properties.
- **Action 19.11:** Explore funding and feasibility options for safe parking and safe camping programs to provide additional safe, secure, and sanitary options for individuals and families experiencing homelessness.

⁶ Hayward 2023-2031 Housing Element: <https://www.hayward-ca.gov/your-government/documents/planning-documents>

⁷ February 7, 2023 City Council Hearing: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6016046&GUID=4F497BC8-5C65-474C-8E6E-7447DA88FEFA&Options=&Search=>

⁸ California Government Code Section 65651:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65651&lawCode=GOV

⁹ Government Code Section 65583, Subdivision (a)(4)(A):

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65583&lawCode=GOV

¹⁰ California Government Code Section 65662:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65662.&lawCode=GOV

In addition to the Housing Element, the City Council adopted the Let's House Hayward Strategic Plan on July 13, 2021¹¹. This Plan identified goals and strategies to achieve Hayward's vision of being a leader in ending homelessness through accessible, dignified treatment and services. Many of these goals and strategies served as the basis for actions within the Housing Element.

The City Council also adopted the five emergency Resolutions (Res 18-027¹², Res 19-04¹³, Res 21-026¹⁴, Res 23-028¹⁵, and Res 24-025¹⁶) to support the operation and construction of supportive housing. Many of these Resolutions include the temporary suspension of local planning and zoning regulations as they currently represent barriers to meaningfully and creatively serving our unhoused population.

The HMC allows a variety of housing options in the residential, commercial, and mixed-use zoning districts. However, the HMC only currently allows a few specific types of supportive housing uses (i.e. group homes, convalescent homes, SROs and homeless shelters) in limited areas, the uses are not clearly defined, and there are few, if any, operational or performance standards (i.e. number of residents, security measures, on-site management, length of stay, etc.) applicable to the uses, which the zoning amendments intends to remedy.

PUBLIC CONTACT

The public outreach for this project builds upon outreach and feedback efforts associated with the Hayward 2023-2031 Housing Element. A detailed description of those efforts can be found in the City Council adoption hearing staff report¹⁷.

In May 2024, staff held five stakeholder meetings to gather input from local service providers, affordable housing developers, educational facilities and faith-based organizations to understand best practices and recommendations in the field of supportive housing. A total of 74 organizations were invited to attend and ten organizations participated in these meetings. Further, staff from the City of Hayward Community Services, Housing, Maintenance Services, Fire, Police, Building, Water Pollution Source Control and Utilities departments also provided input at a series of internal meetings. Following those meetings, staff gathered preliminary

¹¹ July 13, 2021 City Council Public Hearing: <https://hayward.legistar.com/LegislationDetail.aspx?ID=5028014&GUID=E5369F11-C504-413E-B317-E2797DF45328&Options=&Search=>

¹² October 2, 2018 City Council Hearing: <https://hayward.legistar.com/LegislationDetail.aspx?ID=3690554&GUID=A8DF0FBF-2F19-4648-8632-2BFE62A97107&Options=&Search=>

¹³ January 22, 2019 City Council Hearing: <https://hayward.legistar.com/LegislationDetail.aspx?ID=3838800&GUID=89EC3945-8050-428A-881C-6180A91CBA9A&Options=&Search=>

¹⁴ February 23, 2021 City Council Hearing: <https://hayward.legistar.com/LegislationDetail.aspx?ID=4803667&GUID=7C811874-F8C6-4590-9385-736AD8D65638&Options=&Search=>

¹⁵ February 7, 2023 City Council Hearing: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6016044&GUID=969B2045-A073-4043-90BB-1659E2882811&Options=&Search=>

¹⁶ January 30, 2024 City Council Hearing: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6497824&GUID=27C372BA-05E2-4727-B184-0EB72948365B&Options=&Search=>

¹⁷ February 7, 2023 City Council Hearing: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6016046&GUID=4F497BC8-5C65-474C-8E6E-7447DA88EFEA&Options=&Search=>

feedback from the Planning Commission¹⁸ and City Council¹⁹ at work sessions in June 2024 prior to drafting the regulations.

In September 2024, staff shared the draft regulations with stakeholders and internal staff. The draft regulations were also presented at work sessions with the Planning Commission²⁰ and City Council²¹ on October 10, 2024, and October 15, 2024, respectively, and available for public review from September 24, 2024, through October 21, 2024. All public comments received during the public comment period, along with staff responses, are available in Attachment V.

To date, staff has received one letter of support on the proposed zoning amendments which can be found in Attachment VI.

DISCUSSION

Based upon the feedback received, staff is recommending several zoning amendments related to expanding supportive housing. The overall goal of these recommendations is to create a spectrum of housing to serve a variety of populations with different needs. Recommendations include amendments to the Zoning Ordinance²², Off-Street Parking Regulations²³, Mission Boulevard Code²⁴ and Downtown Development Code²⁵. All revisions to the regulations following the October Work Sessions can be found in the “*New or Revised Regulations*” subsection within each section.

General Clean-Up: The regulations related to general clean up are described below and can be found in Attachment III, Exhibit A-D. These following revisions aim to ensure Hayward’s residential zoning regulations are clear, internally consistent and compliant with State Law:

- Add or revise definitions for the following terms: Single Room Occupancy, Safe Parking, Group Homes, Convalescent Facility, Psychiatric and Rehabilitation Facility, Emergency Shelter, Low Barrier Navigation Center, Live/Work, Dwelling Unit, Sleeping Unit, Housing for Individuals with Disabilities, and Vehicle.
- Remove Boarding Home, and Fraternity/Sorority uses.
- Add Dormitory use to the Central City-Residential (CC-R), Central City-Plaza (CC-P), Mission Boulevard-Corridor Neighborhood (MB-CN), Mission Boulevard-Neighborhood Node (MB-NN), Mission Boulevard-Corridor Center (MB-CC), Urban

¹⁸ June 27, 2024 Planning Commission Work Session: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6731748&GUID=5F887A2B-F4FA-4C9F-AC97-CD4E1B130FF9&Options=&Search=>

¹⁹ June 25, 2024 City Council Work Session: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6734718&GUID=529789D5-ED06-4719-98DB-AD00E7DB602A&Options=&Search=>

²⁰ October 10, 2024 Planning Commission Work Session: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6884218&GUID=F2B543F-E535-44BB-B452-4B67E38D8A1F&Options=&Search=>

²¹ October 15, 2024 City Council Work Session: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6892956&GUID=4DDBC601-F514-4271-9A83-2FA274C848DC&Options=&Search=>

²² HMC Section 10-1, Zoning Ordinance: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR

²³ HMC Section 10-2, Off-Street Parking Regulations: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART2OREPARE

²⁴ HMC Section 10-24, Mission Boulevard Code: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24MIBOCO

²⁵ HMC Section 10-28, Downtown Development Code: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART28DECO

Neighborhood (UN), Downtown-Main Street (DT-MS), and Urban Center (UC) zoning districts with the approval of an Administrative Use Permit.

- Combine Live/Work and Artist's Loft into one use.
- Allow Low Barrier Navigation Centers in all mixed use and nonresidential zoning districts permitting multifamily uses, including Neighborhood Commercial (CN), Neighborhood Commercial-Residential (CN-R), General Commercial (CG), Commercial Office (CO), Limited Access Commercial (CL), Central Business (CB), Central City-Commercial (CC-C), Central City-Residential (CC-R), Central City-Plaza (CC-P), Mission Boulevard-Corridor Neighborhood (MB-CN), Mission Boulevard- Neighborhood Node (MB-NN), Mission Boulevard-Corridor Center (MB-CC) Neighborhood Edge (NE), Neighborhood General (NG), Urban Neighborhood (UN), Urban Neighborhood-Limited (UN-L), Downtown Main Street (DT-MS), and Urban Center (UC) by right in accordance with Government Code section 65662²⁶.
- Add standards for a Low Barrier Navigation Center in accordance with Government Code section 65662.
- Revise housing types within the Off-Street Parking Regulations to be consistent with the Zoning Ordinance.

New or Revised Regulations

- Revise Permitted Use definition to be inclusive of "By-Right" uses.
- Revise Dwelling Unit definition to clarify units are permanent.
- Add Homeless definition that aligns with U.S. Department of Housing and Urban Development (HUD) definition.
- Revise miscellaneous typographical errors.

Single Room Occupancy (SROs): The regulations related to SROs are described below and can be found in Attachment III, Exhibit A (pg. 82). These regulations aim to allow the development of small, independent units for individuals transitioning out of congregate living environments, unhoused individuals, migrant workers and other extremely low-income residents. Due to their similarities, SROs are proposed to be permitted wherever hotels are permitted. The proposed regulations listed below are based on similar regulations adopted in Milpitas, San Leandro and Winters which have comprehensive SRO ordinances:

- Allow new SROs in the High Density Residential (RH), Limited Access Commercial (CL), Central Business (CB), Central City-Commercial (CC-C), Mission Boulevard-Corridor Neighborhood (MB-CN), Mission Boulevard-Neighborhood Node (MB-NN), Mission Boulevard-Corridor Center (MB-CC), Urban Neighborhood (UN), Downtown Main Street (DT-MS), and Urban Center (UC) zoning districts with approval of an Administrative Use Permit.
- Allow hotel conversions into SROs in the Light Industrial (IL), Industrial Park (IP), General Industrial (IG), and Air Terminal- Commercial (AT-C) zoning districts with approval of an Administrative Use Permit.
- Require each unit be a maximum of 400 square feet, have a minimum of 90 cubic feet of storage and have one parking space.

²⁶ California Government Code Section 65662:

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65662.&lawCode=GOV

- Allow each unit to have a bathroom and/or an efficiency kitchen. If not provided in each unit, minimum shared facilities are required.
- Require common laundry facilities and open space for all the residents.
- Require a management plan that addresses the management and operation of the facility, staffing, rental procedures, safety and security of the residents and building maintenance.

New or Revised Regulations

- Require one short-term bicycle parking space per every ten sleeping units and one long-term bicycle parking space per every four sleeping units.

A map showing the locations where SROs would be permitted can be found in Attachment IV.

Safe Parking: The regulations related to safe parking are described below and can be found in Attachment III, Exhibit A (pg. 81). These regulations aim to create a safe place for individuals to sleep overnight in their vehicles while ensuring access to basic necessities and limiting impacts to adjacent properties and City services. Staff recommends allowing safe parking on large, developed sites to ensure the site can easily accommodate the use. The draft regulations listed below are based on successful Safe Parking programs in Union City and Fremont:

- Allow safe parking on properties owned by tax-exempt non-profit organizations (i.e. faith-based organization, community-based organization) that are a minimum of 20,000 square feet and have a minimum of 50 parking spaces or a habitable structure with a minimum of 10,000 square feet gross floor area with approval of an Administrative Use Permit.
- Require all vehicles, vans and recreational vehicles to be operable and parked on a paved surface.
- Require safe parking locations to provide access to permanent bathroom facilities for participants during all operational hours.
- Require all safe parking locations provide temporary or permanent shower and laundry facilities at least once a week for participants.
- Prohibit safe parking operations between the hours of 10:00 a.m. and 5:00 p.m. unless otherwise authorized.
- Require a management plan that addresses the operation, management, rules, and safety measures for the safe parking operation.

New or Revised Regulations

- Revise Safe Parking Definition to clarify it allows individuals to sleep within their vehicles and add a cross-reference to the Vehicle definition
- Clarify that all safe parking vehicles shall be parked within striped parking spaces.
- Allow temporary bathroom facilities for safe parking operations

A map showing the locations where safe parking would be permitted can be found in Attachment IV.

Group Homes: The regulations related to Group Homes are described below and can be found in Attachment III, Exhibit A (definition on pg. 97). These regulations aim to remove barriers for

licensed groups homes which are already heavily regulated by the State. The draft regulations listed below are based on California Department of Housing and Community Development's Group Home Technical Advisory²⁷ and key feedback from the Supportive Housing Community Land Alliance (SCHLA). Please note there are no proposed changes to *unlicensed* group homes regulations which allow up to six residences by right and over seven residents with approval of a Conditional Use Permit.

- Allow group homes in the Central City-Commercial (CC-C), Central City-Plaza (CC-P), Mission Boulevard-Corridor Neighborhood (MB-CN), Mission Boulevard-Neighborhood Node (MB-NN), and Mission Boulevard-Corridor Center (MB-CC) zoning districts in accordance with Welfare and Institution Code section 5116²⁸.
- Distinguish licensed from unlicensed group homes.
- Licensed Group Homes:
 - Define Small Licensed Group Homes as having up to eight residents and allow by right in all districts that currently allow group homes.
 - Define Medium Licensed Group Homes as having between nine and 14 residents and allow subject to approval of an Administrative Use Permit in all districts that currently allow group homes.
 - Define Large Licensed Group Homes as having 15 or more residents and allow subject to approval of a Conditional Use Permit in all districts that currently allow group homes.

Emergency Shelters: The regulations related to emergency shelters are described below and can be found predominately in Attachment III, Exhibit A (pg. 79). These regulations aim to expand where emergency shelters are permitted to best serve Hayward's unhoused population and create standards to minimize potential nuisances. The draft standards listed below are based on statutory requirements in Government Code section 65583, subdivision (a)(4)²⁹ and regulations from Oakland, Fremont and San Leandro.

- Allow emergency shelters on parcels along Mission Boulevard and Foothill Boulevard in the Neighborhood Commercial (CN), General Commercial (CG), and Commercial Office (CO) zoning districts.
- Allow emergency shelters on parcels along Mission Boulevard in the Mission Boulevard Corridor Center (MB-CC) zoning district.
- Limit emergency shelters to 45 beds.
- Require emergency shelters provide one parking space for each three employees on site during the shift that has maximum staffing and an additional parking space for each facility vehicle.
- Require a client in-take area and on-site security.
- Require emergency shelters a minimum of 300 feet from one another.

²⁷ HCD Group Home Technical Advisory: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf>

²⁸ California Welfare and Institution Code Section 5116:
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5116&lawCode=WIC

²⁹ Government Code Section 65583, Subdivision (a)(4):
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65583&lawCode=GOV

New or Revised Regulations

- Revise Emergency Shelter definition to clarify it is for individuals experiencing homelessness.
- Clarify that Emergency Shelters shall be more than 300 feet from one another.

A map showing the locations where emergency shelters would be permitted can be found in Attachment IV.

Psychiatric and Rehabilitation Care Facilities: The regulations related to Psychiatric and Rehabilitation Facilities described below can be found predominately in Attachment III, Exhibit A (definition on pg. 109). These regulations aim to support individuals who are experiencing a crisis and need a higher level of care than can be provided in a congregate living setting (i.e. shelter, group home). Typically, individuals experiencing a mental health crisis are sent to hospitals which are expensive and unprepared to provide extensive mental health support. Establishment of these facilities are supported by best practices, and there has been an increase in funding from the State and County for these facilities.

- Allow Psychiatric and Rehabilitation Facilities in the Light Industrial (IL), Industrial Park (IP), General Industrial (IG), Mission Boulevard- Corridor Neighborhood (MB-CN), Mission Boulevard-Neighborhood Node (MB-NN), and Mission Boulevard-Corridor Center (MB-CC) zoning districts with approval of an Administrative Use Permit.
- Require these facilities be licensed and regulated by the State Department of Health Care Services.

A map showing the locations where Psychiatric and Rehabilitation Facilities would be permitted can be found in Attachment IV.

ENVIRONMENTAL REVIEW

On July 1, 2014, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Update and related Program Environmental Impact Report (EIR)³⁰. In accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary pursuant to the conditions described in Section 15162. Under Section 15162, a subsequent EIR need not be prepared unless the lead agency determines one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

³⁰ Hayward 2040 General Plan Draft EIR. https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Public%20Release%20Draft%20EIR_1-30-14.pdf and Final EIR https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Final%20EIR_5-19-14_0.pdf

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

While an Addendum was prepared by Rincon Associates for the 2023-2031 Housing Element (January 2023), the proposed Amendments are consistent with the *Hayward 2040 General Plan* and will not result in an increase in density or intensity of development beyond the impacts analyzed in the General Plan Program EIR. Specifically, no new or unanticipated levels of development are expected as a result of the proposed Amendments; and, no new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result of adoption of these regulations. Therefore, the proposed Amendments substantially conform to the Goals, Policies, and Land Use Diagram set forth in the *Hayward 2040 General Plan* and were adequately analyzed in the related Program EIR and the Addendum prepared for the Housing Element (January 2023)³¹. As such, no further environmental review is necessary.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Preserve, Protect and Produce Housing for All. Specifically, this item relates to the implementation of the following projects:

Project H4: Continue to explore safe parking options along with encampment management

Project H10: Amend the Municipal Code to address Housing Element Actions related to housing for a variety of income levels and housing types

ECONOMIC IMPACT

This project aims to promote the development of supportive and transitional housing for individuals and families experiencing homelessness. This project will have a positive

³¹ Hayward Housing Element, Attachment III Addendum.
<https://hayward.legistar.com/LegislationDetail.aspx?ID=6016046&GUID=4F497BC8-5C65-474C-8E6E-7447DA88EFEA&Options=&Search=>

economic impact by helping lower the unsheltered population and reducing the economic strain on emergency and maintenance services.

FISCAL IMPACT

This project was anticipated in the Planning Division and Community Services Division work plans therefore, there will be no additional unanticipated impact to the City's General Fund.

NEXT STEPS

If approved, the proposed Amendments would become effective 30 days following Ordinance adoption.

Prepared by: Taylor Richard, Associate Planner

Recommended by: Sara Buizer, AICP, Development Services Director

Approved by:



Dr. Ana M. Alvarez, City Manager