



## **SUBJECT**

General Plan Amendment to the Hazards Element of the *Hayward 2040 General Plan* to Incorporate a Reference to the Hayward Local Resilience Plan.

## **RECOMMENDATION**

That the Planning Commission recommends the City Council adopt the proposed amendment to the Hazards Element of the *Hayward 2040 General Plan* subject to Draft Findings and Review an Addendum to the Hayward 2040 General Plan EIR analyzing amendments to the Housing, Hazards and Environmental Justice Elements prepared pursuant to the California Environmental Quality Act (CEQA).

## **SUMMARY**

The Planning Commission is being asked to review and provide a recommendation to the City Council on a minor amendment to the Hazards Element of the *Hayward 2040 General Plan*<sup>1</sup> to incorporate a footnote reference to Hayward's 2021 Local Resilience Plan<sup>2</sup> (LRP), as required by Assembly Bill 2140 (AB 2140)<sup>3</sup>.

The LRP sets forth the required five-year update of the 2016 Local Hazard Mitigation Plan (LHMP), in accordance with and with the authority granted by the U.S. Disaster Mitigation Act of 2000<sup>4</sup>. Adoption of the proposed update to the Hazards Element to incorporate the LRP by reference ensures that Hayward will remain eligible for reimbursement of local share costs on eligible Public Assistance projects provided by the state through the California Disaster Assistance Act (CDAA).<sup>5</sup>

## **BACKGROUND**

The Disaster Mitigation Act of 2000 calls for localities to produce and adopt Local Hazard Mitigation Plans (LHMP) to receive hazard mitigation grants and federally funded post-disaster Public Assistance. Compliance with AB 2140 allows California counties and cities to be considered for additional state cost-share on eligible Public Assistance projects. Typically, local (non-federal) cost share is 25% of the total project cost. However, if legislature passes a bill declaring a state of emergency, CDAA allows the state to pay up to 18.75% of the nonfederal share of costs incurred due to the emergency which would otherwise fall upon the local jurisdiction. Upon approval of the legislature, local

<sup>1</sup> Hayward 2040 General Plan. <https://www.hayward-ca.gov/2040-General-Plan>

<sup>2</sup> Hayward 2021 Local Resilience Plan. <https://www.hayward-ca.gov/your-government/documents/local-resilience-plan>

<sup>3</sup> Assembly Bill No. 2140 (AB 2140). [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=200520060AB2140](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB2140)

<sup>4</sup> Disaster Mitigation Act of 2000. <https://www.fema.gov/emergency-managers/risk-management/hazard-mitigation-planning/regulations-guidance>

<sup>5</sup> California Disaster Assistance Act (CDAA). <https://www.caloes.ca.gov/office-of-the-director/operations/recovery-directorate/recovery-operations/public-assistance/california-disaster-assistance-act/>

jurisdictions that are AB 2140 compliant are also eligible to be considered for a remaining 6.25% local share to be funded by the state, essentially covering the entire local-share cost for eligible Public Assistance projects.

LHMPs may be prepared by local agencies either individually or in conjunction with regional partners. LHMP's are required to be updated every five years and must be incorporated by reference into local General Plans to remain compliant with SB 2140. Updated LHMP/LRPs are reviewed by the Governor's Office of Emergency Services (CalOES) and approved by the Federal Emergency Management Agency (FEMA).

2010 and 2016 LHMPs. In 2010, the City of Hayward was included in the Association of Bay Area Governments (ABAG's) 2010 Regional Hazard Mitigation Plan, which was adopted as an Appendix to the previous General Plan. In 2016, Hayward developed an updated LHMP in coordination with other East Bay jurisdictions and ABAG staff. After being approved by CalOES, the City's 2016 LHMP received final approval from FEMA on September 14, 2016. On November 29, 2016<sup>6</sup>, the City Council adopted the City's 2016 Hayward Local Hazard Mitigation Plan.

2021 Hayward LRP Adoption. The most recent LHMP update was renamed the Hayward Local Resilience Plan (LRP). The update, which started in 2021, was reviewed and approved by CalOES and forwarded to FEMA on January 27, 2023. Hayward's 2021 Local Resilience Plan was adopted by City Council on March 28, 2023<sup>7</sup> prior to FEMA's formal approval. Per FEMA's Local Mitigation Planning Policy Guide, a jurisdiction may adopt a plan prior to final FEMA approval, recognizing that the state and/or FEMA may require revisions to the plan. However, FEMA approved Hayward's LRP on April 11, 2023, with no modifications.

Public Outreach: On October 23, 2024, the City provided notice of the proposed General Plan Amendment to 21 California Native American tribes with traditional lands or cultural places within the city boundaries in compliance with California Public Resources Code Section 65352.3 – 65352.4 and California Public Resources Code Section 21080.3.1. The City did not receive any requests for consultation about the proposed minor amendment.

On March 14, 2025, a notice about the proposed minor General Plan Amendment and notice of this public hearing was published in *The Daily Review* and sent to the City's email interested parties contact list consisting of public agencies, neighborhood groups and interested parties who request to receive such notices.

## PROJECT DESCRIPTION

Local Resilience Plan. The 2016 Local Hazard Mitigation Plan, renamed to the Draft Local Resilience Plan (LRP), demonstrates Hayward's forward-thinking resilience planning and serves as a guiding document for the City's hazard mitigation activities including but not limited to organizational preparedness, housing retrofits, and public programs. The LRP must be updated every five years to remain eligible to receive hazard mitigation grants

<sup>6</sup> 2016 Hayward LHMP Adoption. <https://haywardlegistar.com/LegislationDetail.aspx?ID=2891044&GUID=87A2B55E-1389-4292-83BD-0A48EF5AC4CC&Options=&Search=>

<sup>7</sup> 2021 Hayward LRP Adoption. <https://haywardlegistar.com/LegislationDetail.aspx?ID=6105690&GUID=68AF893D-9750-40AE-9CF2-2784FAC114D6&Options=&Search=>

and federally funded post-disaster Public Assistance. The updated LRP contains minimal changes from the adopted version of 2016, as no substantial natural disasters occurred in the five-year period from 2017-2021 and minimal changes occurred in the City's disaster mitigation environment and priorities.

*Hazards Element.* The Hazards Element of the General Plan includes policies and programs to address natural and man-made hazards including expanding regional coordination and addressing seismic and geologic hazards, flood hazards, rising sea levels, urban wildfire hazards, climate change adaptation and resiliency, hazardous materials, evacuation capacity, and airport hazards.

The amended Hazards Element (Attachment III) incorporates a new footnote to Goal 1, Regional Coordination, by referencing a web link to the updated LRP thus making the LRP easily accessible to the public and incorporating the LRP by reference into the General Plan. This weblink will also be available on the City's 2040 General Plan webpage. There are no other proposed edits to the Hazards Element.

## **POLICY CONTEXT AND CODE COMPLIANCE**

Amendments to the Hazards Element are being undertaken pursuant to Assembly Bill No. 2140 (AB 2140). Adoption of this minor amendment, along with other requirements, makes the county or city eligible to be considered for part or all of its local share costs on eligible Public Assistance projects to be provided by the state through the CDAA.

*General Plan Amendments:* Per HMC Section 10-1.3425(b)<sup>8</sup>, the Planning Commission may recommend approval of the General Plan Amendment(s) upon making the following findings:

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience and general welfare of the residents of Hayward.
2. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans.
3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and
4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations.

## **STAFF ANALYSIS**

Staff believes the Planning Commission can make the findings to recommend City Council approval of the General Plan Amendment as detailed in Attachment II, Findings. The proposed minor General Plan Amendment incorporates a new footnote referencing a web link to the updated LRP, making the LRP easily accessible in its entirety to the public and ensuring that the City will remain eligible for additional state cost-share funding on eligible Public Assistance projects.

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<sup>8</sup> General Plan Amendment: [https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.3400AM\\_S10-1.3425PLCOPR](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3400AM_S10-1.3425PLCOPR)

## ENVIRONMENTAL REVIEW

In July 2014, the City Council certified a Final Program Environmental Impact Report, adopted the Statement of Overriding Considerations, approved the Mitigation Monitoring and Reporting Program, Adopted the *Hayward 2040 General Plan*, and Approved related amendments to the General Plan Land Use Map for certain properties in the Planning Area.

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164, Rincon prepared an Addendum, dated January 2023, analyzing amendments to the General Plan (Attachment IV). Specifically, the project for which CEQA was prepared, consists of a comprehensive update to the City of Hayward Housing Element, a comprehensive update to the City of Hayward Hazards Element, and the addition of the City of Hayward Environmental Justice Element, which were altogether referred to and analyzed as the “project” throughout the Addendum.

In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Specifically, an Addendum is appropriate when there has been no substantial change proposed in the project or the circumstances under which the project is being undertaken, nor is there any new information that would require additional environmental review. In this case, the proposed Project would not require rezoning or land use changes not previously known or analyzed in the General Plan EIR; therefore, the previously certified Mitigation Monitoring and Reporting Program remains valid and applicable with the Amendments. In addition, the subsequent minor amendment to the Hazards Element to add a specific reference and link to the adopted LRP will not result in an impact to the environment.


## NEXT STEPS

Following the Planning Commission public hearing and recommendation, the proposed General Plan Amendment is tentatively scheduled for a public hearing with the City Council on April 22, 2025. Following adoption, the amended Hazards Element and associated Resolution will be provided to the California Office of Emergency Services.

Prepared by: Norma Marples, Hayward Fire Department Senior Secretary

Recommended by: Leigha Schmidt, Principal Planner

Approved by:

  
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 Jeremy Lochirco, Planning Manager

  
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 Sara Buizer, AICP, Development Services Director