



DATE: November 13, 2023

TO: Council Sustainability Committee

FROM: Director of Public Works
Director of Development Services

SUBJECT: Proposed General Plan Amendments: Climate Action Plan, Hazards Element, and Environmental Justice Element – Discussion and Recommendation to Council

RECOMMENDATION

That the Council Sustainability Committee (CSC) reviews and comments on this report and provides a recommendation to Council to approve proposed amendments to the General Plan including an updated Climate Action Plan, an updated Hazards Element, and a new Environmental Justice Element.

SUMMARY

This report presents the draft amendments to the *Hayward 2040 General Plan*, which was adopted by Council in 2014. The amendments include an updated Climate Action Plan (CAP) to address the climate crisis and establish the policies and programs needed to meet the greenhouse gas (GHG) reduction targets adopted by Council. The updated Hazards Element incorporates new policies and programs as well as edits to existing policies to adequately address climate crisis hazards and improve community resilience in compliance with recent state legislation. The new Environmental Justice Element addresses the negative environmental impacts that have been shown to disproportionately affect marginalized populations, including racial, ethnic, and socioeconomic minorities.

This project was initiated in the fall of 2021 along with the recently adopted Housing Element. Community engagement for all four elements was coordinated to maximize the number of community contacts and ensure comprehensive messaging. Staff is seeking the Committee's review and recommendation to Council for approval of the CAP, Hazards Element, and Environmental Justice Element to amend the *Hayward 2040 General Plan*.

BACKGROUND

On July 1, 2014, Council adopted Resolution No. 14-108, adopting the *Hayward 2040 General Plan*¹ (General Plan), a comprehensive planning document that provides a policy framework to guide decision-making related to land use, growth and development, safety, and open space conservation. The General Plan contains various State-mandated Elements including Land Use, Mobility, Natural Resources, Facilities/Services, Hazards, and Housing. Hayward's General Plan also contains Elements that are not mandated by the State but address jurisdiction specific issues such as Economic Development, Education and Community Health and Quality of Life. In September 2016, the State legislature adopted Senate Bill 1000 requiring jurisdictions to analyze the presence of disadvantaged communities and to incorporate environmental justice policies into their general plans. Disadvantaged communities are neighborhoods with low-income households that are exposed to pollution (e.g., freeways, landfills).

In July 2009, Hayward adopted its first CAP, which included aggressive goals for reducing GHG emissions. The CAP was amended and incorporated into the General Plan² in 2014 and includes actions necessary to meet Hayward's 2020 GHG reduction target (20% below 2005 levels by 2020). This target was achieved two years early, with Hayward's 2018 emissions inventory showing that community-wide emissions were reduced by 21.6% from 2005 to 2018. In January 2021, staff presented to the CSC Hayward's 2019 GHG inventory³ showing that emissions had been reduced by 25.7% since 2005.

State Law requires that jurisdictions update the Hazards Element in conjunction with the Housing Element, and that environmental justice policies to be incorporated into the General Plan upon the adoption of two or more general elements. In 2021, the City initiated the project to update the Housing Element, Climate Action Plan, Hazards Element and Environmental Justice Element because issues of housing, climate change, vulnerable populations, and sustainable development are inextricably linked. In accordance with Statutory deadlines, the 6th Cycle Housing Element was adopted by Council on February 5, 2023, and certified by the State Department of Housing and Community Development on July 27, 2023. But the Hazards Element and Environmental Justice Element are paralleling the process for the Climate Action Plan in that the policies and programs for all three are closely linked.

On June 16, 2020⁴, Council introduced and on June 23, 2020⁵, Council adopted an ordinance amending Hayward's Climate Action Plan and General Plan to include the following goals:

- reduce emissions by 30% below 2005 levels by 2025
- reduce emissions by 55% below 2005 levels by 2030

¹ <https://www.hayward2040generalplan.com/>

² https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4747797&GUID=2B1F0C6F-B961-4AA3-9553-240ACE74B4B1&Options=&Search=>

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4568609&GUID=46FF5863-9294-4217-9119-9631D7A2BB6F&Options=&Search=>

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4576651&GUID=4E2F5527-D216-4472-BB79-5D9A37A41AE8&Options=&Search=>

- work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045.

On July 20, 2021⁶, Council adopted a resolution authorizing the City Manager to execute an agreement with Rincon Consultants to prepare General Plan amendments related to the Housing Element, Climate Action Plan, Environmental Justice Element, and the Hazards Element.

Staff presented draft policies and programs for the CAP and the Environmental Justice Element to the CSC on May 9, 2022⁷, to Council during a work session on May 24, 2022⁸, and to the Planning Commission during a work session on May 26, 2022⁹. On October 6, 2022¹⁰, staff presented to the CSC a draft list of CAP measures and actions and the CSC offered comments including the following:

- The significant community outreach – especially the surveys completed by students is appreciated.
- More information on the timing of each recommended action would be helpful.
- Prioritize the actions that will have the largest impact on GHG emissions.
- Resiliency policies suggested by Save the Bay should be addressed.
- We need to have more schools involved.
- The full list is overwhelming; a summary version would be helpful for CSC and Council review.
- Buy-in from the full Council is needed. A survey may be appropriate.

On March 13, 2023¹¹, staff presented to the CSC a draft survey, featuring 19 actions. In late March, staff sent to Council the survey, which was revised to incorporate CSC comments. On May 16, 2023¹², staff presented to Council a report on the CAP Update¹³ which included draft GHG emissions reduction measures and actions¹⁴. Council offered comments including the following:

- There was support for measures and actions which included: prioritizing conducting an urban tree canopy study, creating exemptions for electrification of existing homes for low-income residents, prioritizing a ban on problem solid waste materials and creating a new staff position.
- The City's Recycling Fund and grants should be considered for project implementation.
- Timeframes for measures and respective actions seemed a little long.

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5034289&GUID=A1DD2D35-7B4A-42C8-9284-7DEB78AAD470&Options=&Search=>

⁷ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5644445&GUID=18072FD1-2F1C-4355-91BE-CA6780C8961A&Options=&Search=>

⁸ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5659884&GUID=5AF582D6-E7A0-4DB1-95EB-2F51C8FE0B50&Options=&Search=>

⁹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5658537&GUID=3F6E3D98-6992-436C-96FE-EB4F06B9C642&Options=&Search=>

¹⁰ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5860957&GUID=64D86CA2-B9AA-4EBB-8236-1D2362C48DB6&Options=&Search=>

¹¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6058176&GUID=42713090-8BC0-44FF-8852-4B58DE142895&Options=&Search=>

¹² [CITY OF HAYWARD - Meeting of City Council on 5/16/2023 at 7:00 PM \(legistar.com\)](https://www.hayward-ca.gov/city-council/2023/05/16/2023-05-16-city-council-meeting)

¹³ [Group-UES-Administration - Attachment II Full list of CAP Measures.pdf - All Documents \(sharepoint.com\)](#)

¹⁴ <https://hayward.legistar.com/View.aspx?M=E2&ID=1099951&GUID=EA02DC11-6511-4D76-A839-5DA0F2B41DCB>

- Proposed projects need to include pathways for low-income residents.

In addition, prior to the May 16 Council meeting, the Keep Hayward Clean and Green Task Force submitted a letter of support for various actions across the Building Electrification and Transportation sectors.

On October 4, 2023, the draft CAP, Hazards Element and Environmental Justice Element were published¹⁵ to the City of Hayward website, which began a 40-day public review period that will end on November 14, 2023. Staff hosted a public workshop on October 30, 2023. On November 9, 2023, the Planning Commission held a Public Hearing to consider the draft documents. Comments made at the workshop and the hearing will be summarized in staff's presentation to the CSC.

Draft documents and information about the Safety/Hazards Element, Environmental Justice Element, CAP, and Housing Element are available on the City's website.¹⁶

DISCUSSION

Climate Action Plan

The CAP update identifies policies and programs necessary to put Hayward on a path to carbon neutrality by 2045 and achieve the City's adopted 2030 GHG reduction target, aligned with State targets per SB 32. The updated CAP provides measures, or specific, quantifiable goals, and actions to support those measures. For example, Measure BE-2 is to electrify single-family residential buildings in order to achieve 91 therms/person/year by 2030 and is supported by 16 actions. One Action, BE-2.1, is to conduct a feasibility study to develop strategies to electrify 10% of existing buildings by 2030. Actions may be feasibility studies, policies, or programs.

An analysis of GHG emission reduction quantification was conducted by consultants that modeled the expected reduction in GHG emissions for 13 measures out of the total 17 draft measures to collectively reduce GHG emissions by 55% by 2030. This trajectory and quantification allows this document to be classified as a "qualified CAP" according to SB 32, meaning it can be used for future GHG emissions analysis streamlining related to the California Environmental Quality Act (CEQA).

Draft Measures – The draft measures address emissions resulting from the following five sectors:

- Building Energy
- Transportation
- Waste
- Water and Wastewater
- Carbon Sequestration

¹⁵ [Hayward Housing Element, Climate Action Plan, Safety Element and Environmental Justice Update | City of Hayward - Official website \(hayward-ca.gov\)](https://haywardhousingandclimateupdate.com/)

¹⁶ <https://haywardhousingandclimateupdate.com/>

The 13 measures with quantified GHG reductions are spread throughout the sectors; there are four in building energy, five in transportation, one in waste, one in wastewater, and two in carbon sequestration. To support and implement the Measures, the CAP has 182 actions that will be implemented over the course of the next six years. The full draft CAP is available on the project website or directly [here](#). A complete list of the Measures and Actions is included in Table 29, Section 13, of the draft CAP.

Inter-departmental collaboration and support will be crucial to the success of equitable and efficient implementation of CAP actions. Staff is currently working to identify gaps in funding and personnel. Additionally, many departments have completed or are currently conducting studies and programs that align with CAP measures. Of the 182 Actions, 40 are already underway. Two examples are the Micromobility Feasibility Study by the Transportation Division and the Tree Preservation Ordinance Update by the Planning Division. The existing CAP Actions that are underway may be further developed by assigning staff leads and/or additional funding.

Many measures include feasibility studies as the first step in implementation to identify gaps in resources and information. These studies will equip staff to minimize unintended consequences and center equity when implementing policies and programs. The CAP includes the following appendices, all of which are available on the project website:

- Appendix A - Climate Regulatory Context
- Appendix B - GHG Inventory Methodology and Modeling
- Appendix C - GHG Emissions Forecasts and Gap Analysis
- Appendix D - GHG Reduction Measures Quantification and Evidence
- Appendix E - GHG Reduction Measures Cost Ranges
- Final CEQA GHG Emissions Thresholds+Guidance Report

Once the CAP is adopted, the Measures and Actions will be incorporated into Part 4, Administration and Implementation, of the *Hayward 2040 General Plan*. Attachment II shows in tracked changes the existing General Plan programs that are proposed to be amended or deleted as many are intended to be replaced by the new CAP Measures and Actions.

Hazards Element

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

In accordance with State Law, the City prepared a Climate Change Vulnerability Assessment¹⁷ and an Evacuation Analysis¹⁸ as part of the Hazards Element update. The Climate Change Vulnerability Assessment identified new anticipated climate change related impacts and hazards in Hayward including extreme heat, variable precipitation, drought, regional wildfire and sea level rise. The Evacuation Analysis identified opportunities to improve connectivity and resiliency of the transportation system under a range of emergency scenarios. These reports along with work that the City has completed in conjunction with the Shoreline Adaptation Master Plan¹⁹ were utilized to update and create new policies and programs in the Hazards Element to address these emerging hazards. The following goals were modified: Goal 1. Regional Coordination; Goal 2, Seismic and Geologic Hazards; Goal 3. Flood Hazards; Goal 4, Rising Sea Levels; Goal 5. Urban Wildfire Hazards; and, new Goal 6, Climate Change Adaptation and Resilience; and Goal 8, Evacuation Capacity were added to the Hazards Element.

Environmental Justice Element

California law defines “environmental justice” as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies (Government Code Section 65040.12(e)). Through Senate Bill 1000, jurisdictions are now required to identify “disadvantaged communities” within their planning area and incorporate environmental justice policies and programs into their general plans.

According to the Environmental Justice Technical Report²⁰ prepared to accompany the Environmental Justice Element, none of the 37 census tracts within Hayward meet the state definition of a “disadvantaged community” (DAC). A DAC is defined as a tract that scores in the 75th percentile threshold using the CalEPA Cal EnviroScreen tool, which uses existing environmental, health, and socioeconomic data to rank census tracts based on 20 distinct indicators based on pollution burden and population characteristics (Technical Report, pgs. 3-6). However, there are three census tracts that are nearing the 75th percentile threshold: Tract 37101 scoring in the 74th percentile, Tract 35500 scoring in the 73rd percentile, and Tract 37300 scoring in the 70th percentile (Technical Report, Figure 3 and Table 1). The three highest scoring census tracts in Hayward are generally located in the western portion of the City. All other census tracts score between the 5th and 67th percentiles.

The Environmental Justice Element addresses the negative environmental impacts that have been shown to disproportionately affect marginalized populations, including racial, ethnic, and socioeconomic minorities. The Element includes policies and programs that address pollution burden, public facilities, food access, safe and sanitary homes, physical

¹⁷ Climate Change Vulnerability Assessment. <https://haywardhousingandclimateupdate.com/wp-content/uploads/2023/10/Safety-Appendix-A-Climate-Vulnerability-Assessment-Public-Review-Draft.pdf>

¹⁸ Hayward Evacuation Analysis. <https://haywardhousingandclimateupdate.com/wp-content/uploads/2023/10/Safety-Appendix-B-Hayward-Evacuation-Analysis-Memorandum-DRAFT.pdf>

¹⁹ Shoreline Adaptation Master Plan. <https://www.hayward-ca.gov/shoreline-master-plan>

²⁰ Environmental Justice Technical Report. <https://haywardhousingandclimateupdate.com/wp-content/uploads/2023/10/EJ-Appendix-A-Hayward-EJ-Background-Tech-Report-Final-Clean.pdf>

activity and health and civic engagement. The *Hayward 2040 General Plan* contains other Elements such as the Natural Resources Element, Mobility Element, Health and Quality of Life Element and the update Housing Element that also address many of the topics covered within the Environmental Justice Element. Thus, each Environmental Justice topic area concludes with a cross reference to other General Plan goals, policies and programs that would support implementation of those policies and programs.

ECONOMIC IMPACT

Climate change is expected to negatively impact national and local economies. The updated CAP, Hazards Element and Environmental Justice Element have the potential to make Hayward's economy more resilient to climate change through potential co-benefits such as increased health and job creation. For example, increases in active transportation (walking and biking) and tree planting, would result in community health benefits. Also, the electrification of existing homes and businesses would generate many jobs, especially within the electrical trade. While there are upfront or increased costs associated with many proposed programs, equity is built into the foundation of the General Plan amendments. Staff will provide information to Hayward community members and businesses to help them receive assistance with financial support through rebates, tax credits, other incentives, or exemptions, especially for low-income community members.

FISCAL IMPACT

Council approved a total budget of \$720,000 for the General Plan updates. The project is funded by a Local Early Action Planning (LEAP) Grant from the California Department of Housing and Community Development (HCD), the Development Services Department's Planning Policy Fund, and the Public Works and Utilities Department's Recycling, Water, and Sewer Funds. Preparing the updates will not impact the City's General Fund.

The CAP, Hazards and Environmental Justice elements have a combined total of 223 new actions and programs that would implement the draft policies. Of the total, 52 are currently underway. Staff is currently working to quantify the staff positions and funding needed to implement each action or program in the updated CAP, Environmental Justice Element, and Hazards Element. As discussions with inter-departmental staff are ongoing, the final numbers will be included in the Council reports. However, initial discussions have revealed the following:

- Significant funding and personnel are needed in the Transportation Division to support the 52 CAP, Environmental Justice, and Hazards actions they are leading and the additional 7 actions or programs they are supporting.
- Current vacant positions in Maintenance Services (Landscaping) compound the difficulty of implementing CAP actions along with the need for additional funding and personnel.
- Building, Housing, Community Services, Utilities, and Planning have all expressed that additional funding or personnel would be required to implement one or more CAP actions.

- The Environmental Services Division would need additional staff to implement the building electrification, solid waste, and environmental justice actions and programs.

STRATEGIC ROADMAP

This agenda item supports all projects listed in the Strategic Priority to *Confront Climate Crisis & Champion Environmental Justice*. This item specifically relates to implementation of the following Projects:

Reduce Greenhouse Gases and Dependency on Fossil Fuels

- Project C1: Implement Year 1 Programs from the adopted GHG Roadmap (Climate Action Plan).
- Project C2: Continue to collaborate with EBCE to provide public EV charging facilities
- Project C3: Present a plan on EV charging for city facilities to CIC (for fleet and employee commuters)
- Project C4: Continue to transition City facilities from natural gas to electric, with a focus on HVAC systems
- Project C5: Explore a partnership with EBCE to offer incentives to purchase electric appliances to encourage community members make the transition from gas to electric
- Project C6: Improve e-bike adoption through the creation of an e-bike rebate program and ensuring that electric transit infrastructure such as EV chargers also serve e-bike and not just electric cars

Reduce waste by promoting a circular economy

- Project C7: Continue to identify opportunities for compost hubs and other distribution mechanisms for compost in Hayward
- Project C8: Continue to partner with Alameda County All In Eats to encourage food recovery

Mitigate climate crisis impacts through resilient design and community engagement

- Project C 12: Implement Year 1 Programs from the adopted General Plan Environmental Justice Element, with a focus on mitigating the impact on frontline communities.
- Project C9: Prepare an ordinance to create smoke-free multifamily housing
- Project C10: Plant 1,500 trees annually, directly and in partnership with community groups
- Project C11: Update Tree Preservation Ordinance
- Project C12: Implement Year 1 Programs from the adopted General Plan Environmental Justice Element, with a focus on mitigating the impact on frontline communities
- Project C13: Work with HASPA partners to seek grant funding to implement the Shoreline Master Plan and provide an update to Council
- Project C14: Continue to pursue water conservation measures like increasing recycled water supplies

This agenda item also supports projects listed in the Strategic Priority to *Invest in Infrastructure*. This item specifically relates to implementation of the following Projects:

Invest in Multi-Modal Transportation

- Project N1: Continue to implement major corridor traffic calming initiatives
- Project N2: Develop a micro-mobility policy (eBikes, eScooters)
- Project N3: Complete construction of Mission Boulevard phase 3
- Project N4: Implement Safe Routes to Schools, with a focus on Cesar Chavez and Palma Ceia
- Project N5: Implement six intersections for Safe Route for Seniors in the Downtown area
- Project N6: Continue to add approximate 10 miles of bike lanes annually, with a focus on protected bike lanes and intersections that have high traffic/incidents
- Project N7: Work with AC Transit to beautify bus shelters and construct more seating at bus stops to improve the ridership experience

Invest in Water Supplies, Sanitation Infrastructure & Storm Sewers

- Project N 22: Develop a Recycled Water Master Plan

PUBLIC CONTACT

Equitable Outreach Plan

There is considerable overlap between the issues addressed in the Climate Action Plan, Housing Element and Environmental Justice Element. As a result, staff conducted public outreach for all three projects simultaneously, with an emphasis on equity and extensive community involvement.

Prior to the Environmental Justice and CAP community workshops, staff reached out to over 100 community-based organizations and groups in Hayward to gauge interest in collaborating on the General Plan updates. Staff members have also visited various locations around Hayward (grocery stores, laundromats, farmers market, BART stations, etc.) to pass out flyers with information on the General Plan Updates and how residents can be involved. Collectively, Environmental Services and Planning staff visited 19 different locations across the City. Housing outreach has included standard surveys and interviews and an interactive housing simulation that allows people to identify sites and areas for future development.

Additionally, staff organized a Gallery Walk Event, featuring large poster boards with information on the Climate Action Plan, Housing Element, Environmental Justice Element, Hazards Element, and the History of Hayward. The posters were printed in both English and Spanish and were displayed in City Hall, the Downtown Hayward Library, BART, the Farmers Market and at Chabot and Hayward NAACP Branch offices in conjunction with outreach events. Additionally, staff offered the posters to various organizations and Alameda County Transit Authority requested the posters to display in their Hayward facility where approximately 400 Hayward residents are employed. Community members

were invited to learn about the General Plan updates by walking through the gallery and engage with the posters through QR codes.

Another avenue of community engagement has been through surveys and interviews conducted by college students in Hayward. Chabot College students have helped the City by surveying residents about parks, housing, and climate action. In Spring 2021, Chabot College students interviewed 252 residents about their experience, concerns, and ideas for parks in Hayward. Chabot students also interviewed approximately 550 residents online in Fall 2021 and Spring 2022 about housing, discrimination, pollution, and community amenities. In Summer 2022, Chabot students interviewed approximately 350 residents about their experience, concerns, and thoughts on initiatives regarding general climate change and climate action. Additionally, students in a public health capstone class at California State University East Bay (CSUEB) conducted surveys, receiving over 250 responses, around park access, pollution, access to healthy food, and safe and sanitary housing.

Staff has been hosting various focus group and meetings with stakeholders since the May CSC meeting. The City hosted a focus group with members from Tennyson High School's Green Team – eight students and two teachers participated. In July, staff hosted four focus groups with Eden Housing tenants at Alta Mira, Tennyson Gardens, Montgomery Plaza, and Hayward Senior, with 48 participants total. Staff also met with Eden Housing staff, Save the Bay staff, the Sierra Club, and the Starr King Unitarian Universalist Church. Staff has been in communication with the Bay East Association of Realtors, who have informed staff they will oppose any requirements that are triggered by the sale of a home. Staff tabled at the Hayward Community Family Fair on June 17, 2022, the Juneteenth Wellness Festival on June 18, 2022, and the Downtown Street Party on August 18, 2022. Staff hosted a second community public workshop on July 19, 2022, where residents had the opportunity to discuss and provide input on the draft measures.

In October 2022, Council received a letter from non-profit organization Save the Bay, urging the City to incorporate policies centered on equitable climate resilience to the General Plan Update. The letter and staff's responses with the proposed policies from the draft Hazards Element and Climate Action Plan corresponding to their comments were included in the May 16, 2023, Council report.

In addition, staff shared the draft General Plan amendments with agency partners whose participation will be critical to the successful implementation of the draft actions and programs. These include the Bay Area Air Quality Management District, the Hayward Area Recreation and Park District, StopWaste, the Bay Area Regional Energy Network, and Ava Community Energy.

On October 4, 2023, the draft Climate Action Plan was released to the public via the City website. The public comment period is open through November 14, 2023. Additionally, on October 30, 2023, staff conducted a virtual public workshop to collect public feedback and address questions and comments from the community.

Finally, staff is currently partnering with Local Clean Energy Alliance and CSU East Bay to have students survey Spanish speaking community members and host one focus group to gather insights on building electrification.

NEXT STEPS

The public review period for the updated Climate Action Plan, updated Hazards Element, and new Environmental Justice Element will end on November 14, 2023. Upon a recommendation from the CSC, staff will present the Hazards Element and Environmental Justice Element to Council – tentatively scheduled for December 5, 2023.

The 30-day public review period for the Initial Study and Negative Declaration prepared for the CAP pursuant to the California Environmental Quality Act (CEQA) will end on December 8, 2023. Staff will address any comments as appropriate. Staff anticipates presenting the draft Climate Action Plan in January 2024 for Council consideration of adoption.

Prepared by: Makenna Colucci, Climate Action Fellow
Nicole Grucky, Senior Sustainability Specialist
Leigha Schmidt, Principal Planner
Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works
Sara Buizer, Development Services Director

Approved by:



Kelly McAdoo, City Manager