

**PROPOSED GENERAL PLAN AMENDMENT
TO INCORPORATE THE DRAFT 2023-2031 HOUSING ELEMENT
AND ASSOCIATED ADDENDUM
DRAFT FINDINGS OF APPROVAL**

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. 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.
- B. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164, Rincon LSA prepared an Addendum, dated January 2023, analyzing amendments to the General Plan. Specifically, the project 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.
- C. 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.
- D. Pursuant to CEQA Guidelines 15164(g), an Addendum need not be circulated for public review but can be included in or attached to the Final EIR.
- E. The adopted Final EIR identified all potential significant adverse impacts and feasible mitigation measures that would reduce impacts to a level of less than significant, and that all the applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program and related to the proposed project will be implemented, if applicable, as described in the Addendum. Based on the Final EIR and the Addendum, there is no substantial evidence that the Project would have a significant effect on the environment.
- F. The project complies with CEQA, and that the previously certified Final EIR, Mitigation Monitoring and Reporting Program and Addendum was reviewed and considered prior to approving the project.

GENERAL PLAN AMENDMENT

Pursuant to Hayward Municipal Code Section 10-1.3425(b), the Planning Commission may recommend approval of an amendment to the General Plan upon making the following findings:

A. Substantial proof exists that the proposed change will promote the public health, safety, convenience and general welfare of the residents of Hayward;

In adopting State Housing Element Law, the legislature found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Government Code Section 65589.5.). As documented in the Draft Housing Element, Hayward’s residents are also experiencing a crisis in affordability which is related to a lack of affordable housing, particularly for low-income and special needs households.

The Draft Housing Element and related Appendices are consistent with State Law requirements and provide a comprehensive overview of public outreach and relationship building conducted throughout this Housing Element effort (Appendix A); a thorough overview of community demographics including special needs households (Appendix B); a description of housing resources including a robust sites inventory with a healthy buffer to accommodate the City’s RHNA (Appendix C); a thorough analysis of constraints to housing development (Appendix D); a review of past accomplishments (Appendix E¹); and, a thorough fair housing analysis (Appendix F), all of which was used to develop a robust set of goals, policies, programs and actions intended to create more affordable housing to works towards meeting the needs of a variety and diversity of households over the next eight years (Housing Element, Section 7, Housing Plan). The addition of an Action related to working with skilled labor groups to discuss ways in which the City can support an adequate supply of labor to build new housing will further address constraints to development.

There is substantial proof that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the amendments are being undertaken to comply with State Law. Compliance with State Law and annual reporting on ongoing compliance is required for local jurisdictions to access State funding sources, and a compliant Housing Element makes the City more competitive for grant funding to construct affordable housing and infrastructure improvements. While it will not

¹ Housing Element, Appendix E, Review of Past Accomplishments. https://haywardhousingandclimateupdate.com/wp-content/uploads/2022/12/Appendix-E-Review-of-Past-Accomplishments_Revised-Submittal-Per-HCD-Comments.pdf

solve the State, regional or local housing crisis, the proposed Housing Plan contains a roadmap to meet the City's Regional Housing Needs Allocation, remove constraints for all housing and for housing for special needs populations and allocates funding and resources towards repairing and rehabilitating aging housing stock, inspecting rental housing, fair housing education and resources, and other services that will serve Hayward's residents.

B. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans;

The Draft Housing Element is in conformance with the purposes of the Zoning Ordinance, and all applicable, adopted policies and plans in that it will implement State Housing Law, and is consistent with the City's housing-related Strategic Priorities as well as the Let's House Hayward Plan. Several Actions set forth in the Housing Plan call for amendments to the Zoning Ordinance to comply with State Law and to incentivize a variety of housing types, particularly for special needs populations including but not limited to individuals with disabilities, individuals experiencing homelessness, children aging out of foster care, extremely low-income households, among others. Such amendments include the following:

- Replacement housing requirements (Action 10.1)
- By right approval for certain sites with minimum affordable requirements that were used in the previous Housing Element cycle (Action 11.1)
- To allow for a variety of housing types on church owned properties and parking lots; and streamline processes to establish supportive housing, group homes, emergency shelters (Actions 13.1 through 13.7)
- Update to reflect SB9 allowing urban lot splits and duplexes on single family residential lots (Action 18.1)
- Update of Reasonable Accommodations Ordinance (Action 19.14)

The Amendments detailed above would implement the Housing Element, ensure consistency with State Law and affirmatively further fair housing, particularly for special needs groups.

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified;

The proposed General Plan Amendment to include the 2023-2031 Housing Element does not include any land use changes in order to accommodate the Regional Housing Needs Allocation. Further, the Zoning Text Amendments outlined above would not result in significant land use changes that would impact streets or public facilities in that the amendments would allow for a variety of household types to occupy properties intended for residential uses; therefore, it's adoption would not have an impact on streets or public facilities.

D. 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.

The proposed Housing Element and related Housing Plan will be compatible with present and future uses, and a beneficial effect will be achieved following adoption of this Housing Element not obtainable under existing regulations in that the Housing Element contains a roadmap to achieve housing related goals to streamline housing production, allow for a variety of housing types to be developed throughout Hayward, and to allocate funding toward activities that will support special needs households.

Further, the General Plan Amendment to adopt the 2023-2031 Housing Element is being undertaken to comply with State Law. Compliance with State Law and annual reporting on ongoing compliance is required for local jurisdictions to access State funding sources, and a compliant Housing Element makes the City more competitive for grant funding to construct affordable housing and infrastructure improvements, which would not be available to the City otherwise.