



DATE: January 30, 2024

TO: Mayor and City Council

FROM: Director of Development Services
Director of Public Works

SUBJECT: Adopt Resolutions Amending the Hayward 2040 General Plan to Include the Updated Climate Action Plan, an Amended Hazards Element, and a New Environmental Justice Element; and Approval of Related Environmental Analysis Prepared Pursuant to the California Environmental Quality Act

RECOMMENDATION

That the Council adopts a resolution approving an amendment to the Hayward 2040 General Plan to incorporate the updated Climate Action Plan (Attachment II), and reviews and makes findings to approve the Initial Study, Negative Declaration, and Greenhouse Gas Emissions Thresholds Guidance Report prepared pursuant to the California Environmental Quality Act; and that the Council adopts a resolution approving amendments to the Hayward 2040 General Plan to include an updated Hazards Element and a new Environmental Justice Element (Attachment III), and makes findings to approve the related Addendum prepared pursuant to the California Environmental Quality Act.

SUMMARY

This report summarizes amendments to the Hayward 2040 General Plan and Climate Action Plan including:

- 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.
- An updated Hazards Element incorporating new policies and programs and amendments to existing policies to adequately address climate crisis hazards and improve community resilience in compliance with recent state legislation.
- A new Environmental Justice Element addressing negative environmental impacts known to disproportionately affect marginalized populations, by adopting specific policies and programs that address pollution burden, public facilities, food access, safe and sanitary homes, physical activity and health, and civic engagement, as required by State law.

This project was initiated in the summer of 2021 when the City hired Rincon Consultants to conduct a comprehensive update of the City's Housing Element, Climate Action Plan, Hazards Element and Environmental Justice Element. Community engagement for all four elements was conducted between 2021 and 2023 in order to maximize community outreach, support relationship building, and ensure comprehensive and consistent messaging around the topics of housing, environmental justice, safety and hazard planning, and climate change. Earlier this year, the City completed work on the Housing Element, which was subsequently certified by the State in July 2023.

The CAP, Hazards, and Environmental Justice Elements were released for a 40-day public review period between October 2023 and December 2023. A summary of comments, staff responses, and modifications to the Draft documents is included in Attachment IV to this report. Following recommendations of approval by the Council Sustainability Committee (November 13, 2023), and the Planning Commission (December 14, 2023), staff is recommending that the City Council review and approve the updates to the Climate Action Plan, Hazards Element and new Environmental Justice Element and related CEQA Greenhouse Gas Emissions thresholds (Attachment V), General Plan Implementation Programs (Attachment VI), and related environmental analysis for the CAP and Hazards Element/Environmental Justice Element (Attachments VII and VIII, respectively).

The City's GHG reduction targets are very ambitious and will be very challenging to achieve. The CAP, Hazards, and Environmental Justice elements have a combined total of 223 new actions and programs that would implement the draft policies. The updated CAP identifies more than 180 actions and programs – all of which will need to be implemented to meet the 2030 GHG reduction target in less than six years. As a result, staff will request significant resources to implement the CAP. In addition, significant community participation will be required to successfully implement the various programs included in the CAP. These documents are aspirational and even if all goals and programs are not achieved within the stated timeframes, progress will have been made towards the City's long term GHG reduction and related goals.

BACKGROUND

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 Plan¹ 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 Hayward's 2019 GHG inventory² to the Council Sustainability Committee (CSC) indicating that emissions had been reduced by 25.7% since 2005.

¹https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf

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

On July 1, 2014, Council adopted Resolution No. 14-108, approving the *Hayward 2040 General Plan*³ (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 adopted Senate Bill 1000⁴ 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) as determined by the California Environmental Protection Agency (CalEPA). In 2017, State law was amended to require jurisdictions to 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.

On June 16, 2020⁵, Council introduced and on June 23, 2020⁶, 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.
- 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, 2021⁷, 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, 2022⁸, to Council during a work session on May 24, 2022⁹, and to the Planning Commission during a work session on May 26, 2022¹⁰. On October 6,

³ <https://www.hayward2040generalplan.com/>

⁴ Environmental Justice in Local Land Use Planning. <https://oag.ca.gov/environment/sb1000>

⁵ Amending the 2040 General Plan and Adoption of Ordinance to Comply with State Law Changes to Establish Vehicle Miles Traveled (VMT) Thresholds & Updates Greenhouse Gas Emissions (GHG) Reduction Targets. June 16, 2020 City Council Meeting.

⁶ Second Reading of VMT Thresholds and GHG Emission Reduction Targets Ordinance. June 23, 2020 City Council Meeting.

⁷ [https://hayward.legistar.com/LegislationDetail.aspx?ID=4568609&GUID=46FF5863-9294-4217-9119-9631D7A2BB6F&Options=&Search=](https://hayward.legistar.com/LegislationDetail.aspx?ID=4568609&GUID=46FF5863-9294-4217-9119-9631D7A2BB6F&Options=&Search=7DEB78AAD470&Options=&Search=)

⁸ [https://hayward.legistar.com/LegislationDetail.aspx?ID=5034289&GUID=A1DD2D35-7B4A-42C8-9284-](https://hayward.legistar.com/LegislationDetail.aspx?ID=5034289&GUID=A1DD2D35-7B4A-42C8-9284-7DEB78AAD470&Options=&Search=)

⁹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5644445&GUID=18072FD1-2F1C-4355-91BE-CA6780C8961A&Options=&Search=>

¹⁰ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5659884&GUID=5AF582D6-E7A0-4DB1-95EB-2F51C8FE0B50&Options=&Search=>

¹¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5658537&GUID=3F6E3D98-6992-436C-96FE-EB4F06B9C642&Options=&Search=>

2022¹¹, staff presented a draft list of CAP measures and actions to the CSC who provided the following comments:

- 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 February 5, 2023, in accordance with statutory deadlines, the 6th Cycle Housing Element was adopted by the City Council and certified by the State Department of Housing and Community Development (HUD) on July 27, 2023¹². However, the Hazards Element and Environmental Justice Element paralleled the process for the Climate Action Plan in that the policies and programs for all three are closely linked.

On March 13, 2023¹³, staff presented a draft survey featuring 19 actions to the CSC. In late March, staff sent to Council the survey, which was revised to incorporate CSC comments. On May 16, 2023¹⁴, staff presented to Council a report on the CAP Update¹⁵ which included draft GHG emissions reduction measures and actions¹⁶. 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.
- 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 of the CAP.

Between October 4, 2023 and November 14, 2023¹⁷, the Draft CAP, Hazards Element and Environmental Justice Element were released for a 40-day public review period. On

¹¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5860957&GUID=64D86CA2-B9AA-4EBB-8236-1D2362C48DB6&Options=&Search=>

¹² Hayward Housing Element Timeline. <https://www.hayward-ca.gov/your-government/departments/planning-division/hayward-housing-element-climate-action-plan-safety-element-and-environmental-justice-update>

¹³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6058176&GUID=42713090-8BC0-44FF-8852-4B58DE142895&Options=&Search=>

¹⁴ CITY OF HAYWARD - Meeting of City Council on 5/16/2023 at 7:00 PM (legistar.com)

¹⁵ Group-UES-Administration - Attachment II Full list of CAP Measures.pdf - All Documents (sharepoint.com)

¹⁶ <https://hayward.legistar.com/View.aspx?M=E2&ID=1099951&GUID=EA02DC11-6511-4D76-A839-5DA0F2B41DCB>

¹⁷ Hayward Housing and Climate Update website. <https://haywardhousingandclimateupdate.com/get-involved/>

October 30, 2023, a public workshop was held to receive comments on the Draft documents. The virtual workshop was attended by 16 community members who generally supported the proposed General Plan Amendments and made comments regarding the following:

- Current lack of bike parking areas in Hayward.
- Accounting for Russell City Energy Center emissions in the GHG emission inventory.
- Tree planting – species and locations.
- Addressing gentrification in the CAP.
- Cleaning up local creeks.
- Partnering with Chabot College and CSU East Bay.
- How can the City address climate change while allowing new development that destroys the natural world?
- How is the City getting the word out about the CAP?
- Carbon sequestration may not be effective in the long run.
- Does the CAP address emissions from airport?
- Is there an intention to improve Hayward Loop?
- How is the City planning to make the city more resilient to drought and/or flooding?
- How will synthetic turf be recycled?
- Grant funding to fund CAP actions, including shoreline restoration/resiliency work.
- Sanctuary areas where old growth trees could be protected.

During the 40-day public review period, staff received 10 emails and three letters from an individual member of the public, Saves the Bay/Greenbelt Alliance, and the Hayward Area Recreation District. Public comments focused on issues related to artificial turf, food recovery programs, support for certain education programs, measuring airport emissions, managing fire hazards, tribal outreach and adoption of a smoke-free multi-family housing ordinance. Saves the Bay/Greenbelt Alliance comments provided specific changes and additions to policies around climate change, sea level rise, green infrastructure, monitoring pollution burden, increasing green/open space and tree canopy. The Hayward Area Recreation District comments center on expanding park connectivity to include City-wide assets, that geographical areas be well defined, that safety policies be expanded to discuss collaboration between HARD and Hayward Police Department and that the City and HARD work collaboratively with Hayward Unified School District to identify joint use facilities to expand park and recreational offerings. Copies of all comments on the proposed CAP and General Plan Amendments are included as Attachment IX.

On November 13, 2023¹⁸, staff presented the Draft CAP, Hazards Element and Environmental Justice Element to the CSC. The Committee discussed various topics including completion of an Urban Forest Management Plan, a future ban on synthetic turf, emergency evacuation routes, rebates for e-scooters, tree planting, installation of shade structures where trees are not possible, air quality, resiliency of the City's water supply infrastructure, recognition of the need to limit car parking to reduce emissions versus the

¹⁸ November 13, 2023, Council Sustainability Committee meeting.
<https://hayward.legistar.com/MeetingDetail.aspx?ID=1135182&GUID=620F5DE1-164D-4D6F-89E4-43122290528A&Options=&Search=>

need for residents to have safe, convenient parking, and distribution of compost per State Law. Following the discussion, the Committee voted unanimously to recommend that the full Council adopt the General Plan amendments.

On December 14, 2023¹⁹, the Planning Commission held a Public Hearing to consider the draft CAP, Hazards Element and Environmental Justice Element and voted 5:1 to recommend that Council adopt the General Plan Amendments and related environmental analysis. There were two public comments made at the hearing emphasizing the inclusion of an assessment of flood risk from extreme storms in future Hazards updates, and concern about the efficacy of the CAP and environmental health while the City continues to develop. Planning Commissioner comments included overall support for the documents while voicing concern surrounding outreach, equity, roadmaps and action prioritization, impacts of electric appliances, cost of implementing actions, transportation, and seismic retrofitting. A comprehensive list of community and Commission comments and staff responses is provided in Attachment IV to this report.

Statutory Requirements: The Climate Action Plan update is being undertaken pursuant to Health and Safety Code 38566 (as amended by Senate Bill 32), which set a statewide GHG reduction target of 40% below 1990 levels by 2030. Although the City of Hayward targets utilize a different baseline year from the State of California, Hayward's GHG reduction targets are equivalent to the State's targets. The CAP update is also being undertaken pursuant to Health and Safety Code 38562.2 (as amended by Assembly Bill 1279), which requires that California achieve net zero GHG emissions as soon as possible, but no later than 2045.

Amendments to the Hazards Element are being undertaken pursuant to Government Code 65302 (as amended by Senate Bill 379), which required that local jurisdictions include climate adaptation and resiliency strategies in the safety elements of their general plans upon the next revision of their housing elements. Further, the evacuation analysis prepared for the Hazards Element update was undertaken pursuant to Assembly Bill 747 and Senate Bill 99, which require that agencies evaluate the resiliency of the transportation system, capacity of evacuation routes and identify key routes for communities with limited access.

The Environmental Justice Element is being undertaken pursuant to Government Code Section 65040.12(e) (Senate Bill 1000), requiring that jurisdictions to identify "disadvantaged communities" and to incorporate environmental justice policies and programs into their general plans.

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

¹⁹ December 14, 2023 Planning Commission Meeting. <https://hayward.legistar.com/LegislationDetail.aspx?ID=6445381&GUID=A4B7B941-81FB-41F6-AE64-7B0DDAF2F6F6&Options=&Search=>

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.

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

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.

Several 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 updated CAP (Attachment IX) includes the following appendices:

- 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 VI 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 (Attachment X) 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.

In accordance with State law, the City prepared a Climate Change Vulnerability Assessment²⁰ and an Evacuation Analysis²¹ as part of the Hazards Element update (see also Attachment X). The Assessment identified new and 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 Plan²², were utilized to update and

²⁰ Climate Change Vulnerability Assessment. <https://haywardhousingandclimateupdate.com/wp-content/uploads/2023/10/Safety-Appendix-A-Climate-Vulnerability-Assessment-Public-Review-Draft.pdf>

²¹ Hayward Evacuation Analysis. <https://haywardhousingandclimateupdate.com/wp-content/uploads/2023/10/Safety-Appendix-B-Hayward-Evacuation-Analysis-Memorandum-DRAFT.pdf>

²² Shoreline Adaptation Master Plan. <https://www.hayward-ca.gov/shoreline-master-plan>

create new policies and programs in the Hazards Element to address these emerging hazards. The following goals are proposed to be 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;
- Goal 6. Climate Change Adaptation and Resilience; and
- Goal 8. Evacuation Capacity

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 SB 1000, jurisdictions are 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 Report²³ prepared to accompany the Environmental Justice Element (Attachment XI), none of the 37 census tracts within the City of 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 indicators based on pollution burden and population characteristics (Environmental Justice Technical Report, pgs. 3-6). There are, however, 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 goals and policies that address pollution burden, public facilities, food access, safe and sanitary homes, physical activity and health and civic engagement. Consistent with other General Plan Elements, Environmental Justice Programs are included in Attachment VI, General Plan Implementation Programs.

The *Hayward 2040 General Plan* contains other Elements, such as the Natural Resources Element, Mobility Element, Health and Quality of Life Element and the updated Housing Element, that also address many of the topics covered within the Environmental Justice Element. To clearly show those connections, each Environmental Justice topic area in the

²³ Environmental Justice Technical Report. <https://haywardhousingandclimateupdate.com/wp-content/uploads/2023/10/EJ-Appendix-A-Hayward-EJ-Background-Tech-Report-Final-Clean.pdf>

Element concludes with a cross reference to other General Plan goals, policies and programs that would support implementation of those policies and programs.

Environmental Review

Climate Action Plan

An Initial Study evaluating the potential environmental impacts of the Climate Action Plan Update and CEQA GHG Emissions Thresholds and Guidance was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). The Initial Study found that the proposed project would not result in any potential impacts and a Negative Declaration was prepared.

On October 5, 2023, notice of the proposed project was provided to 12 Native American Heritage Commission (NAHC)-identified local Native American tribal representatives. On October 18, 2023, the NAHC provided an updated list with five additional representatives for local Native American Tribal groups. Notice was provided to these additional representatives on October 27, 2023.

On October 24, 2023, a representative from the Confederate Villages of Lisjan requested a consultation. City staff was scheduled to meet with a representative from the Confederate Villages of Lisjan to initiate the consultation, but the representative canceled the meeting and chose not to reschedule the meeting after determining that the project did not include site specific development, and included policies that would be applicable City-wide. Thus, the consultation was concluded.

The 30-day public comment period for the proposed Initial Study and Negative Declaration (IS-ND) was from November 8, 2023, to December 8, 2023. A Notice of Intent to Adopt a Negative Declaration (NOI) was filed with the Alameda County Clerk and published in the Daily Review, posted at City Hall and delivered to the Hayward libraries, and emailed to all interested parties on November 8, 2023. Staff did not receive any comments on the draft IS/ND.

Copies of the Draft Initial Study and Draft Negative Declaration (Attachment VII) and the CEQA GHG Emissions Thresholds and Guidance report (included with Attachment V) were considered and recommended by the Planning Commission.

Hazards Element & Environmental Justice Element

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)²⁴. In accordance with CEQA Guidelines Section 15164, 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. Such conditions include:

²⁴ Hayward 2040 General Plan Draft and Final EIR with Mitigation Monitoring and Reporting Program: <https://www.hayward-ca.gov/your-government/documents/planning-documents>

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
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.

As none of the conditions listed above were triggered by the proposed General Plan Amendments related to the Hazards Element and proposed Environmental Justice Element, an Addendum was prepared and included as Attachment VIII to this report.

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

Preparing the CAP update has not impacted the City's General Fund. 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.

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. Several CAP actions require feasibility studies to be completed before more substantial programs or ordinances can be developed. The details of programs will be determined by the feasibility studies, which will involve program specific community engagement. Exact resource and staffing needs have yet to be determined and some may be supported by external sources such as grants. However, the 2030 GHG reduction target is less than six years away and time is of the essence. Staff has estimated the staff positions and funding needed for implementation of the actions and programs in the updated CAP, Environmental Justice Element, and Hazards Element beginning in the next one to two years. In addition to filling current vacancies, inter-departmental staff discussions have revealed the following staffing needs:

1. Transportation Division – Significant funding and three to four new staff positions would be needed to implement 52 CAP, Environmental Justice, and Hazards actions/programs that would be led by this Division and seven actions/programs that would be supported by this Division.
2. Environmental Services Division – Two new staff positions would be needed to implement the building electrification, solid waste, and environmental justice actions and programs.
3. Landscape Maintenance Division – Two new staff positions, including a City Arborist, would be needed to implement the 18 actions/programs related to tree planting and maintenance and landscaping.
4. Building, Housing, Community Services, Utilities, and Planning Divisions – All have expressed that additional funding or personnel may be required to implement one or more actions or programs.

The total cost of new staff positions is expected to be approximately \$3.5M per year. This amount could vary if outside consultants are hired for certain programs and/or if grants are secured. To improve the City's ability to secure grants, a dedicated staff position focused on grant writing and administration may be warranted.

If the CAP, Hazards and Environmental Justice elements are adopted by Council, each Department will submit staffing requests that may be considered as part of Council's adoption of the updated Strategic Roadmap and the FY 2025 budget.

The above does not include costs related to new vehicles, equipment, or facility improvements. Some costs will be one-time costs and some will be ongoing annual expenses. As an example, as noted in a January 8, 2024, report to the CSC, the cost to electrify the City's fleet is expected to be \$2.5 to \$3M per year above current fleet procurement and maintenance costs. The cost of installing electric vehicle charging

infrastructure will be one time or infrequent. Staff will present a detailed report on fleet electrification to Council in the near future.

STRATEGIC ROADMAP

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

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*, and specifically relates to implementation of the following Projects under that heading:

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

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.

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

Upon adoption of the attached resolutions, staff will file a Notice of Decision with the County Recorder to document adoption of the CEQA documents and integrate all policies and programs into the *Hayward 2040 General Plan*. Staff will seek budget approval for the staff positions necessary to implement the new policies and programs.

In addition, staff will continue to work with the consultant team to create streamlining tools and checklists that can be used for future development projects to align GHG analysis with the City's CAP. These tools will provide clarity in how to meet the GHG targets for future projects and give the City the ability to easily review development proposals for consistency with the *Hayward 2040 General Plan*.

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