



DATE: April 22, 2025

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT: Adopt a Resolution Amending the Hazards Element of the Hayward 2040 General Plan in Accordance with the Requirements of Assembly Bill 2140 by Adopting and Incorporating by Reference the Updated Hayward Local Resilience Plan; Finding that No Further Environmental Review is Necessary.

RECOMMENDATION

That City Council adopt a resolution (Attachment II) amending the Hazards Element of the Hayward 2040 General Plan in accordance with the requirements of Assembly Bill 2140 (AB 2140) by adopting and incorporating by reference the 2021 update to the Hayward Local Resilience Plan (LRP) into the Hazards Element; and finding that no further environmental review is necessary beyond the previously adopted Addendum to the 2040 General Plan Environmental Impact Report (Attachment IV).

SUMMARY

Staff is requesting the City Council to adopt a minor amendment to the Hazards Element of the Hayward 2040 General Plan¹ which would adopt and incorporate by reference Hayward's updated Local Resilience Plan (LRP) into the Hazards Element. The action would also involve inclusion of a footnote reference to the LRP² in the Hazards Element. The actions are necessary to comply with Assembly Bill 2140 (AB 2140)³.

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 2000⁴. Adoption of the proposed update to the Hazards Element to adopt and 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).⁵

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

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

³ Assembly Bill No. 2140 (AB 2140). https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB2140

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

⁵ 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/>

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 fully 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 the 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 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 and adopted into local General Plans to remain compliant with AB 2140. Updated LHMP/LRPs are reviewed by the Governor's Office of Emergency Services (Cal OES) 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 Cal OES, the City's 2016 LHMP received final approval from FEMA on September 14, 2016. On November 29, 2016⁶, 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 Cal OES and forwarded to FEMA on January 27, 2023. Hayward's 2021 Local Resilience Plan was adopted by City Council on March 28, 2023⁷ 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

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

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

the plan. However, FEMA approved Hayward's LRP on April 11, 2023, with no modifications.

Planning Commission

On March 27, 2025, the Planning Commission held a public hearing to consider the proposed amendment and voted 6:0 with one member absent, to recommend that the City Council approve the amendment as recommended by staff.

DISCUSSION

Local Resilience Plan. The 2016 Local Hazard Mitigation Plan, renamed to the 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 and fully federally funded post-disaster Public Assistance. The 2021 update to the 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.

Statutory Requirements: Amendments to the Hazards Element are being undertaken pursuant to AB 2140. Adoption of this minor amendment, along with other requirements, makes the county or city eligible to be considered for part or all 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), the City Council may approve a 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.

PUBLIC CONTACT

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 April 11, 2025, a notice about the proposed minor General Plan Amendment was 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 requested to receive such notices.

ENVIRONMENTAL REVIEW

In July 2014, the City Council certified a Final Program Environmental Impact Report (EIR), 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.

On January 30, 2024 the City Council amended the General Plan to include updates to the Climate Action Plan, an Amended Hazards Element, and a new Environmental Justice Element. An EIR Addendum, which evaluated the potential environmental impacts of the amendments to the General Plan, was also approved by the Council (Attachment IV).

The Addendum was prepared in accordance with Section 15164 of the CEQA Guidelines, which allows a lead agency to 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.

The 2021 update to the LRP was adopted by the City Council on March 28, 2023 and found to be categorically exempt from CEQA review pursuant to CEQA Guidelines section 15183 (Projects Consistent with a Community Plan or Zoning), 15262 (Feasibility and Planning Studies), 15306 (Information Collection) and 15061(b)(3) (General Rule/No Significant Environmental Effect).

In this case, amending the Hazards Element to adopt and incorporate the LRP by reference is an action that does not have the potential for causing a significant effect on the environment, and does not require additional environmental review beyond the previously approved 2040 General Plan EIR Addendum. The Addendum fully analyzed the potential environmental impacts of the 2024 Hazards Element update, which included policy goals specifically related to implementation of the previously adopted LRP.

ECONOMIC IMPACT

The economic impact of this amendment is largely positive, with benefits that support both short-term financial stability and long-term resilience. Incorporating the LRP into the Hazards Element, the City of Hayward ensures continued eligibility for state reimbursement through the CDAA. This funding helps offset local costs for disaster recovery, reducing financial burdens on the city and taxpayers. Overall, this amendment provides a cost-effective approach to disaster preparedness, safeguarding the local economy from financial shocks while fostering long-term economic stability and growth.

FISCAL IMPACT

The fiscal impacts of this amendment are minimal while providing significant long-term financial benefits. The amendment itself involves minor administrative efforts to incorporate a footnote referencing the LRP. These costs are expected to be negligible and can be absorbed within the city's existing budget. By aligning with AB 2140, the amendment ensures that Hayward remains eligible for disaster recovery reimbursements under the CDAA. The amendment does not introduce new taxes, fees, or funding allocations. Instead, it strengthens the city's ability to leverage external funding sources for disaster preparedness and recovery.

SUSTAINABILITY FEATURES

By incorporating a reference to the updated LRP, the amendment reinforces proactive hazard mitigation and long-term environmental planning. The LRP integrates climate adaptation strategies, ensuring that Hayward is prepared for the increasing risks associated with climate change, such as extreme weather events and natural disasters. Additionally, maintaining eligibility for state disaster assistance funding supports the city's ability to recover sustainably while minimizing financial strain on local resources.

NEXT STEPS

Following adoption, the amended Hazards Element and associated Resolution will be provided to the California Office of Emergency Services.

Prepared by: Norma Marples, Sr. Secretary

Recommended by: Eric Vollmer, Interim Fire Chief

Approved by:

A handwritten signature in dark ink, appearing to read "Dr. Alvarez", written over a horizontal line.

Dr. Ana M. Alvarez, City Manager