

HAYWARD CITY COUNCIL

RESOLUTION NO. 25-____

Introduced by Council Member _____

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 LOCAL RESILIENCE PLAN; AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY BEYOND THE PREVIOUSLY ADOPTED ADDENDUM TO THE 2040 HAYWARD GENERAL PLAN ENVIRONMENTAL IMPACT REPORT

WHEREAS, the City of Hayward resides on the Hayward fault, a seismic fault capable of producing a major earthquake and is therefore susceptible to earthquake-related hazards, including ground shaking, liquefaction, landslides, surface rupture, and tsunamis; and

WHEREAS, the City of Hayward is also subject to various weather-related hazards such as wildfires, drought, floods, and landslides, and climate change-related hazards such as extreme heat, extreme precipitation and sea level rise, the frequency, duration and intensity of which will be exacerbated as climate change progresses; and

WHEREAS, the City Council has prioritized safety for Hayward residents and community members and is committed to increasing the resilience of infrastructure, public health, housing, the economy, government services, education, environmental sustainability and land use systems in the City; and

WHEREAS, the federal Disaster Mitigation Act of 2000 and corresponding California law requires that all cities, counties and special districts adopt a Local Hazard Mitigation Plan (LHMP) to be eligible to receive state and federal disaster mitigation and recovery funding. Further, updates to mitigation plans are required by the Federal Emergency Management Agency (FEMA) every five years to remain eligible to receive hazard mitigation grants and fully funded federal post-disaster public assistance; and

WHEREAS, in 2006, the state adopted Assembly Bill (AB) 2140 which added provisions specifying what is to be included in a LHMP and requiring a linkage between a local jurisdiction's LHMP and the Safety Element of their General Plan; and

WHEREAS, AB 2140 requires a jurisdiction to adopt the LHMP into the Hazards Element of the General Plan in order to be fully eligible for disaster relief funding under the California Disaster Assistance Act by either including the LHMP language specific to AB 2140 as part of the Hazards Element or to incorporate the LHMP by reference into the Hazards Element of the General Plan; and

WHEREAS, in 2021, an interdepartmental team developed the Hayward Local Resilience Plan as part of Hayward's forward-thinking resilience planning and serves as a guiding document for that strategy and the City's hazard mitigation activities and submitted it to the California Governor's Office of Emergency Services (Cal OES) for review; and

WHEREAS, on January 27, 2023, Cal OES approved the City's Local Resilience Plan and forwarded it to FEMA for formal review and approval; and

WHEREAS, on March 28, 2023, the City Council adopted Resolution No. 23-069 approving the Local Resilience Plan, which was subsequently approved by FEMA on April 11, 2023, with no recommended modifications; and

WHEREAS, adoption of the Local Resilience Plan demonstrates the jurisdiction's commitment to fulfill the mitigation goals and objectives outlined in the Plan and legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the Plan and the City of Hayward must update the Hazards Element to include the updated Plan by reference; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5, Hayward provided project information related to the minor amendment of the Hazards Element of the General Plan Amendment to all California Native American tribes on the contact list provided by the Native American Heritage Commission and did not receive a request for consultation; and

WHEREAS, on March 27, 2025, the Planning Commission held a Public Hearing to consider the amendment to the Hazards Element to include a footnote reference to the updated Local Resilience Plan and voted 6:0:1 (absent) to recommend that Council adopt the General Plan Amendment; and

WHEREAS, on April 22, 2025, the City Council conducted a duly and properly noticed public hearing, reviewed the amendment to the Hazards Element of the General Plan to incorporate by reference the adopted Local Resilience Plan by inclusion of a footnote reference.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby adopts the following findings and takes the following actions:

The foregoing recitals are true and correct and are incorporated by reference into this action.

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. 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 General Plan amendments, was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164, and approved by the City Council. Section 15164 of the CEQA Guidelines, 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. 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.
- C. The 2021 update to the Local Resilience Plan 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).
- D. The proposed amendment to the Hazards Element to adopt and incorporate the Local Resilience Plan by reference 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 Local Resilience Plan. Additionally, 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 adoption and incorporation by reference of the City's updated Local Resilience Plan to the Hazards Element of the General Plan would have a significant effect on the environment, therefore no further environmental review is necessary.

- E. The proposed amendment complies with CEQA, and the previously certified Final EIR, Mitigation Monitoring and Reporting Program and Addendum was reviewed and considered prior to approval.

General Plan Amendment

Pursuant to Hayward Municipal Code (HMC) Section 10-1.3425(b), the City Council may approve 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;**

The proposed General Plan Amendment to the Regional Coordination Goal set forth in the Hazards Element to adopt and incorporate by reference and provide a footnote link to the adopted Local Resilience Plan will promote the health, safety, convenience and general welfare of the residents of Hayward in that it will bring the City into compliance with State Law and ensure that the City will remain eligible for additional state cost-share funding on eligible Public Assistance projects. Bringing the Hazards Element into compliance with State Law will mitigate potential hazards through regional coordination, analysis, outreach, communication, collaboration and mitigation which in turn will promote health and general welfare of the community as a whole.

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

The proposed General Plan Amendment would not conflict with the Zoning Ordinance in that the General Plan Amendments are programmatic documents that address existing and potential hazards and negative environmental impacts throughout the community. The proposed amendment to adopt and incorporate by reference and provide a footnote link to the adopted Local Resilience Plan will ensure consistency with State Law and that Hayward remains eligible for state cost-share funding on eligible Public Assistance projects.

- 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 the Hazards Element involves simply adding a reference to the adopted Local Resilience Plan and does not include any land use changes or reclassification of property.

- 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 General Plan Amendment to the Hazards Element involves simply adding a reference to the adopted Local Resilience Plan and does not include any land use changes or reclassification of property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts and incorporates by reference the Local Resilience Plan, as it may be amended from time to time, into the Hazards Element of the Hayward 2040 General Plan.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2025

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward