

HAYWARD CITY COUNCIL

RESOLUTION NO. 25-____

Introduced by Council Member _____

RESOLUTION MAKING FINDINGS IN SUPPORT OF ADOPTION OF ZONING TEXT AMENDMENTS TO CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE), ARTICLE 2 (OFF-STREET PARKING REGULATIONS), ARTICLE 24 (MISSION BOULEVARD CODE), AND ARTICLE 28 (DOWNTOWN DEVELOPMENT CODE) OF THE HAYWARD MUNICIPAL CODE RELATED TO IMPLEMENTATION OF THE 2023-2031 HAYWARD HOUSING ELEMENT AND FINDING THAT THE ACTION DOES NOT REQUIRE ADDITIONAL ENVIRONMENTAL REVIEW

WHEREAS, in June 2023, the University of California San Francisco published “The California Statewide Study of People Experiencing Homelessness” which noted that more than 171,000 people are experiencing homelessness daily in California;

WHEREAS, in January 2024, the Point-In-Time (PIT) Count found that there is approximately 512 people experiencing homelessness in Hayward, which is up 30% from 2022;

WHEREAS, the City Council has adopted Resolution Nos. 18-027, No. 19-04, No. 21-026, No. 23-028, and No. 24-025 to support the operation and construction of supportive housing by temporarily suspending local planning and zoning regulations as they currently represent barriers to meaningfully and creatively serving the unhoused population;

WHEREAS, on July 13, 2021, the City Council adopted the Let’s House Hayward Strategic Plan composed of goals and strategies to achieve Hayward’s vision of being a leader in ending homelessness through accessible, dignified treatment and services;

WHEREAS, on February 7, 2023, the City Council adopted Resolution No. 23-033, adopting the 2023-2031 Hayward Housing Element composed of goals, policies, programs, and actions to help Hayward meet its housing needs;

WHEREAS, in May 2024, city staff held five stakeholder meetings to gather input from local service providers, affordable housing developers, educational facilities and faith-based organizations to understand best practices and recommendations in the field of supportive housing;

WHEREAS, on June 25, 2024 and June 27, 2024, the Council and Planning Commission, respectively, held public Work Sessions to provide recommendations to expand supportive housing options for Hayward’s unhoused population;

WHEREAS, from September 24, 2024 to October 21, 2024, the draft regulations were made available for public review on the City of Hayward's website;

WHEREAS, on October 10, 2024 and October 15, 2024, the Planning Commission and Council, respectively, held public Work Sessions on the draft Zoning Text Amendments. Comments received during the public review period and at the work sessions were incorporated into the proposed amendments or responses to those comments were otherwise documented in an attachment to the staff report;

WHEREAS, on December 12, 2024, the Planning Commission considered the proposed Zoning Text Amendments and voted (7-0), that the City Council approve the proposed Amendments with modifications to require a Conditional Use Permit for safe parking, create a neighborhood accountability group to explore impacts related to supportive housing development, add a definition for homelessness which includes housing insecurity and fix miscellaneous typographical errors; and

WHEREAS, notice of the hearing was published in the manner required by law within the East Bay Times on December 20, 2024 and the hearing was duly held by the City Council on January 21, 2025.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) was prepared for the Hayward 2040 General Plan. 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).
2. The Zoning Text Amendments are consistent with the General Plan Land Use diagram as well as policies and programs outlined in the Housing Element of the General Plan; and will not result in an increase in density or intensity of development beyond the impacts analyzed in the General Plan Program EIR and the subsequent Addendum prepared by Rincon Associates for the Housing Element (January 2023).
3. Based on the draft regulations and the analysis provided in this staff report, no new or unanticipated levels of development are anticipated that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, residential or employment density, or construction impacts are expected to be generated as a result of adoption of these regulations. Therefore, the proposed

Amendments substantially conform to the Goals and Policies set forth in the General Plan that were analyzed in the related Program EIR. No further environmental review is necessary.

4. Therefore, the project complies with CEQA, and the Planning Commission has reviewed and considered the information prior to approving the project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94541.

FINDINGS FOR ZONING TEXT AMENDMENTS TO THE HAYWARD MUNICIPAL CODE

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

The proposed Zoning Text Amendments will promote the public health, safety, convenience and general welfare of the residents in Hayward in that the updated regulations will expand housing options for Hayward's unhoused and other vulnerable populations; create comprehensive standards to ensure high-quality housing options; and certify the Hayward Municipal Code is consistent with State housing law.

2. The proposed change is in conformance with all applicable, officially adopted policies and plans;

The proposed Zoning Text Amendments are consistent with the goals and policies set forth in the Hayward 2040 General Plan in that the updated regulations are designed to protect and enhance the city's housing stock. Furthermore, the proposed Amendments are consistent with the following Actions set forth in the 2023-2031 Housing Element of Hayward General Plan:

- Action 13.1: Explore innovative and alternative housing options that provide greater flexibility and affordability in the housing stock. This may include allowing shelters, transitional housing and tiny homes with wraparound services on site at churches, social services agencies/nonprofits that do this work in the community and on publicly owned land. The City will promote other types of alternative housing options including single room occupancy developments or conversions, group homes, and by-right permanent supportive housing. The City has the goal of completing five tiny home developments, single-room occupancy developments, supportive housing developments, emergency shelters, transitional housing development and/or conversions in the planning period
- Action 13.3: Assess and amend the HMC as needed to allow Supportive Housing as a by-right use where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651.

- Action 13.4: Evaluate the permit process for group homes of seven or more persons and amend the HMC to include a set of objective standards to provide certainty to applicants through the permitting process. Evaluate the potential of allowing the use through Administrative Use Permit process or as a by-right use subject to objective standards.
- Action 13.5: Amend the HMC parking regulations for Homeless and Emergency Shelters and Navigation Centers to comply with Government Code section 65583, subdivision (a)(4)(A).
- Action 13.6: Amend the HMC to comply Government Code section 65662 which requires a Low Barrier Navigation center to be a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, provided specific requirements of the law are met.
- Action 13.7: Amend the HMC to allow tiny homes and emergency shelters on church and publicly owned properties.
- Action 19.11: Explore funding and feasibility options for safe parking and safe camping programs to provide additional safe, secure, and sanitary options for individuals and families experiencing homelessness.

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

The proposed Zoning Text Amendments include minor modifications to the allowable uses in the city's zoning districts and are generally consistent with land uses envisioned in the Hayward 2040 General Plan and analyzed in the related Program Environmental Impact Report. While the city is generally built out and has adequate streets and public facilities to serve the areas, each new project would be evaluated on a case-by-case basis for environmental impacts and would be required to install or upgrade utilities, upgrade roadways or install frontage improvements as standard conditions of approval to ensure that the future development or land use is adequately served.

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.

The proposed Zoning Text Amendments include allowing Single-Room Occupancy (SROs), Emergency Shelters, Low Barrier Navigation Centers, Safe Parking, Group Homes and Psychiatric and Rehabilitation Care Facilities within a variety of zoning districts. These uses are accompanied by stringent development and performance standards to ensure compatibility with present and potential uses, to minimize nuisances and promote high-quality developments. The Amendments would achieve a beneficial effect by creating a spectrum of housing to serve a variety of populations with different needs and addressing the City's housing and shelter crisis.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the findings in support of Zoning Map and Text Amendments related to implementation of the 2023-2031 Housing Element, subject to the adoption of the companion Ordinance.

BE IT RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 25-__) becomes effective.

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