

HAYWARD CITY COUNCIL

RESOLUTION NO. 24-

Introduced by Council Member _____

RESOLUTION ADOPTING THE UPDATED CLIMATE ACTION PLAN AS AN AMENDMENT TO THE HAYWARD 2040 GENERAL PLAN, GREENHOUSE GAS EMISSIONS THRESHOLDS AND THE INITIAL STUDY AND NEGATIVE DECLARATION PREPARED PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on July 28, 2009, the Hayward City Council adopted the City's first Climate Action Plan (CAP), which included aggressive goals for reducing GHG emissions; and

WHEREAS, on July 1, 2014, an updated CAP was incorporated into the comprehensive update of the *Hayward 2040 General Plan* (General Plan), which was adopted by Council with Resolution No. 14-108. The General Plan is a comprehensive policy framework to guide decision-making related to land use, growth and development, safety, and open space conservation, infrastructure and services. The General Plan contains various State-mandated Elements including Land Use, Mobility, Natural Resources, Facilities/Services, Hazards, and Housing and includes several elements which are not mandated by the State but were added to address local issues surrounding Economic Development, Education and Community Health and Quality of Life.

WHEREAS, on September 8, 2016, California Governor Jerry Brown signed Senate Bill 32 (Pavley), setting a statewide greenhouse gas (GHG) reduction target of 40% below 1990 levels by 2030; and

WHEREAS, on September 18, 2018, California Governor Jerry Brown signed Executive Order B-55-18, committing California to achieving carbon neutrality no later than 2045, and achieving and maintaining net negative emissions thereafter; and

WHEREAS, on January 15, 2019, the Hayward City Council unanimously approved a resolution endorsing the declaration of a climate emergency. The Declaration states that climate change threatens our community, as well as cities across the globe, and requests regional collaboration in restoring a safe concentration of GHG in our atmosphere; and

WHEREAS, on June 23, 2020, the Hayward City Council adopted goals to reduce GHG emissions by 30% below 2005 baseline levels by 2025, 55% by 2030, and to 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; and

WHEREAS, the City of Hayward targets utilize a baseline different from the State of California's but Hayward's GHG reduction targets are equivalent to the State's; and

WHEREAS, on July 20, 2021, 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; and

WHEREAS, the City conducted extensive community outreach over the last two years including development of an interactive, educational project website; social media posts; dissemination of a multi-lingual housing survey; compilation of extensive contact lists for community and advocacy groups, faith-based and school organizations, Homeowners Associations, Neighborhood Groups, Mobile Home Parks; creation of a bilingual informational gallery used throughout the City including farmers markets, the Hayward Main Branch Library, Chabot College, and at events for the Hayward Promise Neighborhood, the NAACP, Hayward Community Family Fair, the Juneteenth Event and the Downtown Street Fair; and, focus groups and community workshops related to housing, environmental justice and climate change; and

WHEREAS, draft policies and programs for the CAP and the Environmental Justice Element were presented to the CSC on May 9, 2022, to Council during a work session on May 24, 2022, and to the Planning Commission during a work session on May 26, 2022; and

WHEREAS, on September 16, 2022, California Governor Gavin Newsom signed AB 1279, (Muratsuchi), which codifies the statewide carbon neutrality goal to achieve carbon neutrality no later than 2045; and

WHEREAS, on October 6, 2022, staff presented to the CSC a draft list of CAP measures and actions; and

WHEREAS, on May 16, 2023, staff presented to Council a report on the CAP Update which included draft GHG emissions reduction measures and actions; and

WHEREAS, on October 4, 2023, the Draft CAP, Hazards Element and Environmental Justice Element were published to the City of Hayward website, which began a 40-day public review period that ended on November 14, 2023.

WHEREAS, on October 30, 2023, a public workshop was held to receive comments on the draft CAP; and

WHEREAS, the updated CAP includes a greenhouse gas emission inventory and forecast, analysis and quantification of greenhouse gas reduction measures and targets, and the updated CAP also set forth a general process for implementation, monitoring and reporting of progress, and meaningful community engagement; and

WHEREAS, the updated CAP meets the criteria of Section 15183.5 of the State CEQA Guidelines and therefore is a California Environmental Quality Act Qualified Climate Action Plan; and

WHEREAS, the GHG Emissions Thresholds and Guidance Report quantifies greenhouse gas emissions thresholds of significance which were created on the basis of the best available science and factual evidence, and provides guidance for future projects to reduce GHG emissions to less-than-significant levels; and,

WHEREAS, as provided in Government Code Sections 65352 – 65352.5, Hayward provided project information related to the General Plan Amendments to all California Native American tribes on the contact list provided by the Native American Heritage Commission and to other entities listed; and

WHEREAS, the City prepared an Initial Study and Negative Declaration (IS/ND), to evaluate the potential environmental impacts of the updated CAP and CEQA GHG Emissions Thresholds in conformance with Section 15063 of Title 14 of the California Code of Regulations (the “CEQA Guidelines”); and

WHEREAS, on November 8, 2023, a Notice of Intent to adopt an IS/ND for the updated CAP and CEQA GHG Emissions Thresholds was filed with the Alameda County Clerk and sent to the State Clearinghouse, and other interested agencies and parties; and

WHEREAS, the draft IS/ND was circulated for a 30-day review period, with the public review period commencing on November 8, 2023, and ending on December 8, 2023; and

WHEREAS, On November 13, 2023, staff presented the Draft Climate Action Plan, Hazards Element and Environmental Justice Element to the Council Sustainability Committee. The Committee provided comments related to completion of an Urban Forest Management Plan, consideration of a future ban on synthetic turf, emergency evacuation routes, rebates for e-scooters, additional tree planting, resiliency of the City’s water supply infrastructure, balancing reducing parking requirements with parking demand, and distribution of compost per State Law. Following the discussion, the Committee voted unanimously to recommend that the City Council adopt the General Plan amendments; and

WHEREAS, On December 14, 2023, 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. 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. Following the discussion, the Planning Commission voted 5:1 to recommend approval of the General Plan Amendments; and

WHEREAS, on January 30, 2024, the City Council conducted a duly and properly noticed public hearing, reviewed the General Plan Amendments in conjunction with the

updated Hazards Element and new Environmental Justice Element and all pertinent Attachments, including all public, Committee and Commission comments and City staff's responses to those comments.

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 – CLIMATE ACTION PLAN

- 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 Sections 15063 and 15070, an Initial Study (IS) was prepared for the updated draft Climate Action Plan with the finding that a Negative Declaration (ND) was appropriate because all potential impacts will be less than significant. Rather, the IS found that adoption of the draft Climate Action Plan (CAP) will have beneficial environmental impacts in that its adoption will allow Hayward to implement the programs necessary to meet its 2030 greenhouse gas (GHG) reduction target and put Hayward on a path to meet the goal of carbon neutrality by 2045; and, minimize the effects of the climate crisis such as increasingly intense wildfires, coastal erosion, disruption of water supply, threats to agriculture, spread of insect-borne diseases, and continuing health threats from air pollution among other impacts.
- C. The ND was prepared by Rincon Consultants, Inc., on behalf of the City of Hayward acting as the Lead Agency, and the IS/ND was published for a 30-day public review between November 8, 2023 and December 8, 2023.
- D. The proposed ND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that such independent judgment is based on substantial evidence in the record; that the Planning Commission recommends City Council adoption of the proposed ND and its findings and conclusions as its source of environmental information; and, the proposed ND is legally adequate and was completed in compliance with CEQA. Based on the ND and the whole record before the Planning Commission, there is no substantial evidence that the project will have a significant effect on the environment.

- E. That the project complies with CEQA, and that the ND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending City Council approval of 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 94544.

GENERAL PLAN AMENDMENT – CLIMATE ACTION PLAN

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

Adoption of the draft Climate Action Plan (CAP) will allow Hayward to implement the programs necessary to meet its 2030 greenhouse gas (GHG) reduction target and put Hayward on a path to meet the goal of carbon neutrality by 2045. Implementation of the CAP will promote the public health, safety, convenience and general welfare of the residents of Hayward in that the effects of the climate crisis will be reduced and the Hayward community will be more resilient to the already present impacts of climate change.

On March 20, 2023, the Intergovernmental Panel on Climate Change (IPCC) released its Sixth Assessment Report, which included a warning that the “pace and scale of climate action are insufficient to tackle climate change” and that:

- Continued greenhouse gas emissions will lead to increasing global warming;
- Every increment of global warming will intensify multiple and concurrent hazards; and
- Deep, rapid, and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades.

Climate change impacts all Californians, and the impacts are often disproportionately borne by our most vulnerable and disadvantaged populations. Implementation of the CAP will reduce the effects of climate change including wildfires, coastal erosion, disruption of water supply, threats to agriculture, spread of insect-borne diseases, and continuing health threats from air pollution.

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

The draft Climate Action Plan is a programmatic document that is in conformance with the Zoning Ordinance, and Hayward's adopted policies and plans including:

- The declaration of a climate emergency by Council on January 15, 2019.
- The General Plan amendment adopted by Council in June 2020, adopting the goals to reduce GHG emissions by:
 - 30% below 2005 baseline levels by 2025,
 - 55% by 2030,
 - To 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.
- Strategic Roadmap for Fiscal Years 2024 to 2025+
- Hayward 2040 General Plan, including the proposed updates related to the Hazards Element and Environmental Justice Element.
- Downtown Specific Plan
- 2020 Bike and Pedestrian Master Plan and Multi-Modal Intersection Improvement Plan and Nexus Study
- Local Road Safety Plan
- Hayward Regional Shoreline Adaptation Master Plan

The draft CAP is also consistent with State regulations including:

- California's 2022 Climate Change Scoping Plan, adopted by the California Air Resources Board on December 15, 2022. The Climate Change Scoping Plan is California's roadmap to address the known causes of climate change in order to reduce GHG emissions by 85% and achieve carbon neutrality by 2045. It provides a detailed sector-by-sector roadmap to guide the state away from its current dependence on petroleum and fossil gas to clean and renewable energy resources and zero-emission vehicles.
- Senate Bill 32, signed by California Governor Jerry Brown on September 8, 2016, setting 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.
- Assembly Bill 1279, signed by California Governor Gavin Newsom on September 16, 2022, requiring that California achieve net zero GHG emissions as soon as possible, but no later than 2045.

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

The proposed General Plan Amendment to include the updated Climate Action Plan 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 include the updated Climate Action Plan does not include any land use changes or reclassification of property.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the findings in support of General Plan Amendments related to the updated Climate Action Plan.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2024

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