

HAYWARD CITY COUNCIL

RESOLUTION NO. 24-

Introduced by Council Member _____

RESOLUTION ADOPTING A GENERAL PLAN AMENDMENTS TO THE HAZARDS
ELEMENT AND ADOPTION OF A NEW ENVIRONMENTAL JUSTICE ELEMENT

WHEREAS, on July 1, 2014, the City Council adopted Resolution No. 14-108, adopting the *Hayward 2040 General Plan*, 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; and

WHEREAS, in 2017, State law was amended to require jurisdictions to update the mandated 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. Further, Government Code 65302 requires that local jurisdictions include climate adaptation and resiliency strategies in the updated Hazards Element. Further State Law requires that an evacuation analysis be prepared pursuant to Assembly Bill 747 and Senate Bill 99, and that local agencies evaluate the resiliency of the transportation system, capacity of evacuation routes and identify key routes for communities with limited access; and

WHEREAS, the proposed General Plan Amendment to incorporate a new Environmental Justice Element is being undertaken pursuant to Government Code Section 65040.12(e), requiring that jurisdictions to identify “disadvantaged communities” as determined by the California Environmental Protection Agency (CalEPA) and to incorporate environmental justice policies and programs into their general plans; and

WHEREAS, on July 20, 2021, the City 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 Hazards Element as mandated by State Law and because issues of housing, climate change, vulnerable populations, sustainable development are inextricably linked; and

WHEREAS, the City conducted extensive community outreach related to creation of the General Plan Amendments and CAP, including development of a project website; social media campaign; 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, attendees at various events and interested parties who wrote in and requested to be notified about project updates; Housing Sites Simulation tool; creation of a bilingual informational gallery used at 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 five focus groups and community workshops related to housing, environmental justice and climate change; 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. Following that notice, a representative from the Confederated Villages of Lisjan Nation requested a consultation about the Housing Element; and

WHEREAS, on August 3, 2022, the City of Hayward met with representative from the Confederated Villages of Lisjan Nation to discuss the Housing Element; however, there was no discussion or comments about the General Plan Amendments related to the Hazards and Environmental Justice elements. On October 20, 2022, following written notification to the Confederated Villages of Lisjan Nation, the City closed formal consultation on the Housing Element; and

WHEREAS, public meetings and workshops on the Climate Action Plan and Environmental Justice Element policies and programs were held with the Council Sustainability Committee (CSC), the City Council and Planning Commission on May 9, 2022, May 24, 2022, and May 26, 2022, respectively. Comments from those meetings were incorporated into the Draft Elements; and

WHEREAS, between October 4, 2023 and November 14, 2023, the Draft Climate Action Plan, Hazards Element and Environmental Justice Element were posted for a 40-day public review period. On October 30, 2023, a public workshop was held to receive comments on the Draft amendments; 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 Climate Action Plan and Greenhouse Gas Thresholds 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

- 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 Section 15164, Rincon LSA prepared an Addendum, dated January 2023, analyzing amendments to the General Plan. Specifically, the project consists of a comprehensive update to the City of Hayward Housing Element, a comprehensive update to the City of Hayward Hazards Element, and the addition of the City of Hayward Environmental Justice Element, which were altogether referred to and analyzed as the “project” throughout the Addendum.
- C. In accordance with Section 15164 of the CEQA Guidelines, 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. 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.
- D. Pursuant to CEQA Guidelines 15164(g), an Addendum need not be circulated for public review but can be included in or attached to the Final EIR.
- E. 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 the Project would have a significant effect on the environment.
- F. The project complies with CEQA, and that the previously certified Final EIR, Mitigation Monitoring and Reporting Program and Addendum was reviewed and considered prior to approving the project.

GENERAL PLAN AMENDMENT

- 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 Amendments to incorporate an updated Hazards Element and new Environmental Justice Element will promote the health, safety, convenience and general welfare of the residents of Hayward in that they contain goals, policies and programs to support the health, safety and general well-being of the community, with a focus on the most vulnerable populations.

Specifically, amendments to the Hazards Element address climate crisis hazards and improve community resilience with the addition of new sections related to Climate Change, Adaptation and Resilience; Evacuation Capacity and updates to established sections such as Regional Coordination, Flood Hazards, Rising Sea Levels and Urban Wildfire Hazards. Adopting a plan to address existing and potential hazards through regional coordination, analysis, outreach, communication, collaboration and mitigation are intended to promote health and general welfare of the community as a whole.

The new Environmental Justice Element addresses negative environmental impacts that have been shown to disproportionately affect marginalized populations, including racial, ethnic, and socioeconomic minorities 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. Importantly, inclusion of an Environmental Justice Element acknowledges the disproportionate impact of land use decisions, disinvestment in specific neighborhoods and the role of the government in exacerbating those differences, and it provides baseline data that can be updated and utilized to ensure that policies and programs target specific neighborhoods and populations that are most in need. It is a commitment to include this type of analysis in future decision making which will promote the public health, safety, convenience and general welfare of the most vulnerable residents of Hayward.

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 Amendments 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 amendments to the Hazards Element are consistent with the Hayward 2040 General Plan and other programmatic documents adopted by the City of Hayward including the Climate Action Plan and the Hayward Regional Shoreline Adaptation Master Plan, in that the updated Hazards Element will include updated policies and programs related to Regional Coordination, Flood Hazards, Rising Sea Levels, Urban Wildfire Hazards, and new sections on Climate Change Adaptation and Resilience and Evacuation Capacity. Further, the proposed amendments to the Hazards Element are required per State Law (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.

The proposed amendments related to the Environmental Justice Element are consistent with and contain intersecting goals policies and programs included in the Natural Resources Element, Mobility Element, Health and Quality of Life Element and updated Housing Element of the Hayward 2040 General Plan. Further, the proposed Environmental Justice Element includes goals, policies and programs that are consistent with the Strategic Roadmap – Confront Climate Crisis and Champion Environmental Justice Strategic Priority. This amendment is being undertaken pursuant to Government Code Section 65040.12(e) (Senate Bill 1000), which requires jurisdictions to identify “disadvantaged communities” and to incorporate environmental justice policies and programs into their general plans.

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

The proposed General Plan Amendments related to the updated Hazards Element and new Environmental Justice Element do 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 Amendments related to the updated Hazards Element and new Environmental Justice Element do 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 the findings in support of General Plan Amendments related to the Hazards Element and Environmental Justice Element.

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