DATE: October 6, 2026

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

General Plan: Adopt a Resolution Approving Amendments to the Land Use Element of the Hayward 2040 General Plan to Implement Adopted Programs within the Hayward Downtown Specific Plan and Finding that the Project is Fully Consistent with the Previously Adopted Downtown Specific Plan Environmental Impact Report pursuant to the California Environmental Quality Act

RECOMMENDATION

That the City Council adopt a Resolution (Attachment II) approving Amendments to the Land Use Element of the Hayward 2040 General Plan to implement adopted Programs within the Hayward Downtown Specific Plan (Attachment III & Attachment IV); and, certifying Findings that the project is fully consistent with the Downtown Specific Plan Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA).

SUMMARY

On April 30, 2019, the Hayward City Council adopted the Hayward Downtown Specific Plan (Specific Plan) which included programs to achieve the community's vision of a resilient, safe, attractive, and vibrant Downtown. The proposed Amendments would implement two programs within the Specific Plan by 1) establishing a density range of 34.8 to 210 dwelling unit per net acre for the City Center-Retail Office Commercial (CC-ROC) and City Center – High Density Residential (CC-HDR) and 2) remapping a total of 130 parcels from Commercial/High Density Residential, Medium Density Residential, Parks and Recreation (between Mission Boulevard and A Street); and Sustainable Mixed Use to the City Center – Retail and Office Commercial (CC-ROC) General Plan land use designation to be consistent with the existing zoning and fully implement the Specific Plan vision.

In addition to implementing the Downtown Specific Plan, the proposed Amendments are consistent with the Hayward 2040 General Plan, the Hayward 2023-2031 Housing Element, and the City's Transit-Orientated Community Policy. Furthermore, these Amendments will

enhance the City's competitiveness for State and Regional grant funding opportunities and support BART's planned Transit Oriented Development at the Downtown Hayward BART Station.

FISCAL IMPACT

This project was anticipated in the Planning Division work plans and included in the Development Services Department's operating budget. There will be no additional unanticipated impact to the City's General Fund.

BACKGROUND

On April 30, 2019[1], the Hayward City Council adopted the Specific Plan which included design and development standards and programs to achieve the community's vision of a resilient, safe, attractive, and vibrant Downtown. Chapter 5 of the Specific Plan contains Goals, Policies and Implementation Programs in the areas of land use, community design, housing, circulation, travel demand management, economic development and infrastructure and public facilities. Implementation Programs are actionable techniques and measures intended to realize the goals and policies of the Specific Plan.

The proposed Amendments are aimed at implementing the following adopted and analyzed Land Use-related Programs within the Specific Plan:

- **Program Land Use 6** - Remap the following General Plan Land Use Designations within the Plan Area to the City Center-Retail and Office Commercial Land Use Designation to implement the Specific Plan Vision: 1. Commercial/High Density Residential; 2. Medium Density Residential; 3. Parks and Recreation (between Mission Boulevard and A Street); and 4. Sustainable Mixed Use. (Planning, Short Term)
- **Program Land Use 7** - Amend the General Plan Land Use Designation, City Center-Retail, Office Commercial, and City Center - High Density Residential, to allow for density up to 210 dwelling units per acre. (Planning, Short Term)

These programs were initially intended to be implemented within five years of Specific Plan adoption (i.e. 2024), however, this timing was delayed due to limited staffing and shifting City priorities. Recent Regional and State actions have made implementation of these Programs more urgent to ensure that the City remains highly competitive for grant funding opportunities.

On March 25, 2026, the Metropolitan Transportation Commission (MTC) adopted the Transit-Oriented Community (TOC) Policy[2] aimed at reducing greenhouse gas emissions by requiring that local jurisdictions allow higher average housing densities and greater

[1] April 30, 2019, City Council Public Hearing: https://hayward.legistar.com/LegislationDetail.aspx?ID=3930920&GUID=44BB4B50-145E-4878-9158-5B42EBAFD076&Options=&Search=
[2] MTC TOC Policy: https://mtc.ca.gov/planning/land-use/transit-oriented-communities-toc-policy

commercial densities within a half mile of existing BART stations to qualify for transportation funding. Specifically, MTC will evaluate compliance with the updated TOC Policy in determining eligibility for One Bay Area Grant (OBAG) funding starting in 2027. On May 6, 2025, City Council adopted a Resolution 25-074[3] committing to working towards compliance with MTC's updated TOC Policy. The Resolution notes the City's intent to adopt relevant plans, policies and zoning updates such as the proposed amendments.

On July 1, 2026, California Senate Bill 79 (SB 79) took effect, which allows greater densities, heights and floor area ratios (FAR) within a ½ mile of the Downtown Hayward BART Station and the South Hayward BART Station as by right uses. The law allows local jurisdictions to exempt certain areas or adopt a local Transit Oriented Development (TOD) Alternative Plan to modify SB 79 requirements. In light of the proposed amendments, City staff developed a draft TOD Alternative Plan to shift density permitted under SB 79 from South Hayward BART to Downtown Hayward BART. Ultimately, the State Department of Housing and Community Development (HCD) denied the City's TOD Alternative Plan because it was not able to meet all statutory requirements. Staff will continue to work with HCD on developing a TOD Alternative Plan to capture the increased density permitted under these amendments if statutory requirements change.

On June 23, 2026[4], BART and City staff presented findings from public outreach related to goals for redevelopment of the BART Station and the surrounding surface parking lot and vacant land at the Council Infrastructure and Airport Committee (CIAC). The development assumptions discussed at that meeting were based on the densities set forth in the proposed General Plan Amendments, which are in alignment with State Laws related to densities on BART land (Assembly Bill 2923[5]).

On August 27, 2026[6], the Planning Commission voted 6-0 to recommend the City Council approve the proposed Amendments to the Hayward 2040 General Plan to implement adopted Programs within the Hayward Downtown Specific Plan. Following the Planning Commission hearing, staff received feedback from the development community requesting a lower minimum density as that reflects current market conditions. In response, staff revised the proposed minimum density from 40 to 34.8 dwelling units per acre. The new proposed minimum density is based on analysis of recently approved projects within the Downtown Specific Plan Area and existing density regulations. Specifically, the High Density Residential (HDR) general plan land use designation, which is envisioned to be less dense than the Downtown Specific Plan Area, has a maximum density of 34.8 dwelling units per acre. Furthermore, this minimum density is still aligned with MTC ABAG's TOC policy.

[3] Hayward City Council Resolution 25-074: https://portal.laserfiche.com/Portal/DocView.aspx?id=454949&repo=r-b6d2994c&searchid=7534f6b4-0bd3-43f4-a74f-3196857abc61
[4] June 23, 2026, Council Infrastructure and Airport Committee Work Session: https://hayward.legistar.com/LegislationDetail.aspx?ID=8087266&GUID=A546D9F0-1F87-42F3-BFBA-AA6CB1424464&Options=&Search=.
[5] Assembly Bill 2923. https://www.bart.gov/about/business/tod/ab2923
[6] August 27, 2026, Planning Commission Public Hearing: https://hayward.legistar.com/LegislationDetail.aspx?ID=8185049&GUID=7BD48A8C-E91A-4891-ADF5-C5EA063EF262&Options=&Search=

PUBLIC CONTACT

Between September 2016 and April 2019, staff conducted extensive outreach to inform the development of the Specific Plan. Outreach included the formation of a Downtown Specific Plan Task Force, a community workshop, a five-day design charrette, a community open house, social media posts, email notifications and public hearings.

In December 2025, staff invited 22 tribal organizations to consult and provide feedback on proposed General Plan Amendments. Two tribal organizations requested consultation on this project: the Confederated Villages of Lisjan Nation and the Muwekma Ohlone Tribe of the San Francisco Bay Area. On March 4, 2026, staff meet with the Confederated Villages of Lisjan Nation. They were generally supportive of the project and appreciated learning about the City's existing policies regarding tribal resources. The Muwekma Ohlone Tribe of the San Francisco Bay Area did not respond to staff's emails to schedule a meeting. As such, tribal consultation was officially closed on April 3, 2026.

On February 24, 2026, staff notified mailed notification to 130 property owners whose General Plan Land Use Designations are proposed to be remapped and invited them to a community meeting on March 20, 2026. Overall, the community members were supportive of the proposed amendments; expressed a desire for their General Plan land use designation and existing Zoning to be consistent; and inquired about how the regulations would impact their property.

On September 18, 2026, notice of this public hearing were published in *The Daily Review*. Furthermore, on September 25, 2026, a public hearing notice was also sent to all property owners whose General Plan Land Use Designations are proposed to be remapped and certain local agencies in accordance with California Government Code Section 65091(a). To date, staff has not received any correspondence from the public in response to this notice.

PROJECT DESCRIPTION

The project consists of Amendments to the Hayward 2040 General Plan to implement adopted and analyzed programs identified in the Specific Plan. The recommended amendments are summarized below and can be found in Attachment III, IV A, and IV B.

General Plan Land Use Designation Text Amendments (Attachment III): The City Center-Retail Office Commercial (CC-ROC) land use designation generally applies to the core of Downtown Hayward while the City Center – High Density Residential (CC-HDR) land use designation generally applies to properties surrounding the core of Downtown Hayward.

- CC-ROC allows storefront commercial buildings, mixed-use buildings with ground-floor commercial uses with residential or office space above; and, outside the Downtown retail core, townhomes, live-work units, and apartment and condominium buildings.

- CC-HDR allows townhomes, live-work units, apartment and condominium buildings, and mixed-use buildings with ground-floor commercial uses and residential or office space above.
- Currently, the CC-ROC and CC-HDR designations have no minimum density and allow a maximum density of 110 dwelling units per acre.

The proposed Amendments would not change the allowable uses or building forms within the subject land use designations, but they would establish a minimum density of 34.8 dwelling units per acre and increase the maximum density to 210 dwelling units per acre.

General Plan Land Use Designation Map Amendments (Attachment IV A & B): The proposed amendments to the General Plan Land Use Designation Map would redesignate certain properties identified in the Specific Plan from the following existing land use designations to the City Center – Retail and Office Commercial (CC-ROC) designation:

1. Commercial/High Density Residential (CHDR);
2. Medium Density Residential (RM);
3. Parks and Recreation (PR) (between Mission Boulevard and A Street); and
4. Sustainable Mixed Use (SMU).

A total of 130 parcels would be remapped to CC-ROC land use designation to satisfy the requirement of the Specific Plan Program Land Use Program 6 and to correct inconsistencies between the General Plan land use designation and zoning district. To avoid creating new inconsistencies, the project does not propose to remap parcels with a HDR land use designation that are zoned Planned Development (PD).

DISCUSSION

Staff recommends approval of the proposed General Plan Amendments to implement adopted Programs within the Specific Plan, as they are consistent with the Hayward 2040 General Plan, the 2023–2031 Housing Element, the Business-Friendly Hayward project, and the City's Pro-housing Designation and Transit-Oriented Community Policy and will further strengthen the City's competitiveness for grant funding opportunities and support BART's redevelopment efforts at the Downtown Hayward BART Station.

Hayward 2040 General Plan: The proposed General Plan Amendments support implementation of the adopted Specific Plan[7] which is consistent with Hayward 2040 General Plan[8] Land Use Policy 2.7, which states "the City shall develop, maintain, and implement a Specific Plan to establish a vision for Downtown Hayward and to guide and regulate future development and infrastructure improvements."

[7] Hayward Downtown Specific Plan: https://www.hayward-ca.gov/sites/default/files/documents/DSD-Planning-Hayward-Downtown-Specific-Plan.pdf.
[8] Hayward 2040 General Plan: https://haywarddev.prod.acquia-sites.com/sites/default/files/2026-03/DSDPL-Hayward-204-General-Plan-Downloadable-2604.pdf.

In addition to Land Use Policy LU-2.7, implementation of the Specific Plan programs is consistent with the following General Plan goals and policies:

- *Land Use Goal 2 (LU-2):* Revitalize and enhance Hayward's Priority Development Areas to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city's job centers and regional transit facilities.
- *Downtown Housing (LU-2.5):* The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to:
    - Increase market support for businesses,
    - Extend the hours of activity,
    - Encourage workforce housing for a diverse range of families and households.
    - Create housing opportunities for college students and faculty, and
    - Promote lifestyles that are less dependent on automobiles.
- *Downtown Bart Station (LU-2.6):* The City shall encourage a mix of commercial, office, high-density residential, and mixed-use development in the area surrounding the Downtown BART Station.

Housing Element: The project will also support the following adopted housing policies within the Hayward 2023-2031 Housing Element[9].

- *Diversity of Housing Types (H-3.1):* The City shall continue to implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, Accessory Dwelling Units (ADUs), and units in mixed-use developments.
- *Transit-Oriented Development (H-3.2):* The City shall encourage transit-oriented developments in close proximity to BART and high frequency bus lines.
- *Residential Uses Close to Services (H-3.4):* The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

On March 5, 2024, City Council adopted Resolution 24-038[10] authorizing the City's participation in the Pro-housing Designation Program (PDP). The PDP recognizes and supports jurisdictions that exceed state housing requirements to accelerate housing production by providing priority processing and funding points. The proposed General Plan amendments are consistent with the City's participation in the Pro-housing Designation Program by increasing allowable density and supporting transit-oriented development.

[9] Hayward 2023-2031 Housing Element: https://www.hayward-ca.gov/sites/default/files/documents/DSD-General-Plan-Housing-Element-2023-2031-Downloadable.pdf.
[10] Pro-housing Designation Program Authorizing Resolution: https://www.hayward-ca.gov/sites/default/files/Resolution%201631_001.pdf

Business-Friendly Hayward: On April 21, 2026, City Council adopted Ordinance No. 26-06[11] adopting Zoning Map and Text Amendments (Business-Friendly Hayward project) that streamlined permitting requirements for certain business types, established new land use regulations, and consolidated zoning districts. As stated previously, the Specific Plan provided a strategy to achieve the community's vision of a resilient, safe, attractive, and vibrant Downtown. The proposed General Plan amendments support the Business-Friendly Hayward amendments as both work towards achieving the community vision and development capacity within Downtown. Furthermore, encouraging residential development within Downtown will support economic development by bringing more households to the area and increasing the customer base that can patronize local businesses, restaurants, and services.

Transit-Oriented Community Policy: MTC's TOC Policy aims to reduce greenhouse gas emissions by allowing a greater mix of housing densities and greater commercial densities within a half mile of existing BART stations. On May 6, 2025, City Council adopted Resolution 25-074[12] committing to achieving compliance with MTC's TOC Policy.

In January 2026, MTC approved their fourth round of the One Bay Area Grant (OBAG 4)[13] which includes $820 million in federal funding for projects from 2027 through 2030. Allocation of this funding, which will start in 2027, will award points and higher allocations to jurisdictions with regulations and densities that are consistent with the TOC Policy.

To date, the City of Hayward has been awarded approximately $4,200,000 in OBAG funding that supported complete streets projects, Senate Bill 743 (SB 743) implementation, a micromobility/safety program, TOC planning and a parking management plan. Implementation of the Specific Plan programs will further align the City with the TOC Policy and enhance competitiveness for future MTC grant funding opportunities.

ECONOMIC IMPACT

As discussed above, the proposed General Plan amendments will enhance the City's competitiveness for State and Regional grant funding opportunities. In addition, encouraging residential development within Downtown will support economic development by bringing more households to the area and increasing the customer base that can patronize local businesses, restaurants, and services. This in turn can lead to increased tax revenue for the City and further investment in Downtown Hayward.

[11] Business Friendly Hayward Resolution: https://hayward.legistar.com/LegislationDetail.aspx?ID=7987053&GUID=C94A3DF0-8BAB-4F0D-B8CE-5076FDDDD36E#docaccess-033be0a27e988c916c71551d23f7ee93
[12] Hayward City Council Resolution 25-074: https://portal.laserfiche.com/Portal/DocView.aspx?id=454949&repo=r-b6d2994c&searchid=7534f6b4-0bd3-43f4-a74f-3196857abc61
[13] One Bay Area Grant Funding: https://mtc.ca.gov/funding/federal-funding/federal-highway-administration-grants/one-bay-area-grant-4-obag-4

STRATEGIC ROADMAP

The Hayward Strategic Roadmap[14] is a Council led initiative that outlines the shared vision for Fiscal Year 2025 and beyond. There are six core priorities required to achieve the Strategic Roadmap's vision and numerous key projects to advance each priority. This project supports the *Preserve, Protect and Produce Housing for All* priority which focuses on incentivizing housing production for all. Furthermore, this project directly supports the following project listed under this priority:

- *Project H11*: Work with BART to encourage Transit Oriented Development at the two Hayward stations

ENVIRONMENTAL REVIEW

On April 30, 2019, the City Council adopted Resolution No. 19-075[15], approving the Specific Plan and related Program EIR[16]. In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall only prepare an addendum to a previously certified EIR if some changes or additions are necessary pursuant to the conditions described in Section 15162 which are as follows:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

[14] Hayward Strategic Roadmap: https://www.hayward-ca.gov/your-government/documents/hayward-strategic-roadmap#Strategic%20Priorities
[15] Hayward City Council Resolution 25-074: https://portal.laserfiche.com/Portal/DocView.aspx?id=454949&repo=r-b6d2994c&searchid=7534f6b4-0bd3-43f4-a74f-3196857abc61
[16] Downtown Specific Plan Draft and Final EIR, included as Attachments V and VI: https://hayward.legistar.com/LegislationDetail.aspx?ID=3930920&GUID=44BB4B50-145E-4878-9158-5B42EBAFD076&Options=&Search=

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed Amendments are consistent with the Specific Plan and do not require any changes to the adopted Plan. Thus, no new or unanticipated levels of development are expected as a result of the proposed Amendments that were not previously identified in the Specific Plan EIR. As such, no further environmental review is necessary.

NEXT STEPS

If adopted, the proposed General Plan map and text amendments will become effective immediately.

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