ATTACHMENT II

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-_____

Introduced by Council Member _____

RESOLUTION TO ADOPT TEXT AND MAP AMENDMENTS TO THE LAND USE ELEMENT OF THE HAYWARD 2040 GENERAL PLAN TO IMPLEMENT ADOPTED PROGRAMS SET FORTH IN THE DOWNTOWN SPECIFIC PLAN; FINDING THAT THE AMENDMENTS ARE CONSISTENT WITH THE PREVIOUSLY ADOPTED DOWNTOWN SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

WHEREAS, on April 30, 2019, the City Council adopted Resolution No. 19-075 adopting the Downtown Specific Plan (Specific Plan) and Regulating Code. The Specific Plan contains implementation programs including Program Land Use 6, to remap certain General Plan Land Use Designations within the Plan Area, and Program Land Use 7, to increase the maximum density to 210 dwelling units per acre; and

WHEREAS, on May 6, 2025, City Council adopted Resolution No. 25-074, committing Hayward to work towards compliance with the Metropolitan Transit Commission's (MTC) Transit-Oriented Community (TOC) Policy aimed at reducing greenhouse gas emissions by requiring that local jurisdictions allow higher average housing densities and greater commercial densities within a half mile of existing BART stations; and

WHEREAS, on March 25, 2026, MTC committed to evaluating compliance with the TOC Policy as part of eligibility for future One Bay Area Grant (OBAG) funding; and

WHEREAS, on July 1, 2026, California Senate Bill 79 (SB 79) took effect which allows greater densities, heights and floor area ratios (FAR) near transit by right. The law allows local jurisdictions to exempt certain areas by adopting a local Transit Oriented Development (TOD) Alternative Plan. Between April and July 2026, in consideration of these proposed Amendments to increase densities around the Downtown Hayward BART Station, City Staff worked with the California Department of Housing & Community Development (HCD) to shift SB 79 density from South Hayward BART to Downtown Hayward BART as part of a local TOD Alternative Plan. However, HCD denied the proposal because it did not meet all the statutory requirements. Staff will continue to work with HCD on developing a TOD Alternative Plan in the event that statutory requirements change; and

WHEREAS, on August 27, 2026, the Planning Commission considered the proposed General Plan Map and Text Amendments, attached hereto and incorporated herein, and voted (6-0) to recommend City Council approval of the proposed General Plan Amendments;

WHEREAS, notice of this public hearing was published in the East Bay Times on September 18, 2026 and sent to specified property owners and local agencies on September 25, 2026 , and the hearing was duly held by the City Council on October 6, 2026.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

On April 30, 2019, the City Council adopted Resolution No. 19-07516, approving the Specific Plan and related Program Environmental Impact Report (EIR). In accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency shall 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

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.

FINDINGS FOR GENERAL PLAN AMENDMENTS

Pursuant to Hayward Municipal Code Section 10-1.3430(b), the City Council may approve an Amendment to the General Plan upon making the following findings:

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 General Plan Amendments will promote the public health, safety, convenience and general welfare of the residents of Hayward in that they will implement the adopted Hayward Downtown Specific Plan, which established design standards, development regulations, and implementation programs intended to achieve the community's vision of a resilient, safe, attractive, and vibrant Downtown. These changes will expand housing opportunities for a diverse range of households, supporting a more vibrant and walkable downtown, and further advance the City's commitment to achieving compliance with the Metropolitan Transportation Commission's (MTC) Transit-Oriented Communities (TOC) Policy thus enhancing the City's competitiveness for regional grant funding to support existing and future transportation projects.

2. **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 are in conformance with the purposes of the Zoning Ordinance, and all applicable, adopted policies and plans in that it is consistent with the Hayward 2040 General Plan and Hayward 2023-2031 Housing Element. The proposed amendments support implementation of the adopted Downtown Specific Plan, which is consistent with Hayward 2040 General Plan Land Use Policy LU-2.7, requiring the preparation and adoption of a Specific Plan to establish a vision for Downtown Hayward. In addition to Land Use Policy LU-2.7, the amendments are also consistent with the following goals and policies of the Hayward 2040 General Plan:

- *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.

The proposed amendments are also consistent with the following adopted housing policies within the Hayward 2023-2031 Housing Element:

- *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.

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

The proposed General Plan Amendments make modifications to the allowable density and change the land use designations on certain properties in Downtown Hayward. The proposed Amendments are fully consistent with the programs in the Downtown Hayward Specific 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 development project would be evaluated on a case-by-case basis for environmental impacts and would be required to install or upgrade infrastructure including utilities, roadways or 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 General Plan amendments make modifications to the allowable density range and to change the land use designation on 130 properties from Commercial/High Density Residential, Medium Density Residential, Parks and Recreation (parcels between Mission Boulevard and A Street) and Sustainable Mixed Use to City Center – Retail and Office Commercial will be compatible with present and potential uses to encourage a balanced mix of commercial, office, high-density residential, and mixed-use development in Downtown Hayward. These changes provide a beneficial effect not achievable under the existing regulations by expanding housing opportunities for a diverse range of households, supporting a more vibrant and walkable downtown, and further aligning the City with the Metropolitan Transportation Commission's (MTC) Transit-Oriented Communities (TOC) Policy, thereby enhancing the City's competitiveness for future MTC grant funding opportunities.

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 Map and Text Amendments to the Land Use Element of the Hayward 2040 General Plan related to the implementation of the Hayward Downtown Specific Plan, and thereby adopts the proposed Amendments.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2026.

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