

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-170

Introduced by Council Member Henson

RESOLUTION ADOPTING THE ASSOCIATION OF BAY AREA GOVERNMENTS' 2010 MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN ENTITLED "TAMING NATURAL DISASTERS", INCLUDING THE CITY OF HAYWARD'S ANNEX THERETO, AS THE CITY'S LOCAL HAZARD MITIGATION PLAN AND APPROVING A RELATED GENERAL PLAN AMENDMENT (PL-2011-0301)

WHEREAS, the Bay Area is subject to various earthquake-related hazards such as ground shaking, liquefaction, landslides, fault surface rupture, and tsunamis; and

WHEREAS, the Bay Area is subject to various weather-related hazards including wildfires, floods, and landslides; and

WHEREAS, the City of Hayward recognizes that disasters do not conform to the boundaries of any single city, county, or special district; and

WHEREAS, the City of Hayward seeks to maintain and enhance both a disaster-resistant City and region by reducing the potential loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters; and

WHEREAS, the City of Hayward is committed to increasing the disaster resistance of the infrastructure, health, housing, economy, government services, education, environment, and land use systems in the City, as well as in the Bay Area as a whole; and

WHEREAS, the federal Disaster Mitigation Act of 2000 and corresponding California law requires that all cities, counties, and special districts adopt a Local Hazard Mitigation Plan ("LMHP") to be eligible to receive state and federal disaster mitigation and recovery funding; and

WHEREAS, both state and federal law authorize the adoption of multi-jurisdictional local hazard mitigation plans ("MJ-LHMP") in satisfaction of the LHMP requirement, provided that the local jurisdiction has participated in the process and has officially adopted the MJLHMP; and

WHEREAS, the Association of Bay Area Governments (“ABAG”) has approved and adopted a MJ-LHMP for the San Francisco Bay Area, entitled “Taming Natural Disasters”, and the City has participated in the process of developing said MJ-LHMP and prepared the City of Hayward Annex (the “Hayward Annex”) to the MJ-LHMP, which Hayward Annex is attached hereto as Exhibit “A”; and

WHEREAS, the Planning Commission held a public hearing on October 6, 2011, and recommended the approval and adoption of the ABAG MJ-LHMP, as adapted by the Hayward Annex, as the City’s Local Hazard Mitigation Plan and the approval of General Plan Amendment PL-2011-0301, amending the Conservation and Environmental Protection Element to incorporate the Hayward Annex as new General Plan Appendix P, together with the finding that the action is exempt from the guidelines of the California Environmental Quality Act pursuant to Section 15061(b)(3), as it can be seen with a certainty that there is no possibility that the action could have a significant effect on the environment; and

WHEREAS, the City Council of the City of Hayward has independently reviewed and considered the information contained in the ABAG MJ-LHMP “Taming Natural Disasters” and the City of Hayward’s Annex thereto and hereby finds that the adoption of the MJ-LHMP and the Hayward Annex, and related General Plan Amendment PL-2011-0301, is exempt from the guidelines of the California Environmental Quality Act pursuant to Section 15061(b)(3), as it can be seen with a certainty that there is no possibility that this action could have a significant effect on the environment; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that the City of Hayward hereby adopts the ABAG MJ-LMHP entitled “Taming Natural Disasters”, a copy of which is on file in the City Clerk’s office, and the City of Hayward’s Annex thereto, a copy of which is attached as Exhibit A hereto, as its Local Hazard Mitigation Plan.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that the City of Hayward commits to taking those actions, and initiating further actions as appropriate, identified in the Hayward Annex to the LHMP and amends the City of Hayward’s General Plan’s Conservation and Environmental Protection Element, to incorporate the Hayward Annex as new Appendix P thereto.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD as follows:

1. Substantial proof exists that the adoption of the MJ-LHMP, together with the Hayward Annex and the proposed general plan amendment, will promote the public health, safety, public convenience, and general welfare of the residents of Hayward in that MJ-LMP and the City of Hayward Annex thereto establishes disaster mitigation policies and programs and specifies methods of implementation of disaster mitigation.

2. The adoption of the MJ-LHMP, as adapted by the Hayward Annex, as the City's Local Hazard Mitigation Plan and the adoption of the Hayward Annex as new Appendix P of the Conservation and Environmental Protection Element of the General Plan meets the requirements of the Federal Disaster Mitigation Act of 2000 and the requirements of Assembly Bill 2140, which mandate the adoption of a Local Hazard Mitigation Plan for the City of Hayward to receive hazard mitigation and recovery funding. In addition, adoption will meet the policies, mitigation and requirements contained within the City of Hayward Hazardous Materials Area Plan, City of Hayward Comprehensive Emergency Management Plan, the Historic Preservation Ordinance, the Hayward Executive Airport Master Plan, the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, the Flood Plain Management Ordinance, the City of Hayward Climate Action Plan and City of Hayward General Plan in that Local Hazard Mitigation Plan contains analysis of data and mitigation strategies that assist in the implementation of these documents and ordinances.

3. The Conservation and Environmental Protection Element of the City of Hayward's General Plan, Chapter 7, is revised to incorporate the following paragraph immediately following the first paragraph on p. 7-1: "A related plan to the Conservation and Environmental Protection Element is the Local Hazard Mitigation Plan (LMHP), required by the federal law as a condition of receiving hazard mitigation grants after a declared disaster. By law, a Hazard Mitigation Plan must describe the type, location, and extent of all natural hazards that can affect the jurisdiction; describe the jurisdiction's vulnerability to these hazards; include a mitigation strategy that provides the jurisdiction's strategy for reducing the potential losses; and contains a maintenance process. The City of Hayward has adopted the Association of Bay Area Governments' (ABAG) Multi-Jurisdictional Local Hazard Mitigation Plan (MJ-LHMP), "Taming Natural Disasters", as adapted by the City of Hayward Annex. The City of Hayward Annex to the MJ-LHMP contains programs and mitigation strategies that implement regional and City policies and is one of the Implementation Programs of the Conservation and Environmental Protection Element (Appendix P). City staff will review the programs and mitigation strategies on an annual basis and the City Council will adopt an updated MJ-LHMP every five years."

4. The City of Hayward Annex to the 2010 Association of Bay Area Governments Local Hazard Mitigation Plan Taming Natural Disasters, attached hereto as Exhibit A, is hereby adopted as Appendix P to the General Plan of the City of Hayward

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that General Plan Amendment PL-2011-0301 is hereby approved.

IN COUNCIL, HAYWARD, CALIFORNIA October 25, 2011

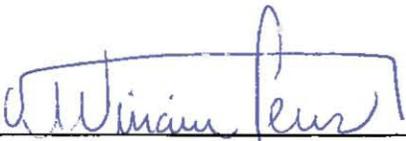
ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Zermeño, Quirk, Halliday, Peixoto, Salinas, Henson
MAYOR: Sweeney

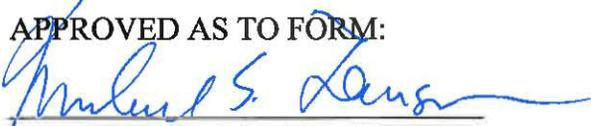
NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: 
City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward