



**DATE:** May 15, 2018  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT** Adoption of Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) and Article 24 (South Hayward Form Based Code) of the Hayward Municipal Code Rezoning Certain Property to Planned Development District in Connection with General Plan Amendment, Zone Change and Vesting Tentative Map Application No. 201704129 for the SoHay Mixed Use Development

**RECOMMENDATION**

That the Council adopts the Ordinance introduced on May 8, 2018.

**SUMMARY**

This item entails adoption of an Ordinance amending Chapter 10, Article 1 and Article 24 of the Hayward Municipal Code rezoning certain property to Planned Development District in connection with General Plan Amendment, Zone Change and Vesting Tentative Map Application No. 201704129 for the SoHay Mixed Use Development introduced on May 8, 2018.

**BACKGROUND**

The Ordinance was introduced by Council Member Mendall at the May 8, 2018, meeting of the City Council with the following vote:

**AYES:** COUNCIL MEMBERS: Zermeño, Mendall, Peixoto, Lamnin, Salinas  
MAYOR Halliday  
**NOES:** COUNCIL MEMBER: Márquez  
**ABSENT:** None  
**ABSTAIN:** None

The introduction of the Ordinance included four amendments as follows: 1) Add a new condition [Condition of Approval No. 56 (k.)] requiring the Homeowners Association to provide at least \$400 of free Clipper Cards annually to each residential unit that wants one; 2) Unbundle the cost of renting the parking spaces from the cost of the apartment rent for the 72 apartment units; 3) That the developer be required to erect two “Coming Soon” signs on Mission Boulevard and Industrial Parkway, subject to applicable sign regulations; and 4) Ensure that the mixed-use component gets built: that no certificates of occupancy for the “for-

sale” units be issued by the City until the vertical construction of the mixed-use buildings has begun, and that the last 20% of the certificates of occupancy for the “for-sale” units be withheld until the mixed-used buildings are deemed largely complete by City staff, and work with developer to draft language related to waivers should unforeseen circumstances arise.

The following Conditions of Approval (Exhibit I.a of the Resolution) have been modified according to feedback received from Council Members during the Council meeting on May 8, 2018. Attachment III consists of the revised Conditions of Approval.

6. The Applicant shall submit an application for a Master Sign Program in accordance with Hayward Municipal Code (HMC) Section 10-7.210, prior to the installation of any signage for the commercial development. **The sign program shall include a provision to install artistic renderings or signage in windows of vacant commercial tenant spaces and “Coming Soon” signs for future commercial tenants if the tenant space is under construction.** Signage associated with the Park and wayfinding and interpretive signage along the public pathways shall be reviewed and approved with the Park improvement plans. (DS)
9. **The mixed-use buildings shall be under vertical construction before a certificate of occupancy is issued for the first “for sale” condominium unit and shall be completed prior to issuance of the 321<sup>st</sup> certificate of occupancy for the “for sale” condominium units. (DS)**
48. **The applicant shall install two “Coming Soon” signs advertising the future development and including renderings of the proposed development on Mission Boulevard and Industrial Parkway. The applicant shall provide the location, size and method of installation of the signs on the Precise Plan submittal. (DS)**
- 58 (k) **The Homeowners Association shall provide a \$400 Clipper Card annually to each for sale household unless the household declines the benefit in writing.**
167. **The rent charged for a residential unit shall be unbundled from the cost of a parking space. The rents for units who choose not to purchase a parking space shall be reduced by an amount equal to that charged for a parking space.**
- 169 (d) A provision that the building exteriors and fences shall be maintained free of graffiti. The owner’s representative shall inspect the premises on a weekly basis and any graffiti shall be removed within **72 hours** of inspection or within **72 hours** of notification by the City.
- 169 (i) **The garage for each unit shall be maintained for off-street parking for one or two vehicles, as designed, and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.**

169(j) The residents shall not use parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These parking spaces shall be monitored by the HOA. The HOA shall remove vehicles parked contrary to this provision. The CC&R's shall include authority for the HOA to tow illegally parked vehicles.

**STRATEGIC INITIATIVES**

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

**FISCAL IMPACT**

There is no fiscal impact associated with this report.

**PUBLIC CONTACT**

The summary of the Ordinance was published in the Hayward Daily Review on Friday, May 11, 2018. Adoption at this time is therefore appropriate.

**NEXT STEPS**

The Hayward Municipal Code and other related documents will be updated accordingly.

*Prepared and Recommended by:* Leigha Schmidt, AICP, Senior Planner  
Miriam Lens, City Clerk

Approved by:



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Kelly McAdoo, City Manager