

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN PROPERTY TO PLANNED DEVELOPMENT DISTRICT IN CONNECTION WITH ZONE CHANGE APPLICATION NO. 201604872 TO CONSTRUCT A NEW LIGHT INDUSTRIAL/FLEX OFFICE SPACE BUILDING AT 2580-2580 INDUSTRIAL BOULEVARD

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Rezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to rezone the property located at 2580-2582 Industrial Boulevard (Assessor Parcel Numbers 456-0101-004-02, 456-0101-004-03 and 456-0101-003-00) from Business Park District and Regional Commercial District to Planned Development District to allow for construction of a new building to provide light industrial/flex office space to attract small to mid-size light advanced industries including, but not limited to, manufacturing, biotechnology, and research and development firms, subject to the regulations in attached Exhibit A, and the findings and conditions of approval set forth in the companion Resolution (No. 17- __) to this Ordinance.

Section 2. Severance.

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held on the 23 day of May, 2017, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of June, 2017, by the following votes of members of said City Council.

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AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

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STEELWAVE INDUSTRIAL BUSINESS PARK USE AND DEVELOPMENT STANDARDS

This Planned Development District (District) is characterized as industrial flex space, to accommodate a spectrum of light industrial uses in conformance with the Industrial Technology and Innovation Corridor at 2850-2852 Industrial Boulevard (Assessor Parcel Numbers 456-0101-004-02, 456-0101-004-03 and 456-0101-003-00).

This District is designed with the intent to target manufacturing and assembly uses that would bring value added business to the Industrial Technology and Innovation Corridor, including manufacturing and technology based uses such as Advanced Industry uses and its support uses and services. Advanced Industries can be defined as uses that develop and/or apply innovation, technology and knowledge to design, develop, produce or assemble products. Advanced Industries are typically associated with vocational or STEM (science, technology, engineering, and math) related employment opportunities including research and development (R&D), manufacturing and related services.

USES PERMITTED

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted as primary uses:
 - 1) Manufacturing or assembly of:
 - (a) Aerospace Products and Parts
 - (b) Agricultural, Construction and Mining Machinery
 - (c) Apparel and other Finished Products from Fabrics, Leather and Similar Materials
 - (d) Building Materials
 - (e) Communication, Audio and Video Equipment
 - (f) Commercial and Service Industry Machinery
 - (g) Computers and Peripheral Equipment
 - (h) Electrical Appliances, Equipment and Supplies
 - (i) Engineering, Turbines and Power Equipment
 - (j) Food and Beverage
 - (k) Lumber and Wood Products
 - (l) Medical, Dental and Drafting Equipment and Supplies
 - (m) Motor Vehicle Parts and Supplies
 - (n) Navigation, Measurement and Control Equipment
 - (o) Pharmaceuticals and Medicine
 - (p) Research, development, analytical and scientific Laboratories
 - (q) Semiconductor and Other Electric Components
 - (r) Stone, Clay and Glass Products
 - 2) Administrative and Professional Offices/Services:
 - (a) Administrative, executive and business offices (excluding check cashing)

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- (b) Business service offices, including employment agencies, accountants, notaries, stenographic, addressing, computing and related services
 - (c) Business consultant offices
 - (d) Design professions offices (engineering, architectural, drafting, etc.)
 - (e) Headquarters or region-wide finance, insurance and real estate offices
 - (f) Manufacturers' representatives and sales offices
 - (g) Medical and dental clinics
 - (h) Printing
 - (i) Research, development, analytical and scientific offices
- 3) Other
- (a) Data Processing and Hosting Facility
 - (b) Wholesale Distributor ⁽¹⁾
 - (c) E-Commerce Distributor ⁽²⁾
 - (d) Service ⁽³⁾

Notes on Other uses:

- 1. Provides value added goods and products to local or regional businesses.
- 2. Provides goods and products through the internet.
- 3. Services associated with the design, assembly, installation or maintenance of, but not limited to, mechanical, electrical, and telecommunications machinery and equipment.

b. **Secondary/Support Uses.** The following uses that are subordinate and incidental to the primary use, or other uses determined to be similar by the Planning Director, are permitted as follows:

- 1) Accessory building and uses:
 - (a) Advanced Industry support services including equipment maintenance and service centers
 - (b) Day Care Center (limited to one total and maximum area of 2,500 sq.ft.)
 - (c) Gyms/fitness facility (limited to one total and maximum of 2,500 sq. ft.)
 - (d) Restaurant operation in conjunction with onsite production, storage and sale of food products, such as a brewery, creamery, distillery or winery
 - (e) Retail sales or showroom associated with onsite manufacturing or assembly, not to exceed 10% of first floor area of the building.
 - (f) Warehouse and Distribution/Logistics associated with onsite manufacturing or assembly
 - (g) Wireless Communication Facility

Any allowed primary or secondary/support use that involves the production, use, handling or storage of minimal quantities of Class B or C hazardous materials shall be subject to review and

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approval by the Fire Chief or his/her designee and the Planning Director or his/her designee, in accordance with the Hazardous Materials provisions of the Zoning Ordinance.

All uses shall not create a public nuisance, as defined by Section 4-1.00 of the Hayward Municipal Code, particularly related to noise and odors.

CONDITIONALLY PERMITTED USES

- A. The following uses, or uses determined to be similar by the Planning Director, are allowed, subject to approval of an Administrative Use Permit:
- (a) Industrial/Vocational Trade School
 - (b) Any allowed use entailing hazardous materials that involve more than minimal quantities allowed by the preceding section and not exceeding the following limitations:
 - i. Production, storage, use and/or handling, of Group B hazardous materials involving no more than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures;
 - ii. Production, storage, use and/or handling of Group C hazardous materials involving no more than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
- B. The following uses, or uses determined to be similar by the Planning Director, are subject to approval of a Conditional Use Permit:
- (a) Any allowed use entailing hazardous materials that exceed the following limitations:
 - i. Production, storage, use and/or handling, of Group B hazardous materials that exceed 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures;
 - ii. Production, storage, use and/or handling, of Group C hazardous materials that exceed 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.

Prohibited Use. 3PL (Third-party Logistics)

Third Party Logistics relates to the transportation, storage and distribution of goods owned by another company.

BUILDING HEIGHT

- | | |
|--|----------------------------|
| A. Maximum Height Permitted: | N/A |
| B. Maximum Accessory Building Height: | N/A |
| C. Maximum Height for Fences/Hedges/Walls: | |
| a. Front and Side Street | No fences or walls allowed |
| b. Side and Rear: | 6-feet |

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- c. Special Yard and Height Requirement and Exceptions:
 - i. See Hayward Municipal Code Section 10-1.2725
 - ii. See Hayward Municipal Code Section 10-1.2730

PARKING REQUIREMENT

- A. Minimum Parking Requirements. The recommended parking rates represent minimum automobile off-street parking requirements for standalone uses. Accessory uses are assumed in the principal use parking rate.
 - i. Manufacturing: 1 space/500 gross square feet
 - ii. Office: 1 space/250 gross square feet
 - iii. Research and Development: 1 space/350 gross square feet
 - iv. Retail: 1 space/250 gross square feet
 - v. Warehouse:
 - (a) If a building or structure has leasable bays of 10,000 square feet and less than 20,000 square feet, the minimum off-street parking required is 1.0 space for each 1,500 square feet of gross square feet, or
 - (b) If a building or structure has leasable bays of 20,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 2,000 square feet of gross square feet.
- B. Uses not listed. Parking requirements for uses not specified shall be compared and determined by the Planning Director to be most similar to uses listed that could satisfy the minimum parking demand.
- C. Mixed-use parking analysis. Mixed-use sites provide a combination of uses on site which have physical and functional integration of land uses. The parking shall be provided for the uses on the site per the Minimum Parking Requirements, unless otherwise determined one parking rate can meet the projected demand as determined by the Planning Director.

SETBACK REQUIREMENTS

- A. Minimum Front:
 - i. 31.5 feet along Industrial Boulevard
 - ii. 33 feet along Marina Drive
 - iii. 33 feet along Portland Drive

When a building abuts the minimum front yard setback, all of the area between the building and the front lot line is to be landscaped. Where the building is setback from the front yard setback and separated by parking, there shall be a minimum continuous

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landscaping depth equal to the front setback and an average landscape depth 5-foot against the building.

B. Interior and Rear Yard Building Setback

- i. Minimum Interior: 25 feet
- ii. Minimum Rear Yard: 25 feet

When a building abuts the minimum interior and/or rear yard building setback(s), all of the area between the building and the interior and/or rear lot line is to be landscaped. In other conditions for interior and rear yards where the building is setback from the front yard setback and separated by parking, there shall be a minimum continuous landscaping depth of 5-feet against the property line.

PUBLIC SERVICE EASEMENT

A. In accordance with the South of Route 92 Development Guidelines, the Public Service Easement (PSE) is measured from back of curb. If a site is developed with front yard parking, the PSE shall represent the minimum landscape setback to the parking.

- i. 31.5-feet along Industrial
- ii. 33-feet along Marina Drive
- iii. 33 feet along Portland Drive

B. PSE can include the following improvements:

- a. Grading, water quality and irrigation. These elements will be constructed and maintained by the Master Developer or assignee and/or the commercial association.
- b. Sidewalks, off-street bike paths, street lighting, street furniture, project related signage, bus stops. These elements will be constructed and maintained by the Master Developer or assignee and/or the commercial association, except for street furniture which the City will maintain.
- c. An easement for trenched utilities. The easement is to be maintained by the master Developer or assignee and/or the commercial association and the utilities are to be maintained by the utility providers.

LANDSCAPE COVERAGE

A. Minimum Landscape Coverage: 15%

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LOT REQUIREMENTS

	Along Industrial Boulevard and West of Marina Drive	Along Marina Drive
Minimum Lot Size	1.0 acre	None
Minimum Lot Frontage	100 feet	None
Minimum Average Lot Width	100 feet	None
Minimum Lot Depth	100 feet	None

DRIVEWAYS

Minimum of 100-feet between project drives.