

ORDINANCE NO. 25-_____

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE) OF THE HAYWARD MUNICIPAL CODE REZONING A PROPERTY TO THE LOW DENSITY RESIDENTIAL-MINIMUM LOT SIZE 10,000 SQ. FT. DISTRICT IN CONNECTION WITH ZONE CHANGE APPLICATION NO. MTA-25-0002

WHEREAS, on May 19, 1987, the City Council approved the Mission-Garin Neighborhood Plan which changed the General Plan Land Use Designation from Agriculture (A) to Low Density Residential (LDR) at 900 Calhoun Street (Assessor's Parcel Number (APN) 078C-0647-001-02) which rendered it inconsistent with the zoning; and

WHEREAS, on July 3, 2025, Aman Poyhar, submitted Zone Change Application No. MTA-25-0002, to rezone an existing parcel Agriculture (A) District to Low Density Residential- Minimum Lot Size – 10,000 square feet (RLB10) District located subject property referenced above; and

WHEREAS, a Program Environmental Impact Report (EIR) was prepared for the Hayward 2040 General Plan and certified by the City Council on July 1, 2014 pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168. In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if changes are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. The Program EIR covers the subject zoning map amendments, and the said amendments are fully consistent with the General Plan Land Use designation. Future development would undergo site and project specific review. No further environmental review is necessary; and

WHEREAS, on August 29, 2025, notice of the City Council public hearing related to the proposed project was published in The Daily Review; and

WHEREAS, on September 4, 2025, notice of the City Council public hearing related to the proposed project was mailed to all property owners and residents within 300 feet of the project site as well as those who requested such notice; and

WHEREAS, on September 25, 2025, the Planning Commission held a duly noticed public hearing on the proposed project and voted 6:1 to recommend City Council's denial of the project; and

WHEREAS, on October 21, 2025, the City Council held a public hearing and accepted public testimony on the proposed project.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN
AS FOLLOWS:

Section 1. Provisions.

Chapter 10 of the Hayward Municipal Code is hereby amended to rezone one parcel located at 900 Calhoun Street (Assessor Parcel No. (APN) 078C-0647-001-02), to the Low Density Residential-Minimum Lot Size 10,000 sq. ft. District, subject to the findings and conditions of approval set forth in the companion Resolution (No. 25-___) 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 the ____ day of ____, 2025, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2025, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

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