



**DATE:** July 17, 2018  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT** Adoption of an Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201704074 to Accommodate 41-Single Family Dwellings at 22626 4th Street

**RECOMMENDATION**

That the Council adopts the Ordinance introduced on July 10, 2018.

**SUMMARY**

This item entails adoption of an Ordinance amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code, introduced on July 10, 2018 by Council Member Zermeño.

**BACKGROUND**

The Ordinance was introduced by Council Member Zermeño at the July 10, 2018, special meeting of the City Council with the following vote:

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

The motion included an amendment related to the removal of rear yard fences. The Conditions of Approval (Attachment to Resolution 18-150) have been amended by adding a new condition, Condition No. 11, and modifying Condition No. 12.

**11. No rear yard fences shall be placed within the 20-foot setback area of Lots 3 through 12 along San Lorenzo Creek as measured from the 2:1 slope line reflected in the project plans dated May 10, 2018. Any existing fence within the 20-foot setback area shall be removed as part of the development. The**

Precise Development Plan shall include a revised site plan showing that no fences are proposed within this area.

**12 14. Mitigation Measure BIO-2: Designated No-Access Area**

To prevent impacts to San Lorenzo Creek during construction or operation of the project, no work or general access shall be permitted along the top of bank of San Lorenzo Creek beyond the rear property lines of Lots 3 through 12 ~~designated six-foot wood fence along the property boundary.~~

- A. Updated site plans shall be provided prior to issuance of a grading permit that clearly indicate the property limits, the distance of the rear property lines of Lots 3 through 12 ~~six-foot wood fence setback~~ from the measured top of bank of San Lorenzo Creek, and the designated “no access” area between the rear property lines of Lots 3 through 12 ~~six-foot wood fence~~ and the top of bank of San Lorenzo Creek.
- B. Posted “no access” signs shall be placed along the rear property lines of Lots 3 through 12 ~~six-foot wood fence~~ and along the bank of San Lorenzo Creek at the intersection of A Street and 4th Street to prevent access along the top of bank along San Lorenzo Creek.
- C. All “no access” signage shall be permanent, and the no access zone shall be described in the CC&Rs.

The motion also included a \$50,000 donation towards the restoration of San Lorenzo Creek. Conditions of Approval were modified by adding a new condition, Condition No. 10.

- 10. The applicant shall contribute \$50,000 towards the restoration of San Lorenzo Creek. The applicant shall coordinate with the City of Hayward and Alameda County Flood Control and Water Conservation District to develop a creek restoration and maintenance plan to determine how the funds will be utilized to support restoration and maintenance efforts.

**FISCAL IMPACT**

There is no fiscal impact associated with this report.

**STRATEGIC INITIATIVES**

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

**PUBLIC CONTACT**

The summary of the Ordinance was published in the Hayward Daily Review on Friday, July 13, 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:* Miriam Lens, City Clerk  
Jay Lee, Associate Planner

Approved by:



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Kelly McAadoo, City Manager