

ORDINANCE NO. 19-

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD AMENDING THE CITY'S DOWNTOWN SPECIFIC PLAN AND CODE RELATED TO THE PARKING PROVISIONS IN THE ADOPTED PLAN AND CODE DOCUMENTS

WHEREAS, on April 30, 2019, the City Council held a public hearing and adopted findings of support for all proposed Downtown Specific Plan and Code amendments as set forth in the companion Resolution (No. 19-075);

WHEREAS, on July 2, 2019, the City Council held a public hearing and reviewed Downtown Specific Plan and Code clean-up amendments that were deemed to be consistent with the adopted findings of support for all proposed Downtown Specific Plan and Code amendments as set forth in the companion Resolution (No. 19-075);

WHEREAS, the Downtown Specific Plan and Code clean-up amendments will not result in any significant impacts not already analyzed under the FEIR;

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

Section 1. Provisions. The City Council incorporates by reference the findings contained in Resolution No. 19-075 approving all proposed clean-up amendments of the Downtown Specific Plan and Zoning Code related to the "parking" provisions of Chapter 10, Planning, Zoning, and Subdivisions of the Hayward Municipal Code, which establishes minimum performances standards for all zoning districts within City boundaries, including the Downtown Specific Plan and Code.

Section 2. The City's Zoning Ordinance is hereby amended to change, delete or remove all changes as shown in the attached "Exhibit A," introduced and adopted herewith and as specifically shown in this Ordinance.

Section 3. 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 the 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 that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinance shall become effective immediately upon adoption.

THE CITY COUNCIL OF HAYWARD DOES ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that:

A. All proposed Plan and Zoning Text Amendments related to parking are necessary to implement the Downtown Specific Plan and Code.

B. The Downtown Specific Plan and Code, along with all previously proposed Zoning Map amendments, will ensure that the definitive and precise vision of the Plan and Code is achieved.

C. There are six (6) separate land use documents that regulate development and establish land use policies/goals for areas within Downtown Hayward. This number of documents makes it difficult to implement a consistent vision for various projects in the City. One of the many reasons for the City to craft a new Downtown Specific Plan is to make it easier for everyone interested in doing business in Downtown to comply with the goal of creating a more dynamic shopping, entertainment and arts district. All proposed Zoning Text Amendments will help accomplish this important project goal.

D. The Downtown Specific Plan and Code provides a strategy to achieve the community's vision of a resilient, safe, attractive, and vibrant historic Downtown by clearly outlining an implementation plan, delineating an inclusive, multi-modal circulation system, integrating public open spaces, and establishing new regulations that clearly establish Downtown Hayward as the heart of the City and a destination for visitors and residents. The proposed Zoning Text changes will help implement this key Specific Plan and Code strategy.

E. The Plan will guide initiatives and investments that capitalize on the City's unique assets, such as its central location in the Bay Area, its proximity to educational institutions, the Downtown Hayward Bay Area Rapid Transit (BART) station, the beautiful parks, creek and public gardens, the compact street grid, the historic buildings, and the extensive public art. All proposed Zoning Text Amendments will enhance all future initiatives and investments within the Downtown Plan area boundaries.

Section 2. Amend the City's Zoning Map as shown in the attached "Exhibit A".

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, 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

**“EXHIBIT A”
DOWNTOWN SPECIFIC PLAN & CODE CHANGES
TO THE ADOPTED PLAN AND CODE APRIL 30, 2019**

Page 2-10 (PLAN Document):

4. New buildings take advantage of the sloping topography to locate parking below street level by tucking into the hillside and avoiding exposed parking garages by lining them with buildings.

Revised Language:

New buildings take advantage of the sloping topography to locate parking ~~below street level~~ by tucking into the hillside and avoiding exposed parking ~~spaces~~ ~~garages~~ by lining them with buildings.

Page 2-14 (PLAN Document):

4. Surface parking lots are replaced with consolidated, space-efficient parking facilities and structures. Parking facilities are located in the interior of the block, so they are screened from street view.

Delete.

Page 2-18 (PLAN Document):

- Parking for new buildings is located at the rear of the lot so that garages do not dominate street-facing building facades.

Revised Language:

Replace “garages do” with “parking does.”

Page 2-33 (CODE Document):

Table 2.3.010.A Allowed Uses in Downtown Zones							
Land Use Type	Specific to Use Regulations	Permit Required by Zone					
		NE	NG	UN	UN-L	DT-MS	UC
Auto Uses							
Automobile Sales and Rental		-	-	CUP	-	CUP	-
Automobile Repair and Service Station		-	-	CUP	-	CUP	-
Parking Structure		-	-	CUP	-	AUP	AUP
Passenger Transportation		-	-	AUP	-	AUP	AUP
Other Uses							
Accessory Uses	3.5.030	P	P	P	P	P	P
Temporary Uses	3.5.060	TUP	TUP	TUP	TUP	TUP	TUP

Remove “Parking Structure” line (under “Auto Uses”) of “Allowed Uses” Table

Page 6-6 (CODE Document):

Parking Structure. Facilities for the temporary parking of motor vehicles within a privately or publicly owned off-street parking facility. This use includes commercial parking lots and garages.

Remove.