



**DATE:** November 5, 2019

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT:** Adoption of 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, Vesting Tentative Map and Site Plan Review with Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program Application No. 201706649 to Accommodate 12-Single Family Dwellings and Five Accessory Dwelling Units at 25941 and 28591 Harvey Avenue

**RECOMMENDATION**

That the Council adopts the Ordinance introduced on October 29, 2019.

**SUMMARY**

This item entails adoption of an Ordinance amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), introduced on October 29, 2019, by Council Member Salinas.

**BACKGROUND**

The Ordinance was introduced by Council Member Salinas at the October 29, 2019 special meeting of the City Council with the following vote:

AYES:	COUNCIL MEMBERS: Zermeño, Márquez, Mendall, Lamnin, Wahab, Salinas MAYOR Halliday
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

The introduction of Ordinance carried with an amendment to a condition of approval and three additional conditions of approval to ensure consistency with other development projects. Listed below are the additional conditions of approval and one modified condition of approval. Attachment III (Exhibit to Resolution) contains the revised Conditions of Approval with additional conditions/text shown in underlined text.

21. The property owner shall demolish any vacant structure within 60 days of their being made vacant.

22. The property owner shall be responsible for securing and clearing any vacant structure(s) prior to demolition and commencement of construction activities.

23. Prior to, during the following demolition of vacant structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement; and the California Building Code, among other applicable regulations.

80. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as directed by the landscape architect. The length of root barrier shall be as recommended by the manufacturer.

## **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, November 1, 2019. 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

Approved by:



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Kelly McAdoo, City Manager