

ORDINANCE NO. 19-

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD ADOPTING THE DOWNTOWN DEVELOPMENT CODE AND AMENDING THE CITY'S ZONING MAP TO INCORPORATE ALL PROPOSED DOWNTOWN HAYWARD REGULATING PLAN MAP AMENDMENTS CONTAINED IN FIGURE 2.1.020.1 OF THE DOWNTOWN SPECIFIC PLAN AND CODE

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

WHEREAS, the Council hereby finds, based on evidence and records presented, that:

All proposed Zoning Map amendments are necessary to implement the Downtown Specific Plan and Code;

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

B. 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 Map and Code Amendments will help accomplish this important project goal;

C. 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 Map and Code changes will help implement this key Specific Plan and Code strategy;

D. 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 Map and Code amendments will enhance all future initiatives and investments within the Downtown Plan area boundaries;

E. Pursuant to Section 10-1.3400 (Amendments) of the Hayward Municipal Code (Zoning Ordinance), all proposed parcels and properties within the City of Hayward Downtown City Center Priority Development Area (PDA), which is also the Study Area for the Downtown Specific Plan project, shall be rezoned to new zoning designations as shown on Figure 2.1.020.1 (Regulating Plan) Downtown Specific Plan Development Code (Page 2- 4). The rezoning complies with the “Purpose” of the Amendments Section (Section 10- 1.3405) of the Hayward Municipal Code (Purpose) as initiated by the Hayward City Council since the benefit of the proposed rezoning benefit the public necessity, convenience, and general welfare. All proposed rezoning reflects the independent judgment of the Planning Commission and its staff and as adequate and in compliance with purpose and intent of the Downtown Specific Plan and Code.

F. All proposed properties subject to reclassification are within the Downtown Specific Plan Study Area/PDA as directed by the City Council pursuant to Sections 10-1.3415 (Initiation) of the Hayward Municipal Code.

G. The Planning Commission held a public hearing on March 28, 2019 and reviewed all reclassifications in the Downtown Specific Plan and Code pursuant to Section 10-1.2820 of the Hayward Municipal Code. Notice was given pursuant to Section 10- 1.2820.

H. Pursuant to Section 10-1.3425 of the Hayward Municipal Code, the Planning Commission recommends approval of all proposed reclassifications to the City Council. The Commission’s recommendation for approval are based upon all the following findings:

- Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward. All proposed rezonings are consistent with the purpose and intent and all other applicable provisions of the Downtown Specific Plan and Code;
- The proposed changes are in conformance with the purposes of the Ordinance for the Downtown Specific Plan and all applicable, officially adopted policies and plans;
- Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified. Utility and traffic modeling were done for the Downtown Specific Plan project affirming that there are adequate streets and public facilities to serve all uses permitted when property is reclassified or rezoned; and
- All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be

achieved which is not obtainable under existing regulations. Each rezoned property within the Downtown Specific Plan Study Area will be within the purpose and intent of the Downtown Specific Plan, specifically that all uses permitted will have of a beneficial effect currently not achieved or obtainable under all existing regulations governing uses within the Plan Study Area.

I. On April 30, 2019, the City Council held a public hearing on each Planning Commission recommendation for approval related to the proposed rezoning within the Plan Area (Section 10-1.3430) and Notice was given pursuant to Section 10-1.2820.

J. The City Council considered all reclassifications at their April 30, 2019 meeting.

K. The City Council or Planning Commission did not impose any conditions of approval for the reclassification of property within the Downtown Specific Plan Study Area contrary to Section 10-1.3450 of the Hayward Municipal Code.

L. The Ordinance rezoning and reclassifying property within the Downtown Specific Plan Study Area shall become effective upon adoption of the Ordinance. In the case of an Ordinance relating to a text amendment, the decision of the City Council shall become effective 30 days after adoption of the ordinance.

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 as well as the Findings set forth above, in support of all proposed Zoning Map and Code amendments as identified in Figure 2.1.020.1 (Regulation Plan) of the Hayward Downtown Specific Plan and Code.

Section 2. Downtown Development Code as shown on Exhibit "A" is hereby adopted.

Section 3. The City's Zoning Map is hereby amended to change all Zoning Map designations to the proposed Zoning Map changes as identified in Figure 2.1.020.1 (Regulation Plan) of the Hayward Downtown Specific Plan and Code as shown in the attached "Exhibit A," introduced herewith and as specifically shown in this Ordinance.

Section 4. 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 5. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the 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 \_\_\_\_, 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