

**DRAFT FINDINGS
REZONING AMENDMENTS
DOWNTOWN SPECIFIC PLAN**

REZONE FINDINGS

Pursuant to Section 10-1.3400 of the Hayward Municipal Code (HMC), the City Council adopts the Downtown Specific Plan and Code pursuant to the provision that all of the following findings have been met with regard to all properties to be rezoned per the Plan and Code::

1. 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.
2. 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.
3. 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.
4. 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 was 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.
5. On April 23, 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.
 6. The City Council may approve, modify or disapprove any reclassifications and the Council's decision, except for interim zoning, shall be based on the findings in Section 10-1.3425. The City Council considered all reclassifications at their April 23, 2019 meeting.
 7. Upon direction of the Planning Commission or City Council and Pursuant to Section 10-1.3440 of the Hayward Municipal Code, if it is determined an area subject to reclassification consideration should be expanded to fulfill the findings specified in Section 10-1.3425, the procedure required for approval is the same as specified for the Planning Commission in Section 10-1.3425 and City Council in Section 10-1.3430. Said expansion may be initiated by the Planning Director, Planning Commission, or City Council. Final reclassification may include all, a portion, or none of the expanded area. It should be noted that any proposed expanded reclassification or rezoning must be within the Downtown Specific Plan Study area, or PDA, unless formal expansion of the PDA had been granted by the authorizing regional authority.
 8. 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.
 9. 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.