

ORDINANCE NO. 20-\_\_

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE) OF THE HAYWARD MUNICIPAL CODE FOR A MAJOR MODIFICATION TO AN EXISTING PLANNED DEVELOPMENT DISTRICT (APPLICATION NO. 201706217) IN CONNECTION WITH THE DEVELOPMENT OF A FUEL FACILITY AT THE COSTCO BUSINESS CENTER AT 22330 HATHAWAY AVENUE IN THE CITY OF HAYWARD

WHEREAS, on November 10, 2020 , the City Council held a public hearing and adopted findings in support of the requested Major Modification to an existing Planned Development District as set forth in the companion Resolution (No. 20-\_\_); and

WHEREAS, the major modification to the existing PD District allows the land use and development of a fuel facility (gas station) ancillary to the existing retail warehouse on-site. The site shall remain subject, as applicable, to the standards of the original rezones and modifications including Ordinance No. 83-019 and Resolutions 83-10 and 92-016.

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

Section 1. Provisions.

Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended for a major modification to the existing Planned Development (PD) district at the property located at 22330 Hathaway Avenue (Assessor Parcel No. 429-0082-003-00) to allow for the land use and development of a new fuel facility (gas station) at the Costco Business Center and related site improvements, subject to the findings and conditions of approval set forth in the companion Resolution (No. 20-\_\_) to this Ordinance.

Section 2. 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 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 the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This 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 December 2020, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held  
the \_\_\_\_ day of December 2020, 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