



CITY OF
HAYWARD
HEART OF THE BAY

8

DATE: November 6, 2007
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of an Ordinance Amending Article 1 of Chapter 10 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application PL 2007-0232 Relating to Portions of the Oliver East Property

RECOMMENDATION

That the City Council adopt the attached Ordinance.

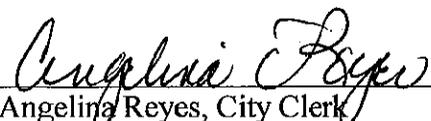
BACKGROUND

The ordinance was introduced at the October 23, 2007, meeting of the City Council with the following vote:

AYES:	Council Members:	Rodriquez, Quirk, Halliday, Ward, Dowling, Henson
NOES:	Council Members:	None
	Mayor:	Sweeney
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

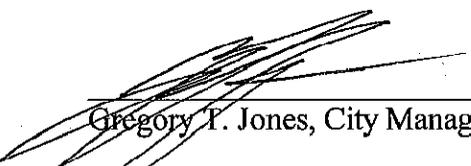
The ordinance was published in the Hayward Daily Review on October 27, 2007. Adoption at this time is therefore appropriate.

Recommended by:



Angelina Reyes, City Clerk

Approved by:



Gregory T. Jones, City Manager

Attachment: Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN TERRITORY IN CONNECTION WITH ZONE CHANGE APPLICATION PL-2007-0232 RELATING TO PORTIONS OF THE OLIVER EAST PROPERTY

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

Section 1. Rezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to rezone a 36.3 acre portion of the property commonly known as Oliver East, located to the north and east of the Eden Shores East residential development, from Business Park (BP) District and Commercial Retail (CR) District to Business Park (BP) District, Medium Density Residential (RM) District, Neighborhood Commercial (CN) District and Regional Commercial (CR) District, to allow for the development of a total of 167 dwelling units, 500,000 square feet of office space and 216,000 square feet of retail space (referred to herein as the "Legacy Eden Shores project"). The Assessor Parcel Numbers of the property affected by these zone changes are shown in Exhibit "A" (Exhibit "A" is available in the City Clerk's Office) and are described as follows:

Reclassification from Business Park to Medium Density Residential:

456-0097-017-00, entire parcel
456-0097-021-00, entire parcel
456-0097-022-00, entire parcel
456-0097-023-00, entire parcel

Reclassification from Commercial Retail to Medium Density Residential:

456-0097-016-00, entire parcel

Reclassification from Business Park to Regional Commercial:

456-097-007-00, northern portion
456-097-008-00, eastern portion
456-097-011-00, eastern portion
456-097-012-00, eastern portion
456-097-013-00 entire parcel
456-097-014-00 entire parcel
456-097-015-00, northern portion

Reclassification from Business Park to Neighborhood Commercial:

456-097-007-00, southern portion
456-097-015-00, southern portion
456-097-008-00, southern tip

Parcels to remain designated Business Park:

456-097-003-00, entire parcel
456-097-004-03, entire parcel
456-097-004-04, entire parcel

456-097-008-00, western portion
456-097-009-00 entire parcel
456-097-010-00 entire parcel
456-097-011-00, western portion
456-097-012-00, western portion
456-097-024-00, entire parcel

The City Council has adopted a companion resolution, Resolution No. 07-145, adopting the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and related Technical Memorandum and approving General Plan Amendment PL 2007-0019, Zone Change Application No. PL-2007-0232 and Zoning Text Change Application PL 2007-0233, which findings contained therein are incorporated herein by reference.

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 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 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 meeting of the Hayward City Council held October 23, 2007, the above-entitled ordinance was introduced by Council Member Quirk.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on November 6, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: October 27, 2007

Angelina Reyes, City Clerk
City of Hayward