



CITY OF
HAYWARD
HEART OF THE BAY

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 Deleting the Commercial Retail Zoning District, Amending the Business Park Zoning District and the Neighborhood Commercial Zoning District and Creating the Regional Commercial Zoning District

RECOMMENDATION

That the City Council adopt the attached Ordinance.

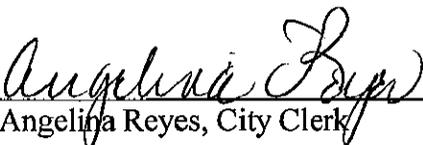
BACKGROUND

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

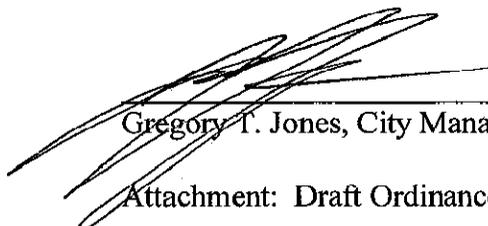
The ordinance was published in the Hayward Daily Review on October 27, 2007. Adoption at this time is therefore appropriate.

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 DELETING THE COMMERCIAL RETAIL ZONING DISTRICT, AMENDING THE BUSINESS PARK ZONING DISTRICT AND THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT AND CREATING THE REGIONAL COMMERCIAL ZONING DISTRICT

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

Section 1. This City Council incorporates by reference the findings contained in Resolution No. 07-145, approving General Plan Amendment PL 2007-0019, Zone Change Application No. PL-2007-0232 and Zoning Text Change Application PL 2007-0233, as related to the approval of the Legacy Eden Shores project.

Section 2. Upon adoption of this ordinance, Sections 10-1.1400 through 10-1.1445 of Article 1 of Chapter 10 of the Hayward Municipal Code, relating to the Commercial Retail (CR) District, are hereby repealed.

Section 3. Upon the adoption of this ordinance, Sections 10-1.1400 through 10-1.1445 of Article 1 of Chapter 10 of the Hayward Municipal Code, creating the Regional Commercial (CR) District, are hereby enacted to read as set forth in Exhibit "A" (available in the City Clerk's Office) incorporated herein by reference.

Section 4. Upon the adoption of this ordinance, Sections 10-1.1700 through 10-1.1745 of Article 1 of Chapter 10 of the Hayward Municipal Code, relating to the Business Park (BP) District, are hereby amended to read as set forth in Exhibit "B" (available in the City Clerk's Office) incorporated herein by reference.

Section 5. Upon adoption of this ordinance, Section 10-1.845 of Article 1 of Chapter 10 of the Hayward Municipal Code is amended to add the following sentence to the end of the first paragraph: "The development of CN-zoned properties in the South of Route 92 planning area is also subject to the provisions of the South of Route 92/Oliver and Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber Properties."

Section 6. 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 unexercised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 7. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Introduced at a meeting of the Hayward City Council held October 23, 2007, 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, 2007, 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