

**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 04/04/06  
AGENDA ITEM 2  
WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT:** Adoption of an Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application PL 2005-0301 PD Relating to Property in the Mt. Eden Annexation Area

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached Ordinance.

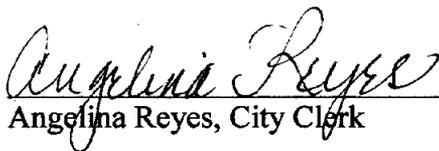
**BACKGROUND:**

The ordinance was introduced at the March 28, 2006, meeting of the City Council with the following vote:

<b>AYES:</b>	<b>Council Members:</b>	Jimenez, Quirk, Halliday, Ward, Dowling, Henson
	<b>Mayor:</b>	Cooper
<b>NOES:</b>	<b>Council Members:</b>	None
<b>ABSENT:</b>	<b>Council Members:</b>	None
<b>ABSTAIN:</b>	<b>Council Members:</b>	None

The ordinance was published in the Hayward Daily Review on April 1, 2006. Adoption at this time is therefore appropriate.

Prepared by:

  
\_\_\_\_\_  
Angelina Reyes, City Clerk

Approved by:

  
\_\_\_\_\_  
Jesús Armas, City Manager

Draft Ordinance

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

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL  
CODE BY PREZONING CERTAIN TERRITORY IN CONNECTION WITH ZONE CHANGE  
APPLICATION PL-2005-0301 PD RELATING TO PROPERTY IN THE MT. EDEN  
ANNEXATION AREA

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Prezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to prezone the property located between Eden Avenue and Saklan Road and between Middle Lane and West Street from Medium Density Residential (RM) District to Planned Development (PD) District. The Assessor Parcel Numbers for the affected properties are as follows:

APN: 441-0087-005-02  
441-0087-006  
441-0087-008  
441-0087-009  
441-0087-010  
441-0087-019  
441-0087-020  
441-0087-021  
441-0087-022  
441-0087-024  
441-0087-027-02  
441-0087-028-02  
441-0087-011-02  
441-0087-012

The City Council has adopted a companion resolution, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving Zone Change Application No. PL-2005-0301 PD and Vesting Tentative Map PL 2005-0303 TTM 7657, 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 the effective date of the annexation of the Property by the Local Agency Formation Commission of Alameda County.

Introduced at a meeting of the Hayward City Council held March 28, 2006, the above-entitled ordinance was introduced by Council Member Henson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on April 4, 2006, 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: April 1, 2006

Angelina Reyes, City Clerk  
City of Hayward