



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

AGENDA DATE 07/10/07

AGENDA ITEM 3

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 No. PL 2006-0393 Relating to Property Located to the Rear of 1744 and 1748 D Street

**RECOMMENDATION:**

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

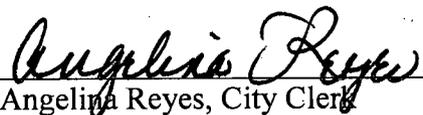
**BACKGROUND:**

The ordinance was introduced at the June 26, 2007, meeting of the City Council with the following vote:

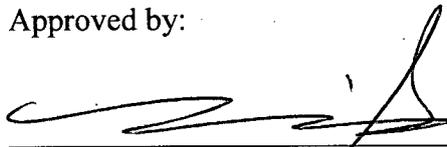
<b>AYES:</b>	<b>Council Members:</b>	Rodriquez, Quirk, Halliday, Ward, Dowling, Henson
	<b>Mayor:</b>	Sweeney
<b>NOES:</b>	<b>Council Members:</b>	None
<b>ABSENT:</b>	<b>Council Members:</b>	None
<b>ABSTAIN:</b>	<b>Council Members:</b>	None

The ordinance was published in the Hayward Daily Review on July 7, 2007. Adoption at this time is therefore appropriate.

Prepared by:

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

Approved by:

  
\_\_\_\_\_  
Fran David, Acting 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 REZONING CERTAIN TERRITORY IN CONNECTION WITH ZONE CHANGE APPLICATION NO. PL-2006-0393 RELATING TO PROPERTY LOCATED AT 1728 D STREET

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 the property located at 1728 D Street from Single-Family Residential (RS District to Planned Development (PD) District at the Ridgecrest Apartments to construct 4 new apartments.

The City Council has adopted a companion resolution, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving General Plan Amendment No. PL 2006-0395, Zone Change Application No. PL-2006-0393 and the Preliminary and Precise Development Plan 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 June 26, 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 July 10, 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: July 7, 2007

Angelina Reyes, City Clerk  
City of Hayward