

ORDINANCE NO. 14-07

ORDINANCE AMENDING TABLE 9 OF SECTION 10-24.300  
OF THE SOUTH HAYWARD BART/MISSION BOULEVARD  
FORM BASED CODE, RELATING TO TRANSITIONAL AND  
SUPPORTIVE HOUSING

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

Section 1. The City Council incorporates by reference the findings contained in Resolution 14-011, approving the text changes requested in Zone Change Application PL-2013-0437 TA.

Section 2. South Hayward BART/Mission Boulevard Form Based Code Section 10-24.300, relating to Table 9 Allowed Functions, is hereby amended to remove Transitional and Supportive Housing as shown on Exhibit A.

Section 3. 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 unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward,  
held the 28<sup>th</sup> day of January, 2014, by Council Member Zermeño.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held  
the 4<sup>th</sup> day of February, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS: Zermeño, Jones, Halliday, Peixoto, Salinas, Mendall  
MAYOR: Sweeney

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

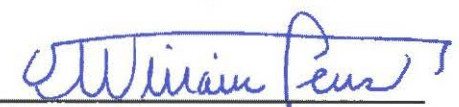
APPROVED: \_\_\_\_\_

  
Mayor of the City of Hayward


DATE: \_\_\_\_\_

February 11, 2014

ATTEST: \_\_\_\_\_

  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

  
City Attorney of the City of Hayward

**FORM-BASED CODE****TABLE 9. SPECIFIC FUNCTION & USE**

South Hayward BART / Mission Boulevard

**TABLE 9: Allowed Functions.** This table allocates Functions and permit requirements to Zones within the Code area. See Definitions for descriptions of functions/uses and for special requirements.

	T4	T5	CS
<b>a. RESIDENTIAL</b>			
Multiple Family	P	P	-
Second Dwelling Unit	P	P	-
Live-Work	P	P	-
Emergency Homeless Shelter	P	-	-
<b>b. LODGING</b>			
Bed & Breakfast	AU	AU	-
Hotel	CU	CU	-
<b>c. OFFICE</b>			
Office	P	P	-
<b>d. RETAIL</b>			
Alcohol Sales**	CU	CU	-
Artisan/Craft Production	P	P	-
Appliance Repair Shop	P	P	-
Check Cashing & Loans	-	-	-
Dance/Nightclub	-	-	-
Equipment Rentals	AU	AU	-
Home Occupation	P	P	-
Indoor Recreation	AU	AU	CU
Kennel	AU	AU	-
Liquor Store	-	-	-
Massage Parlor	CU	CU	-
Media Production	AU	P	-
Pawn Shop	-	-	-
Personal Services	P	P	-
Printing and Publishing	AU	P	-
Recycling Collection Area	AU	AU	-
Restaurant	P	P	-
Retail Sales	P	P	CU
Tattoo Parlor	-	-	-
Tobacco Specialty Store	-	-	-
Small Motion Picture Theater	P	P	CU
Large Motion Picture Theater <sup>(1)</sup>	CU	CU	CU
Live Performance Theater	P	P	CU

	T4	T5	CS
<b>e. CIVIC</b>			
Assembly*	AU	AU	CU
Conference Center	-	CU	CU
Cultural Facility	P	P	CU
Park & Recreation	P	P	P
Parking Facility	AU	AU	CU
Public Agency Facility	P	P	P
Religious Facility*	AU	AU	CU
Wind Energy	P	P	P
<b>f. OTHER: AGRICULTURE</b>			
Vegetable Garden	P	-	P
Urban Farm	P	P	P
Community Garden	P	P	P
Green Roof			
Extensive	P	P	P
Semi Intensive	P	P	P
Intensive	P	P	P
Vertical Farm	-	P	P
<b>g. OTHER: AUTOMOTIVE</b>			
Automobile Repair (Minor)	AU	AU	-
Automobile Repair (Major)	CU	CU	-
Drive -Through Facility	CU	CU	-
Gas Station	CU	CU	-
Taxi Company	AU	AU	-
<b>h. OTHER: CIVIL SUPPORT</b>			
Fire Station	P	P	P
Hospital	CU	CU	CU
Medical/Dental Clinic	AU	AU	CU
Mortuary	AU	AU	CU
Police Station	P	P	P
<b>i. OTHER: EDUCATION</b>			
Day Care Center	P	P	CU
Day Care Home	AU	AU	-
Educational Facility	AU	AU	CU
Vocational School	AU	AU	CU

(-) = NOT PERMITTED

(P) = BY RIGHT

(AU) = ADMINISTRATIVE USE PERMIT

(CU) = CONDITIONAL USE PERMIT

\* Places of Assembly and Religious Facility: for properties fronting Mission Blvd., such uses are not allowed within one half mile of existing similar uses that front Mission Blvd.

\*\* Unless exempted by the Alcohol Beverage Outlet Regulations contained in Section 10-1.2735(b) of the Hayward Municipal Code or specifically exempted by this Code

<sup>(1)</sup> An application for conditional use Permit for a Large Motion Picture Theater shall be accompanied by a study acceptable to the Planning Director documenting the absence of negative impact upon the downtown of the opening of another Large Motion Picture Theater.

# Daily Review

c/o Bay Area News Group-East Bay  
22533 Foothill Blvd.  
Hayward, CA 94541  
Legal Advertising  
(800) 595-9595 opt. 4

HAYWARD, CITY OF/CITY CLERK  
MIRIAM LENS, 777 B ST.  
HAYWARD CA 94541

## PROOF OF PUBLICATION

FILE NO. 2/4 Trans/Sprtv

In the matter of

Daily Review

The Daily Review

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Daily Review, a newspaper published in the English language in the City of Hayward, County of Alameda, State of California.

I declare that the Daily Review is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's decree, dated March 2, 1950, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Daily Review as a Newspaper of General Circulation, case number 221938. Said decree states that "'The Daily Review' has been established, printed, and published daily in the City of Hayward, County of Alameda, State of California, for one year or more next preceding the date of the filing of said petition; that it is a newspaper published for the dissemination of local and telegraphic news and intelligence of a general character and has a bona fide subscription list of paying subscribers; ... [ ] [and] THEREFORE, ... 'The Daily Review' is hereby determined and declared to be a newspaper of general circulation [within the meaning of Government Code §§ 6000 et seq.]" Said decree has not been revoked, vacated or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

2/1/2014

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated: February 3, 2014



Public Notice Advertising Clerk

Legal No.

0005089792

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

#### ORDINANCE AMENDING HAYWARD MUNICIPAL CODE SECTION 10-1.3500, ZONING ORDINANCE DEFINITIONS, RELATING TO TRANSITIONAL AND SUPPORTIVE HOUSING

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

Section 1. The City Council incorporates by reference the findings contained in Resolution 14-011, approving the text changes requested in Zone Change Application PL-2013-0437 TA.

Section 2. Zoning Ordinance Section 10-1.3500, relating to Definitions, is hereby amended to add definitions for Transitional and Supportive Housing.

Section 3. 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 unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Introduced at the meeting of the Hayward City Council held January 28, 2014, the above-entitled Ordinance was introduced by Council Member Zermeno.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on February 4, 2014, at 7:00 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: February 1, 2014  
Miriam Lens, City Clerk  
City of Hayward

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

#### ORDINANCE AMENDING TABLE 9 OF SECTION 10-24.300 OF THE SOUTH HAYWARD BART/MISSION BOULEVARD FORM BASED CODE, RELATING TO TRANSITIONAL AND SUPPORTIVE HOUSING

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

Section 1. The City Council incorporates by reference the findings contained in Resolution 14-011, approving the text changes requested in Zone Change Application PL-2013-0437 TA.

Section 2. South Hayward BART/Mission Boulevard Form Based Code Section 10-24.300, relating to Table 9 Allowed Functions, is hereby amended to remove Transitional and Supportive Housing as shown on Exhibit A.

Section 3. 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 unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

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Dated: February 1, 2014  
Miriam Lens, City Clerk  
City of Hayward

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

CITY OF HAYWARD

ORDINANCE AMENDING SECTION 10-1.145 OF  
THE HAYWARD MUNICIPAL CODE  
REGARDING REASONABLE ACCOMMODATION

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

Section 1. Section 10-1.145 in Chapter 10, Article  
1 of the Hayward Municipal Code is hereby  
amended to read as follows:

SEC. 10-1.145 REASONABLE ACCOMMODATION.

Section 2. If any section, subsection, para-  
graph or sentence of this Ordinance, or any  
part thereof, is for any reason found to be un-  
constitutional, invalid or beyond the authority  
of the City of Hayward by a court of competent  
jurisdiction, such decision shall not affect the  
validity or effectiveness of the remaining por-  
tions of this Ordinance.

Section 3. In accordance with the provisions of  
Section 620 of the City Charter, this Ordinance  
shall become effective immediately upon adop-  
tion.

Introduced at the meeting of the Hayward City  
Council held January 28, 2014, the above-  
entitled Ordinance was introduced by Council  
Member Zermeno.

This Ordinance will be considered for adoption  
at the regular meeting of the Hayward City  
Council, to be held on February 4, 2014, at 7:00  
p.m., in the Council Chambers, 777 B Street,  
Hayward, California. The full text of this Ord-  
inance is available for examination by the pub-  
lic in the Office of the City Clerk.

Dated: February 1, 2014  
Miriam Lens, City Clerk  
City of Hayward

DR #5089792; Feb. 1, 2014