



**DATE:** January 21, 2020  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adopt an Ordinance Amending Chapter 10, Article 16 of the Hayward Municipal Code Regarding Obligations for Parks and Recreation for Property Developers

### **RECOMMENDATION**

That the City Council adopts the ordinance introduced on December 17, 2019.

### **SUMMARY**

This item entails adoption of an ordinance amending Chapter 10, Article 16 of the Hayward Municipal Code regarding obligations for parks and recreation for property developers, introduced on December 17, 2019, by Council Member Zermeño.

### **BACKGROUND**

The Ordinance was introduced by Council Member Zermeño at the December 17, 2019, meeting of the City Council with the following vote:

**AYES:** COUNCIL MEMBERS: Zermeño, Mendall, Lamnin, Salinas  
MAYOR Halliday  
**NOES:** COUNCIL MEMBER: Wahab  
**ABSENT:** COUNCIL MEMBER: Márquez  
**ABSTAIN:** NONE

The Ordinance was introduced with three amendments: 1) eliminate the thirty (30) percent reduction from the maximum allowable fee for industrial type of development; 2) change language in the Exemption From Requirements section to read, "... affordable in perpetuity to households..."; and 3) have the City Council consider options for future park fee increases after the City considers a new transportation impact fee.

The modified section of the Ordinance is proposed to read as follows:

SEC. 10-16.11 - EXEMPTION FROM REQUIREMENTS.

The following development(s) shall be exempt from the provisions of this article:

- (c) Ownership housing developed by a public agency or private non-profit housing developer with all units affordable in perpetuity to ~~first-time homebuyers~~ households with incomes of no more than one hundred twenty (120) percent of area median income, adjusted for household size, as defined by the State of California Department of Housing and Community Development. Developers of such housing shall record against the property an Affordable Housing Agreement per HMC Sec. 10-17.515 and Section 10-17.525 that is approved by the City and enter into a regulatory agreement with the City to be approved by the City Council, which shall guarantee the term of affordability. Owners within such ownership developments shall be required to provide a right of first refusal to the City or its designee to purchase the units upon resale;

### **STRATEGIC INITIATIVES**

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

### **FISCAL IMPACT**

There is no fiscal impact associated with this report.

### **PUBLIC CONTACT**

The summary of the Ordinance was published in the Hayward Daily Review on Friday, January 17, 2020. Adoption at this time is therefore appropriate.

### **NEXT STEPS**

The Hayward Municipal Code and other related documents will be updated accordingly.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



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Kelly McAdoo, City Manager