

ORDINANCE NO. 16-

AN ORDINANCE AUTHORIZING EXECUTION OF AMENDMENT TO THE LA VISTA PROJECT DEVELOPMENT AGREEMENT TO EXTEND THE TERMS OF THE AGREEMENT BY FIVE YEARS TO MAY OF 2021 AND INCORPORATING A REVISED PROJECT SCHEDULE

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

Section 1. Findings. This ordinance authorizes the execution of an amendment to the existing La Vista Project Development Agreement ("Amendment to the Development Agreement") related to the La Vista Development project (the "Project"), a development of approximately 162 acres in size, located at 28816 Mission Boulevard in eastern Hayward. The findings and determinations contained in the accompanying resolution (Resolution No. \_\_\_) approving the Amendment to the Development Agreement and previous or original resolutions approving the project are incorporated herein by reference: Resolution No. 05-097, which approved General Plan Amendment PL 2005-0157 GPA, which amended the land use designations for the property, Resolution No. 05-098, which approved Zone Change Application PL 2005-1058 ZC, reclassifying the Property from Agriculture (AB10A) District to Planned Development (PD) District and Open Space/Parks and Recreation (OS) District and approving Vesting Tentative Map 7620 (PL 2005-0156 TTM 7620), Ordinance No. 05-04 approving text changes to the Mission-Garin Special Design (SD-5) District regulations, Ordinance No. 05-05 that rezoned the development site prior to annexation, and Ordinance No. 05-06 authorizing execution of a Development Agreement for the project.

The following additional findings also support the adoption of this ordinance authorizing the execution of the Amendment to Development Agreement.

A. This ordinance is adopted pursuant to the enabling provisions of Article 9, Chapter 10 of the Hayward Municipal Code, the City's Development Agreement Ordinance, and the provisions of state law which authorize the City to enter into binding development agreements with persons having legal or equitable interests in real property for the development of their property, contained in Government Code sections 65864 through 65869.5.

The proposed Amendment to Sections 1.2.10, 1.2.25 and 7 of the Development Agreement updates the project schedule and extends the term of the Development Agreement for five years, but will not change any of the existing General Plan or zoning designations, is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, Mission-Garin Area Special Design District, and the Hillside Design and Urban Wildland/Interface Guidelines in that Section 3 of the Development Agreement stipulates the development must be consistent with such provisions. The Amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use

district in which the real property is located in that the General Plan, as previously amended for this project, allows for Limited Medium Density Residential development at 8.7 to 12.0 dwelling units per net acre and the development is proposed to have 9.3 dwelling units per net acre. Also, the Agreement is consistent with provisions in City's new General Plan adopted in 2014, specifically Guiding Principle #2, which states that "Hayward should have safe and clean neighborhoods with an expanded network of parks . . ."

The approved subdivision layout incorporates "Crime Prevention Through Urban Design" creating a new safe neighborhood in the City and creation of a new park located on the western border of the subdivision. The request is also consistent with Goal 3 (Complete Neighborhoods - Land Use and Community Character Element) in that the development request creates a complete neighborhood with convenient access to La Vista Park and other community amenities such as the new community center that will be constructed nearby. Specifically pursuant to Policy LU-3.1, "the City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents." Construction of this development will meet this General Plan Policy through the construction of a new community park adjacent to the new neighborhood. As stipulated in the Development Agreement, the applicant will be contributing significant sums of money to construct portions of the new park and also contribute to construction of a future new community center. Policy LU-3.6 (Residential Design Strategies) encourages new residential developments to "create a highly connected block and street network," "design new streets with wide sidewalks, planting strips, street trees, and pedestrian-scaled lighting," and "orienting homes . . . towards streets and public spaces." The La Vista development incorporates all of these desirable design elements outlined in this General Plan policy.

B. The proposed Amendment to the Development Agreement is in conformity with public convenience, general welfare, and good land use practice, in that it will provide new housing opportunities and new public facilities, including 30 acres for a new community park and substantial contribution toward development of a new community center, while minimizing impacts to the area.

C. Existing or proposed public facilities have sufficient capacity to accommodate the proposed development in that Tennyson Road is proposed to be extended eastward from Mission Boulevard and Alquire Parkway is proposed to be extended northward to serve the development, thereby providing two means of ingress and egress to and from the development, and a new 0.75 million gallon water tank and related system improvements are proposed for the Garin reservoir site to serve the development.

D. The public health, safety, and general welfare will be promoted and advanced by the proposed development in that mitigation measures will be required as a part of the development approvals to ensure that significant environmental impacts will be reduced to levels of insignificance, including those associated with dust and air quality, naturally-occurring asbestos, and geologic hazards.

E. The orderly development of property or the preservation of the property values will be promoted and advanced by the Amendment to the Development Agreement, in that high-quality single-family residential housing will be constructed in an area that

previously contained an active surface mining operation, resulting in less impacts to, and a development more compatible with, surrounding properties.

Section 2. Authorization to Execute Amendment to the La Vista Development Agreement. Based on the findings set forth in this ordinance and accompanying Resolution No. 16-\_\_\_\_, as well as a review of the proposed Amendment to the Development Agreement submitted to the City Council at the March 1, 2016 meeting, the City Council hereby takes the following actions:

A. The City Manager is authorized to execute an Amendment to Development Agreement, regarding the La Vista Development project, substantially in the form of the proposed Amendment to Development Agreement presented to the City Council on March 1, 2016, together with such minor clarifying changes as may be necessary upon approval by the City Manager after consultation with the City Attorney.

B. The City Manager is also authorized to take such further actions which he or she deems necessary and proper to carry out and or monitor performance of the terms of the executed Amendment to the Development Agreement, pursuant to applicable laws and regulations. This authority includes, but is not limited to execution of any further agreements which the City Manager deems necessary to implement the Amendment to the Development Agreement.

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 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 the remainder of the ordinance, absent the excised portion, can be reasonable interpreted to give effect to intentions of the City Council.

Section 4. Effective Date. This ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held on March 1, 2016, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward held on March 15, 2016, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

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

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward