



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**CITY COUNCIL AGENDA**  
**JANUARY 15, 2013**

---

**MAYOR MICHAEL SWEENEY**  
**MAYOR PRO TEMPORE MARVIN PEIXOTO**  
**COUNCIL MEMBER BARBARA HALLIDAY**  
**COUNCIL MEMBER FRANCISCO ZERMEÑO**  
**COUNCIL MEMBER MARK SALINAS**  
**COUNCIL MEMBER GREG JONES**  
**COUNCIL MEMBER AL MENDALL**

## Table of Contents

Agenda . . . . .	2
Approval of Minutes of the City Council Meeting on December 18, 2012	
Draft Minutes . . . . .	5
Heating Ventilation Air-Conditioning Upgrades at City Facilities	
Staff Report . . . . .	11
Attachment I Resolution. . . . .	13
Authorization to Amend the Professional Services Agreement with Maria Ramirez to Provide Bilingual Family Outreach Services	
Staff Report . . . . .	15
Attachment I Resolution. . . . .	17
Blue Rock (Stonebrae) Country Club Project Development Agreement – Request to Amend the Development Agreement by Extending its Term for Five Years – The Project is Located Southeasterly of Fairview Avenue and Hayward Boulevard along Walpert Ridge (Report from Development Services Director Rizk)	
Staff Report . . . . .	18
Attachment I Draft Development Agreement Amendment. . . . .	23
Attachment II Planning Commission Staff Report. . . . .	26
Attachment III Planning Commission Meeting Minutes . . . . .	32
Attachment IV Draft Resolution . . . . .	34
Attachment V Draft Ordinance . . . . .	36



**CITY COUNCIL MEETING FOR JANUARY 15, 2013**  
777 B STREET, HAYWARD CA 94541  
[WWW.HAYWARD-CA.GOV](http://WWW.HAYWARD-CA.GOV)

---

**CLOSED SESSION**  
**Closed Session Room 2B – 5:00 PM**

1. **PUBLIC COMMENTS**
  2. Public Employment  
Pursuant to Government Code 54957
    - Performance EvaluationCity Manager
  3. Public Employment  
Pursuant to Government Code 54957
    - Performance EvaluationCity Attorney
  4. Adjourn to City Council Meeting
- 

**CITY COUNCIL MEETING**  
**Council Chambers – 7:00 PM**

**CALL TO ORDER** Pledge of Allegiance Council Member Halliday

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PRESENTATION** Business Recognition Award – Honda of Hayward

**PUBLIC COMMENTS**

---

*The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.*

---

---

**ACTION ITEMS:** *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

---

## CONSENT

1. Approval of Minutes of the City Council Meeting on December 18, 2012  
[Draft Minutes](#)
  2. Heating Ventilation Air-Conditioning Upgrades at City Facilities  
[Staff Report](#)  
[Attachment I Resolution](#)
  3. Authorization to Amend the Professional Services Agreement with Maria Ramirez to Provide Bilingual Family Outreach Services  
[Staff Report](#)  
[Attachment I Resolution](#)
- 

*The following order of business applies to items considered as part of Public Hearings and Legislative Business:*

- *Disclosures*
  - *Staff Presentation*
  - *City Council Questions*
  - *Public Input*
  - *Council Discussion and Action*
- 

## PUBLIC HEARING

4. Blue Rock (Stonebrae) Country Club Project Development Agreement – Request to Amend the Development Agreement by Extending its Term for Five Years – The Project is Located Southeasterly of Fairview Avenue and Hayward Boulevard along Walpert Ridge (Report from Development Services Director Rizk)  
[Staff Report](#)  
[Attachment I Draft Development Agreement Amendment](#)  
[Attachment II Planning Commission Staff Report](#)  
[Attachment III Planning Commission Meeting Minutes](#)  
[Attachment IV Draft Resolution](#)  
[Attachment V Draft Ordinance](#)



## COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items

## ADJOURNMENT

**NEXT MEETING – 7:00 PM, TUESDAY, JANUARY 22, 2013**

---

**PUBLIC COMMENT RULES:** *The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker Card must be completed by each speaker and is available from the City Clerk at the meeting.*

---

**PLEASE TAKE NOTICE** *that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.*

---

**\*\*\*Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4<sup>th</sup> Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. \*\*\***

---

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.*

---





**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, December 18, 2012, 7:00 p.m.**

---

The City Council meeting was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Jones.

**ROLL CALL**

Present: COUNCIL MEMBERS Zermeño, Jones, Halliday, Peixoto, Salinas  
MAYOR Sweeney  
Absent: COUNCIL MEMBER Mendall

Mayor Sweeney noted that Council Member Mendall continued to have health problems and therefore was absent.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced that Council met pursuant to Government Code 54957 regarding the City Manager's performance evaluation; met with labor negotiators, pursuant to Government Code 54957.6 regarding all groups; and with legal counsel, pursuant to Government Code 54956.9, regarding anticipated litigation. There was no reportable action.

**PUBLIC COMMENTS**

Mr. Jim Drake, Franklin Avenue resident, noted that some restaurants and grocery stores in his neighborhood were littered with trash and did not have adequate garbage receptacles. Mr. Drake wished everyone a happy holiday season.

Mr. Al Parso, Prospect Street resident, thanked the organizers, participants, the Turf Club, The Bistro, and Kupe Restaurant for Hayward's first annual SantaCon, held on December 8, 2012, and noted the event attracted business to Hayward and helped raised funds in support of the Hayward Animal Shelter. Mr. Parso wished Council, staff, and first responders a happy holiday season.

Mr. Leo Wilkinson, Pacific Street resident, expressed concern that the proposed elimination of the South Hayward BART east overflow parking lot will create increased traffic congestion for his neighborhood and along the Tennyson Road corridor area. Mr. Wilkinson requested Council to postpone the elimination of the east overflow parking lot until a replacement parking garage is built.

## **WORK SESSION**

1. South Hayward BART Transit-Oriented Development Project Update (JPA Overview and Recommendations, Parking & Access Study Report, and Creation of a Parking District and Permit Program)

Staff report submitted by Administrative Analyst II Blohm, dated December 18, 2012, was filed.

Assistant City Manager McAdoo provided a synopsis of the report and acknowledged the contributions from City and BART staff.

Mayor Sweeney requested that interested parties be informed about forthcoming meetings related to the implementation of the recommendations from the Parking and Access Study. Mayor Sweeney noted that a mitigation plan for the proposed project needs to clarify concerns related to: parking enforcement, car sales along Tennyson Road, potential increase of litter problems in the proposed area, funding for a police officer to patrol against criminal activity, and street lighting for the entire area.

Council Member Salinas noted that the South Hayward community needs to be educated on transit-oriented development (TOD) in order to fully understand the proposal, and suggested painting sidewalks/crosswalks to connote the TOD concept. Mr. Salinas mentioned the negative image of parked cars with sale signs along Tennyson Road, A Street, and Harder Road, and asked for mitigation measures.

In response to Council Member Halliday's question related to a solution should there be a negative impact on areas not designated for residential parking, Assistant City Manager McAdoo noted the residential parking permit (RPP) area could be extended. At the request of Ms. Halliday and in response to Mr. Sherman Lewis question whether RPPs could be sold/transferred/rented, Ms. McAdoo noted that was prohibited. Ms. Halliday noted her concerns were: safety for BART patrons, lighting in that area, litter problems, and re-evaluate non-RPP areas that are inundated with overflow parking.

Council Member Jones expressed concern about the parking enforcement and the expense designated for enforcement, and noted that there may be the need for more than one enforcement patrol personnel. Mr. Jones suggested expanding the JPA concept to include the downtown Hayward BART station. Mr. Jones added it was important to have a backup plan if the proposal was not effective, and suggested built-in review to allow for City and BART staff and community input.

Council Member Peixoto questioned whether half a mile would be a desired walking distance for commuters who drive to and park near the station. Mr. Peixoto noted that until an arterial infrastructure transportation, such as short distance shuttles, was in place, BART patrons would drive to the station and would need parking spaces.



**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, December 18, 2012, 7:00 p.m.**

Council Member Zermeño, also City representative on the Joint Powers Authority (JPA) Board, supported the objective of increasing BART ridership. Mr. Zermeño noted that the JPA took into account public input and discussed: parking enforcement; transit-oriented developments; bicycle and motorcycle parking; parking at the downtown BART station due to parking permit fees at the South Hayward BART station; and impact to residential areas. He added there would a six-month review of the project.

Council Member Halliday suggested that staff explore ways to inform riders about the number of spaces available in the parking lots and information about alternative parking zones.

Council Member Salinas mentioned that California State University East Bay students were developing a shuttle program to ride from the university to the downtown BART station, and suggested considering such model and also exploring using/advertising with Gillig, a bus manufacturer in Hayward.

Mayor Sweeney concurred with Mr. Sherman Lewis that the project needed to be designed so BART riders walk past retail on their way to cars, homes, and public transportation, which would contribute to the pedestrian-oriented vision. Assistant City Manager McAdoo reiterated the tentative hearing date for the item to return to Council was February 19, 2013.

## **CONSENT**

Consent Item No. 4 was removed to allow for public comments.

2. Approval of Minutes of the Special Joint City Council/Redevelopment Successor Agency/Housing Authority/Hayward Public Financing Authority Meeting on November 27, 2012

It was moved by Council/RSA/HA/HPFA Member Peixoto, seconded by Council/RSA/HA/HPFA Members Halliday and Salinas, and unanimously carried with Council/RSA/HA/HPFA Member Mendall absent, to approve the minutes of the Special Joint City Council/Redevelopment Successor Agency/Housing Authority/Hayward Public Financing Authority Meeting of November 27, 2012.

3. Approval of Minutes of the City Council Meeting on December 4, 2012

It was moved by Council Member Peixoto, seconded by Council Members Halliday and Salinas, and unanimously carried with Council Member Mendall absent, to approve the minutes of the City Council Meeting of December 4, 2012.

4. Adoption of a Resolution Authorizing the City Manager to Execute an Agreement with Bryce Consulting, Inc. to Conduct Classification and Compensation-Related Studies

Staff report submitted by Human Resources Analyst II Collins, dated December 18, 2012, was filed.

Mr. Jim Drake, Franklin Avenue resident, inquired about the bid process for the contract and asked about the consultant's hourly rate.

City Manager David noted the City had in place a stringent competitive bidding process and would provide him with the information requested.

It was moved by Council Member Halliday, seconded by Council Member Peixoto, and unanimously carried with Council Member Mendall absent, to adopt the following:

Resolution 12-190, "Resolution Authorizing the City Manager to Execute an Agreement with Bryce Consulting Inc. to Conduct Classification and Compensation-Related Studies"

5. Dixon Street Improvements – Tennyson Road to Valle Vista Avenue: Approval of Addenda, Award of Contract, and Appropriation of Additional Funds

Staff report submitted by Assistant City Engineer Owusu, dated December 18, 2012, was filed.

It was moved by Council Member Peixoto, seconded by Council Members Halliday and Salinas, and unanimously carried with Council Member Mendall absent, to adopt the following:

Resolution 12-187, "Resolution Approving Addenda Nos. 1, 2, and 3 Revising the Specifications and Bid Sheet for the Dixon Street Improvements - Tennyson Road to Valle Vista Avenue Project, Project No. 5167, and Awarding the Contract to Ghilotti Construction Company, Inc."

Resolution 12-188, "Resolution Amending Resolution 12-121, As Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2013, Relating to an Appropriation of Funds from the Street System Improvements Fund (Fund 413) to the Dixon Street Improvements - Tennyson Road to Valle Vista Avenue Project, Project No. 5167"

6. Resignation of Pedro Mendoza from the Hayward Youth Commission and Appointment of Nubia Pina to Fulfill Pedro Mendoza's Term

Staff report submitted by City Clerk Lens, dated December 18, 2012, was filed.

It was moved by Council Member Peixoto, seconded by Council Members Halliday and Salinas, and unanimously carried with Council Member Mendall absent, to adopt the following:



**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, December 18, 2012, 7:00 p.m.**

---

Resolution 12-189, “Resolution Accepting the Resignation of Pedro Mendoza from the Hayward Youth Commission and Appointing Nubia Pina to Fulfill Pedro Mendoza’s Term”

**LEGISLATIVE BUSINESS**

7. Introduction of a Second Amendment to the Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions to Extend the Ordinance for a Twelve-Month Period and to Authorize the City Council to Adopt Further Extensions by Resolution

Staff report submitted by Housing Development Specialist Cortez, dated December 18, 2012, was filed.

Assistant City Manager McAdoo announced the report and introduced Housing Development Specialist Cortez who provided a synopsis of the report.

Council Member Jones asked staff to find out if the Housing Element would need to be amended if the Inclusionary Housing Ordinance were eliminated, as the Housing Element contained a program related to the Ordinance’s provisions.

Council Member Zermeño supported the Inclusionary Housing Ordinance as it would positively impact the City by gaining additional building permit fee revenue, transfer taxes, and property taxes from new housing developments.

Council Member Halliday supported extending the Inclusionary Housing Relief Ordinance noting that under current State legislation on the dissolution of redevelopment agencies, 20% of the \$8 million would go to affordable housing and would help with the requirements placed on developers.

Mayor Sweeney suggested considering a future agenda item requesting that the State suspend the Housing Element requirements due to lack of redevelopment agency funds, and he suggested the public ask State representatives for relief from the Housing Element requirements.

There being no public comments Mayor Sweeney opened and closed the public hearing at 8:20 p.m.

Council Member Zermeño moved the item and Council Member Halliday seconded the motion.

Council Member Jones indicated he would vote yes on the item to move it forward, but noted that due to the State’s lack of support, he would appreciate that Council pursue suspension of the Housing Element requirements.

It was moved by Council Member Zermeño, seconded by Council Member Halliday, and unanimously carried with Council Member Mendall absent, to adopt the following:

Resolution 12-191, “Resolution Finding that the Enactment of an Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions is Exempt from the California Environmental Quality Act (CEQA)”

Introduction of Ordinance 12-\_ “An Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions”

## **COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Salinas expressed his sympathy to the victims of the deadly shooting of 20 children and six school personnel in Newtown Connecticut, on December 14, 2012. Mr. Salinas mentioned that the innocent victims would be remembered during this holiday season and he hoped that people would be thinking about ways to ensure the safety of children.

Council Member Zermeño also expressed grief and sympathy to the victims and families affected in Connecticut. Mr. Zermeño said it was sad that such tragedy happened at an educational institution. He also wished everyone a Merry Christmas and a prosperous New Year.

Council Member Halliday also expressed compassion at the tragedy in Connecticut and suggested that staff send a letter to the Newtown local government expressing condolences and support. Council Member Halliday also noted there was an outpouring of generosity toward the Volunteer Hayward Adopt-a-Family Program on December 15, 2012. Ms. Halliday commended Mr. Zack Ebadi, Volunteer Coordinator, for his efforts with the event and thanked City Clerk Lens for coordinating the City’s participation in helping five families. She wished everyone a happy holiday season.

Mayor Sweeney wished everyone a happy and safe holiday season, a Merry Christmas and a prosperous New Year.

## **ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 8:29 p.m., in memory of the 20 children and six adults who were killed at the Sandy Hook Elementary School on December 14, 2012, in Newtown, Connecticut. Mayor Sweeney asked staff to plant a tree at a Hayward elementary school in memory of those who lost their lives.

### **APPROVED:**

Michael Sweeney  
Mayor, City of Hayward

### **ATTEST:**

Miriam Lens  
City Clerk, City of Hayward

**DATE:** January 15, 2013

**TO:** Mayor and City Council

**FROM:** Maintenance Services Director

**SUBJECT:** Heating Ventilation Air-Conditioning Upgrades at City Hall and the Police Department

### **RECOMMENDATION**

That the City Council adopts the attached resolution approving a Pacific Gas & Electric (PG&E) on-bill financing loan for the purchase of energy savings upgrades to the Police Department and City Hall ventilation and software systems.

### **BACKGROUND**

PG&E offers an Energy Efficiency Retrofit Loan Program for government agencies to make facility improvements to become more energy efficient. The program provides a no-interest loan to finance the purchase of energy savings equipment. The loan is paid back with energy savings realized by having the new equipment. The loan program will allow the City to purchase new energy efficient Heating Ventilation Air-Conditioning (HVAC) systems with no out-of-pocket funds required. The projected energy savings will be verified by third party analysis.

### **DISCUSSION**

The HVAC Energy Management System components at the Police Department and City Hall are sixteen and fourteen years old respectively. Through time, the anemometer component, which measures the amount of air circulation, has become clogged, inaccurate, and inefficient. Due to this, the systems are utilizing large amounts of electricity to produce excess ventilation. By installing this new equipment, the City will save \$63,591 per year in energy costs.

### **FISCAL IMPACT**

The total project cost is \$182,112, which will be funded by PG&E in two ways. The total project cost will be offset by \$53,757 in rebates from the PG&E incentive rebates program for reducing energy consumption. The balance of the project cost (\$128,355) will be funded with a no-interest loan from PG&E. The loan will be paid back from realized energy savings, and does not require up-front payment or out-of-pocket cash from the City's General Fund. The loan will be repaid in two years, with annual energy savings going back to PG&E for repayment of the loan. At the

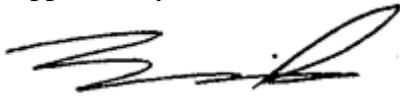
conclusion of the payback period, the City will realize the full energy efficiency savings benefits in the form of reduced energy bills of approximately \$63,000 annually to the General Fund.

Facility	Project Cost	Rebates	Net Project Cost	Annual Electricity Cost Savings	Simple Payback Period
Police Dept	\$78,393	(\$23,040)	\$55,353	\$35,761	1.5 years
City Hall	<u>\$103,719</u>	<u>(\$30,717)</u>	<u>\$73,002</u>	<u>\$27,830</u>	<u>2.6 years</u>
<b>Total</b>	\$182,112	(\$53,757)	\$128,355	\$63,591	2.0 years (avg)

*Prepared by:* Vic Avila, Facilities Manager

*Recommended by:* Matt McGrath, Maintenance Services Director

Approved by:




---

Fran David, City Manager

Attachments:

I: Resolution: PG&E No-Interest Loan

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING STAFF TO APPLY FOR A PG&E NO INTEREST LOAN TO RETROFIT HVAC CONTROLS SYSTEMS AT THE POLICE DEPARTMENT AND CITY HALL AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL AGREEMENTS DOCUMENTS ASSOCIATED WITH THE LOAN.

WHEREAS, the City of Hayward is interested in incorporating energy efficiency improvements in all City facilities; and

WHEREAS, PG&E offers a no interest loan of up to \$250,000 to governmental agencies for energy efficiency projects; and

WHEREAS, loans are repaid through energy savings of seven to ten years at no cost to the City; and

WHEREAS, the City of Hayward is eligible to receive such loans.

NOW THEREFORE, BE IT RESOLVED, that City Council of the City of Hayward authorizes staff to apply for a PG&E loan of \$182,112 for the purpose of retrofitting HVAC Controls Systems at the Police Department and City Hall.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and empowered to execute in the name of City of Hayward all necessary documents to implement and carry out the purpose of this resolution, and to undertake all actions necessary to undertake and complete the energy efficiency projects.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                          MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

**DATE:** January 15, 2013

**TO:** Mayor and City Council

**FROM:** Director of Library and Community Services

**SUBJECT:** Authorization to Amend the Professional Services Agreement with Maria Ramirez to Provide Bilingual Family Outreach Services

### **RECOMMENDATION**

That the City Council adopts the attached resolution authorizing the City Manager to amend the professional services agreement with independent consultant Maria Ramirez to deliver Bilingual Family Outreach services to the Hayward Public Library, by extending the term of the agreement six months to June 30, 2013, and increasing the total “not to exceed” amount from \$16,000 to \$32,000.

### **BACKGROUND**

The Bilingual Family Outreach service of the Hayward Public Library is funded by a grant from First 5 Alameda County. The service delivered 121 Child-Caregiver Learn and Play groups for 385 children and 283 parents and caregivers in FY 2012. An overview of the service can be found online at [http://www.ackids.org/files/grants/Hayward\\_summary\\_FINAL\\_9-26-12.pdf](http://www.ackids.org/files/grants/Hayward_summary_FINAL_9-26-12.pdf).

### **DISCUSSION**

The Bilingual Family Outreach consultant provides specialized professional services to support the grant’s identified outcomes in the following areas:

- Record and analyze data to fulfill grant reporting requirements and evaluate the effectiveness of program;
- Conduct bilingual / Spanish language early literacy classes for preschoolers and caregivers at Main Library and Weekes Branch;
- Provide bilingual / Spanish language workshops to caregivers on early literacy and other relevant child development topics;
- Train librarians to support the integration of Spanish rhymes and songs into story times;
- Participate in regular and ad-hoc meetings with funder First 5 Alameda County;
- Collaborate with local agencies, schools, and other groups that serve Spanish-speaking families;
- Other related services as needed.

The services provided by the Bilingual Family Outreach consultant, with the support of library staff, will enable the City to assist approximately 280 Hayward families during FY 2013. This Consultant was previously contracted by the City to provide the above-mentioned services for six months during the first half of FY 2013; this action would extend the contract for an additional six months.

### **FISCAL IMPACT**

The Consultant's fee for the current fiscal year would continue to be charged on an hourly basis at a rate of \$32 per hour up to 1,000 total hours, not to exceed \$32,000 total. First 5 Alameda County has provided a FY 2013 grant allocation to support and augment early family literacy activities at Hayward Public Library. The \$32,000 funding for the consultant's services would come entirely from that source.

### **PUBLIC CONTACT**

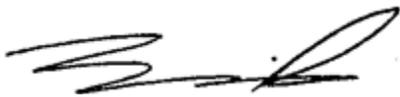
No public discussion of this matter has previously been scheduled.

### **NEXT STEPS**

Following Council approval at this meeting, staff will finalize a contract amendment for execution with Maria Ramirez, and will appropriate the funding from the First 5 Alameda County grant. The timeline for the amended agreement is one year - from July 1, 2012 through June 30, 2013.

*Prepared and Recommended by:* Sean Reinhart, Director of Library and Community Services

Approved by:



---

Fran David, City Manager

Attachments:

- I: Resolution Authorizing Amendment of Consulting Agreement for Professional Services

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH MARIA RAMIREZ TO PROVIDE BILINGUAL FAMILY OUTREACH CONSULTANT SERVICES

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute an amendment to the professional services agreement with Maria Ramirez to provide Bilingual Family Outreach consultant services to City through the end of Fiscal Year 2013, pursuant to which the total, combined amount of the original contract and its amendment shall not exceed \$32,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

**DATE:** January 15, 2013

**TO:** Mayor and City Council

**FROM:** Director of Development Services

**SUBJECT:** Blue Rock (Stonebrae) Country Club Project Development Agreement – Request to Amend the Development Agreement by Extending its Term for Five Years – The Project is Located Southeasterly of Fairview Avenue and Hayward Boulevard along Walpert Ridge

#### **RECOMMENDATION**

That the City Council relies on the previously approved environmental documents, adopts the attached resolution (Attachment IV), and introduces the attached ordinance (Attachment V) to approve the Blue Rock (Stonebrae) Country Club Development Agreement amendment by extending its term for five years to February of 2018, subject to the finding that such amendment is consistent with the General Plan.

#### **SUMMARY**

The City Council approved the Blue Rock Country Club project, now known as Stonebrae Country Club, in January of 1998. Shortly thereafter, Stonebrae and the City of Hayward entered into a Development Agreement, which was recorded on April 16, 1998. The term of the Development Agreement is for ten years, with five-year extensions allowed with mutual consent of the parties. Due to timing involved to secure the necessary approvals from state and federal agencies, litigation matters that were not resolved until June 2004, the extensive grading involved, and the poor economy, the project was not fully constructed within the initial ten-year term of the Development Agreement. Just at the beginning of the collapse of the economy, Stonebrae requested and was granted a five-year extension to the Development Agreement in 2008, extending its term through February 23 of 2013. In part due to the economic recession and depressed housing market, Stonebrae is requesting an additional five-year extension to the term of the Development Agreement to February 23 of 2018, which would allow completion of construction of the project.

The Planning Commission unanimously recommended that the City Council approve the Development Agreement amendment at a public hearing on December 13, 2012 (see attached staff report and meeting minutes, Attachments II and III).

## **BACKGROUND**

The City Council approved the Blue Rock Country Club project (now known as the Stonebrae Project) in January 1998. Pursuant to those approvals, on April 8, 1998, Stonebrae LP's predecessor, Hayward 1900, Inc., and the City of Hayward entered into the Blue Rock Country Club Project Development Agreement (Development Agreement). The Development Agreement was recorded on April 16, 1998.

The City Council approved the final subdivision map for Village A (Tract 5354) in April 2005, and the final map was recorded on July 29, 2005. Construction of homes within Village A is ongoing, with 95% of the lots occupied. The City Council approved the final subdivision map for Village B (Tract 7736) in November 2006, and the final map was recorded on May 24, 2007. Work under the City-approved improvement plans has been completed; home construction has proceeded with two additional construction phases planned of forty homes each. In addition, the golf course is complete.

The economic recession has affected the timetable for completing the Stonebrae development. The infrastructure for the first homes in the 214-lot Village A was completed in 2006, ahead of the recession. In contrast, the 150-lot Village B was improved in 2008, during the steepest decline in real estate demand and value in recent history. Despite this situation, approximately one-third of the Village B homes are complete and in 2013, a total of three home builders will offer homes in this village, and Stonebrae will develop plans for its next village (see Discussion below). The economic downturn slowed the schedule for completing Village B and, therefore, the rest of the community by several years. With the increasing pace of economic recovery, and with the early construction of its signature amenity, the permanent golf/community clubhouse, Stonebrae anticipates completion and buildout of the entire Stonebrae community by the end of the extended term in 2018.

*Planning Commission Recommendation* – The Planning Commission discussed the proposed Development Agreement amendment at a public hearing on December 13, 2012 (see meeting minutes, Attachment III). As the minutes reflect, the Commissioners found that the amendment would be consistent with the General Plan and that it is appropriate given the specific impact of the economic downturn on the building industry. The Commissioners expressed a desire to see completion of the Fairview Avenue improvements during this next period.

## **DISCUSSION**

The extension would extend the term of the Development Agreement an additional five years from the date it otherwise would expire, or until February 23, 2018. The developer is in compliance with the Development Agreement and extension of the term will facilitate completion of the project. The extension of the project Development Agreement term is consistent with the City of Hayward General Plan.

In order to approve the Development Agreement extension, the City Council must make a finding that the provisions of the agreement are consistent with the City of Hayward General Plan and any applicable specific plan. The Amendment to the Development Agreement to extend its term is

authorized under the Agreement with the mutual consent of the parties. The Amendment does not propose new or amended provisions that would modify the development authorized under the Agreement and other City approvals.

The project continues to be under construction, with the following elements:

- **Overall Project:**

- ▶ The donation of approximately 1,000 acres of land to the East Bay Regional Park District (EBRPD) is expected in spring-summer 2013. The State has fully executed the conservation easement to assure proper use and management of the lands in perpetuity for habitat, as well as public enjoyment. With EBRPD staff, Stonebrae is currently working out all of the details for long-term easements and maintenance between Stonebrae and EBRPD, in accordance with the existing agreements.
- ▶ The development of a schematic design for off-site Fairview Avenue improvements is scheduled to begin in 2013, to include a presentation to a neighborhood working group. Construction of the roadway would occur in 2014-2015, which is roughly the same timeframe as development of Village E.

- **Build-out of Residential Villages:**

- ▶ The Stonebrae community currently has about 250 occupied homes, including 95% of the 214 homes in Village A. Monthly sales rates are approximately two homes per month.
- ▶ The community has active Homeowners Association (HOA) participation, both as Directors on the HOA Board and in meetings; the HOA's ongoing efforts include security, water conservation, and building a sense of community via social networking and social events. The Landscape and Lighting District, which funds maintenance of the entry area, is fully operational and funded.
- ▶ In Village B, Stonebrae launched a unique custom home program on Stonebrae Road, the main drive leading to the clubhouse. The homes will be mainly single story with strong indoor-outdoor relationships to capture a distinctive component of the market.
- ▶ Home builder participation in Village B is growing. Pulte Homes will expand into a new forty-home phase and, soon, Stonebrae will announce that another builder will create another new forty-home phase.
- ▶ The Stonebrae real estate group is working closely with the builders on site to ensure that the new homes will succeed in the still challenging East Bay market.
- ▶ Future village construction plans are for Village E. Stonebrae anticipates completing final engineering in 2013 and starting site construction in 2014-2015. Village E will contain approximately 100 homes.

- **Clubhouse:**

- ▶ In 2012, Stonebrae launched plans for the permanent clubhouse, to be built across the street from the existing temporary clubhouse and near the driving range. Similarly to the existing clubhouse, it will serve multiple functions: golf club, banquet events, fitness and dining/social – but on a more complex and larger scale. The dining opportunities will be significantly enhanced, with the new building oriented to take advantage of sweeping bay and golf views. The recreational experience will benefit from larger locker rooms, a bigger gym, class and special events rooms, bocce ball courts, an outdoor spa, and a pool. Stonebrae will continue to offer golf club, fitness and social memberships, and golf tournaments with a wider audience.
- ▶ The clubhouse plans are in process, with submittal to the City in December 2012. The construction start is planned for spring 2013 with completion a year later in 2014. During construction, the existing temporary clubhouse will be open and fully operational. In cooperation with PGA Tour officials and with their support, the annual PGA tournament will be postponed to facilitate smooth construction progress and ease the transition to the new clubhouse for the 2014 event. PGA Tour officials have expressed excitement at the added amenity of the club house. The Tour event will return to Stonebrae the season following the completion of the clubhouse.

- **Golf Club**

- ▶ The club is focusing on building memberships and hosting more tournaments and other events to increase course visibility.
- ▶ Ongoing management includes examining irrigation needs and increasing irrigation efficiency in light of increasingly costly City water and the sparse 2012 rainfall.

## **ENVIRONMENTAL REVIEW**

The City certified the Final Supplemental Environmental Impact Report (FSEIR) for the Project in 1998, and thereafter adopted an Addendum to the FSEIR when it approved the Precise Development Plan and Vesting Tentative Map in 2002. There is no substantial change proposed in the Project or in the circumstances under which the Project is being undertaken, nor is there any new information, which would require additional environmental review.

## **FISCAL IMPACT**

There is no known fiscal impact for this recommendation.

## **PUBLIC CONTACT**

On January 5, 2013, a notice of public hearing was published in *The Daily Review* and mailed to property owners and residents within 300 feet of the Stonebrae Country Club.

During the Planning Commission hearing of December 13, 2012, a resident of the Prominence neighborhood expressed concern that the required Fairview Avenue improvements have not yet been accomplished. As described earlier in the report, staff reported, during that hearing, that the off-site Fairview Avenue improvements are scheduled for 2014, in roughly the same timeframe as development of Stonebrae's Village E.

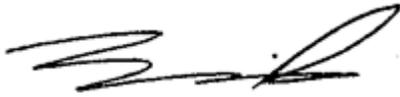
## **NEXT STEPS**

If the Development Agreement amendment is approved, the new Agreement with a modified term will be recorded and the construction of the approved improvements will continue in accordance with the modified Development Agreement.

*Prepared by:* Richard E. Patenaude, AICP, Planning Manager

*Recommended by:* David Rizk, AICP, Director of Development Services

Approved by:



---

Fran David, City Manager

### Attachments:

Attachment I	Draft Development Agreement Amendment
Attachment II	Planning Commission Staff Report, dated December 13, 2012
Attachment III	Planning Commission Meeting Minutes, dated December 13, 2012
Attachment IV	Draft Resolution
Attachment V	Draft Ordinance

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL  
TO:

City Clerk  
City of Hayward  
777 B Street  
Hayward, California 94541

---

THIS SPACE ABOVE FOR RECORDER'S USE

This instrument is exempt from Recording Fees (Govt. Code § 27383) and from Documentary Transfer Tax (Rev. and Taxation Code §11922).

AMENDMENT TO THE BLUE ROCK COUNTRY CLUB PROJECT  
DEVELOPMENT AGREEMENT

This Amendment to the Blue Rock Country Club Development Agreement (the "Amendment") is entered into as of January \_\_\_, 2013 by and between STONEBRAE L.P., a Delaware limited partnership ("Stonebrae") and the CITY OF HAYWARD, a municipal corporation, organized and existing under the Hayward City Charter and laws of the State of California ("City").

**RECITALS**

A. On or about April 8, 1998, the City and Hayward 1900, Inc., a California corporation ("Hayward 1900") entered into that certain Blue Rock Country Club Project Development Agreement, which was recorded on April 16, 1998 as instrument number 98128317 in the Official Records of Alameda County (the "Agreement"). This Amendment amends the Agreement.

B. On or about September 10, 2002, the City approved Vesting Tentative Tract Map 5354 ("Vesting Tentative Map") for the Blue Rock Country Club Project (now known and referred to as the Stonebrae Country Club Project).

C. On or about March 16, 2005, Hayward 1900 assigned the Agreement to Stonebrae, which assignment was consented to by the City.

D. On or about October 23, 2007, the City approved Ordinance No. 07-12, authorizing an amendment to the Agreement, which amendment extended the Agreement to February 23, 2013.

E. State and federal court litigation challenging the City's approval of the Vesting Tentative Map and certain other agency approvals for the Project, along with other actions and delays in securing resource agency approvals, delayed commencement of construction of the Project. The severe downturn in the economy decreased the pace of the Project. Thus, while approximately 250 homes are occupied and construction of the Project has commenced and is ongoing, the Project will not be completed by February 23, 2013.

F. The Amendment is being entered into by Stonebrae and the City to extend the term of the Agreement, as authorized in the Agreement and by applicable local and state law.

G. City staff has reviewed this Amendment, deemed it to be complete, and prepared a report to the Planning Commission pursuant to Chapter 10, Article 9 of the City Municipal Code. The Planning Commission adopted findings regarding the Amendment and recommended that the City Council authorize execution of the Amendment. The City Council has held a public hearing on the Amendment, and has determined that the Amendment (i) is consistent with the City's General Plan and the Specific Plan; (ii) is in the best interests of the health, safety and general welfare of the City, its residents, and the public; (iii) is executed pursuant to, and as authorized under the Agreement and the requirements of the Development Agreement Legislation and Development Agreement Ordinance.

H. City has adopted Ordinance No. \_\_\_\_\_ on January 22, 2013, approving this Amendment and its execution in accordance with the provisions of the Agreement and as authorized under the Development Agreement Legislation and Development Agreement Ordinance.

I. All capitalized terms not otherwise defined herein shall have the meaning set forth in the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, Owner and City hereby agree as follows:

1. The initial term of the Agreement, as set forth in Section 7.1 of the Agreement, is hereby extended for an additional five (5) years from the date of expiration. Pursuant to this extension, the Agreement is extended to February 23, 2018.
2. Except as expressly amended herein, the Agreement shall remain in full force and effect.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the undersigned have executed this Amendment to the Blue Rock Country Club Development Agreement. The signatories to this Amendment represent that they are duly authorized to execute this amendment and to bind the Parties hereto.

STONEBRAE L.P.,  
a Delaware limited partnership

CITY OF HAYWARD

By: YCS Nevada, Incorporated  
a Nevada corporation,  
its General Partner

By: \_\_\_\_\_  
City Manager

By: \_\_\_\_\_  
Name: Paul W. Yuen  
Title: Authorized Representative

Attest: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Name: Michael J. Letchinger  
Title: Authorized Representative

Approved As To Form: \_\_\_\_\_  
City Attorney



**DATE:** December 13, 2012

**TO:** Planning Commission

**FROM:** Richard E. Patenaude, AICP, Planning Manager

**SUBJECT:** Blue Rock (Stonebrae) Country Club Project Development Agreement - Request to Amend the Development Agreement by Extending Its Term for Five Years - The Project is Located Southeasterly of the Intersection of Fairview Avenue and Hayward Boulevard along Walpert Ridge

### **RECOMMENDATION**

That the Planning Commission recommends to the City Council that it approves the Development Agreement amendment to extend the term for five years, subject to the required finding that such amendment is consistent with the General Plan.

### **SUMMARY**

The City Council approved the Blue Rock Country Club project, now known as Stonebrae Country Club, in January 1998. Shortly thereafter, Stonebrae and the City of Hayward entered into a Development Agreement, which was recorded on April 16, 1998. The term of the Development Agreement is for ten years, with five-year extensions allowed with mutual consent of the parties. Due to the impact of the economic recession on housing construction, the project will not be fully constructed within the existing term of the Development Agreement, which includes a five-year extension approved in 2008. Stonebrae is requesting a second five-year extension to the terms of the Development Agreement, which allows them to complete construction of the project by 2018.

### **BACKGROUND**

The City Council approved the Blue Rock Country Club project (now known as the Stonebrae Project) in January 1998. Pursuant to those approvals, on April 8, 1998, Stonebrae LP's predecessor, Hayward 1900, Inc., and the City of Hayward entered into the Blue Rock Country Club Project Development Agreement (Development Agreement). The Development Agreement was recorded on April 16, 1998.

The City Council approved the final subdivision map for Village A (Tract 5354) in April 2005, and the final map was recorded on July 29, 2005. Construction of homes within Village A is ongoing, with ninety-five percent of the lots occupied. The City Council approved the final subdivision map for Village B (Tract 7736) in November 2006, and the final map was recorded on May 24, 2007. Work under the City-approved improvement plans has been completed; home construction has

proceeded with two additional construction phases planned of 40 homes each. In addition, the golf course is complete and staff is processing permit applications for the clubhouse at the golf course.

The economic recession has affected the timetable for completing Stonebrae. The infrastructure for the first homes in the 214-lot Village A was completed in 2006, ahead of the recession. In contrast, the 150-lot Village B was improved in 2008, during the steepest decline in real estate demand and value in recent history. Despite this situation, approximately one-third of the Village B homes are complete and in 2013, a total of three home builders will offer homes in this village, and Stonebrae will develop plans for its next village (see discussion below). The economic downturn slowed the schedule for completing Village B and, therefore, the rest of the community by several years. With the increasing pace of the recovery, and with the construction of its signature amenity, the permanent golf and community clubhouse, Stonebrae anticipates completion of the community by the end of the extended term in 2018.

The extension would extend the term of the Development Agreement an additional five years from the date it otherwise would expire, or until February 26, 2018. The developer is in compliance with the Development Agreement and extension of the term will facilitate completion of the project.

## DISCUSSION

In order to approve the Development Agreement Extension, the Planning Commission must make a finding that the provisions of the agreement are consistent with the City of Hayward General Plan and any applicable specific plan. The Amendment to the Development Agreement to extend its term is authorized under the Agreement with the mutual consent of the parties. The Amendment does not propose new or amended provisions which modify the development authorized under the Agreement and other City approvals.

The project continues to be under construction, with the following elements:

- **Overall project:**
  - The donation of approximately 1,000 acres of land to the East Bay Regional Park District (EBRPD) is expected in spring-summer 2013. The State has fully executed the conservation easement to assure proper use and management of the lands in perpetuity for habitat, as well as public enjoyment. With EBRPD staff, Stonebrae is currently working out all of the details for long-term easements and maintenance between Stonebrae and EBRPD, in accordance with the existing agreements.
  - The off-site Fairview Avenue improvements are scheduled to begin with development of the scope of work in 2013 with a neighborhood working group, with construction of the roadway in 2014, in roughly the same timeframe as development of Village E.
- **Build-out of residential villages:**

- The Stonebrae community currently has about 250 occupied homes, including ninety-five percent of the 214-home Village A. Monthly sales rates are approximately two homes per month.
  - The community has active Homeowners Association (HOA) participation, both as Directors on the HOA Board and in meetings; the HOA's ongoing efforts include security, water conservation, and building a sense of community via social networking and social events. The Landscape and Lighting District, which funds maintenance of the entry area, is fully operational and funded.
  - In Village B, Stonebrae launched a unique custom home program on Stonebrae Road, the main drive leading to the clubhouse. The homes will be mainly single story with strong indoor-outdoor relationships to capture a distinctive component of the market.
  - Home builder participation in Village B is growing. Pulte Homes will expand into a new 40-home phase and, soon, Stonebrae will announce that another high-quality builder will create another new 40-home phase.
  - The Stonebrae real estate group is working closely with the builders on site to ensure that the new homes will succeed in the still challenging East Bay market.
  - Stonebrae anticipates completing final engineering construction plans for Village E in 2013 and starting site construction in 2014. Village E will contain approximately 100 homes.
- **Clubhouse:**
    - In 2012, Stonebrae launched plans for the permanent clubhouse, to be built across the street from the existing temporary clubhouse and near the driving range. Similarly to the existing clubhouse, it will serve multiple functions: golf club, banquet events, fitness and dining/social – but on a more complex and larger scale. The dining opportunities will be significantly enhanced, with the new building oriented to take advantage of sweeping bay and golf views. The recreational experience will benefit from larger locker rooms, a bigger gym, class and special events rooms, bocce ball courts, an outdoor spa, and a pool. Stonebrae will continue to offer golf club, fitness and social memberships and golf tournaments with a wider audience.
    - The clubhouse plans are in process, with submittal to the City in November 2012. The construction start is planned for spring 2013 with completion a year later in 2014. During construction, the existing temporary clubhouse will be open and fully operational. The annual PGA tournament will be postponed to facilitate smooth construction progress and ease the transition to the new clubhouse for the 2014 event (see the 11/27/12 PGA TOUR and TPC Stonebrae announcement at: <http://www.pgatour.com/2012/h/11/27/tpc-stonebrae-event/index.html> ).

- **Golf club**

- The club is focusing on building memberships and hosting more tournaments and other events to increase course visibility.
- Ongoing management includes examining irrigation needs and increasing irrigation efficiency in light of increasingly costly City water and the sparse 2012 rainfall.

## ENVIRONMENTAL REVIEW

The City certified the Final Supplemental Environmental Impact Report (FSEIR) for the Project in 1998, and thereafter adopted an Addendum to the FSEIR when it approved the Precise Development Plan and Vesting Tentative Map in 2002. There is no substantial change proposed in the Project or in the circumstances under which the Project is being undertaken, nor is there any new information, which would require additional environmental review.

## PUBLIC CONTACT

On December 3, 2012, a notice of public hearing was published in *The Daily Review* newspaper and mailed to property owners owning property within 300 feet of the Stonebrae Country Club development.

## NEXT STEPS

The Planning Commission recommendation will be forwarded to the City Council who will take action on the proposed Development Agreement modification. If the Development Agreement extension is approved, the new agreement with a modified term will be recorded and the construction of the approved improvements will continue in accordance with the modified development agreement.

*Prepared and Recommended by:*




---

Richard E. Patenaude, AICP  
Planning Manager

*Approved by:*




---

David Rizk, AICP  
Development Services Director

Attachments:

Attachment I - Draft Development Agreement Amendment

**STONEBRAE DEVELOPMENT AGREEMENT  
Draft Amendment #2 – Redline**

Amend the Blue Rock (Stonebrae) Country Club Project Development Agreement as follows:

5.1 Annual Review. CITY and OWNER shall review the performance of this Agreement, and the Development of the Project, at least once every twelve (12) month period from the Effective Date. The CITY's reasonable costs of monitoring this Agreement shall be paid by OWNER. As part of such annual monitoring review, within thirty (30) days after each anniversary of this Agreement, OWNER shall deliver to CITY:

- (a) a then current build-out phasing plan for the Project; and
- (b) all information reasonably requested by CITY (i) regarding OWNER's performance under this Agreement demonstrating that OWNER has ~~compiled~~ complied in good faith with terms of this Agreement and (ii) as required by the Existing Land Use Regulations.

If as a result of such periodic review, CITY finds and determines, on the basis of substantial evidence, that OWNER has not complied in good faith with any of the terms or conditions of this Agreement, CITY may terminate this Agreement as provided in Section 10.2.

7.1 Stated Term. This Agreement shall become effective on the Effective Date and unless earlier terminated pursuant to the provisions of this Agreement shall continue in effect for ~~(10)~~ twenty (20) years. Notwithstanding the foregoing, in the event that the parties determine that a longer period is necessary to achieve the foregoing purposes, the term of the Agreement may be extended an additional five (5) years by the further written agreement of the parties in accordance with Section 8. The Parties may renew this Agreement in writing in accordance with Section 8 for additional periods of time, each of which shall not exceed five (5) years, as long as OWNER has demonstrated continued compliance with this Agreement and Development Approvals for the Property.

2. Blue Rock (Stonebrae) Country Club Project Development Agreement – Request to amend the Development Agreement by extending its term for five years. The property is located southeasterly of the intersection of Fairview Avenue and Hayward Boulevard along Walpert Ridge.

Planning Manager Patenaude gave the report.

Commissioner Lamnin asked if any comments were received from the public and Planning Manager Patenaude said no. She asked if the annual reviews mentioned in the staff report were already happening and Mr. Patenaude said the report contained an annual review and confirmed everything was to be in order.

Commissioner Trivedi asked if the five year extension option would still exist and Planning Manager Patenaude said existing extensions had been exhausted but by amending the agreement would allow them an additional five year extension.

Chair Márquez asked for confirmation that if the amendment was approved no more extensions would be allowed. Assistant City Attorney Conneely explained that the agreement provided for an original term of 10 years plus a five year extension, that parties could renew the agreement for additional periods of time each of which could not exceed five years, as long as the owner demonstrated compliance with the Development Agreement. Ms. Conneely said there was the potential for the owner to come back in five years and request an additional five years. Chair Márquez asked if another extension would be based on economic trends in five years and Planning Manager Patenaude said yes, but noted economic circumstances hadn't been reviewed for this request.

Chair Márquez opened the Public Hearing at 8:20 p.m.

Steven Brown, Fox Hollow Drive resident, said he was a resident of the Prominence community below Stonebrae and while he wanted that development to be a “roaring success,” he had some concerns. He said he understood Stonebrae was required to do some underground utility work along Fairview Avenue, which he said they did part of but then stopped. Residents of Prominence asked them to continue so the look would be consistent. Mr. Brown said there were also traffic issues at the corner of Woodstock and Fairview that were supposed to be resolved by a roundabout. Mr. Brown noted he participated in the Prominence landscaping and lighting district and helped plan over 6,000 plants and 200 trees. He said that while he was helping with the landscaping he saw that people coming down the hill, possibly from Stonebrae or Stonebrae Elementary School, didn't pay attention to signals and stop signs. Mr. Brown said he had no concern about extended the Agreement because he wanted the development to be successful, but asked what would need to happen to trigger the enhanced lighting, the undergrounding of utilities, the roundabout and a solution to the traffic issue. He said from the golfing license plate frames and the Titleist hats he suspected drivers were coming from the golf course. Mr. Brown said he wanted assurance that the City was holding Stonebrae to a standard.

Following up on Mr. Brown's comments, Planning Manager Patenaude pointed out that the staff report mentioned the Fairview Avenue improvements and noted a neighborhood working group would be formed that year to review the scope of the improvements scheduled for 2014, which was the same time Stonebrae would be developing the next village. Mr. Patenaude said the City would have the ability to require the two happen at the same time.



**MINUTES OF THE SPECIAL MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, December 13, 2012, 7:00 p.m.  
777 B Street, Hayward, CA94541**

Chair Márquez asked how residents would be informed of these upcoming events and Planning Manager Patenaude said staff would work with Stonebrae to develop the most effective method to get the word out to residents including surrounding residents.

Chair Márquez closed the Public Hearing at 8:27 p.m.

Commissioner McDermott moved the staff recommendation adding that she knew firsthand how hard hit the building industry had been and she said this action was the only appropriate step. Commissioner Loché seconded the motion.

Commissioner Lamnin asked staff if, when the neighborhood group convened, the undergrounding of utilities, the roundabout, and other traffic control measures were still needed, they would be part of the next phase of construction, and Planning Manager Patenaude said yes. He added that those topics would be what the working group looks at that year for the 2014 construction. Commissioner Lamnin asked if the Stonebrae PTA could be part of that community group and staff said yes.

The motion to recommend to City Council that it approve the Development Agreement amendment to extend the term for five years, subject to the required findings that such an amendment was consistent with the General Plan, was approved 5:0:2

AYES: Commissioners Lamnin, Loché, McDermott, Trivedi  
Chair Márquez  
NOES:  
ABSENT: Commissioner Faria, Lavelle  
ABSTAINED:

## **WORK SESSION**

### **3. Recommended Revisions to Hayward's Alcohol Beverage Outlet Regulations**

Development Services Director Rizk gave the report noting staff received several letters that were attached to the staff report or distributed at the start of the meeting.

Chair Márquez asked staff when public comments should be allowed. 8:50 opened public comments

Doug Ligibel, Mesa Street resident, noted that many downtown establishments couldn't afford the Type 47 license so they operate under a Type 48? He said the City doesn't have to resources to monitor food sales at 60 % of receipts and establishments are morphing into nightclubs. 47 family OK 48 21 and over only. He asked how the minors would be removed. He asked what the City wanted to happen in downtown because the City

Linda Pratt, Program Director of COMMPRE with business address on Second Street, said the "Deemed Approved". She said something. The five performance standards that any person who is running a responsible business would follow. No legal non conforming use should be exempt from the standards including grocery stores. Recommending that standards are applied to all businesses. Ms. Pratt said this

**DRAFT**

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING AMENDMENT OF THE BLUE  
ROCK COUNTRY CLUB PROJECT DEVELOPMENT AGREEMENT

WHEREAS, Stonebrae L.P. has requested a five-year extension of the Blue Rock Country Club Project Development Agreement (the Amendment to the Development Agreement) for the project now known as Stonebrae Country Club (the “Project”); and

WHEREAS, the Development Agreement provides that the term of the agreement may be extended for an additional five years upon written agreement of the parties, and the delays in the construction of the Project creating the need for the extension were caused by national and regional economic conditions; and

WHEREAS, the City Council certified a Final Supplemental Environmental Impact Report (FSEIR) for the Project in 1998 and adopted an Addendum to the FSEIR in 2002 in conjunction with approval of the Precise Development Plan and the Vesting Tentative Map for the Project; and

WHEREAS, there has been no substantial change proposed in the Project or the circumstances under which the Project is being undertaken, nor is there any new information that would require additional environmental review; and

WHEREAS, on December 13, 2012, the Planning Commission found that the requested Amendment to the Development Agreement is consistent with the General Plan and recommended approval of the Amendment to the Development Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves the Amendment to the Development Agreement attached hereto as Exhibit \_\_, subject to the adoption of the companion ordinance.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

ORDINANCE NO. 13-

AN ORDINANCE AUTHORIZING EXECUTION OF  
AMENDMENT TO THE BLUE ROCK COUNTRY CLUB  
PROJECT DEVELOPMENT AGREEMENT

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 Blue Rock Country Club Development Agreement ("Amendment to Development Agreement"), now known as Stonebrae Country Club, located southeast of Fairview Avenue/Hayward Boulevard in eastern Hayward on Walpert Ridge. The findings and determinations contained in the resolution approving the extension of the Amendment to the Development Agreement are incorporated herein by reference. 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.

B. The proposed Amendment to Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, the City's Zoning Ordinance, and any applicable specific plan.

C. The proposed Amendment to the Development Agreement 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 amendment extends the term of the Development Agreement but will not change any of the existing General Plan or zoning designations.

D. The proposed Amendment to the Development Agreement is in conformity with public convenience, general welfare, and good land use practice, in that it will extend the term of the Development Agreement in order for the applicant to provide new housing opportunities and new public facilities.

E. Existing or proposed public facilities have sufficient capacity to accommodate the proposed development.

F. The public health, safety, and general welfare will be promoted and advanced by the Amendment to the Development Agreement, in that mitigation measures previously required as a part of the development approvals will continue to be an obligation of the developer.

G. 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 housing will be constructed as contemplated by the original Development Agreement.

Section 2. Authorization to Execute Amendment to Development Agreement. Based on the findings set forth in this ordinance and in Resolution No. 13-XXX, as well as a review of the proposed Amendment to the Development Agreement relating to the Stonebrae Country Club project submitted to the City Council at the January 15, 2013 meeting, the City Council hereby takes the following actions:

A. The City Manager is authorized to execute the Amendment to Development Agreement, regarding the Stonebrae Country Club project, substantially in the form of the proposed Amendment to Development Agreement presented to the City Council on January 15, 2013, 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 Development Agreement pursuant to applicable law and regulation. This authority includes but is not limited to execution of any further agreement which the City Manager deems necessary to implement the Amendment to Development Agreement ("Implementation Agreement").

Section 3. Effective Date. This ordinance shall become effective upon adoption.

Section 4. 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.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 15th day of January, 2013, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward held  
the \_\_\_\_ day of January, 2013, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

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

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

APPROVED AS TO FORM:

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