



CITY OF
HAYWARD
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DATE: October 23, 2007
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of an Ordinance Authorizing Execution of Amendment to the Blue Rock Country Club Project Development Agreement

RECOMMENDATION

That the City Council adopt the attached Ordinance.

BACKGROUND

The ordinance was introduced at the October 9, 2007, meeting of the City Council with the following vote:

AYES:	Council Members:	Rodriquez, Halliday, Dowling, Henson
	Mayor:	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None
DID NOT PARTICIPATE:	Council Members:	Quirk, Ward

The ordinance was published in the Hayward Daily Review on October 13, 2007. Adoption at this time is therefore appropriate.

Recommended by:



Angelina Reyes, City Clerk

Attachment: Draft Ordinance

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

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.07-138, 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 October 9, 2007, meeting, the City Council hereby takes the following actions:

- A. The City Manager is authorized to execute the Amendment to Development Agreement, **AUTHORIZING EXECUTION OF AMENDMENT TO THE BLUE ROCK COUNTRY CLUB PROJECT 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 October 9, 2007, 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 meeting of the Hayward City Council held October 9, 2007, the above-entitled ordinance was introduced by Council Member Henson:

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on October 23, 2007, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: October 13, 2007

Angelina Reyes, City Clerk
City of Hayward