

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-187

Introduced by Council Member Zermefio

RESOLUTION EXTENDING FOR SIX MONTHS PROVISIONS OF AN ORDINANCE PROVIDING INTERIM RELIEF FROM CERTAIN INCLUSIONARY HOUSING PROVISIONS AND FINDING THAT THE EXTENSION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, on December 18, 2012, the City Council of the City of Hayward adopted Ordinance No. 13-01, An Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions (the "Relief Ordinance"), to provide incentives for the construction of residential dwelling units in the City of Hayward during a period in which residential construction had declined in the State of California and in the United States as a whole; and

WHEREAS, the Relief Ordinance provides that the City Council may by resolution extend the period in which the provisions of the Relief Ordinance are applicable, provided that the City Council finds that an extension of the Ordinance will mitigate the effects of a recessionary housing market and stimulate new residential construction by enhancing the feasibility of residential development; and

WHEREAS, the City Council desires to continue to stimulate residential development in the City; and

WHEREAS, the City Council has reviewed the information contained in this Resolution and the accompanying staff report and attachments thereto at a meeting held on December 17, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD THAT:

SECTION 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. The City Council's approvals, authorizations and determinations as set forth in this Resolution are based upon the foregoing recitals, information and documents provided by the City staff, and any comments and other information received by the City Council during the public meeting on this matter held on December 17, 2013.

SECTION 3. The City Council hereby extends the period in which the provisions of the Relief Ordinance are applicable, as follows:

Notwithstanding the provisions of Chapter 10, Article 17, "Inclusionary Housing Ordinance," of the Hayward Municipal Code, the provisions of this Ordinance shall be applicable to Dwelling Units in Residential Development Projects which have: (a) received all discretionary planning approvals by June 30, 2014; and (b) obtained building permits by June 30, 2016. However, the provisions of this Ordinance do not apply to any Residential Development Projects or Dwelling Units that provided Affordable Units or paid In-Lieu Fees prior to the effective date of this Ordinance.

SECTION 4. The City Council hereby finds that an extension of the Ordinance will mitigate the effects of a recessionary housing market and stimulate new residential construction by enhancing the feasibility of Residential Development Projects. Extending the Relief Ordinance for a six-month period will encourage residential projects that have received discretionary approvals to move forward to construction, therefore stimulating new residential construction. By extending the Relief Ordinance, the City hopes to continue to improve the viability of marginally feasible residential projects.

SECTION 5. The City Council hereby finds that the extension of the Relief Ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the extension of the Relief Ordinance may have a significant effect on the environment. The Relief Ordinance affects only the affordability of residences constructed in the City of Hayward and contains no provisions modifying the physical design, development, or construction of residences. (CEQA Guidelines Section 15061(b)(3).)

SECTION 6. This Resolution shall take effect upon the date of its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA December 17, 2013

ADOPTED BY THE FOLLOWING VOTE:

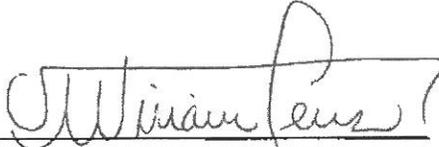
AYES: COUNCIL MEMBERS: Zermeño, Jones, Halliday, Peixoto, Salinas
MAYOR: Sweeney

NOES: COUNCIL MEMBERS: None

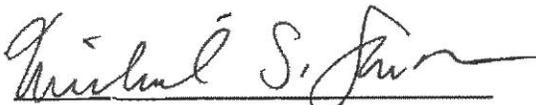
ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Mendall

ATTEST:


City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward