



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/28/99
AGENDA ITEM 6
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: An Ordinance Authorizing Execution of a Development Agreement with the Gordon Oliver Estate and Trust and the Alden Oliver Trust for Development of the Mount Eden Business and Sports Park Development Project

RECOMMENDATION:

Adopt an Ordinance introduced by Council Member Ward at a meeting of the Hayward City Council on September 21, 1999.

BACKGROUND:

The ordinance was introduced with the following vote:

AYES: Council Members: Jimenez, Hilson, Rodriquez, Ward, Henson
Mayor: Cooper
NOES: Council Members: Dowling

The ordinance was published in the Hayward Daily Review on September 25, 1999. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

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

AN ORDINANCE AUTHORIZING EXECUTION OF A
DEVELOPMENT AGREEMENT WITH THE GORDON OLIVER
ESTATE AND TRUST AND THE ALDEN OLIVER TRUST FOR
DEVELOPMENT OF THE MOUNT EDEN BUSINESS AND SPORTS
PARK DEVELOPMENT PROJECT

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

Section 1. Findings. The City Council incorporates by reference Resolution No. 98-028 adopted on February 17, 1998, which approves the South of 92 Specific Plan and General Plan Amendment 97-110-02, and certifies the program Environmental Impact Report for the Project. The City Council also adopts the following additional findings in support of this ordinance authorizing the execution of a Development Agreement with the Gordon Oliver Estate and Trust and the Alden Oliver Trust (Mt. Eden Development Agreement), regarding development of Trusts' property located in the City of Hayward.

- A. This ordinance is adopted pursuant to the enabling provisions of Article 9, Chapter 10 of the Hayward Municipal Code 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 as set forth in Government Code sections 65864 through 65869.5.
- B. Approval of the proposed Mt. Eden Development Agreement is within the scope of the program EIR prepared for the South of 92 Specific Plan in that no circumstances or changes have occurred which would trigger the need for further environmental review pursuant to the State CEQA guidelines, and the proposed project is adequately addressed in the program EIR.
- C. The proposed Mt. Eden Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan as amended by approval of GPA 97-110-02.
- D. The residential uses contemplated by the proposed Mt. Eden Development Agreement are compatible with the General Plan land use designation of "Residential-Low Density" and the "Residential- Single Family" zoning applicable to a portion of the site.
- E. The proposed Mt. Eden Development Agreement is in conformity with public convenience, general welfare and good land use practice in that it will provide for the development of a mixed use project with low density residential, commercial/retail, business park, light manufacturing and planning/research uses while providing for open space park and recreational uses as well.
- F. Existing or proposed public facilities have sufficient capacity to accommodate the proposed development.
- G. The public health, safety, and general welfare will be promoted and advanced by the proposed development in that traffic will be controlled through street layout and installation of traffic signals, bicycle paths and lanes will be provided, and the project includes

construction of two neighborhood parks, extension of the Bay Trail, and a 25-acre community sports park.

- H. The orderly development of the property as well as preservation and enhancement of property values will be promoted and advanced by the proposed development in that development will occur along two established arterial roadways across from developed properties, and the proposed uses and physical layout of the development are consistent with the applicable zoning district requirements.

Section 2. Authorization of Mt. Eden Development Agreement. Based on the findings set forth in this ordinance and a review of the proposed Mt. Eden Development Agreement attached as Exhibit "A" hereto, the City Council hereby takes the following actions:

- A. On and after the effective date of this ordinance, the City Manager is authorized to execute a Development Agreement with The Gordon Oliver Estate and Trust and the Alden Oliver Trust regarding the Mt. Eden Business and Sports Park development proposal described in the South of 92 Specific Plan and current application Vesting Tentative Tract Map approval substantially in the form of the proposed development agreement attached as Exhibit "A" hereto, together with such further changes as are approved 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 Mt. Eden 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 Mt. Eden Development Agreement ("Implementation Agreement").

Section 3. Effective Date of Ordinance. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its 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 Hayward City Council held September 21, 1999, the above entitled ordinance was introduced by Council Member Hilson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on September 28, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. Copies of this ordinance are available for examination by the public in the Office of the City Clerk, 777 B Street, Hayward Public Main Library, 835 "C" Street, or the Weekes Branch Library, 27300 Patrick Avenue.

DATED: September 25, 1999
ANGELINA REYES
CITY CLERK OF THE
CITY OF HAYWARD