



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of May 8, 2018

TO: Mayor Kelley and Members of the City Council

SUBMITTED BY: David Biggs, City Manager
Patrick Tang, City Attorney

SUBJECT: Major Amendment to 2008 Hilltown Development and Owner Participation Agreement (“Development Agreement”) with Santa Clara Valley Housing Group (SCVHG) to: Extend the Term for Six Months with Provision for Additional Extension; Remove the Redevelopment Agency as Party to the Agreement; and Make Additional Changes to the Original Agreement Consistent with Changed Circumstances

RECOMMENDATION: Waive second reading, and adopt proposed major amendments to the 2008 Hilltown Development Agreement.

At the April 24, 2018 council meeting, the City Council and Successor Agency took action on several matters as follows:

Received the staff report, opened, conducted, and closed a Public Hearing, and took the following actions:

Successor Agency:

Adopted a Resolution of the Hercules Successor Agency approving certain amendments to the 2008 Hilltown Development Agreement, including but not limited to removal of the redevelopment agency as a party to the agreement.

City Council:

Waived the First Reading and introduced an Ordinance approving amendments to the Hilltown development agreement to remove the redevelopment agency as a party to the agreement, conditionally extend the term of the agreement, and to clarify the developer’s obligations regarding affordable housing, stormwater and clean water requirements, and the in-lieu sports facility fee.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION: On April 2, 2018, the Planning Commission approved Resolution 18-04 to recommend to the City Council the approval of the proposed amendments to the Development Agreement. The Planning Commission resolution was provided to the Council as part of the agenda related materials at the April 24, 2018 regular meeting.

FISCAL IMPACT OF RECOMMENDATION: None as a result of this action.

DISCUSSION:

Please refer to staff report from April 24, 2018, provided as Attachment 3 to this Staff Report. A copy of the 2008 Development Agreement can be downloaded at this link:

[2008 Hilltown DOPA.](#)

ATTACHMENTS:

Attachment 1 –Ordinance Approving Amendments to the Hilltown Development Agreement.

Attachment 2 – Draft Major Amendments to the 2008 Hilltown Development Agreement as presented to Council at the meeting of April 24, 2018.

Attachment 3 – April 24, 2018 staff report.