

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING AMENDMENT NO. 3 TO THE HILLTOWN DEVELOPMENT AND OWNER PARTICIPATION AGREEMENT TO EXTEND KEY PERFORMANCE DATES AND CORRECT REFERENCE OT AFFORDABLE HOUSING

WHEREAS, a Development and Owner Participation Agreement (“Development Agreement”) between the City of Hercules (“City”), the Redevelopment Agency (“Agency”), and the Santa Clara Valley Housing Group (“Owner”) was adopted by Ordinance 442 on September 23, 2008, a memorandum of which is recorded in the Office of the Contra Costa County Recorder, State of California, on November 25, 2008 through document 2008-0256803-000, with respect to the development of approximately 44 acres of certain real property located in the City of Hercules, California; and

WHEREAS, on May 8, 2018 the Development Agreement was amended, through the adoption of Ordinance 509 – Amendment No. 1, which recorded on May 29, 2018 through document 2018-0083953-00;and

WHEREAS, on January 8, 2019, an additional amendment was approved, through the adoption of Ordinance No. 516 – Amendment No. 2, which recorded on February 27, 2019 through document 2019-0026425-00 which modified key performance dates; and

WHEREAS, the City and Owner desire to further amend key performance dates set forth in the Development Agreement as amended, and as described in the proposed Amendment to the Development Agreement, and to correct a reference to affordable housing, attached hereto and incorporated by reference herein (aka Amendment No.3);

WHEREAS, the City Council finds that the provisions of the proposed amendment are consistent with the general plan and any applicable specific plan as recommended by the Planning Commission Resolution 19-11 approved October 15, 2019 after the Commission’s public hearing; and

WHEREAS, the City Council finds and determines that the proposed Amendment No. 3 to the Hilltown development agreement is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the covered by the ‘general rule’, as the project will not have a significant effect on the environment. The City Council determines that the proposed amendments to the Hilltown Development Agreement are categorically exempt from CEQA pursuant to section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the amendments will not have a significant effect on the environment. The City Council also determines that the proposed amendments are categorically exempt from CEQA pursuant to section 15303(a) of the CEQA Guidelines.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERCULES DOES
HEREBY ORDAIN AS FOLLOWS:**

The City Council of the City of Hercules hereby approves the proposed Amendment No. 3 to the Hilltown Development Agreement as attached hereto and incorporated by reference herein.

BE IT FURTHER ORDAINED:

a. This Ordinance shall be published in accordance with applicable law, by one or more of the following methods:

1. Posting the entire Ordinance in at least three (3) public places in the City of Hercules, within fifteen (15) days after its passage and adoption; or

2. Publishing the entire Ordinance at least once in the West County Times, a newspaper of general circulation published in the County of Contra Costa and circulated in the City of Hercules, within fifteen (15) days after its passage and adoption; or

3. Publishing a summary of the Ordinance in the West County Times and posting a certified copy of the entire Ordinance in the office of the City Clerk at least five (5) days prior to the passage and adoption, and a second time within fifteen (15) days after its passage and adoption, along with the names of those City Councilmembers voting for and against the Ordinance.

b. This Ordinance shall go into effect thirty (30) days after the date of its final passage and adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Hercules City Council on the 12th of November, 2019, and was passed and adopted at a regular meeting of the Hercules City Council on the ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

, Mayor

Lori Martin, Administrative Services Director &
City Clerk