

ORDINANCE NO.

AN ORDINANCE CANCELLING A DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF MOUNTAIN VIEW AND SAN ANTONIO
STATION OWNER, LLC, FOR THE PROPERTY AT 100 MAYFIELD AVENUE

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. Findings and Purpose. The City Council of the City of Mountain View does hereby find as follows:

1. To strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 to 65869.5, authorizing municipalities to enter into development agreements in connection with the development of real property within their jurisdiction by qualified applicants with a requisite legal or equitable interest in the real property which is the subject of such development agreement.

2. The purpose of Government Code Sections 65864 to 65869.5 is to authorize municipalities, in their discretion, to establish certain development rights in real property for a period of years regardless of intervening changes in land use regulations. As authorized by Government Code Section 65865(c), City Code Sections 36.54.15 and 36.54.40 contain requirements for the adoption, amendment, and cancellation of development agreements within the City.

3. William Lyon Homes, through its entity Lyon Mayfield Homes, LLC ("Lyon") was the original developer for the project site located at 100 Mayfield Avenue in the City ("Project Site"). Lyon entered into a Development Agreement with the City via Ordinance No. 10.11 on June 21, 2011, which was executed by the parties on July 29, 2011, for the development of up to 260 residential units and increased park space of approximately 3.62 acres in the City ("Development Agreement").

4. Subsequently, Four Corners Properties, through its entity San Antonio Station Owner, LLC ("Four Corners"), purchased the Project Site from Lyon. Lyon then assigned all of its rights and interests in the Development Agreement to Four Corners via an Assignment and Assumption of Development Agreement dated May 3, 2012.

5. On November 14, 2013, Four Corners filed a written request with the City to cancel the Development Agreement. Four Corners no longer plans to pursue the development project as originally contemplated by the Development Agreement.

6. City Code Section 36.54.40 provides that the procedure for considering cancellation of a development agreement is the same as for the entering into a development agreement.

7. On February 26, 2014, the Zoning Administrator held a Public Hearing pursuant to City Code Section 36.54.15 and, at the conclusion of the hearing, recommended to the City Council the Development Agreement be cancelled.

Section 2. The City Council finds that canceling that certain Development Agreement entitled Development Agreement between the City of Mountain View and William Lyon Homes, as subsequently assigned to San Antonio Station, LLC, on May 3, 2012, is necessary, and further finds that the findings set forth in City Code Section 36.15.15(a)(1-7) for the adoption of a development agreement need not be made because the underlying project is not proceeding due to the cancellation of the Development Agreement.

Section 3. The City Council hereby cancels the Development Agreement dated July 29, 2011, as subsequently assigned by Lyon to Four Corners on May 3, 2012, and repeals Ordinance No. 10.11, adopted on June 21, 2011, the Ordinance approving the Development Agreement for the property at 100 Mayfield Avenue.

Section 4. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 6. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

KC/7/ORD
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