



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

Action Minutes City Council

Tuesday, November 13, 2018

7:00 PM

Council Chambers

SPECIAL JOINT CITY COUNCIL/ HAYWARD HOUSING AUTHORITY BOARD MEETING

CALL TO ORDER Pledge of Allegiance: Mayor/Chair Halliday

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced the City Council convened in closed session at 4:30 p.m., concerning three items: 1) conference with legal council pursuant to Government Code 54956.9, regarding Russell City Energy Company LLC v. City of Hayward, Court of Appeal No. A155117 (First District); 2) conference with legal counsel pursuant to Government Code 54956.9, regarding two anticipated litigation cases; 3) conference with labor negotiators pursuant to Government Code 54957.6, regarding all groups; and 4) public employment pursuant to Government Code 54957 (b) (1) regarding the City Manager's employment agreement; and noted there was no reportable action on Items 1, 2 and 3. Mayor Halliday noted there was no reportable action related to Item 4.

PUBLIC COMMENTS

Faith Munn presented a petition asking for more security at 808 H Street with seniors over 62 years. People are walking through their building. They will also submit pictures. They would like a status report. CM Mendall asked if they spoke to the property manager. They were told that there was a security fence there, but that the City instructed them to remove it.

Claire Dugan was called to speak. She wanted to protest Depot Road project. She feels that the area is being used as a dumping area. She reported a lot of crime in her area. She's concerned that it's not a locked facility and she's concerned about the crime, with a hostile environment for the neighbors.

Jim Drake was called to speak. He lives in the Jackson triangle. He reported that someone stole his water hose and wheelbarrow. The police couldn't find the person. He asked for more safety and more police in patrol cars. He congratulated Mayor Halliday. kim huggett was called to speak

Kim Huggett thanked the City Council for attending their event. He reminded people about the Light Up the Season event. Friday at 8:30 p.m. in the Latino Roundtable event.

ACTION ITEMS

The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.

CONSENT

1. [Minutes of the City Council Meeting on October 16, 2018](#)
2. [Adoption of Ordinance Amending Chapter 10, Article 1 \(Zoning Ordinance\) of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201705848 to Accommodate 59-townhomes at a Site South of the New Tennyson Road Extension between Mission Boulevard and Vista Grande Drive](#)
3. [Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement with G Force Global in an Amount not to Exceed \\$84,000 for the Completion of Decommissioning the Legacy Unisys System and Migrating the Data to SQL with a .net Interface](#)
4. [Authorization for City Manager to Execute an Amendment to the Professional Service Agreement with Advanced Mobility Group, Inc.](#)
5. [Amendment of the Disposition, Development, and Loan Agreement with Habitat for Humanity East Bay to Extend the Development Schedule](#)
6. [Sidewalk Rehabilitation and Wheelchair Ramps FY19, Project No. 05249 and 05213 - Districts 4, 6 and 9: Award of Construction Contract to Spencon Construction, Inc.](#)
7. [Abatement and Deconstruction for Route 238 Bypass Property Project: Award of Construction Contract to Asbestos Management Group of CA, Inc.](#)
8. [Approval of Final Map of Tract 8233 Parkside Heights, Creating Ninety-seven Lots for Detached Single-Family Residences and 26 Lots for the Lot-owners Common Use on a 10.68-Acre Site Located at the Southwest Corner of 2nd Street and Walpert Street](#)

7:16 p.m. public comments started.

Ms. Ynez Jasper was called to speak. She submitted her talking points. She doesn't feel that there is neighborhood agreement for this project.

City staff responded that the agreements haven't been finalized yet, but feels that approval of the final map doesn't impact neighbors easement rights. Michael V spoke from the City Attorney's office.

Candi Cross was called to speak. Congratulated the Council on their reelection. She thanked others in the City and Public Works to help her to understand what was occurring. Her property boundary issues have been resolved. She hopes that the Jaspers will find an adequate resolution with their lot.

Greg Powers was called to speak. Attorney on behalf of Puelte Homes. They are working hard with the neighbors to try to get resolution including the Jasper family. None of the boundaries being approved tonight don't touch the Jasper family easements at all. This is a ministerial act of the City Council to approve the final map once it conforms to the tentative map. This item has been continued numerous times.

CM Zermeno asked if the builders will continue to work with the homeowners involved from this time forward. CA shared that approving final map doesn't close discussions with the neighbors, and doesn't take any property owner rights. He didn't feel that there's any empathy from the builder.

CM Lamnin asked if there was conversation with the Jasper family. There have been extensive meetings. They will continue to work with the neighbors in a collective way.

7:30 p.m. public hearing ended.

CM Salinas supports this with pause that there will be meetings with a favorable resolution.

CM Zermeno thanked the speakers.

Mayor Halliday will support this motion since there is no choice since it's a ministerial action. She hopes that negotiations will continue and be successful, and asks for staff to keep them apprised.

A motion was made by Council Member Lamnin, seconded by Council Member Mendall, to adopted That Council adopts the attached resolution (Attachment II) approving the Final Map of Tract 8233 (Attachment III), finding it in substantial conformance with the approved Vesting Tentative Tract Map 8233 and the Conditions of Approval thereof, and authorizing the City Manager to execute a Subdivision Agreement.. The motion carried by the following vote:

Aye: 5 - Council Member Zermeno, Council Member Mendall, Council Member Peixoto, Council Member Lamnin, and Mayor Halliday

Absent: 2 - Council Member Marquez, and Council Member Salinas

9. [Approval of Final Map Tract 8335 \(Telles/Mission\), Associated with the Previously Approved Vesting Tentative Tract Map and Proposed Development of 35 Townhomes on a 2.7-Acre Site Located at 26601 Mission Blvd; KB Home \(Applicant/Owner\)](#)

10. [Approval of Final Maps for Tracts 8428 and 8444 \(SoHay\), Associated with the Previously Approved Tentative Map for Tract 8428 and Proposed Development of 20,000 square feet of Commercial Space, Public Park and Trail, 198 Residential Condominium Units and 72 Apartment Units on a 12.14-acre Site Located at the Southern corner of Mission Blvd and Valle Vista Ave; William Lyon Homes, Inc. \(Applicant/Owner\)](#)

PUBLIC HEARING

11. [Proposal to Construct Eight \(8\) Attached Townhouse Condominium Units and Related Site Improvements at 420 Smalley Avenue \(APN 431-0008-020-00\) by GKW Architects \(Applicant\) on behalf of Tommy Tam \(Owner\), Requiring Introduction of an Ordinance and Adoption of a Resolution to Approve a Vesting Tentative Tract Map, Planned Development \(PD\) Rezone, and Site Plan Review, and Adopt a California Environmental Quality Act \(CEQA\) Infill Checklist. Application No. 201704262 \(Report from Development Services Director Simpson\)](#)

started 7:37 p.m.

Development Services Simpson introduced Planner Jay Lee who gave a presentation.

CM Peixoto asked if the only entrance was on X, and not on Y. Staff confirmed this information. He asked about the parking spaces. There are 3 uncovered guest parking spaces in the rear. He asked if the CC&Rs will prohibit parking here. He asked for a better overhead of that driveway that connect to each of the projects. He asked if there's a traditional driveway going up to each unit. There is not, but there is room for back-up space, for people to drive in directly to their parking spots. People can also park on Smalley Ave. 3BD 2BA has 1 driveway.

CM Marquez asked if there were any other concerns from the public since the planning commission meeting, with no changes to the parking arrangements. How does City ensure conditional approval for housing affordability. We have nothing to do with the financing. She visited the site, but not at night. She asked if the lights are currently installed that are shown on page 1, or are we requiring the applicant to install them? This development is close to the County line. There are no existing street lights on the street, so it would be new. There's a condition of approval to be consistent with the building plan.

CM Zermeno asked if people will be able to park opposite the town homes on the wall. They can only park in the driveways. The curbs will be red where people can't park.

CM Salinas watched the Planning Comm meeting where most of the questions were about parking and land use compatibility. He asked what the alternative use of the property if not this project. There are some single family developments in the area, but there are several 8 development units in that area, with the same density. The neighborhood has a mix of areas, and most are the same density. It's close to his area, and he drives here frequently. He observed there were many multiple dwellings in the corridor, heavy parking and traffic in the area. Do we have a plan or is this the place to develop a parking plan? Magna is a similar street where there's no parking on the street because the unit parking is full. Parking will be addressed in downtown specific plan area, Sara Buizer shared. He asked about density in these important corridors. City Manager said these are priority development areas from transportation areas, and residential parking permits could be an option in the future for neighborhoods to reduce parking.

CM Mendall thinks it's a problem where the driveways don't connect, allowing for drive through driving, and a better fire protection. He suggests that we share driveways, and allow for more parking options. He suggested this for standard operations of approval in the future.

CM Lamnin asked about bedrooms in the other 8 unit complexes, and staff doesn't know. The next door site asked if the next door site.

Public Comments 8:04 p.m.

Gordon Wong was called to speak. He discussed how the parking solutions were determined. They found that most of the homes there only had 1 car garages, leading to more street parking. They put in 2 more parking spots if needed. CC&R will adopt that owners will be towed if they park in the guest parking spots. They will put in a down light in all areas of the site, not necessarily that light.

CM Marquez Requirement for street lights apart and type provisions. Public Works would have the standards. If approved, there's a precise plan requirement, and then a building permit, so staff would review the street lights to these standards.

CM Zermeno likes many of the positives. CA is a car living society, so he's concerned about the 1 car garage. One of the 3 guest parking could be assigned to the 1 bedroom unit. He asks where the rest of the cars will go, and that retirees also have many cars. They are trying to meet what the regulation is. He shared that some units are using their garages fully, and that there are neighborhoods with long driveways where the parking isn't maximized. Commercial vehicles are also being parked.

CM Mendall is comfortable with an easement with the neighbor if it ever becomes available in the future.

Mayor Halliday asked if they can get an HOA with 8 units and get people involved. She wants to ensure the HOA enforces the CC&Rs, through a management company. He finds that there are often a few residents willing to serve and enforce the CC&Rs.

8:21 public comments ended.

CM Mendall appreciates the parking discussion, and he wants a general one in the future with the amount of the parking and garages must be used for parking enforced by the HOA.

CM Salinas concurs that we have a parking problem, and that parking is a problem, but that the City Council won't solve it tonight with it's 8 units. He thinks this is what new developments can look like in this neighborhood in the future. He acknowledged that homes here were built in the 20s and 30s so that the garages are small, and he hopes to see more garages and spaces in the future, and that HOAs should enforce their parking requirements.

CM Lamnin appreciates many of the project components, and that the rules were followed. She can't support the project because she doesn't think there's enough parking. She doesn't want to make the problem worse.

CM Peixoto visited the property twice. He can't see waiting to work out our parking problems. He disagrees with the project that it won't have adverse impact on the surrounding community. He doesn't think

that affordable housing should be a narrow issue, but that high density projects comes at a very high price for the area. Ongoing problem disrespecting the neighborhoods, and that we also need to think about those who already live here.

CM Zermeno is concerned about the parking in this area.

CM Marquez wants affordable housing on the site. She's conflicted with the size of the units. She is concerned that we have adequate street lights on the site.

Mayor Halliday is concerned about the HOA where parking has become a war among residents in a different area where nothing is enforced. She has asked staff to bring this back to the City Council, and she wants to know how they are doing. They have followed the guidelines. This is very close to BART and AC Transit which will help to ease some of the parking issues. She thinks that 4 bedroom apartments and 2 car garages may be too small. Speeding was also a big concern of members of the public, as well as parking.

A motion was made by Council Member Mendall, seconded by Council Member Salinas, to adopt Approve, with added easement to connect to the properties in the future.

That the City Council introduces the attached Ordinance (Attachment II) approving the Planned Development (PD) Rezone and adopts the attached Resolution (Attachment III) approving Tentative Tract Map No. 8429 and Site Plan Review Application No. 201704262 and adopting the related California Environmental Quality Act (CEQA) Infill Checklist for the proposed development.

SUMMARY

The applicant is requesting approval of Vesting Tentative Tract Map No. 8429, PD Rezone and Site Plan Review Application No. 201704262, and the adoption of a CEQA Infill Checklist to construct eight attached townhouse condominium units, with a common open space area and related on and off-site improvements at 420 Smalley Avenue. The project site, which is 0.47 acres in size, is currently zoned RM (Medium Density Residential) District and designated as MDR (Medium Density Residential) in the Hayward 2040 General Plan. The existing single-family home and detached garage will be demolished.

The project requires a Zone Change from the RM District to a new PD District, a Vesting Tentative Tract Map to subdivide the property for townhouse condominium units, and Site Plan Review for development of the site. The project is also subject to environmental review. Staff has outlined the project details and analysis in this report.

ATTACHMENTS

Attachment I Staff Report
Attachment II Ordinance
Attachment III Resolution
Attachment IV Project Plans
Attachment V Rezoning Exhibit
Attachment VI Draft Planning Commission Meeting Minutes of 10/25/2018
Attachment VII CEQA Infill Checklist
Attachment VIII One-Time Impact Fees. The motion carried by the following vote:

Aye: 5 - Council Member Zermeno, Council Member Mendall, Council Member Marquez, Mayor Halliday, and Council Member Salinas

Nay: 2 - Council Member Peixoto, and Council Member Lamnin

INFORMATION ITEMS

Information items are presented as general information for Council and the public, and are not presented for discussion. Should Council wish to discuss or take action on any of the "information" items, they will direct the City Manager to bring them back at the next Council agenda as an Action Item.

12. [La Vista Park - Informational Report Regarding The DeSilva Group Conducting Partial Grading at the Future La Vista Park Site](#)

CManager McAdoo shared that preliminary grading will continue.

CITY MANAGER'S COMMENTS

11/15 6-8 p.m. first of a number of 238 listening sessions.

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

CM Marquez thanked everyone for participating in the elections, and encourage those to attend the Keep Hayward Clean & Green event this Saturday.

CM Salinas acknowledged Tony Gerra 40 year maintenance memorial that spoke to the spirit of South Hayward that he embodied. Condolences to the maint dept for losing him.

CM Zermeno agendize workshop on parking, along with other priorities that will be before the City Council this year.

Mayor Halliday is thinking of those who perished in LA and Butte Counties from recent fires, in Pittsburg, PA, and other tragedies. She hopes that we can reduce our gas emissions and reduce car.

City Hall will be closed next week for the Thanksgiving, back on 11/27 in Chambers.

The meeting was adjourned in memory of Tony, a 40 year retiree of the City. He was known as the original graffiti buster, and a memorial tree was already planted in his memory.

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

ADJOURNMENT**NEXT MEETING, November 27, 2018, 7:00 PM****PUBLIC COMMENT RULES**

Any member of the public desiring to address the Council shall limit her/his address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.

Rollcall**Rollcall**

Present: 7 - Council Member Francisco Zermeno, Council Member Al Mendall, Council Member Marvin Peixoto, Council Member Sara Lamnin, Council Member Elisa Marquez, Mayor Barbara Halliday, and Council Member Mark Salinas

8. [Approval of Final Map of Tract 8233 Parkside Heights, Creating Ninety-seven Lots for Detached Single-Family Residences and 26 Lots for the Lot-owners Common Use on a 10.68-Acre Site Located at the Southwest Corner of 2nd Street and Walpert Street](#)

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