

**CITY COUNCIL MEETING
TUESDAY, MAY 22, 2018**

**DOCUMENTS RECEIVED
AFTER PUBLISHED AGENDA**

MEMO TO COUNCIL



Memorandum

DATE: May 22, 2018

TO: Mayor and City Council

FROM: City Manager

THROUGH: Alex Ameri, Director of Utilities & Environmental Services

SUBJECT Sustainable Groundwater Management: Authorization for the City Manager to Negotiate and Execute a Cooperating Agreement with the East Bay Municipal Utility District for Preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin

Staff is requesting to pull Consent Item No. 3, [CONS 18-177](#) (Sustainable Groundwater Management Authorization), from this evening's City Council meeting agenda due to late developments that occurred last Friday afternoon.

The Department of Water Resources (DWR) released new information that could potentially affect the City's approach to sustainable groundwater management. We will reschedule this item for a future City Council meeting once staff has had time to review the new information.

Recommended by: Jan Lee, Water Resources Manager

Approved by:

Kelly McAdoo, City Manager

AGENDA QUESTIONS & ANSWERS

Items 4 and 8

AGENDA QUESTIONS & ANSWERS

MEETING DATE: May 22, 2018

Item #: 4 Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Lisa Wise Consulting, Inc. for Review and Update of Two-Form Based Codes

For Item 4, the Lisa Wise Consulting Contract for the Form Based Code amendment, will a portion of the empathy work include discussions regarding density? Given the need for higher density housing, what are the considerations and parameters that are priorities for our residents? For example, should high density housing be stepped (two story adjacent to existing development and higher within the project? Are View Corridors important?)

Also for this item, would you please clarify the cost for this contract? We are being asked to approve \$160,000, and the contract and budget are proposed at \$159,759?

Empathy work was completed for the project that took place at both Cal State East Bay and Chabot College. Over 60 students were engaged at that time. The HEART team (Hayward-Empathy Action Response Team) asked about many important issues that may have been of concern to students, especially affordable and higher density housing, and almost no student thought that was an issue for the Downtown Specific Plan team needed to pursue. Those issues important to students involved cultivation of more student-oriented services in Downtown Hayward, including but not limited to more entertainment opportunities, stores catering to college students, more college-type food establishments and coffeehouse type businesses where students could hang out and study at all hours of the day and night. Students also ask that more transportation options be sought.

Most of the students attending Hayward's colleges lived at home or had adequate living arrangements, which surprised all of us conducting the empathy work.

To the other questions: the consultant will be looking at a variety of options related to density and view corridors that will be presented to the Planning Commission and City Council at the next DTSP update.

Staff rounded up to \$160K but it certainly can be adjusted at the meeting upon council's request.

Item # 8: Adoption of a Resolution Associated with a Proposed Planned Development Rezone, Vesting Tentative Tract Map, Site Plan Review, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program to Allow 18 Detached Single-Family Residences with Related Site Improvements. Application No. 201706285.

The "Fiscal Impact" section of housing developments should probably include the significant one-time payments, too. RPTT, en lieu fees, etc. of course, they should be clearly listed as one-time and not confused with the estimated annual revenues and expenses.

For the last few years, staff has used the fiscal model developed by ADE as part of the general Plan Update for evaluating the fiscal impacts of development projects. We have typically provided only the summary information. Please see Attachment I that identifies some of the one-time revenues from the project such as affordable housing fees, park in lieu fees, etc.

PARK DEDICATION FEES

	Fee/Unit	# of Units	Total Fees
	\$11,953.00	18	\$215,154.00

AFFORDABLE HOUSING IMPACT FEES

	Fee/SF	Total SF	Total Fees
BP	\$18.18	33,013	\$600,176.34
COC	\$20.00	33,013	\$660,260.00

SCHOOL IMPACT FEES

	Fee/SF	Total SF	Total Fees
	\$2.97	33,013	\$98,048.61

SEWER UTILITY FEES

	Fee/Unit	# of Units	Total Fees
	\$7,700.00	18	\$138,600.00

WATER UTILITY FEES

	Fee/Unit	# of Units	Total Fees
	\$16,820.00	18	\$302,760.00

ONE-TIME BUILDING CONSTRUCTION & IMPROVEMENT TAX

	Fee/Unit	# of Units	Total Fees
Base	\$600.00	18	\$10,800.00
Supplemental	\$1,200.00	18	\$21,600.00

Total (BP)	\$1,387,138.95
Total (COC)	\$1,447,222.61

ITEM #7

MARY ANN HIGGS EMAIL

From: Mary Ann Higgs []
Sent: Tuesday, May 22, 2018 4:16 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: City Council Agenda 5/22/18 Item 7 - Comments

Dear City Council,

I am writing in regards to agenda item 7 on the May 22, 2018 City Council agenda. While I would prefer to speak in front of the Council with my comments, I am concerned that the tenants impacted by this item may retaliate against me or my family based on the content of my comments. Therefore, I am submitting my comments via email.

I have reviewed the staff report and am submitting my comments based on the published staff report.

1. Extending the timeline for tenants to vacate – I support the additional time allowed for the tenants to vacate the properties and accept November 30, 2018 as the date by which all tenants must be out of the rental properties.
2. Incentive Base Payment – While I accept and support the incentive payments, I do not support the fact that staying until November 30 is still rewarded with an incentive payment. An “incentive” is supposed to incent someone to do something sooner than otherwise required. By paying the incentive base payment up until the 180th day, this ceases to be an incentive and turns into free money. If it is truly intended to be an “incentive” there needs to be a time period where no incentive base payment is available. Perhaps no “incentive” pay is given after 120 days or even 150 days.
3. Low Income Assistance – I DO NOT support this additional amount being paid to the tenants. The tenants received a payment of between \$2,000-\$27,000 (per staff report) in 2009. At that time, they were made aware there would not be an additional payment and they agreed to it. The City has been more than generous in regards to helping these tenants relocate. In addition to previous money given and the current amount offered, the City is giving far more than the 30 days notice required when evicting a tenant. It is not the City’s responsibility to pay moving costs for these people and as a resident of the City who is paying the User Utility Tax implemented by the City and the Excise Tax on my Water Bill to support Hayward’s Infrastructure, I am offended that the City Council is so easily giving away money that could alleviate some of the financial burdens we are facing. Once again, NO to the Low Income Assistance payment.

4. Allowing tenants to stay rent-free until they move – I DO NOT support this suggestion. These tenants have lived in these properties at below market value rents, some for more than 2 decades. They have gotten a break on rent long enough. As long as they stay in these properties, they need to pay rent. If they don't pay rent, they need to leave or be evicted.

In the end, my hope is that the properties in the Bunkerhill neighborhood will be vacated and we can move forward with developing the hillside in a way that is consistent with the neighborhood and that benefits the City of Hayward. Per the staff report, the City has already paid approximately \$314,500 to tenants. The recommendation being considered by the City Council tonight has the potential of costing the City an additional \$329,000. The City has no legal obligation to pay this money and the tenants have previously signed rental agreements stating they would not receive additional money to help with relocation. I can't help but think \$329k could benefit another part of the City of Hayward.

If this is what is required to move this project forward and allow us to take the next steps toward developing the 238 Bypass parcels, I accept that decision. However, I am extremely disappointed in the City Council and their decision to give away money that is needed elsewhere in our City.

Lastly, I am aware that some of the tenants have accused the City Council of putting Developers before the needs of renters. I want you to know that I disagree with this accusation. I understand that the City Council has a responsibility to make decisions that benefit all citizens/residents of Hayward and sometimes need to make difficult choices for the greater good. Your job is not easy and I appreciate you doing your best to do what is right for Hayward today and in the future.

Mary Ann Higgs

PUBLIC COMMENT

JEANNETTE JOHNIGAN

	2016 Increase \$	Increase %	2017 Increase \$	Increase %	2018 Util allowance	RENT
Median Income-Hayward	65096	?	?	?		
Median Income-County	93600	3800	4.06%	97400	7.19%	104400
Max rent 50%	914	64	7.00%	978	11.45%	1090
Max rent 60%	1097	77	7.02%	1174	11.41%	1308
Max rent 50%	1097	77	7.02%	1174	11.33%	1307
Max rent 60%	1317	91	6.91%	1408	11.43%	1569

Please Note:
 The UTILITY ALLOWANCE amount shown only covers **Electric-Cooking** like blenders and toaster and **Electric - Other** for your TV, Stereo, Computer. It does not include the cost of the utility to operate your stove and refrigerator because management does not believe you are entitled to this allowance because they supply the appliance.

Revised per HUD Notice
 Effective: April 1, 2018
CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE
2018

Maximum Rents for Projects From Ceilings Post-1989 and Those from the Pre-1990 Ceilings That Elected with the Secretary of the Treasury* to use the Post-1989 Rents
 *(See IRC Section 42 - Section 13142(c) of the Omnibus Budget Reconciliation Act of 1993)
 For Projects Placed in Service between 11/1/2009 - 5/13/2010

County	Efficiency	HERA Hold Harmless				
		1 BR	2 BR	3 BR	4 BR	5 BR
ALAMEDA						
100% Income Level	\$2,034	\$2,180	\$2,614	\$3,020	\$3,370	\$3,718
60% Income Level	\$1,221	\$1,308	\$1,569	\$1,812	\$2,022	\$2,231
55% Income Level	\$1,119	\$1,199	\$1,438	\$1,661	\$1,853	\$2,045
50% Income Level	\$1,017	\$1,090	\$1,307	\$1,510	\$1,685	\$1,859
45% Income Level	\$915	\$981	\$1,176	\$1,359	\$1,516	\$1,673
40% Income Level	\$814	\$872	\$1,046	\$1,208	\$1,348	\$1,487
35% Income Level	\$712	\$763	\$915	\$1,057	\$1,179	\$1,301
30% Income Level	\$610	\$654	\$784	\$906	\$1,011	\$1,115

APERTO PROPERTY MANAGEMENT
 23461 South Pointe Dr, STE 180
 Laguna Hills, CA 92653 949.873.4200

Central Valley Coalition
 3351 "M" Street, Suite 100
 Merced, CA 95348
 209.388.0782

Contact a
 housing counseling agency or
 call toll-free
 (800) 569-4287

PUBLIC COMMENTS

ALICIA LAWRENCE



May 22, 2018

Dear Mayor Halliday and City Council Members,

The Hayward Collective wishes to express their solidarity with the tenants of Parcel 5. Our communications with the tenants have consistently affirmed that we are in deference to their needs and support what they feel will make them whole in this process. We've also been mindful of the possibility that there is no one-size-fits-all solution.

We acknowledge there is a lot of history and nuance to this situation. Ultimately, from our perspective, this is an issue of displacement. You - the City of Hayward - are displacing 26 households from this community.

Years of neglecting to produce adequate numbers of affordable housing units has left the City of Hayward ill-equipped to provide substantial resources and recourse for these households.

We encourage you to listen. Listen when people tell you what they need. Understand that these people know their own needs better than you do. And then provide to the best of your ability.

You who own houses, have steady employment, easily qualify for home loans, possibly have the connections to call in a favor at a bank; revisit your feelings around how the Parcel 5 tenants spent their payouts, because you don't live their lives.

We understand funds are being designated to hire a consultant that will further facilitate this process, but assurances need to be made to the Parcel 5 tenants that the City of Hayward will actively seek out more resources for them. That one of the four roles of this consultant is "researching affordable and market rate housing" when Hayward has no new affordable housing slated for 2018 is insufficient. More specificity regarding possibilities and opportunities for these community members to stay in Hayward needs to be provided.

Sincerely,
The Hayward Collective

Mission

The Hayward Collective is a womxn, people of color, LGBTIQ+-led organization. We aim to build a community of accountability, equity, health and social justice through fluid stacktivism, art, advocacy, and self-care.

PROPOSED IMMEDIATE TENANT PROTECTIONS

PROTECT OUR CONTROLLED HOUSING STOCK

Remove "Vacancy Decontrol" (Section 8) from
Hayward's Residential Rent Stabilization Ordinance (pgs. 16-20)

Recontrol All Decontrolled Units

ENACT AN EMERGENCY MORATORIUM ON RENT INCREASES

on units whose rents can be regulated under state law

JUST CAUSE PROTECTIONS FOR ALL TENANTS

Amend the "Eviction for Cause" (Section 19, at page 27)
of the Residential Rent Stabilization Ordinance as follows:

(a) **Cause for Eviction.** "No landlord shall be entitled to **evict a tenant** ~~recover possession of a rental unit covered by the terms of this ordinance~~ unless the landlord shows the existence of one of the following grounds:"

The
Hayward
Collective

HELLA DIVERSE

PUBLIC COMMENT

KIM HUGGETT

HAYWARD

3RD THURSDAY

STREET PARTIES



JUNE 21 * JULY 19 * AUGUST 16

5:30-8:30PM * B STREET from FOOTHILL BLVD to WATKINS STREET

FREE FAMILY FUN * GREAT FOOD * ALAN THE AMAZING

FH DAILEY CHEVROLET

CLASSIC CAR SHOWS * BEER & WINE GARDENS

LIVE MUSIC ON 5 STAGES

FEATURED ON THE BUFFALO BILL'S STAGE: RUCKATAN, ANDRE THIERRY FEATURED ON THE BISTRO STAGE: THE ROYAL DEUCES



JUNE: SHARK PUNCH & *West Coast Blues Society* CARAVAN OF ALL-STARS

JULY: THIRDSOL

AUGUST: PATRON



KAISER PERMANENTE



DBIA



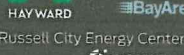
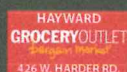
St. Rose



MOLER



FOR MORE INFORMATION: HAYWARD CHAMBER OF COMMERCE



WWW.HAYWARD.ORG