



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Hybrid (Council Chamber) Virtual Platform (Zoom)

<https://hayward.zoom.us/j/84415253276?pwd=NG9tZjhXVmkwczU5NStHVHh3NWpqZz09>

Tuesday, October 18, 2022, 7:00 p.m.

The City Council meeting was called to order by Mayor Halliday at 7:03 p.m. The City Council held a hybrid meeting in Council Chambers and virtually via Zoom.

Pledge of Allegiance: Council Member Wahab

ROLL CALL

Present

Council Chamber: Council Members Lamnin, Zermeño
Mayor Halliday

Virtual Platform (Zoom): Council Members Andrews, Márquez, Salinas, Wahab

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 6:15 p.m., with all members present and no public comment, regarding conference with labor negotiators pursuant to Government Code Section 54957.6 about labor groups. City Attorney Lawson announced the Council discussed, provided direction to staff, and took no reportable action. The closed session adjourned at 6:53 p.m.

Mayor Halliday announced Consent items 1 and 2 were continued to the October 25, 2022 City Council meeting.

PUBLIC COMMENTS

Mr. David Whatley, former Hayward resident, commended the work New Hope Christian Fellowship is doing by providing hot meals and groceries to members of the community. He requested additional information about Ron Thompson who is a mural artist in Hayward.

Ms. Ellen Mayfield, Glen Eden Townhome resident, expressed concern about her neighbors engaging in drug abuse, which is impacting her health, noted there are smoke-free ordinances in Alameda County, urged the Council to create a smoke-free ordinance, and asked if one was being considered. Ms. Mayfield was asked to contact the City Manager's office.

Mr. Jaime Arteaga, Nor Cal Carpenters Union member, expressed concern about irresponsible contractors who do not abide by labor standards in paying fair wages to workers who use their own tools and urged the City to help police construction job sites.

CITY MANAGER'S COMMENTS

City Manager McAdoo made five announcements: the City of Hayward and Dahlin Group Architecture Planning received the 2022 Award of Excellence from the American Planning Association, California Chapter, for the work on the SoHay mixed-use, mixed-income, mixed-density development; the Information Technology department was awarded the 2022 Award for Excellence in Information Technology Practices from the Municipal Information Systems Association of California; the Hayward Downtown Library Learning Center received a special commendation for Noll and Tam Architect's design and integration from the American Institute of Architects; October 16-22, 2022 is National Friends of Libraries Week and the Friends of Hayward Library were recognized for the work they do for the community; and the City received a grant in the amount of \$8.6 million for the Stack Center construction from the California State Library to create a satellite branch library in South Hayward. Mayor Halliday congratulated staff for the Stack Center's grant and those involved in receiving the awards.

CONSENT

Mayor Halliday announced Consent Items 1 and 2 were continued to the October 25, 2022 City Council meeting.

1. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Staples Construction Company for the City Hall First Floor Restroom Renovations in an Amount Not-to-Exceed \$199,211 **CONS 22-558**

The item was continued to the October 25, 2022 City Council meeting.

2. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Newton Construction & Management for the Hayward Police Department Building Improvement Project in an Amount Not-to-Exceed \$246,326.65 Pursuant to a Cooperative Purchasing Agreement **CONS 22-561**

The item was continued to the October 25, 2022 City Council meeting.

3. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Extension to the Master Agreement and Lease with the Hayward Area Recreation and Park District for Operations and Maintenance of City Lands Through June 30, 2023 **CONS 22-567**

Staff report submitted by Assistant City Manager Youngblood, dated October 18, 2022, was filed.

It was moved by Council Member Márquez, seconded by Council Member Wahab, and carried by the following roll call vote, to adopt the resolution.



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AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-252, “Resolution Authorizing the City Manager to Negotiate and Execute an Extension to the Master Agreement and Lease with the Hayward Area Recreation and Park District for Operations and Maintenance of City Lands Through June 30, 2023”

WORK SESSION

4. Density Bonus Update: Review and Discuss Updates to the City’s Density Bonus Ordinance for Compliance with State Density Bonus Laws (Report from Assistant City Manager/Development Services Director Ott) **WS 22-033**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated October 18, 2022, was filed.

Assistant City Manager/Development Services Director Ott announced the item and introduced Planning Manager Lochirco who provided a synopsis of the staff report.

Mayor Halliday opened the public comment period at 7:49 p.m.

Ms. Diann Castleberry, Alameda County Transit (AC Transit) representative, read into the record a letter from AC Transit Service Development and Planning Director Robert del Rosario, which recommended that developers receiving density bonuses or incentives participate in the AC Transit EasyPass program which would help reduce traffic congestion and emissions, and limit demand for parking in developments.

Mr. David Whatley recommended that the definition of “density bonus” be described in terms that someone not specialized in the field can understand.

Ms. Ro Aguilar referred to a written comment sent to Council which recommended to require affordable units to be provided on-site and highlighted the importance of requiring developers to build affordable inclusionary owner-occupied housing to build the middle class.

Ms. Suzanne spoke against giving incentives and bonuses to builders and urged Council to require builders to provide adequate parking to deal with congestion challenges.

Mayor Halliday closed the public comment period at 8:00 p.m.

Members of the City Council thanked City staff for the report.

Discussion ensued among members of the City Council, Assistant City Manager Ott, and Planning Manager Lochirco regarding: opportunities for promoting multimodal transportation such as the AC Transit EasyPass program; the City continues to have conversations with BART's Transit-Oriented Development (TOD) group to develop properties adjacent to stations into affordable housing; reasoning for the proposal to exceed the State's Density Bonus Maximum by 5% for all density bonus projects that provide on-site affordable units; staff is working with a consultant on performing a feasibility study to require only on-site affordable housing units and increasing the number of units; density bonus for target populations and income categories; development standards would allow developers an opportunity to provide a baseline analysis to demonstrate that concessions and waivers are needed to make their project feasible, such that in exchange of reduction of retail or commercial space, they can provide on-site affordable housing and meet the City's requirement; staff's recommendation intended to increase density through the number of units or offer additional financial incentives, underscoring that it was not intended to further decrease parking; universal design incentives tied to density bonus and universal design ordinance; timeline for updating the City's Density Bonus Ordinance and aligning it with the launch of the online permitting system, EnerGov; density bonus for Accessory Dwelling Units (ADUs); commercial use on the ground-level which could be for co-working space; infrastructure for transit-oriented development; residential design study includes a parking analysis to review current parking standards to determine if a change is warranted; Rent Stabilization Ordinance; existing state density bonus laws allow height increases for projects located within a half mile of a major transit option; and density bonuses and transportation requirements could still be included in permitting process.

Council Member Zermeño requested staff explore developments of special teacher housing for teachers at Chabot College and CSUEB; noted building space was running out for in-fill development; and noted he was not too concerned about parking since some of the projects would be close to public transportation and staff may consider the proposal by AC Transit regarding its EasyPass program.

Council Member Márquez underscored she and Council Member Lamnin were proponents of universal design standards and hoped that Hayward could be one of the first cities to apply universal design to its density bonus ordinance and have a citywide universal design ordinance; encouraged seeking additional bonuses for target populations, look at the most recent Point-in-Time count to gauge the need in Hayward and continue to track Regional Housing Needs Assessment (RHNA) numbers; noted the ultimate goal was to encourage developers to build more on-site affordable housing, and stressed the importance of outreach efforts once projects were in place; and requested that staff share information with non-profit providers to ensure the public is informed.

Council Member Andrews requested that staff highlight the analysis and barriers to achieving 20% inclusionary housing for future presentations; explore if AC Transit's EasyPasses program



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should reside with the density bonus ordinance; study San Francisco Unified School District as a case study for teacher and faculty housing; explore density bonus for Accessory Dwelling Units (ADUs) to incentivize them; and expressed concerns about parking issues emphasizing the need to ensure the community is not affected heavily by density.

Council Member Wahab expressed her major concern was lack of adequate parking in multi-family complexes; commented the City does not have parking infrastructure in place for large vehicles specifically in multi-family complexes; added the infrastructure for transit-oriented development was still lacking; encouraged advocating for affordable rental housing for seniors on fixed income; supported exploring faculty and teacher housing on school property; asked if the Rent Stabilization policy could be reverted to apply to properties built in 1995 to newer developments; emphasized the need for on-site affordable housing that would be deed-restricted; and indicated that the problem was that many of affordable unit projects being created were for rental and did not provide home-ownership opportunities.

Council Member Salinas emphasized that projects that were built as transit-oriented needed to be advertised as such to help resolve parking concerns earlier on; indicated that ground-floor commercial space should not be an easy concession and did not want an increase density at the expense of open space; underscored the importance of residents having sufficient open space for recreational activities; supported that specific populations were being targeted and hoped the school district would be mindful of land that could be used to address workforce and faculty housing demands; and appreciated the flexibility with the proposed bonus update in not relinquishing the City Council's and Planning Commission's ability to include requirements for items that are valuable to the community.

Council Member Lamnin appreciated the best practices and strategies used for the plans and goals articulated by the City Council and the community; and supported looking at the fee waiver deferral component of the incentive package to see what flexibility could happen with the projects, noting that better financing was one way to get affordability by design.

Mayor Halliday noted the City was updating its density bonus ordinance to be consistent with the State's requirement; underscored the City was supportive of housing and increasing density throughout the community which brought traffic and parking challenges; noted the proposed changes would give staff additional tools to get additional housing without creating unlivable communities; noted that ground floor commercial space should be preserved and activated for uses such as daycare centers, gyms and workspaces; appreciated the comments from AC Transit about the use of EasyPasses and also favored Clipper cards; favored exploring unbundled parking and residents having to pay for this; added that a neighborhood parking permit program be evaluated to avoid future developments inundating the surrounding neighborhood with parking; supported affordable senior housing projects; and noted that some teachers may be eligible for affordable units if they meet income standards.

It was noted the item would come back to Council at the December 6, 2022, Council meeting.

PUBLIC HEARING

5. Allocation of Local Housing Trust Funds: (1) Adopt a Resolution Approving Allocation of the California State Department of Housing and Community Development Local Housing Trust Fund Grant Award to Mission Paradise in the Amount of \$1,150,000; and Authorizing the City Manager to Negotiate and Execute Loan Documents Between the City of Hayward and EAH, Inc. in an Amount Not-to-Exceed \$1,150,000 for the Development of Mission Paradise; and (2) Adopt a Resolution Approving Allocation of the California State Department of Housing and Community Development Local Housing Trust Fund Grant Award to Parcel Group 8 Affordable Housing in the Amount of \$2,645,161; and Authorizing the City Manager to Negotiate and Execute Loan Documents Between the City of Hayward and Resources for Community Development in an Amount Not-to-Exceed \$2,645,161 for the Development of Parcel Group 8 Affordable Housing (Report from Assistant City Manager Ott) **PH 22-054**

Staff report submitted by Assistant City Manager Ott, dated October 18, 2022, was filed.

Assistant City Manager Ott announced the item and introduced Housing Manager Morales who provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 9:16 p.m.

Mr. David Whatley asked what type of public oversight was in place with state and federal government to ensure funds will be spent properly by Mission Paradise and Parcel Group 8 Affordable Housing developments. He was advised Housing Manager Morales would follow up with him.

Ms. Ro Aguilar stated the proposed projects were non-inclusionary, and Parcel Group 8 development would be isolated, and requested that staff have her questions addressed on 1) the percentage and number of units of inclusionary affordable housing built or approved in Hayward, and 2) number of affordable inclusionary owner-occupied units built or approved in very low/low/moderate income categories.

Mayor Halliday closed the public hearing at 9:23 p.m.

Council Member Zermeño noted the home ownership percentage was 52%.

Council Member Wahab made a motion to approve staff's recommendation.

In response to Council Member Wahab's question if Mission Paradise units could be designated for Hayward residents, Housing Manager Morales responded that Alameda County Measure A1 funds were applied from the County's regional pool and due to the funding source, no local preference could be imposed by the City.



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In response to Council Member Wahab’s inquiry as to whether age 62 seniors taking care or serving as custodian of their grandchildren could be a part of the development, Ms. Tessa Quintanilla with EAH, Inc., stated that the development was restricted to individuals ages 62 and older and would need to confirm if another resident living in the same unit could be of an age below the threshold.

Council Member Wahab stated that most seniors are on a fixed income and advocated for the project to provide affordable housing to the lowest income level populations. Housing Manager Morales stated that the Mission Paradise development has 25 project-based Section 8 vouchers, and qualifying individuals’ rent would be relative to their income, paying only 30% of their income on rent.

Mayor Halliday seconded the item.

In response to Council Member Márquez’s request for staff to elaborate how local preference was determined and whether this was monitored by the City ensuring residents get first opportunities, Housing Manager Morales indicated that under the Affordable Housing Ordinance, there is a live, work preference, so that if an individual qualifies as a Hayward resident or is currently employed in Hayward, they would receive priority placement on the waitlist to rank for affordable units, and added there is no minimum requirement for years.

Council Member Zermeño expressed support for both projects. In response to his inquiry if there was a need for more apartments rather than homeowner opportunities, Housing Manager Morales stated that affordable rental units and inclusionary affordable ownership units were serving different demographics, and that ownership housing was being developed as market rate development and there was not much market rate rental in the city.

Mayor Halliday commended staff for their efforts in cobbling funds to provide much needed housing in Hayward underscoring that it was complex and not an easy task.

It was moved by Council Member Wahab, seconded by Mayor Halliday, and carried by the following roll call vote, to approve the resolutions.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-253, “Resolution to Approve Allocation of California State Department of Housing and Community Development Local Housing Trust Fund Program Grant Award to Mission Paradise in the Amount of \$1,150,000; and Authorizing the City Manager to Negotiate and Execute Loan Documents Between the City of Hayward and EAH, Inc. in an Amount Not to Exceed \$1,150,000 for the Development of Mission Paradise”

Resolution 22-254, “Resolution to Approve Allocation of California State Department of Housing and Community Development Local Housing Trust Fund Program Grant Award to Parcel Group 8 Affordable Housing in the Amount Of \$2,654,161; and Authorizing the City Manager to Negotiate and Execute Loan Documents Between the City of Hayward and Resources for Community Development in an Amount Not-To-Exceed \$2,654,161 for the Development of Parcel Group 8 Affordable Housing”

LEGISLATIVE BUSINESS

6. Manon Avenue Townhomes: Adopt an Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code by Rezoning Certain Property from Single Family Residential District to Medium Density Residential District in Connection with Zone Change, Density Bonus, and Site Plan Review Application No. 202101491 to Accommodate 22 Rental Townhomes at 27865 Manon Avenue (Report from City Clerk Lens) **LB 22-022**

Staff report submitted by City Clerk Lens, dated October 18, 2022, was filed.

City Clerk Lens announced the item indicating the ordinance was introduced on October 11, 2022, by Council Member Salinas and because the item did not garner unanimous vote, it was placed under Legislative Business.

Mayor Halliday opened the public hearing at 9:40 p.m.

Mr. David Whatley stated that it was important to highlight why there was a dissenting vote on the item at a previous meeting by Council Member Wahab. He requested that Council Member Wahab provide a reason for her dissenting vote.

Mayor Halliday closed the public hearing at 9:43 pm.

There being no further discussion, it was moved by Council Member Salinas, seconded by Council Member Zermeño, and carried by the following roll call vote, to approve the ordinance.



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Wahab, Zermeño
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Ordinance 22-08, “An Ordinance Amending Chapter 10, Article 1 (zoning ordinance) of the Hayward Municipal Code by Rezoning Certain Property from Single Family Residential District to Medium Density Residential District in Connection with Zone Change, Density Bonus, and Site Plan Review Application no. 202101491 to Accommodate 22 Rental Townhomes at 27865 Manon Avenue”

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Salinas announced two events: Trunk or Treat on October 29, 2022, at the Heritage Plaza, and California State University East Bay (CSUEB) Preview Day on October 22, 2022, at CSUEB.

Council Member Márquez shared she attended the La Familia Golf Tournament and Dinner Fundraiser on October 17, 2022 at the Stonebrae Golf Course, and participated in International Walk and Roll to School Day on October 12, 2022, where she walked to Tyrrell Elementary School and acknowledged Principal Dr. Stacy Butler for serving as the school principal for over 12 years.

Mayor Halliday indicated she attended International Walk and Roll to School Day at Cherryland Elementary School.

Council Member Andrews announced three events: Keep Hayward Clean and Green Task Force clean-up event on October 22, 2022, at Tennyson Park; Trunk or Treat at Eden Youth and Family Center on October 22, 2022; and Treasures Unleashed Halloween event on October 29, 2022, at 971 B Street.

Council Member Zermeño noted that October 22, 2022, was Make a Difference Day and encouraged all to clean their street and attend the Keep Hayward Clean and Green Task Force clean-up event at Tennyson Park.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the City Council meeting at 9:51 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward