



# CITY OF HAYWARD

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

## Agenda City Council

---

**Tuesday, October 29, 2019**

**7:00 PM**

**Council Chambers**

---

### SPECIAL CITY COUNCIL MEETING

**CALL TO ORDER Pledge of Allegiance: Council Member Márquez**

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

#### **PUBLIC COMMENTS**

*The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.*

#### **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. [MIN 19-132](#) Minutes of the Special City Council Meeting on October 7, 2019

**Attachments:** [Attachment I Draft Minutes of 10/7/2019](#)

2. [MIN 19-133](#) Minutes of the Special City Council Meeting on October 15, 2019

**Attachments:** [Attachment I Draft Minutes of 10/15/2019](#)

3.     [CONS 19-706](#)     Adoption of Ordinance Adding Article 29 to Chapter 10 of the Hayward Municipal Code Relating to Vacant Properties

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Summary of Published Ordinance](#)  
                          [Attachment III Revised Ordinance](#)

4.     [CONS 19-670](#)     Resignation of Ms. Sharon Eva from the Keep Hayward Clean and Green Task Force, Effective September 24, 2019

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Resignation Letter](#)

5.     [CONS 19-707](#)     Resignation of Ms. Linhdan Le from the Hayward Youth Commission, Effective September 30, 2019

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Resignation Letter](#)

6.     [CONS 19-649](#)     Adopt a Resolution Amending the Fiscal Year 2020 Operating and Capital Improvement Program Budget, Transferring and Appropriating \$60,000 from General Fund to the Capital Projects Fund and Transferring and Appropriating \$35,000 from General Fund to Fleet Capital Management Fund for the Purchase of a Parking Enforcement Vehicle and other Related Equipment

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Privacy Policy](#)  
                          [Attachment IV Projection](#)  
                          [Attachment V RPP Map](#)

7.     [CONS 19-662](#)     Request for Sewer Service for 27398 Fairview Avenue in Unincorporated Alameda County, Application No. USA 19-01; Joseph and Margaret Revolinsky (Owners)

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Location Map](#)

8.      [CONS 19-722](#)      Adopt a Resolution Awarding a Contract to Asbestos Management Group of CA, Inc. in the Amount of \$1,300,708 and Authorizing an Administrative Change Order Contingency of \$130,092 for a Total Not to Exceed Contract Amount of up to \$1,800,000 for the Abatement and Deconstruction for Route 238 Bypass Property Project

**Attachments:**      [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Bid Protest Correspondence](#)

#### PUBLIC HEARING

9.      [PH 19-087](#)      Proposed Development of a Mixed-Use Project Consisting of 189 Condominium and Townhome Units; Approximately 10,800 Square Feet of Ground Floor Commercial Space; a Variety of Open Spaces; and Related Site Improvements Requiring Approval of a Purchase and Sale Agreement and Zone Change and Tentative Tract Map Application No. 201806355 (Report from Development Services Director Simpson)

**Attachments:**      [Attachment I Staff Report](#)  
                          [Attachment II Ordinance](#)  
                          [Attachment III Resolution Zone Change and CEQA](#)  
                          [Attachment IV Resolution for Purchase and Sale Agreement](#)  
                          [Attachment V Project Plans](#)  
                          [Attachment VI Infill Checklist with Related Attachments](#)  
                          [Attachment VII Purchase and Sale Agreement Summary Report](#)  
                          [Attachment VIII Affordable Housing Plan](#)  
                          [Attachment IX Draft PC Minutes of 10/10/2019](#)

10. [PH 19-085](#) Appeal of Planning Commission Approval of a Three Story, 40-Unit Townhouse Style Development on a 1.66-acre Site Located at 21229 Oak Street (APN 415-0170-019-00, 415-0170-020-00, 415-0170-021-00, 415-0170-022-00, 415-0170-023-00, 415-0170-024-00, 415-0170-025-00, 415-0170-029-02) Requiring Site Plan Review Application No. 201800932. Ann E. Maris PhD, Organizer, Grove Way Neighborhood Association (Appellant); Steven Kodama, Kodama Diseno Architects (Applicant)/ Robert Chen (Owner) (Report from Development Services Director Simpson)

**Attachments:**

[Attachment I Staff Report](#)

[Attachment II Resolution](#)

[Attachment III Appeal Letter August 5, 2019](#)

[Attachment IV Appeal Letter received May 7, 2019](#)

[Attachment V Notice and Mailing List](#)

[Attachment VI Plans](#)

[Attachment VII PC Minutes of 7/25/2019](#)

[Attachment VIII City Fees](#)

11. [PH 19-081](#) Proposal to Subdivide a 0.50-Acre Site into 7 Parcels to Allow the Construction of 5 Single-Family Homes with Common Open Space and Related Site Improvements at 24763 Mohr Drive (APN 441-0077-003-04) Requiring Approval of a Tentative Tract Map, Planned Development (PD) Rezone, and Environmental Consistency Checklist. Application No. 201806740. Applicant: Jeffrey Lawrence for Nuvera Homes on Behalf of Owner: Ben Hsiao-Pang Liu (Report from Development Services Director Simpson)

**Attachments:**

[Attachment I Staff Report](#)

[Attachment II Ordinance](#)

[Attachment III Resolution](#)

[Attachment IV Project Plans](#)

[Attachment V Environmental Consistency Checklist](#)

[Attachment VI Draft PC Minutes of 9/26/2019](#)

12.     [PH 19-084](#)     Proposal to Subdivide Two Existing Parcels into 17 Parcels to Allow the Construction of 12 Detached Single-Family Residences and Five Accessory Dwelling Units (ADU) with Common Open Space Areas and Related Site Improvements at 28571 & 29591 Harvey Avenue (APNs 464-0060-005-02 & 464-0060-006-00) Requiring a Vesting Tentative Tract Map, Planned Development (PD) Rezone, Site Plan Review, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP). Application No. 201706649; Nuvera Homes (Applicant), Ngai Ming Wang (Owner) (Report from Development Services Director Simpson)

**Attachments:**

[Attachment I Staff Report](#)

[Attachment II Ordinance](#)

[Attachment III Resolution](#)

[Attachment IV Final IS-MND](#)

[Attachment V Responses to Comments to Draft IS-MND](#)

[Attachment VI Mitigation Monitoring and Reporting Program](#)

[Attachment VII John Manrique Email](#)

[Attachment VIII Project Plans](#)

[Attachment IX PC Minutes of 9/12/2019](#)

[Attachment X City Fees](#)

**LEGISLATIVE BUSINESS**

13.     [LB 19-045](#)     Update on Commercial Cannabis Permit Process and Program (Report from Development Services Director Simpson)

**Attachments:**

[Attachment I Staff Report](#)

[Attachment II Resolution](#)

14. [LB 19-046](#) Introduction of an Ordinance Increasing the Commercial Cannabis Tax Rate to 7% of Gross Sales (Report from City Manager McAdoo)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Ordinance](#)

### **CITY MANAGER'S COMMENTS**

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

### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

### **COUNCIL REFERRALS**

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

### **ADJOURNMENT**

**NEXT MEETING, Tuesday, November 5, 2019, 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.*