CITY COUNCIL MEETING TUESDAY, MAY 8, 2018

DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA

AGENDA QUESTIONS & ANSWERS

Items 5 and 7

AGENDA QUESTIONS & ANSWERS MEETING DATE: May 8, 2018

Item # 5: Approval of Final Map Tract 8345 (Mission Crossings), Associated with the Previously Approved Tentative Tract Map and Proposed Development of 140 Townhome-style Condominium Units on a 7.52-acre Site Located at 25501 & 25551 Mission Boulevard and 671 Berry Avenue (APN 444-0060-019-04); Meritage Homes (Applicant)

What is the status of the Building permits and improvement plans for the 93-room hotel and 7,225 square feet of retail space?

Also, is the recommended approval of the final tract map consistent with Council's direction to guarantee that the residential and commercial components are built simultaneously?

The application for building permit(s) and improvements for the 93-room hotel and 7,225 square feet of retail space have not been submitted yet.

The recommended approval of the final tract is consistent with the conditions of approval for the Vesting Tentative Tract Map that included the condition #166. According to the condition, the hotel site must be:

- Rough graded prior to issuance of the certificate of occupancy (CO) for the 1st residential unit.
- 2) Begin vertical construction prior to issuance of the 100th CO.
- 3) Completed by the last (140th) CO.

Rough Grading of the site is complete and staff will ensure the hotel is under of construction prior to CO issuance for the 100th unit. Both the Residential Developer (Meritage Homes) and the Hotel property owner are aware of the above condition of approval.

Item # 7: Introduction of an Ordinance and Resolution to Approve General Plan Amendment, Rezoning and Tentative Map and Related Environmental Review for Sohay Mixed Use Development (Application No. 201704129) on Various Parcels Located on the Northwestern Corner of Mission Boulevard and Industrial Parkway

Does the HOA have a condition that will provide a free BART pass for each unit long term?

56.f requires the applicant to spend \$200k on clipper cards...then what? Is the HOA required to continue providing them to residents after the \$200k is spent?

Is the parking unbundled from the rental units?

Is there a condition requiring the developer to erect 2 "Coming Soon" signs on Mission and Industrial with brief descriptions and images of the project?

Please be prepared to summarize any conditions that are in place to require construction of the commercial space before certificates of occupancy are issued for the residential spaces.

No, there is no condition requiring provision of free BART pass to each unit long term. There is no requirement for the property management firm or HOA to provide Clipper cards or other transit/bus passes beyond the \$200,000 investment.

No. The parking ratio is so low that staff didn't feel that the project was overparked necessitating additional parking regulations.

There are no conditions included in the Draft Conditions of Approval that would require installation of such signs. They can be added by motion if Council desires.

There are no conditions included in the Draft Conditions of Approval that would require construction of the commercial spaces prior to any residential. The only conditions related to timing are related to the park. They can be added by motion if Council desires.

ITEM #6

ATTACHMENT I – FRANK GOULART EMAIL ATTACHMENT II – JIM WIEDER EMAIL ATTACHMENT III – SHERMAN LEWIS EMAIL

Begin forwarded message:

From: Frank Goulart <>

Date: May 8, 2018 at 12:03:02 AM PDT

To: Mayor Council List < list-mayor-council@hayward-ca.gov>

Cc: Kelly McAdoo <kelly.mcadoo@hayward-ca.gov>

Subject: Downtown Hayward Community Benefit District

Reply-To: Frank Goulart <>

Mayor and Council Members,

We write today representing Sycamore Lodge #129, Independent Order of Odd Fellows, the Hayward Odd Fellows Lodge at 950 B Street.

We are concerned about the financial impact of the Downtown Hayward Community Benefit District on our lodge's ability to serve our community and request that you consider sliding the scale for non-profit organizations like ours located in the downtown.

An annual assessment of \$1,568.71 would represent 5.9% of our annual revenue stream. Over ten years of annual 5% increase in assessment would result in an annual assessment of over \$2,400.00 which would represent 9.1% of our annual revenue stream.

We believe this assessment will impact our ability to provide for at least our two major projects.

This assessment would have a direct impact on our summer concert series, which, with the help from, among others, our two Celebrity Chefs from the City Council, Council Members Mark Salinas and Francisco Zermeno, has secured donations in the last seven years of \$17,342 directly to FESCO, the Hayward La Honda Camp, the Mt Eden High School Choirs, the Mt Eden High School Instrumental Program, the Hayward Education Foundation, Hayward High School Instrumental Program, the East Bay Center for the Preservation of Cultural Arts and the South Hayward Parish Food Pantry. In partnership with HARD, this concert series provides a venue for Mt Eden and Hayward High School students to perform on the stage at Memorial Park in August and September.

This assessment would also have a direct impact on our ability to put on our annual young musician chamber music program where we provide professional coaching and venue for local school age children to perform in chamber music quartets at the Lodge in August.

We thank you for your consideration at your meeting of May 9, 2018.

Gary Howe Noble Grand Frank Goulart Secretary

Valerie Snart Trustee

Julie Machado Trustee From: Jim [mailto:]

Sent: Saturday, May 5, 2018 1:21 PM

To: Sherman Lewis <>; List-Mayor-Council <List-Mayor-Council@hayward-ca.gov> **Cc:** Joy Rowan <>; Bruce

Barrett <>; Evelyn Cormier <>; Alison <>; Dag Forssell <> Subject: Re: Downtown Community Benefit

District on May 8 agenda item 6

Hi Sherman,

Appreciate the update and we are opposed to this fee. Our front door is closed much of the day due to security issues, etc. So, it doesn't seem fair to charge us for parking. Our customers don't use the B Street spaces.

Best Regards, Jim

Jim Wieder Hayward Ace Hardware 808 B Street Hayward, CA 94541 haywardace.net

From: Sherman Lewis <>

To: Mayor Council List <List-Mayor-Council@hayward-ca.gov>

Cc: Joy Rowan <>; Bruce Barrett <>; Evelyn Cormier <>; Alison <>; Dag Forssell <>

Sent: Friday, May 4, 2018 2:28 PM

Subject: Downtown Community Benefit District on May 8 agenda item 6

If I understand the downtown benefit district correctly, you want to charge per year Methodist Church \$3,250
Hayward Hardware store \$1,751
Odd Fellows \$1,569
Buffalo Bill's \$1,819
Copy Pacific \$3,070
Books on B \$420

The City expects to raise about \$600,000 of which \$410,000 is being spent to benefit downtown directly. \$90k goes for District Identity and streetscape improvements consisting of:

- θ Web site development and updating
- θ App development
- θ Management and coordination of special events
- θ Social media
- θ Holiday and seasonal decorations
- θ Branding of Downtown Hayward so a positive image is built
- θ Banner programs
- θ Public art displays
- θ Logo development
- θ Public space design and improvements
- θ Public relations
- θ Signage
- θ Installation of bike racks
- θ Administration oversight of District Identity programs

No breakdown is given, but it looks like only a little goes for actual improvements, which are some signs and bike racks.

Almost \$100,000 is going to overhead and reserves.

Worthy goals, questionable program.

In my opinion there are about 20 more important things downtown needs, starting with urgent reform of the loop to a two way system, using LATIP funds asap to stop the suffering, nixing parking structures, a much smarter approach to shuttles, following your General Plan, and getting much better access consultants. More information/opinions available on request.

--

Sherman Lewis
Academic Senator for Emeriti
Professor Emeritus, CSU Hayward
President, Hayward Area Planning Association

Original Message From: Sherman Lewis [mailto:] Sent: Friday, May 4, 2018 2:28 PM To: List-Mayor-Council <list-mayor-council@hayward-ca.gov> Cc: Joy Rowan <>; Bruce Barrett <>; Evelyn Cormier <>; Alison <>; Dag Forssell <>></list-mayor-council@hayward-ca.gov>
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Sherman Lewis Academic Senator for Emeriti Professor Emeritus, CSU Hayward President, Hayward Area Planning Association

ITEM #7

ATTACHMENT I – BRUCE KING EMAIL ATTACHMENT II – KIM HUGGETT LETTER ATTACHMENT III – ALICIA LAWRENCE & LACEI AMODEI EMAIL AND ATTACHMENT ATTACHMENT IV – ZACHARIAH OQUENDA EMAIL

From: Bruce King [mailto:]

Sent: Sunday, May 6, 2018 10:04 PM

To: Miriam Lens < Miriam.Lens@hayward-ca.gov>

Cc: Francisco Zermeno <Francisco.Zermeno@hayward-ca.gov> **Subject:** Fwd: Proposed SoHay Mixed-Use Development and Creeks

Dear City Clerk,

I am forwarding to you my comments on the SoHay project. This project is on the City Council's May 8 agenda. Francisco Zermeno suggested that I send my comments to you so they can be include in the Staff Report.

Thank you, Bruce King

----- Forwarded message -----

From: Francisco Zermeno < Francisco.Zermeno@hayward-ca.gov >

Date: Sun, May 6, 2018 at 10:22 AM

Subject: Re: Proposed SoHay Mixed-Use Development and

Creeks To: Bruce King <>

thank you for the note, Bruce

please send it to our City Clerk at miriam.lens@hayward-ca.gov so that it can be included in the Staff Report

be well

Hayward On!

From: Bruce King <>

Sent: Saturday, May 5, 2018 9:23:03 PM

To: List-Mayor-Council

Cc: Sara Buizer; Leigha Schmidt; Paul McCreary; Hank Ackerman; Bill Lepere

Subject: Proposed SoHay Mixed-Use Development and Creeks

Dear Hayward City Council and Mayor:

Lyon Homes proposed SoHay Mixed Use Development is on the Hayward City Council agenda for May 8.

I am disappointed that Lyon Homes, City of Hayward, HARD, and/or Flood Control have not worked to include in this project stream-bed or bank enhancements that improve the ecological or aesthetic values of the on-site creeks.

The site includes two branches of the creek system that are earthen, engineered channels and some sections of underground creek. One open creek channel flows from Mission Boulevard to Dixon Street (~700 feet), and the other open channel parallels the railroad tracks (~650 feet). These tributaries eventually flow into Old Alameda Creek.

The proposed plans show the following types of features along the banks of these creek channels: pathways, ped-bike trails, bridges, park and community areas, stormwater management areas, driveways, and parking areas. In addition, fencing properly separates these public areas from the earthen creek channels. These planned public areas are very positive and good features that also bring people in visual contact with the creek. But there are no project features that provide improvements to the creek channels' ecology or aesthetics. It appears that the project specifically avoided enhancements directly to the creek channels.

Enhancements to the creek channels would require professional evaluation and engineering to determine flood control and riparian needs and recommended improvements. Examples of features that could potentially improve the creek's ecology and aesthetics might include rocks in the creek and on the banks, along with native trees/plants to shade the creek and line the creek banks. Installation of such enhancements is typically most feasible before other development is constructed along the creek top-of-bank.

I recommend that the project:

- 1) Include stream-bed and bank enhancements that improve the creek ecological and aesthetic values; or at minimum...
- 2) Include trees and plantings outside the channels (i.e., along the creek top-of-bank) that enhance the creek's ecology (e.g., shade the creek); and
- 3) Ensure through an engineering evaluation that sufficient space and features are included in this project to allow for future enhancement of the creek channels.

Bruce King Friends of San Lorenzo Creek



May 3, 2018

To Members of the Hayward City Council 777 B St. Hayward, CA 94541

The Hayward Chamber of Commerce Board of Directors and its Governmental Relations Council have reviewed and unanimously endorsed the SoHay project by William Lyon Homes. SoHay is an extraordinary endeavor of three planning areas consisting of 472 multi-family residential units, 20,000 square feet of commercial space, and 2.4 acres of parkland and trails. The extraordinary cooperation required between several City of Hayward departments, a variety of other agencies, and William Lyon Homes on these 20 parcels has led to a project that not only addresses Hayward's unique housing needs, but supports economic development, as well.

We urge its approval without further changes.

Despite the fact that this project is transit oriented – with its proximity to the South Hayward BART station - the chamber also considers it an element of support to the growing industrial and manufacturing areas in South Hayward. Hayward's largest private employer is in South Hayward and others will be influenced to grow by the promise of housing for its employees with a local commute. We also are hopeful that SoHay will be among the developments that create renewed interest in convincing AC Transit to improve its service to the area and a re-examination of the need for shuttle service from the South Hayward BART station to areas of high employment.

Sincerely,

Kim Huggett

President & CEO

cc: City Clerk Miriam Lens

Leigha Schmidt, Senior Planner, Development Services

From: the collective@the hayward collective.com [mailto:the collective@the hayward collective.com] On Behalf Of Alicia

Lawrence

Sent: Tuesday, May 8, 2018 3:22 PM

To: List-Mayor-Council < List-Mayor-Council@hayward-ca.gov >

Cc: Lacei Amodei <>; The Hayward Collective <thecollective@thehaywardcollective.com> Subject: Affordable Housing

and The Hayward Collective's Proposals

Good Afternoon!

The two of us are not able to attend this evening's meeting, so we wanted to take some time to share a few thoughts.

As you know, the Just Cause and Vacancy Decontrol items were removed from this evening's agenda. The Hayward Collective and the larger community are disappointed, and we are trying to maintain confidence in the system. But while we wait - tenants are still being deeply impacted by housing issues in this city that have been brought to your attention since at least the Fall of 2016.

In reading through the report and documents regarding the SoHay Development - the proposed 25-acre development around South Hayward BART - we can't help but feel exasperated. We've heard many of you tell us directly and state in your council comments that the solution to the housing crisis is to just build more.

The SoHay Development is slated to have 28 affordable housing units for sale - this accounts for 7% of the total for sale units. All 28 units are 1 bedroom, 472-square foot units.

Of the 20 rental units designated as affordable housing units, 12 are studios or 1 bedrooms.

When we talk about affordable housing and the housing crisis, we are primarily talking about families. Yes, individuals should be accounted for as well. But the affordable housing stock designated in the SoHay Development doesn't put a dent in the affordable housing needed to accomodate families who are the most deeply impacted by the housing crisis. In the Hayward's own Housing Element, it was reported that an estimated 7% of occupied units in the city were overcrowded, and 2.5% were severely overcrowded. This type of allocation for affordable housing - as planned for in the SoHay Development - will only exacerbate the overcrowding problem in Hayward.

We recognize that the developer, due to the timing of this development and proposal, doesn't have to abide by the Affordable Housing Ordinance. However, as a City and Council you also gave away Lincoln Landing. There are zero affordable housing units in that development. Further, as I'm sure you all now, the 2007-2014 Regional Housing Allocation Need data demonstrates that the City of Hayward under produced affordable housing units during that cycle. That coupled with the fact that we've lost an average of approximately 600 rent controlled units per year since the inception of our Residential Rent Stabilization Ordinance in 1983 has created a perilous landscape for Hayward tenants. Not only are you now in the position of having to catch up on years of under producing affordable housing, but you also have to account for the 21,000 rent controlled units that have been decontrolled. So we ask - when will you admit to yourselves that we cannot build our way out of this situation?

We absolutely need to produce more housing. But that is not going to protect the people presently being displaced by rising rents due to speculative real estate practices.

The Hayward Collective initially presented you with 3 asks that would stabilize our community and give us the opportunity to deeply examine how to further strengthen the Residential Rent Stabilization Ordinance: removal of Vacancy Decontrol, a moratorium on rent increases, and Just Cause protections for all tenants. In light of the March 22nd staff report and an examination of the affordable housing landscape in this community, we now ask that you also recontrol all the decontrolled units. The idea that we can solely build our way out of this problem will fundamentally change this community and drive out the most vulnerable amongst us: veterans, seniors, and poor Black and Brown families. You all tell us that you care about these people, so please make the proposed policy changes and enact the proposed moratorium to actually protect them.

Sincerely, Alicia Lawrence & Lacei Amodei Hayward Resdients Members, The Hayward Collective

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You received this message because you are subscribed to the Google Groups "The Hayward Collective" group. To unsubscribe from this group and stop receiving emails from it, send an email to thecollective+unsubscribe@thehaywardcollective.com.

To post to this group, send email to thecollective@thehaywardcollective.com.

To view this discussion on the web visit

https://groups.google.com/a/thehaywardcollective.com/d/msgid/thecollective/CABGnGvTGM5EwDxUv_%3DBOfaX5HESKpgXEqr6N1YHTwmpma6hseA%40mail.gmail.com.

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:"



From: Zachariah Oquenda [mailto:] Sent: Tuesday, May 8, 2018 5:28 PM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov> **Subject:** So Hay Project - Public Comment

Dear Mayor and Council,

Good evening. Hope you all are well. I ordinarily prefer to participate through public comment, but I'm finishing up a final exam essay that is taking longer than I anticipated and can't make it to tonight's Council meeting. So, I wanted to submit my comments for council consideration via email.

I spoke mostly in favor of the So Hay project at the last Planning Commission meeting. I think it could be a positive addition to the South Hayward Mission-Garin Neighborhood, which online livability indices grade as low as a "D" or "F" in amenities and employment opportunity. The mixed use brings its own service employment. But the additional dense residential use has some potential to create much needed demand for the businesses on the Industrial-Dixon block, as I'm sure Kim Huggett will speak to. Also, the paseos making the block more walkable and the 2.4 acre park to be built and dedicated to HARD is certainly a nice touch compared to what the vacant lots are doing now. So, the project as it stands could have a positive impact on the neighborhood livability.

Nevertheless, I wish the developer at William Lyon Homes (WLH) had better explanations regarding his decisions about density, depth of affordability, and what he thinks the market will bear. First, his decision about where to fall in the SMU range of density seems more about what he feels comfortable building, and not necessarily what is adequate or best suited for the lots and the neighborhood he's building in. I think he can be pushed on this. I do agree that development in Hayward has to be stepwise, and it makes little sense to jump to 6 stories. However, this development could find more units if it WLH looked, perhaps, for example, in the PA 3 lots where the developer already proposes less density relative to the project as a whole.

Second, the affordable units WLH is offering reach only 60% AMI. Meanwhile, the vast majority (over 70%) of the need for affordable available units are individuals and families who are extremely low income (30% or less of AMI) in the Bay Area. If the Council accepts the 48 affordable unit (rental-heavy) arrangement the developer proposes, then I urge the Council put conditions of affordability set to 30% of AMI on at least 12 of those 48 affordable units (one-fourth).

Third, it's my understanding that Hayward has comparable vacancy rates to those of our neighbors, including Oakland and Fremont. Market rate rentals in addition to affordable ones are claimed within hours of opening on craigslist or other service portals. And for-sale condos and townhomes are taken off the market in days here. So, that the developer doesn't believe that the market will bear even slightly more density is unpersuasive.

To conclude, I think the proposed General Plan and Zoning amendments ought to be approved. I also ask Council to consider approving the project itself but conditioned on some negotiation of either (1) some increase in density (even if modest) or (2) a guarantee that some portion of the affordable units (20-50%) are "deeply" affordable, reaching at least 30% AMI.

I appreciate your time and consideration.

Thank you,

Zachariah

Zachariah Oquenda Law Student, Policy Advocacy Clinic University of California, Berkeley, School of Law 22735 Peak Street, Hayward, CA 94541

"When we give cheerfully and accept gratefully, everyone is blessed." - Maya Angelou

PUBLIC COMMENT

CHARLIE PETERS

Yuba City's Sikh Community Showcased in Upcoming CNN Documentary eTerritorial / Yuba-Sutter News / May 2, 2018

'United Shades of America' Features Local Dignitaries and Sikh Parade to Drive Cultural Discussion

The City of Yuba City is proud to announce that the local Sikh community is the featured focus of an upcoming episode of the Emmy-winning series "United Shades of America." Mayor Preet Didbal and community leader Karm Bains play prominent roles as they discuss the need for cultural understanding, the challenges their community faces, and its contribution to the greater good.

"United Shades of America" is hosted by comedian and political provocateur W. Kamau Bell. Now in its third season, the docu-series is visiting communities around the country to explore issues of race, history, and the experiences of underrepresented citizens. The featured episode will air on May 6.

"With roots that date back more than a century in Yuba City, we have long been recognized as an integral part of our region's culture, economy, and everyday life," Didbal said. "It's an honor to share our story with the world on such a prominent platform."

Even more importantly, Didbal said, diminishing the fear of the unknown and embracing differences helps rid the world of prejudices. She is incredibly excited to see the Sikh community highlighted in this critical way.

"It's the road to open our hearts to channel a deeper message of acceptance and understanding," she said.

As a Sikh woman, Didbal knew she would be breaking cultural barriers in aspiring to serve in public office, but she was determined to give back to her community and proud to be appointed to the Sutter County Planning Commission in 2004. Two years later she was appointed to the Yuba City Planning Commission. In 2014, she was elected to her first term on the Yuba City City Council, and in November she became the first Sikh woman to hold mayoral office in the United States.

Didbal is the second citizen to make cultural and government history with leadership on the Yuba City City Council. When two-term councilor Kash Gill was sworn in to his first mayoral term in 2009, he became the city's first Punjabi-American mayor and one of the first to hold such a title in California.

The episode of "United Shades of America" will also shine a spotlight on the annual Sikh Parade, which annually draws more than 100,000 people to Yuba City and is known as the largest Sikh event outside India. With a week of preparations, traditions and festivities, it brings together a multitude of religious, cultural and ethnic backgrounds.

Bains, whose father who had the idea to start the parade nearly 40 years ago with the vision of integrating the Sikh community into the larger Yuba City community, said now—perhaps more than ever—it's critical to have these courageous conversations about race, culture, and faith,. He's hopeful "United Shades of America" will help eradicate stereotypes and create unity and understanding among the population at large.

"We are humbled by this recognition but it's well-deserved," he said. "The main message is that we are part of the fabric of this great nation and we are all proud to be Americans."

As a fourth-generation farmer and community leader, he is excited for the Sikh community to showcase its independent spirit, strength in their faith, and value of hard work to a global audience.

"This is great opportunity for members of our Sikh community and Yuba City," Bains said. "We are here, we are trying to be good neighbors and good citizens, and we want to give back to the community that has given us so much."

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https://eterritorial.com/76-local-news/yuba-sutter-news/13117-yuba-city-s-sikh-community-showcased-in-upcoming-cnn-documentary

GOOGLE: 510-537-1796 arb

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

PUBLIC COMMENT

MONZELLA CURTIS

TO: MAYOR, CITY COUNCIL MEMBERS, AND STAFF

FROM: MONZELLA CURTIS; HAYWARD COMMUNITY (ALOHA APT), MEMBER OF HAYWARD COLLECTIVE SUBJECT: RUBEN CAMPOS ON SITE MANAGER (CALL HIMSELF COMMUNITY DIRECTOR AT ALOHA)

MAYOR YOU MADE A STATEMENT ONCE THAT YOU WOULD LIKE TO HERE FROM MORE PEOPLE

THAT'S HAVING PROBLEMS IN THERE UNITS WHERE THEY LIVE.

I ASK YOU MAYOR, HOW DO YOU EXPECT A LOT OF PEOPLE TO COME HERE AND TELL YOU WHAT IS GOING ON, WHEN THEY ARE SCARED, BEING INTIMIDATE AND HARASSED, AND MANGE'S ARE SERVICING

NO CAUSE EVICTION NOTICE TO PEOPLE, PEOPLE CAN'T RISK TAKING CHANCES OF BEING DISPLACED, SO WHAT SOLUTION MAYOR DO YOU HAVE THAT COULD SOLVE THIS PROBLEM

NOTE: EACH DAY NOW WHEN I COME HOME I'AM CONSTANTLY LOOKING ON MY FRONT DOOR
TO SEE IF I HAVE GOTTEN A <u>NO CAUSE EVICTION NOTICE</u>

THANKS MONZELLA