



SPECIAL JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING
777 B Street, Hayward, CA 94541
Virtual Platform – Zoom
<https://hayward.zoom.us/j/87906807709?pwd=QVdoQ0pneVlGMzRxZHFvdVlZb1hKUT09>
Tuesday, February 1, 2022, 7:00 p.m.

The Special Joint City Council and Planning Commission meeting was called to order by Mayor Halliday at 7:00 p.m. The City Council held a virtual meeting with teleconference participation by members of the City Council, staff and public.

Pledge of Allegiance: Council Member Salinas

ROLL CALL

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

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on February 1, 2022, at 5:30 p.m., with all members present, regarding two items: 1) public employment pursuant to Government Code section 54957 regarding the City Clerk's annual performance evaluation; and 2) conference with legal counsel pursuant to Government Code section 54956.9(d)(4) regarding one anticipated litigation. Mayor Halliday noted there was no reportable action related to Item 1, and City Attorney Lawson announced there was no reportable action related to Item 2. The closed session adjourned at 6:50 p.m.

Mayor Halliday announced, Public Hearing No. 8 (Andina Affordable Housing Project TEFRA Hearing) would be continued. Mayor Halliday noted the published agenda listed the public hearing continued to February 15; however, she announced the hearing would be held the following week at a special City Council meeting on February 8, 2022, at 7:00 p.m.

PUBLIC COMMENTS

TJ, Hayward Concerned Citizens member, indicated she did not see mitigation of fireworks nor upkeep of the Hayward Police Station at the proposed 2022 Strategic Roadmap discussion, and asked that the two topics be added to the roadmap.

CITY MANAGER'S COMMENTS

City Manager McAdoo highlighted activities at the Hayward Public Library in celebration of Black History Month including a display of art by local artists and Hayward Arts Council members and a second entitled, "Stitching Russell City Stories: Quilts by the Late Marion Coleman."

CONSENT

Consent Item No. 4 was removed from the Consent Calendar for a separate vote.

1. Approve City Council Minutes of the City Council Meeting on January 18, 2022 **MIN 22-013**

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council meeting on January 18, 2022.

2. Adopt a Resolution Approving Plans and Specifications, and Calling for Bids for the Municipal Parking Lot No. 1 Improvement Project No. 05286 **CONS 22-047**

Staff report submitted by Director of Public Works Ameri, dated February 1, 2022, was filed.

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

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 22-032, "Resolution Approving Plans and Specifications, and Calling for Bids for the Municipal Parking Lot No. 1 Improvement Project No. 05286"

3. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 7 to the Professional Services Agreement with CSG Consultants, Inc., for Private Development Review Services in the Amount of \$130,000 for a Total Not-To-Exceed Amount of \$1,700,000 **CONS 22-063**

Staff report submitted by Director of Public Works Ameri, dated February 1, 2022, was filed.

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

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None



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Resolution 22-033, “Resolution Authorizing the City Manager to Execute Amendment No. 7 to the Professional Services Agreement with CSG Consultants, Inc., for Private Development Review Services in the Amount of \$130,000 for a Not-to-Exceed Amount of \$1.7 Million”

4. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Avidex Industries LLC, to Replace End-of-Life Hardware in the Council Chambers and City Hall Conference Room 2A in an Amount Not-to-Exceed of \$107,558.83 **CONS 22-080**

Staff report submitted by Chief Information Officer/ Director of Information Technology Kostrzak dated February 1, 2022, was filed.

Council Member Wahab recommended that end-of-life hardware be destroyed onsite to mitigate privacy and security concerns.

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

AYES:	COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeno MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 22-036, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Avidex Industries, LLC, to Replace End-of-Life Equipment in the Council Chambers and City Hall Conference Room 2A in an Amount Not-to-Exceed \$107,558.83”

5. Adopt a Resolution Accepting and Filing the Annual Comprehensive Financial Report for the Year Ended June 30, 2021 **CONS 22-070**

Staff report submitted by Director of Finance Claussen dated February 1, 2022, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermelo
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-034, "Resolution Accepting and Filing the Annual Comprehensive Financial Report for the Year Ended June 30, 2021"

6. Adopt a Resolution Approving Garbage and Recycling Rates for FY2022-2023 **CONS 22-081**

Staff report submitted by Director of Public Works Ameri, dated February 1, 2022, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermelo
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 22-035, "Resolution Approving the Garbage & Recycling Rate Adjustment for 2022-2023"

SPECIAL JOINT CITY COUNCIL AND PLANNING COMMISSION WORK SESSION

7. Joint Work Session: Density Bonus Ordinance Update and Residential Objective Standards Project **WS 22-004**

Staff report submitted by Assistant City Manager/Development Services Director Ott, dated February 1, 2022, was filed.

Mayor Halliday welcomed Planning Commission Chair Oquenda and all Planning Commissioners.

City Clerk Lens called the roll of the Planning Commission. All seven Commissioners were present: Aidan Ali-Sullivan, Ray Bonilla Jr., Daniel Goldstein, Brigitte Lowe, Zachariah Oquenda (Chair), Julie Roche, and Robert Stevens.



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Assistant City Manager Ott announced the item noting recent significant State legislation (SB35, SB330 and SB9) which affected housing policy and construction, staff's efforts working on implementation of new laws and successfully obtained grant funding; and introduced Senior Planner Blanton who provided an overview of a planning project related to Zoning/General Planning consistency updates and objective residential standards which included an overview of State legislation.

Mayor Halliday opened public comments at 7:39 p.m.

Mr. Niko Nagel, speaking on behalf of Housing Action Coalition, favored not getting too far into the details (color, style, etc.) so as not to inhibit solutions to design; and recommended looking at City of El Cerrito's Form-Based Code for its objective guidelines.

Ms. Ro Aguilar noted that new housing should be a mix of duplexes and triplexes alongside single homes in a complementary way and consistent with the neighborhood's aesthetic, more of the "missing middle" should have compatible housing and common cars should be considered for big developments to address parking.

Mr. Robert Carlson recommended not to hold all neighborhoods into the same standards and have some individuality in existing communities.

Mr. Daniel Fernandez favored seeking consistency in housing/objective standards which would create an attractive and inviting environment and noted that projects have suffered when evaluated on its own terms.

Mayor Halliday closed public comments at 7:50 p.m.

Members of the Planning Commission offered the following comments regarding parking issues: traffic congestion in Hayward is a problem, such as along Mission Boulevard; the amount of cars contributes to the problem; parking structures in the downtown, shuttles for heavily congested housing areas, and other innovative ideas should be considered in solving parking needs; lack of minimum parking requirements is an issue that should be addressed; adequate parking standards should be considered moving forward; the reality of car and public transportation usage, particularly during current health situation, should be taken into account when considering parking standards; and as the City allows more diverse ways to use property and build more density, leverage relationships to talk with community members who are most impacted by infill developments to understand their perspective.

Members of the Planning Commission offered the following comments regarding qualities of residential development objective standards: bring more housing to Hayward overall; assist the "missing middle" earners with options for building and express those clearly to the community and existing residents; height requirements should exist; consider changing development standards and landscape design standards; physical form and high-quality

design are most critical in terms of development; consider Palo Alto and Berkeley for good design and style; agreed with qualities of residential development standards reviewed by the City but not being overly prescriptive; consider composition of neighborhoods and ensure that what is built or where that “missing middle” is inserted fits as best as possible; consider the correct “massing” and placing of like types of projects and look for innovative ways to fill in the gap; address parking standards; set minimum parking standards low having in mind desire for fewer cars on the streets; might want to include minimum standards for environmentally friendly landscaping; and include standards that maximize the ability for developers to be creative in adding more housing.

Members of the Planning Commission offered the following comments regarding the stakeholders that should be engaged as part of the process and/or outreach strategies: the need for robust community outreach process is critical in finding what the community wants for its development to achieve compatibility; educate residents on the new laws in the most general way possible with transparency; conduct outreach, such as done with regional community meetings and neighborhood meetings on other issues; reach out to stakeholders such as homeowner’s associations (HOAs), tenants associations, faith organizations, Hayward Concerned Citizens, National Association for the Advancement of Colored People (NAACP), La Familia, parent-teacher organizations, emergency personnel (Police and Fire), and South Hayward stakeholders; invite residents who speak different languages and residents most impacted by the issues; engage design professionals to help guide the process; invite developers and consultants; and invite stakeholders, educate them and then ask for their input.

Members of the City Council offered the following comments regarding parking issues: the parking issue is similar to homes adding Accessory Dwelling Units (ADUs) to existing houses which could double the number of cars on one site; consider parking structure near housing to address parking issues; work with developers to incentivize use of bicycles; continue proposing car lifts, BART/AC Transit passes; continue to think about bicycle infrastructure in a way that it does not disturb the community; parking has long been an issue that requires better planning standards to mitigate concerns; consider tradeoffs such as having a shuttle, car sharing program or technological solutions to offset parking; use garages for parking as stipulated in Covenants, Conditions and Restrictions (CC&Rs); consider transportation management and partnerships; consider dedicated space for extra, non-commute cars, to help neighborhoods and offer space for owners to work on cars; parking should be prioritized in new developments, and perhaps use of front lawns for parking; make parking mandatory for townhomes/condos; working class people may drive farther to their jobs and need their cars, parking space; should prioritize parking and needs with new development; community preservation is needed to enforce parking on lawns; there should be standards for parking; and reduce dependency on single vehicles to encourage people to change habits.



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Members of the City Council offered the following comments regarding qualities of residential development objective standards: idea of duplexes, triplexes, etc. was a good one but, could have difficulties, e.g. space for six or more cars at one property; exercise care about the “missing middle” regarding aesthetics, and parking; re-think certain locations for building housing, such as on the hillsides; consider adjustments to frontages if folks do not garden and/or have native landscaping whenever viable; encourage developers to maintain sense of identity in communities; environmental concerns should be included in standards; stepped density seems to be more acceptable; maintain view corridors; maintain as much privacy as feasible; have conversations with neighborhood groups that have community standards; think differently, but do not micro-manage developments, and keep certain standards such as not using bars on windows; fences made of metal bring down aesthetics of the neighborhoods; use of trees and natural barriers could help privacy concerns and provide alternative to fences; there was overall support for higher density and infill development; in developing standards, ensure the community is clean and inclusive; and respect the uniqueness of neighborhoods and ensure new developments are consistent with surrounding neighborhoods; and prevent speculative investments by increasing real property transfer tax for units sold that are a certain percentage above the purchase price.

Members of the City Council offered the following comments regarding the stakeholders that should be engaged as part of the process and/or outreach strategies: while conducting outreach, the City needs to connect why the “missing middle” is an important concept to current homeowners and share the services it provides in trying to create more housing in a responsible manner; engage local stakeholders and seek input from experts outside the City; consider holding meetings/charrettes to educate residents in a way that is easy to understand such as building Legos; meet people where they are such as at the farmers market, library, doughnut/coffee shops; follow outreach plans for Housing Element and Environmental Justice engagements; educate community members about the need for the new standards, possibly with a video and footage with local community members; follow the “City Hall to You” approach for outreach on development standards; include language interpretation in Spanish and other languages as needed; outreach must include listening to existing and potential new neighbors and their views on standards; engage experts on design and planning to get diversity of thought; include state legislators in outreach efforts; and consider a work session with developers to address obstacles to building affordable housing.

Acting Planning Manager Lochirco indicated the goal of the work session was to provide an overview of the Density Bonus Ordinance and needed update to align with current state legislation, provide case studies from other jurisdictions, and collect feedback from City Council and Planning Commission; and introduced CSC consultant Laurel Matthews to provide an overview of the Density Bonus Ordinance project, a timeline, and next steps.

Mayor Halliday opened public comment 9:32 p.m.

Ms. Ro Aguilar recommended the City follow the State's Density Bonus formula with a focus on home ownership for low-income people; and revise the Housing Element to require greater percentage of affordable housing in new residential projects.

Mayor Halliday closed public comment at 9:35 p.m.

Members of the City Council and Planning Commission generally favored following the State's Density Bonus formula with additional incentives for types of housing such as high-rise, mini homes, container homes, mobile homes, multiple bedrooms, duplexes included in single family home development, mixed-income housing, stacked flats studios, working space units, community rooms or rooms have fiber built in, diversity of housing ranges in terms of size and location; consider setbacks, density, parking and offering something in exchange for more affordable housing.

Members of the City Council and Planning Commission also offered the following: be creative about the list of incentives to ensure reaching Regional Housing Needs Allocation (RHNA) numbers and meeting the target of affordable housing units; allow more incentives and flexibility with a focus on the type of housing needed; evaluate if parking is the right incentive to offer; prioritize what Hayward is doing to preserve residents who live in Hayward including single parents and aging adults on fixed income and avoid displacement; explore ways to incentivize inclusionary housing onsite; consider not changing parking requirements but identifying other incentives such as streamlining permit processes or defer property tax; in lieu fees should only be an option if units cannot be built; create predefined incentives to help streamline development process and clarify rules for developers; need to stay competitive so as not to lose housing units to areas more competitive developmentally; expressed concern with terms such as high density, low income, as they may have repercussions with regard to decision makers for chain store groceries and bank financing; expressed concern about affordable housing near transit with no parking as families might need cars for work-related activities; create guidelines on how to define incentives; craft an ordinance to reach broad and deep affordability on housing units built, leave the process open and change ordinance over time; on possible incentives, need to have levels of affordability locally to allow density bonus to come into effect and evaluate impact of minimum 30% density bonus threshold and then offer range on the bonus benefit; ensure incentivizing rental as well as home ownership opportunities for low-income and all income levels; consider increasing in lieu fees to incentivize more onsite inclusive affordable housing; consider fees based on sq. ft. rather than on a per unit basis; concerned with allowing developers to charge maximum rents; consider incentives requiring universal design, such as bedrooms on the first floor, and providing amenities such as dog park, public art, recreation/open space and onsite childcare; decisions must be data driven, e.g., providing incentives for student housing in comparison to the growth of colleges v. need for senior housing; diversifying the incentives will strengthen the ordinance; unbundled parking (pay for parking) might reduce car dependence; and incentives could include ground floor retail in multi-family or neighborhood serving retail and childcare.



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Members of the City Council and Planning Commission generally agreed with aligning the density bonus approval process with the standard entitlement process to streamline housing permitting.

Following gratifying comments from all members of the City Council and Planning Commission, City staff thanked the Mayor, Council Members and Planning Commissioners for their valuable input.

PUBLIC HEARING

8. Andina Affordable Housing Project TEFRA Hearing: Public Tax and Equity Fiscal Responsibility Act (TEFRA) Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Approving the Issuance of Revenue Bonds by the California Municipal Finance Authority in an Amount Not-to-Exceed \$45,000,000 to Finance or Refinance the Acquisition, Rehabilitation, Improvement and Equipping of a Multifamily Rental Housing Project Located at 1180-1182 E Street, Hayward, California (Item Continued) **PH 22-003**

Mayor Halliday announced this public hearing was continued to February 8, 2022.

COUNCIL REPORTS AND ANNOUNCEMENTS

There were none.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the joint City Council/Planning Commission meeting at 10:45 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward