



## **CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

### **Council Chamber and Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/89416478079?pwd=MWRlQ1htckdHRFN4ZzZuNWoxZDI1Zz09>

**Tuesday, December 6, 2022, 7:00 p.m.**

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The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The City Council held a hybrid meeting in Council Chambers and virtually via Zoom.

**Pledge of Allegiance:** Council Member Lamnin

### **Roll Call**

Present

Council Chamber: Council Members Andrews, Lamnin, Márquez, Zermeño  
Mayor Halliday

Virtual Platform (Zoom): Council Member Salinas

Absent: None

Mayor Halliday announced that Council Member Wahab had been elected to the California State Senate and was required to resign from the Hayward City Council so that she could take her Oath of Office on the State Senate.

### **CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session at 5:30 p.m., with six members present and no public comment, regarding two items: 1) conference with legal counsel pursuant to Government Code section 54956.9 regarding the case Smith, et al. v. City of Hayward, et al., U.S.D.C. N.D. Cal., Case No. C21-08467 YGR; and 2) conference with legal counsel pursuant to Government Code section 54956.9 regarding one anticipated case. City Attorney Lawson reported that the Council discussed both items and took no reportable action; and noted that former Council Member Wahab had resigned on December 4, 2022, to take the oath of office as the newly elected State Senator for the 10<sup>th</sup> District, consequently the Council was reduced to six members.

### **PRESENTATION**

Mayor Halliday read a Certificate of Commendation presented to Senator Bob Wieckowski upon his retirement and in honor of his dedication and commitment to the 10<sup>th</sup> Senate District in the California State Legislature. Senator Bob Wieckowski thanked the City Council for such recognition.

### **PUBLIC COMMENTS**

TJ with Hayward Concerned Citizens spoke about the assault of a 24-year-old victim by three individuals in the downtown parking garage; suggested brighter or motion-sensor lighting, better security cameras, reinstate the security robot, provide around-the-clock private

security, and initiate a night-time window of closure for the garage; and urged residents, City leaders, and law enforcement to partner to improve the downtown area enabling it to thrive again.

Mr. Gabriel Altamirano with South Hayward Now/Ahora clarified the goal of SB 946 regarding street food vendors and underscored related issues; and urged the City to stop unpermitted street vendors and create an interim program for enforcement to address the concerns.

Ms. Ellen Mayfield, Hayward resident, shared she was elated to see the topic of smoke-free multi-housing on the agenda and urged the Council to start the public outreach initiative sooner.

Ms. Deborah Reams shared that although smoking was prohibited per her apartment contract, she still experienced second-hand smoke in her residence; and requested that Council prioritize the issue of smoke-free in multi-housing sooner.

Ms. Dustie shared that her son was the victim of assault occurring in the municipal parking lot, underscored that the incident had generated discussion in the community about safety, and thanked those who expressed their concern about her son's assault.

City Manager McAdoo and Acting Police Chief Matthews spoke about the assault of the victim on November 28, 2022 in the municipal parking lot; noted that due to the delay in notification of the incident, the Hayward Police Department (HPD) was unable to locate those responsible and requested that members of the public who witnessed the incident contact HPD's investigation unit with any information; and added that a project was underway to upgrade the cameras in the garage and around other city facilities.

In response to Council Member Andrews' inquiry about the security robot, City Manager McAdoo indicated it had sustained damage on numerous occasions, and its contract was terminated for cost savings measures.

Mayor Halliday stated the City should engage the Downtown Hayward Improvement Area Association on how they can help provide additional security in the downtown.

## **CITY MANAGER'S COMMENTS**

City Manager McAdoo announced the library, in partnership with local agencies, was launching a diaper distribution program at the downtown library which would occur on the second Thursday of the month starting on December 8, 2022 through June 8, 2023; shared the Hayward Airport holiday celebration will be held on December 7, 2022; and congratulated City departments on the successful launch of Energov, a new electronic permits system.

## **CONSENT**

Consent Item No. 18 was pulled from the Consent Calendar to allow for public comment.



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1. Approve the City Council Minutes of the City Council Meeting on November 1, 2022 **MIN 22-129**

It was moved by Council Member Andrews, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on November 1, 2022.

2. Approve the City Council Minutes of the City Council Meeting on November 15, 2022 **MIN 22-140**

It was moved by Council Member Andrews, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on November 15, 2022.

3. Adopt a Resolution Allowing the City Council and Appointed Commissions/Task Forces and Council Committees to Hold Continued Teleconferenced Public Meetings Pursuant to AB 361 **CONS 22-659**

Staff report submitted by City Clerk Lens, dated December 6, 2022, was filed.

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

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

Resolution 22-284 "Resolution Making the Required Findings Pursuant to AB 361 to Continue to Hold Teleconferenced Public Meetings During the COVID 19 State of Emergency"

4. Adopt a Resolution Accepting the Resignation of Ms. Gordean Lum-Villados from the Keep Hayward Clean and Green Task Force, Effective Immediately **CONS 22-674**

Staff report submitted by City Clerk Lens, dated December 6, 2022, was filed.

Council Member Andrews thanked Ms. Gordean Lum Villados for her service on the Keep Hayward Clean and Green Task Force.

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

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

Resolution 22-285, "Resolution Accepting the Resignation of Ms. Gordean Lum-Villados from The Keep Hayward Clean and Green Task Force"

5. Adopt a Resolution Accepting the Resignation of Ms. Arti Garg from the Community Services Commission, Effective Immediately **CONS 22-672**

Staff report submitted by City Clerk Lens, dated December 6, 2022, was filed.

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

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

Resolution 22-286, "Resolution Accepting the Resignation of Ms. Arti Garg from the Community Services Commission"

6. Adopt a Resolution Accepting the Resignation of Mr. Zachariah Oquenda from the Planning Commission, Effective Immediately **CONS 22-661**

Staff report submitted by City Clerk Lens, dated December 6, 2022, was filed.

Council Member Andrews thanked Mr. Zachariah Oquenda for his service on the Planning Commission.

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



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AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Zermelo  
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-287, "Resolution Accepting the Resignation of Mr.  
Zachariah Oquenda from the Planning Commission"

7. Adopt a Resolution Appointing Ms. Arti Garg to the Planning Commission to Fill the  
Unexpired Term of Mr. Zachariah Oquenda **CONS 22-662**

Staff report submitted by City Clerk Lens, dated December 6,  
2022, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Zermelo  
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-288, "Resolution Appointing Ms. Arti Garg to the  
Planning Commission to Fill the Unexpired Term of Mr.  
Zachariah Oquenda"

8. Adopt a Resolution Rescinding a Portion of the Previously Adopted Resolution 20-065,  
Regarding Approval of a Financing Model that Supports the Development of Middle-  
Income Affordable Housing and Authorization of the City Manager to Execute Purchase  
Option Agreements with the California Community Housing Agency **CONS 22-648**

Staff report submitted by City Attorney Lawson/ Housing  
Manager Morales, dated December 6, 2022, was filed.

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

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

Resolution 22-289, "Resolution of the City Council of the City of Hayward Rescinding a Portion of the Previously Adopted Resolution 20-065, Regarding Approval of a Financing Model that Supports the Development of Middle-Income Affordable Housing and Authorization of the City Manager to Execute Purchase Option Agreements with CALCHA"

9. Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Brown and Caldwell to Increase the Contract Amount by \$4,800,000 to a Total Not-to-Exceed Amount of \$8,649,711 for Final Design Services for the Administration and Laboratory Building, and Primary Effluent Equalization Basin Relocation Projects, and Geotechnical Investigation Services for the Water Pollution Control Facility Improvements Phase II Project No. 07760 **CONS 22-663**

Staff report submitted by Director of Public Works Ameri, dated December 6, 2022, was filed.

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

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

Resolution 22-290, "Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Brown and Caldwell to Increase the Contract Amount by \$4,800,000, for a Total Not-to-Exceed Amount of \$8,649,711 for the Final Design Services for the Administration and Laboratory Building, Primary Effluent Equalization Basin (Eq Basin) Relocation Projects, and Geotechnical Investigation Services for the Water Pollution Control Facility (WPCF) Improvements Phase II Project, Project No. 07760"

10. Adopt a Resolution Supporting East Bay Municipal Utility District's (EBMUD) Grant Funding Application for the Implementation of Management Actions and Projects in the City/EBMUD Jointly Prepared East Bay Plain Subbasin Groundwater Sustainability Plan **CONS 22-665**



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Staff report submitted by Director of Public Works Ameri, dated December 6, 2022, was filed.

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

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

Resolution 22-291, "Resolution Supporting East Bay Municipal Utility District's (EBMUD) Grant Funding Application for the Implementation of Management Actions and Projects in the City/EBMUD Jointly Prepared East Bay Plain Subbasin Groundwater Sustainability Plan"

11. Adopt a Resolution Demonstrating Compliance with State Housing Laws per the Metropolitan Transportation Commission and One Bay Area Grant Funding Requirements **CONS 22-666**

Staff report submitted by Director of Public Works Ameri, dated December 6, 2022, was filed.

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

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

Resolution 22-292, "Resolution of the City Council of the City of Hayward Regarding Local Compliance with State Housing Laws Pursuant to Metropolitan Transportation Commission and One Bay Area Funding Requirements"

12. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Agreement with Workforce Integrity and Training Solutions, LLC for Labor Compliance Coordination Services in the Amount of \$200,000 for a Total Not-To-Exceed Amount of \$372,000 and for Extension of the Agreement to December 31, 2023 **CONS 22-676**

Staff report submitted by Director Public Works Ameri, dated December 6, 2022, was filed.

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

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

Resolution 22-293, "Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Agreement with Workforce Integrity and Training Solutions, LLC for Labor Compliance Coordination Services in the Amount of \$200,000 for a Total Not-to-Exceed Amount of \$372,000 and Extending the Agreement to December 31, 2023"

13. Adopt a Resolution Amending Resolution 22-087 to Apply as Joint Applicant with EAH, Inc for the California State Department of Housing and Community Development California Housing Accelerator Limited Accelerator Project Gap Funding Program **CONS 22-678**

Staff report submitted by Housing Manager Morales/ Assistant City Manager Ott, dated December 6, 2022, was filed.

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

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

Resolution 22-294, "Resolution Amending Resolution 22-087 and Restating the Authorization of the City Manager to: 1) Apply for an Award from the California Housing Accelerator Limited Accelerator Project Gap Funding Program from the California State Department of Housing and Community; 2) Enter Into a





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Standard Agreement with the California State Department of Housing and Community Development for the California Housing Accelerator Limited Accelerator Project Gap Funding Program; and 3) Accept an Amount Not to Exceed \$51 Million to Support the Pimentel Place Development for 57 Units of Affordable Housing”

14. Adopt a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2023 Pursuant to California Government Code Section 22892 of the Public Employees’ Medical and Hospital Care Act **CONS 22-679**

Staff report submitted by Assistant City Manager Youngblood, dated December 6, 2022, was filed.

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

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

Resolution 22-295, “Resolution Agreeing to Meet the Minimum Employer Contribution Toward Medical Cost as Set by California Public Employees Retirement System in the Amount of One Hundred Fifty-One Dollars (\$151) Per Month for Calendar Year 2023”

15. Adopt a Resolution Authorizing the City Manager to Accept \$8,558,902 in State Library Grant Funds for Construction of the Stack Center and to Execute Associated Grant Agreements **CONS 22-680**

Staff report submitted by Assistant City Manager Ott, dated December 6, 2022, was filed.

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

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

Resolution 22-296, "Resolution of the City of Hayward Authorizing the Grant Acceptance and Execution of the Grant Funds from the State of California Budget Act of 2021 (SB 129) and Appropriating Them to the South Hayward Youth and Family Center Project"

16. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Lease Agreement with the Alameda County Deputy Sheriffs' Activities League to Expand the Commercial Kitchen at the Matt Jimenez Community Center and Operate the Commercial Kitchen Incubator Program **CONS 22-681**

Staff report submitted by Assistant City Manager Ott, dated December 6, 2022, was filed.

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

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

Resolution 22-297, "Resolution Authorizing the City Manager to Negotiate and Execute a Lease Agreement with the Alameda County Deputy Sheriffs' Activity League to Expand the Commercial Kitchen at the Matt Jimenez Community Center and Operate a Commercial Kitchen Incubator Program"

17. Adopt Resolutions Authorizing the City Manager to: (1) Accept and Appropriate Funds Awarded by the California State Legislature under Assembly Bill 179 in an Amount up to \$5.4 Million for the City's Scattered Site Housing Program, and Negotiate and Execute Documents and Any Subsequent Amendments, Modifications, or Documents Thereto with the California State Department of Housing and Community Development; and (2) Negotiate and Execute Loan Documents between the City of Hayward and Bay Area Community Services in an Amount Not-to-Exceed \$5.4 Million to Acquire and Rehabilitate a Minimum of Three Single-Family Homes for the City's Scattered Site Housing Program, for which the California Environmental Quality Act Does Not Apply **CONS 22-682**



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Staff report submitted by Assistant City Manager Ott, dated December 6, 2022, was filed.

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

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

Resolution 22-298, "Resolution Authorizing the City Manager to Accept and Appropriate Funds Awarded by the California State Legislature Under Assembly Bill 179 in the Amount Up to \$5.4 Million for the City's Scattered Site Housing Program, and Negotiate and Execute any Documents and any Subsequent Amendments, Modifications, or Other Documents Thereto with the California State Department of Housing and Community Development Regarding Acceptance of the Funds"

Resolution 22-299, "Resolution Authorizing the City Manager to Negotiate and Execute Loan Documents Between the City of Hayward and Bay Area Community Services in an Amount Not to Exceed \$5.4 Million for the City's Scattered Site Housing Program"

18. Adopt a Resolution Authorizing the City Manager to 1) Negotiate and Execute an Agreement with Eden Health District (EHD) for the Award of \$250,000 to the City for the Acquisition of the St. Regis Retirement Center; (2) Accept and Appropriate the Funds Awarded by EHD; and (3) Negotiate and Execute an Agreement for Transfer of the \$250,000 in Funds from the City to Bay Area Community Services for Down Payment Assistance to Acquire the St. Regis Retirement Center **CONS 22-684**

Staff report submitted by Assistant City Manager Ott, dated December 6, 2022, was filed.

Mayor Halliday opened the public comment period at 7:44 p.m.

Mr. Gabriel Altamirano, South Hayward Now/Ahora member, asked if permits would be pulled for the proposed project through the Planning Division and whether there would be CEQA review; noted there should be public input on the proposed project; and shared that

potential challenges with institutions could be mitigated by the City through the inclusion of conditions of approval.

City Manager McAdoo stated the project was not made more public because the proposed operator, Bay Area Community Services (BACS), had acquired the property but was going through state approvals and funding elements were still being finalized. Ms. McAdoo noted the intent behind the project was to build a campus facility to provide residential treatment to individuals facing medical fragility as they age and homelessness or mental health challenges that require in-patient care but not severe enough for placement at the John George mental health facility; noted the project was permitted per the current zoning of the property and was exempt from CEQA; and staff would conduct community outreach and engagement.

Ms. Suzanne Luther with Hayward Concerned Citizens asked if half of the facility would be a lock-down facility, what experience BACS has with a lock-down facility, and who would be responsible in the event an individual gets out.

Council Member Márquez made a motion to move the item per staff recommendation, requested that details about community outreach be included in the Stack Newsletter, and sought confirmation that the City was in contact with the Hayward Unified School District about the project.

City Manager McAdoo shared that the existing St. Regis facility has a secure Alzheimer's treatment wing, emphasized that individuals will not be permitted to leave the facility and wander around, and people will not be released unless they are self-sufficient, independent or have a place to go.

Council Member Zermeño seconded the motion.

Mayor Halliday thanked the Eden Health District for providing funding for the project, recognized the need for further community discussion.

Mayor Halliday reopened public comments at 7:56 p.m.

Ms. Ro Aguilar applauded the City and its partners for engaging and supporting a creative outlet addressing mental health illness, underscored the need for the police to have a place to drop off homeless people who are mentally ill so they can get the care and services they need.

Mayor Halliday closed the public comment period at 7:57 p.m.

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



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AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Zermeno  
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-303, "Resolution Authorizing the City Manager to:  
1) Negotiate and Execute an Agreement with Eden Health District; 2) Accept and Appropriate Funds Awarded by EHD in an Amount up to \$250,000; and 3) Negotiate and Execute an Agreement Between the City of Hayward and Bay Area Community Services (BACS) for Down Payment Assistance to Acquire St. Regis Retirement Center in an Amount Not-to-Exceed \$250,000"

### 19. Adopt a Resolution Accepting the Fiscal Year 2023 Statement of Investment Policy and Delegation of Authority **CONS 22-686**

Staff report submitted by Director of Finance Claussen, dated December 6, 2022, was filed.

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

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Zermeno  
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 22-300, "Resolution Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"

### 20. Adopt a Resolution Accepting Transmittal of the Annual Mitigation Fee Act Report (AB1600) **CONS 22-687**

Staff report submitted by Director of Finance Claussen, dated December 6, 2022, was filed.

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

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

Resolution 22-301, "Resolution Accepting the Report and Adopting Findings Related to Fees Collected for the Development Projects Subject to the Requirements of the Mitigation Fee Act"

21. Adopt a Resolution Authorizing the City Manager to Execute a Letter of Intent with the Alameda County Fire Department to Negotiate the Terms of a Proposal for Ambulance Services and/or Emergency Medical Services in Alameda County **CONS 22-698**

Staff report submitted by Chief of Fire Contreras, dated December 6, 2022, was filed.

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

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

Resolution 22-302, "Resolution Authorizing the City Manager to Execute a Letter of Intent with the Alameda County Fire Department to Negotiate the Terms of a Proposal for Ambulance Services and/or Emergency Medical Services in Alameda County"

## **PUBLIC HEARING**

22. Density Bonus Ordinance: Introduce an Ordinance Related to Text Amendments to Chapter 10 (Planning, Zoning, and Subdivisions) of the Hayward Municipal Code for the Adoption and Updates to the City's Density Bonus Ordinance and Adopt a Resolution Supporting the Proposed Zoning Text Amendments and Approving an Addendum to the Hayward 2040 General Plan Environmental Impact Report for the Administration of a New Density Bonus Program in the City of Hayward **PH 22-065**

Staff report submitted by Assistant City Manager/ Development Services Director Ott, dated December 6, 2022, was filed.



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Acting Development Services Director Buizer introduced Planning Manager Lochirco who provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 8:27 p.m.

Ms. Diann Castleberry, External Affairs Representative with AC Transit, expressed her organization's support of the proposed ordinance as it would provide more benefits with density bonuses; and expressed appreciation for staff's work and time in considering all voices.

Mr. Gabriel Altamirano, South Hayward Now/Ahora member, asked how the City would confirm that the developer built affordable housing units upon completion of the project and how does the Code address situations when the applicant is unable to build affordable housing units and what mechanisms are in place.

Planning Manager Lochirco responded that density bonus projects are subject to discretionary review and often include conditions of approval; stated that for residential projects building housing units, it is required that applicants comply with the Affordable Housing Ordinance; and that prior to issuance of a certificate of occupancy, the City requires that conditions of approval be met before signing off and allowing tenancy of units.

Housing Manager Morales added that the City would withhold building permits until the developer enters into an Affordable Housing Agreement with the City, and this was one benchmark to stop the project if the developer was not going to fulfill their affordable housing requirements; noted that when the property is sold, the new property owner would be responsible for fulfilling the obligation; and stated that the certificate of occupancy can be withheld on the market rate units if the property owner or developer is not fulfilling their obligations with affordable housing units.

Mr. Robert Raburn, BART Director for District 4, expressed his excitement and support of the proposed density bonus ordinance, appreciated the targeting of special needs such as the college student housing, and encouraged the City to move forward with the ordinance.

Ms. Ro Aguilar supported the proposed ordinance except for the affordable housing inclusion recommendation which leaves the decision and responsibility to build on-site affordable housing or pay in-lieu fees on developers, noted the City must require developers to build on-site affordable housing so developers will be reasonably assured that planned developments will pass, and suggested to measure the impact of the ordinance, if approved as recommended.

Mayor Halliday closed the public hearing at 8:38 p.m.

In response to Council Member Zermeño's inquiry as to how difficult it would be to require on-site affordable housing, City Manager McAdoo stated the Council could make this requirement as a policy recommendation, however, requiring inclusionary units onsite for every project, may limit the number of units being produced, and indicated that as part of the housing ordinance review, the City hired an economist to review the financial feasibility and what happens at different levels of requirements. Housing Manager Morales added that the findings from the consultant's feasibility study will be presented to the Planning Commission on December 8, 2022, and the item will return to Council early next year.

Council Member Zermeño commented the City had been successful in the past in convincing some developers to build onsite affordable housing and modifications to the ordinance could be evaluated in the future, supported staff's recommendation and that certain segments of residents were being targeted which was addressing residents' needs, indicated there was a desire to build close to transportation centers and was pleased with the support received from BART and AC Transit representatives of the proposed ordinance.

Council Member Zermeño made a motion to move the item.

Council Member Andrews thanked Council Members Márquez and Lamnin for their support of universal design standards and to staff for including this in the proposed ordinance as it would support the Americans with Disabilities Act (ADA) and multigenerational households.

In response to Council Member Andrews' inquiry about additional innovative density ideas that have special attributes, Planning Manager Lochirco noted the recommended ordinance goes above and beyond what other jurisdictions have done and staff will continue to monitor the success of the proposed ordinance and adjust as needed.

Council Member Andrews appreciated Ms. Aguilar's advocacy and asked if it would be possible to have a meet and greet with her and some developers to understand the complexities in housing development. City Manager McAdoo responded that staff could look into this.

Council Member Lamnin noted that most developments that have gone to the City Council and Planning Commission in the last three to four years included affordable housing onsite and stated that a future policy discussion point will be centered around how to make sure people are living in places of opportunity.

Council Member Márquez appreciated the outreach efforts by staff; stated that both herself and Council Member Lamnin have advocated for universal design noting this was not limited to the elderly and individuals with disabilities, but also to assist with multigenerational housing needs due to affordability; thanked Ms. Aguilar for her strong advocacy; added that although she wants to see more affordable housing on-site, she sees value in in-lieu fees without which programs like the navigation center may not be feasible; and was pleased with the proposed ordinance and supported it.





## CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

### Council Chamber and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/89416478079?pwd=MWRlQ1htckdHRFN4ZzZuNWoxZDI1Zz09>

Tuesday, December 6, 2022, 7:00 p.m.

Council Member Salinas thanked staff and stated that as this was the last meeting with Mayor Halliday and Council Member Lamnin, it was a good ordinance to end on as the City Council had provided a lot of input on the proposed ordinance, emphasizing that the City exceeded surrounding jurisdictions and State standards.

Council Member Zermeño withdrew his motion and invited Council Members Lamnin and Márquez to make a motion and a second since they have been working on the item longer than him; and expressed his support of the ordinance.

Council Member Lamnin made a motion to approve the staff recommendation and Council Member Salinas seconded the motion, both of whom also serve as members on the Homelessness-Housing Task Force.

Mayor Halliday commented the City had to update its density bonus ordinance and staff had gone above and beyond developing the ordinance; stated that Council preferred that developers make on-site affordable housing as this would lead to a better and more equitable society but if projects were not financially viable then they will not be built, resulting in no housing; added that in-lieu fees could be useful for projects that are all devoted to a particular type of housing such as senior housing; and noted that it would be more successful to get developers to build moderate income housing and meet Regional Housing Needs Allocation (RHNA) goals.

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

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

Resolution 22-304 "Resolution to Adopt Amendments to Chapter 10, Article 17 (Affordable Housing Ordinance) and Chapter 10, Article 19 (Density Bonus Ordinance) of the Hayward Municipal Code Related to the Update of the Density Bonus Ordinance"

## INFORMATIONAL ITEM

23. Smoke-Free Multi-Family Housing: Proposed Timeline for Updated Regulations **RPT**  
**22-111**

Staff report submitted by Assistant City Manager/ Development Services Director Ott, dated December 6, 2022, was filed.

Council Member Lamnin commented that Ms. Ellen Mayfield had expressed during the public comments section about secondhand smoke issues where she resides and urged her to contact the Code Enforcement Division.

Mayor Halliday opened the public comment period at 9:02 p.m.

Ms. Ellen Mayfield indicated that staff from Code Enforcement and the Hayward Police Department had visited her and the neighboring resident, and she was open to other recommendations.

Mayor Halliday closed the public comment period at 9:03 p.m.

Council Member Márquez stated that there were many community members interested on the item, a petition circulating, and La Familia Counseling Services was working on it; urged Ms. Deborah Reams who spoke during public comments to contact City staff for additional resources; and added the Council was undergoing a transitional period.

## **COUNCIL REPORTS AND ANNOUNCEMENTS**

Mayor Halliday commended everyone who participated in the Light Up the Season on December 3, 2022, noting there was good community interaction and enjoyment, and thanked City staff for organizing the event.

Council Member Andrews shared the opening of Max's Cakes on B Street on December 10, 2022, suggested a B Street bake off including Max's Cakes, Marley's Treats, and The Cupcake Shoppe; stated that both herself and Council Member Márquez were hosting a Toy Drive in the City Hall Plaza on December 18, 2022 for La Familia, Eden Youth and Family Center, and Glad Tidings, Gifts Cards for Downtown Streets Teams, and South Hayward Parish.

## **COUNCIL REFERRALS**

### **24. City Council Referral: Hayward Family Resource Center RPT 22-113**

Staff report submitted by Council Members Andrews and Wahab, dated December 6, 2022, was filed.

Council Member Andrews stated the referral was from former Council Member Wahab, acknowledged there were a lot of agencies doing good work in the city, noted the intent was to see what other agencies were doing for these types of locations.

Mayor Halliday opened the public comment period at 9:11 p.m.



## **CITY COUNCIL MEETING**

**777 B Street, Hayward, CA 94541**

**Council Chamber and Virtual Platform (Zoom)**

<https://hayward.zoom.us/j/89416478079?pwd=MWRla1htckdHRFN4ZzZuNWoxZDI1Zz09>

**Tuesday, December 6, 2022, 7:00 p.m.**

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Ms. Ilseh Busarelo, shared that there were a few students who were online earlier who wanted to share comments related to Item 23 (Smoke-Free Multi-Family Housing), was thankful for the item being on the agenda and hoped for forward movement on the issue and community outreach earlier next year.

Mayor Halliday closed the public comment period at 9:13 p.m.

Mayor Halliday noted there will be a meeting in March to look at the roadmap and this might be a good opportunity to weigh in on the item.

Council Member Salinas stated that in looking at the referral he was initially concerned that there was an assumption that the resources currently did not exist, emphasized that historically there have been family resource centers throughout the city providing resources and connecting families, particularly to low-income and marginalized families, and was unsure what the referral was aiming to accomplish.

Council Member Zermeño thanked Council Members Wahab and Andrews and commented that the Stack Center has served as a family resource center and noted the referral may be unnecessary and did not agree with having staff spend time on the item.

Council Member Lamnin stated that with the creation of the homelessness strategic plan the continuity of care and having different systems talk to one another was highlighted; stated that while it is great to have a place to address the needs raised in the referral, the City could continue to work on continuity of care throughout the city so that if someone is in need, there is an easy way to identify and access the resources; and noted the referral could be taken as an informational item.

Mayor Halliday stated that the referral was made with good intentions; and highlighted that the city was not in charge of the Stack Center and noted that the big challenge was funding for the construction of the entire project; and suggested the City ask Mayor-Elect Salinas to pass the information to the governance group in charge of moving the project forward.

Council Member Andrews suggested that a letter be drafted for State Senator Wahab requesting funds for the Stack Center.

City Manager McAdoo noted that funding allocations had been made by her predecessor and that staff could draft a similar letter.

## **ADJOURNMENT**

Mayor Halliday congratulated Stated Senator Wahab who will be representing the 10<sup>th</sup> Senate District and Council Member Lamnin on her election to the HARD Board of Directors; announced she will be retiring from public office; and noted that Mayor-Elect Salinas and two new Council Members Roche and Syrop will be sworn in on December 13, 2022.

Mayor Halliday adjourned the City Council meeting at 9:31 p.m.

## **APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

## **ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward