



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform – Zoom

<https://hayward.zoom.us/j/82552506475?pwd=SXk2cWtuQkJKUy9BbFEvKOs2Q0s1Zz09>

Tuesday, September 28, 2021, 7:00 p.m.

The special City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The City Council held a hybrid meeting which included in-person and teleconference participation by members of the City Council, staff and public.

Pledge of Allegiance: Council Member Salinas

ROLL CALL

Council Chamber: Council Members Lamnin, Salinas and Zermeño
Mayor Halliday

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

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on September 28, 2021, at 5:30 p.m., with all members present, to discuss: (1) anticipated litigation (one case) pursuant to Government Code section 54956.9(d)(1); and (2) property negotiations regarding Caltrans Parcel Group 6: Carlos Bee Boulevard and Overlook Avenue; APN: 455-0180-001-00. Assistant City Attorney Brick announced the City Council took no reportable action related to Item 1, and with Mayor Halliday recusing herself from Item 2, the Council took no reportable action.

PUBLIC COMMENTS

Ms. Suzanne Philis, City employee and SEIU Clerical Chapter president, shared there was a rally of the Coalition (HAME, IFPTE Local 21 and SEIU 1021) at City Hall in support of SEIU and HAME contract negotiations and noted members are awaiting contract resolutions.

Ms. Evelyn Olivera, City employee, referred to 2021 Federal Income Levels data noting the amount of income for families to pay for essentials is not enough, and mentioned she helped at the call center during the pandemic and empathized with the need in the community.

Ms. Sally Thomas, City employee and HAME member, urged the Council to support a fair and equitable contract for all groups to retain talented staff and attract new talent; noted recent salary survey shows over 50% of HAME classifications are 11% below market, and asked Council to direct city negotiators to bargain in good faith and estimate costs fairly and accurately.

Mr. Dan Magalhaes, City employee at WPCF and HAME member, spoke about the successful projects members of the Coalition have accomplished and discrepancies in pay structure, and asked that Council give latitude to people at the bargaining table to reach an agreement.

Mr. Saad Muhammad, SEIU 1021 field representative, echoed comments by City staff about value of services provided, noted residents depend on core services and have signed a petition to support the Coalition, and asked the Council to give the bargaining team authority to meet them in a fair place.

TJ, Hayward Concerned Citizens member, shared that none of the Zoom comments are being heard on the YouTube feed.

City Manager McAdoo indicated that City staff was working on audio issues and Council Members joined via Zoom were hearing all public comments.

CITY MANAGER'S COMMENTS

City Manager McAdoo reiterated the technical glitch with Zoom comments not heard on YouTube or the live stream, recommended folks experiencing issues could join the meeting via the Zoom platform, and noted the recording would be rebroadcast; announced there is financial assistance available for back rent and utility expenses and the Rent Relief program will remain in place beyond end of the State eviction moratorium and provided contact information; and shared the City received a score of 70 for Pavement Condition Index (PCI) and earlier in the year the City Council awarded \$11.4 million to pave 89 street segments and noted the City will include streets in areas which have not received fair share of paving improvements in the past.

In response to Council Member Wahab inquiry if the County's moratorium supersedes the City's moratorium, City Manager McAdoo responded she did not think the County moratorium applies to the city of Hayward, but individuals should seek legal advice.

CONSENT

1. Adopt a Resolution Accepting the Resignation of Ms. Chiemeka Okoronkwo from the Keep Hayward Clean and Green Task Force, Effective Immediately **CONS 21-501**

Staff report submitted by City Clerk Lens dated September 28, 2021, 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 21-183, "Resolution Accepting the Resignation of Ms. Chiemeka Okoronkwo from the Keep Hayward Clean and Green Task Force"

2. Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with RossDrulisCusenbery Architecture, Inc., thereby Increasing Construction Support for the Fire Station 6 and Fire Training Center Project by \$830,000 for a Total Not-to-Exceed Contract Amount of \$2,962,000 **CONS 21-462**

Staff report submitted by Director of Public Works Ameri dated September 28, 2021, 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, Zermeno
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-184, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with RossDrulisCusenbery Architecture, Inc., for Construction Support for the Fire Station 6 and Fire Training Center Improvement Project"

3. Adopt Resolutions Authorizing the City Manager to Execute Agreements with Invoice Cloud, Inc., and InfoSend, Inc., for Utility Billing Services Related to the Water Customer Portal, and Increasing the FY22 Appropriation of Water Customer Portal Project 07125 by \$105,000, from \$250,000 to \$355,000, to Support these Services **CONS 21-469**

Staff report submitted by Director of Public Works Ameri dated September 28, 2021, 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 resolutions.

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

Resolution 21-185, "Resolution Authorizing the City Manager to Execute an Agreement with Invoice Cloud, Inc., for Electronic Bill Payment and Presentment Services for Utility Billing and the Water Customer Portal for a Three-Year Term in a Total Amount Not-to-Exceed \$1,470,000 and Increase the Appropriation for Water Customer Portal Project 07125 by \$105,000, from \$250,000 to \$355,000, to Support these Services"

Resolution 21-186, "Resolution Authorizing the Single Source Procurement of Utility Bill Printing, Mailing, and Archiving Services from Infosend, Inc., and Authorizing the City Manager to Execute an Agreement with InfoSend, Inc., for Provision of the Services for a Three-Year Term in a Total Amount Not-to-Exceed \$411,000"

4. Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Carollo Engineers, Inc., to Increase the Contract Amount by \$61,849 for a Not-to-Exceed Amount of \$1,132,877 to Provide Additional Construction Support Services for the Water Pollution Control Facility Headworks Bar Screens Project **CONS 21-481**

Staff report submitted by Director of Public Works Ameri dated September 28, 2021, 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 21-187, "Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Carollo Engineers, Inc., to Increase the Contract Amount by \$61,849 for a Not-to-Exceed Amount of \$1,132,877 to Provide Additional Construction Support Services for the Water Pollution Control Facility Headworks Bar Screens Project"



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5. Adopt a Resolution Authorizing the City Manager to (1) Accept Funding from the Alameda County Transportation Commission in the Amount of \$162,000, and (2) Appropriate a Total of \$324,000 from the Measure BB Local Transportation (Fund 212) Fund Balance for Project 05319: Safe Routes to School Program for Cesar Chavez Middle School **CONS 21-482**

Staff report submitted by Director of Public Works Ameri dated September 28, 2021, 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 21-188, "Resolution Authorizing the City Manager to (1) Accept Funding from the Alameda County Transportation Commission in the Amount of \$162,000, and (2) Appropriate a Total of \$324,000 from Measure BB Local Transportation (Fund 212) Fund Balance for Project 05319: Safe Routes to School (Sr2s) Program for Cesar Chavez Middle School"

6. Adopt a Resolution Authorizing the City Manager to Accept \$774,900 in Awarded Grant Funding from the Federal Highway Safety Improvement Program for the Signal Modification at Huntwood/Industrial and Huntwood/Sandoval Intersections Project 05737 and to Appropriate the Grant Funds **CONS 21-483**

Staff report submitted by Director of Public Works Ameri dated September 28, 2021, 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 21-189, "Resolution Authorizing the City Manager to Accept and Appropriate \$774,900 in Awarded Grant Funding from the Federal Highway Safety Improvement Program for Project 05737 Signal Modification at Huntwood/Industrial and Huntwood/Sandoval"

7. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Iteris, Inc., to Procure the Video Detection System for the Sydney Coordinated Adaptive Traffic System for Several Intersections on Jackson Street and West Winton Avenue in an Amount Not-To-Exceed \$130,000 **CONS 21-496**

Staff report submitted by Director of Public Works Ameri dated September 28, 2021, was filed.

In response to Council Member Wahab's inquiry regarding traffic flow, City Manager McAdoo stated the proposed system is designed to monitor intersections and automatically adjust signal timing based on traffic flow.

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 21-190, "Resolution Authorizing the City Manager to Execute an Agreement with Iteris, Inc., to Procure the Video Detection System for the Sydney Coordinated Adaptive Traffic System (SCATS) for Several Intersections on Jackson Street and West Winton Avenue in an Amount Not-to-Exceed \$130,000"

8. Adopt a Resolution Approving and Authorizing the City Manager to Execute the Memorandum of Understanding between the City of Hayward and the Hayward Fire Chiefs' Association **CONS 21-506**



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Staff report submitted by Director of Human Resources Sangy dated September 28, 2021, 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, Zermeno
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-191, “Resolution Approving and Authorizing the City Manager to Execute the Memorandum of Understanding Between the City of Hayward and the Hayward Fire Chiefs’ Association”

9. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with RedSky Emergency Vehicles for the Purchase of Two (2) Demers MXP150 Type I Ambulances for a Total Purchase Price of \$435,875.59 for the Mobile Integrated Health Unit **CONS 21-508**

Staff report submitted by Fire Chief Contreras dated September 28, 2021, 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, Zermeno
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-192, “Resolution Authorizing the City Manager to Negotiate and Execute a Contract with RedSky Emergency Vehicles to Purchase Two (2) Type 1 Ambulances for the Mobile Integrated Health Unit”

PUBLIC HEARING

10. Parcel Group 3/La Vista Residential Appeal: Appeal of the Planning Commission's Approval of the La Vista Residential/The Primary School (Parcel Group 3) Project, which is Comprised of 176 Affordable Housing Units and an Approximately 36,000- Square-Foot School on the Southern Portion of Parcel Group 3 Located North of Tennyson Road between 16th Street and the Future La Vista Park, Assessor Parcel Nos. 078C-0626-003-09, 078C-0626-003-16, 078C-0626-001-07, 078C-0641-010-01, 078C-0635-013-03, 078C-0640-007-06, 078C-0641-001-00, Requiring Approval of Site Plan Review, Administrative Use Permit, and Density Bonus Application 202001594. Eden Housing, Inc. (Applicant) on Behalf of the City of Hayward (Property Owner) **PH 21-080**

Staff report submitted by Assistant City Manager/ Director of Development Services Ott, dated September 28, 2021, was filed.

Council Member Andrews disclosed she had to recuse herself from participating on Public Hearing 10 as her previous employer had an interest on the proposed project, and left the Zoom meeting at approximately 7:29 p.m.

City Clerk Lens announced that live interpretation was available for the item in Chinese (Mandarin) and Spanish via interpretation channels on the Zoom platform.

Assistant City Manager Ott announced the item noting a team of technical experts including Fire Chief Contreras were available for questions and introduced Senior Planner Blanton who provided a synopsis of the staff report. Senior Planner Blanton indicated Sandhya Mutreja and Khushhal Mah would be speaking on behalf of the appellants and had joined the meeting via the Zoom platform.

Mayor Halliday noted there would be a five-minute presentation for the appellant(s) and five-minute presentation for the applicant.

Representing the appellants, Mr. Khushhal highlighted the neighborhood's major concerns which included the proximity to the fault line, not enough parking space, and traffic congestion.

Ms. Kate Blessing-Kawamura, with Eden Housing and in collaboration with The Pacific Companies and Primary School, had a PowerPoint presentation which included the developments accomplished in Hayward and the need for affordable housing. Ms. Courtney Garcia with Primary School spoke about the benefits of the school for Hayward children and families and the partnership with community agencies.

Discussion ensued among members of the City Council, City staff, Fire Chief Contreras, James Yang with ENGEO, Senior Civil Engineer Wikstrom, Kate Blessing-Kawamura with Eden Housing, Courtney Garcia with Primary School regarding: outreach efforts about projects; lighting issues on 16th Street are addressed in the Conditions of Approval; concerns with an all-electric project were mitigated with the life safety features would allow for safe egress



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from the building; the proximity of the proposed project to the fault line and the mitigation measures were not unique compared to similar projects from a geotechnical perspective; the compliance review for school buildings is through; the grading ordinance dictates when geotechnical analysis is required for projects or developments and the 50-foot setback from a defined fault trace is a consistent mitigation measure to protect properties; one of the Conditions of Approval for the project requires participation in a GHAD (Geological Hazard Abatement District); it was noted the Fire Department evaluated the project and the developer met the alternative methods needed to provide the desired access and met the California Fire Code and safety measures for additional sprinklers and adequate turnaround space to access all three buildings; the project is an affordable housing complex targeted to families with 47 three-bedroom apartments and one parking stall per unit; staff confirmed that information was shared on the City's social media accounts and on specific Parcel Group feeds; the developable area is very small and there is no realistic option to add parking based on site constraints; technological issues that prevented the appellant from speaking at a Planning Commission meeting; all concerns and risks are mitigated as part of the Conditions of Approval and the grading permit process for the project; Primary School is exploring a partnerships with HUSD; and the topography of the site.

Council Member Lamnin disclosed she had meet with the applicants and traded emails with the appellants.

Council Member Salinas disclosed he works for the Hayward Promise Neighborhood (HPN) and clarified that he does not benefit from the Primary School and HPN does not benefit from any proceeds.

Council Member Márquez disclosed she met with a representative from Eden Housing and representatives from Primary School.

Council Member Wahab disclosed she met with Eden Housing and the Primary School CEO.

Mayor Halliday opened the public hearing at 8:44 p.m.

Ms. Keana Reece, Hayward resident, noted the inconvenience of traffic is outweighed by the need for more affordable housing and a public preschool, noted the appellant's petition stated the project would bring unwanted citizens to Hayward, and asked Council to uphold the Planning Commission's approval.

Ms. Pearlinda Howell, Hayward parent of the founding families of Primary School in Hayward, spoke in support of Primary School because of the school's holistic approach to education.

Ms. Julia Zhang, speaking via live interpreter, stated that her main comments have already been delivered to the Council (via email), played a recorded clip from the July 22 Planning Commission meeting, and noted she was not opposed to affordable housing but to the geographically unsafe area.

Ms. Colleen Hutchies, E 16th Street resident, noted Crestview Terrace Apartment complex takes over street parking on Hancock, Webster, and E 16th streets, mentioned there is traffic congestion due to the schools in the area, and added there is not enough parking for housing developments in Hayward.

Ms. Patricia Davis, E 16th Street resident, expressed concern about the traffic congestion that will be generated by the project and the height of the buildings, and was impressed with Council Members raising concerns expressed by the neighbors.

Mr. Rene Tiongquico, former Hayward resident, noted he submitted comments in writing, spoke in support of the proposed development of 176 affordable housing units, disagreed with the statement by the appellant that there was inadequate notice about the project, indicated petitioners err in the citation of SB 1155 because that bill never became law and was conveniently omitted SB 334, and urged the Council to support the project and deny the appeal.

Ms. Karen Rosenberg, fellow at Greenbelt Alliance, expressed support for the project noting it has sustainable features and proximity to transit, supports VMT reduction goals, provides a 50-acre park for public use, provides access to much-needed affordable housing, helps meet housing goals and reduce greenhouse gas emissions, ensure creation of homes and vibrant communities near job, retail, and transit, and encouraged Council to approve this project.

Ms. Lacei Amodei, The Hayward Collective member, expressed support for this project noting it is 100% affordable housing, shows good use of community benefit and public land, and noted the appellants' concern seems to be about having new neighbors that are low-income residents.

Ms. Mieskool Tutor (Sandia), noted she was speaking on behalf of residents in neighboring neighborhoods, clarified the appellants are not against affordable housing, stated she was told because she did not live in the 300-foot buffer she did not receive notices, noted existing residents and upcoming residential and commercial projects were not considered, and expressed concern with traffic congestion in the area and access to BART parking.

Ms. Ginny Madsen noted the ENGEO report goes to great length about the trench logs for those dug in 2019 in the north part of the parcel under the parking lot but do not give the same information for the trenches dug in 2016 under the school building and housing.

Mr. Jim Clark concurred with the appellants' arguments about parking and traffic congestion, noted the policy and plan to remove natural gas places a great deal more load on the aging grid, mentioned the 2035 EV mandate is not being addressed and the solar power does not solve the issue unless there is battery storage to go along with it.



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Mr. Blake Felson with Felson Companies, noted his company owns and manages 427 apartment units across the street from the project, noted he met with Eden Housing and was supportive of the project, added the lighting concern on E 16th Street was addressed, noted the remaining concern is parking and wondered if the applicant would consider adding parking stackers or a parking garage, and noted he could not find a parking lot for La Vista Park.

Planner Blanton noted a parking lot off E 16th Street will be allocated for the park project.

Mr. Chai Wong, Hayward resident, noted the proposed development is what Hayward needs to provide affordable housing.

Ms. Alexandra Barcelo, Hayward resident and parent of current Primary School student, spoke in support of the proposed project, and highlighted the mission and philosophy of the school will have a direct positive impact on the community.

Ms. Ro Aguilar, Hayward resident, spoke in favor of the proposed development, noted she shares concern about earthquakes but appreciates question and engineering practices to mitigate risks, noted the proposal provides desperately needed low-income housing and inclusionary housing and will increase RHNA numbers, and urged the Council to affirm the Planning Commission's decision.

Ms. Danijela G, Hayward resident close to the proposed project, echoed the traffic concerns in the neighborhood, added she supports housing projects but feels this is not the right place, shared she recently felt an earthquake and did not think it was safe to build more housing, and noted the neighborhood does not have enough grocery stores.

Ms. Jessica Pablo, Hayward resident and Primary School teacher and parent, expressed support for the project, particularly the proposed school and the potential partnership with HUSD.

Mayor Halliday closed the public hearing at 9:29 p.m.

In response to Council Member Márquez's request, Mayor Halliday summarized the public comments for those who were unable to hear Zoom comments via YouTube and the live streaming.

Members of the City Council thanked City staff and subject experts for the work done and all who participated by sending emails and providing in-person and virtual input.

Council Member Salinas acknowledged the complexity of the project; noted the proposal includes community benefits which include affordable housing and cooperation between development and education by bringing in a much-needed school that focuses on primary grades; and added the proposal met the threshold of safety.

Council Member Salinas made a motion to move staff's recommendation.

Council Member Zermeño seconded the motion, agreed the proposal is a complex project, added he supported the project because it is all-electric, it has over 1,300 square feet of open space adjacent to La Vista Park, is geologically safety, has trees, solar panels and EV stations, the City will address the parking issue on 16th Street, was approved by the Planning Commission, there are 176 affordable units, the Primary School has established partnerships with community organizations, Eden Housing has a history of affordable housing projects, and will be an improvement to the Tennyson Corridor.

Council Member Lamnin supported the denial of the appeal for similar reasons expressed by her colleagues, asked the City Manager if there is an opportunity to hold a community conversation with the Police Department Traffic Division and Moreau High School and St. Clement School to discuss mitigation measures for existing issues in the area; and noted the traffic demand may also be improved by shared bikes at the South Hayward BART station.

Council Member Márquez indicated she was satisfied with the mitigation measures outlined in the Conditional Use Permit; thanked Fire Chief Contreras for his involvement; noted the project is a good example of community partnerships, affordable housing, innovative school model, public open space, and close proximity to transportation; noted the importance for the community to remain inclusive; added the project has more benefits that outweigh the valid concerns which can continue to be addressed by City staff, and supported the suggestion of holding a meeting in the neighborhood.

Council Member Wahab asked if there was a way to widen the roads or add something through the parcel to make it easier on neighboring residents; cautioned against specific housing types being isolated to different neighborhoods and added the City needs to be mindful when developing to include all income levels; added that when developing near fault zones the City needs to assess and also look at retrofitting current homes; thought that an extra 10,000 square feet could be negotiated to add more parking space; appreciated efforts made by the Primary School to be inclusive and informative and wants Hayward teachers and staff to be integrated, added the goal is to ensure that a good amount of the housing provided is affordable; and supported continuing conversations about concerns raised.

Mayor Halliday expressed she was joining the City Council in supporting the project; disclosed that she has participated and supported Eden Housing's projects in the past and she has had conversations with leaders of the Primary School; noted she believes the developer and City staff have addressed the issues raised by the neighborhood; added that more density is required to provide much needed housing; noted the City is making greater accommodations for buses and bicycles as alternatives to driving cars and hoped for another alternative, such as a golf cart, to get residents from Mission Boulevard up the hill; and added Hayward needs housing as well as schools.

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



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

Resolution 21-193, “Resolution Denying Appeal and Upholding Planning Commission’s Approval of Site Plan Review, Administrative Use Permit, and Density Bonus Application No. 202001594 for the La Vista Residential/ the Primary School Development; Eden Housing, Inc and City of Hayward (Applicant/Owners)”

Mayor Halliday called for a recess and reconvened the meeting at 10:17 p.m. and Council Member Andrews rejoined the meeting via the Zoom platform.

Council Member Márquez disclosed she was privy to sensitive information as a member of the public in 2020 and she may be perceived as unable to be objective and recused herself from participating on Public Hearing 11 by leaving the Zoom platform at approximately 10:14 p.m.

11. Mission Crossings Development: Adopt a Resolution Approving a Request to Modify Conditions of Approval Related to Fees, Project Phasing, and Inclusionary Housing and to Add Conditions of Approval Related to Interim Site Improvements, Located at 25501 Mission Boulevard and Berry Avenue, Meritage Homes of California, Inc. (Applicant)/Meritage Homes of California, Inc., and Manchester Hotel Group (Owners)
PH 21-077

Staff report submitted by Assistant City Manager/Director of Development Services Ott, dated September 28, 2021, was filed.

Assistant City Manager Ott announced the item and introduced Deputy Director of Community Development Buizer who provided a synopsis of the staff report.

Mr. Isaac Kos-Read with Kos Read Group noted he spent twenty years working with local governments and expressed respect for the City team related to the proposal.

Mayor Halliday opened the public hearing at 10:24 p.m.

Ms. Dani Johnson, Mission Crossings resident, urged the Council to accept modifications to the conditions of approval from Meritage, noted the amenities have been inaccessible and there is limited access for first responders, spoke about construction impacts and negative effects on resale value and options for refinancing, and added the completed development will have positive impact on the neighborhood.

Ms. Maha Balachandran, Mission Crossings resident, noted guest spaces onsite are not open and connection to Torrano Avenue is blocked, added the lack of access to private amenity spaces is a safety concern, and asked for resolution of issues caused by an unfished site.

Mr. Bill Espinola, resident of project neighborhood, asked if the amended conditions of approval are approved, will there be a hotel built or how long will the lot be vacant.

Mayor Halliday noted it is the Council's strong desire to have a commercial development in that space.

Mr. Nico Nagle, Housing Action Coalition East Bay organizer, noted his work on getting housing built to address affordable housing shortage, and urged the Council to move the residential part of the project forward.

Mayor Halliday closed the public hearing at 10:41 p.m.

Members of the City Council thanked City staff for their work on the item.

Council Member Zermeño acknowledged the need to help current residents access the amenities and made a motion to approve staff's recommendation.

Council Member Salinas seconded the motion, noted the decision to approve the item would benefit families who live in Mission Crossings and added he was confident the modified conditions of approval will improve the front parcel in the short term and create activity that will benefit the immediate and surrounding neighborhood.

Council Member Wahab disclosed she met with the team and visited the site, acknowledged the hotel is not going to be built and the housing project needs to move forward, encouraged residents in the area and the Economic Development team to engage in conversations about ideas for the vacant lot, added there is work in that area of town to bring grocery stores/amenities and recommended staff increase the outward communication, and added she looks forward to seeing the project completed and focusing on the vacant land.

Council Member Andrews thanked staff for bringing a resolution to the issue, noted she is disappointed how the project turned out but was glad about the affordable housing component, recommended that staff keep in mind what to look for when developers are recommending mixed-use projects, disclosed she visited the site, and indicated she would be supporting the motion but was not content the community was not getting an amenity that provides resources as was initially proposed.



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Council Member Lamnin disclosed she visited the site, added her disappointment at project commitments that were not realized as promised and hoped this was a learning lesson for the development community as to what Hayward wants in terms of a full complete community for its residents, and noted she would be supporting the motion.

Mayor Halliday indicated she would be supporting the motion for reasons that were expressed, acknowledged the residents have been waiting for Council to address the matter but the developer finally came back with acceptable terms, and noted she trusts that additional housing will be able to attract a use for the site.

Mayor Halliday reopened the public hearing at 10:53 p.m. to allow for public comment of a speaker who was having technical difficulties.

Ms. Ro Aguilar, Hayward resident, asked Council to hold off on voting and renegotiating with the developer for another retail option and in exchange of removing the hotel requirement ask for 12 low and very low-income housing units.

Mayor Halliday closed the public hearing at 10:56 p.m.

Council Member Wahab thanked Ms. Aguilar for her affordable housing advocacy and highlighted that the 14 deed restricted units are in addition to the already paid in lieu fees towards affordable housing, and the community has been waiting several years for the project to be completed.

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

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

Resolution 21-194, "Resolution Approving the Request to Modify Conditions of Approval #4 (Fees), #164 (Inclusionary Housing), #166 (Project Phasing), from Adopted City Council Resolution 17-057 and Incorporating New Conditions of Approval Related to Interim Site Improvements for the Mission Crossings Mixed Use Development Located at 25501 Mission Boulevard and Berry Avenue"

Council Member Márquez rejoined the meeting via the Zoom platform.

LEGISLATIVE BUSINESS

12. La Vista Park Design: Adopt a Resolution Approving the La Vista Park Project Final Design Subject to a California Environmental Quality Act Addendum **LB 21-044**

Staff report submitted by Director of Public Works Ameri dated September 28, 2021, was filed.

Public Works Director Ameri announced the report and introduced Associate Civil Engineer Tat who, along with Senior Planner Blanton and Mr. James Lord from Consultant Surface Design Inc., provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding consideration of a phased approach for opening sections of the park; staff will bring options for art selection for Council's consideration; and suggestion for integrating the dog park space into the neighborhood park.

There being no public comment, Mayor Halliday opened and closed the public hearing at 11:28 p.m.

Council Member Lamnin offered a motion to approve staff's recommendation.

Council Member Wahab second the motion.

Council Member Lamnin appreciated the consideration of the dog park and the phasing approach to opening the park, appreciated thoughtful balance in terms of design, shared thoughts of the need for green waste collection in parks and a balance of parks thorough the city, reminded to have former Council Member Mendall listed as an emeritus on the project when signage is erected, and wondered if there is an opportunity, as conversations about programing for the park occur, to engage in conversations with the Muwekman Tribe.

Council Member Andrews thanked Council Member Lamnin for acknowledging the tribes and recommended they could be involved in the art component, recommended art that identifies Hayward and creates a destination site for visitors and looked forward to continuing the conversation about acknowledging people who held the land prior.

Council Member Márquez concurred with her colleagues and echoed prior statements that the site should be a destination park that has an 'Instagram-able' photo opportunity, suggested adding an H component, appreciated comments made in honor of native people, and was in favor of a much-needed dog space in the park.

Mayor Halliday clarified the park is dog friendly, but dogs will need to be leashed; and noted support for the suggestions offered.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Virtual Platform – Zoom

<https://hayward.zoom.us/j/82552506475?pwd=SXk2cWtuQkJKUy9BbFEvKOs2Q0s1Zz09>

Tuesday, September 28, 2021, 7:00 p.m.

It was moved by Council Member Lamnin, seconded by Council Member Wahab, 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 21-195, "Resolution Approving the Final Design and CEQA Addendum for La Vista Park Project, Project No. 06914"

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Lamnin reported she attended the League of California Cities conference and had conversations about housing and other city issues and noted she looks forward to continuing the collaborative work.

Mayor Halliday shared she attended the League of California Cities annual conference and, as Hayward's voting delegate, reported the assembly voted in favor of (1) changes to the bylaws to recognize diversity caucuses, and (2) providing funding for CPUC to inspect railroad properties and clean them up, and noted the resolution related to the distribution of online sales tax and making it more equitable for all city roads was sent to the Revenue and Taxation Policy Committee.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:42 p.m., in memory of Mr. Arman Harris.

Mr. Arman Harris grew up in Hayward, graduated from Hayward High School, attended Chabot College, had skills in theater, photography, track and field, public speaking, gardening, and cooking, was the co-founder of Cooking Magic a volunteer organization that provided cooking and training to local food pantries and affordable housing complexes, developed a model for urban agriculture, and changed the perception of homelessness individuals and empowered people on the street. Mayor Halliday asked City staff to work with the Harris family to find a suitable place to plant a tree in his honor.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward