



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**CITY COUNCIL AGENDA**  
**OCTOBER 1, 2013**

---

**MAYOR MICHAEL SWEENEY**  
**MAYOR PRO TEMPORE MARK SALINAS**  
**COUNCIL MEMBER BARBARA HALLIDAY**  
**COUNCIL MEMBER FRANCISCO ZERMEÑO**  
**COUNCIL MEMBER MARVIN PEIXOTO**  
**COUNCIL MEMBER GREG JONES**  
**COUNCIL MEMBER AL MENDALL**

## Table of Contents

Agenda . . . . .	2
New Regulations to Reduce Property-Related Social Nuisance Behavior (Report from City Attorney Lawson and Police Chief Urban)	
Staff Report . . . . .	5
Approval of Minutes of the Special Joint City Council/Redevelopment Successor Agency Meeting on September 17, 2013	
Draft Minutes . . . . .	10



**CITY COUNCIL MEETING FOR OCTOBER 1, 2013**  
777 B STREET, HAYWARD, CA 94541  
[WWW.HAYWARD-CA.GOV](http://WWW.HAYWARD-CA.GOV)

---

**CLOSED SESSION**  
**Closed Session Room 2B – 5:00 PM**

**1. PUBLIC COMMENTS**

**2. Conference with Labor Negotiators**

Pursuant to Government Code 54957.6

- Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager McAdoo, Human Resources Director Robustelli, Finance Director Vesely, Deputy City Attorney Vashi, Maintenance Services Director McGrath, Public Works - Engineering and Transportation Director Fakhrai, Human Resources Analyst II Collins, Human Resources Analyst Monnastes

Under Negotiation: All Groups

**3. Conference with Property Negotiators**

Pursuant to Government Code 54956.8

Property Transaction

- Property Negotiators: City Manager David, Assistant City Manager McAdoo, City Attorney Lawson, Assistant City Attorney Conneely, Assistant City Attorney Brick, Heather Gould and Rafael Yaquian of Goldfarb Lipman (outside legal counsel), Libby Seifel of Seifel Consulting (outside financial consultant)

Under Negotiation: 22632 Main Street (APN 428-0066-024-00); 22654 Main Street (APN 428-0066-039-00); 22696 Main Street (APN 428-0066-038-02); 1026 C Street (APN 428-0066-037-00); 1026 C Street (APN 428-0066-038-01)

**4. Adjourn to City Council Meeting**

---

**CITY COUNCIL MEETING**  
**Council Chambers – 7:00 PM**

**CALL TO ORDER Pledge of Allegiance** Mayor Sweeney

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PUBLIC COMMENTS**

---

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

---

**NON-ACTION ITEMS:** *(Work Session and Informational Staff Presentation items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)*

---

**WORK SESSION (60-Minute Limit)**

1. New Regulations to Reduce Property-Related Social Nuisance Behavior (Report from City Attorney Lawson and Police Chief Urban)  
[Staff Report](#)
- 

**ACTION ITEMS:** *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

---

**CONSENT**

2. Approval of Minutes of the Special Joint City Council/Redevelopment Successor Agency Meeting on September 17, 2013  
[Draft Minutes](#)
- 

***The following order of business applies to items considered as part of Public Hearings and Legislative Business:***

- *Disclosures*
  - *Staff Presentation*
  - *City Council Questions*
  - *Public Input*
  - *Council Discussion and Action*
- 



## LEGISLATIVE BUSINESS

3. Introduction of ordinances amending the Hayward Municipal Code by adding Article 13 to Chapter 4 relating to Food Sharing Events and Article 14 to Chapter 4 relating to Park Hours (Report from Assistant City Manager McAdoo)

\*\*\* *Report will be available on Monday, September 30, 2013* \*\*\*

## COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

## ADJOURNMENT

**NEXT REGULAR MEETING, 7:00 PM, TUESDAY, OCTOBER 15, 2013**

---

**PUBLIC COMMENT RULES:** *The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

---

**PLEASE TAKE NOTICE** that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

---

\*\*\*Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4<sup>th</sup> Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. \*\*\*

---

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

---

*Please visit us on:*



October 1, 2013



**DATE:** October 1, 2013

**TO:** Mayor and City Council

**FROM:** City Attorney  
Chief of Police

**SUBJECT:** New Regulations to Reduce Property-Related Social Nuisance Behavior

**RECOMMENDATION**

That the City Council reviews and comments on the report.

**SUMMARY**

Staff seeks to promote safety within our community by reducing nuisance behavior and its unnecessary demand on City resources. In that context, staff is recommending the adoption of a municipal ordinance requiring property owners to prevent and abate public nuisances existing on their property. The new ordinance would apply to nuisance-creating behaviors of occupants and/or property owners. Since many such nuisances can be avoided with adequate property management, this ordinance would hold property owners accountable for their responsibility of making sure the upkeep of their properties aligns with the City's overall efforts toward neighborhood livability, safety, and cleanliness. Failure to provide adequate management to prevent and abate nuisances on private property may result in monetary fines and other legal action.

**BACKGROUND**

The Hayward Police Department (HPD) and other City staff routinely receive complaints from members of the community regarding physical conditions and behaviors that deteriorate neighborhoods. These conditions and/or behaviors are often associated with criminal activity such as drug dealing, drug use, prostitution, gang activity, chronic unruly gatherings, and noisy activity during late night hours. Oftentimes, this activity results from the lack of proper management and inadequate oversight of private properties. Staff recognizes that public nuisances sometimes occur without the property owner's knowledge, but in many cases the property owner is aware, or should be aware, of the problem, but chooses not to take action. Among the City's current abatement strategies, there exists no administrative recourse for addressing behavior-related social nuisances; and the City must often rely on time-consuming and expensive judicial proceedings to abate or resolve nuisance issues.

Many cities face similar challenges of dwindling resources and the need to find more effective and efficient ways to deal with the abatement process. Cities such as Stockton, Vallejo, and Woodside have successfully adopted nuisance abatement policies that give teeth to the process of holding property owners accountable for nuisance behavior occurring on their property. These model ordinances allow their municipal staff to provide notice and warning to property owners, management groups, or landlords regarding potential social nuisances and require them to take appropriate action to abate the issue. These cities then work cooperatively with owners in their efforts to reach compliance.

If the responsible party does not take the necessary actions within the purview of their property management responsibilities, these cities impose a monetary penalty, which can continue until the proper/required action is taken to abate the issue. To assist and encourage successful resolution of nuisances, these model programs include additional remedies such as helping owners and landlords develop adequate rental contracts, providing training to landlords and property management personnel, offering participation in the Crime Free Multi- Housing Program, and making specific physical improvements to the property.

## **DISCUSSION**

To address an effective and efficient means of abating social nuisances, staff proposes development of an ordinance to address irresponsible ownership, maintenance, and propriety of commercial and residential property owners, including those who allow tenants to maintain properties that are not conducive to healthy communities. The proposed ordinance draws from the experiences and successes of the model ordinances from the cities of Stockton (Chronic Nuisance Properties Ordinance), Vallejo (Social Nuisance Ordinance), and Woodland (Community Safety Ordinance).

The administrative processes of the Stockton, Vallejo, and Woodland models are similar. Each municipality is required to examine calls for service and reported incidents at potential problem properties to ensure they fall within the established parameters of prohibited activities (e.g. documented drug, prostitution, gang, noise, or other specified public safety violations). Once a violation has been determined, staff sends a notice to the property owner, manager, and tenant instructing them to abate the nuisance. City staff may also cooperatively work with the responsible party to identify reasonable actions to take to prevent and/or abate the nuisance. A subsequent violation, or failure to abate the original violation, is subject to administrative penalties assessed pursuant to the administrative process. The responsible party has the right to request an administrative hearing to contest a finding of nuisance violations or a penalty imposed by the City. An independent hearing officer conducts the hearing and renders a decision following the hearing.

The City of Stockton has found their ordinance to be very successful in abating such nuisances. Stockton has utilized their ordinance twenty-six separate times in the past twelve months and found over ninety percent of the nuisances were abated after the first warning letter was delivered to the property owner. Two of those incidents have proceeded to an administrative hearing.

The City of Vallejo enacted their ordinance in the late 1990's. Throughout its use, Vallejo also experienced an over ninety percent success rate in abating all incidents after the first warning letter was served on the property owner. They further utilized their ordinance to abate problematic

behavior at several nuisance business establishments, as well as at one of their most notorious drug-ridden apartment complexes. This ordinance has been utilized ten to twelve times per year for over ten years.

The City of Woodland has also found their ordinance to be a success, reporting ninety to ninety five percent of their cases are resolved upon the property owner's receipt of the first warning notice.

The City Attorney's office, the Police Department, and the City Manager's office have led the development of this proposed Hayward ordinance. Staff recognizes that with limited City resources, it is imperative to creatively, efficiently, and fairly enhance the City's ability to encourage compliant behavior of those who own and manage properties on which nuisance activities repeatedly occur. The proposed Hayward ordinance, applicable to both residential and commercial properties, would incorporate:

- A precise definition of Public Nuisance activities.
- A courtesy notice process designed to attain voluntary abatement.
- A process for issuing an order to abate a nuisance and the right to an administrative hearing.
- A choice of enforcement options including administrative penalties up to \$5,000.
- A right to judicial review of a hearing officer's administrative decision.

The proposed ordinance includes administrative penalties up to \$5,000, but provides ample opportunity for violators to correct the nuisance conditions and provide evidence of such abatement within an appropriate time frame to avoid penalties. Safeguards are included to protect property owners demonstrating good-faith efforts from receiving unnecessary penalties. However, failure to comply may result in additional enforcement, including civil litigation to compel owners to abate the nuisance-creating behaviors.

Currently, the Police Department handles an average of 5.5 incidents a month relating to chronic social nuisances at private properties. These nuisances are primarily handled by patrol officers and followed up by Police personnel who staff the two District Command offices. Thus far, the City has relied on voluntary compliance through the issuance of informative letters to property owners, managers, and landlords making them aware of the nuisance behavior and hoping they comply. However, when the responsible parties ignore such warnings, the City has little recourse absent expensive and time consuming civil litigation. The proposed ordinance would create an administrative process to efficiently address nuisance behaviors.

Prime examples underscoring the need for a social nuisance ordinance stems from three problem properties in North Hayward. Within the past five years, two of the properties (one single family and one multi-unit complex) have generated over 230 combined police calls for service, requiring approximately 800 staff hours, at a cost of over \$86,000. The third, a multi-tenant hotel, has required over 420 police calls for service in the past twelve months alone, requiring over 900 staff hours at a cost over \$96,000. These cost estimates pertain only to police services in responding to problems and are certainly eclipsed by the additional costs in follow up services involving the Fire Department, Code Enforcement, and City Attorney's office. The most prevalent nuisances at these locations stem from chronic drug usage, alcohol abuse, and the frequent visits by those who

participate in drug and other criminal activity. Without a focused nuisance ordinance, the City's only strategy is to engage in lengthy and expensive civil litigation in hopes of resolving the problematic behavior.

The intent is to model implementation, education, and enforcement after the successful experience of the Illegal Dumping Ordinance. However, when education is not enough, the proposed ordinance would allow City staff to take necessary action to require property owners to exercise their responsibility and abate the issues in lieu of facing monetary penalties. These penalties can increase if not resolved within a specified time frame.

## **ECONOMIC IMPACT**

Problem properties not only negatively impact a neighborhood's health and safety, but also tend to impact the real property value and livability of a neighborhood. This impacts the community's image as a whole which, in turn, threatens its economic vitality. Problem properties also result in excessive drains on City resources, particularly police.

## **FISCAL IMPACT**

Staff believes the efficiency of a social nuisance ordinance would decrease the time and expense currently attributed to civil litigation in extreme nuisance cases; and minimize the wasted costs of chronic police responses to nuisance properties not yet the subject of litigation. Therefore, the fiscal impact is likely to be positive.

## **PUBLIC CONTACT**

Over the past nine months, the potential for creating a social nuisance ordinance has been discussed during various public forums, including Neighborhood Watch meetings, Neighborhood Alert board meetings, the Hayward Police Department Community Academy, and Crime Free Multi-Housing Program training. The prospect of such an ordinance has also been discussed at other neighborhood meetings specific to the issue of social nuisances. These meetings have collectively reflected overwhelming support for such an ordinance. During the months of May and June, City staff met with board members of the Downtown Business Improvement Association (DBIA), the Rental Housing Association (RHA), the Bay East Realtors Association (BERA), and the Hayward Chamber of Commerce. The concept of the ordinance was shared with each group and feedback was provided. The DBIA's board and Chamber President overwhelmingly supported the ordinance, recognizing the ordinance provides a more effective means of resolving various public nuisances. The RHA and BERA wanted to ensure City staff would provide necessary supportive documentation and/or testimony to support potential eviction proceedings, if such proceedings were necessary to abate the nuisance, and that property owners working in good-faith with the City would not be unnecessarily penalized.

## **NEXT STEPS**

If the City Council feedback is positive, the ordinance will be presented on October 15, 2013 for introduction, which will be followed by adoption on October 22, 2013.

*Prepared by:* Mark Koller, Lieutenant (Northern District Commander)  
Rafael Alvarado, Assistant City Attorney

*Recommended by:* Michael Lawson, City Attorney  
Diane E. Urban, Chief of Police

Approved by:



---

Fran David, City Manager



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT  
SUCCESSOR AGENCY MEETING OF THE CITY OF HAYWARD**  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, September 17, 2013, 7:00 p.m.

---

The Special Joint City Council/Redevelopment Successor Agency meeting was called to order by Mayor/Chair Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council/RSA Member Jones.

**ROLL CALL**

Present: COUNCIL/RSA MEMBERS Zermeño, Jones, Halliday, Peixoto, Salinas,  
Mendall  
MAYOR/CHAIR Sweeney  
Absent: None

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson reported that the Council met with labor negotiators pursuant to Government Code 54957.6 regarding all groups; met with legal counsel pursuant to Government Code 54956.9 regarding two cases; met with legal counsel pursuant to Government Code 54956.9 regarding Chambers v. Potter, et al., Alameda County Superior Court No. HG13692166; and met with legal counsel pursuant to Government Code 54956.9 regarding McGraw v. Top Grade Construction, et al., Alameda County Superior Court, Case No. HG12617574. Mr. Lawson noted there was no reportable action.

**PUBLIC COMMENTS**

Mr. Darren Guillaume, owner of Doc's Wine Shop on Foothill Boulevard, spoke against the proposed alcoholic beverage establishment retail and critical incident fees; and he noted the proposals were not favorable for businesses.

The following speakers spoke about the union negotiations and requested that: the negotiating team take impasse off the table; broaden negotiating parameters; get back to the bargaining table and negotiate in good faith; conduct a transparent and honest process, and strive to achieve a fair contract.

Mr. Gil Hesla, SEIU 1021 member  
Ms. Deuce Obayley, SEIU 1021 member  
Mr. Deslar Patten, President of the BART Professional Chapter of SEIU  
Mr. Anthony Guerra, SEIU 1021 member  
Mr. Darryl Lockhart, SEIU 1021 member  
Mr. Steve Sommers, lead negotiator for Maintenance and Clerical SEIU 1021  
Ms. Jennifer Eagan, Cal State University East Bay professor and SEIU Local 1983 affiliated  
Ms. Christine Rott, Hayward resident and SEIU 1021 employee  
Ms. Alysabeth Alexander, Vice President of Politics for SEIU 1021

Ms. Amy Willis, International Longshore and Warehouse Union affiliated  
Mr. Andrew Drako, East Bay Alliance for a Sustainable Economy affiliated  
Ms. Lisa Aguirre, SEIU 1021 member

Ms. Melody Baca, Nina's Bode owner, announced she was hosting the fundraiser "The Gift of Giving" on October 19, 2013, to benefit Eden I&R 211.

Ms. Wynn Grcich, Industrial Parkway SW resident, urged the public to attend the Bay Area Water Supply and Conservation Agency meeting on September 19, 2013, and she shared articles about the negative health effects of water fluoridation and phosphate fertilizer.

Mr. Kim Huggett, Hayward Chamber of Commerce President, promoted the Leadership Hayward 2013-2014 Program, and he urged folks to participate.

Mr. Frank Goulart, with business address on Main Street, thanked Council Members Salinas and Zermeno for barbecuing at the Hayward Odd Fellows concerts, and he invited others to participate.

Mr. Jim Drake, Hayward resident, expressed concern about the exclusive negotiations between the City and Waste Management of Alameda County, and he requested a competitive bid process.

Mr. Timothy May, Rental Housing Association (RHA) Executive Director, spoke about the Residential Rental Inspection Ordinance amendments regarding the Self-Certification Program, and he requested that staff continue further discussions with the RHA and other stakeholders.

Mr. Charlie Peters, with Clean Air Performance Professionals, spoke about establishing better policies to make the use of ethanol in gasoline voluntary.

Mr. Thomas Silva, Sunset Boulevard resident, commented on the Residential Rental Inspection Ordinance amendments regarding the Self-Certification Program.

Ms. Jennifer Huynh, high school student, spoke about ObamaCare and access to health care.

## **BOARD, COMMISSIONS, COMMITTEE, AND TASK FORCE**

1. Appointments and Reappointments to Council's Appointed Bodies and Swearing-In Ceremony of New Members

Staff report submitted by City Clerk Lens, dated September 17, 2013, was filed.

It was moved by Council Member Jones, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 13-145, "Resolution Confirming the Appointment and Reappointment of Members of Various Boards Commissions, Committees and Task Forces"



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT  
SUCCESSOR AGENCY MEETING OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, September 17, 2013, 7:00 p.m.**

---

City Clerk Lens administered the oath of office to the newly appointed and reappointed members.

**WORK SESSION**

2. Residential Rental Inspection Ordinance Amendments

Staff report submitted by Neighborhood Partnership Manager Bristow, dated September 17, 2013, was filed.

Assistant City Manager McAdoo announced the report and introduced Neighborhood Partnership Manager Bristow who provided a synopsis of the report.

Discussion ensued and Mayor Sweeney and Council members offered the following recommendations: engage stakeholders in discussions concerning the proposed amendments to the Residential Rental Inspection Ordinance; present information that encourages participation by responsible property owners in the Self-Certification Program; establish performance benchmarking; develop a program process chart; identify and reward responsible landlords and require irresponsible landlords to attend trainings and maintain their properties according to standards; and revisit the self-certification fee structure.

3. Proposed Pilot Water Transfer Between the Bay Area Water Supply & Conservation Agency and East Bay Municipal Utility District Using Hayward Regional Intertie

Staff report submitted by Director of Public Works – Utilities & Environmental Services Ameri, dated September 17, 2013, was filed.

Director of Public Works – Utilities & Environmental Services Ameri provided a synopsis of the report.

Discussion ensued among Mayor Sweeney, Council Members, and City Staff. It was noted that the interest of Hayward needed to be protected during the water transfer pilot project because the transfer would utilize the regional water intertie, which was located in Hayward.

**CONSENT**

Consent Items No. 8 and 9 were removed for further discussion.

4. Approval of Minutes of the Special City Council Meeting on July 23, 2013

It was moved by Council Member Zermeño, seconded by Council Members Jones and Mendall, and carried unanimously, to approve the minutes of the Special City Council Meeting of July 23, 2013.

5. Approval of Minutes of the Special Joint City Council/Housing Authority Meeting on July 30, 2013

It was moved by Council Member Zermeño, seconded by Council Members Jones and Mendall, and carried unanimously, to approve the minutes of the Special Joint City Council/Housing Authority Meeting of July 30, 2013.

6. Acquisition of a Portion of United States Postal Service Parcel on C Street for 21<sup>st</sup> Century Library & Community Learning Center

Staff report submitted by Director of Public Works – Engineering & Transportation Fakhrai, dated September 17, 2013, was filed.

It was moved by Council Member Zermeño, seconded by Council Members Jones and Mendall, and carried unanimously, to adopt the following:

Resolution 13-146, “Resolution of the Hayward City Council Authorizing the City Manager to Execute an Agreement with USPS to Purchase a Portion of the USPS Parcel on C Street for the Purposes of Constructing a 21<sup>st</sup> Century Library and Community Learning Center”

7. Resignation of Mr. Kanti Patel from the Council Economic Development Committee

Staff report submitted by City Clerk Lens, dated September 17, 2013, was filed.

It was moved by Council Member Zermeño, seconded by Council Members Jones and Mendall, and carried unanimously, to adopt the following:

Resolution 13-147, “Resolution Accepting the Written Resignation of Kanti Patel from the Council Economic Development Committee”

8. Authorization to Negotiate and Execute a Professional Services Agreement with Godbe Research for the 2013 Facilities Measure Feasibility Survey

Staff report submitted by Analyst Thomas, dated September 17, 2013, was filed.

Mr. Jim Drake, Hayward resident, emphasized the importance of following a competitive bid process. City Manager David noted that a competitive process was followed and that Godbe Research had been selected from among nine firms.

It was moved by Council Member Zermeño, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 13-148, “Resolution Authorizing the City Manager to



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT  
SUCCESSOR AGENCY MEETING OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, September 17, 2013, 7:00 p.m.**

---

Negotiate and Execute a Professional Services Agreement with Godbe Research for the 2013 Facilities Measure Feasibility Survey Not to Exceed \$100,000”

9. Authorization to Negotiate and Execute a Professional Services Agreement with John DeClercq for Project Management Services Related to the South Hayward BART Transit Oriented Development Project

Staff report submitted by Analyst Thomas, dated September 17, 2013, was filed.

Mr. Jim Drake, Hayward resident, reiterated the importance of following a competitive bid process.

It was moved by Council/RSA Member Halliday, seconded by Council/RSA Members Mendall and Zermeño, and carried unanimously, to adopt the following:

Redevelopment Successor Agency Resolution 13-04, “Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Successor Agency for the Redevelopment Agency of the City of Hayward, A Separate Legal Entity, Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with John DeClerq for Project Management Services Related to the South Hayward BART Transit Oriented Development”

10. Approval of Recognized Obligation Payment Schedule and Successor Agency Administrative Budget for the Period January Through June 2014

Staff report submitted by Analyst Thomas, dated September 17, 2013, was filed.

It was moved by Council/RSA Member Zermeño, seconded by Council/RSA Members Jones and Mendall, and carried unanimously, to adopt the following:

Redevelopment Successor Agency Resolution 13-03, “Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Successor Agency for the Redevelopment Agency of the City of Hayward, A Separate Legal Entity, Approving the Recognized Obligation Payment Schedule and an Administrative Budget for the Period January through June 2014, and Directing the City Manager to Take All Actions Necessary to Effectuate Requirements Associated with this Approval”

## **PUBLIC HEARING**

In response to a request from a public speaker to continue the item, the Council unanimously agreed to hear the item as agendized.

11. Call-Up by Council Member Jones of the July 11, 2013 Planning Commission Approval of Site Plan Review Application No. PL-2013-0168, Associated with a Request to Build 60 Units of Senior Housing and Approximately 6,000 Square Feet of Ground Floor Retail Space and Office Space on a Vacant Property at 808 A Street in the Central City Commercial (CC-C) Zoning District. The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development. Meta Housing Corporation, Aaron Mandel (Applicant) / Sean Sullivan (Owner)

Staff report submitted by Senior Planner Golubics, dated September 17, 2013, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Golubics who provided a synopsis of the report. Mr. Golubics noted that a correspondence from Browman Development Company, Inc. had been submitted in support of the proposed project.

Mayor Sweeney, Council Members Mendall, Salinas, Zermeño, and Jones disclosed they had met with Aaron Mandel of Meta Housing Corporation to discuss the project.

Discussion ensued among Mayor Sweeney, Council Members and City staff related to the proposed senior housing project and ground floor retail and office space.

Mayor Sweeney opened the public hearing at 9:58 p.m.

The following speakers had concerns about the proposed senior housing and retail and office space project at the proposed site because it had insufficient parking space to serve visitors and patrons; the homeless population presented a challenge in the downtown area; there were safety concerns for the prospective senior population; did not have adequate commercial space on the ground floor; the area could become a target for graffiti activity and garbage disposal issues; A Street presented a dangerous concern due to the high volume/speed traffic; and it was not exempt from California Environmental Quality Act (CEQA) guidelines.

Ms. Paula Francoeur, Montgomery Street resident  
Mr. Frank Goulart, businessman on Main Street  
Mr. Raymond Baker, business owner on A Street  
Mr. Michael Urioste, Prospect Hill Neighborhood Association member  
Mr. Croft Jervis, Prospect Street resident  
Mr. Chuck Horner, Lyford Street resident

The following speakers favored the proposed development because it met the need for senior housing; it addressed a blighted piece of property; it received support of neighboring businesses because it



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT  
SUCCESSOR AGENCY MEETING OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, September 17, 2013, 7:00 p.m.**

---

would boost the local economy; it would promote local art and would provide art activities for the prospective senior housing residents.

Mr. Kim Huggett, Hayward Chamber of Commerce President  
Ms. Carol Markos, Hayward Arts Council President

Mr. Aaron Mandel, Meta Housing Corporation project applicant, noted that parking in commercial areas could be used for residential parking after business hours; the façade could be covered with anti-graffiti measures; there was demand for senior housing in the area; and the project would provide activities for the residents.

Mr. Mandel was amenable to Council Member Mendall's recommendation for a condition that the property manager maintain two separate waiting lists: one for prospective tenants who do not own a car and another for tenants who do, and that tenants without cars be given priority to rent. Mr. Mandel was also agreeable to adding a condition that would require the applicant to unbundle the cost of parking from the rent.

Mr. Jeff Passadore, property manager with Meta Housing Corporation, spoke about the parking issue and site management.

Mr. Philip Banta, architect for the project, spoke about the improvements and modifications made to the design.

Mayor Sweeney closed the public hearing at 10:34 p.m.

Council Member Zermeño offered a motion to approve the proposed project because it addressed the blighted property; met the need for senior housing; had mixed use with commercial space on the ground; was pedestrian oriented; was a green and attractive project; and contributed to the vitality of the downtown.

Council Member Halliday seconded the motion.

Council Members Zermeño and Halliday were amenable to three conditions offered by Council Member Mendall: 1) that the property manager maintain two separate waiting lists: one for prospective tenants who do not own cars and another for tenants who do, and that tenants without cars be given first priority to rent; 2) that the applicant be required to unbundle the cost of parking from the rent; and 3) that the applicant be required to pay the City to paint murals on appropriate utility boxes.

Council Member Jones noted he would not support the motion. Mr. Jones indicated that while he was supportive of senior housing, he felt that the City was giving away the opportunity for ground floor retail space which was the intent for the Central City Commercial Zoning District. Mr. Jones added

that the proposal was inconsistent with the General Plan and the Zoning Ordinance, and it gave up the ability to activate the downtown area. He disagreed that the project was exempt from California Environmental Quality Act (CEQA) guidelines.

Council Member Halliday indicated that the office and lobby of the apartment qualified for commercial/retail space on the ground; the proposal was an attractive alternative for a blighted property; it would add vitality to the area; it was close to public transportation; it would add foot traffic to the area; and it would help the senior community. Ms. Halliday requested that staff explore traffic enforcement in the proposed area and to consider if a residential parking program would benefit current residents.

Council Member Salinas indicated he would not support the motion noting the proposed site was a catalyst site that with the right retail could activate the downtown. Mr. Salinas added that the goal of the Economic Development Strategic Plan was to bring retail establishments to sites in the city. Mr. Salinas said the City could wait for the appropriate retail use that would add vitality to the downtown.

Council Member Peixoto was concerned with having senior housing on such a traffic oriented street and he noted that the proposed development conflicted with the City's vision to have a pedestrian-friendly downtown. Mr. Peixoto noted that although he liked the design of the project, he favored more retail use in the downtown to achieve economic vitality.

Mayor Sweeney noted he would support the project because it was a reasonable effort to develop a difficult parcel. Mayor Sweeney said the senior housing use would produce the least parking and traffic issues for the neighborhood. Mayor Sweeney noted that while it would have been ideal to have the entire ground floor retail/commercial, the proposal was reasonable, especially with the conditions offered by Council Member Mendall.

It was moved by Council Member Zermeño, seconded by Council Member Halliday, and carried with Council Members Jones, Peixoto and Salinas voting no, to adopt the following with three additional conditions: 1) that the property manager maintain two separate waiting lists: one for prospective tenants who do not own cars and another for tenants who do, and that tenants without cars be given first priority to rent; 2) that the applicant be required to unbundle the cost of parking from the rent; and 3) that the applicant be required to pay the City to paint murals on appropriate utility boxes.

Resolution 13-149, "Resolution Finding the Project Categorically Exempt from CEQA Review and Approving Site Plan Review Application PL-2013-0168 Pertaining to a Proposed Sixty (60) Unit Senior Rental Housing Development with Ground Floor Retail Space Located at 808 A Street"



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT  
SUCCESSOR AGENCY MEETING OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, September 17, 2013, 7:00 p.m.**

---

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Salinas reported that the “Let’s Do Lunch Hayward... and Breakfast Too” campaign had served over 150,000 free meals during the summer when the school was not in session, and he thanked all the participating agencies and volunteers.

**ADJOURNMENT**

Mayor/Chair Sweeney adjourned the meeting at 10:59 p.m., in memory of Mr. Lloyd Rash and Mr. Jim Nagel. Mr. Lloyd Rash was a Hayward Police Volunteer, a Downtown Ambassador, and a retired Meat Inspector for the USDA. He received the Presidential Volunteer Service Gold Award in 2013 and served in the U.S. Marines in Vietnam as a mortar man. Mayor Sweeney asked that a tree be planted in his memory. Mr. Jim Nagel was a resident of Hayward, enjoyed diving for the Alameda County Sheriff’s Department Underwater Search and Rescue Unit, and contributed to the idea of forming the Keep Hayward Clean and Green Task Force. Mayor Sweeney asked that a tree be planted in his memory.

**APPROVED:**

Michael Sweeney  
Mayor, City of Hayward  
Chair, Redevelopment Successor Agency

**ATTEST:**

Miriam Lens  
City Clerk, City of Hayward  
Secretary, Redevelopment Successor Agency