



**MINUTES OF THE SPECIAL JOINT MEETING OF
THE CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD**

**City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 20, 2001, 8:00 p.m.**

MEETING

The Special Joint City Council/Redevelopment Agency Meeting called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Mayor/Chair Cooper.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR/CHAIR Cooper

Absent: None

PRESENTATION: Pride in Hayward Award

Mayor Cooper awarded the monthly award to residents living in the Santa Clara neighborhood as follows: Carlos Delgado, Miguel and Marina Rodriguez, Willie and Sarah Gaddis, Linh Nguyen, and Humberto and Estela Campos.

PUBLIC COMMENTS

Jason Moreno expressed Thanksgiving greetings.

Howard Beckman commented on the airport runway re-configuration and its impact on the San Lorenzo Village homes. He stated that the City needs to contract with FAA to re-direct air flights away from the homes. He questioned the security at the airport in light of the September 11th tragedy.

Leonard Freitas commented that signal lights ought to be timed longer for pedestrians.

Robert Lopez commented on youth violence and gangs and the need for more city-sponsored youth-oriented programs.

Henry Mendez spoke in support of youth programs and encouraged joint efforts with the school district and suggested a youth center in north Hayward.

Francisco Abrantes distributed information about a San Diego development and commented on its use of the Mello Roos regulation for funding.

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CONSENT

Items 2 and 5 were removed for further consideration.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of November 13, 2001

It was moved by Council/RA Member Ward, seconded by Council/RA Member Henson, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of November 13, 2001.

2. Traffic Signal Installation on Hesperian Boulevard at Longwood Avenue and Skywest Drive: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated November 20, 2001, was filed.

John Kyle submitted a statement and spoke against placing the proposal to install a traffic signal at Longwood Street. His preference would be to have it installed at Marin for various reasons including the neighborhood task force recommendations, impacts to Longwood Elementary School, increased traffic by Winton Grove residents, and the necessity of crossing guards. He suggested that this action be delayed one week for further consideration.

Council Member Henson asked how the traffic signal location was determined. Public Works Director Butler explained that this was the preference of the neighborhood to access Hesperian. He noted that staff felt that either Marin or Longwood streets would work. City Manager Armas indicated that the police department has placed safety plans in various schools in the community using enforcement and citations to address that issue.

It was moved by Council Member Henson, seconded by Council Member Rodriquez, and unanimously carried to introduce and adopt the following:

Resolution 01-165, "Resolution Approving Plans and Specifications for the Hesperian Boulevard at Longwood Avenue and Skywest Drive Traffic Signal Project, Project No. 5748 and Call for Bids"

3. Amendments to City's Deferred Compensation Plan

Staff report submitted by Director of Finance and Internal Services Carter, dated November 20, 2001, was filed.



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It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to introduce and adopt the following:

Resolution 01-163, "Resolution Adopting Amendment to the City of Hayward's Deferred Compensation Plan"

4. Adoption of a Resolution Accepting the Report and Adopting Findings Related to Fees Collected for Development Projects that are Subject to the Requirements of the Mitigation Fee Act

Staff report submitted by Budget Administrator Rohrer, dated November 20, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to introduce and adopt the following:

Resolution 01-164, "Resolution Accepting the Report and Adopting Findings Related to Fees collected for the Development Projects Subject to the Requirements of the Mitigation Fee Act"

5. Authorization for the City Manager to Execute Construction and Maintenance Agreements for the SMART Corridors Project

Staff report submitted by Deputy Director of Public Works Bauman, dated November 20, 2001, was filed.

John Kyle asked for clarification on this action. He expressed concerns that signs would be placed on Hesperian. It was noted that the SMART Corridor project is only to be used by fire apparatus and that no signs would be allowed on city streets, but signs may be posted on the 880 freeway.

It was moved by Council Member Henson, seconded by Council Member Rodriguez, and unanimously carried to introduce and adopt the following:

Resolution 01-166, "Resolution Authorizing the City Manager to Negotiate and Execute All Necessary Construction and Maintenance Agreements Between the City of Hayward and Alameda County Congestion Management Agency for the Smart Corridors Project"

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HEARINGS

6. Zone Change No. 2001-0135 & Tentative Tract Map 7215 - Warraich Construction (Applicant/Owner) - Request to Rezone from High-Density Residential (RH) District to Planned Development (PD) District and Subdivide a 19,300± sq. ft. Parcel to Construct Six Townhouses on Separate Parcels - The Project is Located at 308 Valle Vista Avenue at the Northeast Corner of Dixon Street

Staff report submitted by Associate Planner Camire, dated November 20, 2001, was filed.

Planning Manager Anderly stated that the zone change is needed as the site is zoned for high density. She noted that as this is near the South Hayward BART station, and parking spaces are lessened to provide additional group open space. A condition would address open space enhancements depending on the type of marketing for the project. She noted that staff has included additional conditions of approval to architecturally improve the development and the owner is willing to improve the elevations of this six-townhouse project. The developer is required to meet a noise level in the units not to exceed a level of 45 decibels. She commented that on-street parking is allowed on both Valle Vista and Dixon Streets and that the townhouse development provides ownership opportunities.

Council Member Rodriguez was not satisfied with the elevations and commented that the project had a 'barracks' look to it. Additionally, she was concerned with the determination that this development could only generate one student to impact the local schools.

Council Member Hilson agreed with the previous comment and noted that this ratio seemed inaccurate with a total of 18 bedrooms for this project. He objected to the lack of neither protected or fenced back yards nor a fenced area for children. He discussed that although the 'front' is on Dixon, the side of the building is on Valle Vista and that should be considered a 'front' as well. Planning Manager Anderly indicated that there are requirements for the location of the front entry doors.

Staff noted that the group open space could be fenced, but is not a requirement. This project does not afford an opportunity to install backyard fencing, as the garages will be built in the rear area of the townhouses. It was also noted that the school district provided the information for staff to determine the student generation factor. The purpose of the analysis is to understand the impact new developments will have on the local schools. To the extent that there are impacts, mitigation measures are made based on previously determined values. The school district continues to study the formula that is used to determine student generation.

Council Member Dowling suggested that perhaps staff might review the project in six months to see if the generation of one student is valid.



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Council Member Ward expressed his concerns for safety in the group open space as well as the area where the garages will be constructed. He suggested that a speed hump be installed as a safety measure.

Council Member Jimenez asked if the developer agreed to the architectural improvements requested by staff. It was noted that this is required and part of the conditions of approval. Lastly, he indicated that this is a good project, satisfies policies to locate housing near a transit center and new housing is needed in this area. He also cited from the report that the Planning Commission recommended this project.

Council Member Hilson felt that this proposal was rather unattractive. It seemed to be a hodgepodge of various elements and strongly opposed the design. He was not pleased with the roofline, or the aesthetic quality of the project. He agreed with the staff report that the elements do not reflect an excellent project. He was reticent to the developer making the necessary improvements and enhancements. Staff noted that it would provide examples of various projects with quality design and creativity.

Council Member Henson also expressed his concerns and agreed with the various issues raised by his colleagues. He asked if staff has considered deleting one unit to afford fencing and address some of the apparent issues. He was concerned with parking impacts on the two streets in light of the close proximity to the South Hayward BART station. He indicated that city streets are impacted by on-street parking and become so congested that there are difficulties for emergency vehicles. He asked if on-street parking restrictions were considered and staff noted that it was not considered.

Mayor Cooper expressed her concerns about safety in the project, the lack of landscaping in the projected open space area, and commented that the project seemed more a 'motel' type project. She compared this project to those in the Harder-Tennyson area that were approved by previous Councils and are now in slum-like condition.

City Manager Armas noted that Council has an option during its deliberation to go forward on the project but require the design for the buildings to return for further consideration and approval. Staff could also address the open space concern at that time.

Mayor Cooper opened the public hearing at 9:06 p.m.

Jason Moreno spoke in support of this project. He made comments related to the use of the Mello Roos regulation for funding police, fire, and schools as previously expressed by Mr. Abrantes.

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City Manager Armas clarified that a Mello Roos assessment district is a supplemental assessment district that is imposed upon additional properties. He noted that there is no Mello Roos district yet in place that deals with schools or public facilities. Currently what is in place in most communities is the school impact mitigation fee that is a fee based on the square footage of each unit. There is a dollar amount associated with it and each development is obligated to pay and the city collects it on behalf of the school district and remits it to the school district.

Francisco Abrantes asked for permit fees on this project. It was noted that different costs would vary. He commented that the Mello Roos in San Diego costs about \$450,000.

Mayor Cooper closed the public hearing at 9:13 p.m.

Discussion continued; there were comparisons to other projects made, and concerns for the quality of the design.

Council Member Jimenez moved to approve the project and wait for the design of the buildings to come back to Council for approval.

Council Member Ward commented that this is an actual rarity to down zone a property in Hayward that is so near a public transit center. In light of the issue of the design, he offered a motion to adopt the negative declaration, and approve the down zoning and the tentative map. He reiterated the architectural and open space issues previously expressed by the Mayor and Council.

Council Member Henson supports the project as an opportunity for ownership housing with the proviso to return with design improvements. He noted that he would raise his issue in regards to parking at another venue, as it is a general issue. He commented that part of his rationale is to discourage the use of cars from parking on those streets as there are sufficient parking spaces within the project and more importantly that it is a transit-oriented project.

Council Member Rodriquez felt very strongly that this project should be architecturally improved. She would be supporting the project, but would not be supporting this design.

Council Member Hilson felt that this proposed project seemed overbuilt with very large units. He would be voting against the project.

Council Member Dowling remarked on the transit-oriented development. He noted that the site is currently zoned for thirteen units and is being down zoned to six. He did not agree with down zoning this project any further. He was encouraged that this development encourages home ownership and felt that it could be redesigned. He urged that play equipment be installed in the group open space area.

It was moved by Council Member Jimenez, seconded by Council Member Ward, to introduce and adopt the following by the following roll call vote with the condition that revised design



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plans be submitted for review and approval by the City Council as well as address the open space issue:

AYES: Council Members Jimenez, Rodriquez, Ward,
Dowling Henson
Mayor Cooper
NOES: Council Member Hilson
ABSENT: None
ABSTAINED: None

Introduce Ordinance 01-__, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of The Hayward Municipal Code by Rezoning Certain Territory Located on Valle Vista Avenue Pursuant to Zone Change Application No. 2001-0135"

Resolution 01-167, "Resolution Approving Tentative Tract Map No. 7215 and Zone Change Application No. 2001-0135, Conditionally Approving the Preliminary Development Plan and Certifying that the Initial Study and Negative Declaration Have Been Completed in Compliance with the California Environmental Quality Act"

7. Zone Change No. 01-120-02 and Tentative Map Tract 7262 - Abdul Mahdavi (Applicant/Owner) - Request to Rezone from Single-Family Residential (RS) to Planned Development and to Subdivide a 1.3± Acre Parcel into 8 Single-Family Parcels - The Property is Located at 25958 Gading Road with the Harder-Tennyson Neighborhood

Staff report submitted by Associate Planner Camire, dated November 20, 2001, was filed.

Planning Manager Anderly made the staff report, noting the footprint of the lots and the common driveway entrance. She pointed out the three elevations and noted that the design guidelines have been met. She noted that the recommendation includes the adoption of the negative declaration and the approval of the zone change and the tentative map. Lastly, she noted that a family of eight brothers plan to purchase the dwellings of this project.

It was noted that the homeowners association would maintain the common areas located in the front yards. There was concern about the uses of the abutting property including the potential construction of a church in this area.

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Council Member Henson asked about the fronting of other homes on Gading Road and available accesses. Council Member Jimenez asked that the developer state the price of the units.

Council Member Hilson asked how the houses would be facing about the impact on traffic. It was noted that the homes would be facing the private driveway. The peak hour trips would be 8 to 10. He asked if improvements are included in the common area.

It was noted that no improvements have been included and that the CC&Rs still need to be completed.

Mayor Cooper opened the public hearing at 9:45 p.m.

Mr. Stoopin commented on privacy, noise, and traffic impacts. He felt that his single story home would be impacted by the shadow of the two-story developments. He objected to the twenty-foot setback noting that impacts of other adjacent properties. He suggested six units rather than eight.

Jason Moreno stated he supported the project.

Mayor Cooper closed the public hearing at 9:50 p.m.

Council Member Henson expressed concerns about the access, but felt that this was a welcomed addition for this type of housing in this area.

Council Member Ward had concerns about the number of trips in front of the present residences.

Council Member Dowling felt that over 80 car trips passing in front of the existing homes would be a great impact. He inquired on neighboring vacant properties and suggested that this development be combined with the proposed church site for a better project.

Council Member Rodriquez reiterated her immediate concerns on student generation and expressed doubt that this project would generate fewer than three students. She supported going back to review the actual student generation after a certain time period.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried to introduce and adopt the following by the following roll call vote:

AYES: Council Members Jimenez, Hilson, Rodriquez,
Ward, Henson
Mayor Cooper
NOES: Council Member Dowling
ABSENT: None
ABSTAINED: None



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Introduce Ordinance 01-__, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of The Hayward Municipal Code by Rezoning Certain Territory Located on Gading Road Pursuant to Zone Change Application No. 01-120-02"

Resolution 01-168, "Resolution Approving Tentative Map no. 7262 and Zone Change Application No. 01-120-02, Conditionally Approving the Preliminary Development Plan and Certifying that the Initial Study and Negative Declaration Have Been Completed in Compliance with the California Environmental Quality Act"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned at 9:58 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency

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