MINUTES OF SPECIAL JOINT MEETING OF THE CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 27, 2005, 8:00 p.m.

MEETING

The Special Joint City Council/Redevelopment Agency Meeting was 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, Quirk, Halliday, Ward, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: COUNCIL/RA MEMBERS None

PRESENTATIONS: State of California Department of Alcoholic Beverage Control to Hayward Police Department

Mayor Cooper asked Mr. Jerry Jolly, Director of the California Department of Alcoholic Beverage Control (ABC) to make his presentation. Mr. Jolly presented an award to the Hayward Police Department. Police Chief Lowe accepted the award and recognition on behalf of the Police Department and noted the joint successes. Mr. Jolly introduced a number of his staff members including Andrew Gomez, District Director of ABC, and also presented an award posthumously to Sgt. William Kelley. Lieutenant Byrd accepted the plaque in tribute and noted that Mrs. Kelley was informed and appreciated the tribute. Officer Jeff Power was also awarded a commendation on a successful grant program. Officer Jeff Power expressed his appreciation for the award and thanked two investigators for their involvement. Mayor Cooper commended the Police Department for its fine work.

PUBLIC COMMENTS

There were no public comments.

CONSENT

Item 4 was removed for discussion.

1. Approval of Minutes of the City Council Meeting of September 20, 2005

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the City Council Meeting of September 20, 2005.

2. Adoption of Amendments to Ordinance Regarding Stormwater Management and Urban Runoff Control

DRAFT

Staff report submitted by City Clerk Reyes, dated September 27, 2005, was filed.

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

Ordinance 05-09, "Ordinance Amending Chapter 11, Article 5 of the Hayward Municipal Code Relating to Stormwater Management and Urban Runoff Control"

3. Adoption of the Ordinance Regarding Driveway Materials

Staff report submitted by City Clerk Reyes, dated September 27, 2005, was filed.

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

Ordinance 05-10, "Ordinance Amending Chapter 7, Article 1, Section 7-1.65 of the Hayward Municipal Code Relating to Driveway Materials"

4. Authorization to Execute Agreements for Professional Services to Prepare a Program Environmental Impact Report and a Traffic Impact Analysis for the South Hayward BART/Mission Boulevard Concept Plan and Appropriation of Funds

Staff report submitted by Redevelopment Director Bartlett, dated September 27, 2005, was filed.

Council Member Quirk indicated that he received a call from Mimi Bauer, who desired to see something appropriate to the golf course when the bowling alley is replaced. Ms. Bauer also asked that the recreational center be placed in the new development and not on Mission Boulevard. Council Member Quirk urged more citizen involvement in the future development of this area.

In response to Council Member Ward's question regarding programmed environmental impact reports. City Manager Armas stated that this is very similar to what was done with the Cannery Area Plan. The consultant has previously worked on Hayward projects.

It was moved by Council/RA Member Quirk, seconded by Council/RA Member Henson, and unanimously carried, to adopt the following:

RA Resolution 05-21, "Resolution Authorizing the Executive Director to Execute Agreements between the Redevelopment Agency and Jerry Haag, Planner to Prepare a Program Environment Impact Report and with Dowling Associates, to Prepare a Traffic Impact Analysis for the South Hayward Bart Station/Mission Boulevard Concept Plan"

RA Resolution 05-22, "Resolution Amending Resolution No. RA-05-12, as Amended, the Redevelopment Agency Budget Resolution for Fiscal Year 2005-06, Relating to an Appropriation of Funds from the Redevelopment Agency Fund, Fund 451 to Prepare a Program Environmental Impact Report, Traffic Impact Analysis and Funding to Complete the South Hayward Bart/Mission Boulevard Concept Plan"

HEARINGS

5. Zone Change No. PL-2005-0062 and Tentative Tract Map 7608 – Kelly Estates LLC (Applicant/Owner) – Request to Change the Zoning from a Single-Family Residential (RS) District to Planned Development (PD) District and Subdivide a .7 Acre Parcel to Construct 6 Homes – The Project is Located at 2448 Kelly Street

Staff report submitted by Assistant Planner Koonze, dated September 27, 2005, was filed.

Principal Planner Patenaude made the report, and noted neighborhood concerns. He stated that there would not be a substantial increase in the traffic. He responded to Council questions related to the square footage, the easement with Oro Loma Sanitary District and current drainage issues. Council expressed concerns on the amount of hardscape, but was informed by Principal Planner Patenaude that a precise plan will include detailed landscaping.

In response to Council Member Henson's concerns of the neighboring residents requesting a stop sign at Olive Place, Principal Planner Patenaude stated that traffic is not heavy enough to warrant additional traffic control devices at Maud, B and Center. A stop sign could increase incidents of rear-end accidents. Council Member Henson asked whether this development and the Stonebrae development will impact the traffic issue on this area and it was noted that in the updated General Plan traffic numbers from potential development were considered and addressed. There was also discussion of the location of the sewer line location in reference to the oak tree and the development's proposed location.

Council Member Dowling also addressed the issues of the residents on Olive Place. He was concerned that two of the homes appeared rather odd with garages seeming to take a majority of the frontage and the entrances seeming to have just a doorway. There was staff clarification on the viewpoint.

Council Member Halliday asked staff to explain the need for a planned development. Principal Planner Patenaude replied that the range of lot sizes is the reason for the planned development, which provides lots less than 5,000 square feet; otherwise the number of lots would be reduced to five. Principal Planner Patenaude, in response to Council Member Halliday's question on the development being situated on the upward slope, stated that the applicant did prepare for the development on the opposite

side, but it was determined that it would be too difficult to access as well and a even greater difficulty with the private street and additional retaining walls.

Council Member Halliday noted that she met with adjacent neighbors and heard their concerns related to drainage and retaining walls. She asked about Condition 16 related to the responsibility of the developer to drain increased runoff to the sanitary sewer and not on the adjacent property owners. Prior to the plan approval, staff must review the project plans to ensure that no additional runoff occurs. Council Member Halliday asked about windows facing adjacent homes, citing privacy issues and asked about one of the units on the elevations which appears to be overlooking into an adjacent backyard. Staff noted that requirements are not different from any other two-story home development on adjacent property lines in the City. The precise plan could require higher placement of windows to avoid that. Principal Planner Patenaude reported that the rear house has smaller windows and will ensure that the project will not negatively impact adjacent homes.

Council Member Quirk asked about the site plan and staff reported that two houses will share a common driveway. He felt that the development's proposed configuration would preserve the view for the homes above the development.

Council Member Ward asked about the sanitary sewer line easement and expressed concern regarding the sewer line which is just five feet from the house. He expressed concern on future construction on that sewer line. Staff reported that Oro Loma has asked to review the foundation plan.

Mayor Cooper opened the public hearing at 9:01 p.m.

Kathy O'Loughlin lives on Kelly Street and expressed her concerns with the steepness of the project, the density seems excessive for privacy issues, drainage issues, compaction of the soil and pressure on the ground water, parking, as well as the quality of life for new homes. She explained that in her experience in building a pool there was evidence of an underground stream in that neighborhood and the movement of soil.

Mayor Cooper asked Mrs. O'Loughlin whether her husband, Phil O'Loughlin, who submitted a card, would also be speaking. She indicated that he would not. Mayor Cooper allowed for additional time for her to speak.

Council Member Henson commented that geotechnical relevance is evident. Staff indicated that additional reports will be submitted prior to issuing any permits and borings will be conducted to check for additional groundwater. It was noted that drainage concerns are due to the lack of curb and gutter. It is the responsibility of the developer to prove that foundations will be safe. The developer and the consultant are also responsible to provide reports the will be reviewed by the building official as well as submitted to outside structural consultants for an independent review and observation.

Michael P. Lee, a resident on Olive Place, stated that his property is next to the sewer easement. He commented that this development will be connected to the Oro Loma sewer system and asked whether there would be maintenance to avoid overflow as has been his experience. He asked if there would be any proposed manholes.

Public Works Bauman indicated that Oro Loma staff has indicated that it can be serviced. In regards

to the manhole information, he reported that Oro Loma technical staff as well as City staff will review whether there is that need.

Jitender Makkar, project designer, responded to questions raised earlier by the Council. He commented on the window placement on the units that will overlook side yards. He spoke on the project design that responds to the project site. Mr. Makkar presented elevations from his computer and responded to Council questions.

Council Member Dowling did not see the development as symmetrical and noted the "Leggo" look to the project.

Jamal Rabbani, property owner, reported to Council Member Jimenez, who asked about the former tenants, that the former tenants on the property violated the lease and were evicted. He also responded to Council Member Dowling's concerns on the appearance and aesthetics of the project. He stated that he has worked with staff to finalize the design.

Principal Planner Patenaude felt that the applicant has provided a variety of semi-custom homes. He explained the actual design in regards to the graphic presentation. The homes have variations on the roof lines and "popouts" are common.

Mayor Cooper closed the public hearing at 9:21 p.m.

Council Member Quirk stated that the project seemed to consist of six custom homes. He suggested that perhaps a three dimensional look might allow for better evaluation of the project as well as additional color drawings from other elevations. He agreed that engineers will review the geotechnical issues to address neighborhood concerns on the drainage and soils.

Overall Council Member Henson felt that this is a good infill project and felt that the planned development allowed for better creativity in the homes.

Council Member Jimenez agreed with the Planning Commission approval.

Council Member Halliday suggested that five custom homes be built to alleviate her concern related to site constraints. The six proposed homes are too large. She trusted that staff would be vigilant that the remaining work is completed to ensure that neighborhood issues are addressed.

It was moved by Council Member Quirk, seconded by Council Member Henson, and carried to adopt a resolution and introduce the ordinance with the following roll call vote:

AYES: Council Members Jimenez, Quirk, Halliday, Ward, Henson
MAYOR Cooper

NOES: Council Member Dowling
ABSENT: None
ABSTAINED: None

Resolution 05-116, "Resolution Approving the Initial Study and Negative Declaration and Conditionally Approving Zone Change Application PL 2005-0062 and Tentative Tract Map 7608"

Intro Ordinance 05-_, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located at 2448 Kelly Street Pursuant to Zone Change Application No. 2005-0062"

6. A Text Amendment Application No. PL-2004-0632 - Request to Amend the Parking Ordinance to Allow Tandem Parking for Multi-Family Residences City-Wide – The Olson Company (Applicant)

Staff report submitted by Principal Planner Patenaude, dated September 27, 2005, was filed.

Principal Planner Patenaude made the report and responded to Council questions related to the long term potential impacts to city streets. He reported that there will be a limit determined by the number of units. He used the Olson project on Harder and Huntwood as an example of the tandem parking. It was noted that the Fire and Police Departments have reviewed the draft ordinance. In speaking with owners, it seemed to be a matter of preference.

Council Members expressed concern on why this was brought forward by a developer rather than the City. City Manager Armas indicated that converging interests by both the developer and the City brought this forward. This ordinance requires public transit within 1,000 feet from a bus route and intended to focus on major corridors. There was a suggestion that perhaps the ordinance could identify them. There was also concern on its implementation and when the policy would apply to particular projects. Council Member Halliday felt that there should be some criteria not to allow it. There was a suggestion that this ordinance could be reviewed in a year.

Council Member Ward would rather have a policy that sets the limit where tandem parking is permitted. He suggested that perhaps when the percentage is over 35%, that Council would have the prerogative to review those.

Council Member Quirk asked for clarification of certain definitions and about the bus service and its frequency.

Council Member Armas units of 20 units or more must be approved by the Planning Commission and most likely not many would be under administrative approval.

At Council's request, Fire Chief Arfsten stated that the Fire Department sees no issues or concerns on the use of tandem parking in particular projects.

Mayor Cooper opened the public hearing at 9:55 p.m.

Philip Kerr, representing The Olson Company, thanked the staff for the work involved to consider this tandem parking ordinance. The reason for the developer bringing this forward was for the developer's particular project, and as an element of consistency. He felt that this is an opportunity for flexibility in design and a variety of choices for future buyers.

Charles McKeag, Citation Homes developer in the Cannery Area, spoke in general support of the ordinance as it would provide flexibility that developers are looking for to satisfy various market needs. The user of a tandem parking garage will not be any different than any other house garage.

Mayor Cooper closed the public hearing at 10:03 p.m.

City Manager Armas provided language to the draft ordinance in Section 10-2.407 (c) that based on the recommendation the percentage of units may be increased by the City Council; he noted that the language provides the Council to be permissive, not obligated. This was accepted by the maker and second of the motion

Council Member Henson reiterated his fears of the inconvenience that leads to parking in the street. He reiterated his concern that homeowners will use the portions of the garage for storage. He felt that tandem parking could be used in the proposed cannery project.

It was moved by Council Member Jimenez, seconded by Council Member Halliday, and unanimously carried to approve the negative declaration and adopt the following with additional language to the ordinance:

> Resolution 05-117, "Resolution Approving the Negative Declaration and Adopting Text Change Application No. PL-2004-0632, Relating to Tandem Parking Regulations"
>
> Introduce Ordinance 05-_, "An Ordinance Amending Chapter 10, Article 2 of the Hayward Municipal Code Relating to Tandem Parking Regulations"

LEGISLATIVE BUSINESS

7. Resolution Opposing Propositions 75 and 76, and Need for Special Election

> Staff report submitted by City Manager Armas, dated September 27, 2005, was filed.

Council Member Dowling thanked staff for assisting in providing copies of Proposition 75 and Proposition 76. He felt that Proposition 75 sends the wrong message in its attempt to silence workers.

He commented on Proposition 76 noting that it seems odd that the Governor wants to do this as he had previously sponsored after-school program. This proposition would change the Proposition 98 school community initiative and could have some effects on the Proposition 1A that could allow any governor to change property and sales taxes unilaterally. Lastly, he agreed with Council Member Ward to include in this resolution that this Council does not see the need for this Special Election that could wait until June 2006 and the counties have to fund even though they have not been paid for the governor's recall election in 2003.

Mayor Cooper opened the public hearing at 10:12 p.m.

Garrett Contreras spoke on behalf of the Labor Council and thanked the Council for its continued support for labor and urged the approval of this resolution.

Mayor Cooper closed the public hearing at 10:13 p.m.

Council Member Quirk commented against Proposition 76 and how it was written, commenting on the Governor's recent interview where he was unable to state what would be cut.

Council Member Halliday echoed her colleagues and expressed her displeasure with the Governor's actions on this election.

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

> Resolution 05-118, "Resolution of the Hayward City Council Opposing Propositions 75 and 76 and the Need for a Special Election"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:17 p.m.

APPROVED:

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

ATTEST:

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