



**MINUTES OF SPECIAL JOINT MEETING OF THE CITY
COUNCIL/HOUSING AUTHORITY/
REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 13, 2005, 8:00 p.m.

MEETING

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

ROLL CALL

Present: COUNCIL/HA/RA MEMBERS Jimenez, Quirk, Halliday, Ward, Dowling,
Henson
MAYOR/CHAIR Cooper
Absent: COUNCIL/HA/RA MEMBERS None

PRESENTATION Pride in Hayward Award

Mayor Cooper presented the December Pride in Hayward Award to the following Hayward Highlands residents: Terrell and Laura Shelley; Andrew Wong and Anna Castro; Guillermo and Ines Rocha; Earl and Betty Walker; and Richard and Patricia Yu. She thanked each for taking pride in their homes and adding to the beauty of the City of Hayward and urged nominations be submitted for future awards.

PUBLIC COMMENTS

John Super spoke on the topic of green buildings. He suggested the Cannery water tower be utilized to irrigate the new parks and adjacent landscaping. He urged that solar panels for electricity be required in the proposed developments. Council Members asked for clarification on his suggestions. It was noted that the Cannery water tower is no longer equipped and is not functional.

CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of December 6, 2005

It was moved by Council/RA Member Ward, seconded by Council/RA Member Henson, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of December 6, 2005.

2. Resolution Providing for Exchange of Property Tax Revenues in Connection with the Mission-Garin Area Annexation

Staff report submitted by Acting Assistant City Manager Carter, dated December 13, 2005, was filed.

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

Resolution 05-149, “Resolution Effectuating Exchange of Tax Revenues in Connection with the Mission-Garin Municipal Annexation”

3. Preparation of Development Agreement for the Proposed Garin Vista Residential Development Project

Staff report submitted by Senior Planner Rizk, dated December 13, 2005, was filed.

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

Resolution 05-150, “Resolution Authorizing CEQA Review and the Preparation of a Draft Development Agreement to be Considered in Conjunction with the Land Use Application for the Proposed Garin Vista Residential Development Project”

4. Annual Investment Report, Revisions to Statement of Investment Policy and Delegation of Investment Authority

Staff report submitted by Acting Director of Finance and Internal Services, dated December 13, 2005, was filed.

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

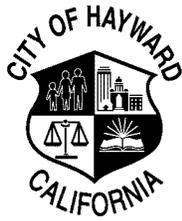
Resolution 05-151, “Resolution Accepting the Annual Report on Investment Program and Activity for the City of Hayward, Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

HA Resolution 05-02, “Resolution Accepting the Annual Report on Investment Program and Activity for the City of Hayward, Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

RA Resolution 05-26, “Resolution Accepting the Annual Report on Investment Program and Activity for the City of Hayward, Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance”

HEARINGS

5. Cannery Area Development



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- A. Proposal to Develop a Portion of the Cannery Area with Residential Development - The Property is Located South of Cannery Park, East of the Union Pacific Railroad, North of a Vacant Industrial Area, and West of the Water Tower – Zone Change PL-2005-0273, Amending the Zoning District to Planned Development in Order to Construct 279 Multi-Family Units; Request to Approve the Preliminary Development Plan for the Planned Development District; Approving Vesting Tentative Map Tract 7625; and, Amending the Cannery Area Design Plan to Eliminate the Live/Work/Retail Component of Block 3 and Replace it With Multi-Family Residential Citation Homes Central - Applicant/Owner

Staff report submitted by Acting Planning Manager Patenaude, dated December 13, 2005, was filed.

Acting Planning Manager Patenaude presented the staff report, describing the Citation project as a 73-acre location near transportation hubs, its historical perspective and the preliminary design plan of the two proposed projects. He described the site plan that includes “paseos” or pedestrian paths that will lead to the water tower park area. He showed the townhouse styles of the proposed Cannery Commons. He noted that Citation will construct moderate and low income housing on the Santos property on Grand Street. There will also be offsite placement for very low income units for senior housing. With the recent adoption of the tandem parking ordinance, Acting Planning Manager Patenaude noted that tandem parking will be allowed for this project. He discussed the plan to include stop signs at the entrance and egress to slow down traffic in order to provide opportunity for neighbors backing out of their driveways. He presented a suggestion submitted by one of the residents on Myrtle. Lastly, he responded to other Council questions related to the pedestrian overpass and the parcels involved.

Council Member Jimenez noted that the canneries had one time provided employment to over 5,000 individuals.

In response to Council Member Dowling’s questions, Acting Planning Manager Patenaude described the differences in the Mediterranean and the Monterey style. In regards to the pedestrian bridge, Council Member Dowling urged consideration of safety and graffiti issues. Council Member Dowling stated that he spoke with the developer and visited the site. He inquired regarding the current truck routes that need to be re-routed away from the developments. He agreed with not having the retail facility on this site.

Associate Planner John Torrey responded to Council Member Halliday’s questions. He made the presentation related to the Mitigation Declaration on both projects. It is tiered from the earlier program and commented that the impacts are towards air quality during the construction phase. He described the cultural resources. He described the ground studies performed and what more would be required to complete an ultimate mitigation program.

Council Member Henson urged Council to visit the Bay Meadows development in San Mateo to see development that has met some of the challenges that Hayward is facing.

Council discussion ensued related to the pedestrian overpass and funding for its construction. City Manager Armas stated that efforts to get MTC funding were not successful, but he will continue to research potential funding, either by public funds or private or a combination of financial efforts.

Mayor Cooper opened the public hearing at 8:16 p.m.

Charles McKeag with Citation Homes presented a video animation of the proposed development. He responded to questions previously asked by Council. Currently, Citation has a contract to acquire the Felson property. In response to a question from Council Member Jimenez, Mr. McKeag reported that some pesticides have been found. Currently work plans are being reviewed. Contractually, Citation is bound to follow the regional board oversight in terms of cleanup. He also noted the City's hazardous materials staff has reviewed the remediation plans. He pointed out the parcel site that was designed specifically to provide a pedestrian bridge.

Charles McKeag reported the efforts made with Felson developers to situate proposed retail in the project. He described the proposed amenities including the redevelopment of Cannery Park and the public school. Two acres of that land are included in the park and school plans. This is a balanced effort with the park and the opportunity to work with Eden Housing to develop 52 units on the Santos property on C Street. The property will be purchased from another developer and sold to Eden Housing at a nominal price. The preliminary plan design will include a ground floor office for Eden Housing. He noted that the brick from one of the buildings will be recycled into the senior housing. The goal is to build on the Santos property as soon as possible.

In response to Council inquiries, Mr. McKeag reported that there will be one homeowners' association. He noted that the panhandles will be considered public area, not part of the homeowners' association. He presumed that meeting space for the homeowners' association gatherings could be located at the new Burbank Elementary multipurpose room. Mr. McKeag also reported that the water tank was not functional and would serve only as an icon. In response to several Council comments related to the naming of the streets, such as Cannery Row as suggested by Planning Commissioner Bogue, Mr. McKeag reported that the particular street in question is actually two streets. He agreed that Cannery Row is a good suggestion but that the project has not actually been named.

Linda Mandolini, Executive Director, Eden Housing, expressed her appreciation in participating in another housing project, in particular senior housing due to the City's excellent inclusionary ordinance. She discussed the affordability of projects that Eden Housing has participated and constructed. She gave reasons why she felt that the Santos property is ideal for senior housing and provided several smart growth principles that will be applied to the project. In response to Council Member Ward's question, she reported that the City is well-positioned for HUD funding and future tax credits.

John Super urged the use of water wells for irrigation and encouraged bicycle lanes in the project.

Mayor Cooper closed the public hearing at 9:56 p.m.

Council Member Ward felt that this project still deserves additional efforts to fund the pedestrian overpass. He was of the opinion that some small retail may be workable. He would be supporting the



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motion and commended a number of the stakeholders involved to develop near the downtown corridor.

Council Member Quirk thanked the developers for working with staff and Eden Housing for maintaining efforts to construct a new office. He also thanked Hayward residents for accepting the projects.

Council Member Dowling also appreciated those involved and included the new amenities such as the school and the parks for that neighborhood.

Council Member Halliday expressed her thanks and hoped that efforts continue to research funding for the pedestrian overpass.

Council Member Henson noted and complimented the partnerships that assisted in furthering this project along. He accepted the argument to delete the retail facility on this project, but felt that the development would be successful.

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

Resolution 05-152, “Resolution Adopting Mitigated Negative Declaration and Approving Amendment to the Cannery Area Design Plan, Zone Change Application PL 2005-0273 and Vesting Tentative Tract Map 7625”

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 in the Cannery Area to Planned Development Pursuant to Zone Change Application No. 2005-0273”

Mayor Cooper called for a recess at 10:05 p.m. and reconvened at 10:15 p.m.

- B. Proposal to Develop a Portion of the Cannery Area with Residential Development - The Property is Located North of Winton Avenue, West of Myrtle Street, South of C Street, and East of the Union Pacific Railroad -Zone Change PL-2005-0167, Amending the Zoning District to Planned Development in Order to Construct 16 Duet Single-Family Homes, 333 Multi-Family Units, and a 2,975 Square Foot Retail Structure; a Request to Approve the Preliminary Development Plan for the Planned Development District; and Approving Vesting Tentative Map Tract 7613
Felson Companies, Inc. – Applicant; Cannery Hayward, LLP – Owner

Staff report submitted by Acting Planning Manager Patenaude, dated December 13, 2005, was filed.

Acting Planning Manager Patenaude made the report stating that he proposed parking plan meets the City's parking requirements. He pointed out the paseos that will be similar to the Citation project.

Council Member Dowling was not impressed with the slanted roof on the proposed units on Cannery Court. He felt it made the building seem aesthetically asymmetrical.

Staff responded to questions from the Council related to property ownerships, the traffic pattern within the proposed plan and any proposed retail establishments that might sell alcohol. There was also discussion on the single story residences for accessibility.

Mayor Cooper opened the public hearing at 10:36 p.m.

Joseph Felson, owner and builder, commended staff, and thanked the Council for its support. He described his excellent experience with staff. In response to Council Member Jimenez's comment regarding building retail facilities, Mr. Felson reported that his company has not built retail facilities, but has experience in building office space. He also commented on the efforts made to support retail that will be functional.

Antonio Silveira has lived on Myrtle for fifteen years and has experienced difficulty in backing out of his driveway. He objected to the proposed street route as it would impact his home and discussed his suggestion. He urged Council to review his suggestion.

Mayor Cooper closed the public hearing at 10:54 p.m.

Council Member Jimenez moved to approve the staff recommendation, with Council Member Henson providing the second.

Council Member Quirk asked staff to explain the current plan for the intersection on Myrtle. He asked staff to address Mr. Silveira's issue. Staff reasoned that the resident's plan would not work. Council asked that staff continue to review Mr. Silveira's concern.

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

Resolution 05-153, "Resolution Adopting Mitigated Negative Declaration and Approving Zone Change Application PL 2005-067 and Vesting Tentative Tract Map 7613"

Introduce Ordinance 05-_, "An Ordinance Amending the Zoning District Map of Chapter 10 Article 1, of the Hayward Municipal Code by Rezoning Certain Territory Located in the Cannery Area to Planned Development Pursuant to Zone Change Application No. 2005-0167"

6. Introduction of an Ordinance Regarding Aggressive Solicitation

Staff report submitted by Community Policing Lieutenant Weldon, dated December 13, 2005, was filed.



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Chief of Police Lowe made the report, describing the public places where solicitation is prohibited. Problems have occurred in the past few years and seem to have escalated. The Downtown Committee reviewed the proposal and unanimously agreed with the recommendation and suggested police officers enforcing the ordinance provide information on social services that are available. He reported that the District Attorney's office is willing to enforce after three actions. He described the pocket card that will be distributed to such solicitors.

In response to Mayor Cooper's question, he responded that currently there is a walking beat downtown, but the bicycle patrol is no longer present. In regards to solicitors standing in the street medians, it was noted that there was a court case in this regard in Los Angeles and that it is rather difficult to enforce in that situation. He noted that Southland Mall representatives were present earlier to support the passage of this ordinance, but left due to the lateness of the hour. Council Members recommended that this ordinance be promoted to the downtown merchants, insure the cards are distributed to downtown merchants, posted on the City's website and urged the partnership with social services in this community.

Council Member Ward thanked the Police Chief for the right balance in crafting the ordinance and sensitivity to responding to the Downtown Committee by producing the cards.

Mayor Cooper opened the public hearing at 11:01 p.m.

David Long, a member of Neighborhood Watch and Chairman of the Citizens' Advisory Board for Redevelopment, stated that he owns property in the area and was in support of the ordinance. He urged approval of this ordinance as this would make the downtown a better place to shop without the aggressiveness of solicitors.

Mayor Cooper closed the public hearing at 11:10 p.m.

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

Introduce Ordinance 05-__, "An Ordinance Amending Chapter 4 of the Hayward Municipal Code by the Addition of Article 10 Relating to Aggressive Solicitation"

LEGISLATIVE BUSINESS

7. Amendment to the Hayward Municipal Code Relating to Street Names and Property Numbers

Staff report submitted by Project Planner Anderly, dated December 13, 2005, was filed.

Acting Planning Manager Patenaude made the report, describing the numeric numbering as requested by the owner of Stonebrae. The request is a slight modification to the City's current ordinance that will utilize a two-digit numbering system for homes in the proposed development.

In response to Council Member Halliday's question, Acting Planning Manager Patenaude noted that there may be occasion to use this alternate system at another development.

Mayor Cooper opened and closed the public hearing at 11:14 p.m.

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

Resolution 05-154, "Resolution Finding that the Revision to Chapter 10, Article 5 of the Hayward Municipal Code Relating to Street Names and Building Numbers is Categorically Exempt from Environmental Review Under the California Environmental Quality Act"

Introduce Ordinance 05-__, "Ordinance Amending Chapter 10, Article 5, Sections 10-5.00 and 10-5.10 of the Hayward Municipal Code Relating to Street Names and Property Numbers"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 11:15 p.m.

APPROVED:

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

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

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Secretary, Housing Authority
Secretary, Redevelopment Agency