MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers
Thursday, June 20, 2002, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

7:30 P.M ROOM 2A, 2ND FLOOR WORKSESSION

1. **Text Change No. 2002-0042 – Initiated by the Planning Director** – Repeal and replace Chapter 10, Article 15 of the Hayward Municipal Code, "Preservation of Trees" Sections 10-15.10 through 10-15.30

8:30 P.M. (approximate time) COUNCIL CHAMBERS REGULAR MEETING
ROLL CALL – All present
SALUTE TO FLAG
PUBLIC COMMENT – NON AGENDA ITEMS

Earleen D. Crosswhite, discussed the redevelopment in downtown. She suggested that the City of Hayward clean the sidewalks and work toward beautifying the City. She said she would like to see the City work toward the cleanest City award.

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 8:37 p.m. by Chairperson Halliday, followed by the Pledge of Allegiance.

ROLL CALL

Present:	COMMISSIONERS	Zermeño, Williams, Sacks, Caveglia, Bogue, Thnay
	CHAIRPERSON	Halliday
Absent:	COMMISSIONER	None

Staff Members Present: Bauman, Conneely, Looney

General Public Present: Approximately 8

AGENDA

2. **Draft General Plan Housing Element**

PUBLIC HEARINGS

3. **Draft General Plan Housing Element**

Neighborhood and Economic Development Manager Bauman gave the staff report. She indicated that the California State Housing Element Law requires local jurisdictions to identify and analyze existing and projected housing needs and develop policies and programs to meet them. The real estate market will produce enough housing to meet the needs of median and

above-median income households. However, the projected low-income and very low-income household need will need an investment of federal, state, and local government funds and tax credits in order to be built. The cost of producing affordable housing is a constraint throughout the Bay Area. The Association of Bay Area Governments (ABAG) has allocated a projected need of 2,835 units for Hayward for the period 1999 through 2006. She enumerated many of the changes in Hayward's population and housing market since the last Housing Element update.

Commissioner Zermeño asked about ABAG requirements and how an "affordable" cost is range for low-income units is established.

Neighborhood and Economic Development Manager Bauman responded that meeting the ABABG projected need for lower income households will most likely mean constructing new rental housing. An affordable housing cost for lower income households is defined by HUD and the State of California as no more than 30% of the monthly income spent on housing. She enumerated the various programs available to help finance low income housing and discussed various projects for lower income households which the City of Hayward has participated in financing.

Commissioner Caveglia discussed the various actions of the City during the 1990's, and the fact that most of the low-moderate housing in the City has been done with Eden Housing.

Neighborhood and Economic Development Manager Bauman described the multifamily mortgage bond apartment developments located throughout the City and how attractive they are.

Commissioner Williams expressed concern regarding ABAG setting goals for localities. He suggested partnering with other entities to reach this goal. He said that a regular complaint from builders is difficulty in working with the City regarding the zoning. He suggested looking at ways to cut the red tape and educate students to prepare them for the realities of housing. He then asked, according to the ABAG figures, how Hayward compares to surrounding communities. Neighborhood and Economic Development Manager Bauman referred the Commissioners to the Chart in the Housing Element that listed all of the ABAG allocations for localities in Alameda County.

Commissioner Thnay noted that, based on the historical data, and the ABAG projections, the City of Hayward was clearly not going to meet the need. He said the City would have to build 400 units a year from now on to meet the goal. He then asked about encouraging Habitat for Humanity to come into Hayward.

Neighborhood and Economic Development Manager Bauman said staff has had discussions regarding working with Habitat for Humanity.

Commissioner Zermeño asked whether the apartments on Tennyson that are being refurbished are part of the program.

Neighborhood and Economic Development Manager Bauman responded that there a private

developer has undertaken this project and secured financing so that it will be affordable. The City assisted the developer to acquire and rehabilitate Tennyson Gardens by issuing a mortgage revenue bond and making a short-term loan to the project. However neither of these projects will count toward the ABAG goals since they require that new units be built. Unless the building has been out of service, rehabilitation does not count as housing development.

Chairperson Halliday asked how is the need distributed and what happens to the City of Hayward if we don't meet the goal.

Neighborhood and Economic Development Manager Bauman explained that the State Department of Finance distributes information about the need and ABAG assigns the need to the localities in the nine Bay Area counties. Recent bills before the State legislature have required sanctions on cities that don't build their fare share of low-income housing. Although none of these bills have yet passed, there is no doubt that there will be "stronger teeth" in State housing element law in future years. She added that the ABAG numbers are all new units. The City of Hayward is always looking for funding sources.

Commissioner Halliday then asked her to elaborate about the revision to the Rent Stabilization Ordinance.

Neighborhood and Economic Development Manager Bauman explained that City staff and an Ad Hoc group representing rental housing owners and tenants have reviewed the Ordinance and identified areas where changes need to be made. There are three areas of change. Increasing the cost to decontrol, upgrading the types of work required for decontrol, and adding a requirement for a written document from the tenant stating that the household has voluntarily vacated the unit. As it is right now when there is a vacant unit, the landlord calls and asks for a decontrol inspection. The City inspector will inspect the unit and, if everything is in order, decontrols. Previously, the Ordinance did not require a written statement from the tenant stating that the vacancy was voluntary. She said they are anticipating that the revised Ordinance will come before Council in the fall.

The public hearing opened at 9:24 p.m.

Jim Gonzalez, representing Hayward Coalition for Affordable Housing, discussed the Rent Stabilization Ordinance of February 2001. He said there were over 150 concerned tenants, who discussed their problems with landlords, rents and the rent control ordinance. He said the Coalition had prepared a written report that explained a number of concerns regarding affordable housing. Universal Design is an issue for the disabled. He noted the many ways in which a standard housing unit does not fit the needs of people with disabilities. He asked for the City to require that all new developments use Universal Design and for that policy to be included in the Housing Element. He also noted that the draft Housing Element did not specify which of the vacant housing sites required a Conditional Use Permit for residential development. He then commented that the Coalition was not invited to participate in the

Housing Element development process. He said that the Community has been frozen out of the process. The Coalition has a matrix of concerns and a plan of action that they would like to see included in the Housing Element.

Chairperson Halliday noted that it might be going a bit far to say that they were excluded, since their comments are included with responses in Appendix P.

Commissioner Williams commented on housing for the disabled. He said both new, affordable units or existing housing, older units, should have reasonable accommodations.

Mr. Gonzalez said he was talking about the regulations and asking the City to study accessibility.. He believes it is the obligation of the City to examine the policies and conditions for disabled.

Commissioner Caveglia said the Coalition had the opportunity to attend and participate in several workshops, he then asked Neighborhood and Economic Development Manager Bauman to comment.

Neighborhood and Economic Development Manager Bauman said that Mr. Gonzalez has met with both the City Attorney and City Manager to discuss these issues and that members of the Coalition had been participants in a workgroup to discuss the changes in the Residential Rent Stabilization Ordinance. She noted that the City has a close ongoing working relationship with CRIL, which is the independent living center serving people with disabilities in the Hayward area. For over twenty years, the City has funded CRIL to conduct housing advocacy and housing placement with disabled individuals. She then commented that many of the Universal Design standards have been embodied in the 1998 Building Code. She noted that the City of Hayward has done a lot to increase accessibility, including operating an accessibility repair program which makes homes and apartments accessible to the persons with disabilities living there. . She said she could appreciate that there were times when interactions might have not been what the coalition wished. Appendix P of the draft Housing Element described the City's response to the issues raised by the Coalition. Neighborhood and Economic Development Manager Bauman explained that the City has gone above the minimum many times, beyond what the State and Federal governments require. She added that she had met with Mr. Gonzelez before would be delighted to meet with Mr. Gonzelez any time he wished.

Commissioner Zermeño said he appreciated her comments and believed that all the organizations had been included. He added that he recognized Mr. Gonzalez' frustration with the City.

Ralph Morales expressed his concerns and said, in reality, none of us has done enough, if people still do not have a place to live. He spoke about the Bishop's challenge to every Catholic Church to have a housing ministry. He commented that it was all of our jobs to see what we can do to move this along; keep the lines of communication open. He said everyone must try to think outside the box, and not forget the human element. This is all a work in progress. And he noted that everyone was trying to do what's right.

Commissioner Sacks asked, regarding the housing crisis, what the private sector and the public

sector can do. She suggested both builders and developers meet with city staff and the non-profit groups interested in building housing in the City of Hayward.

Ruth Yates, speaking for disabled citizens, described a number of her friends who have had to leave the area because of the cost of housing. She commented that owners of the property where she lives have changed the complex from a good place for people with disabilities to a senior citizen complex for those who are 55 years and over. Previously, the complex had billed itself as a disabled complex. Now, a friend cannot move into this apartment complex, unless she meets the age requirements. Ms. Yates added that she does not know how many units or buildings are available to the disabled in Hayward, but she thinks there are not that many. She said a coalition needs to be developed to get together and make things affordable to everyone.

Ms. Yates was told that the City Council would hear the Housing Element proposal on July 16 and that she should try to attend that meeting as well.

The public hearing closed at 10:04 p.m.

Commissioner Williams asked what the relationship between Rent Control and Section 8 tenants would be.

Neighborhood and Economic Development Manager Bauman said there is no relationship. There are two types of Section 8 housing, one where the tenant has voucher and can move into any unit if the landlord is willing and the other is project-based where the benefit stays with the unit. In general, tenants are not allowed to spend more than 30 percent of their income for housing.

Commissioner Caveglia commented that staff has made serious attempts to do what they can. He said the housing coalition must put pressure on elected officials. He then noted that Mobile homeowners have strong recognition from elected officials because they vote.

Commissioner Thnay suggested exploring affordable housing at a fair or seminar where staff and developers might get together to better explore how to really build affordable housing.

Commissioner Sacks then discussed an article in the Daily Review. She commented that more and more could afford less and less in housing. Staff has done the best they can under the restraints of government. She said she was pleased it was discussed separately from the General Plan discussion. She then **moved,** seconded by Commissioner Zermeño, to recommend adopting of the draft Housing Element to the City Council.

Commissioner Zermeño said he thought a meeting with developers a good idea. He then asked what it would take for inclusion of a few homes which would only be open to Hayward residents in upcoming projects.

Commissioner Bogue said he would support the motion. He commented on affordable housing and how people cannot afford to make enough money to pay for their housing. Soon, it is going to be how and who is going to subsidize the units.

Commissioner Caveglia commented that reality housing has to be removed from capitalistic gain. People need to have to have a place to live. It is a basic human right to have a place to live.

Commissioner Williams added that since we do live in a capitalistic society, perhaps it is time to look at the unusual to make housing available.

Chairperson Halliday added that this has been a long process. She particularly noted that she would have liked to see more specifics as to what funding is being acquired and needed to get a handle on the task. She commented that the City has to know that it will fail based on current conditions. She said we need to know what we have to do. She then discussed an inclusionary zoning ordinance, and building projects that do not discriminate against the lowest income dweller. Eden Housing does wonderful projects. She then mentioned both the Blue Rock Country Club and South of 92 project. Those projects will fulfill the above-moderate housing need. She said the City has to be aware that funds might be in question for any affordable projects. She said she would support the idea of a housing committee for the City, to include both builders and these organizations. She emphasized once again, that the City of Hayward needs to think out of the box.

Commissioner Bogue said he thought it was thinking outside the box to have both the City Council and Planning Commission working on the Housing Element together. He noted that these topics were considered. By holding joint meetings, they all had more exposure to each concern.

The commission voted **unanimously** to recommend that the City Council adopt the draft Housing Element.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

There were no reports.

4. Commissioners' Announcements, Referrals

Commissioner Thnay asked that a resolution be done for Commissioner Williams since the next meeting would be his last.

Commissioner Caveglia asked why Blue Rock was rescheduled for hearing on July 11, since he would be out of town for that meeting. He said it was originally scheduled for June 27, which he could attend.

MINUTES

ADJOURNMENT

The meeting was adjourned by Chairperson Halliday at 10:33 p.m.

APPROVED:

Francisco Zermeño, Secretary
Planning Commission

ATTEST:

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Edith Looney
Commission Secretary