

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MINTIER HARNISH FOR THE DEVELOPMENT AND ADOPTION OF OBJECTIVE STANDARDS FOR RESIDENTIAL DEVELOPMENT AND ZONING CONSISTENCY UPDATES FOR THE CITY OF HAYWARD AND RELATED ENVIRONMENTAL ANALYSIS FOR AN AMOUNT NOT-TO-EXCEED \$235,000

WHEREAS, the housing shortage prompted California to enact new laws in 2017 (SB 35, SB 167, AB 648) requiring cities and counties to streamline housing approval by establishing a by-right, ministerial approval process for multifamily residential development; and to provide an increased standard of proof to legally deny a housing project; and

WHEREAS, in 2019, changes to the Housing Accountability Act (HAA) through the adoption of SB 330 and AB 1485 further limited a jurisdiction's ability to deny or reduce the density of housing projects that meet objective standards, while expanding SB 35 eligibility and protections under the HAA; and

WHEREAS, in accordance with State law, jurisdictions without a ministerial approval process have little say in the design of developments processed under the protections of the HAA. Key to the establishment of this process is the replacement of subjective design guidelines and discretionary review with objective standards and ministerial approval; and

WHEREAS, the State recently adopted new legislation in 2021, including SB 9, SB 10, and SB 478, which directly limit a jurisdiction's ability to control certain density, lot size, and lot coverage requirements; and

WHEREAS, in 2019, the City of Hayward was awarded an SB 2 Planning Grant from the State Department of Housing and Community Development (HCD) in the amount of \$310,000. Of this, \$235,000 is designated to develop objective residential development standards that meet State criteria and for targeted zoning updates to ensure Zoning Ordinance consistency with the Hayward 2040 General Plan. Per grant requirements, the project must be complete by the end of 2023.

WHEREAS, on November 5, 2021, the City released a Request for Proposals (RFP) to seek a consultant team to develop a detailed set of objective standards for all types of residential development that meet the State's criteria for objective standards and complete targeted zoning updates to ensure Zoning Ordinance consistency with the Hayward 2040 General Plan and any related environmental analysis; and

WHEREAS, a committee of staff representing the City’s Planning Division and Housing Division reviewed the one proposal received and interviewed the firm before confirming that Mintier Harnish is the capable and the preferred team to complete the work well within the grant required schedule; and

WHEREAS, the Scope of Work includes a budget of \$204,910 to complete the proposed project and related environmental analysis, and an approximately \$30,000 contingency for a total project budget of \$234,910.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward, hereby authorizes the City Manager to negotiate and execute an Agreement with Mintier Harnish in a form approved by the City Attorney, for the Development and Adoption of Objective Standards for Residential Development Zoning Consistency Updates and Related Environmental Analysis for an amount not-to-exceed \$234,910, and a term through December 31, 2023 in alignment with HCD requirements for the expenditure of the grant monies.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward