



DATE: October 11, 2022

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Lease Agreement with Forestr.org for the Hazel Community Garden through December 31, 2023, with an Option for a Two-Year Extension

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a lease agreement with Forestr.org for the Hazel Community Garden through December 31, 2023, with an option for a two-year extension.

SUMMARY

Community members in the Prospect Hill neighborhood have maintained a public garden on 22196 Main Street for decades, referred to as the Hazel Community Garden. This City is the owner of this parcel. Staff recently became aware that there is no written lease agreement for the garden. Staff has worked with the community members since June 2022 to identify a non-profit sponsor for the garden and to draft lease terms. In August, the community group partnered with Forestr.org, which has agreed to sponsor oversight of the garden operations. The attached resolution seeks Council authorization for the City Manager to execute a lease agreement with Forestr.org through December 2023 with an option for a two-year extension.

BACKGROUND

For several decades, community members in the Prospect Hill neighborhood have maintained a public garden on 22196 Main Street. This is referred to as the Hazel Community Garden, as it is close to Hazel Ave. The garden is across the San Lorenzo Creek from the Lincoln Landing project (see below for aerial and street views). The City is the owner of the parcel.

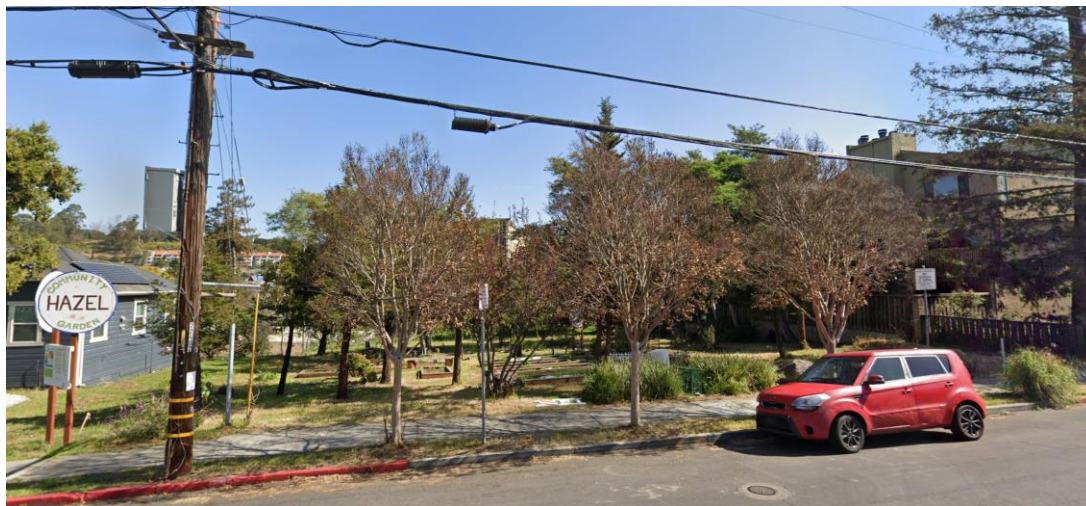
On May 18, 2021, Council approved funding the Hayward People's Budget, a \$350,000 participatory budgeting project to fund twelve neighborhood projects throughout Hayward. Through the People's Budget, the community members from the Hazel Garden submitted a project proposal for improvements to the garden and received funding through the community vote.

DISCUSSION

During the People's Budget funding process, staff became aware that there is currently no written lease agreement for the garden parcel. Staff has worked with the community members since June 2022 to identify a non-profit sponsor for the garden and to draft lease terms. In August, the community group partnered with Forestr.org, which has agreed to sponsor the garden. Forestr.org is a recently founded, Castro-Valley-based nonprofit whose mission is to “educate local communities about permaculture practices, plan local lands with the forests of the future, and employ local visionaries in green jobs for all ages.”



Aerial View



Street View

Lease Terms: The lease agreement will be through December 31, 2023 with an option for a two-year extension. The garden will be open to the public during this term for the benefit of the neighborhood.

- **Upfront Improvements:** During the first months of this lease, the City will remove dying trees to create an access easement, which will make it easier to clear the brush along the San Lorenzo creek. The City will also build a fence along the north side of the property to provide privacy to the neighboring home. Forstr.org will be responsible for any maintenance costs associated with these improvements.
- **Care of Premises:** Forstr.org, in partnership with the neighborhood group, will be responsible for all ongoing maintenance of the property. Once a year, the City will provide brush cleaning services along San Lorenzo creek.
- **Utilities:** The City will pay for water and garbage and will provide a dumpster for larger cleanup events up to two times per year. Forstr.org will be responsible for keeping the trash carts secure and bringing them to the curb for weekly pickup.
- **Insurance:** Forstr.org will maintain insurance per the City's requirements.

Surplus Land Act: This lease is exempt from the requirements of the Surplus Land Act. The Act does not apply to leases with terms that are less than five years, including extensions or options. (SLA Guidelines section 102(h)(1)).

CEQA Compliance: This lease is exempt from environmental review pursuant to Section 15304 of the CEQA Guidelines relating to minor alterations to land and 15301 relating to operation and leasing of existing public facilities involving negligible or no expansion of existing or former use.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Support Quality of Life. Specifically, this item relates to the implementation of the following project:

Project Q5j: Implement Neighborhood Participatory Budgeting

FISCAL IMPACT

There is no fiscal impact resulting from this lease agreement. As part of the lease, the City will be contributing some upfront improvements. The costs associated with these improvements will be absorbed into the existing operating budget.

Prepared by: Mary Thomas, Management Analyst
Emily Hwang, Management Fellow

Recommended by: Jennifer Ott, Assistant City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'McAdoo', with a long horizontal stroke extending to the right.

Kelly McAdoo, City Manager