

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, January 25, 2022**

**7:00 PM**

**Virtual: Zoom Platform**

## **City Council**

**CITY COUNCIL MEETING**

COVID-19 Notice: Consistent with Assembly Bill 361/Government Code section 54953(e), the City Council meeting includes teleconference participation by all members.

*How to observe the Meeting:*

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

*How to submit written Public Comment:*

1. Use eComment on the City's Meeting & Agenda Center webpage at: <https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to [List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov) by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

*How to provide live Public Comment during the City Council Meeting:*

Click link below to join the meeting:

<https://hayward.zoom.us/j/87529584500?pwd=c2tQek9seGRvZXJYaXUyR2FjaDVKUT09>

Meeting ID: 875 2958 4500

Passcode: CC1/25@7pm

or

Dial: +1 669 900 6833 or +1 253 215 8782 or 833 548 0276 (Toll Free)

Meeting ID: 875 2958 4500

Password: 0506518870

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

**CALL TO ORDER: Mayor Halliday****Pledge of Allegiance: Council Member Lamnin****ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT****December 20, 2021****January 18, 2022****January 25, 2022****PUBLIC COMMENTS**

*The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.*

**CITY MANAGER'S COMMENTS**

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

**ACTION ITEMS**

*The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.*

**CONSENT**

1. [CONS 22-008](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Professional Services Agreements with Willdan Engineering, SNG & Associates, and 4Leaf, Inc., in an Amount Not-to-Exceed \$150,000 Annually Per Firm for Three Years for On-Call Construction Inspection Services

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)

2. [CONS 22-019](#) Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the FY22 New Sidewalks Project, Project No. 05305

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III Location Map](#)

3.     [CONS 22-041](#)     Adopt a Resolution Authorizing the City Manager to Amend the FY2022 Operating Budget for the Development Services Department Building Division for Outside Plan Check, Building Inspection, and Permit Technician Services

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)

4.     [CONS 22-042](#)     Adopt a Resolution Appointing the City's Representative to the Boards of Directors of the Bay Area Water Supply and Conservation Agency and the San Francisco Bay Area Regional Water System Financing Authority

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)

5.     [CONS 22-055](#)     Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Mintier Harnish in an Amount Not to Exceed \$235,000 for the Development and Adoption of Objective Standards for Residential Development and Zoning Consistency Updates for the City of Hayward and Related Environmental Analysis

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Scope of Services and Budget](#)

6.     [CONS 22-061](#)     Adopt a Resolution Accepting \$1 Million in State of California General Fund Grant Funds for the Construction of the South Hayward Youth and Family Center (Stack Center)

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)

7.     [CONS 22-062](#)     Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$20,000 in Grant Funding from the National Endowment for the Arts for Heritage Plaza Art Pieces

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)



8.      [CONS 22-075](#)      Adopt a Resolution Authorizing the Public Works Director to Complete Construction of Subdivision Improvements in Tract 8058 of the Golden Oaks 2 Subdivision; Making Findings to Procure the Work in the Open Market; and Authorizing Expenditure of City Funds in an Amount Not to Exceed \$630,000

**Attachments:**      [Attachment I Staff Report](#)  
                                 [Attachment II Resolution](#)  
                                 [Attachment III Approved Final Map](#)

#### LEGISLATIVE BUSINESS

9.      [LB 22-003](#)      Unmanned Aerial Systems Program: Adopt a Resolution and Policy Statement Regarding the Use of Surveillance Technologies and an Operational Policy for the Hayward Police Department's Unmanned Aerial Systems Program (Report from City Manager McAdoo and Police Chief Chaplin)

**Attachments:**      [Attachment I Staff Report](#)  
                                 [Attachment II Resolution and Policy Statement](#)  
                                 [Attachment III HPD UAS Operations Manual](#)  
                                 [Attachment IV Policy 610 - UAS Operations](#)

10.     [LB 22-002](#)      Homekey 2.0 Application: Adopt a Resolution Approving the City of Hayward's Homekey Projects and Authorizing the City Manager and Assigned Staff to Submit Applications to the State of California Department of Housing Community Development for Homekey Funds for Housing for Persons Experiencing Homelessness (Report from Assistant City Manager Ott)

**Attachments:**      [Attachment I Staff Report](#)  
                                 [Attachment II Resolution for Project Reclamation](#)  
                                 [Attachment III Resolution for Tiny Homes Project](#)  
                                 [Attachment IV HHTF Feedback](#)

#### INFORMATIONAL ITEM

*Information items are presented as general information for Council and the public, and are not presented for discussion. Should Council wish to discuss or take action on any of the "information" items, they will direct the City Manager to bring them back at the next Council agenda as an Action Item.*

11.     [RPT 22-006](#)     Informational Item Regarding Marin Municipal Water District's Proposal to Transmit Purchased Water Through the City's Transmission Mains and the Regional Water System Intertie as a Drought Relief Measure

**Attachments:**     [Attachment I Staff Report](#)

### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

### **COUNCIL REFERRALS**

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

### **ADJOURNMENT**

### **NEXT SPECIAL MEETING, Saturday, January 29, 2022**

### **PUBLIC COMMENT RULES**

*Any members of the public desiring to address the Council shall limit their remarks to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

**PLEASE TAKE NOTICE**

*That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.*

**PLEASE TAKE FURTHER NOTICE**

*That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.*

*\*\*\*Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the City website, Cable Channel 15 - KHRT, and YouTube. \*\*\**

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400, [cityclerk@hayward-ca.gov](mailto:cityclerk@hayward-ca.gov), or TDD (510) 247-3340.*

*Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.*



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**File #:** CONS 22-008

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**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Professional Services Agreements with Willdan Engineering, SNG & Associates, and 4Leaf, Inc., in an Amount Not-to-Exceed \$150,000 Annually Per Firm for Three Years for On-Call Construction Inspection Services

**RECOMMENDATION**

That Council adopts the attached resolution (Attachment II) authorizing the City Manager to negotiate and execute Professional Services Agreements (PSAs) with Willdan Engineering (Willdan), SNG & Associates, and 4Leaf, Inc. (4Leaf), in an amount not-to-exceed \$150,000 per year, per firm for three years for on-call construction inspection services.

**SUMMARY**

The Department of Public Works & Utilities routinely uses on-call construction inspectors when in-house staffing levels are inadequate, either due to absences, vacancies, or increased workload. The on-call construction inspection services provide oversight on City-sponsored projects, private developments, and encroachment permits.

**ATTACHMENTS**

Attachment I Staff Report  
Attachment I Resolution



**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Professional Services Agreements with Willdan Engineering, SNG & Associates, and 4Leaf, Inc., in an Amount Not-to-Exceed \$150,000 Annually Per Firm for Three Years for On-Call Construction Inspection Services

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## **SUMMARY**

The Department of Public Works & Utilities routinely uses on-call construction inspectors when in-house staffing levels are inadequate, either due to absences, vacancies, or increased workload. The on-call construction inspection services provide oversight on City-sponsored projects, private developments, and encroachment permits.

## **BACKGROUND**

In February 2016<sup>1</sup> and March 2019<sup>2</sup>, the Council approved on-call inspection services agreements with three firms for \$150,000 annually, per firm, for a period of three years through Resolutions 16-023 and 19-057, respectively. The current agreements will expire in April and May 2022. In October 2021, Request for Qualifications (RFQ) #2204-091421 was released to obtain proposals for on-call inspection services for three years.

## **DISCUSSION**

The in-house Construction Inspection Division's workload supports projects from the Engineering, Transportation, Utilities, Executive Airport, and Environmental Services

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=2569864&GUID=2E66CF3B-B70B-420D-B942-B70830115FEC&Options=&Search=>

<sup>2</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3897641&GUID=1D885961-B939-4DD5-B5B0-3DB025867DD0&Options=&Search=>

Divisions, and public improvement portions of other City-sponsored projects. In addition, the Inspection Division is responsible for inspection of the public improvements of private development projects, and encroachment purposes. With the currently anticipated workload, it is necessary to continue the supplemental contracted work with on-call construction inspection firms to ensure compliance, meet project deadlines, and provide project oversight.

The three firms currently providing construction inspection services are Park Engineering, CSG Consultants, and Willdan Engineering. These agreements expire early 2022. In response to the RFQ released in October 2021, ten firms submitted proposals. Staff determined three firms, Willdan, SNG & Associates, and 4Leaf to be the most qualified for the services needed based on their experience in providing similar services to other public agencies along with competitive rates.

### **ECONOMIC IMPACT**

Timely inspection services for City and private development projects would ensure public safety and foster economic activity. Similarly, timely inspection on private development projects, like new housing or commercial properties, allow the contractors to maintain their schedule; once complete, the projects contribute to the City's economic vitality.

### **FISCAL IMPACT**

This item should have a neutral impact on the General Fund. These services will only be used on City projects with appropriated budget for construction inspection or where inspection-related expenses will be reimbursed by developers and permit holders. Staff recommends a PSA with each firm for a not-to-exceed amount of \$150,000 annually, per firm, for a three-year period. Staff does not expect to use all allocated funding for each firm each year; rather, the budgeted amount will give staff flexibility when services are required. If the workload falls short of the forecast, the budget expenditures would be limited to the actual inspection costs incurred.

### **STRATEGIC ROADMAP**

This action will help ensure that the infrastructure projects and City development projects in the Strategic Roadmap are not adversely impacted by construction inspection delays.

### **SUSTAINABILITY FEATURES**

There are no sustainability features associated with this item.

## **PUBLIC CONTACT**

The RFQ was available to the public through the City's website from October to November 2021. There is no other public contact associated with this item.

## **NEXT STEPS**

If Council approves this item, the City Manager will execute three individual three-year PSAs with each firm in a form approved by the City Attorney.

*Prepared by:* Jason Whipple, Supervising Construction Inspector  
Kathy Garcia, Deputy Director of Public Works

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH WILLDAN ENGINEERING, SNG & ASSOCIATES, AND 4LEAF, INC., IN AN AMOUNT NOT-TO-EXCEED \$150,000 ANNUALLY PER FIRM FOR THREE YEARS FOR ON-CALL CONSTRUCTION INSPECTION SERVICES

WHEREAS, to address staff shortages the Department of Public Works & Utilities routinely procures services for on-call construction inspectors for City-sponsored projects, private developments, and encroachment permits, and

WHEREAS, procuring these services are necessary to maintain operations without disruption in the event of decreased staffing levels or increased workload, and

WHEREAS, because the current agreements expire between April and May 2022, the City released a Request for Qualifications (RFQ) in October 2021, and

WHEREAS, staff reviewed the ten submitted proposals and determined the most qualified firms, and

WHEREAS, there is a neutral impact on the General Fund since funding for these services are allocated within the appropriated project budgets or will be reimbursed by developers and permit holders,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows: that the City Manager is hereby authorized to negotiate and execute separate agreements for on-call construction inspection services with Willdan Engineering, SNG & Associates, and 4Leaf, Inc., in the amount of \$150,000 per year, for a term of three years from 2022 - 2025, for all construction inspection services authorized by this resolution, in a form to be approved by the City Attorney.



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



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**File #:** CONS 22-019

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**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the FY22 New Sidewalks Project, Project No. 05305

**RECOMMENDATION**

That Council adopts the attached resolution (Attachment II) approving the plans and specifications, and calling for bids to be received on February 22, 2022, for the FY22 New Sidewalks Project.

**SUMMARY**

The FY22 New Sidewalks Project calls for new sidewalk installations at several locations on Hesperian Boulevard and West Winton Avenue (Attachment III).

The project will help provide a safe and continuous concrete pedestrian route to Mt. Eden High School on Hesperian Boulevard as well as to multiple businesses and the new Fire Station No. 6 and Fire Training Center on West Winton Avenue. Existing driveways and curb ramps in new sidewalk areas will be reconstructed to comply with the current Americans with Disabilities Act (ADA) requirements.

The project budget of \$1,350,000 is funded via Measure B (Pedestrian and Bicycle) and Measure BB (Pedestrian and Bicycle) funds.

This project is categorically exempt from environmental review under Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

**ATTACHMENTS**

Attachment I Staff Report  
Attachment II Resolution  
Attachment III Location Map

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**File #:** CONS 22-019

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**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Director of Public Works

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### **SUMMARY**

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The project will help provide a safe and continuous concrete pedestrian route to Mt. Eden High School on Hesperian Boulevard as well as to multiple businesses and the new Fire Station No. 6 and Fire Training Center on West Winton Avenue. Existing driveways and curb ramps in new sidewalk areas will be reconstructed to comply with the current Americans with Disabilities Act (ADA) requirements.

The project budget of \$1,350,000 is funded via Measure B (Pedestrian and Bicycle) and Measure BB (Pedestrian and Bicycle) funds.

This project is categorically exempt from environmental review under Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

### **BACKGROUND**

Hesperian Boulevard and West Winton Avenue were identified as needing new sidewalk construction and repairs of existing sidewalk segments to further the City's goal of providing safe and continuous pedestrian access. The City has received requests from residents in the neighborhood for sidewalk improvements at these locations.

## DISCUSSION

This project will provide a continuous concrete sidewalk on the:

- East side of Hesperian Boulevard (from Catalpa Way to 180' south of Bolero Avenue)
- North side of West Winton Avenue (from Hesperian Boulevard to Bulldog Way)

The proposed improvements will add 1.3 miles of new concrete sidewalk to the City's inventory, which totals approximately 460 miles. The new concrete sidewalk, curb, and gutter will meet current City standards. In addition, existing curb ramps that are non-compliant with the ADA will be removed and reconstructed to comply with current ADA requirements.

This project is categorically exempt from environmental review under Section 15301(c) of the CEQA Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

## ECONOMIC IMPACT

This project will add new sidewalk access to businesses in the Industrial area of Hayward. Facilitating walkability along arterial streets will improve vitality of the neighborhoods, which can help business in the community.

## FISCAL IMPACT

The project is funded by the City's Capital Improvement Program. The estimated project funding sources are as follows, which are anticipated to cover the engineer's estimate for the project:

216 – Measure B	\$925,000
213 – Measure BB	<u>\$425,000</u>
<b>Total:</b>	<b>\$1,350,000</b>

## STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following project(s):

- Project 8, Part 8a.: Add 2 miles of sidewalks per year.  
Project 8, Part 8d.: Implement safe routes to school.

## **SUSTAINABILITY FEATURES**

The project satisfies the following General Plan policies:

- M-1.7 Eliminate Gaps (in pedestrian networks)
- M-3.1 Serving All Users
- M-3.10 Motorists, Bicyclists, and Pedestrian Conflicts
- M-5.2 Pedestrian System
- M-5.3 Access to Transit
- M-5.4 Sidewalk Design
- M-5.7 Safe Sidewalks

The project requires the contractor to recycle all construction and demolition debris as a result of the project.

## **PUBLIC CONTACT**

Immediately after the construction contract is awarded, a preliminary notice explaining the project will be posted and distributed to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work indicating the date and time of work for Hesperian Boulevard and West Winton Avenue. Residents will be advised to park their vehicles on side streets outside of the work area during the construction period.

## **NEXT STEPS**

May 2021	Start of Construction
August 2021	End of Construction

*Prepared by:* Kathy Garcia, Deputy Director of Public Works

*Recommended by:* Alex Ameri, Director of Public Works

*Approved by:*



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS, AND CALLING FOR  
BIDS FOR THE FY22 NEW SIDEWALKS PROJECT, PROJECT NO. 05305

WHEREAS, certain plans and specifications for the FY22 New Sidewalk Project, Project No. 05305, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project; and

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and

WHEREAS, sealed bids therefor will be received by the City Clerk's office at City Hall, 777 B Street, 1<sup>st</sup> floor Rotunda, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, February 22, 2022, and immediately thereafter publicly opened and declared by the City Clerk in the City Hall Rotunda, located on the 1<sup>st</sup> Floor of City Hall, Hayward, California.

NOW, THEREFORE, BE IT RESOLVED, that the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

BE IT FURTHER RESOLVED, that the project is categorically exempt from environmental review under section 15301(c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

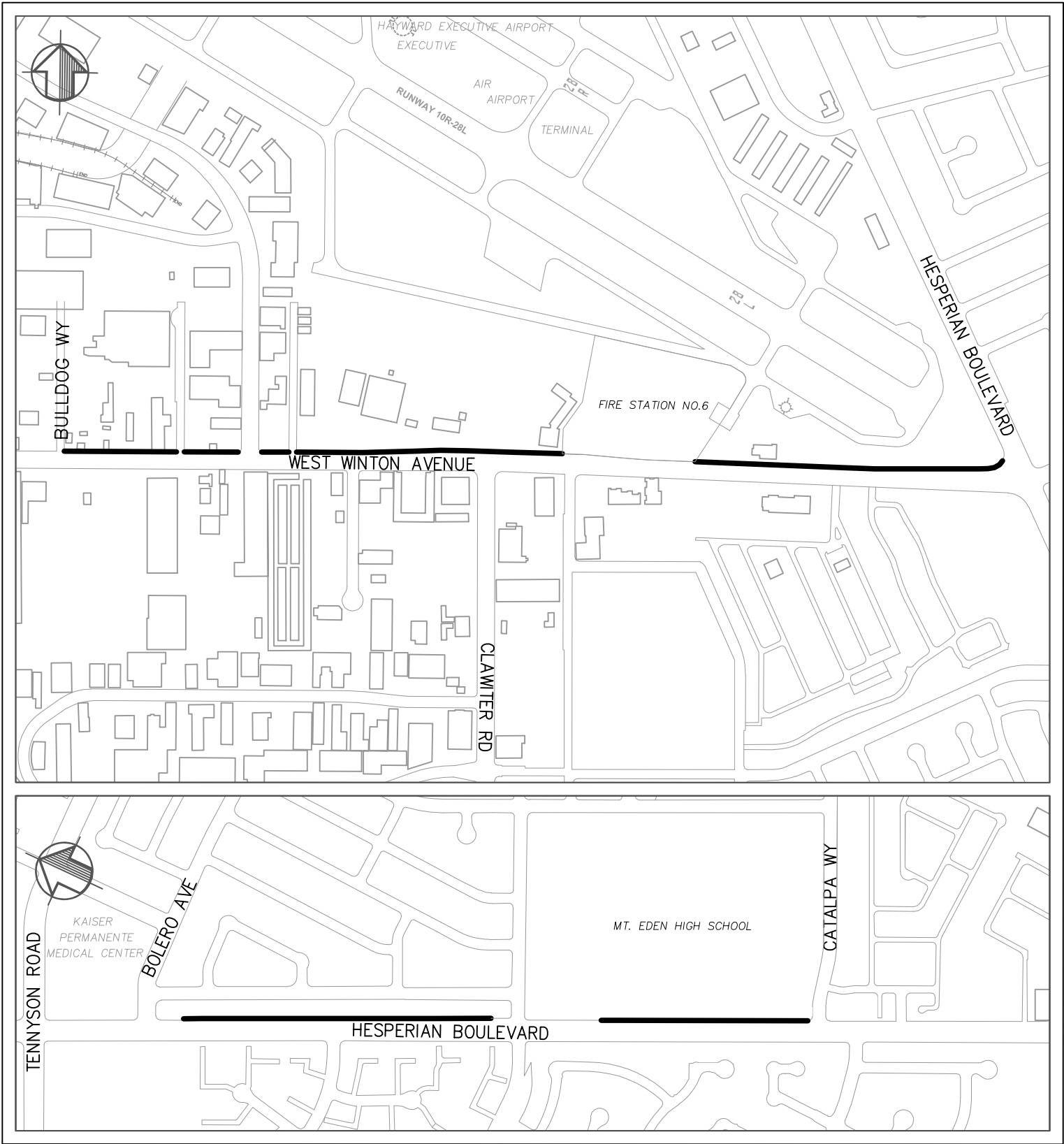
ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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





**FY22 NEW SIDEWALK PROJECT**  
**PROJECT NOS. 05305**



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**File #:** CONS 22-041

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**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager / Development Services Director

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Amend the FY2022 Operating Budget for the Development Services Department Building Division for Outside Plan Check, Building Inspection, and Permit Technician Services

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) approving an amendment to the FY2022 budget for the Development Services Department (DSD) - Building Division, increasing the appropriation from \$330,000 to \$800,000 for consulting services for outside plan check, building inspections, and permit technician services.

**SUMMARY**

The City currently has executed agreements with five outside consulting firms to augment DSD Building Division staff by providing plan check, inspection, and permit technician services. The compensation for these agreements is for an amount not-to-exceed the annual budget appropriation (distributed as appropriate amongst the consultants for work performed) for FY22, and for a term up to three years or until 2024.

The additional \$470,000 of appropriated funds will be offset by fees paid for building plan check by permit applicants at the time plans and applications are submitted and permit fees for inspections are collected. To date, approximately \$1.5 million in revenue has been collected for permit and inspection fees. Staff is requesting an additional appropriation of \$470,000 to cover the cost of outside plan checking, building inspections, and permit technician services for a total of \$800,000. There will be no impact to the General Fund due to this increase.

Moving forward as part of the FY23 budget process, staff intends to review and consider updating the annual Building Division budget to more accurately reflect the actual revenues and expenditures related to Building Division services.

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**File #:** CONS 22-041

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**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



DATE: January 25, 2022

TO: Mayor and City Council

FROM: Assistant City Manager/Development Services Director

SUBJECT: Adopt a Resolution Authorizing the City Manager to Amend the FY2022 Operating Budget for the Development Services Department Building Division for Outside Plan Check, Building Inspection, and Permit Technician Services

## **RECOMMENDATION**

That Council adopts a resolution (Attachment II) approving an amendment to the FY2022 budget for the Development Services Department (DSD) - Building Division, increasing the appropriation from \$330,000 to \$800,000 for consulting services for outside plan check, building inspections, and permit technician services.

## **SUMMARY**

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Moving forward as part of the FY23 budget process, staff intends to review and consider updating the annual Building Division budget to more accurately reflect the actual revenues and expenditures related to Building Division services.

## **BACKGROUND**

The City of Hayward has maintained agreements with multiple firms to provide plan check

and inspection services to support customer demand that exceeds the availability or workload capacity of Building Division staff.

This approach toward managing plan review applications disperses the workload between City staff and consultants and provides the flexibility to augment staff as necessary to cover increases in permit applications and long-term absences of permanent staff. Agreements with multiple outside firms also allow staff to ensure that large projects, such as complex commercial and industrial projects or subdivisions, involving multiple sets of plans can be reviewed and inspected in a timely manner.

Retaining several firms under contract who are available to respond on short notice also provides the City the flexibility to use qualified firms or persons that are best suited, based on specific areas of specialization and availability of personnel. The City currently has executed agreements with five outside consulting firms to provide these services:

- 4 Leaf Inc.
- CSG Consultants
- Independent Code Consultants
- Shums Coda Associates
- West Coast Code Consultants

Each year, staff requests that Council approve an amendment to the fiscal year budget appropriation for Consulting Services in the Building Division based on the receipts received by the City to perform these services. Staff is seeking Council approval to amend the FY2022 Operating Budget for the DSD Building Division for outside plan check, building inspection and permit technician services based on collected revenues for these specific services.

## **DISCUSSION**

The continued rise in demand for permits and inspection services necessitates the utilization of outside services, resulting in increased costs that have surpassed the original FY 2022 budget appropriation of \$330,000 established by Resolution 21-042. As of the end of December 2021, staff anticipates approximately \$386,485 will be charged by outside consultants for plan check, building inspection, and permit technician services. These charges are largely due to several large projects, including Lincoln Landing, SOHAY, Legacy Partners, Hines, Berkeley Farms, and Mission Crossings.

The additional \$470,000 of appropriated funds will be offset by fees paid for building plan check by permit applicants at the time plans and applications are submitted and permit fees for inspections are collected. The City will not incur these expenses if fee revenues are not generated. To date, approximately \$1.5 million in total revenue has been collected for permit and inspection fees.

Staff seeks Council approval to increase the expenditure appropriation for Consultant Services in the Building Division by an additional \$470,000, for a total revised budget of \$800,000, to cover the cost of outside plan check, building inspection, and permit technician services.

### **FISCAL IMPACT**

There is no net impact to the General Fund. The additional \$470,000 of appropriated funds will be offset by fees paid for building plan check by permit applicants at the time plans and applications are submitted and permit fees for inspections are collected. The City will not incur these expenses if fee revenues are not generated. To date, approximately \$1.5 million in total revenue has been collected for permit and inspection fees. The agreements are structured to ensure costs for plan check and inspection fees incurred by the consultants shall not exceed the City's plan check and inspection fees collected by the City and shall not exceed the budget appropriation for the fiscal year. All anticipated costs associated with consultant services are fully cost recoverable and will be fully borne by permit applicants and permittees.

### **STRATEGIC ROADMAP**

This agenda item is a routine operational item that does not directly relate to any of the six priorities outlined in the Council's Strategic Roadmap.

### **NEXT STEPS**

Should Council approve this action, staff will prepare a Budget Revision Form to request the appropriation of funds.

*Prepared by:* Tera Maroney, Management Analyst  
Sara Buizer, AICP, Deputy Development Services Director

*Recommended by:* Jennifer Ott, Assistant City Manager/Development Services Director

*Approved by:*



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-\_\_\_\_\_

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

ADOPTION OF A RESOLUTION APPROPRIATING AN ADDITIONAL \$470,000  
FOR CONSULTING SERVICES FOR PLAN CHECK, BUILDING INSPECTION,  
AND PERMIT TECHNICIAN SERVICES FOR FISCAL YEAR 2022

WHEREAS, the Development Services Department- Building Division received an appropriation of \$330,000 for consulting services for outside plan check, building inspection and permit technician services in the FY22 Operating Budget; and

WHEREAS, each year staff requests that Council approve an amendment to the fiscal year budget appropriation for Consulting Services based on the receipts received by the City to perform outside plan check, building inspection, and permit technician services; and

WHEREAS, maintaining agreements with multiple firms maintains the continuity of the stipulations within these agreements; and

WHEREAS, the Development Services Department has received permit applications for several large projects including but not limited to Lincoln Landing, SOHAY, Legacy Partners, Hines, Berkeley Farms, and Mission Crossings; and

WHEREAS, the Development Services Department anticipates invoices for these projects will total approximately \$386,485; and

WHEREAS, the additional \$470,000 of appropriated funds will be offset by fees paid for building plan check by permit applicants at the time plans and applications are submitted and permit fees for inspections are collected, of which, approximately \$1.5 million in revenue has been collected for permit and inspection fees; and

WHEREAS, the cost of contracting for consultant plan check, building inspection, and permit technician services is offset by those fees paid for by the permit applicant at the time plans are submitted, having no impact to the General Fund.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that additional funds in the amount of \$470,000, be appropriated to Contract/Consulting Services within the Building Division budget, for a revised budget appropriation of \$800,000 for FY22.

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

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





# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** CONS 22-042

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**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Adopt a Resolution Appointing the City's Representative to the Boards of Directors of the Bay Area Water Supply and Conservation Agency and the San Francisco Bay Area Regional Water System Financing Authority

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) appointing the City's representative to the Boards of Directors of the Bay Area Water Supply and Conservation Agency (BAWSCA) and the San Francisco Bay Area Regional Water System Financing Authority (RFA).

**SUMMARY**

Hayward is a member of the BAWSCA and RFA, and is currently represented by former Council Member Al Mendall. Mr. Mendall's term expires on June 30, 2025; however, he has resigned as Hayward's representative effective January 31, 2022. Therefore, the Council must appoint a representative to complete Mr. Mendall's term. This report has been prepared in order for the Council to take the necessary action to appoint a representative for Hayward on these two Boards of Directors, effective February 1, 2022 until June 30, 2025.

**ATTACHMENTS**

Attachment I Staff Report  
Attachment II Resolution



**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Appointing the City's Representative to the Boards of Directors of the Bay Area Water Supply and Conservation Agency and the San Francisco Bay Area Regional Water System Financing Authority

### **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) appointing City's representative to the Boards of Directors of the Bay Area Water Supply and Conservation Agency (BAWSCA) and the San Francisco Bay Area Regional Water System Financing Authority (RFA).

### **SUMMARY**

Hayward is a member of the BAWSCA and RFA, and is currently represented by former Council Member Al Mendall. Mr. Mendall's term expires on June 30, 2025; however, he has resigned as Hayward's representative effective January 31, 2022. Therefore, the Council must appoint a representative to complete Mr. Mendall's term. This report has been prepared in order for the Council to take the necessary action to appoint a representative for Hayward on these two Boards of Directors, effective February 1, 2022 until June 30, 2025.

### **BACKGROUND**

BAWSCA and the RFA are comprised of twenty-six member agencies that purchase wholesale water from the San Francisco Public Utilities Commission (SFPUC). Both the agency and the authority were formed in 2002 by State legislation, with Hayward's membership approved by Council in 2003. BAWSCA and the RFA are governed by a Board of Directors, with appointed representation from each member agency. BAWSCA and the RFA are not Joint Exercise of Powers Authorities (JPAs).

The Boards of Directors for both BAWSCA and the RFA meet bimonthly at 7 p.m. in San Mateo (currently meeting virtually due to the pandemic). Among other responsibilities, the Board provides policy direction to BAWSCA/RFA staff, reviews and approves agency budgets and consultant agreements, and receives updates from SFPUC regarding water supply and the status of Regional Water System improvement projects. Also, as the public agency with the highest water purchases from SFPUC, Hayward's representative has always been a member of

the BAWSCA Board Policy Committee, which also meets bimonthly, early in the afternoon in San Mateo.

Former Council Member Al Mendall has served as Hayward's representative since July 2012, with reappointments effective July 1, 2013, July 1, 2017, and July 1, 2021. His most recent reappointment was confirmed by Council on November 17, 2020 due to his extensive experience, even though he did not seek re-election to the Council in 2020. Mr. Mendall has resigned from the BAWSCA and RFA Boards effective January 31, 2022. It is not required that the Board representative be an elected official; however, staff highly recommends that a Council Member be appointed.

## **DISCUSSION**

BAWSCA's primary function is to coordinate regional water supply issues and water conservation programs among wholesale purchasers of SFPUC water. BAWSCA has been active in areas such as implementation of regional water conservation program, negotiation of the water supply agreement, monitoring implementation of the regional Water System Improvement Program, and ongoing review of wholesale rate calculations and other financial information. The RFA was formed to secure financing for water system improvements in the event that SFPUC is unable to obtain the needed funding. The RFA is largely inactive at this time as SFPUC has been successful in raising the necessary funds.

With Mr. Mendall's resignation, Council must appoint a representative to complete his term, which ends in June 2025. This report has been prepared in order to appoint a City representative to the BAWSCA and RFA Boards of Directors. Based on her experience in the water and wastewater industry and interest in serving, the Mayor has recommended that the Council appoint Councilmember Angela Andrews to the Boards of Directors.

## **ECONOMIC IMPACT**

There are no economic impacts associated with this action.

## **FISCAL IMPACT**

Board members receive a \$100 stipend per attended Board meeting. The stipend is paid by BAWSCA, and there are no direct fiscal impacts associated with this action.

## **STRATEGIC ROADMAP**

This item is a routine operational matter and does not relate directly to any of the priorities outlined in the Council's Strategic Roadmap.

## **SUSTAINABILITY FEATURES**

The City's membership and active participation in BAWSCA and the RFA supports its local water supply and conservation efforts.

## **PUBLIC CONTACT**

There is no additional public contact required for this action.

## **NEXT STEPS**

If approved, staff will notify BAWSCA staff of Council's action related to the appointment of the new City representative to the BAWSCA and RFA Boards. The appointment will be effective on February 1, 2022 and end on June 30, 2025.

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written above a horizontal line.

---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22 -\_\_

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

RESOLUTION APPOINTING THE CITY'S REPRESENTATIVE TO THE BOARDS  
OF DIRECTORS OF THE BAY AREA WATER SUPPLY AND CONSERVATION  
AGENCY AND THE SAN FRANCISCO BAY AREA REGIONAL WATER SYSTEM  
FINANCING AUTHORITY

BE IT RESOLVED that the City Council of the City of Hayward hereby appoints Councilmember Angela Andrews as the City's representative to the Bay Area Water Supply and Conservation Agency and the San Francisco Regional Bay Area Water System Financing Authority beginning February 1, 2022, and effective through June 30, 2025.

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



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** CONS 22-055

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**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager/Development Services Director

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Mintier Harnish in an Amount Not to Exceed \$235,000 for the Development and Adoption of Objective Standards for Residential Development and Zoning Consistency Updates for the City of Hayward and Related Environmental Analysis

**RECOMMENDATION**

That the Council adopts a resolution (Attachment II) 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, including any related environmental analysis.

**SUMMARY**

In 2019, the City of Hayward received 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 being designated for this project, with the remaining funds designated for a separate planning project related to updates to the City's Density Bonus Ordinance.

In light of recent State housing legislation, the City released a Request for Proposals (RFP) in November 2021 to develop a detailed set of objective standards for residential development that meet the State's criteria for objective standards, as well as identify any necessary zoning amendments and related environmental analysis, if required, to ensure consistency with the City's Hayward 2040 General Plan. 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 consultant team to complete the work. The total budget for the work is \$234,910, which includes a \$30,000 contingency to cover unanticipated costs.

This project is the City's opportunity to establish clear, unambiguous, internally consistent, and legally defensible residential design standards and development regulations that reflect the City's goals and

objectives. The objective design and development standards will comply with the requirements of State law and set the stage for continued positive change in the community. Staff anticipates having this project completed by late 2022, well ahead of the HCD deadline to expend all grant funding by the end of 2023.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Scope of Services and Budget



**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager/Development Services Director

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Mintier Harnish in an Amount Not to Exceed \$235,000 for the Development and Adoption of Objective Standards for Residential Development and Zoning Consistency Updates for the City of Hayward and Related Environmental Analysis

## **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) 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, including any related environmental analysis.

## **SUMMARY**

In 2019, the City of Hayward received 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 being designated for this project, with the remaining funds designated for a separate planning project related to updates to the City's Density Bonus Ordinance.

In light of recent State housing legislation, the City released a Request for Proposals (RFP) in November 2021 to develop a detailed set of objective standards for residential development that meet the State's criteria for objective standards, as well as identify any necessary zoning amendments and related environmental analysis, if required, to ensure consistency with the City's Hayward 2040 General Plan. 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 consultant team to complete the work. The total budget for the work is \$234,910, which includes a \$30,000 contingency to cover unanticipated costs.

This project is the City's opportunity to establish clear, unambiguous, internally consistent, and legally defensible residential design standards and development regulations that reflect the City's goals and objectives. The objective design and development standards will comply with the requirements of State law and set the stage for continued positive change



in the community. Staff anticipates having this project completed by late 2022, well ahead of the HCD deadline to expend all grant funding by the end of 2023.

## **BACKGROUND**

As was previously documented, the State of California is in the midst of a housing crisis in which communities throughout the state are being challenged with accommodating their fair share of housing production. 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 lower- or moderate-income housing project.

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. Under these changes to 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.

Additionally, 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. The City, in collaboration with the hired consultant team, intend to develop the new set of objective standards for residential properties following an extensive public outreach effort that reflects recent changes to State law and helps further the goals and objectives of the City's Housing Element and *Hayward 2040 General Plan*.

### *Request for Proposals*

On November 5, 2021, the City released a Request for Proposals (RFP) to develop a detailed set of objective standards for all types of residential development that meet the State's criteria for objective standards. In addition, the project would complete targeted zoning updates and any related environmental analysis, if required, to ensure consistency between the Zoning Ordinance and the City's *Hayward 2040 General Plan*.<sup>1</sup>

In response to the RFP, the City received one proposal from Mintier Harnish. A committee of staff representing the City's Planning Division and Housing Division reviewed the proposal and interviewed the firm before confirming that Mintier Harnish is the capable and the preferred team to complete the work. Minter Harnish's Scope of Work and Proposed Budget are attached to this staff report as Attachment III.

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<sup>1</sup> Hayward Objective Standards for Residential Development and Zoning Consistency Updates Request for Proposals.  
<https://www.hayward-ca.gov/search/site/objective%20standards>

## DISCUSSION

### *Project Overview*

As previously discussed, the City of Hayward was awarded a SB 2 Planning Grant for housing related projects. A portion of the grant was awarded for a project with two components: 1) the development of detailed objective standards for all types of residential development that meet the State's criteria for objective standards, and 2) zoning amendments and related environmental analysis, if required, to ensure General Plan/zoning consistency for parcels in the city that are zoned for single family uses but have underlying General Plan designations that allow for higher densities.

The City's objectives for the project are as follows:

- Update the Zoning Ordinance to allow single family zoned properties the ability to develop in accordance with their underlying General Plan land use designations to simplify and streamline the development of these parcels
- Analyze the City's current objective standards for residential development and determine whether these are sufficient to meet the City's goals for development
- Explore options for and adopt new objective standards that address design, massing, neighborhood compatibility, parking, setbacks, and/or other topics identified as important by the community, stakeholders, decision makers, and staff
- Engage a wide range of community members and stakeholders, including communities that have limited or no access to technology, homeowners, renters, housing advocates, developers, architects, and community members who are hard to reach and/or do not typically participate in City processes

This project will support projects identified on the City's Workplan to Incentivize Housing and the Strategic Roadmap, including ensuring consistency between residential zoning districts and the adopted land use designations of the *Hayward 2040 General Plan*. While this effort is intended to address new statutory requirements, it will also include a robust community outreach and engagement plan that will extend throughout the project timeframe.

Per the RFP prepared for the project, community engagement and outreach will prioritize hard to reach populations and will collaborate with and empower the community throughout the project. Outreach activities will be conducted through a racial equity lens to ensure that the City engages with all segments of the community and that the proposed objective standards and zoning updates do not disproportionately impact communities of color. Special attention shall be given to communicating information clearly and succinctly and in multiple languages, as necessary, so that it is accessible and easy to understand.

### *Consultant Selection*

Staff found that Mintier Harnish and their subconsultants are a strong and experienced team, both in the preparation and adoption of objective development standards in other jurisdictions, but also in their commitment to community outreach, as demonstrated through their work on several local planning efforts. Mintier Harnish was the lead consultant team on

the update to the *Hayward 2040 General Plan*, and their subconsultants have worked on several large planning projects in the City of Hayward, including the development of the Downtown Specific Plan, update to the Industrial District zoning district and related Design Guidelines, as well as assisted with the consolidation and update to the City's Mission Boulevard Code. Overall, staff believes that Mintier Harnish is well qualified and has the staffing and expertise to lead this effort within the required budget and well within the required timeframe.

Following approval of this contract, City staff will finalize the contract and will conduct a joint Council/Planning Commission Work Session on February 1, 2022, to provide additional background on the project and to receive initial comments and thoughts as City staff, the community, and decision makers embark on this planning process.

### **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priorities to Preserve, Protect and Produce Housing and Combat Climate Change. Specifically, this item relates to implementation of the following project(s):

- Preserve, Protect and Produce Housing – Project 9, Update the Housing Element Plan

### **FISCAL IMPACT**

Mintier Harnish's proposed budget is \$204,910, which can be covered by the City's allocated budget of \$235,000 for the project. Additionally, the consultant team has proposed a \$30,000 contingency to cover any unanticipated costs, bringing the total budget to \$234,910, all of which will be paid through the HCD SB2 Planning Grant awarded in 2019.

### **NEXT STEPS**

If the Council approves the attached resolution, staff will prepare an agreement to be executed between the City of Hayward and Mintier Harnish in a form approved by the City Attorney and hold a kick-off meeting in early February 2022.

*Prepared by:* Elizabeth Blanton, AICP, Senior Planner  
Jeremy Lochirco, Acting Planning Manager  
Tera Maroney, Management Analyst

*Recommended by:* Jennifer Ott, Assistant City Manager/Development Services Director

*Approved by:*



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Kelly McAdoo, City Manager

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 jurisdictions 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





# City of Hayward

## OBJECTIVE STANDARDS FOR RESIDENTIAL DEVELOPMENT AND ZONING CONSISTENCY UPDATES

### PROPOSAL FOR SERVICES

Revised - January 20, 2022

**SUBMITTED TO:**

Elizabeth Blanton, Senior Planner  
City of Hayward  
Development Services Department  
777 B Street  
Hayward, CA 94541  
[elizabeth.blanton@hayward-ca.gov](mailto:elizabeth.blanton@hayward-ca.gov)

**SUBMITTED BY:**

Mintier Harnish  
1415 20th Street  
Sacramento, CA 95811  
916.446.0522  
[mintierharnish.com](http://mintierharnish.com)

**IN ASSOCIATION WITH:**

Miller Planning Associates  
DKS Associates





December 15, 2021

Elizabeth Blanton, Senior Planner  
City of Hayward  
Development Services Department  
777 B Street  
Hayward, CA 94541  
elizabeth.blanton@hayward-ca.gov

RE: Objective Standards for Residential Development and Zoning Consistency Updates

Dear Ms. Blanton:

Mintier Harnish is pleased to submit this proposal to assist the City of Hayward with the preparation of the Objective Standards for Residential Development and Zoning Consistency Updates (Objective Standards and Zoning Consistency Updates). Since 1985, we have served over 100 public agencies and have established ourselves as a leader in general plan, housing element, and zoning code updates in California. In response to your request for proposals, the City will likely receive responses from several qualified firms. We feel there are several key factors that distinguish us.

**Zoning Code Preparation Experience.** Our team has extensive experience with drafting and ensuring adoption of zoning codes and other types of development regulations. We are able to create innovative and practical solutions to both routine and unique zoning and planning problems.

**Extensive Local Familiarity.** Our team has unmatched local familiarity of the community. Most notably, Mintier Harnish led the consultant team that assisted the City of Hayward with the preparation of the 2040 General Plan and Economic Development Strategic Plan. Secondly, Miller Planning Associates led the consultant team that assisted the City of Hayward with the Industrial Design Guidelines and Development Code Update. Third, Jordan Cowell, part of our management team, led the redesign of 808 A Street and senior-housing project across from City Hall, and assisted in the site planning and architectural design effort for the SoHAY development. Each of these highly successful efforts won the strong support and praise from the City Council and community. They reflect the aspirations and goals of the Hayward community for increased quality of life, economic vitality, and streamlined development. The natural next step is to ensure that the City's Objective Standards for Residential Development reflect the goals and aspirations of the previous efforts and continue to ensure that Hayward is on the cutting edge of design and development, while encouraging more affordable housing options for the community. We are ideally suited to lead this Project.



**Familiarity with Contemporary Zoning Practice.** We are familiar with new and emerging zoning practice trends and issues. We produce zoning ordinances that are user-friendly and rely extensively on graphics and illustrations. We are addressing the changing housing-related provisions in zoning codes, including ADUs, density bonus, employee housing, emergency shelters, transitional housing, and objective design standards. We are also at the forefront in the development of web-based zoning codes.

**Comprehensive Objective Design Standards Experience and Implementation.** We have a comprehensive understanding of the State requirements of objective design standards and have provided innovative ways for successful implementation. We have or are currently assisting 19 communities of all sizes adapt and implement objective design standards. We focus on creating standards that are not only acceptable to the community and are easy to understand, but are also acceptable to the development community.

**Local Government Experience.** We have extensive experience as local government staff. We have “hands-on” experience with all levels of zoning code administration, ranging from answering zoning inquiries at the front counter, to processing land use permit applications and preparing staff reports, to managing planning divisions and departments. We have personally drafted zoning codes and then been responsible for the administration and enforcement of those regulations. We understand the wide array of day-to-day issues City staff must address in code administration, as well as the needs of the public for timely, accurate responses to their questions.

**Experienced Project Management.** I will be the Project Advisor for the Objective Standards and Zoning Consistency Updates. I have been a planner since 1970 and have participated in the preparation of dozens of zoning code updates. Brent Gibbons, AICP, will be the Project Director. Brent brings over a decade of planning experience and has prepared more than ten zoning code updates for communities throughout the state. Jordan Cowell will be intimately involved in the project as the Project Manager. Jordan has eight years of experience in urban design in the Bay Area and has been a critical element to our successful objective standards efforts.

**An Excellent Team.** Our teaming partners brings extensive zoning code update experience as well.

- **Miller Planning Associates (MPA)** has been providing planning and zoning services to a variety of municipal clients throughout California and nationwide. **Martha Miller**, Founder, and Principal of MPA, has facilitated the comprehensive update of over a dozen zoning codes in the last 20 years. Martha and Brent also co-teach the UC Davis Course on How to Update Your Zoning Code. Mintier Harnish and MPA are partnering on several code updates including comprehensive updates for Calaveras and Madera Counties.

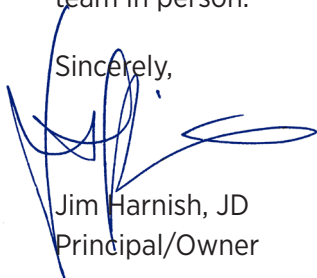
- **DKS Associates** will provide the parking analysis and will be led by Jim, Damkowitch, Managing Director of DKS Sacramento. Jim brings more than 30 years of experience in regional multimodal transportation planning.

**Active Principal Involvement.** I am personally leading the Mintier Harnish Team. I will be fully engaged in every aspect of the Objective Design Standards project. As noted above, I have been a Planning Director for several cities and prepared and administered dozens of zoning codes. I will be involved in the project daily and in regular contact with City staff, the community, and decision-makers.

**Work Style.** As part of this effort, we will be working closely with City staff, the community, Planning Commission, and City Council. To have an effective, stress free, and enjoyable process, you need a team that is great to work with. Our team has a very approachable, collegial, and comfortable work style with our clients. We bring a great process experience and tailor it to the needs and personality of each community. We develop close, collaborative working relationships with each of our clients that last well beyond the completion of a project. We strongly urge you to confirm this with our references.

As the owner of Mintier Harnish, I am authorized to bind the firm contractually on this project. Please contact me if you have any questions at 916-446-0522 or jim@mintierharnish.com. I look forward to the opportunity to present our proposal and team in person.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jim Harnish', is written over the word 'Sincerely,'.

Jim Harnish, JD  
Principal/Owner



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## 2. Team

### Qualifications

#### Mintier Harnish

Mintier Harnish is a Sacramento-based consulting firm specializing in the preparation of general plans, housing elements, zoning codes, and specific plans. Our mission as a firm is to help public agencies, residents, businesses, and other stakeholders plan their communities and improve their quality of life through solid research, community involvement, innovation, and policy leadership. Since our founding in 1985, we have prepared more than 60 general plans and over two dozen zoning codes, and provided a range of planning services to more than 140 public agencies, law firms, and other organizations. We are currently leading 14 objective design and development standards updates for both cities and counties across the state. We are a leader in preparing implementable plans for the future that solve community policy and design issues. Our staff includes planning experts, each with his/her own unique mixture of education, training, and experience. We are all dedicated to providing the highest quality service to our clients.

***Mintier Harnish has extensive experience in planning, zoning, and urban design. We are currently preparing objective design standards for the cities of Folsom, Gilroy, Kerman, Lakeport, Millbrae, Pleasant Hill, Reedley, Santa Clara, Selma, Stockton, Ukiah, the Town of Windsor, and the counties of Calaveras, Del Norte, El Dorado, Fresno, Madera, Mariposa, and Trinity.***

#### Miller Planning Associates

Miller Planning Associates provides planning and zoning services to a variety of municipal clients throughout California and nationwide. Through our work, we seek to give form to community aspirations, and foster places that are vital, livable, and reflect environmental stewardship. After 20 years of working in private firms and the public sector, Martha Miller established Miller Planning Associates in 2019 to provide each client and project the time and individual attention it deserves. Each assignment is approached with an open mind, and provides strategic, context-based solutions that address the unique issues and needs facing each client. Martha Miller will serve as a Project Advisor, overseeing the Zoning Amendments. She will provide peer review of deliverables and assist and attend all project meetings and community outreach events. Miller Planning Associates is located in San Luis Obispo, CA.

***Miller Planning Associates has extensive experience in planning and zoning in California. Notably, Martha recently led the recent Zoning Code Update for the City of Hayward. Miller Planning Associates is currently working on code updates for the communities of Alhambra, Calaveras County, Dixon, Hermosa Beach, Morro Bay, and Stockton; and objective standards for the cities of San Leandro and Union City.***



## DKS Associates

*DKS will provide the parking analysis.*

Founded in 1979, DKS is a transportation consulting firm that provides a broad range of transportation planning and engineering services. As experts connecting communities, DKS specializes in transportation planning, traffic engineering, traffic operations, traffic signal design, circulation elements, environmental planning, and Intelligent Transportation Systems (ITS) design and planning.

DKS has assessed the potential parking impacts of many commercial and residential projects in a wide variety of settings.

## Staffing



**Jim Harnish, JD**  
**Principal/Owner**  
**Role: Project Advisor**

Jim Harnish, JD, is the Principal/Owner of Mintier Harnish and will be the project team leader. Jim has been a planner and project manager since 1970. He has been an attorney since 1981,

with extensive experience in land use and CEQA. Jim has been Planning Director for three cities (Galt, Folsom, and South San Francisco) and understands every aspect of city and county planning and zoning. He has managed or is currently managing general plan updates for the cities of Alturas, American Canyon, Folsom, Galt, Gilroy, Hayward, Healdsburg, Isleton, Livingston, Millbrae, Rohnert Park, Sacramento, South San Francisco, Ukiah, Union City, Wheatland, and Windsor, and the counties of Calaveras, Fresno, Kern, Merced, Modoc, San Benito, San Joaquin, and Ventura. Jim is currently managing zoning code updates or amendments for the cities of Gilroy, Santa Clara, Ukiah, and Windsor and the counties of Madera, Mariposa, and Sierra. Jim has an unparalleled working knowledge of general plan updates and has prepared dozens of general plan work programs and budgets.



**Brent Gibbons, AICP**  
**Project Manager**  
**Role: Project Director**

Brent has been a planner in both the public and private sectors. He specializes in zoning code interpretation and preparation, urban design, site design, community

engagement, land use planning, public policy, and geographic information systems. Prior to working with Mintier Harnish, Brent served as a Planner for both Madera County and the City of Turlock. His experience includes permit processing, formation of community/area plans, and project management, as well as zoning ordinance development.

Brent has extensive experience in drafting zoning code updates and objective and development standards. Brent is currently managing comprehensive zoning code updates for the counties of Fresno, Madera, Mariposa, Merced, and Sierra, and the cities of Folsom, Gilroy, Kerman Santa Clara, Walnut Creek, and Windsor. He has also managed objective standards updates for the counties of Fresno, Mariposa, and Madera, and the cities of Folsom, Gilroy, Kerman, Santa Clara, Ukiah, South Lake Tahoe, and Windsor. Brent's comprehensive understanding of the planning process from both sides of the planning spectrum has proven beneficial during the formation of and zoning code and objective standards updates.



**Jordan Cowell**  
**Project Manager**  
**Role: Project Manager**

Jordan Cowell is a Project Manager who specializes in both architecture and planning/urban design. Jordan has become an integral member of the planning team as he is able

to ensure plans will actually work for builders. Jordan applies his detailed knowledge to each project, streamlining the preliminary planning to construction document process for our clients. His municipal planning experience allows him to actively engage in a wide range of roles on the planning team, including fast, yet thorough, zoning code analysis thanks to his intimate understanding of how codes are organized and written.

Jordan is an experienced problem solver, is adept in writing specific plans, and provides effective and efficient support in entitlement processes, thanks to his work on a wide array of project types ranging from large-scale master plans to urban infill/mixed-use projects. He has a passion for developing a sustainable vision for communities and future generations to come. Jordan is Assistant Project Manager for the City of Millbrae, City of San Ramon, and Trinity County General Plans. Additionally, Jordan is currently working on objective standards projects for the cities of Gilroy, Lakeport, and Pleasant Hill.



**Ryan Lester**  
**Associate Planner**

Ryan is an Associate Planner with an eye for design. A skilled user of industry-standard graphic design software, Ryan specializes in preparing accessible, user-friendly materials that present

planning concepts to the public in concise, easy-to-understand, and engaging ways. Ryan applies these skills while crafting existing conditions and trends analyses, housing needs assessments, and land use alternatives analyses for cities and counties throughout the state. Additionally, he designs project websites, facilitates workshops and stakeholder interviews, and constructs interactive exercises and surveys for both in-person and online engagement efforts. In eight years with Mintier Harnish, Ryan has worked on over a dozen General Plans and an equal number of housing elements. Among other projects, Ryan is currently working on five 6th-cycle housing elements and is drafting Objective Design and Development Standards for SB 35 compliance for a half dozen cities.



**Michael Gibbons**  
**Associate Planner**

Michael Gibbons is an Associate with Mintier Harnish. Michael serves as the day-to-day planner for a variety of long-term planning projects including general plans, zoning code updates, and housing elements.

He has experience in land use planning, zoning regulations, Crime Prevention Through Environmental Design, urban design, architectural applications, historic preservation, real estate development, regulatory code, and public policy. Michael has worked in both the public and private sector, as well as in law enforcement. Michael holds a bachelor's degree in City and Regional Planning from Cal Poly, San Luis Obispo. Among a number of projects, Michael is currently assisting with the preparation of the Mariposa County Development Code Update, the Town of Windsor Zoning Code Amendments, and the City of Gilroy General Plan and Zoning Code Updates.

## Miller Planning Associates



**Martha Miller, AICP**  
**Principal and Owner**  
**Role: Zoning Advisor**

Martha is a skilled land use planner and project manager specializing in community planning, development regulations, and community

engagement. With 20 years of experience working in private firms and for public agencies, Martha brings an in-depth understanding of how to translate community vision into a usable set of plans, policies, and regulations that achieve results. Martha's approach is marked by carefully assessing each client's needs and resources, and bringing best practices from form-based, performance-based, and Euclidean applications.

clients including Caltrans, MPOs, and various cities and counties in California. He has served on state and regional planning committees and conference panels for transportation air quality conformity, performance measurement, and SB 743, respectively.

### **Yana Loginova, EIT** **Transportation Engineering Associate**

Yana is a transportation engineering associate working on a variety of design, planning, and operations projects. She has experience working on traffic signal modification, signing and striping, lighting, ramp meter, ITS, and operations projects with private and public agencies throughout California and Oregon. Yana is experienced in applying the latest transportation software packages, including AutoCAD, Microstation, Vissim, Vistro, Sidra, Tru Traffic, Synchro 10, and Aimsun Next.

### **Sean Carney, EIT** **Transportation Engineer/Planner**

Sean offers a broad range of analysis skills including signal timing, traffic operations analysis, transportation system planning, and crash data and safety analysis. He almost exclusively works with public agencies to identify and resolve the transportation issues of today and plan around the travel demand of the future. Sean is experienced in providing both quantitative and qualitative analysis for all methods of mobility and has worked on projects throughout Northern California and Oregon to address the needs of growing traffic, transit, and active mobility demands. Sean is adept at applying various software packages for traffic analysis including Synchro/SimTraffic, Vissim, ArcGIS, and Cube.

## DKS Associates



**Jim Damkowitch**  
**Managing Director**  
**DKS Sacramento**

Jim has 30 years of experience in regional multimodal transportation planning, congestion management, multidisciplinary corridor studies, safety studies, transit

studies, active transportation studies, operational analyses, transportation and air quality modeling, and performance measure applications. He has managed regional transportation plan/sustainable community strategy updates and general plan circulation element updates; operational traffic studies for state highway infrastructure improvement projects (PSR/PA-ED Phases); corridor studies; active transportation studies; traffic impact fee programs; travel demand modeling; air quality modeling; and, transportation operational studies for a variety of

## 3. Experience

### Relevant Experience:

- City of South Lake Tahoe Objective Residential Design and Development Standards and Permit Process Streamlining for Residential Development
- City of Santa Clara Comprehensive Zoning Code Update and Objective Design and Development Standards Update
- City of Ukiah Multi-Family Objective Standards and Zoning Amendments for Housing
- City of Gilroy Zoning Ordinance Update and Objective Design and Development Standards
- Town of Windsor Multifamily Objective Design Standards
- City of Lakeport Objective Design and Development Standards for Residential Development
- Del Norte County 6th Cycle Housing Element, Objective Design and Development Standards, and Housing Element Implementation

### References

#### Mintier Harnish

#### City of Ukiah Objective Standards and Zoning Amendments for Housing

Mintier Harnish is currently preparing objective multifamily residential design standards and an update to the Ukiah Zoning Ordinance to address flexible standards for housing development. The objective design standards and zoning ordinance amendments will reflect changes in State law and implementation of the City's Housing Element, which was adopted in early 2020. Mintier Harnish is also leading a team to work with the City to update the General Plan. The update includes broad community engagement, visioning, alternatives, policy development and a Program EIR, will be prepared by Rincon Consultants. The Objective Standards were adopted in June 2021.

Contact: Mireya G. Turner, MPA  
Interim Senior Planner – Special Projects  
Department of Community Development  
300 Seminary Avenue, Ukiah, CA 95482  
(707) 463-6203  
mturner@cityofukiah.com

Project Director: Jim Harnish  
Project Manager: Brent Gibbons  
Timing: May 2020 to June 2021  
Budget: \$97,000



## City of Hayward 2040 General Plan Update and Program Environmental Impact Report (2012-2015)

Mintier Harnish managed a multi-disciplinary consulting team in a comprehensive update of the City of Hayward General Plan and preparation of a Program EIR. The General Plan incorporated new City initiatives within the context of several significant changes in State law and a comprehensive strategy for how the City can address climate change and sustainability. City staff took a major role in updating the General Plan in-house. Mintier Harnish worked closely with City staff and the team of consultants to produce an innovative and compelling plan for Hayward's future. We conducted focused Do-It-Yourself General Plan® training sessions with City staff throughout the Update process. The resulting 2040 General Plan established a new Vision for the city of Hayward and included several unique elements, including a Community Health and Quality of Life Element and an Education and Lifelong Learning Element. The General Plan was also developed as the City's Community Risk Reduction Plan and as the City's Climate Action Plan. The City Council certified the Final PEIR and approved the Hayward 2040 General Plan in July 2014. Following adoption, the Mintier Harnish team created a web-based, fully searchable online General Plan ([www.hayward2040generalplan.com](http://www.hayward2040generalplan.com)).

Contact: Sara Buzier, AICP,  
Deputy Director  
Development Services Department  
510.583.4191  
[sara.buzier@hayward-ca.gov](mailto:sara.buzier@hayward-ca.gov)

Project Manager: Jim Harnish  
Timing: 2011-2015  
Budget: \$1,171,210

## City of Gilroy Zoning Ordinance Update and Objective Design Standards for Multifamily Residential Development

Our team is currently preparing a comprehensive update of the City's Zoning Ordinance, as well as a comprehensive set of Objective Standards and an Missing Middle Housing memorandum. This update is being undertaken in conjunction with an update of the General Plan. The Zoning Ordinance Update includes compliance with changes in Federal and State law and implementation of the updated General Plan. The Objective Design Standards were adopted by the City Council November 2021. This project is scheduled to conclude in Spring 2022.

Contact: Cindy McCormick  
Customer Service Manager  
City of Gilroy  
(408) 846-0253  
[cindy.mccormick@cityofgilroy.org](mailto:cindy.mccormick@cityofgilroy.org)

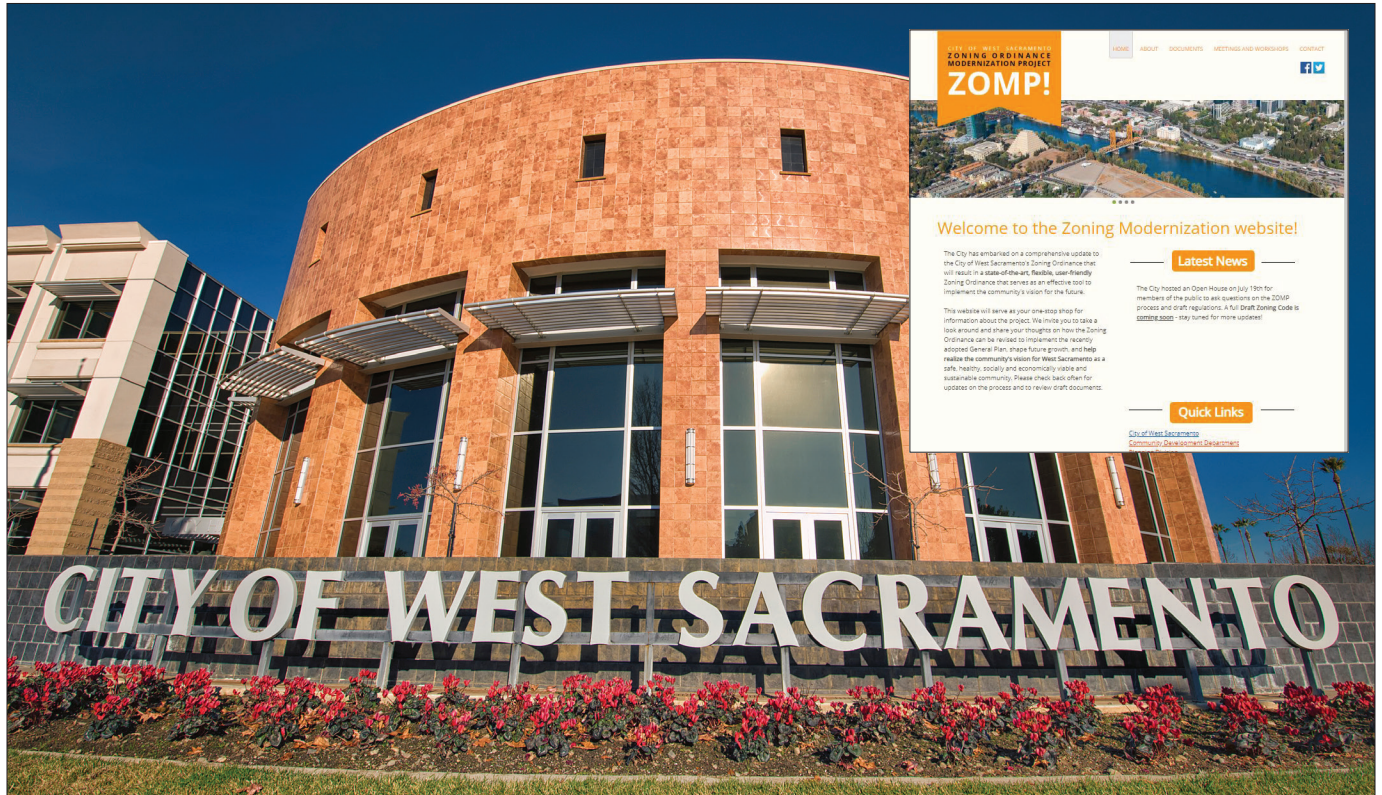
Project Director: Jim Harnish  
Project Manager: Brent Gibbons  
Timing: October 2020 - November 2021  
Budget: Objective Standards - \$120,000

## Miller Planning Associates

We have included project examples on the following pages.

## WEST SACRAMENTO, CALIFORNIA

## ZONING ORDINANCE MODERNIZATION

**CLIENT**

City of West Sacramento

**PROJECT TIMELINE**

2016-2019

**CONTACT**

David Tilley, Principal Planner  
(916) 617-4645  
davidt@cityofwestsacramento.org

**CONTRACT AMOUNT**

\$235,000

**WEB LINK**

<http://online.encodeplus.com/regs/westsacramento-ca/index.aspx>

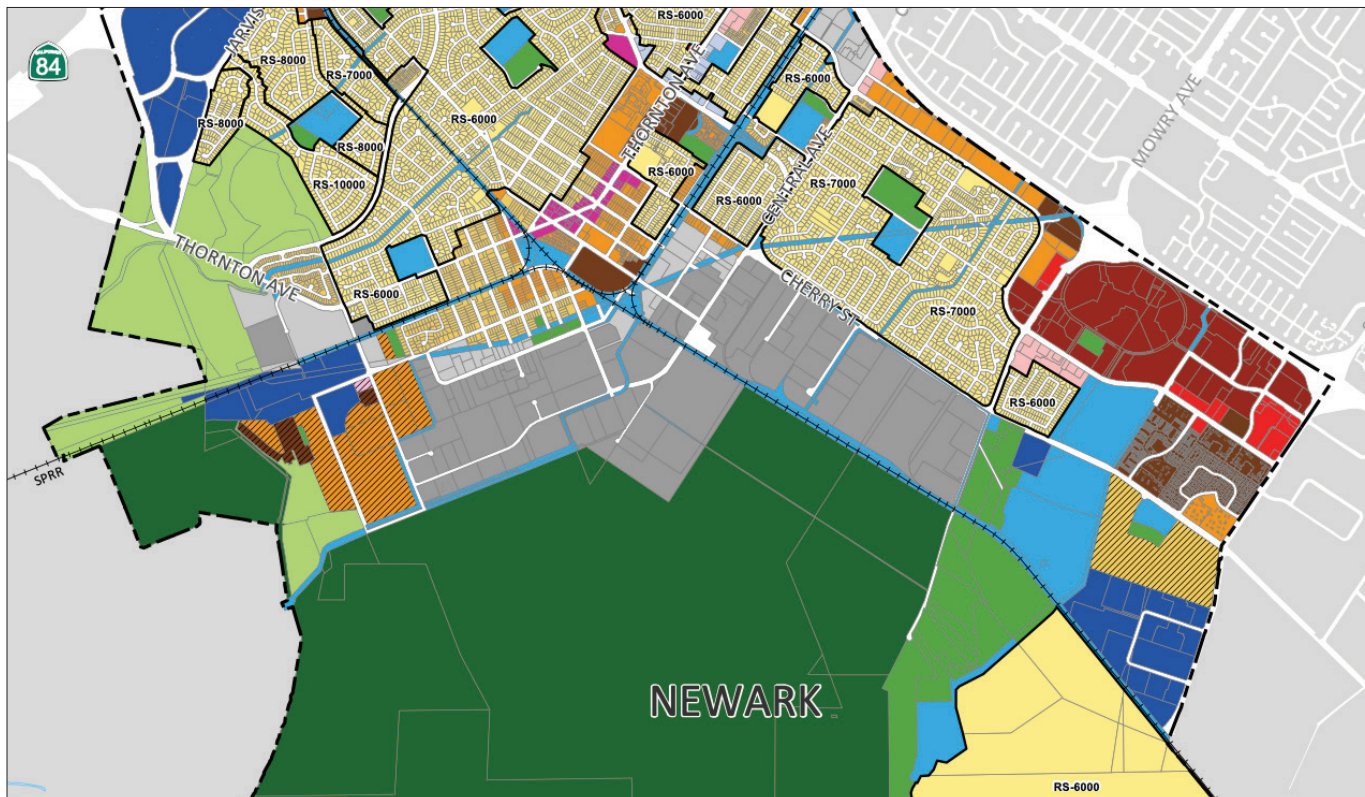
Martha Miller was the project manager for a comprehensive update to the City's Zoning Ordinance. The Zoning Ordinance, originally written in 1990 shortly after incorporation, had been amended numerous times but had not been comprehensively updated. As land use patterns diversified and modernized, the City found that the Zoning Ordinance was hindering new land use and development objectives and economic development.

The Zoning Ordinance Modernization Project (ZOMP!) brought the code up to date, adequately reflecting modern uses and current development practices. The ZOMP! also provides consistency with the recently adopted General Plan. Included in the update was a comprehensive revision of the City's sign regulations. The goal of the sign regulation revisions was to provide for the conveyance of information in a way that protects and enhances community character and is consistent with recent case law.



# NEWARK, CALIFORNIA

## ZONING CODE UPDATE



### CLIENT

City of Newark

### PROJECT TIMELINE

2016-2018

### CONTACT

Art Interiano, Deputy Community Development Director  
(510) 578-4331  
art.interiano@newark.org

### CONTRACT AMOUNT

\$250,000

### WEB LINK

<http://bit.ly/2KsD6iG>

Martha Miller was the project manager for the comprehensive update of the City of Newark's Zoning Ordinance. The new Zoning Ordinance implements the City's General Plan in a concise, user-friendly set of regulations. A priority of this project was to craft regulations that will allow Newark to maintain and enhance the character of existing neighborhoods, promote economic development, and create new identifiable places, consistent with the General Plan. The new regulations are written to be predictable, understandable, and enforceable. A streamlined approval process has been established for conforming projects and an extensive use of graphics have been integrated to reduce wordiness. The update was comprehensive, including new districts, use allowances, procedures, and sign regulations. The sign regulations were updated to comply with state and federal law and the 2015 Supreme Court case Reed v. Town of Gilbert.

## DKS Associates

### City of Hercules General Plan Circulation Element

DKS assisted the City of Hercules in updating the Circulation Element of their General Plan, previously updated in 1998 by DKS. The update includes an improved focus on a multimodal transportation network and complete streets concepts and improvements and included the following elements:

- Develop a program for outreach that helped to identify the needs and concerns of stakeholders, decision-makers, and the public
- Evaluation of the existing circulation system and projected development to evaluate and prioritize potential improvements
- Creation of a circulation model for Hercules based on the existing CCTA traffic model to evaluate various transportation improvement alternatives
- Update of the goals and policies included in the existing Circulation Element to reflect current priorities
- Confirmation of environmental (CEQA) compliance for the identified alternatives
- Assist in the adoption of the Circulation Element and provide the City with guidance on fee programs, grant programs, and other existing or emerging sources that could be tapped to help fund improvements identified in the Circulation Element

The update also included a task to do cost estimating for the identified improvements and a Nexus Study to establish a developer fee structure.

Contact: Holly Smith, City of Hercules Planning Director, (510) 799-8247, [hsmlyth@ci.hercules.ca.us](mailto:hsmlyth@ci.hercules.ca.us)

### City of Dixon General Plan Update/EIR

DKS was contracted to prepare the transportation and circulation element update for Dixon's General Plan and perform analysis in support of the EIR. DKS will be providing transportation modeling and engineering services, including the assessment of transportation impacts of a baseline future land use and up to two alternatives for the General Plan and EIR. DKS will also recommend improvements that will be required to mitigate potential impacts determined in the analysis.

Contact: Joe Leach, PE, City Engineer/Public Works Director, (707) 678-7031x5305, [jleach@ci.dixon.ca.us](mailto:jleach@ci.dixon.ca.us)

### City of Santa Maria VMT Threshold Study

DKS is developing the City of Santa Maria's SB 743 VMT Threshold Study. The study entailed establishing a VMT methodology, analysis and establishment of VMT Thresholds, assessment of VMT mitigation, and development of a VMT Sketch Planning Tool. DKS also reviewed the City of Santa Maria's VISUM model to identify modifications that will allow the model to be more sensitive to VMT assessments consistent with SB 743. The Santa Maria model was modified and now generates full-trip length VMT estimates for both residential and non-residential City trips consistent with SB 743. DKS made two presentations to the Santa Maria Planning Commission to describe and provide options regarding screening criteria and thresholds. Adoption of the City of Santa Maria VMT Thresholds by City Council is scheduled/anticipated by September 2020.

Contact: Ryan Hostetter, AICP, Planning Manager, (805) 925-0951 x2369, [rhostetter@cityofsantamaria.org](mailto:rhostetter@cityofsantamaria.org)

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## 4. Project Understanding and Approach

### Project Understanding

The City of Hayward is seeking proposals from qualified consultants to prepare Objective Standards for Residential Development and Zoning Consistency Updates (Objective Standards and Zoning Consistency Updates). Our understanding of the Project is based on a combination of the Request for Proposals, the City's response to questions regarding the RFP (Addendum 1), our experience assisting numerous other communities in successfully crafting standards, our overall understanding of the housing crisis in California, and our knowledge from preparing zoning codes for dozens of cities and counties throughout the state. This Project is the City's opportunity to establish clear and unambiguous, internally-consistent, legally-defensible residential design standards and development regulations that reflect a contemporary Hayward. The objective design and development standards will comply with the requirements of State law and set the stage for continued positive change in the community. Based on our understanding, we have identified seven objectives for the Project.

**Engage the Community.** The City expects the Consultants to work with staff to organize and facilitate an effective community engagement program. The engagement program should include a wide range of components intended to maximize public participation, including a project webpage, project-specific marketing materials, interactive outreach efforts, community workshops, stakeholder meetings, study sessions, and adoption hearings. The new Objective Standards must be based upon the results of a comprehensive public engagement program to ensure that everyone in the community has an opportunity to participate and are fully represented in shaping Hayward's future. Further, outreach activities should be conducted through a racial equity lens to ensure that the proposed objective standards and zoning updates do not disproportionately impact communities of color. Special attention should be given to communicating information clearly and succinctly and in multiple languages, as necessary, so that it is accessible and easy to understand.

### Recent Changes to State Law

California is in the midst of a housing crisis in which communities throughout the state are challenged with accommodating their fair share of housing production. 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 lower- or moderate-income housing project. In 2019, changes to the Housing Accountability Act (SB 330, 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. Under these changes to 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.

Finally, the zoning code will need to be brought into compliance with State legislation from 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.

**Conduct Background Research.** The City expects the Consultants to conduct background research to gain an understanding of community priorities, the City's current residential development standards, and existing General Plan and Zoning discrepancies for single family zoned parcels in Hayward. The Consultants will prepare a General Plan Zoning Discrepancy Memo that identifies parcels within the city that are zoned for single family residential uses but have underlying General Plan designations that allow or require higher densities. The memo should include analysis of the implications of SB 9 and any



other recent State legislation on these parcels, and specifically whether this recent legislation eliminates any of the existing discrepancies in allowable density.

As part of this process, the City expects the Consultants to prepare a Residential Objective Standards Background Report that summarizes recent legislation, including SB 35, SB 330, SB 8, and SB 9, that restrict the City's ability to deny projects that meet adopted objective standards. The report should further analyze the City's Zoning Ordinance, Off-Street Parking Regulations, Mission Boulevard Corridor Code, Downtown Development Code, Design Guidelines, Hillside Design and Urban/Wildland Interface Guidelines, and various Neighborhood Plans to summarize the objective standards for residential development are already in place and where changes or additions may be appropriate. Finally, the report should also identify best practices regarding objective standards in similar communities around the Bay Area and beyond.

#### **Develop a Vision for the Objective Standards.**

The City expects the Consultants to develop a Vision Statement for the Residential Objective Standards portion of the project that fine tunes the project's goals and objectives, as identified through initial outreach to decision makers, stakeholders, community members, and staff. The Vision Statement should be designed as a one-to-two-page graphic handout that is eye-catching and easy to understand.

#### **Provide a Technical Report with Options and Recommendations.**

The City expects the Consultants to prepare a Technical report that explores potential updates for zoning consistency and provides options and recommendations for new or revised objective standards for residential development. The Report should include a Zoning Consistency Recommendations Memo that introduces different approaches to bringing the City's single family zoned properties into compliance with their underlying General Plan land use designations. This may include a rezoning of these properties, creation of one or more zoning overlays, or other strategies. The memo should state which, if any, of the proposed approaches would require environmental analysis.

Additionally, the Technical Report should include an Objective Standards Technical Report that introduces various options for objective standards for residential development that the City may want to adopt. The Report should analyze tradeoffs in selecting different options, including the potential impacts to different stakeholders and community members, the feasibility and/or potential economic impacts, and impacts to overall design aesthetic and diversity. The analysis should include a Prototype Analysis that illustrates how changes in key development standards (such as parking, massing, setbacks, and articulation) would result in different building prototypes for three residentially zoned sites in the city.

#### **Draft Objective Residential Standards and**

**Zoning Consistency Updates.** The City expects the Consultants to develop Draft Objective Standards and Zoning Consistency Updates based on feedback received on the Zoning Consistency Recommendations Memo and Objective Standards Technical Report. Both documents should indicate the specific location where the proposed changes will occur in the City's adopted Ordinances, Codes, and Plans. The City expects the Objective Standards to include high quality graphics and diagrams to clearly illustrate standards.

**Complete Environmental Review.** If necessary, the Consultants will prepare all required studies and documents for California Environmental Quality Act (CEQA) review, including, if warranted, an Initial Study and Draft and Final Addendum to the General Plan EIR. For budget purposes, the Consultants should list different costs depending on the level of analysis that may ultimately be needed. The City expects the Consultants to provide one Administrative Draft and one Screencheck Draft round of review for each document.

**Prepare Final Documents.** The City expects the Consultants to prepare final versions of the Objective Standards and Zoning Consistency Updates based on feedback on the draft documents from decision-makers, stakeholders, and community members. The final documents will be presented to the Planning Commission and City Council for final consideration.

## Our Approach

Based on our understanding of the City's expectations for the Objective Standards and Zoning Ordinance Updates, we identified six themes for our approach to the Project.

**Collaborate with Staff.** Close collaboration with City staff throughout the project is an essential part of our approach. While we have broad experience with zoning code updates, City staff has detailed working knowledge of Hayward's regulatory structure and development approval process. We will establish a close working relationship and regular communication with City staff throughout the project. We will work with City staff early on to define work responsibilities and communication protocols. We will form an integrated and seamless staff/consultant project team. We could also provide optional staff training opportunities at the beginning of the process to understand the details and mechanics of preparing objective design and development standards and methods for streamlining residential development approvals.

**Design and Implement a Robust Community Engagement Program.** Throughout the Project, we will facilitate an effective engagement program around three key components: education and information; engagement and interaction; and validation and direction. Education and information include a Project website, project logo/branding, e-blasts, social media posts, press releases, newsletters, and informational handouts. Engagement and interaction include community workshops, online opinion surveys, and study sessions and public hearings. We will focus particular attention on engaging a wide range of community members, including communities that have limited or no access to technology or who are hard to reach and/or do not typically participate in City processes, homeowners, renters, housing advocates, developers, and architects.

**Clearly Define Issues and Opportunities.** Key to the success of the objective design and development standards is clearly identifying the types of residential development projects that are preferred in the city, projects that did not work, obstacles in the project approval process, and opportunities for improvement. Early in the Project, we will facilitate meetings and conference calls to refine the work scope, thoroughly define and explore issues and opportunities, and prioritize tasks. We will meet with stakeholders selected by City staff to understand the perspectives of the regulated community. We will also facilitate a study session with the City Council and Planning Commission to understand their expectations for future residential development and additional desired outcomes of the project.

**Build on Successes.** Every planning process requires a solid foundation on which to build. We will identify successful residential design that has worked well for the City. We will research and analyze existing City planning documents to extract design approaches that could be implemented citywide. We will also analyze recent relevant State law and provide a summary of best practices regarding objective standards in similar communities around the Bay Area and beyond.

**Create New Ideas.** At each step in the process, we will explore new ideas and innovative approaches for establishing objective design and development standards that address design, massing, neighborhood compatibility, parking, setbacks, and/or other topics identified as important by the community, stakeholders, decision-makers, and staff. Additionally, we will explore and present innovative concepts based on our understanding of best practices in residential and mixed-use zoning regulations and our extensive experience working with a wide array of cities throughout California.



**Deliver User-Friendly Objective Standards for Residential Development.** We prepare user-friendly residential design and development standards in a format that is easily read and understood by residents, permit applicants, City staff, the Planning Commission, and the City Council. While technical and regulatory, there is no need for standards in the Zoning Code to be difficult to use and understand. The content, format, and presentation of the objective standards will provide all users with a clear understanding of the land use regulations and development standards, and expectations for the project approval and permitting processes. We will provide graphic illustrations and consolidated tables, where useful and appropriate. We will eliminate internal inconsistencies and clarify cross-referencing.



## 5. Scope of Work

### Phase 1: Project Management

Throughout the Project, Mintier Harnish will manage communication and coordination between our staff, subconsultants, and City staff, including meetings, phone/Zoom conferences, email exchanges, and other communications to ensure timely delivery of all tasks.

#### Task 1.1: Kickoff Meeting

Mintier Harnish will facilitate a kick-off meeting with City staff and Consultant team to discuss the project work scope, schedule, budget, and communication protocols. We will clearly identify the roles and responsibilities of key staff and Consultants.

Further, we will identify the core project management team and establish a schedule for recurring bi-weekly check-in zoom/conference calls and any additional meetings. Finally, we will prepare agendas and action minutes for all calls and meetings, and monthly status reports on the Project.

#### Meetings:

- Project Kickoff meeting with City staff and Consultant Team

#### Deliverables:

- Standardized file-naming protocols
- E-mail protocols to assure consistency in team communication
- Standardized document format and style guide
- Coordination meeting/call agendas and action minutes
- Data needs list
- Community engagement event preparation guides/checklists
- Monthly Project status reports
- Invoices

### Phase 2: Community Engagement Program

The Consultants will develop and finalize a Community Engagement Strategy that we will use to guide engagement throughout the Project. The strategy will describe how the engagement will be structured to ensure residents, businesses, property owners, and other community stakeholders are aware of and engaged throughout the project. This will include not only multiple opportunities to provide input and feedback, but multiple outreach techniques to maximize community engagement. While we expect to refine the details of the Engagement Strategy with City staff, our work program and budget estimate includes the following engagement elements:

- Project website
- Project logo and branding
- Newsletters (2)
- Flyers
- E-blasts
- Social media
- Press releases
- Community Opinion survey
- Online engagement
- Community workshop
- Support of community led events
- Stakeholder Interviews
- City Council and Planning Commission Study Sessions (5 total)
- Planning Commission Hearing
- City Council Hearing
- Translation services

As the Community Engagement Strategy is finalized, some of these elements may be substituted for others as the consultant team receives feedback from staff, decision makers, and the community on the most effective ways to reach the diverse Hayward community.

Throughout every phase of the Project, we will facilitate an effective engagement program around three key components: education and information; engagement and interaction; and validation and direction. Education and information includes a Project website, project logo/branding, e-blasts, social media posts, newsletters, and flyers. Engagement and interaction includes opinion surveys and online engagement,

community workshops and events, and stakeholder interviews. Validation and direction includes City Council and Planning Commission Study Sessions, and public hearings. The following is a detailed description of our suggested engagement activities. These are subject to refinement in consultation with City staff.

The following is a detailed description of our suggested engagement activities. These are subject to refinement in consultation with City staff.

**Project Website.** The Consultants will design, develop, and maintain a Project website. The Consultants will build the website on a user-friendly platform that allows quick and easy updates to the site. In addition to being an important public outreach and information tool, the website will serve as an administrative record of the project. It will include all meeting announcements/materials, draft and final documents, and meeting summaries. Once the site is live, the Consultants will prepare email blasts, use City social media accounts, and other outreach methods to drive traffic to the site.

**Project Logo and Branding.** The Consultants will work with City staff to develop an overall brand for the Project. This will be carried through all materials, the Project website, and presentations to build enthusiasm and ensure that this effort is distinct in the minds of the public and other stakeholders. As part of this effort, we will prepare three branding options for the City's consideration.

**Newsletters.** The Consultants will prepare two newsletters at key points in the Project. The newsletters will serve as Project-specific marketing and educational materials for City staff outreach efforts. The newsletters will provide a project status report, summarize a key topic or subject, and promote upcoming community engagement events and online activities. The newsletters will be highly graphical, attractive, easy to read, and typically four pages long. We will provide them to City staff for distribution at the Planning front counter, in City buildings, other public facilities, and events.

Newsletter #1 will introduce the Project, direct readers to the Project website, and will announce the Community Workshop. Newsletter #2 will present the

Vision Statement, summarize the Zoning Consistency Recommendations Memo and Objective Standards Technical Report, and announce the release of the Draft Objective Residential Standards and Draft Zoning Consistency Updates.

**Flyers.** The Consultants will prepare promotional flyers in conjunction with all workshops and events. The flyers will serve as easy-to-read handouts suitable for posting in City offices and other public buildings, community bulletin boards, and in store windows. Mintier Harnish will also provide digital copies of the flyer in sizes appropriate for posting on social media and other online platforms.

**E-blasts, Social Media, Press Releases.** The Consultants will prepare periodic e-blasts and/or social media posts at key points in the Project to inform the public about engagement opportunities, upcoming meetings and events, and availability of new documents. We will coordinate all public information through City staff.

**Community Opinion Survey.** The Consultants will work with the City to craft, distribute, and tabulate a Community Opinion Survey. The Community Opinion Survey will be a critical tool to understanding the community wants, needs, and concerns regarding residential objective standards in Hayward. We will conduct the survey as a part of the online engagement program. We will publicize the survey through the Project and City websites, eblasts, social media, and announcements at City Council and Planning Commission meetings.

**Online Engagement.** The Consultants will develop and use online engagement platforms, linked from the project website, to collect input from the community. We will regularly update the online engagement tools with new questions, surveys, opinion polls, and geographic mapping tools. The following are typical uses of this engagement, and other ideas will be generated in response to input received, making the input for Hayward uniquely tailored to capture community attitudes on design-related issues. These online activities can also mirror concurrent in-person engagement done at the community workshop for those community members who were not able to attend in person.



Visit <http://pleasanthill2040.com/engage.html> to view an example of how we have incorporated public engagement activities on a General Plan Update page.

**Community Workshop.** The Consultants will facilitate the Community Workshop interested community members. This workshop will serve to provide a common understanding of the need for and purpose of the Project, the key steps in the process, community engagement opportunities, new State requirements, and contemporary planning issues. Mintier Harnish will also facilitate an open dialog to gain input on the community's expectations for the Objective Standards Update and design in Hayward. We will also conduct a visioning exercise that will serve as one of the tools informing the Draft Vision Statement.

**Partner with Community Organizations.** In order to effectively connect with the broadest range of community members, the Consultants will work with City staff to identify and collaborate with existing community groups and organizations for direct community member engagement. We will inform and educate group and organization staff about the project, document content, and our feedback objectives and provide them with engagement materials. We will continue to work with the organizations to inform and educate community members and explore options for maximizing community input and direction throughout the remainder of the Project.

**Stakeholder Interviews.** The Consultants will conduct eight one-on-one and group interviews via Zoom or conference call with local housing developers, architects, housing advocates, and others, to gain an understanding of the ideas and expectations of housing and subsequent development regulations in the city. We will summarize the results of the interviews in a memorandum.

**City Council and Planning Commission Study Sessions.** The Consultants will facilitate five Study Sessions with the City Council and Planning Commission. At each Study Session, the Consultants will provide an update of the Project status, present specific topical information, and solicit direction

and feedback from the Council and Commission. The study sessions will be an opportunity to review community input received and discuss the Project Vision Statement, discuss the Zoning Consistency Recommendations Memo and Objective Standards Technical Report, as well as review the Administrative Draft Residential Objective Standards and Zoning Consistency Update.

**Planning Commission Hearing.** The Consultants and City staff will facilitate a public hearing with the Planning Commission to review the Final Zoning Updates for Zoning/General Plan Consistency and Final Residential Objective Standards. The Planning Commission will consider all public comments and, at the conclusion of the hearings, make recommendations to the City Council regarding the Final Objective Standards and Zoning Consistency Updates.

**City Council Hearing.** The Consultants and City staff will facilitate a public hearing with the City Council to review the Final Zoning Updates for Zoning/General Plan Consistency and Draft Residential Objective Standards. At this meeting, the City Council will consider the Planning Commission's recommendations and all public comments. At the conclusion of the hearings, the City Council will adopt the Final Zoning Updates for Zoning/General Plan Consistency and Final Residential Objective Standards with any desired changes.

**Translation Services.** Our team has included a preliminary budget for translation services in the Direct Services line item in our budget. As requested in Addendum #1 to this RFP, we have assumed responsibility for providing verbal translation services available at the community workshop, as an option for any stakeholder interview participants. During the kick-off meeting in Task 1, we will discuss City staff expectations for further translation services. There are two basic types of translation services: written and verbal. All Update documents can be translated; however, we typically limit written translation to eblasts, newsletters, opinion surveys, open house materials, and other community engagement-related documents. The Project Website would be available in other languages as well. All other project documents (e.g., Zoning Consistency

Recommendations Memo) can be translated, but can represent a significant expense. Translation services can be provided in multiple languages, as necessary.

### **COVID-19 and Community Engagement**

Due to the ongoing COVID-19 pandemic, we do realize that the extent of community engagement and participation in public meetings, workshops, and community events is still unknown. Our team is flexible in our approach to collaborate with the City on the facilitation of these public events. We are currently working on several projects that have temporarily transitioned to Zoom or Go-To-Meeting virtual platforms for public meetings and that have been quite successful, particularly with stakeholder interviews. Using virtual platforms over time can also save on travel time and cost. We have also reimaged how to solicit community feedback and have transitioned several large outreach events to completely virtual events. These have included interactive online exercises, educational and informational videos, live webinars with Q&A sessions, and visual preference surveys.

As requested in the RFP, we have included separate cost estimates for virtual and in person attendance for each meeting. We will work with City staff to finalize our approach to facilitating community outreach, Study Session, and Public Hearings, and are dedicated to ensuring an inclusive process for all.

### **Deliverables:**

- Community Engagement Program
- Project logo, website materials
- Project Newsletters (2)
- Community Opinion Survey (hardcopy/digital)
- Stakeholder Interview Summary Memo (Word/PDF)
- Online engagement tools such as surveys, polls, and mapping exercises, as planned in the final Community Engagement Program.
- PowerPoint presentations, as needed
- Meeting notes

## **Phase 3: Vision and Background Research**

### **Task 3.1: General Plan/Zoning Discrepancy Memo**

The Consultants will conduct background research to gain an understanding of community priorities, the City's current residential development standards, design guidelines, and existing General Plan and Zoning discrepancies for single family zoned parcels in Hayward. We will identify single family zoned parcels that have underlying General Plan designations that allow or required higher densities and will summarize our findings in a General Plan/Zoning Discrepancy Memo. The Memo will also include analysis of the implications of SB 9 and any other recent State legislation on these parcels, and specifically whether this recent legislation eliminates any of the existing discrepancies in allowable density.

### **Task 3.2: Vision Statement**

The Consultants will develop a Vision Statement for the Residential Objective Standards portion of the Project that fine tunes the project's goals and objectives, as identified through initial outreach to decision makers, stakeholders, community members, and City staff. The Vision Statement will be designed as a one-to-two-page graphic handout that is both attractive and user-friendly.

### **Task 3.3: Residential Objective Standards Background Report**

The Consultants will produce a Residential Objective Standards Background Report summarizing recent legislation, including SB 35, SB 330, SB 8, and SB 9, that restrict the City's ability to deny projects that meet adopted objective standards. We will also analyze the City's Zoning Ordinance, Off-Street Parking Regulations, Mission Boulevard Corridor Code, Downtown Development Code, Design Guidelines, Hillside Design and Urban/Wildland Interface Guidelines, and various Neighborhood Plans to summarize the objective standards for residential development that are already in place and where changes or additions may be appropriate. Finally, we will identify best practices regarding objective standards in similar communities around the Bay Area and beyond.

**Meetings:**

- Community Workshop #1: Attendance and facilitation
- Community Event #2: Stakeholder Interviews: Attendance and facilitation
- Study Session #1: Attendance and facilitation of a Joint Planning Commission/City Council Study Session on community input and the Project Vision

**Deliverables:**

- General Plan/Zoning Discrepancy Memo (Word/PDF)
- Vision Statement (Word/PDF)
- Residential Objective Standards Background Report (Word/PDF)
- PowerPoint presentations, as needed
- Meeting notes

**Phase 4: Parking Analysis**

The Consultants will conduct an analysis of the City's current residential parking standards and the potential economic impacts of altering requirements, particularly in the area governed by the Mission Boulevard Corridor Code, which has no minimum parking standard of altering requirements, particularly in the area governed by the Mission Boulevard Corridor Code, which has no minimum parking standard.

**Deliverable:**

- Parking Analysis (Word/PDF)

**Phase 5: Technical Report with Options and Recommendations****Task 5.1: Zoning Consistency Recommendations Memo**

The Consultants will prepare a Zoning Consistency Recommendations Memo that introduces different approaches to bringing the City's single family zoned properties into compliance with their underlying General Plan land use designations. This may include a rezoning of these properties, creation of one or more zoning overlays, or other strategies. We will

then analyze each site and state which, if any, of the proposed approaches would require environmental analysis.

**Task 5.2: Objective Standards Technical Report**

The Consultants will prepare an Objective Standards Technical Report that introduces various options for objective standards for residential development that the City may want to adopt. We will analyze tradeoffs in selecting different options, including the potential impacts to different stakeholders and community members, the feasibility and/or potential economic impacts, and impacts to overall design aesthetic and diversity. To help demonstrate the tradeoffs of different options, we will include a Prototype Analysis that illustrates how changes in key development standards (such as parking, massing, setbacks, and articulation) would result in different building prototypes for three residentially zoned sites in the city. As stated in the RFP, we assume the City will work with our team to select sites for the Prototype Analysis.

**Meetings:**

- Study Session #2: Attendance and facilitation of a Planning Commission Study Session on the Zoning Consistency Recommendations Memo and the Objective Standards Technical Report
- Study Session #3: Attendance and facilitation of a City Council Study Session on the Zoning Consistency Recommendations Memo and the Objective Standards Technical Report

**Deliverables:**

- Zoning Consistency Recommendations Memo
- Objective Standards Technical Report
- PowerPoint presentations, as needed
- Meeting Notes

**Phase 6: Draft Objective Residential Standards and Zoning Consistency Updates**

Based on feedback received on the Zoning Consistency Recommendations Memo and Objective Standards Technical Report from decision makers,

stakeholders, and the community, the Consultants will develop the Draft Objective Residential Standards Update and the Draft Zoning Consistency Update. Within each document, we will indicate the specific location where the proposed changes will occur in the City's adopted Ordinances, Codes, and Plans. The Draft Objective Residential Standards shall further include high quality graphics and diagrams to clearly illustrate standards, as necessary. For each of the two documents, we will prepare an Administrative Draft for review by City staff. Following a period for staff review, we will revise the document and produce a Public Review Draft of each document as outlined in Phase 8.

#### **Meetings:**

- Study Session #4: Attendance and facilitation of a Planning Commission Study Session on the Administrative Draft Objective Residential Standards and the Administrative Draft Zoning Consistency Update
- Study Session #5: Attendance and facilitation of a City Council Study Session on the Administrative Draft Objective Residential Standards and the Administrative Draft Zoning Consistency Update

#### **Deliverables:**

- Administrative Draft Zoning Updates for Zoning/General Plan Consistency (Word/PDF)
- Administrative Draft Objective Residential Standards (Word/PDF)
- PowerPoint presentations, as needed
- Meeting Notes

## **Phase 7: Environmental Review**

If required, the Consultants will conduct an environmental review of the Public Review Draft Objective Residential Standards and Public Review Draft Zoning Consistency Update consistent with the requirements of CEQA. The City certified the Environmental Impact Report for the 2040 General Plan in July 2014. Based on our understanding of the probable contents of the Draft Zoning Updates and Objective Residential Standards, the Code is

likely to be consistent with the 2040 General Plan FEIR. We will make this determination in consultation with City staff and the City Attorney. If necessary, we will prepare an initial draft and final technical memorandum supporting a finding of consistency of the Public Review Draft Objective Residential Standards and Public Review Draft Zoning Consistency Update with the 2040 General Plan FEIR or an Addendum to the 2040 General Plan EIR.

#### **Deliverables:**

- Environmental studies, as necessary
- Initial Study, as necessary
- Draft and Final Addendum to General Plan EIR, as necessary (Word/PDF)

## **Phase 8: Final Documents**

Based on feedback on the draft documents from decision-makers, stakeholders, and community members, the Consultants will prepare final versions of the Objective Standards and Zoning Consistency Updates for final consideration by the Planning Commission and City Council.

#### **Meetings:**

- Public Hearings (2): Attendance and facilitation of a Planning Commission and a City Council Hearing

#### **Deliverables:**

- Public Review Draft Zoning Updates for Zoning/General Plan Consistency (Word/PDF)
- Public Review Draft Objective Residential Standards (Word/PDF)
- Final Zoning Updates for Zoning/General Plan Consistency (Word/PDF)
- Final Residential Objective Standards (Word/PDF)
- PowerPoint presentations, as needed

## 6. Schedule of Charges

We have included our proposed schedule of charges for labor and expenses for the Objective Standards and Zoning Consistency Updates below. Within this schedule of charges, we have identified labor rates for the specific professional staff assigned to work on this Project. As stated in the RFP, we understand that the proposed schedule of charges is subject to negotiation prior to contract execution.

Staff Member	Billing Rate	Assigned Hours
Jim Harnish, Project Advisor	\$250/hour	108
Brent Gibbons, Project Director	\$200/hour	100
Jordan Cowell, Project Manager	\$185/hour	260
Ryan Lester, Associate Planner	\$170/hour	252
Michael Gibbons, Associate Planner	\$170/hour	80
Admin./Support	\$115/hour	46
Direct Expenses	\$7,700 total	-
Martha Miller, Zoning Advisor	\$200/hour	102
Jim Damkowitch, Parking Analysis Lead	\$275/hour	24
Carney/Loginova, Transportation Planners	\$150/hour	80

## 7. Budget

We have included our budget for the Objective Standards and Zoning Consistency Updates on the following page. The budget is organized by the tasks listed in the Scope of Work, hourly rates, and team member. The proposed budget is submitted on a “not to exceed” basis. The budget also includes direct expenses such as travel, printing, and translation services.

Our budget reflects the additional \$50,000 added to the project total as a part of the December 2, 2021, Addendum #2. We included the parking study as a budgeted task, not an optional task. We have also included \$30,000 as contingency for unanticipated work. We believe our original cost estimate was sufficient to cover the work scope described in the Request for Proposals. City staff may want to allocate contingency to expanded community engagement or retain it for unanticipated additional work tasks. If selected to the project, we will discuss these options further with City staff at the project kick-off meeting.



HAYWARD OBJECTIVE STANDARDS FOR RESIDENTIAL DEVELOPMENT AND ZONING CONSISTENCY UPDATES	MINTIER HARNISH								MILLER PLANNING ASSOCIATES			DKS				
	HARNISH Project Advisor	B. GIBBONS Project Director	COWELL Project Manager	LESTER Associate Planner	M. GIBBONS Associate Planner	ADMIN/SUP PORT	SUBTOTAL HOURS	SUBTOTAL COSTS	MILLER Principal/Zoning Advisor	SUBTOTAL HOURS	SUBTOTAL COSTS	DAMKOWITZ Task Lead	CARNEY/ LOGINOVA Transportation Planner	SUBTOTAL HOURS	SUBTOTAL COSTS	TOTAL COSTS
TASKS																
Phase 1: Project Management																
Task 1.1: Kickoff Meeting	8	8	10				26	\$5,450	2	2	\$400			0	\$0	\$5,850
Task 1.2: Project Management	8	10	36			46	100	\$15,950	6	6	\$1,200			0	\$0	\$17,150
Subtotal	16	18	46	0	0	46	126	\$21,400	8	8	\$1,600	0	0	0	\$0	\$23,000
Phase 2: Community Engagement Program																
Task 2.1: Community Engagement Program (see line items below)							0	\$0		0	\$0			0	\$0	\$0
Community Engagement Program	2	2	6	10			20	\$3,710		0	\$0			0	\$0	\$3,710
Project logo, website, and business cards	2	2	8	16			28	\$5,100		0	\$0			0	\$0	\$5,100
Project Newsletters (2)	2	2	6	16			26	\$4,730		0	\$0			0	\$0	\$4,730
Community Opinion Survey (hardcopy/digital)	2		6	8			16	\$2,970		0	\$0			0	\$0	\$2,970
Stakeholder Interview Summary Memo	2		2	12			16	\$2,910		0	\$0			0	\$0	\$2,910
Online engagement tools such as surveys, polls, and mapping exercises,		2	6	10			18	\$3,210		0	\$0			0	\$0	\$3,210
Subtotal	10	8	34	72	0	0	124	\$22,630	0	0	\$0	0	0	0	\$0	\$22,630
Phase 3: Vision and Background Research																
Task 3.1: General Plan/Zoning Discrepancy Memo	4	4	8		36		52	\$9,400	6	6	\$1,200			0	\$0	\$10,600
Task 3.2: Vision Statement	2	4	8				14	\$2,780	4	4	\$800			0	\$0	\$3,580
Task 3.3: Residential Objective Standards Background Report	6	4	10	40			60	\$10,950	8	8	\$1,600			0	\$0	\$12,550
Community Workshop #1: Attendance and facilitation	8	6	14	24			52	\$9,870		0	\$0			0	\$0	\$9,870
Community Event #2: Stakeholder Interviews:			10	12			22	\$3,890		0	\$0			0	\$0	\$3,890
Study Session #1: Joint PC/CC on Community Input and Project Vision		6	10	4			20	\$3,730		0	\$0			0	\$0	\$3,730
Subtotal	20	24	60	80	36	0	220	\$40,620	18	18	\$3,600	0	0	0	\$0	\$44,220
Phase 4: Parking Analysis																
Task 4.1: Parking Analysis/Study	4	8	8				20	\$4,080		0	\$0	24	80	104	\$18,600	\$22,680
Subtotal	4	8	8	0	0	0	20	\$4,080	0	0	\$0	24	80	104	\$18,600	\$22,680
Phase 5: Technical Report with Options and Recommendations																
Task 5.1: Zoning Consistency Recommendations Memo	2	12			24		38	\$6,980	48	48	\$9,600			0	\$0	\$16,580
Task 5.2: Objective Standards Technical Report	2	4	12	24			42	\$7,600		0	\$0			0	\$0	\$7,600
Study Session #2: PC on Zoning Consistency Memo and ODDS Technical Report		6	10	4			20	\$3,730		0	\$0			0	\$0	\$3,730
Study Session #3: CC on Zoning Consistency Memo and ODDS Technical Report		6	10	4			20	\$3,730		0	\$0			0	\$0	\$3,730
Subtotal	4	28	32	32	24	0	120	\$22,040	48	48	\$9,600	0	0	0	\$0	\$31,640
Phase 6: Draft Objective Residential Standards and Zoning Consistency Updates																
Task 6.1: Draft Objective Residential Standards and Zoning Consistency Updates	2						0	\$0		0	\$0			0	\$0	\$0
Administrative Draft Zoning Updates for Zoning/General Plan Consistency	2	4			16		22	\$4,020	16	16	\$3,200			0	\$0	\$7,220
Administrative Draft Objective Residential Standards	4		36	40			80	\$14,460	10	10	\$2,000			0	\$0	\$16,460
Public Review Draft Zoning Updates for Zoning/General Plan Consistency	2	2			4		8	\$1,580	2	2	\$400			0	\$0	\$1,980
Public Review Draft Objective Residential Standards	2		8	16			26	\$4,700		0	\$0			0	\$0	\$4,700
Study Session #4: PC on Admin Draft ODDS and Zoning Consistency Update		6	10	2			18	\$3,390		0	\$0			0	\$0	\$3,390
Study Session #5: CC on Admin Draft ODDS and Zoning Consistency Update		6	10	2			18	\$3,390		0	\$0			0	\$0	\$3,390
Subtotal	10	18	64	60	20	0	172	\$31,540	28	28	\$5,600	0	0	0	\$0	\$37,140
Phase 7: Environmental Review																
Task 7.1: Environmental Review	24	4					28	\$6,800		0	\$0			0	\$0	\$6,800
Subtotal	24	4	0	0	0	0	28	\$6,800	0	0	\$0	0	0	0	\$0	\$6,800
Phase 8: Final Documents																
Task 8.1: Final Documents							0	\$0		0	\$0			0	\$0	\$0
Final Zoning Updates for Zoning/General Plan Consistency	2		2	4			8	\$1,550		0	\$0			0	\$0	\$1,550
Final Residential Objective Standards	2		2	4			8	\$1,550		0	\$0			0	\$0	\$1,550
Planning Commission Hearing	8		10				18	\$3,850		0	\$0			0	\$0	\$3,850
City Council Hearing	8		10				18	\$3,850		0	\$0			0	\$0	\$3,850
Subtotal	20	0	24	8	0	0	52	\$10,800	0	0	\$0	0	0	0	\$0	\$10,800
TOTAL																
Total Hours	108	108	268	252	80	46	862	-	102	102	-	24	80	104	-	-
2021 Billing Rates (subject to change every January 1st)	\$250	\$200	\$185	\$170	\$170	\$115	-	-	\$200	-	-	\$275	\$150	-	-	-
Labor Subtotals	\$27,000	\$21,600	\$49,580	\$42,840	\$13,600	\$5,290	-	\$159,910	\$20,400	-	\$20,400	\$6,600	\$12,000	-	\$18,600	\$198,910
Direct Expenses (e.g., translation services, printing, travel, online engagement fee)								\$5,000			\$1,000				\$1,000	\$6,000
TOTAL COST W/O CONTINGENCY								\$164,910			\$21,400				\$19,600	\$204,910
CONTINGENCY																\$30,000
TOTAL COST W/CONTINGENCY																\$234,910

1) This represents a total cost based on the provided scope of work.

2) The distribution of hours between firms, staff categories, and tasks are an estimate. While the total costs will not change, the distribution of hours/costs may vary depending on actual execution.

## Appendix A: Detailed Resumes

We have included our detailed resumes on the following pages.



# JIM HARNISH, JD

## PRINCIPAL/OWNER

### EDUCATION

**Juris Doctor**  
McGeorge School of Law,  
University of the Pacific

**Bachelor of Arts, History**  
University of California, Davis

### CERTIFICATIONS/ AFFILIATIONS

California State Bar Association  
(Bar No. 99326)

American Planning Association

### EXPERIENCE

**Mintier Harnish**  
Principal/Owner

**City of South San Francisco**  
Chief Planner

**Sugnet & Associates**  
Vice President

**City of Folsom**  
Community Development Director

**City of Sacramento**  
Environmental Coordinator

**Balfrey & Abbott**  
Attorney

**Mintier Harnish & Associates**  
Partner

**Sacramento Area Council of Governments**  
Planner

**County of Sacramento**  
Planner

### PROJECTS

General plans for over 25 cities and  
counties throughout California

Environmental impact reports for over  
100 general plans and other projects

Zoning and subdivision ordinance  
revisions for 10 cities and counties

Jim Harnish is the Principal/Owner of Mintier Harnish. He has been a planner and project manager since 1970. He is also an attorney with extensive experience in land use and CEQA. He has managed public agencies and private consulting firms. He specializes in project management for general plans, specific plans, and large private planning projects; CEQA compliance and environmental document peer review; zoning and regulatory ordinance preparation; and public outreach and consensus-building.

Jim is currently Project Director on general plan updates for the cities of American Canyon, Livingston, Los Gatos, Millbrae, Rohnert Park, and the counties of Fresno, Kern, and Ventura, and zoning code updates for the cities of Folsom, Gilroy, and Santa Clara, and the counties of Fresno, Madera, Mariposa, Merced, and Sierra.

Jim's broad experience, in both the public and private sector, in land use planning, regulatory codes and ordinances, permit processing, environmental analysis, toxics and hazardous materials, wetlands and endangered species, and legal analysis enables him to bring a wealth of experience to every project.

Jim has extensive experience in supervising large planning staffs and managing interdisciplinary consultant teams on complex planning projects. Jim has managed or prepared general plans for the cities of Alturas, American Canyon, Folsom, Galt, Gilroy, Hayward, Healdsburg, Isleton, Livingston, Millbrae, Rohnert Park, Sacramento, South San Francisco, Ukiah, Union City, Wheatland, and Windsor, and the counties of Calaveras, Fresno, Kern, Merced, Modoc, San Benito, San Joaquin, and Ventura.

He has managed the preparation of specific plans for Southwest Live Oak, the Mountain House New Town in San Joaquin County, and the Gold Rush Ranch in Sutter Creek. He also assisted Genentech with the preparation and approval of its South San Francisco Campus Master Plan and EIR. Jim has also prepared zoning ordinance updates for several jurisdictions, including, Kern, Merced, and San Joaquin Counties and the cities of Santa Rosa, and South San Francisco.

Jim has been principal-in-charge of several regional planning projects in the San Joaquin Valley, including the San Joaquin Valley Blueprint implementation project, which included the Valley Planners Toolkit. He also managed the Metro Rural Loop Study for the Fresno Council of Governments and the San Joaquin Valley Greenprint II program.

Jim has managed the preparation of or conducted critical third party review of numerous EIRs and negative declarations. As Environmental Coordinator for the City of Sacramento, he led the restructuring of the City's environmental review procedures. He has worked extensively with State and Federal regulatory agencies in creating and negotiating Habitat Conservation Plans (Coalinga), 404 permits, and wetland mitigation plans.



# BRENT GIBBONS, AICP

## SENIOR PROJECT MANAGER

### EDUCATION

**Bachelor of Science,  
City and Regional Planning**  
Cal Poly, San Luis Obispo

### CERTIFICATIONS/ AFFILIATIONS

American Institute of Certified Planners

American Planning Association,  
Sacramento Valley Section

enCode user Certification

### EXPERIENCE

**Mintier Harnish**  
Senior Project Manager, Project  
Manager, Associate

**City of Turlock**  
Assistant Planner

**Madera County**  
Planner II

**San Mateo County Housing Authority**  
Housing and Community  
Development (HCD) Intern

**Hathaway Dinwiddie, Santa Clara**  
Project Engineer Intern

### PROJECTS

General plans for the City of Gilroy,  
the Town Los Gatos, the Town of  
Windsor, and the Counties of Fresno,  
Sierra County, and Ventura

SB244: Disadvantaged Communities  
Report for Merced County

Zoning Ordinance updates for the  
Counties of Fresno, Merced, and Sierra,  
the Cities of Folsom, Gilroy and Santa  
Clara, and the Placer County Sunset Area  
Plan Implementing Zoning Regulations

Objective Design and Development  
Standards for the Cities of Folsom, Gilroy,  
South Lake Tahoe, and Ukiah, the town  
of Windsor, and the county of Mariposa

Town of Windsor Housing Element Update

Brent Gibbons has been a planner in both the public and private sectors since 2013. He specializes in architectural applications, urban design, site design, land use planning, public policy, geographic information systems, regulatory code and ordinances, CEQA analysis, and community engagement.

Brent started his professional career as a Planner I with Madera County, which included the review of project plans with the zoning administrator, operating the front planning counter, and regularly evaluating setback variances and zoning permits. Brent was promoted to Planner II after a year, and managed projects with greater responsibility. His overall experience at Madera County included the intake of permits, zoning ordinance development, presentations to the Planning Commission, formation of community/area plans, and serving as the lead on solar facility and wireless tower projects. Brent also had the opportunity to serve on several committees pertaining to the drought and well water demand, as well as community park planning and design in conjunction with public health agencies. Additionally, Brent worked as an Assistant Planner for the City of Turlock where he conducted project permitting, development of maps, the General Plan Annual Report, and project management. His work included interfacing with a multitude of stakeholders ranging from community members to real estate developers.

Prior experience includes an internship with Hathaway Dinwiddie (Santa Clara office) in 2008 on the Solyndra Project, where Brent served as the onsite contact between the City of Milpitas and the Project Engineer. Tasks delegated included project permitting, editing plans, and construction administration. Brent also interned for the Housing Authority of San Mateo County, where he amended the HOME Affordability Covenant, performed HOME rent reviews for 2004-2009, and evaluated year-end fiscal performance data.

Brent holds a Bachelor's Degree in City and Regional Planning from California Polytechnic State University (Cal Poly), San Luis Obispo. While at Cal Poly San Luis Obispo, Brent served as the Associated Students in Planning (ASP) President, and the American Institute of Architecture Students (AIAS) President, where he sat on a national board that provided student connection to the American Institute of Architects (AIA). He represented Cal Poly at two international student architecture conferences in Minneapolis in 2009 and Toronto, Ontario, in 2010. Brent also was part of the project team that took 1st Place in the Bank of America Low Income Housing Challenge in 2012 for the Alere development.



# JORDAN COWELL

## PROJECT MANAGER

### EDUCATION

**Bachelor of Science, City and Regional Planning**  
Cal Poly, San Luis Obispo

### EXPERIENCE

**Mintier Harnish**  
Project Manager, Associate

**DAHLIN Group**  
Project Manager

**City of Atascadero**  
Community Development  
Planning Intern

### PROJECTS

#### General Plans:

General Plan Updates for the  
Cities of Solvang, San Ramon,  
Millbrae, and Trinity County

Objective Design and Development  
Standards for the Cities of Gilroy and  
Pleasant Hill, and Commercial and Mixed-  
Use Design Standards for Eldorado County

Citywide Design Guidelines for the City  
of Elk Grove and Residential Design  
Requirements for the City of Vacaville

#### Specific Plans:

Amoruso Ranch Specific Plan,  
Roseville; Watson Ranch Specific  
Plan, American Canyon; Duarte  
Station Specific Plan, Duarte

#### TOD/Affordable/ Senior Development Projects:

Prynt Mixed-Use, Tamien Station  
Redevelopment, SoHay Catalyst  
Site, Kottinger Gardens Pleasanton,  
The Cannery at Lewis Street Gilroy,  
Shorebreeze Apartments Mountain View

Jordan Cowell is Project Manager at Mintier Harnish who specializes in both architecture and planning/urban design. He has experience working with communities, private developers, and public agencies since 2013. He began his professional career as Planner I with DAHLIN Group Architecture & Planning, where he was involved in a wide array of project types ranging from large-scale master plans to urban infill/mixed use projects. During this tenure, Jordan was promoted to Planning Project Manager, where he has provided innovative planning and design expertise to maintain efficiency for every project and valued clients.

With his extensive experience working closely with builder/developers, Jordan is an integral member of the planning team as he is able to ensure plans are feasible and implementable. He applies his detailed knowledge to every project through his familiarity of varying building typologies and densities, pays close attention to the issues related to mass and scale, and has the ability to bridge the gap between the vision and jurisdictional requirements. His municipal planning experience allows him to actively engage in a wide range of roles on the planning team, including fast, yet thorough, zoning code analysis thanks to his intimate understanding of how codes are organized and written.

Jordan's prior experience includes working as a Community Development Intern for the City of Atascadero, where he assisted with front counter assistance, building permit plan checks, code enforcement, preparation of staff reports, presentations and documentation.

Jordan graduated with honors from California Polytechnic State University (Cal Poly), San Luis Obispo, and holds a Bachelor's Degree in City and Regional Planning. While at Cal Poly, Jordan served one term as a Faculty Representative for the Associated Students in Planning (ASP), and attended an Urban Design Summer Program at the Universidade Lusofona de Humanidades e Tecnologias in Lisbon, Portugal. In addition, Jordan assisted in compiling a database for two professors, Michael Boswell and Adrienne Greve, in preparation for their book *Local Climate Action Planning*. Jordan also holds an Associate of Science in Architecture with a concentration in planning from Modesto Junior College.



# RYAN LESTER

## ASSOCIATE

### EDUCATION

**Master of Arts, U.S. Social  
and Cultural History**  
California State University, Sacramento

**Bachelor of Arts, U.S. History**  
California State University, Sacramento

### EXPERIENCE

**Mintier Harnish**  
Associate, Planner, Research Assistant

**The League of California Cities**  
Member Services Representative

### PROJECTS

General Plans for the Cities of American Canyon, Folsom, Gilroy, Kerman, Millbrae, Pleasant Hill, Solvang, Ukiah, and Union City, the Towns of Los Gatos, Truckee, and Windsor, and the Counties of Fresno, Kern, and Ventura

6th Cycle Housing Elements for the Cities of Carlsbad, Galt, Pleasant Hill, Shasta Lake, Solvang, and St. Helena, and Del Norte County.

5th Cycle Housing Elements: Research Assistant for several update efforts

Objective Design and Development Standards for the cities of Folsom, Gilroy, Lakeport, Pleasant Hill, Santa Clara, South Lake Tahoe, and Ukiah, and the Town of Windsor

Additional Projects:  
SJV REAP Housing Study and Technical Assistance Team, San Joaquin County Greenprint Phase II, SMUD Environmental Sustainability Plan, Sunset Area Plan Update (Placer County)

### SOFTWARE/ WEB DESIGN

Adobe Illustrator, InDesign, Photoshop  
HTML and CSS  
Microsoft Office

Ryan is a planner with an eye for design. A skilled user of industry-standard graphic design software, Ryan specializes in preparing accessible, user-friendly materials that present planning concepts to the public in concise, easy-to-understand, and engaging ways. Ryan applies these skills while crafting existing conditions and trends analyses, housing elements, objective design standards, and land use alternatives analyses for cities and counties throughout the state. For Housing Element efforts, Ryan constructs and implements community engagement programs, facilitates stakeholder interviews and workshops, and completes housing needs and constraints analyses. Further, Ryan develops available sites inventories, AFFH analyses, and, implementation programs that are responsive to both State law and local context.

In eight years with Mintier Harnish, Ryan has worked on over a dozen General Plans and an equal number of housing elements. Among other projects, Ryan is currently writing four 6th-cycle housing elements and is drafting Objective Design and Development Standards for SB 35 compliance for several cities. Additionally, Ryan is working on the SJV REAP Housing Study and is on the Mintier Harnish team providing valleywide REAP-funded housing element technical assistance.

Ryan holds a Master's Degree in U.S. Social and Cultural History from California State University, Sacramento, as well as a Bachelor's Degree in U.S. History from the same institution.



# MICHAEL GIBBONS

## ASSOCIATE

### EDUCATION

**Bachelor of Science in City  
and Regional Planning**  
Cal Poly, San Luis Obispo

**Associate of Science in Mathematics  
with a Concentration in Architecture**  
Cuesta College, San Luis Obispo

**California Peace Officer  
Standards and Training Certificate**  
Napa Valley Police Academy, Napa

### AFFILIATIONS

American Planning Association,  
Sacramento Valley Section

### EXPERIENCE

**City of Napa**  
Police Officer

**City of Napa**  
Assistant Planner

**Mintier Harnish**  
Planner, Intern

**City of Hollister**  
Community Development Intern

**City of Gilroy**  
Community Development Intern

### PROJECTS

General Plan Updates for the Cities  
of Gilroy, Pleasant Hill, Livingston,  
American Canyon, and Los Gatos,  
and the County of Kern

Zoning Ordinance Updates for the Cities  
of Gilroy, Folsom, Kerman, and Santa Clara,  
and the Counties of Madera and Mariposa

Michael is an Associate Planner with Mintier Harnish. He has worked in both the public and private sector, as well as in law enforcement. He has experience in land use planning, zoning regulations, Crime Prevention Through Environmental Design, urban design, architectural applications, historic preservation, real estate development, regulatory code, and public policy.

Michael started his career as the Assistant Planner for the City of Napa, where his technical duties included processing zoning clearances, temporary use permits, sign permits, business licenses, and building permits. He reviewed development proposals and applications for compliance with appropriate regulations and policies, and subsequently made recommendations to the City Council, Planning Commission, and Cultural Heritage Commission.

During his tenure with the City of Napa, Michael decided to serve the community in a different capacity. Working in the community he served and lived in fueled his desire to transition into Law Enforcement, where he became a City of Napa Police Officer. Michael attended the Napa Valley College Criminal Justice Training Center, where he received his California POST Peace Officer Certification. Michael transitioned back into Land Use Planning in 2019.

Michael's prior experience includes working as a Community Development Intern for the City of Gilroy, where he assisted with sign permitting, front counter assistance, and the review of plot plans. He also worked as a Housing and Community Development Intern for the City of Hollister, where he performed site and architectural review, the processing of user permits and variances, CEQA document review, and minor subdivision review. Additionally, Michael worked as an Intern for Mintier Harnish, where he performed a variety of planning and office support tasks.

Michael graduated with honors from California Polytechnic State University (Cal Poly), San Luis Obispo, and holds a Bachelor's Degree in City and Regional Planning. While at Cal Poly, Michael minored in both Real Estate Development and Sustainable Environments, and served two terms as the Associated Students in Planning (ASP) President. Michael also holds an Associate of Science in Mathematics with a concentration in Architecture from Cuesta College in San Luis Obispo.





## Martha Miller, AICP

Principal and Owner, Miller Planning Associates

Martha is a skilled land use planner and project manager specializing in community planning, development regulations, and community engagement. With 20 years of experience working in private firms and for public agencies, Martha brings an in-depth understanding of how to translate community vision into a usable set of plans, policies, and regulations that achieve results. Martha's approach is marked by carefully assessing each client's needs and resources, and bringing best practices from form-based, performance-based, and Euclidean applications.

### Education

*Master of City and Regional Planning*  
California Polytechnic University, San Luis Obispo

*Bachelor of Science in Industrial Engineering*  
Purdue University

### Certifications & Affiliations

American Institute of Certified Planners

American Planning Association (APA), California Central Coast San Luis Obispo Subsection  
*Director (2015 - 2017)*

Cal Poly City and Regional Planning Advisory Council (CiRPAC), *Chair*

### Awards

2017 APA Sacramento Valley Section Award of Excellence, *Placer County Tahoe Basin Area Plan*

2014 APA Los Angeles Section Award of Excellence and 2014 Southern California Association of Governments Sustainability Award, *San Gabriel "Greening the Code"*

### Relevant Project Experience

- El Monte Comprehensive Zoning Ordinance and Citywide Design Guidelines Update
- Goleta New Zoning Ordinance and Coastal Implementation Plan
- Hayward Industrial District Regulations Update
- Morro Bay Comprehensive Zoning Code and Coastal Implementation Plan Update
- Newark Comprehensive Zoning Ordinance Update
- Vacaville Land Use and Development Code Audit and Update (CodeUP)
- West Sacramento Zoning Ordinance Modernization Project (ZOMPI)
- Santa Barbara New Zoning Ordinance
- Norma Triangle (West Hollywood) Neighborhood Overlay District and Design Guidelines
- Fresno Development Code Update
- Honolulu Transit Oriented Development Land Use Ordinance Amendments
- Tahoe Region Local Planning Implementation
- Town of Mammoth Lakes Commercial Districts Development Standards
- Placer County Area Plan and Implementing Ordinance
- Porterville Development Code Update
- Princeton (San Mateo County) General Plan, Zoning, and Local Coastal Plan Update (Plan Princeton)
- San Carlos Zoning Ordinance Update
- San Gabriel "Greening the Code" Zoning Amendments
- South San Francisco Zoning Ordinance Update

## Professional Experience

### ***Miller Planning Associates, 2019-Present***

Principal and Owner of planning firm specializing in community planning, development regulations, and community engagement.

### ***Lisa Wise Consulting, Inc, 2017-2019***

Director responsible for project management of development code and planning projects, as well as staff, office, and business management.

### ***RRM Design Group, 2015-2017***

Principal Planner providing business development, preparation, and project management for zoning and development code projects. Individual project responsibilities include providing overall project direction, conducting technical analysis, preparing recommendations, crafting regulations, and leading workshops.

### ***Dyett & Bhatia, Urban & Regional Planners, 2008-2015***

Principal in charge of zoning responsible for project management of General Plan, Zoning, and Local Coastal Program updates.

### ***Department of Planning and Building San Luis Obispo, 2000-2003 and 2004-2008***

Senior Planner responsible for preparing and/or updating community plans, coastal planning, policies, zoning regulations, ordinances, and design guidelines; processing land use permit and land division applications; performing CEQA compliance including management of Environmental Impact Reports and preparation of Mitigated Negative Declarations.

### ***Sapphos Environmental, Urban Planner/Environmental Analyst, 2003-2004***

Urban Planner/Environmental Analyst responsible for managing planning projects; assisting counties, cities, and special districts with comprehensive planning efforts and environmental compliance; and preparing environmental compliance documents including Environmental Impact Reports and Negative Declarations.

## Speaking Engagements

*Co-Instructor, CRP 430 Professional Planning Practice, Cal Poly, San Luis Obispo, 2017, 2018, 2019*

*Updating Your Zoning Code: Overcoming Challenges, 2019 American Planning Association California State Conference*

*From Here to There: The Future of Mobility, 2017 American Planning Association Central Coast Section*

*Barn Raising in the Burbs: Novel Strategies for Growing Food and Cultivating Community Through Urban Farming, 2016 American Planning Association California Chapter State Conference*

*Supporting Urban Agriculture in Your Community, 2014 American Planning Association California State Conference*

*A New Paradigm for Keeping Tahoe Blue, 2013 American Planning Association California State Conference*



**Education:** MS, Geography,  
University of California, Santa  
Barbara, CA

BA, Geography (Honors),  
University of California, Santa  
Barbara, CA

**Presentations:** Travel  
Behavior Responses to  
Increased Highway Capacity.  
California Air Pollution Control  
Officers Association - Air  
Quality Planning Symposium

Improving the Transportation  
Conformity Process. California  
Air Pollution Control Officers  
Association - Air Quality  
Planning Symposium

Old Car Buyback: Merits and  
Funding Issues. California Air  
Pollution Control Officers  
Association - Air Quality  
Planning Symposium

Impacts of Employer-Based  
TDM Strategies on GHG  
Emissions: A Case Study for  
San Joaquin County,  
California. ITE Western  
District 2011 Annual Meeting

Analysis of Multi-Modal and  
GHG Reduction Strategies on  
Interregional Traffic in the I-  
580 Corridor. ITE Western  
District 2012 Annual Meeting

Visual Simulation of Cut-  
Through Traffic in the City of  
Goleta. ITE Western District  
2012 Annual Meeting

## JIM DAMKOWITCH

Jim has 30 years of experience in regional multimodal transportation planning, congestion management, multidisciplinary corridor studies, safety studies, transit studies, active transportation studies, operational analyses, transportation and air quality modeling, and performance measure applications. He has managed regional transportation plan/sustainable community strategy updates and general plan circulation element updates; operational traffic studies for state highway infrastructure improvement projects (PSR/PA-ED Phases); corridor studies; active transportation studies; traffic impact fee programs; travel demand modeling; air quality modeling; and, transportation operational studies for a variety of clients including Caltrans, MPOs, and various cities and counties in California. He has served on state and regional planning committees and conference panels for transportation air quality conformity, performance measurement, and SB 743, respectively.

### Relevant Project Experience

#### Circulation Elements/Regional Plans

- Ventura County General Plan Update (2016–Current)
- Fresno County General Plan EIR Baseline Update (2016–2017)
- San Joaquin County CA General Plan Update & EIR (2008–15)
- City of San Luis Obispo General Plan Update (2012–2014)
- City of Goleta General Plan (2006)
- MCAG 2018 RTP/SCS
- StanCOG 2018 RTP/SCS & EIR
- SJCOG 2018 RTP/SCS Technical Support
- SJCOG 2018 RTP/SCS EIR
- Calaveras COG RTP Update (2017)
- Del Norte County Local Transportation Authority RTP Update (2016)
- California Rural Counties Task Force: Performance Monitoring Indicators for Rural and Small Urban Transportation Planning (2015)
- CA Strategic Growth Council, 2014 MPO SCS Self-Assessment
- SJCOG 2014 RTP/SCS & EIR Technical Support
- StanCOG 2014 RTP/SCS & EIR

#### Travel Demand Modeling / SB 743 Studies

- City of Goleta SB 743 VMT Threshold Study & Sketch Planning Tool (2020)
- City of Santa Maria SB 743 VMT Threshold Study & Sketch Planning Tool (2020)
- El Dorado County 743 VMT Threshold Study Peer Review (2020)
- City of Fairfield SB 743 VMT Threshold Study (2020)
- Ventura County General Plan EIR SB 743 VMT Threshold Analysis (2020)
- Caltrans District 5 Modeling On-Call (Contract #05A1141; 2007–2012)
- Caltrans D-1 Del Norte County Travel Demand Model Development (2013)
- TRPA/TMPO Travel Model Update Validation Peer Review (2016)
- El Dorado County Travel Model Update Peer Review (2016)
- City of Goleta Travel Demand Model Update (2017)
- TRPA/TMPO Interregional Trip Estimation Peer Review (2018)

#### Corridor Studies

- MCAG, Atwater-Merced Expressway (SR 59 Bypass) PA-ED/PS&E (2010)

San Joaquin Valley Fall Policy Conference (2013): Moderator for the "Innovations in Transit and Travel".

San Joaquin Valley Fall Policy Conference (2014): Panelist: "Navigating SB 375: CEQA Streamlining and SB 743 Transportation Analysis"

Association of Environmental Professionals (AEP) 2015 State Conference: Panelist: SB 743 Practicum: Policy, Practical Tools, Tips, and Techniques for Implementing SB 743 CEQA Guidance

Application of Caltrans Smart Mobility Framework for the US 101 Corridor Mobility Master Plan in San Luis Obispo County. ITE Western District 2015 Annual Meeting

Development of Performance Measures for Rural Counties in California. National Transportation Research Board 2017 Annual Meeting

SR 68 Scenic Highway Plan in Monterey County. ITE Western District 2019 Annual Meeting

Sustainable Community Strategy Implementation: Fact or Fiction? Panel Discussion. 2019 American Planning Association California Annual Conference

SB 743 Where is the safety? Panel Discussion. 2019 American Planning Association California Annual Conference

**Years of experience:** 30

- SR 88 Bypass PSR Traffic Analysis (San Joaquin County 2010)
- I-580 Interregional Multimodal Corridor Study (MTC/SJCOG 2011)
- US 101 HOV PA-ED (Caltrans D-5, 2012)
- SR 99 & I-5 Interregional STAA Truck Study (SACOG/SJCOG, 2012)
- Amador CTC SR 16 Corridor Analysis: Watt to Grant Line Road (2014)
- SLOCOG US101 Corridor Mobility Master Plan (2014)
- SLOCOG SR 227 Operations Study (2016)
- TAMC SR 68 Scenic Highway Plan (2017)
- PCTPA I-80/SR 65 Travel Time Reliability and Safety Analysis (2017)
- SCCRTC SR 1 Unified Corridor Investment Study (2018)
- SR 49 CSMP - Technical Advisor (2018, NCTC)
- SLOCOG US 101 Access Restriction Traffic Diversion Study (2019)
- US 101 Pismo PA-ED Traffic Operations Report (Caltrans D-5, 2019)
- NCTC SR 49 Multimodal Corridor Plan (2020)
- NVTA SR 29 Comprehensive Multimodal Corridor Plan (2020)

### **Congestion Management Program (Federal/State)**

- SJCOG 2019 Congestion Management Program Monitoring Report Update
- StanCOG 2018 Partial CMP Update as part of 2018 RTP/SCS
- SACOG 2017 Federal Congestion Management Program
- SJCOG 2017 CMP Monitoring Report Update
- SJCOG 2016 Congestion Management Program Update
- SJCOG 2012 Congestion Management Program Update & Automation Project
- SJCOG 2010 Regional Deficiency Analysis
- While at SBCAG (1992-2005) CMP Program Management

### **Air Quality Planning / Climate Action Plans**

- County of Merced - Climate Action Plan (2018-Present)
- TMPO GHG Reduction Technical Support (2016)
- City of Gridley - Climate Action Plan (2015)
- Caltrans On-Call Air Quality Study Support Services (2009-2015)
- KCAG Climate Action Plan (2014)
- SCAQMD Technical Assistance Related to GHG Air Quality Impacts (2008-13)
- City of Manteca Climate Action Plan (2011)
- TMPO Air Quality Technical Support (2008-11)
- SJCOG Regional TDM Plan & GHG Estimation (2010)

### **Fee Studies**

- SJCOG Regional Transportation Impact Fee Addendum (2020)
- El Dorado County Western Slope Traffic Impact Fee Program Update (Current)
- City of Rancho Cordova Traffic Fee Impact Fee Update (2020, Current)
- City of Goleta Development Impact Fee Update (2018)
- City of Goleta Development Impact Fee Update (2018)
- City of Chico Facilities Fee Update (2018)
- SJCOG Regional Transportation Impact Fee Update (2018)
- El Dorado County Western Slope Traffic Impact Fee Program Update (2016)
- San Joaquin County Traffic Impact Mitigation Fee Program Update (2015)
- SJCOG Regional Transportation Impact Fee Update (2011)
- San Joaquin County Traffic Impact Fee Mitigation Program 2008 Update (2008)
- Atwater-Merced Expressway (SR-59 Bypass) Regional Fee Analysis (2008)
- City of Rio Vista AB1600 Study (2008)
- City of Goleta CIP Fair Share Analysis (2008)



**Registration:** California  
Engineer in Training No.  
169042

**Education:** BS, Civil  
Engineering, University of  
California Irvine

**Years of experience:** 3

## YANA LOGINOVA, EIT

### Transportation Engineering Associate

Yana is a transportation engineering associate working on a variety of design, planning, and operations projects. She has experience working on traffic signal modification, signing and striping, lighting, ramp meter, ITS, and operations projects with private and public agencies throughout California and Oregon. Yana is experienced in applying the latest transportation software packages, including AutoCAD, Microstation, Vissim, Vistro, Sidra, Tru Traffic, Synchro 10, and Aimsun Next.

#### Relevant Experience

**Westminster On-Call Staff Support, Westminster, CA.** Yana assisted the City of Westminster in preparation for the citywide inventory of signalized intersections and updated the citywide local timings to ensure compliance with the latest standards set by MUTCD. Yana developed the citywide Synchro Model to help the City identify the local routes which needed improvement in synchronization and to propose possible flush plans.

**SR-134 Traffic Signal Improvements, Burbank, CA.** The City of Burbank looked to improve various traffic signals along SR-134 and the surrounding area. Yana assisted the design team to prepare signal upgrade plans, improve safety for vehicles and pedestrian access, replace signal controller and cabinet equipment, and fulfill the requirements as set forth in the CA MUTCD.

**Imperial Highway Traffic Signal Synchronization Project, Los Angeles County, CA.** Yana is responsible for the design of the project, including twelve intersections improvements along the Imperial corridor within Los Angeles County, the City of Inglewood, and the City of Hawthorne. The project involves the preparation of traffic signal plans for traffic signal upgrades, modifications, and intersection geometry improvements including signing and striping improvements.

**Olympiad Road – Felipe Road Traffic Signal Synchronization Project, Mission Viejo, CA.** As a project engineer, Yana assisted in the preparation of the traffic signal timing plans for the corridor. In addition, she assisted in performing data collection and analysis to develop and implement optimized traffic signal synchronization.

**Union Street Two-Way Cycle Track Project, Pasadena, CA.** As a project engineer, Yana worked with a multi-disciplined team to provide public outreach, environmental clearance, preliminary and final design, and construction support for a two-way cycle track on Union Street from Arroyo Parkway to Hill Street in the City of Pasadena, California. The design will involve safety measures protecting bicyclists including median barriers separating the cycle track from vehicle lanes, as well as upgrades in traffic signalization and communications that will provide gaps in traffic for bikes and pedestrians to complete turning movements and crossings.





## **SEAN CARNEY, EIT**

### **Transportation Engineer/Planner**

Sean offers a broad range of analysis skills including signal timing, traffic operations analysis, transportation system planning, and crash data and safety analysis. He almost exclusively works with public agencies to identify and resolve the transportation issues of today and plan around the travel demand of the future. Sean is experienced in providing both quantitative and qualitative analysis for all methods of mobility and has worked on projects throughout Northern California and Oregon to address the needs of growing traffic, transit, and active mobility demands. Sean is adept at applying various software packages for traffic analysis including Synchro/SimTraffic, Vissim, ArcGIS, and Cube.

#### **Registrations:**

Engineer in Training (CA), Certificate No. 146088

**Education:** BS, Civil Engineering, Cal Poly San Luis Obispo

**Years of experience:** 6

#### **Relevant Experience**

##### **2035 General Plan Circulation Element, West Sacramento, CA.**

Sean assisted in developing the focused travel demand model for the City, as well as applying the model to update the circulation element of the City's general plan. Sean helped with the development of model inputs and developed a Synchro network for intersection analysis and a

series of Excel workbooks to evaluate roadway and freeway segment performance. Further, he worked on incorporating elements of the City's Bicycle, Pedestrian, and Trails Master Plan into the 2035 General Plan Circulation Element.

**Sacramento Downtown Transportation Study, Sacramento, CA.** Sean assisted in the evaluation of multiple planning alternatives for the Downtown Sacramento street grid. This work included the post processing of activity-based model results in Excel and the mapping of these results in GIS. Some evaluation metrics included mode share, vehicle miles of travel, vehicle hours of delay, and street segment volume-to-capacity ratios for all streets in the downtown area. Additional work included the mapping of all downtown bus lines and transit stops as well as the mapping of the downtown on-street parking data in GIS.

**Rancho Cordova General Plan Update, Rancho Cordova, CA.** DKS will provide the City with development and traffic forecasts on several "base scenarios" for the EIR on the general plan update.

**Folsom General Plan, Folsom, CA.** As part of a multidisciplinary team, DKS developed the alternatives for the general plan update. Because the City of Folsom is largely built out and the planning for the new growth area south of Highway 50 is largely complete, city-wide land use alternatives were deemed unnecessary. Instead, alternatives were developed for selected focus areas or corridors. Using the input gathered at the third Townhall Forum, the team identified focus areas that represent the greatest potential for future change, such as Sutter Street and Historic Folsom, the Bidwell Corridor, and the Corp Yard. The focus of the alternatives were options for enhancing these opportunity areas through land use and urban form, and for increasing connectivity between activity nodes within the city. DKS assisted in identifying options for complete streets for the focus area alternatives.

## Appendix B: Project Example Sheets



# Example Architectural Graphics

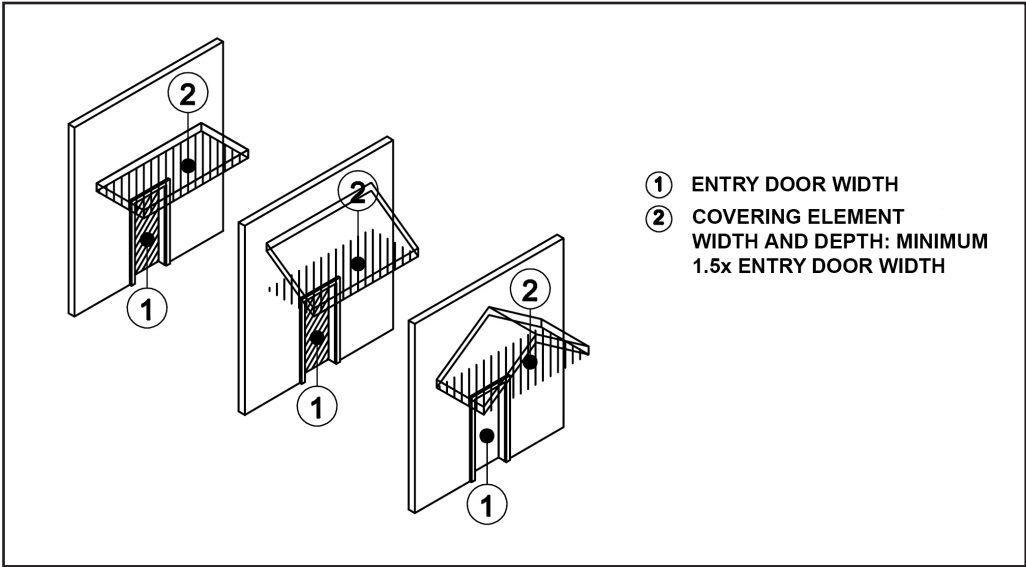
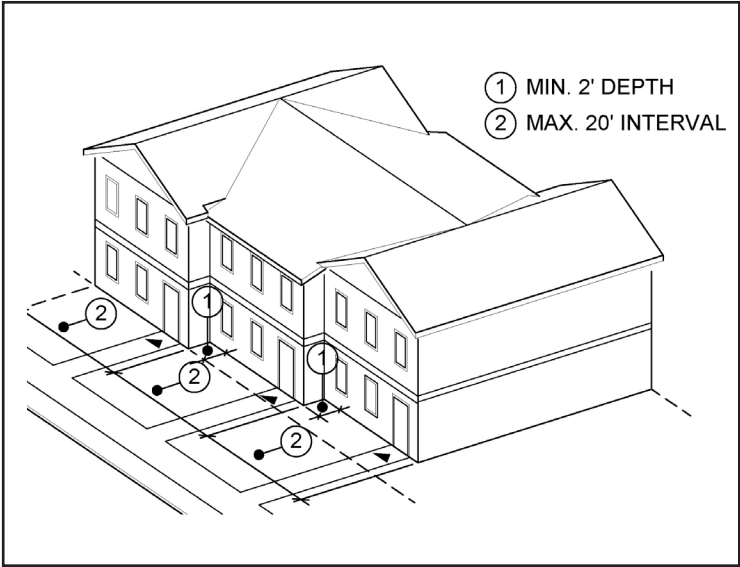
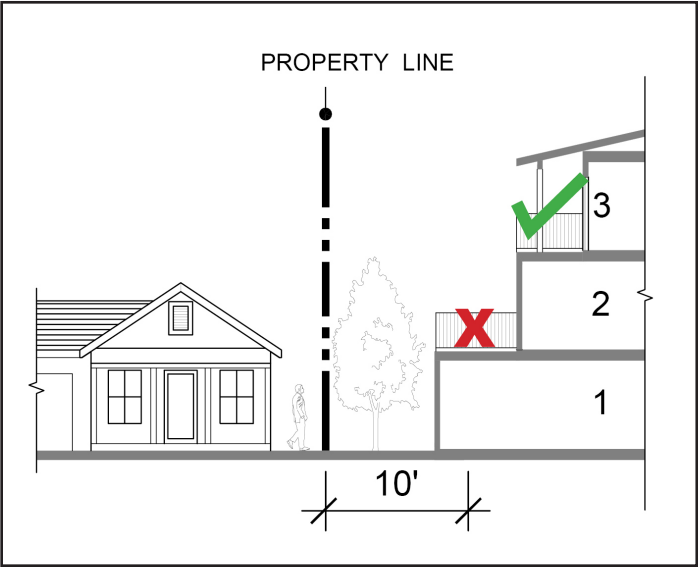
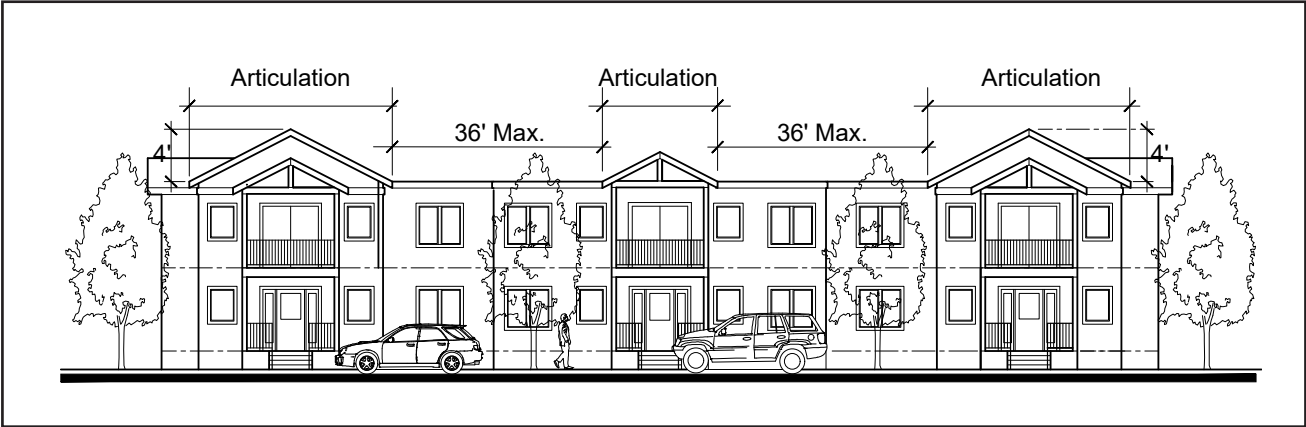


FIGURE 1: GARAGE DOOR ORIENTATION, PROJECTS WITH FIVE OR MORE UNITS

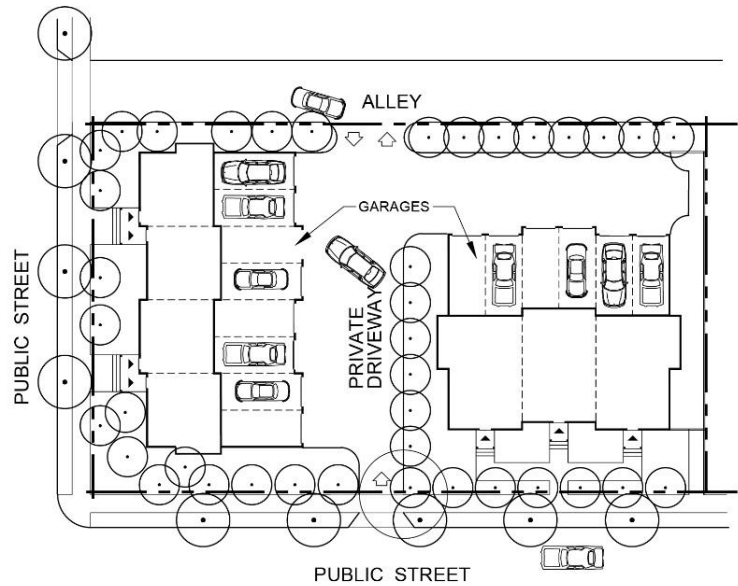


FIGURE 3: MAJOR MASSING BREAKS, GROUND FLOOR COURTYARDS

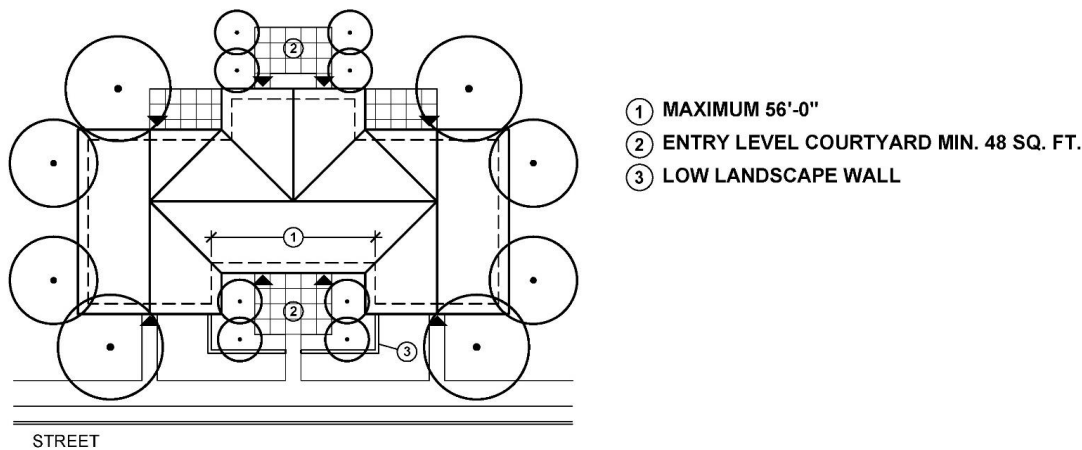
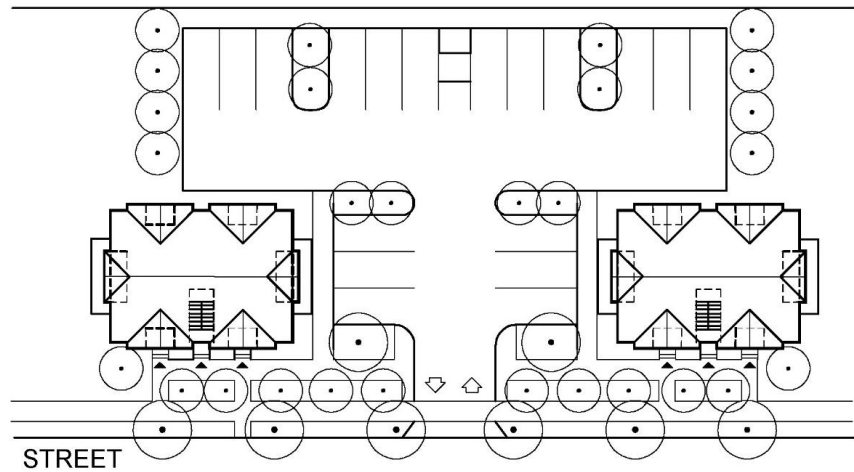
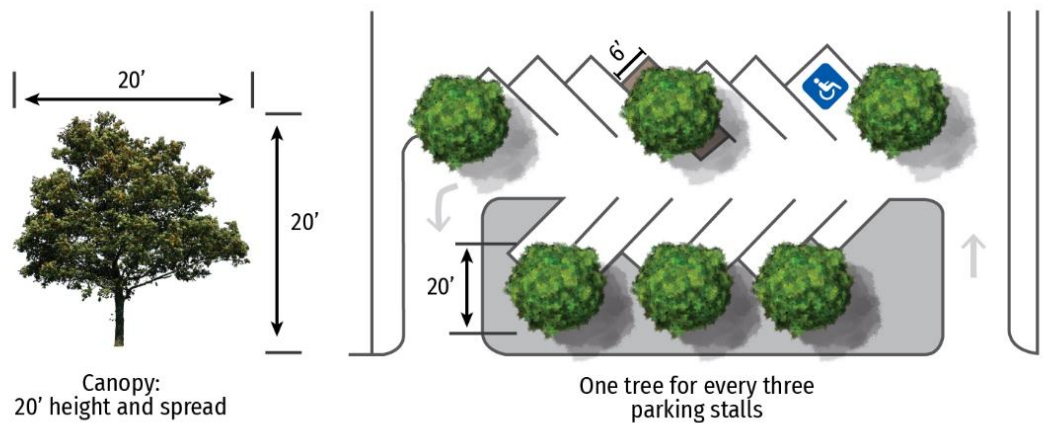
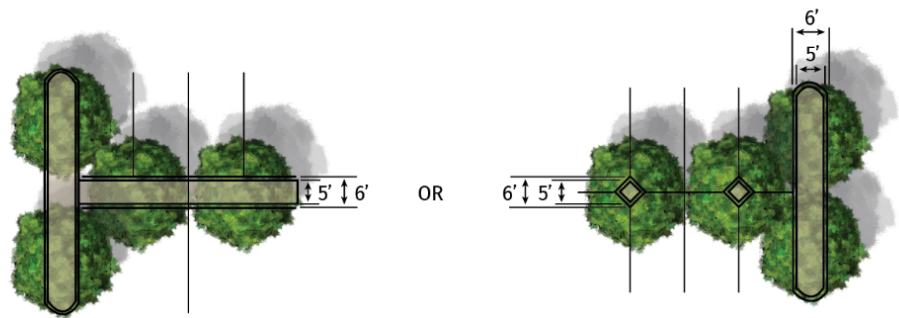
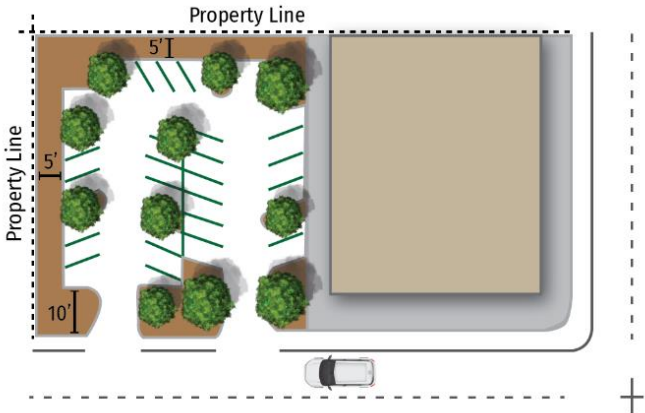
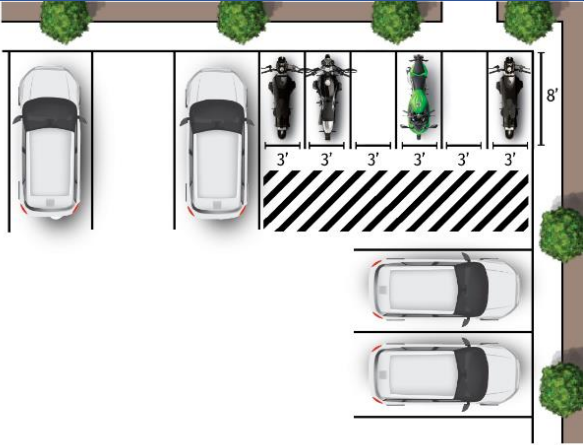


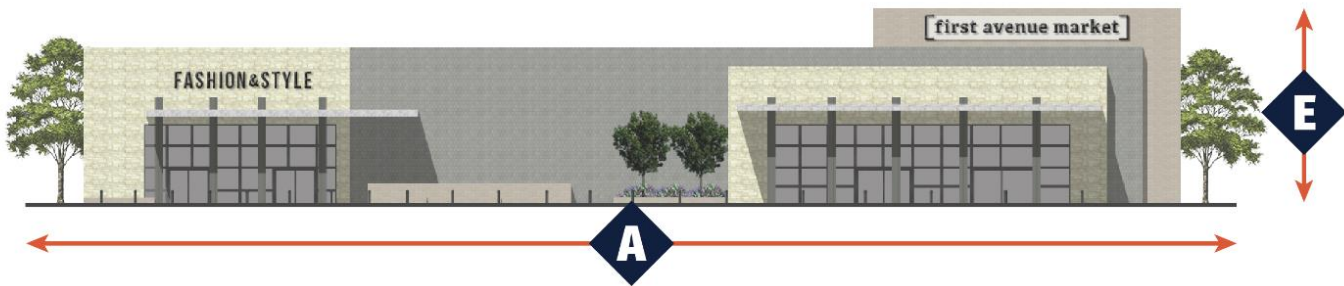
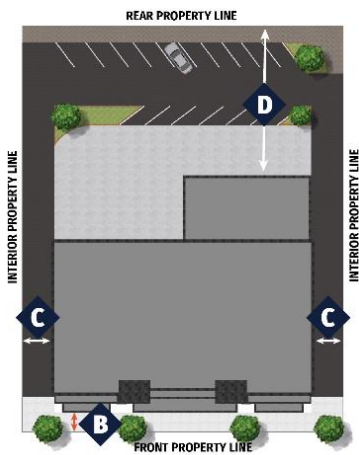
FIGURE 10: UNCOVERED PARKING AREAS



Parking Graphics



Zoning Structure Graphics with Architectural Material Detail



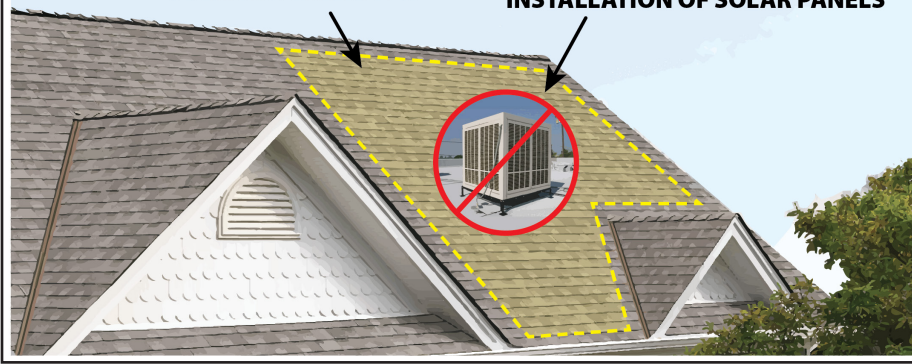



# Example Illustrative Graphics


**STRUCTURES SHALL BE DESIGNED TO ALLOW FOR INSTALLATION OF ALTERNATE ENERGY TECHNOLOGIES**

**SPACE ALLOWED FOR SOLAR INSTALLATION**

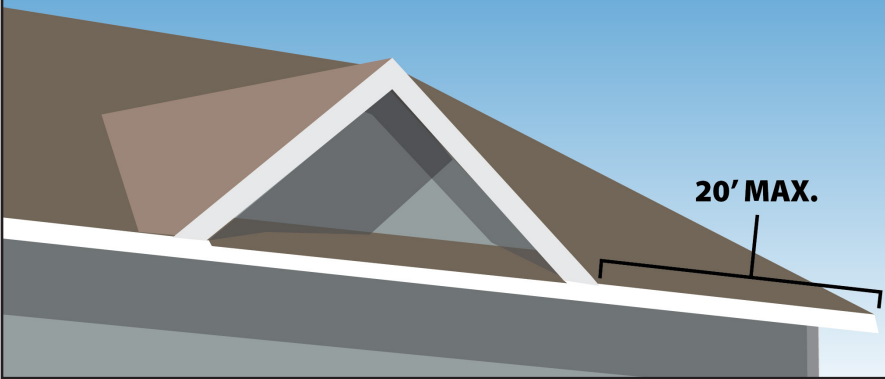
**ROOF-MOUNTED EQUIPMENT MUST NOT PRECLUDE THE INSTALLATION OF SOLAR PANELS**



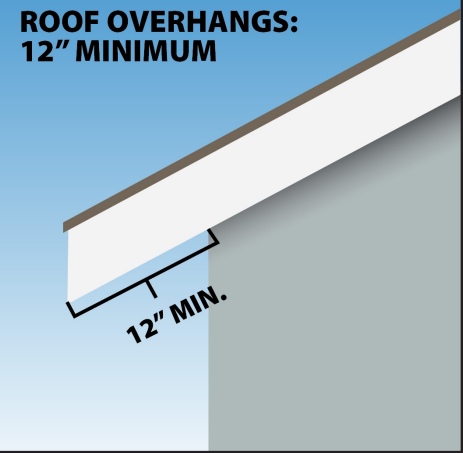


 **SOLAR TECHNOLOGY:**  
SHALL BE INSTALLED IN ACCORDANCE WITH THE STATE FIRE MARSHAL SAFETY REGULATIONS AND GUIDELINES.

**HORIZONTAL EAVES:**  
**20' MAXIMUM LENGTH WITHOUT ARTICULATION**



**ROOF OVERHANGS:**  
**12" MINIMUM**

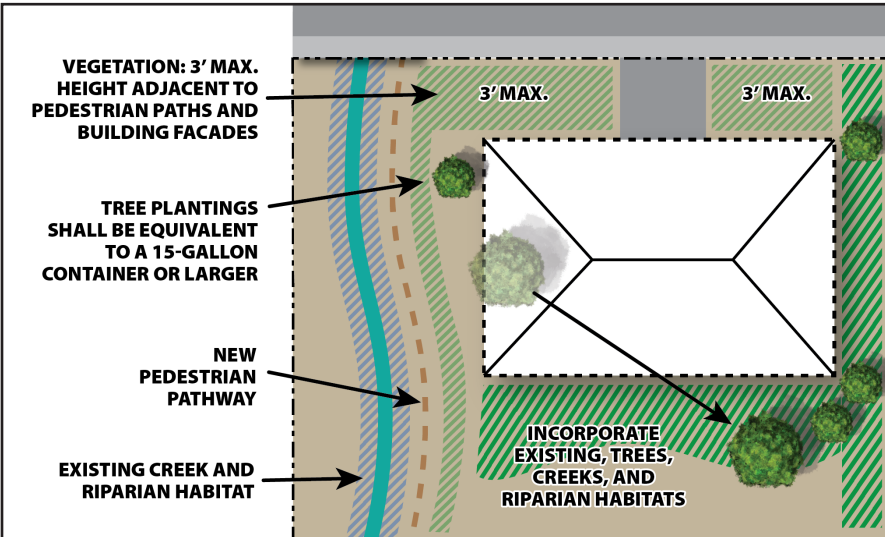



**VEGETATION: 3' MAX. HEIGHT ADJACENT TO PEDESTRIAN PATHS AND BUILDING FACADES**

**TREE PLANTINGS SHALL BE EQUIVALENT TO A 15-GALLON CONTAINER OR LARGER**

**NEW PEDESTRIAN PATHWAY**

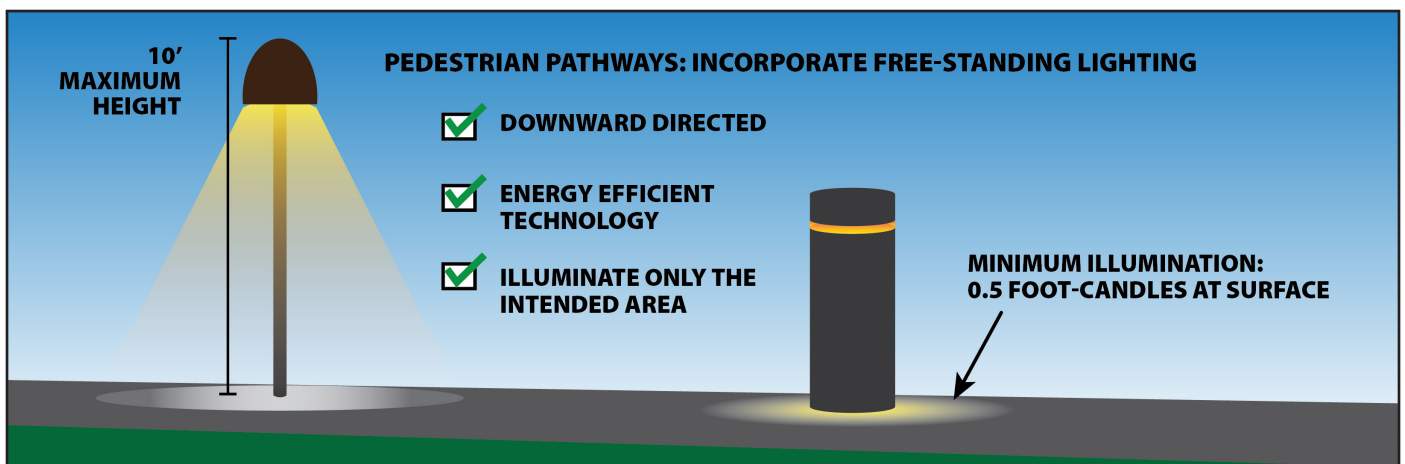
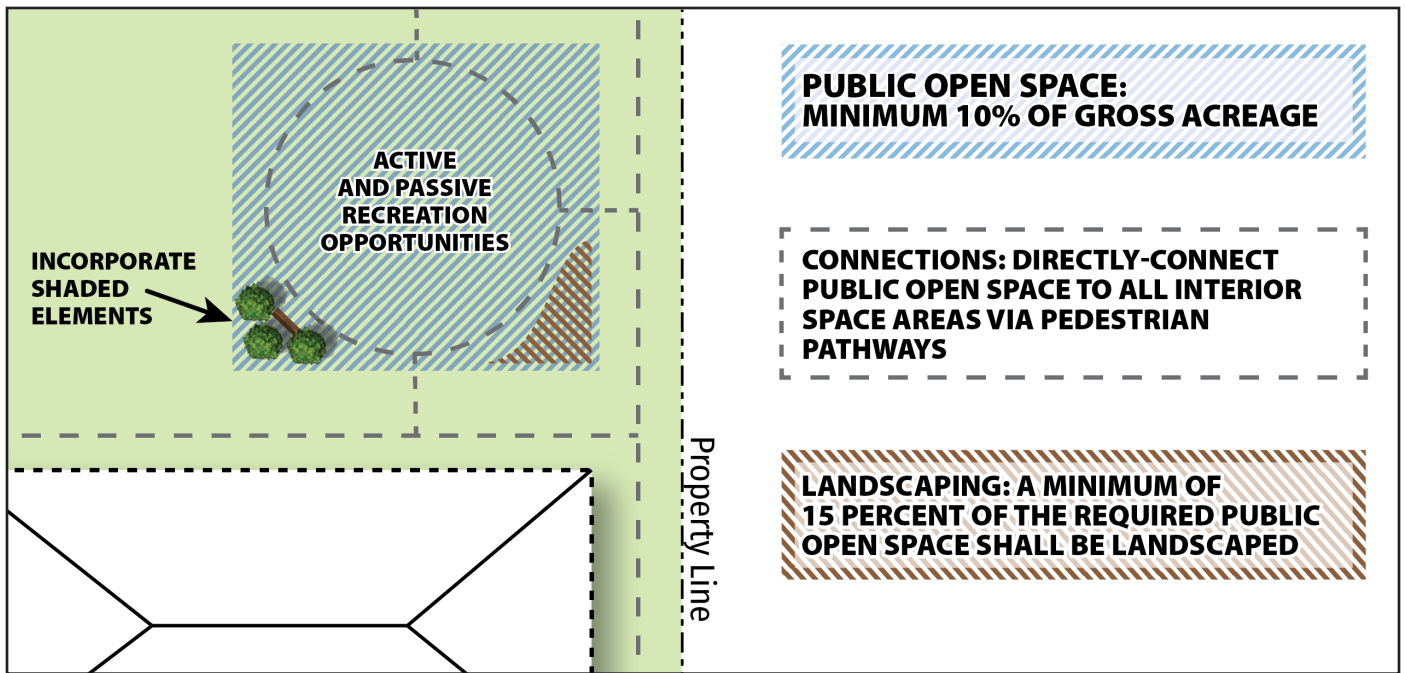
**EXISTING CREEK AND RIPARIAN HABITAT**

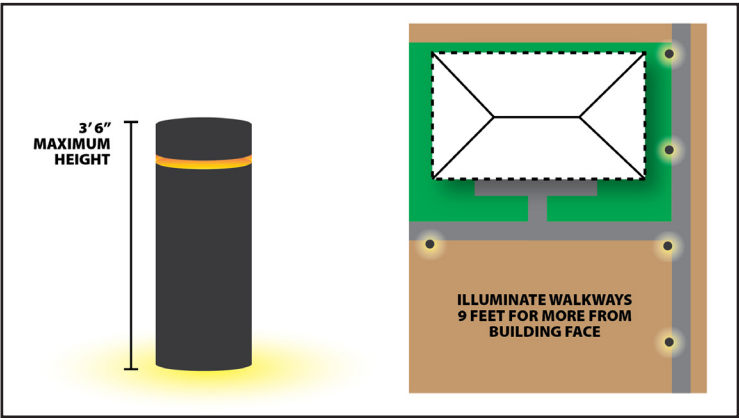
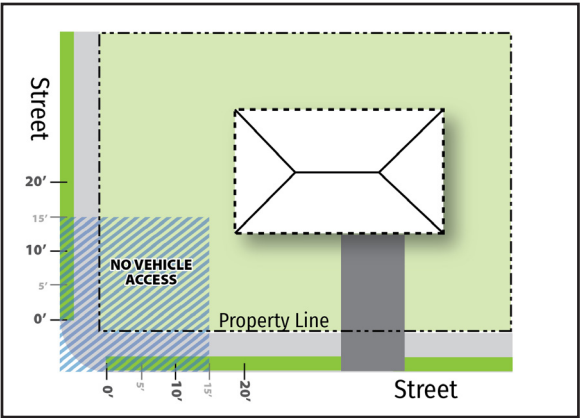
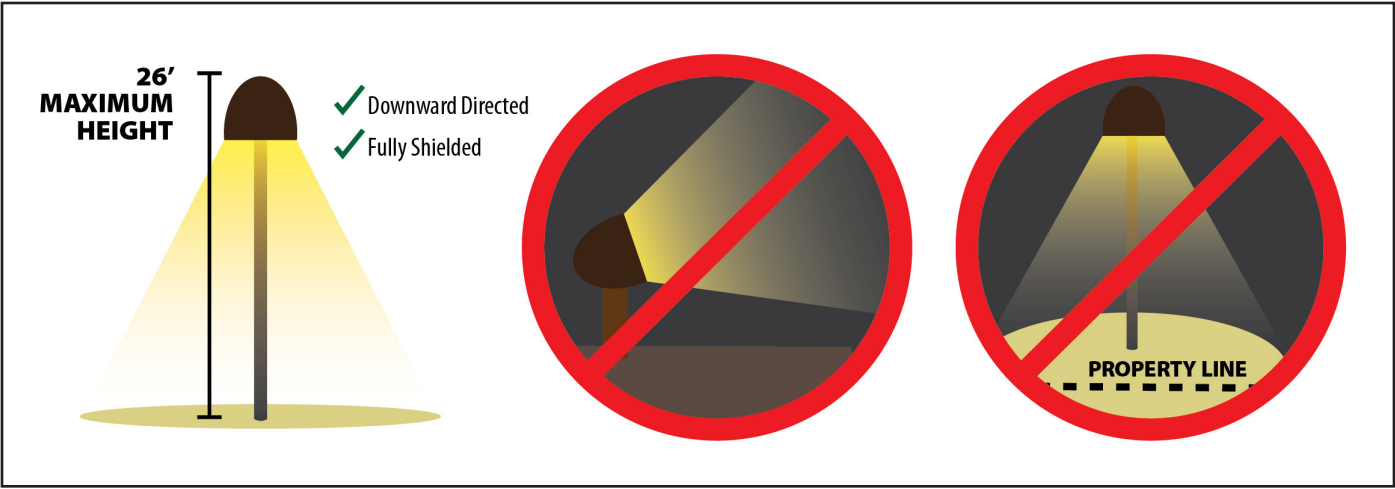
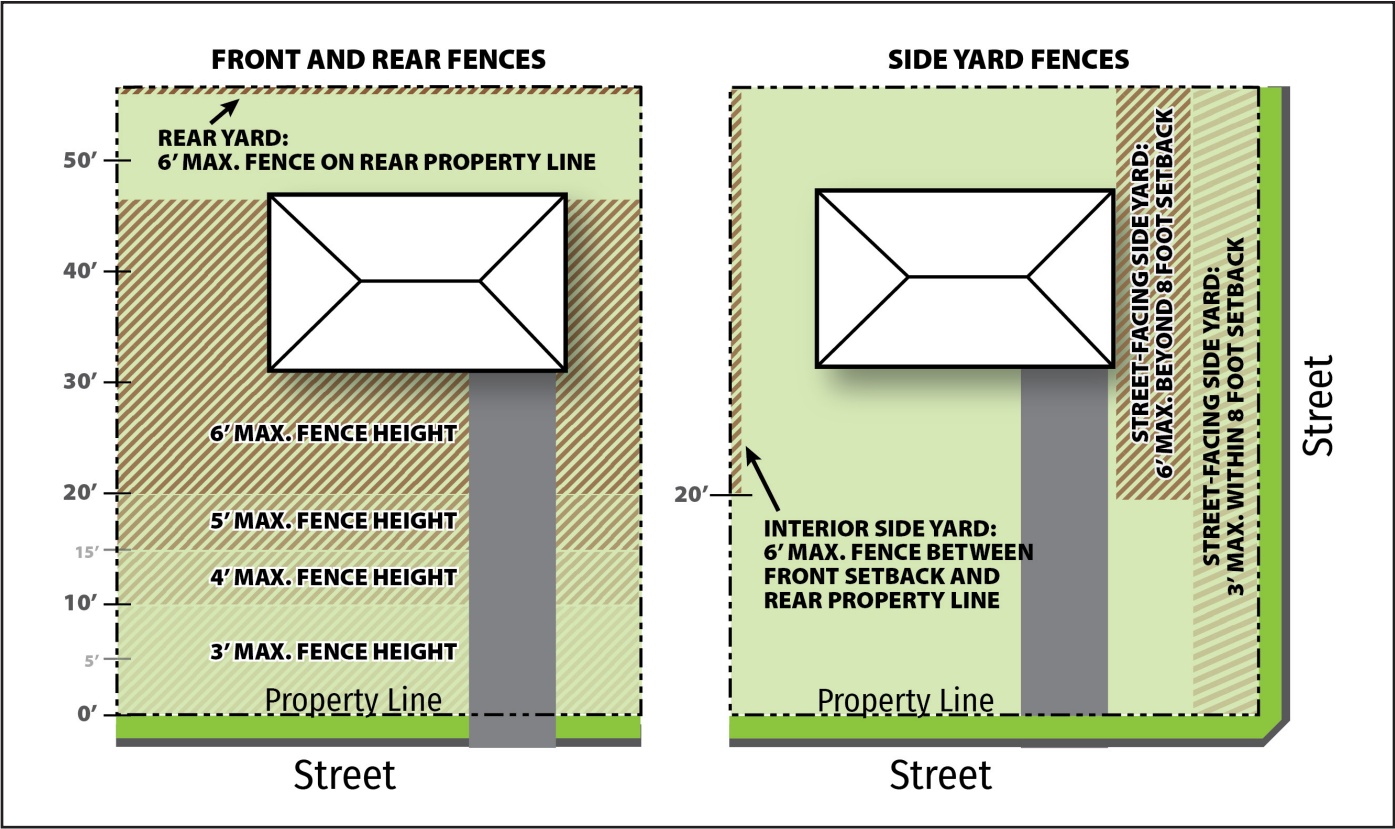




**IRRIGATION:**  
INCLUDE AN AUTOMATED IRRIGATION SYSTEM WITH A MINIMUM OF 75% DRIP IRRIGATION

**PLANT SELECTION:**  
MINIMUM 75 PERCENT NATIVE, DROUGHT-TOLERANT PLANTS AND/OR FLOWERING PLANTS.







## Appendix C: Professional Services Agreement

We have no objections to the City's standard Professional Services Agreement, which was included with the RFP as Exhibit A.

## Appendix D: Disclosures

We have no disclosures to report.



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** CONS 22-061

---

**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Title

**SUBJECT**

Adopt a Resolution Accepting \$1 Million in State of California General Fund Grant Funds for the Construction of the South Hayward Youth and Family Center (Stack Center)

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$1 million in grant funds from the State of California for the building of the South Hayward Youth and Family Center (Stack Center).

**SUMMARY**

Community members and elected officials have long held the dream of building a new South Hayward Youth and Family Center at the corner of Tennyson and Ruus Roads, referred to as the Stack Center. For the past seven years, the City and its partners have worked to make this dream a reality. The construction documents for the Stack Center are nearing completion, though a large funding gap remains to build the full project. This staff report is requesting Council's authorization to accept \$1 million in grant funding from the State of California for the first phase of construction, which is the renovation of the Matt Jimenez Community Center to create childcare spaces, an entrepreneurship space, outdoor spaces, and parking.

**ATTACHMENTS**

Attachment I Staff Report  
Attachment II Resolution



**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT** Adopt a Resolution Accepting \$1 Million in State of California General Fund Grant Funds for the Construction of the South Hayward Youth and Family Center (Stack Center)

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$1 million in grant funds from the State of California for the building of the South Hayward Youth and Family Center (Stack Center).

### **SUMMARY**

Community members and elected officials have long held the dream of building a new South Hayward Youth and Family Center at the corner of Tennyson and Ruus Roads, referred to as the Stack Center. For the past seven years, the City and its partners have worked to make this dream a reality. The construction documents for the Stack Center are nearing completion, though a large funding gap remains to build the full project. This staff report is requesting Council's authorization to accept \$1 million in grant funding from the State of California for the first phase of construction, which is the renovation of the Matt Jimenez Community Center to create childcare spaces, an entrepreneurship space, outdoor spaces, and parking.

### **BACKGROUND**

Below is a list of major milestones for the Stack Center Project:

- In 2015, the City, Alameda County, and the Hayward Area Recreation and Park District (HARD) formed the Stack Center Governance Group to guide the project and obtain the necessary resources.
- In July 2014, the County Board of Supervisors allocated \$9.6 million from District 2's share of one-time residual property tax funds for the Stack Center.
- In June 2015, the County Board of Supervisors approved the acceptance of a \$5 million grant from the Kaiser Regional Foundation. This total funding amount of \$14.6 million

was reduced by approximately \$600,000 to help fund Mia's Dream Park, which is located on parcels abutting the Stack Center project site.

- In September 2016, the Stack Center Governance Group issued a Request for Qualifications for Facility Operator and Administrator Services.
- On March 27, 2018, Council authorized the City Manager to execute a facility operator agreement with La Familia and Eden Youth and Family Center.
- In June 2018, the City issued a Request for Proposals (RFP) for Phases I and II of the project: a community analysis, creation of a building program, and preliminary design. The City received eight proposals. The Stack Center Governance Group evaluated each proposal and ranked RossDrulisCusenbery, Inc. (RDC) as the highest.
- On February 5, 2019, Council authorized the City Manager to execute a professional services agreement with RDC for Phases I and II work and accept \$500,000 from Alameda County to cover the cost of the agreement.
- On June 16, 2020, Council authorized the City Manager to execute a professional services agreement with RDC for architecture and engineering services and accept \$2,870,000 from Alameda County to cover the cost of the agreement.

## **DISCUSSION**

Staff has worked with RDC and the Stack Center partners over the past eighteen months to create the construction documents needed to go to bid for the project. The documents are close to being complete and the project is currently submitted to the Planning Division for site plan review.

In 2020 and early 2021, City staff worked with the City's State lobbyist to reach out to Assembly Member Bill Quirk to request funding for the construction of the Stack Center. In specific, the request was for funding to complete the first phase of construction, which is the renovation of the Matt Jimenez Community Center to create childcare spaces, an entrepreneurship space, outdoor spaces, and parking.

In June of 2020, the Assembly Member's staff informed the City that the State budget included \$1 million in funding for the Stack Center. The California Natural Resources Agency was subsequently assigned to oversee the grant process for this funding and staff has been working with them to complete the necessary paperwork. The attached resolution reflects the State required language needed to accept this grant.

## **FISCAL IMPACT**

There is no match for this grant. Thus, this grant will have no impact on the City's funds. With this grant, the City currently has enough funds to complete the first phase of construction, which is estimated to cost \$6.7 Million. There is currently a funding gap of approximately \$20 million for the second phase of construction, which is estimated to cost \$35.2 Million.

## **STRATEGIC ROADMAP**

This agenda item is part of the City's Strategic Roadmap as Support Quality of Life project 1:

- Oversee the rebuilding of the South Hayward Youth and Family Center (the Stack)

## **NEXT STEPS**

Upon approval by Council, staff will execute the necessary documents with the California Natural Resources Agency for accepting the funds.

*Prepared by:* Mary Thomas, Management Analyst

*Recommended by:* Jennifer Ott, Assistant City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD  
APPROVING THE ACCEPTANCE AND APPROPRIATION OF GENERAL FUND  
GRANT FUNDS FOR THE SOUTH HAYWARD YOUTH AND FAMILY CENTER

WHEREAS, the Legislature and Governor of the State of California have approved a \$1 million grant for the above project; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of the grant project, setting up necessary procedures; and

WHEREAS, said procedures established by the California Natural Resources Agency require the Grantee to certify by resolution the approval of the Project Information Package before submission of said package to the State; and

WHEREAS, the Grantee will enter into an agreement with the State of California for subject project(s): South Hayward Youth and Family Center.

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Approves the acceptance of \$1 million in general fund allocation for local assistance for the above project; and
2. Certifies that said agency understands the assurances and certification in the Project Information Form; and
3. Certifies that said agency will have sufficient funds to develop, operate and maintain the project consistent with the land tenure requirements, or will secure the resources to do so; and
4. Certifies that said agency will comply with the provisions of Section 1771.5 of the California Labor Code.
5. If applicable, certifies that the project will comply with any laws and regulation including, but not limited to, the California Environmental Quality Act (CEQA), legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable licenses and permits will have been obtained.

6. Certifies that said agency has reviewed and understands the General Provisions contained in the Project Agreement shown in the Procedural Guide; and
7. Appoints the City Manager and the City Manager's assigned staff as agent to conduct all negotiations, execute and submit all documents including, but not limited to Project Information Form, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.
8. Authorizes the City Manager to appropriate this grant funding to Fund 405.

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





# CITY OF HAYWARD

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Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** CONS 22-062

---

**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT**

Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$20,000 in Grant Funding from the National Endowment for the Arts for Heritage Plaza Art Pieces

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$20,000 in grant funding from the National Endowment for the Arts for Heritage Plaza Art Pieces.

**SUMMARY**

On July 2, 2019, Council approved concepts for three new heritage art pieces in the downtown Heritage Plaza. Two of the pieces are currently in the design phase and nearing fabrication: one honoring the Japanese American history at the Plaza site, and another honoring Hayward's Indigenous heritage. Staff applied for and received a \$20,000 grant from the National Endowment of the Arts to supplement the budget of these pieces, due to the size, scope, and increasing material costs. Staff is seeking Council authorization to accept this grant funding.

**ATTACHMENTS**

Attachment I Staff Report  
Attachment II Resolution



**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT** Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$20,000 in Grant Funding from the National Endowment for the Arts for Heritage Plaza Art Pieces

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$20,000 in grant funding from the National Endowment for the Arts for Heritage Plaza Art Pieces.

### **SUMMARY**

On July 2, 2019, Council approved concepts for three new heritage art pieces in the downtown Heritage Plaza. Two of the pieces are currently in the design phase and nearing fabrication: one honoring the Japanese American history at the Plaza site, and another honoring Hayward's Indigenous heritage. Staff applied for and received a \$20,000 grant from the National Endowment of the Arts to supplement the budget of these pieces, due to the size, scope, and increasing material costs. Staff is seeking Council authorization to accept this grant funding.

### **BACKGROUND**

On May 26, 2015, the Council approved the plans for the Measure C-funded 21st Century Library and Community Learning Center and Heritage Plaza project. Staff updated Council on the design for the Plaza at a July 10, 2018 work session. At that work session, several members of the public and Council provided comments and concerns related to the existing historic elements of the plaza.

Subsequently, staff worked with community groups to revisit the features. On July 2, 2019, Council approved concepts for three new heritage art pieces and appropriated \$30,000 to begin designs. The art pieces include:

- A detailed memorial sign and interpretive art piece marking the location on Watkins Street where local Japanese-Americans boarded buses for detention centers in 1942.

The sign was unveiled in fall of 2021. The art piece has been designed in collaboration with the community committee and is ready to be fabricated.

- An interpretive art piece and sign honoring the native Muwekma Ohlone tribe and other local Indigenous Peoples. Staff has been working with representatives from Indigenous Groups, as well as history faculty at Chabot Community College. The group has selected an artist for their piece and is in the design process.
- An interpretive art piece and sign to commemorative the history and cultural heritage of Russell City. In 2021, staff convened a group of former Russell City residents and descendants, as well as subject matter experts. The group has been meeting regularly to craft language and identify images for a sign. Fabrication for this project will likely not commence until after 2022.

## **DISCUSSION**

The existing budget for the Japanese American and Indigenous heritage art pieces is \$40,000 each. This includes the \$30,000 from the Council appropriation, and \$50,000 from other existing City sources. Due to the high cost of materials at the moment and the scope of these projects, staff sought additional funding to increase the budget for each piece.

Staff applied for and received a \$20,000 grant from the National Endowment of the Arts. Should Council accept this funding, it would need to be spent by February of 2023. Staff would use this money to increase the budget for the Japanese American and Indigenous pieces to \$50,000 each, which staff believes is a more realistic budget for the size and scope of these pieces. Staff intends to pursue additional grant funding for the Russell City piece as the design work progresses further on that element.

Both projects are on track to be completed by the end of calendar year 2022 and would therefore meet the grant deadline.

## **FISCAL IMPACT**

The match from this grant will come from the existing budget that has been allocated for this project. This grant will have no impact on the City's funds.

## **STRATEGIC ROADMAP**

This agenda item is not a project in the City's Strategic Roadmap. It is related to the following projects:

- Grow the Economy: Explore a public art program and prioritize gateway locations
- Improve Organizational Health: Work across Strategic Roadmap priorities to include racial equity lens

## **NEXT STEPS**

If Council accepts the grant funds, the City Manager will execute the appropriate grant documents and work will continue on the art pieces.

*Prepared by:* Mary Thomas, Management Analyst

*Recommended by:* Jennifer Ott, Assistant City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE UP TO \$20,000 IN GRANT FUNDING FROM THE NATIONAL ENDOWMENT FOR THE ARTS FOR HERITAGE PLAZA ART PIECES

WHEREAS, on May 26, 2015, the City Council approved the plans for the Measure C funded 21st Century Library and Heritage Plaza project, which opened in fall of 2021; and

WHEREAS, the City Council and Hayward community members have expressed a desire to include heritage art and signage in the plaza; and

WHEREAS, the City of Hayward has received a grant of \$20,000 from the National Endowment for the Arts to support this project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to accept and appropriate \$20,000 to Fund 240 in grant funding from National Endowment for the Arts for Heritage Plaza Art Pieces.

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



# CITY OF HAYWARD

Hayward City Hall  
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Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** CONS 22-075

---

**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Public Works Director  
City Attorney

**SUBJECT**

Adopt a Resolution Authorizing the Public Works Director to Complete Construction of Subdivision Improvements in Tract 8058 of the Golden Oaks 2 Subdivision; Making Findings to Procure the Work in the Open Market; and Authorizing Expenditure of City Funds in an Amount Not-to-Exceed \$630,000

That the Council adopts a resolution (Attachment II) authorizing the Public Works Director to complete construction of specified subdivision improvements in Tract 8058 of the Golden Oaks 2 Subdivision, making findings that it is more beneficial to procure the work on the open market, and authorizing expenditure of City funds in an amount not-to-exceed \$630,000.

**SUMMARY**

On October 2, 2014, the Hayward Planning Commission approved the tentative map for Tract 8058, a five-lot subdivision on an approximately 1.15 acre site between Hayward Boulevard and Hillcrest Avenue. The Council approved the final map for Tract 8058 (Attachment III), with certain conditions of approval, at its regularly scheduled meeting on June 30, 2015. In February 2017, Ron Esau, the subdivider of Tract 8058 entered into a Subdivision Improvement Agreement with the City to construct improvements specified for the subdivision within 365 days of the agreement. The improvements remain incomplete as of this date. Under the terms of the Subdivision Improvement Agreement, the City has the contractual right to complete the work and seek reimbursement from the subdivider/developer. Staff recommended action is pursuant to the terms of a settlement agreement that resolves ongoing litigation between two property owners within the subdivision and the City of Hayward.

**ATTACHMENTS**

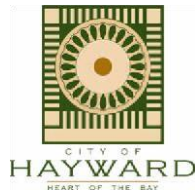
Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Approved Final Map for Tract 8058

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**File #:** CONS 22-075

---





**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Public Works Director  
City Attorney

**SUBJECT:** Adopt a Resolution Authorizing the Public Works Director to Complete Construction of Subdivision Improvements in Tract 8058 of the Golden Oaks 2 Subdivision; Making Findings to Procure the Work on the Open Market; and Authorizing Expenditure of City Funds in an Amount Not to Exceed \$630,000

## **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) authorizing the Public Works Director to complete construction of specified subdivision improvements in Tract 8058 of the Golden Oaks 2 Subdivision, making findings that it is more beneficial to procure the work on the open market, and authorizing expenditure of City funds in an amount not-to-exceed \$630,000.

## **SUMMARY**

On October 2, 2014, the Hayward Planning Commission approved the tentative map for Tract 8058, a five-lot subdivision on an approximately 1.15 acre site between Hayward Boulevard and Hillcrest Avenue. The Council approved the final map for Tract 8058 (Attachment III), with certain conditions of approval, at its regularly scheduled meeting on June 30, 2015. In February 2017, Ron Esau, the subdivider of Tract 8058 entered into a Subdivision Improvement Agreement with the City to construct improvements specified for the subdivision within 365 days of the agreement. The improvements remain incomplete as of this date. Under the terms of the Subdivision Improvement Agreement, the City has the contractual right to complete the work and seek reimbursement from the subdivider/developer. Staff recommended action is pursuant to the terms of a settlement agreement that resolves ongoing litigation between two property owners within the subdivision and the City of Hayward.

## **BACKGROUND**

The City has been engaged in ongoing litigation with two property owners within the Golden Oaks 2 subdivision since June 2020 as result of the incomplete subdivision

improvements (*Sharma, et al. v. City of Hayward*, Alameda County Superior Court case number HG 20064943). The parties participated in court-ordered mediation and have negotiated a resolution, which includes the City undertaking completion of specific subdivision improvements that would allow the property owners to connect to utility services and apply for certificates of occupancy for their residences.

## **DISCUSSION**

The project will entail construction of the following subdivision improvements:

- a. Sanitary sewer extension to each lot in Tract 8058.
- b. Natural gas, electricity and telecommunication conduit extensions to each lot.
- c. Drainage collection and treatment from each lot.
- d. Common driveway extension from existing paved street to lower three lots. The upper two lots front on a public street (Hillcrest Ave).
- e. Removal and disposal of surplus dirt left on some lots and regrading as per the approved plans.
- f. Lot owners will pay for and complete improvements required on their lots such as buildings, patios, landscaping, retaining walls, utility services and laterals etc.

Staff recommends that the Council make findings pursuant to Hayward Municipal Code Section 2-8.01 that it is more beneficial to procure the work on the open market as opposed to advertising for bids. This recommendation is based on the relatively small size of the project which could make it challenging to attract bidders, the need to quickly identify and reach out to a specific pool of contractors with experience constructing and installing these types of improvements, including PG&E facilities, and the time sensitive nature of the property owners' financing arrangements.

CEQA review was conducted as part of the original entitlement process for Tract 8058 (Golden Oaks 2) and the project was found to be categorically exempt from environmental review pursuant to Section 15332 of the CEQA Guidelines for infill development.

## **FISCAL IMPACT**

The developer was required to post a cash deposit in the amount of \$209,140.76 to secure performance of its obligations under the Subdivision Improvement Agreement. The remaining balance of the security deposit is \$141,671.91. A combination of the remaining cash deposit and City funds will be used to finance construction of the improvements. The City Attorney's Risk Fund will absorb the cost of construction in excess of the developer's security. Total construction cost is estimated not-to-exceed \$508,650 (\$462,405 estimated construction total + \$46,240.50 construction contingency budget). Public Works staff charges of \$121,350 are estimated for preparation of the construction bid documents, bid invitation, construction inspection and administration. These internal staff costs will be funded through the Public Works Department budget.

## **STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

## **NEXT STEPS**

If the Council adopts the attached resolution, Public Works staff will proceed with reaching out directly to contractors with relevant experience and qualifications to solicit bids for construction of the subdivision improvements. Staff will return to the Council to approve execution of the construction contract once a contractor is identified.

*Prepared by:* Mo Sharma, Senior Civil Engineer  
Kathy Garcia, Deputy Public Works Director  
Michael G. Vigilia, Senior Assistant City Attorney

*Recommended by:* Alex Ameri, Public Works Director  
Michael S. Lawson, City Attorney

Approved by:



---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-\_\_\_\_

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

RESOLUTION AUTHORIZING THE PUBLIC WORKS DIRECTOR TO COMPLETE CONSTRUCTION OF SUBDIVISION IMPROVEMENTS IN TRACT 8058 OF THE GOLDEN OAKS 2 SUBDIVISION; MAKING FINDINGS TO PROCURE THE WORK IN THE OPEN MARKET; AND AUTHORIZING EXPENDITURE OF FUNDS IN AN AMOUNT NOT-TO-EXCEED \$630,000

BE IT RESOLVED by the City Council of the City of Hayward as follows:

WHEREAS, on October 2, 2014 the Hayward Planning Commission approved the tentative map for Tract 8058, a five-lot subdivision on an approximately 1.15 acre site between Hayward Boulevard and Hillcrest Avenue; and

WHEREAS, the Hayward City Council approved the final map for Tract 8058 during the June 30, 2015 City Council meeting; and

WHEREAS, in February 2017, as a condition of the approval, Ron Esau, the developer of the subdivision entered into a Subdivision Improvement Agreement with the City to construct specified improvements in and about the subdivision within 365 days of the agreement; and

WHEREAS, the subdivision improvements remain incomplete; and

WHEREAS, the City has a contractual right under the Subdivision Improvement Agreement to complete the work and seek reimbursement from the developer; and

WHEREAS, the City has been engaged in ongoing litigation with two property owners within the subdivision since June 2020 as a consequence of the incomplete subdivision improvements (*Sharma, et al. v. City of Hayward*, Alameda County Superior Court case number HG 20064943); and

WHEREAS, the parties participated in court-ordered mediation and have negotiated a resolution, which includes the City undertaking completion of specific subdivision improvements that would allow the property owners to connect to utility services and apply for certificates of occupancy for their residences; and

WHEREAS, the developer posted a cash deposit in the amount of \$209,140.76 to secure performance of obligations under the Subdivision Improvement Agreement; and

WHEREAS, the current balance of the cash security is \$141,671.91; and

WHEREAS, the construction cost is estimated not-to-exceed \$508,650 (\$462,405 estimated construction total + \$46,240.50 construction contingency budget); and

WHEREAS, internal Public Works staff charges of \$121,350 are estimated for preparation of the construction bid documents, bid invitation, construction inspection and administration; and

WHEREAS, the estimated total project costs exceeds the remaining cash security, necessitating the expenditure of City funds to complete the improvements; and

WHEREAS, Hayward Municipal Code section 2-8.01 authorizes procuring work in the open market as opposed to advertising for bids if the Council determines it is more beneficial to do so; and

WHEREAS, the relatively small size of the project which could make it challenging to attract bidders, the need to quickly identify and reach out to a specific pool of contractors with experience constructing and installing these types of improvements, including PG&E facilities, and the time sensitive nature of the property owners' financing arrangements, make it more beneficial to procure the work in the open market as opposed to advertising for bids; and

WHEREAS, CEQA review was conducted as part of the original entitlement process for Tract 8058 (Golden Oaks 2) and the project was found to be categorically exempt from environmental review pursuant to Section 15332 of the CEQA Guidelines for infill development.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the Public Works Director to complete construction of specific subdivision improvements in Tract 8058 (Golden Oaks 2) that would allow the property owners to connect to utility services and apply for certificates of occupancy for their residences.

BE IT FURTHER RESOLVED, that the City Council finds that it is more beneficial to procure the work on the open market as opposed to advertising for bids, for the reasons stated above, and the Public Works Director is hereby authorized to procure the work on the open market pursuant to Municipal Code section 2-8.01.

BE IT FURTHER RESOLVED, that the City Council authorizes expenditure of City funds in an amount not-to-exceed \$630,000 for construction and internal construction administration costs.

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



**OWNERS' STATEMENT**

THE UNDERSIGNED HEREBY STATES THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED TRACT MAP ENTITLED "TRACT MAP 8058, CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA" CONSISTING OF 2 SHEETS, THIS CERTIFICATE SHEET BEING SHEET ONE (1) THEREOF; AND THAT THEY ARE THE OWNERS OF SAID LAND BY VIRTUE OF THE GRANT DEED RECORDED FEBRUARY 19, 2002, SERIES NO. 2002-077719, RECORDS OF ALAMEDA COUNTY, CALIFORNIA; THAT THEY CONSENT TO THE PREPARATION AND FILING OF THIS MAP.

THE UNDERSIGNED DO HEREBY DEDICATE TO THE CITY OF HAYWARD FOREVER THE AREAS DESIGNATED AS "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT) FOR THE INGRESS AND EGRESS OF EMERGENCY VEHICLES.

ALSO THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC STREET AND UTILITY PURPOSES THAT CERTAIN REAL PROPERTY DELINEATED AS LOT A AND DESIGNATED AS HILLCREST AVENUE

ALSO THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE CITY OF HAYWARD FOR PUBLIC USE, THE AREAS DESIGNATED "SSE" (SANITARY SEWER EASEMENT) FOR SANITARY SEWER PURPOSES, INCLUDING INGRESS AND EGRESS, CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS, STRUCTURES AND APPURTENANCES WHETHER COVERED OR OPEN, AND FOR THE CLEARING OF OBSTRUCTIONS AND VEGETATION; MAINTENANCE OF SAID SEWER IMPROVEMENTS, STRUCTURES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD;

ALSO THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE CITY OF HAYWARD FOR PUBLIC USE, THE AREAS DESIGNATED "WLE" (WATER LINE EASEMENT) FOR INGRESS AND EGRESS, CONSTRUCTION AND MAINTENANCE OF WATER SYSTEM FACILITIES, WATER LINES AND APPURTENANCES THERETO; MAINTENANCE OF SAID WATER SYSTEM FACILITIES, STRUCTURES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD;

ALSO THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE PUBLIC FOR ACCESS OVER, UPON AND ACROSS THOSE AREAS DESIGNATED AS "PAE" (PUBLIC ACCESS EASEMENT)

ALSO THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE PUBLIC FOREVER EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE STRUCTURES AND APPURTENANCES UNDER, UPON AND OVER ANY AREA OR STRIP OF LAND DESIGNATED AS "PUE" (PUBLIC UTILITY EASEMENT) AS DELINEATED WITHIN THE EXTERIOR BOUNDARY OF THIS MAP; AND THAT SAID AREA OR STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE OF BUILDINGS OR STRUCTURES OF ANY KIND, EXCEPT APPLICABLE UTILITY STRUCTURES, APPURTENANCES AND LAWFUL FENCES

**OWNER:**

R.V.ESAU DEVELOPMENT CO., A CALIFORNIA CORPORATION

BY: Ron Esau

**TRUSTEE'S STATEMENT**

THE UNDERSIGNED, AS TRUSTEE UNDER DEED OF TRUST RECORDED ON JANUARY 25, 2007, INSTRUMENT NO. 2007-38851, OF OFFICIAL RECORDS OF ALAMEDA COUNTY AND MODIFICATIONS OF TERMS THERETO, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND ALL DEEDING AND DEDICATION THEREON.

TRUSTEE: SERVICE 1ST BANK

BY: Donna Krumm

APR Donna Krumm  
PRINTED NAME AND TITLE.

**OWNERS ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Alameda

On May 14, 2015 before me,

Ron Esau T Papierniak

personally appeared

Ron Esau  
who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature T Papierniak (Seal)

NOTARY PUBLIC IN AND FOR  
THE COUNTY OF ALAMEDA COUNTY, STATE OF CALIFORNIA

COMMISSION NO.: 1937672

MY COMMISSION EXPIRES: 6-18-15  
PRINCIPAL OFFICE OF NOTARY LOCATED IN Alameda COUNTY.

**TRUSTEE'S ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Alameda

On May 14, 2015 before me,

T Papierniak

personally appeared

Donna Krumm  
who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature T Papierniak (Seal)

NOTARY PUBLIC IN AND FOR  
THE COUNTY OF ALAMEDA COUNTY, STATE OF CALIFORNIA

COMMISSION NO.: 1937672

MY COMMISSION EXPIRES: 6-18-15  
PRINCIPAL OFFICE OF NOTARY LOCATED IN Alameda COUNTY

**CITY CLERK'S STATEMENT**

I, MIRIAM LENS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP WAS PRESENTED TO SAID COUNCIL OF THE CITY OF HAYWARD AS PROVIDED BY LAW AT A REGULAR MEETING HELD ON THE 30<sup>th</sup> DAY OF JUNE, 2015, AND THAT SAID COUNCIL OF THE CITY OF HAYWARD DID THEREUPON BY RESOLUTION NO. 15-119, DULY PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP AND ACCEPTED ON BEHALF OF THE PUBLIC, SUBJECT TO IMPROVEMENTS, THE PUBLIC STREET SHOWN AS "LOT A" AND THE EASEMENTS OFFERED FOR DEDICATIONS AS "EVAE (EMERGENCY VEHICLE ACCESS EASEMENTS) AND "PUE" (PUBLIC UTILITY EASEMENT) AND "SSE" (SANITARY SEWER EASEMENT) AND "WLE" (WATER LINE EASEMENT) WITHIN THE BOUNDARY OF THIS SUBDIVISION PURSUANT TO SECTIONS 66434(g) AND 66499.20.2 OF THE SUBDIVISION MAP ACT

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 13<sup>th</sup> DAY OF JULY, 2015

Miriam Lens  
MIRIAM LENS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

**CITY ENGINEER'S STATEMENT**

I, MORAD FAKHRAI HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY ENGINEER OF THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREON EMBODIED TRACT MAP ENTITLED "TRACT MAP 8058, CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA"; THAT THE SUBDIVISION SHOWN UPON SAID TRACT MAP IS SUBSTANTIALLY THE SAME AS THAT APPEARING ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT SAID TRACT MAP COMPLIES WITH ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE GOVERNMENT CODE AND THE LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 9<sup>th</sup> DAY OF JULY, 2015.

M. Fakhrai  
MORAD FAKHRAI, RCE NO. 43921  
CITY ENGINEER  
CITY OF HAYWARD,  
ALAMEDA COUNTY CALIFORNIA  
LICENSE EXPIRES: JUNE 30, 2017

**SURVEYOR'S STATEMENT:**

THIS TRACT MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS COMPILED FROM A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF RON ESAU IN SEPTEMBER, 2014. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE TRACT MAP, IF ANY. I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY POSITIONS INDICATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 12<sup>th</sup> DAY OF MAY, 2015.

Ross Alan Kinnie  
ROSS ALAN KINNIE  
LS #7905  
EXPIRES 12/31/2015

**ACTING CITY SURVEYOR'S STATEMENT**

I, SETH H IRISH, ACTING CITY SURVEYOR, HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY SURVEYOR OF THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREON EMBODIED PARCEL MAP ENTITLED "TRACT MAP 8058, HAYWARD, ALAMEDA COUNTY, CALIFORNIA";

I AM SATISFIED THAT THE PARCEL MAP IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 21<sup>st</sup> DAY OF MAY, 2015.

Seth H Irish  
SETH H IRISH, PLS5922  
ACTING CITY SURVEYOR  
CITY OF HAYWARD,  
ALAMEDA COUNTY CALIFORNIA  
LICENSE EXPIRES 12/31/2016

**CLERK OF THE BOARD OF SUPERVISORS CERTIFICATE**

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, HEREBY STATE, AS CHECKED BELOW, THAT

☒ AN APPROVED ~~BOND~~ CASHIER CHECK HAS BEEN FILED WITH THE SUPERVISORS OF SAID COUNTY AND STATE IN THE AMOUNT OF \$                      CONDITIONED FOR THE PAYMENT OF ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES WHICH ARE NOW A LIEN AGAINST SAID LAND OR ANY PART THEREOF BUT NOT YET PAYABLE AND WAS DULY APPROVED BY SAID BOARD IN SAID AMOUNT.

☐ ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID, AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS EXECUTED THIS CERTIFICATE ON THE 4<sup>th</sup> DAY OF August, 2015.

ANIK CAMPBELL-BELTON  
CLERK OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF ALAMEDA,  
STATE OF CALIFORNIA

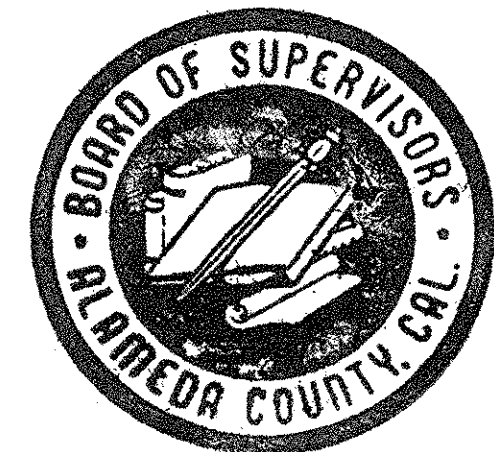
BY: Anika Campbell-Belton  
DEPUTY CLERK

**RECORDER'S STATEMENT**

FILED AT 9:00 A.M. ON THE 17<sup>th</sup> DAY OF August, 2015, IN BOOK 333 OF MAPS AT PAGE 71-72, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

AT THE REQUEST OF PLACER TITLE  
STEVE MANNING  
COUNTY RECORDER, ALAMEDA COUNTY  
STATE OF CALIFORNIA  
Fee \$81.00  
Doc 2015229785

BY: Kelly Sumner  
DEPUTY COUNTY RECORDER

**TRACT MAP 8058**

A FIVE LOT SUBDIVISION OF

LOT 3, BLOCK 7 OF THE MAP OF HAYWARD HOME FARM TRACT  
SUBDIVISION NO 1, FILED DECEMBER 28, 1914, MAP BOOK 28 PAGE  
80, ALAMEDA COUNTY RECORDS.

CITY OF HAYWARD  
ALAMEDA COUNTY, CALIFORNIA

ACCURATE LAND SOLUTIONS  
San Leandro, MAY 2014

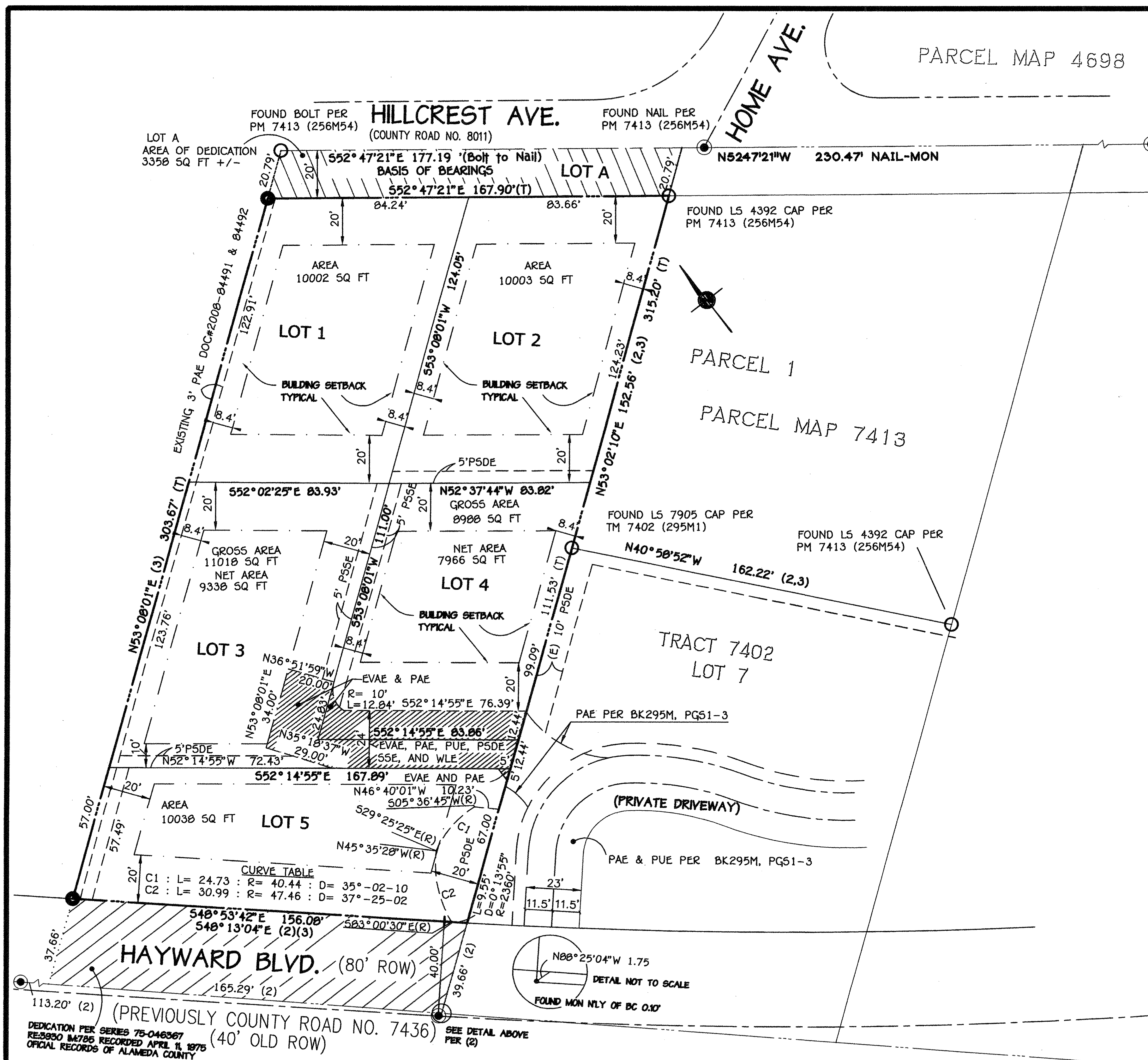
SHEET 1 OF 2 SHEETS

Tract Map 8058

Map Bk 333

PP 71-72





LEGEND:

Exterior boundary -----  
 Building setback Line -----  
 Record data in discrepancy w/surveyed value ----- ( )  
 Prorated Distance ----- P  
 Found Monument disc Per (2) -----  
 Found monument as noted -----  
 Set 5/8" Rebar and plastic cap LS 7905 -----

- E.V.A.E. - EMERGENCY VEHICLE ACCESS EASEMENT
- P.U.E. - PUBLIC UTILITY EASEMENT
- S.S.E. - SANITARY SEWER EASEMENT
- W.L.E. - WATER LINE EASEMENT
- P.S.S.E. - PRIVATE SEWER EASEMENT
- P.S.D.E. - PRIVATE STORM DRAIN EASEMENT
- P.A.E. - PRIVATE ACCESS EASEMENT
- (T) - TOTAL DISTANCE
- (R) - RADIAL

**BASIS OF BEARINGS:**

The Centerline of Hillcrest Avenue between the bolt and monument 177.19 feet apart as shown on Parcel Map 7413 (256M55-56) was taken as N 59°24'10" W

REFERENCES:

- (1) HAYWARD HOME FARM TRACT SUBDIVISION NO 1,  
MAP BOOK 28 PAGE 80
- (2) TRACT MAP 7402 IN BOOK 295 AT PAGES 1 TO 3
- (3) PARCEL MAP 7413 IN BOOK 256 PAGES 55 AND 56

SCALE: 1" = 30'



## TRACT MAP 8058

A FIVE LOT SUBDIVISION OF  
LOT 3, BLOCK 7 OF THE MAP OF HAYWARD HOME FARM TRACT  
SUBDIVISION NO 1, FILED DECEMBER 28, 1914, MAP BOOK 28 PAGE  
80, ALAMEDA COUNTY RECORDS.

CITY OF HAYWARD  
ALAMEDA COUNTY, CALIFORNIA

ACCURATE LAND SOLUTIONS  
San Leandro, MAY 2014  
SHEET 2 OF 2 SHEETS



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**File #:** LB 22-003

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**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** City Manager  
Chief of Police

**SUBJECT**

Unmanned Aerial Systems Program: Adopt a Resolution and Policy Statement Regarding the Use of Surveillance Technologies and an Operational Policy for the Hayward Police Department's Unmanned Aerial Systems Program

**RECOMMENDATION**

That the Council adopts a resolution and policy statement regarding the use of surveillance technologies (Attachment II) and an operational manual for implementation of an Unmanned Aerial Systems (UAS) Program for the Hayward Police Department (HPD) (Attachment III).

**SUMMARY**

On July 13, 2021, the Council adopted a resolution authorizing the purchase of UAS for HPD conditioned upon review of an operational policy for the use of UAS by the Community Advisory Panel (CAP) and the Council Infrastructure Committee (CIC), and ultimately, the Council, for approval, prior to HPD deployment of UAS.

Consistent with Council direction, the purpose of this staff report is to present information to the Council regarding the proposed resolution and statement of overarching principles and commitments to the community regarding UAS. The proposed Council resolution and policy statement highlight the Council's commitment to balancing the use of surveillance technologies with the privacy and civil rights of community members. It also authorizes the City Manager to issue administrative regulations, including but not limited to purchasing policies and data retention, storage, and access policies, which would apply to all City UAS operations.

This staff report is also intended to present information to the Council regarding HPD's proposed Operations Manual for the UAS Program (Attachment III). The UAS Program Operations Manual is an internal document designed to provide guidance for the management and operation of the HPD's UAS Program. It incorporates portions of the HPD's Policy 610 (Unmanned Aerial System (UAS) Operations) (Attachment IV) and provides guidance on the UAS Program administration, safety, training, operating

procedures, and pre and post flight actions. The UAS Program Operations Manual is a living document, which will be reviewed on a regular basis to ensure best practices are adhered to and to ensure alignment with Council's resolution and policy statement as well as other local, regional, state, and federal laws or policies.

The UAS Program Operations Manual was reviewed by the CAP and discussed during a virtual meeting, which was held on October 11, 2021. While no specific changes were recommended for the UAS Program Operations Manual, there was discussion of previously identified issues regarding the use of surveillance technologies, including UAS, which are presented later in this staff report.

Additionally, on December 1, 2021, staff presented the proposed Council resolution and policy statement regarding the use of surveillance technologies as well as the UAS Program Operations Manual to the CIC. The CIC recommended some changes to the UAS Program Operations Manual, which are discussed in the staff report. Ultimately, the CIC voted to recommend approval by Council of these documents with the specified changes.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution and Policy Statement
Attachment III	HPD UAS Operations Manual
Attachment IV	Policy 610 - UAS Operations



**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** City Manager  
Chief of Police

**SUBJECT:** Unmanned Aerial Systems Program: Adopt a Resolution and Policy Statement Regarding the Use of Surveillance Technologies and an Operational Policy for the Hayward Police Department's Unmanned Aerial Systems Program

## **RECOMMENDATION**

That the Council adopts a resolution and policy statement regarding the use of surveillance technologies (Attachment II) and an operational manual for implementation of an Unmanned Aerial Systems (UAS) Program for the Hayward Police Department (HPD) (Attachment III).

## **SUMMARY**

On July 13, 2021, the Council adopted a resolution authorizing the purchase of UAS for HPD conditioned upon review of an operational policy for the use of UAS by the Community Advisory Panel (CAP) and the Council Infrastructure Committee (CIC), and ultimately, the Council, for approval, prior to HPD deployment of UAS.

Consistent with Council direction, the purpose of this staff report is to present information to the Council regarding the proposed resolution and statement of overarching principles and commitments to the community regarding UAS. The proposed Council resolution and policy statement highlight the Council's commitment to balancing the use of surveillance technologies with the privacy and civil rights of community members. It also authorizes the City Manager to issue administrative regulations, including but not limited to purchasing policies and data retention, storage, and access policies, which would apply to all City UAS operations.

This staff report is also intended to present information to the Council regarding HPD's proposed Operations Manual for the UAS Program (Attachment III). The UAS Program Operations Manual is an internal document designed to provide guidance for the management and operation of the HPD's UAS Program. It incorporates portions of the HPD's Policy 610 (Unmanned Aerial System (UAS) Operations) (Attachment IV) and provides guidance on the UAS Program administration, safety, training, operating procedures, and pre and post flight actions. The UAS Program Operations Manual is a

living document, which will be reviewed on a regular basis to ensure best practices are adhered to and to ensure alignment with Council's resolution and policy statement as well as other local, regional, state, and federal laws or policies.

The UAS Program Operations Manual was reviewed by the CAP and discussed during a virtual meeting, which was held on October 11, 2021. While no specific changes were recommended for the UAS Program Operations Manual, there was discussion of previously identified issues regarding the use of surveillance technologies, including UAS, which are presented later in this staff report.

Additionally, on December 1, 2021, staff presented the proposed Council resolution and policy statement regarding the use of surveillance technologies as well as the UAS Program Operations Manual to the CIC. The CIC recommended some changes to the UAS Program Operations Manual, which are discussed in the staff report. Ultimately, the CIC voted to recommend approval by Council of these documents with the specified changes.

## **BACKGROUND**

On July 13, 2021, the Council approved a resolution authorizing the purchase of UAS for HPD. The approval was conditioned upon review by the CAP, CIC, and ultimately Council, of an operational policy for the use of UAS, prior to HPD deployment of UAS.

In the months that followed the July Council meeting, City staff developed the proposed Council resolution and policy statement regarding the use of UAS and other surveillance technologies (Attachment II). In developing these documents, City staff conducted research and reviewed associated materials to ensure best practices and local, regional, state, and federal laws are followed. Specifically, City staff researched and reviewed statutes, case law, other policies, publications from the American Civil Liberties Union (ACLU), and community member and Council commentary from previous public meetings. The proposed Council resolution and policy statement effectively convey Council's commitment to public safety while balancing the use of surveillance technologies with the privacy and civil rights of all community members. It also conveys Council's commitment to transparency and accountability through ongoing oversight and data reporting measures related to the use of surveillance technologies.

Following the July Council meeting, HPD staff consulted with other local law enforcement agencies, which currently operate UAS Programs, to better understand the policies and procedures governing all aspects of program administration. From these conversations, HPD staff developed a UAS Program Operations Manual (Attachment III), which is designed to provide guidance for UAS Program administration, safety, training, operating procedures, and pre and post flight actions. It should be noted that no policy or operations manual can account for every situation or circumstance that may arise; however it is designed to provide a foundation for the implementation of a UAS Program and to help ensure public safety needs and community expectations of privacy continue to be met.



On October 11, 2021, the Chief of Police and the HPD Command Staff met with the CAP to discuss the UAS Program and any new community concerns. CAP members were provided with a copy of the UAS Operations Manual prior to the meeting. While there were no new, specific concerns raised or recommended changes to the UAS Program Operations Manual during this meeting, some members of the CAP continued to cite privacy concerns and raise questions about how UAS will be used. HPD staff assured the members of the CAP that the UAS Operations Manual is a living document that will undergo continual review and amendments to help ensure alignment with City policy and local, regional, state, and federal laws. HPD staff also assured members of the CAP that any allegations of improper usage or known or suspected violations of UAS policies will be referred to the HPD Internal Affairs Unit for investigation.

On December 1, 2021<sup>1</sup>, City and HPD staff conducted a presentation to the CIC regarding the proposed Council resolution, the policy statement regarding the use of surveillance technologies, and the UAS Program Operations Manual. During the discussion that followed, recommendations were made and incorporated into the UAS Program Operations Manual, which are discussed later in this staff report. After the discussion, the CIC voted unanimously to recommend Council approval of the proposed Council resolution, the policy statement regarding the use of surveillance technologies, and the UAS Program Operations Manual with the specified changes.

## **DISCUSSION**

The failure to have effective oversight governing the use of surveillance technologies can foster environments where such technologies can be misused. More specifically, the misuse of surveillance technology can lead to infringements of the public's right to a reasonable expectation of privacy, with particular adverse impacts on minority communities and communities of color. As such, it is important that Council clearly establish a strong position on the use of surveillance technologies and that policies clearly identify circumstances when such technologies can be used. The approval and adoption of the proposed Council resolution and policy statement will allow for the advancement of legitimate City objectives while protecting the constitutional privacy and civil rights of community members. Such action will also ensure that processes and administrative regulations will be put in place to prevent abuse, to maintain transparency and accountability, and to ensure community concerns regarding privacy and civil rights are specifically addressed.

Existing staffing shortages and resource challenges have compelled HPD staff to seek ways to leverage developing technologies and community partnerships to address public safety issues. The implementation of a UAS Program will be extremely helpful for HPD, as it will allow HPD to use modern technology to safely respond to in-progress incidents, improve safety for community members and HPD staff, effectively engage in de-escalation strategies, and document crime scenes. The use of UAS/modern technologies have also

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<sup>1</sup> [CITY OF HAYWARD - File #: ACT 21-100 \(legistar.com\)](#)

become an invaluable tool for engaging in damage assessment and rescue operations in the aftermath of a significant disaster (e.g., earthquake on the Hayward Faultline).

With these operational necessities in mind, and with the utmost respect for personal privacy and the freedom of community members to go about their lives without unwarranted intrusion from the government, HPD staff developed a UAS Program Operations Manual. The UAS Program Operations Manual specifically addresses the following elements of the UAS Program:

- Philosophy and Mission Statement
- Protection of Rights and Privacy
- Definitions
- Administration
- Safety
- Training
- General Operating Procedures
- Pre-Flight / Post-Flight Actions

The UAS Program Operations Manual specifically addresses the need for HPD staff to use UAS in compliance with applicable laws and regulations, including those of the federal and State governments, the City of Hayward, and the Federal Aviation Administration (FAA), as the FAA certifies and maintains oversight of the UAS Program. The UAS Program Operations Manual integrates language from HPD Policy 610 (Attachment IV), which has been formally reviewed and approved by the City Attorney's Office, and it addresses the expectation that HPD staff will consider individual rights and reasonable expectations of privacy in decisions to use UAS.

The administration of the UAS Program will be the responsibility of the Special Teams Lieutenant, who will serve as the Program Coordinator. The Special Teams Lieutenant will be responsible for selecting HPD staff to serve as observers and operators, performing all administrative duties, and coordinating training for all HPD staff to ensure a clear understanding of the circumstances under which UAS can be utilized. The Special Teams Lieutenant directly reports to the Special Operations Division Commander, who will provide regular program updates to the Chief of Police after quarterly program audits are conducted in coordination with HPD Internal Affairs. In turn, the Chief of Police will provide regular program updates to Council as directed.

The Chief of Police, HPD Command Staff, and other HPD staff members have conducted extensive community engagement and solicited input on the UAS Program. Several concerns were presented, and based on community feedback, several recommendations were incorporated into the UAS Program Operations Manual to address these concerns. These issues include the following:



1. **The ability to redact images of uninvolved persons or properties.**

Staff currently can redact these images and do so as a part of the Department's Body Worn Camera program. The City would only release portions of video relevant to a Public Records Act request or in response to discovery as a part of a legal proceeding. ***In Attachments III and IV, this specific concern is addressed under UAS Program Operations Manual section 9.3 and HPD Policy section 610.9.***

2. **The security of data and 3<sup>rd</sup> party auditing of stored videos.**

The 3<sup>rd</sup> party video storage software, Evidence.com, incorporates access based on individual user identity and audit trails are built into the software. All data would be HPD property and would not be shared with anyone else except for legitimate law enforcement purposes or upon presentation of a legitimate court order. Axon, the owner of Evidence.com, maintains a publicly available website that outlines their data compliance, security assurances, and certifications to demonstrate the controls that have been put in place to secure data stored in Evidence.com. As of the publication of this report, some of the most recognizable certifications have been achieved, which include but are not limited to: ISO/IEC 27001:2013 Information Security Management Standard certified, ISO/IEC 27018:2014 Code of Practice for Protecting Personal Data in the Cloud certified, FBI CJIS certified, and SOC 2+ Reporting. To achieve these certifications, the vendor is evaluated by 3<sup>rd</sup> parties against a set of specific controls or principles and will not achieve certification unless the requirements of the standard are met. To maintain these levels of certification, the vendor coordinates directly with 3<sup>rd</sup> parties to conduct audits and demonstrate their compliance with each certification. ***Data security concerns were addressed by I.T. staff. In Attachments III and IV, the auditing of stored videos is addressed under UAS Program Operations Manual sections 5.1 and 9.3 and HPD Policy sections 610.7 and 610.9.***

3. **The HPD policy includes vague or ambiguous language and should include language explicitly identifying when UAS will or will not be used, and requests to include language prohibiting the use of facial recognition or wiretap technology.**

Policy modifications were made based upon CAP feedback, including removal of some vague language and inclusion of language that prohibits the use of facial recognition technology. ***In Attachments III and IV, this specific concern is addressed under UAS Program Operations Manual section 3 and HPD Policy sections 610.6 and 610.8.***

4. **Use of data and Fourth Amendment issues.**

UAS will be used only in circumstances where reasonable suspicion, probable cause, or exigent circumstances exist or pursuant to a valid warrant. ***In Attachments III and IV, this specific concern is addressed under UAS Program Operations Manual and HPD Policy sections 610.3, 610.6, and 610.7.***

5. **Use of UAS during protests or demonstrations.**

Mass gatherings of any kind remain a public safety concern as they can present targets for extremists/terrorists, devolve into rioting, or result in counter-protests, which have erupted in violence in other communities. UAS will not be used for protests or demonstrations as a matter of routine but can be used in circumstances where security concerns exist or criminal activity is occurring (e.g., vandalism, looting, rioting, assaults on officers, violent counter-protests, etc.). ***In Attachments III and IV, this specific concern is addressed under UAS Program Operations Manual section 3 and HPD Policy section 610.8.***

6. **Oversight of the UAS program.**

HPD will be prepared to share data, information, and address concerns regarding the program to Council during periodic updates or during the Chief's annual report presentation. Data and information could include flight plans, UAS usage, UAS training, written reports, or redacted video examples of UAS usage in the field. Additionally, as part of maintaining our Certificate of Authorization, the FAA oversees the UAS program. ***In Attachment III, this specific concern is addressed under UAS Operations Manual section 5.1.***

During the presentation to the CIC on December 1, 2021, several of the concerns listed above were also raised. In addition, the following recommendations were made:

1. **Recommendation to include language consistent with the City's commitment to the Government Alliance on Race and Equity under Section II (Philosophy and Mission Statement) of the UAS Program Operations Manual.**

The following language was included in Section II (Philosophy and Mission Statement): "Additionally, the HPD acknowledges the historical use of surveillance efforts to intimidate and oppress certain communities and groups more than others, including those that are defined by a common race, ethnicity, religion, national origin, income level, sexual orientation, or political perspective. As such, HPD policy 610 and this operations manual expressly prohibit the use of UAS to conduct surveillance on individuals or groups solely based on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability." ***In Attachment III, this specific recommendation incorporates language from the proposed Council resolution and HPD Policy section 610.8.***

2. **Recommendation to add sub-section 5.7 to the UAS Program Operations Manual, which specifically addresses investigations into suspected policy violations or complaints regarding UAS usage.**

The following language was included in sub-section 5.7: "Suspected policy violations or complaints regarding UAS usage will be referred to the HPD Internal Affairs Unit

for follow up and investigation in accordance with the following HPD Policies: 324 (Standards of Conduct) and 1011 (Personnel Complaints). ***In Attachment III, this specific recommendation incorporates stand-alone language regarding investigations into known or suspected policy violations or community complaints regarding UAS usage.***

**3. Recommendation to reach out to the Hayward Community Coalition.**

City staff reached out directly to the Hayward Community Coalition and invited representatives to meet with HPD staff about the resolution and manual. HPD staff also invited them to provide comments and feedback on the documents via email or phone. At this time, staff has not yet received a response.

**FISCAL IMPACT**

The review and approval of the proposed Council resolution and policy statement as well as the review and approval of the HPD's UAS Program Operations Manual does not result in any new fiscal impact.

The UAS Program approved by Council in July requires the purchase of equipment and special training for personnel. The total initial cost of the required equipment (4 UAS aircraft, cameras, and other equipment) with tax included, is estimated to be **\$14,000**. The total initial cost for training and certification of eight pilots is estimated to be **\$4,700** (based on over time, price would go down on any adjusted time). The total initial cost to begin this program is estimated to be **\$18,700**. The City currently has the funds for this expenditure within HPD's existing operating budget. According to local agencies, they expect to replace their UAS units every two to three years.

**NEXT STEPS**

Upon approval by the Council, City staff will adopt the proposed Council resolution and policy statement as well as the UAS Program Operations Manual, which will allow HPD to implement the UAS Program.

*Prepared by:* Bryan Matthews, Captain

*Recommended by:* Kelly McAdoo, City Manager  
Toney Chaplin, Chief of Police

*Approved by:*



---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD ADOPTING A STATEMENT OF VALUES AND COMMITMENTS TO THE COMMUNITY REGARDING UNMANNED AERIAL SURVEILLANCE SYSTEMS (UASs), WHICH BALANCE THE USE OF SUCH TECHNOLOGIES WITH COMPETING INTERESTS OF CONSTITUTIONAL RIGHTS OF PRIVACY; AUTHORIZING THE CITY MANAGER TO ISSUE ADMINISTRATIVE REGULATIONS CONSISTENT HERewith, INCLUDING BUT NOT LIMITED TO PURCHASING, DATA RETENTION, STORAGE, AND ACCESS POLICIES, THAT APPLY BROADLY ACROSS CITY OPERATIONS; AND, ADOPTING BY REFERENCE AND INCORPORATING HEREIN THE ASSOCIATED STAFF REPORT DATED JANUARY 25, 2022

WHEREAS, the City Council's Infrastructure Committee (CIC) conducted a publicly-noticed meeting on December 1, 2021, received a report from City staff and written and oral testimony from the community regarding the this proposed resolution, and the CIC now recommends adoption of the within resolution by the full City Council; and

WHEREAS, both the CIC and City Council, along with the Police Chief's Advisory Panel (CAP), have previously considered in multiple public meetings the increasingly critical role and impacts that unmanned aerial surveillance systems (UASs) play in advancing municipal objectives and delivery of important community services; and

WHEREAS, previous discussions have largely focused on the pros and cons of law enforcement's use and deployment of UASs, there remains the need for a statement of values that guide the use and deployment of technologies that advance legitimate municipal objectives while also balancing constitutional rights of privacy; and

WHEREAS, the ongoing discussion of the impact of developing and emerging new technologies in relation to City services and use of these technologies would be highlighted to the City Council in future reports.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

1. The City Council accepts the recommendation of the CIC and adopts the attached statement of values and commitments (EXHIBIT A);
2. The Council's statement of values and commitments is intended to balance the use and deployment of UASs with competing interests of constitutional rights of privacy;
3. The City Manager is authorized to issue administrative regulations and approve specific department operational policies consistent with the administrative regulations, this resolution, and EXHIBIT A, including but not limited to purchasing, data retention, storage, and access policies, that apply broadly across City operations, such as the Hayward Police Department, Hayward Fire Department, and the Information Technology Department; and
4. The City Manager is directed to report annually on the use and deployment of UASs and related surveillance technologies.

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

# EXHIBIT A



**OUR VALUES ON SURVEILLANCE TECHNOLOGY**

- The City Council finds that the use of surveillance technology may hinder the privacy of Hayward residents; and the City's acquisition, installation, and use of surveillance technology is a question of public consequence for democracy and governance;
  - The City Council recognizes the historical use of surveillance efforts to intimidate and oppress certain communities and groups more than others, including those that are defined by a common race, ethnicity, religion, national origin, income level, sexual orientation, or political perspective;
  - The City Council believes that transparency is essential when the City is considering procurement and use of surveillance technology;
  - The City Council finds that it is crucial to have informed public debate about City decisions related to surveillance technology, as early as possible;
  - The City Council seeks to establish a thoughtful and transparent process regarding the procurement and use of Surveillance Technologies that carefully balances the City's interest in protecting public safety with its interest in protecting the privacy and civil rights of its community members;
  - The City Council finds that decisions regarding if and how surveillance technologies should be funded, acquired, or used, and whether data from such technologies should be shared, should not be made until meaningful public input has been solicited and given significant weight;
  - The City Council finds that legally enforceable safeguards, including robust transparency, oversight, and accountability measures, must be in place to protect civil rights and civil liberties before any surveillance technology is deployed; and
  - The City Council finds that, if a surveillance technology is approved, data reporting measures must be adopted that empower the City Council and public to verify that mandated civil rights and civil liberties safeguards have been strictly adhered to.
-

**OUR COMMITMENT ON SURVEILLANCE TECHNOLOGY**

- We value your privacy. Keeping your personal information private is imperative. We consider potential risks to your privacy and the public's well-being before collecting, using, and disseminating your personal information;
- We collect and keep only what we need. We only collect information essential for providing City services and keep it only until we are legally required to. Whenever possible, we tell you when we are collecting such information;
- How we use your personal data. When possible, we will disclose to you the ways in which we use your personal information, at the time we collect it. We commit to giving you a choice, whenever possible, about how we use your information;
- We are accountable. We are responsible for managing your personal information in a manner that is consistent with our commitments and as required by law. We protect your personal information by restricting unauthorized access and by securing our computing resources from threats;
- How we share your information. We follow federal and state laws about information disclosure whenever working with outside governmental agencies and in answering Public Record Act Requests. Business partners and contracted vendors who receive or collect personal information from us or for us to deliver City services must agree to our privacy requirements; and
- Accuracy is important. We work to maintain and use accurate personal information for City business. When practical, we will work to correct inaccurate personal information. We also direct our partners and contracted vendors to follow the same guidelines.

# Hayward Police Department

## **Unmanned Aerial Systems (UAS) Operations Manual**



August 1<sup>st</sup>, 2021

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## **I. Preface**

The following procedures are intended to promote the safe, efficient, and lawful operation of the Hayward Police Department (HPD) Unmanned Aerial Systems (UAS). Safety, above all else, is the primary concern in every operation, regardless of the nature of the operation.

## **II. Philosophy and Mission Statement**

It shall be the mission of the HPD and HPD personnel, who are trained in the use of UAS, to follow procedures that are intended to promote the safe, efficient, and lawful operation of the department's UAS, using this resource to protect the lives and property of community members and first responders. HPD personnel and UAS will be used in compliance with applicable laws and regulations, including but not limited to the Constitution of the United States of America, the Constitution of the State of California, and the Federal Aviation Administration (FAA).

UAS can support first responders in hazardous incidents and incidents outlined in the HPD's policy section 610.6, which governs the use of UAS. These incidents include the following: Public safety and life preservation missions, mass casualty events, lost or missing persons, search and rescue events, disaster response and recovery, suspected explosive devices, fire suppression or investigation, hazardous materials releases, post-incident crime scene preservation and documentation, pursuant to a search warrant, mass gatherings or special events where security concerns exist or criminal activity is occurring, when probable cause to believe a felony has been committed or a particular person has committed a felony, anti-UAS operations, training missions, Hayward Fire Department support missions, and mutual aid support missions.

The FAA Modernization and Reform Act of 2012 provided for the integration of civil UAS into national airspace by September 2015. Existing federal law required the Administrator of the FAA to develop and implement operational and certification requirements for the operation of public UAS in the national airspace system by December 31, 2015.

Both public and private operators of UAS have a responsibility to refrain from infringing on the rights or property of the residents of the State of California. Any data, information, photographs, or video or audio recordings of individuals should be minimized and retained in a manner consistent with current privacy standards and applicable HPD policies.

Additionally, the HPD acknowledges the historical use of surveillance efforts to intimidate and oppress certain communities and groups more than others, including those that are defined by a common race, ethnicity, religion, national origin, income level, sexual orientation, or political perspective. As such, HPD policy 610 and this operations manual expressly prohibit the use of UAS to conduct surveillance on individuals or groups solely based on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

## **III. Protection of Rights and Privacy**

The UAS Program Coordinator, HPD Managers, HPD Supervisors, operators, and observers will consider individual rights and the reasonable expectation of privacy as key components of any decision made to deploy UAS. Each UAS Operator and Observer shall ensure that UAS

operations comply with local, state, and federal law. To accomplish this primary goal, HPD personnel shall:

- A. When UAS are being flown, UAS Operators and Observers shall take steps to ensure the camera is focused on the areas necessary to the accomplish the mission and to minimize the unintentional collection of data about uninvolved persons or places.
- B. All recordings and images shall be stored and maintained in strict compliance with applicable HPD and City policies.
- C. UAS shall not be used to conduct the following (HPD Policy 610.8):
  - 1. To conduct random surveillance activities.
  - 2. To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
  - 3. To harass, intimidate, or discriminate against any individual or group.
  - 4. To conduct personal business of any type.
  - 5. UAS shall not be weaponized.
  - 6. UAS shall not have facial recognition technology.
  - 7. To conduct routine monitoring of a mass gathering, protest, or demonstration where security concerns do not exist or where criminal activity is not occurring.
- D. The following are authorized missions for the HPD UAS (HPD Police 610.6):
  - 1. Public safety and life preservation missions including, barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous fleeing suspects, and high-risk search warrants.
  - 2. Mass casualty events.
  - 3. Lost or missing persons.
  - 4. Search and rescue events.
  - 5. Disaster response and recovery.
  - 6. Suspected explosive devices.
  - 7. Fire suppression or investigation.
  - 8. Hazardous materials releases.
  - 9. Post-incident crime scene preservation and documentation.
  - 10. Pursuant to a search warrant.
  - 11. Mass gatherings or special events where security concerns exist or criminal activity is occurring.
  - 12. When there is probable cause to believe UAS will record images of a place, thing, condition, or event, and that those images tend to show a felony has been committed, or tends to show that a particular person has committed a felony.
  - 13. Anti-UAV operations when a person is operating a UAV in a manner which impedes emergency personnel who, in the course of their duties, are coping with an emergency (refer to Penal Code section 402(a)1).
  - 14. Training missions.
  - 15. In support of the Hayward Fire Department when the underlying mission meets



the uses outlined in this policy.

16. Mutual Aid support when the underlying mission meets the uses outlined in this policy.

- E. The HPD UAS Program will operate strictly within policy and the law, continuously balancing all operations with the need to accomplish the mission while maintaining public privacy and the freedom from intrusion.

#### IV. Definitions

1. **Certificate of Authorization (COA):** Given by the FAA granting permission to fly UAS within specific boundaries and perimeters.
2. **Program Coordinator:** An HPD Sergeant or Lieutenant who manages the UAS Program and ensures the program operates in accordance with local, state, and federal laws, and within HPD and City policies and guidelines.
3. **Observer:** A member of the HPD or Hayward Fire Department who is trained and authorized to maintain visual observation of UAS while in flight.
4. **Operator:** A member of the HPD or Hayward Fire Department who is trained, certified, and authorized to control a UAS while in flight.
5. **Unmanned Aerial Vehicle (UAV):** A small, unmanned aircraft weighing less than 55 lbs.
6. **Unmanned Aerial System (UAS):** An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remote controlled (commonly referred to as a UAV), and all of the supporting or attached systems designed to gather information through imaging, recording, or any other means.

#### V. Administration

##### 5.1 Operations Manual

- A. The policies and procedures contained in this manual are issued by authority of the HPD. As such, it is an official document of the HPD.
- B. This Operations Manual is not intended to be all-inclusive, but as a supplement to other HPD and City policies and guidelines.
- C. This Operations Manual was written to address HPD's UAS operations. Equipment, personnel, and environment (internal and external) change over time. The management of change involves a systematic approach to monitoring organizational change and is a critical part of the risk management process. Given this, it is essential that this Operations Manual be continually updated as necessary and undergo continuous review.

Annually, policies, procedures, and laws regulating the HPD's UAS operations

shall be reviewed as follows: The Special Operations Captain, UAS Program Coordinator, and Internal Affairs Lieutenant shall meet quarterly to review the use of UAS. This review will minimally include a UAS Program audit and flight documentation review, which will be reported to the Chief of Police and, in turn, reported to the City Council as they determine necessary.

- D. A copy of this Operations Manual will be issued to personnel assigned to the UAS Program and will be made accessible to the public on the HPD website.

## **5.2 Organization**

- A. UAS shall only be operated by personnel who have been trained and certified by the FAA in the operation of the systems. All HPD field personnel will be provided training in the policies, procedures, and guidelines governing UAS operations.
- B. The UAS Program will be comprised of qualified and trained HPD personnel.

## **5.3 Personnel**

- A. The UAS Program Coordinator is responsible for the management, operation, and performance of the UAS Program. The UAS Program Coordinator shall be appointed by the Chief of Police or his or her designee.
- B. The Patrol Watch Commander or Incident Commander is responsible for the daily supervision of UAS Program personnel.
- C. UAS Program Coordinator responsibilities include:
  1. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
  2. Ensuring that all authorized operators and required observers have completed all required FAA and HPD approved training in the operation, applicable laws, policies, and procedures regarding the use of UAS.
  3. Developing uniform protocol for submission and evaluation of requests to deploy UAS, including urgent requests made during ongoing or emerging incidents. Deployment of UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
  4. Developing protocol for conducting criminal investigations involving UAS, including documentation of time spent monitoring a subject.
  5. Implementing a system for public notification of UAS deployment.
  6. Developing an operational protocol governing the deployment and operation of UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures, and secure communications with air traffic control facilities.
  7. Developing a protocol for fully documenting all missions.
  8. Developing UAS inspection, maintenance, and record-keeping protocols

to ensure continuing airworthiness of UAS, up to and including its overhaul or life limits.

9. Developing protocols to ensure that all data intended to be used as evidence is accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
10. Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
11. Facilitating law enforcement access to images and data captured by UAS.
12. Recommending program enhancements, particularly regarding safety and security.
13. Ensuring that established protocols are followed by monitoring and providing periodic reports to the Chief of Police.
14. Maintain all training flight and maintenance records for each operator and observer, as well as individual airframes.
15. Maintain contact with the FAA and familiarity with applicable FAA regulations.
16. Evaluate airframes based on mission needs.
17. Remain up to date with current UAS case law, best practices, and industry standards.
18. Develop and maintain UAS Program Operational Manual.

D. Personnel selection – UAS Operator:

1. To be considered for selection as a UAS Operator, applicants must submit a request for transfer to the UAS Program Coordinator and successfully pass an interview. Applicants must have a minimum of 2 years of Patrol experience, be off probation, and be in good standing in their current assignment. An internal background check will be conducted to determine an applicant's suitability for this position. Once selected, applicants must pass the Basic Part 107 Test to serve as a UAS Operator.

E. Personnel selection – UAS Observer:

1. To be considered for selection as a UAS Observer, applicants must submit a request for transfer to the UAS Program Coordinator and successfully pass an interview. Applicants must have a minimum of 2 years of Patrol experience, be off probation, and be in good standing in their current assignment. An internal background check will be conducted to determine an applicant's suitability for this position. Once selected, applicants must pass the Basic Part 107 Test to serve as a UAS Observer.

**5.4 Facilities**

- A. The UAS and all related equipment will be available to be issued at the HPD and will be stored in a secure location as designated by the UAS Program Coordinator.
- B. HPD personnel will ensure UAS and related equipment is working properly prior to deployment and will secure UAS in the designated storage location after use.
- C. All HPD personnel are equally responsible for maintaining UAS facilities in a neat, clean, and orderly fashion.

**5.5 Scheduling**

- A. UAS will be readily available for approved operations.
- B. To maintain proficiency, UAS Operators and Observers will be required to attend training. Training will be coordinated by the UAS Program Coordinator and announced in advance for scheduling purposes.

**5.6 Miscellaneous**

- A. Media inquiries will be forwarded to the HPD Community Engagement Specialist/Public Information Officer. UAS Operators and Observers will follow HPD policy regarding interactions or inquiries from the media.

**5.7 Discipline**

- A. Suspected policy violations or complaints regarding UAS usage will be referred to the HPD Internal Affairs Unit for follow up and investigation in accordance with the following HPD Policies: 324 (Standards of Conduct) and 1011 (Personnel Complaints).

**VI. Safety****6.1 Safety Policy**

- A. The HPD is committed to maintaining a safe and healthy workplace, including:
  - 1. The ongoing pursuit of an accident-free workplace and one that avoids harm to people, equipment, property, or the environment.
  - 2. Maintaining a culture of open reporting of all safety hazards.
  - 3. Supporting safety training.
  - 4. Conducting regular reviews of safety policies, procedures, and practices.
  - 5. Monitoring UAS trends to ensure best safety practices are incorporated into the program.
  - 6. Encouraging collaboration with other area UAS Programs on safety policies, procedures, and practices.

- B. Every UAS Operator and Observer has a duty to contribute to the HPD's goal of continued safe UAS operations. Contributions include operating UAS in the safest manner possible without taking unnecessary risks. Any procedural, operational, or maintenance related safety hazards should be identified as soon as possible. Identifying hazards and making safety suggestions should be made to the UAS Program Coordinator through the chain of command.
- C. HPD personnel who observe or have knowledge of an unsafe or dangerous act committed by UAS Program personnel shall immediately notify the UAS Program Coordinator, through the chain of command, so corrective action can be taken.

## **6.2 Operational Hazard and Occurrence Report (OHOR) and Investigations**

- A. Occurrences are unplanned incidents, including accidents and incidents that impact safety. A hazard is something with the potential to cause harm, whether it be created by person or the environment. The identification and control of all hazards is paramount for safety.
- B. The OHOR concept provides a mechanism for reporting occurrences and hazards, real or perceived, to those overseeing UAS operations.
- C. The OHOR does not have an official format, rather provides flexibility for reporting information to the UAS Program Coordinator through the chain of command. The OHOR concept will be used without hesitation to report anticipated, current, or past safety occurrences or hazards. Additionally, the OHOR can be submitted anonymously to any HPD employee, so follow up investigation can be conducted.
- D. Any documentation generated resulting from an occurrence or hazard shall be forwarded to the UAS Program Coordinator through the chain of command.
- E. Occurrences and hazards will be investigated in accordance with current HPD policy and corrective action shall be taken when necessary.
- F. Occurrences or hazards requiring immediate attention will be reported to the UAS Program Coordinator without delay.
- G. HPD personnel are authorized to take action to correct occurrences or hazards when, in the employee's opinion, delay will result in accident or injury. In such situations, the UAS Program Coordinator will immediately be notified.

## **6.3 Safety – UAS Operator and Observer**

- A. All UAS Operators and Observers are responsible for the following regarding safety:

1. Ensuring all HPD personnel involved in an operation understand the applicable regulatory requirements, standards, and safety policies and procedures.
2. Observing and controlling safety systems by monitoring all operations.
3. Reviewing standards and practices of HPD personnel that can impact operational safety.
4. Communicating all reported safety related problems, including any corrective action taken (e.g., in-flight problems or learned experiences including procedures for handling those problems).
5. Copying and circulating pertinent safety information to HPD personnel.

#### **6.4 Safety Training**

- A. UAS Operators and Observers will receive training in the following areas:
  1. HPD commitment to safety.
  2. Pertinent HPD safety policies.
  3. The safety role of UAS Operators and Observers in emergency operations.
- B. UAS Operators and Observers will review program safety policies and procedures annually, which will be noted in their training records.

#### **6.5 Medical Factors**

- A. UAS Operators and Observers will deploy UAS only when physically, mentally, and emotionally prepared to engage in operational tasks.
- B. Physical illness, exhaustion, or emotional stress can impair judgment, memory, and attentiveness. For safety reasons, HPD personnel shall not act as a UAS Operator or Observer when suffering from any of the above listed issues. UAS Operators and Observers are expected to remove themselves from operations when these issues could affect their ability to perform safely. Self-assessments by UAS Operators and Observers will be conducted during pre-operational activities.
- C. Prescription or over-the-counter medication can impair performance. Anytime such medication has been taken, the on-duty Watch Commander, UAS Program Coordinator, or shift supervisor shall be notified. If any of the above listed HPD personnel determines a UAS Operator's or Observer's performance may be impacted, the UAS Operator or Observer shall not participate in the operation or training exercise.
- D. UAS Operators and Observers shall not act in either capacity within 8 hours of consuming an alcoholic beverage (FAR 91.17).

## **VII. Training**

### **7.1 Objective**

- A. A key component to safe UAS operation is maintaining a professional level of competency. To do so, minimum qualifications must be established for selecting HPD personnel for the program and they must receive entry-level training.

### **7.2 Instructors**

- A. UAS Operators and Observers with FAA flight instructor certifications will be given instructor responsibilities. These responsibilities can include developing training courses, providing training, and evaluating and documenting student performance.
- B. Approved training outlines will be developed collectively by the UAS Program Coordinator, the HPD Personnel and Training Unit, and UAS Operators and Observers.

### **7.3 Training Plans**

- A. UAS Operators and Observers will have a training file, which outlines annual training objectives. This training file will be maintained in accordance with existing HPD policies and procedures for maintaining training records.
- B. Training plans will be developed collectively by the UAS Program Coordinator, the HPD Personnel and Training Unit, and UAS Operators and Observers.
- C. All UAS operations will be documented and will be considered as UAS Operator and Observer training.
- D. Each UAS Operator and Observer is responsible for ensuring his or her training file is up to date and contains all pertinent information.

### **7.4 Initial Training (per UAS Interim Operational Approval Guidelines 08-01)**

- A. Once selected, UAS Operators and Observers shall acquire a Part 107 License.
- B. UAS Observers must complete training on communication with UAS Operators, including communicating instructions designed to remain clear of obstacles or conflicting air traffic. At a minimum, this training shall include the rules and responsibilities described in *14 CFR 91.111 (Operating Near Other Aircraft)*, *14 CFR 91.113 (Right-of-Way Rules: Except Water Operations)*, and *14 CFR 91.155 (Basic VFR Weather Minimums)*. Training shall also include knowledge of air traffic and radio communications, including the use of approved ATC/pilot terminology, and knowledge of appropriate sections of the *Aeronautical Information Manual*.



- C. Prior to authorization to conduct flight operations, UAS Operators shall complete a minimum of 8 hours of flight training with a UAS instructor to demonstrate proficiency and safety. This must be accomplished to show their ability and knowledge of UAS.

#### **7.5 Recurrent Training**

- A. UAS Operators and Observers shall maintain proficiency in their abilities. Those who do not have documented training or flight time within a 60-day period must show proficiency to a UAS instructor prior to involvement in an operation.
- B. Recurrent training is not limited to actual UAS Operator or Observer skills but includes knowledge of all pertinent UAS or aviation matters.
- C. Failure to show proficiency can result in removal from the UAS program.

#### **7.6 Miscellaneous**

- A. Depending on training needs, every effort will be made to accommodate HPD personnel schedules to reduce the impact to HPD staffing.
- B. All training requests shall be made and approved through a UAS Operator's or Observer's chain of command in accordance with existing HPD procedures.
- C. UAS Operators and Observers are encouraged to attend and disseminate information from FAA safety seminars. This may be done on-duty with the approval from their chain of command.
- D. Unless approval is obtained in advance, overtime will not be authorized for training.
- E. Training shall only be conducted at approved locations and follow the provisions within the approved FAA Training COA.

### **VIII. General Operating Procedures**

#### **8.1 Requests for UAS Support**

- A. Requests for UAS support will be made through the HPD Communications Center and approved by the on-duty Watch Commander or Incident Commander.
- B. Requests for UAS support can be made at any time during the day or night.
- C. Requests for UAS support and associated deployments shall be entered into the Watch Commander's Log.

- D. UAS Operators and Observers can deny requests for UAS support if they determine, based upon their expertise, the operation will violate FAA regulations, HPD or City policy, safety procedures, or the guidelines outlined in this document. Denial of a request for UAS support will prompt notification to the UAS Program Coordinator by the UAS Operator or Observer. UAS Operators and Observers are the final authority regarding UAS operations.

## **8.2 Call-Out Procedure**

- A. Any outside agency requests for UAS support shall be made through the HPD Communications Center. The Communications Center shall contact the on-duty Watch Commander for approval and provide all available information regarding the request. Once information is gathered, the Watch Commander will contact the UAS Program Coordinator to provide notification of the operation.
- B. If there are no UAS Operators or Observers on-duty, the Watch Commander can authorize a call-out in accordance with established HPD procedures. Compensation for a call-out will be in accordance with the provisions outlined in the associated MOU(s).

## **8.3 UAS Deployment Priorities**

- A. If several requests for UAS support are received simultaneously, they will be prioritized.
- B. Generally, requests for UAS support will be prioritized as follows:
  1. Safety and the protection of life and property.
  2. Evidence collection/Scene documentation.

## **8.4 Personnel Responsibilities During Operations**

- A. The on-duty Watch Commander or Incident Commander will be responsible for the following:
  1. Provide authorization for the deployment of UAS in the field during ongoing and emerging incidents.
  2. Initiate UAS call-out procedures when necessary.
  3. Ensure UAS operation in accordance with HPD and City policies, and local, state, and federal law.
- B. UAS Operators will be responsible for the following:
  1. Safe operation of UAS in accordance with applicable HPD and City policies and local, state, and federal laws.
  2. Reject UAS deployment requests based on safety, policy, or legal concerns or when a flight would violate FAA regulations. *HPD personnel, regardless of rank, shall not order a UAS Operator to use a*

*UAS if, in the opinion of the UAS Operator, doing so would create a safety issue or violate provisions established by policy, procedure, and the law.*

3. Respond to UAS Observer input and requests to ensure the safe and effective deployment of UAS, including obstacle avoidance.
4. Complete all required mission documentation, including updating the flight book.

C. UAS Observers will be responsible for the following:

1. Assist the UAS Operator in avoiding obstacles.
2. Operate any attachments to the UAS.
3. Remain alert for safety issues surrounding the UAS Operator/Observer team.
4. Handle radio communications, including the coordination of other operational resources.
5. Assist in ensuring the safe operation of UAS.

## **8.5 Personal Equipment**

- A. UAS Operators and Observers shall wear eye protection while the UAS is in flight.
- B. UAS Operators and Observers shall wear appropriate uniforms during operations, taking into consideration current weather conditions.
- C. UAS Operators and Observers shall consider the use of issued portable radios or cellular phones as they can impact the safe operation of UAS. UAS Operators are prohibited from using radios or cellular phones during flight pursuant to the COA.

## **IV. Pre-Flight / Post-Flight Actions**

### **9.1 Inspections**

- A. UAS Operators and Observers are responsible for conducting a thorough pre-flight inspection of the UAS.
- B. After each operational or training deployment, UAS Operators and Observers are responsible for conducting a thorough post-flight inspection of the UAS in accordance with instructions contained in the UAS user's manual.
- C. Identified issues, which may jeopardize the safe operation of UAS, shall be documented and resolved prior to flight.
- D. UAS Operators and Observers are responsible for completing the pre-flight and post-flight checklist to document the inspections.

- E. UAS equipment issues, especially those that can have an impact on safety, will result in the discontinuation of the operation until such issues can be resolved.

## **9.2 Weather**

- A. UAS Operators and Observers will gather information to familiarize themselves with current weather conditions in the operational area. UAS Operators and Observers will use FAA approved weather resources to obtain current weather conditions.
- B. If available, an anemometer should be used to estimate wind speeds and to determine if UAS has the capability to fly during the operational time frame.
- C. UAS Operators and Observers should use the Beaufort Scale when making decisions regarding wind conditions.
- D. Reported weather conditions shall be documented on the pre-flight checklist.
- E. UAS Operators and Observers shall ensure flights will occur within FAA VFR weather requirements.

## **9.3 Documentation and Evidence**

- A. UAS inspection and weather information will be documented on the pre-flight checklist.
- B. After each UAS operation, recorded data shall be reviewed and evaluated for evidentiary value. Data shall be uploaded and retained in the approved digital evidence management system, which restricts access to authorized HPD personnel and can be internally audited. All retained data shall be maintained or destroyed in accordance with HPD's and the City's records retention policies and in compliance with applicable laws and regulations. Images of uninvolved persons or properties may be redacted in accordance with the provisions of the California Public Records Act and existing HPD procedures for the release of information.
- C. After each operation, the UAS Operator will obtain a case number and advise the Communications Center of all pertinent information.
- D. UAS Operators shall be responsible for booking evidence and authoring a police report (original or supplemental).
- E. UAS Operators shall be responsible for updating the flight log.

## **9.4 Operational Planning**

- A. UAS Operators and Observers will gather all available information regarding the operation, including weather conditions, potential hazards, incident details,

operational goals, etc. Prior to each operation, a Notice To Airmen (NOTAM) will be filed with the FAA and the closest airport control tower shall be notified.

- B. UAS Operators and Observers will ensure the location for take-off and landing is adequate for a safe deployment.
  - 1. The take-off and landing location should be clearly marked and identifiable.
  - 2. At least one emergency landing area should be identified prior to deployment.
  - 3. UAS Operators and Observers will ensure they are aware of their surroundings in case an emergency landing is necessary. Planning should include the ability to recover the UAS.

#### **9.5 Checklists**

- A. UAS Operators shall complete pre-flight and post-flight checklists. Checklists shall be forwarded to and maintained by the UAS Program Coordinator.
- B. UAS Operators shall initiate the flight log.

#### **9.6 Maintenance**

- A. Although there are few parts on UAS that need servicing, the manufacturer's maintenance schedule shall be followed and documented.
- B. Equipment issues, which cannot be resolved by HPD personnel, shall be forwarded to the manufacturer for technical support.

# Unmanned Aerial System (UAS) Operations

## 610.1 PURPOSE AND SCOPE

### Best Practice

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 610.1.1 DEFINITIONS

#### Best Practice

#### MODIFIED

Definitions related to this policy include:

**Certificate of Authorization (COA):** Given by the Federal Aviation Administration (FAA) granting permission to fly the UAS within specific boundaries and perimeters.

**Observer:** A member of the Hayward Police Department or Hayward Fire Department who is trained and authorized to maintain visual observation of the UAS while in flight.

**Operator:** A member of the Hayward Police Department or Hayward Fire Department who is trained, certified, and authorized to control a UAS during flight.

**Unmanned Aerial Vehicle (UAV):** A small, unmanned aircraft weighing less than 55 lbs.

**Unmanned Aerial System (UAS) -** An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

## 610.2 POLICY

### Best Practice

Unmanned aerial systems may be utilized to enhance the [department/office]'s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 610.3 PRIVACY

### Best Practice

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where

## *Unmanned Aerial System (UAS) Operations*

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there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

### **610.4 PROGRAM COORDINATOR**

#### **Best Practice**

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- (a) Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- (b) Ensuring that all authorized operators and required observers have completed all required FAA and [department/office]-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- (c) Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- (d) Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- (e) Implementing a system for public notification of UAS deployment.
- (f) Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- (g) Developing a protocol for fully documenting all missions.
- (h) Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- (i) Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- (j) Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- (k) Facilitating law enforcement access to images and data captured by the UAS.
- (l) Recommending program enhancements, particularly regarding safety and information security.
- (m) Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.



# Hayward Police Department

## Hayward PD Policy Manual

### *Unmanned Aerial System (UAS) Operations*

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#### **610.5 ROLES AND RESPONSIBILITIES**

##### **Agency Content**

The roles and responsibilities for UAS Program members are as follows:

(a) Program Coordinator—a Hayward Police Sergeant or Lieutenant who manages the UAS Program and ensures the program operates in accordance with all Federal, State, and local laws, and within department policy and guidelines. In addition, the Program Coordinator will:

1. Maintain all training flight and maintenance records for each operator and observer, as well as individual airframes.
2. Ensure operators and observers stay current with their training and certifications.
3. Maintain contact with the FAA and familiarity with the pertinent FAA regulations.
4. Evaluate airframes based on mission needs.
5. Remain up to date with current UAS case law, best practices, and industry standards.
6. Develop and maintain the UAS Operations Manual.

(b) Operator—the Operator's role is to safely operate the UAS in accordance with all applicable law and policy.

1. The operator may reject a flight based on personnel safety or violation of FAA regulations.
2. The operator shall be responsive to requests and input from the observer in order to accomplish the safe and effective deployment of the UAS.
3. Operators are responsible for mission documentation and updating the flight book.

(c) Observer—the Observer's role is to assist in the safe and effective operation of the UAS. The observer shall:

1. Assist the Operator in avoiding obstacles.
2. Operate any attachments to the UAS.
3. Remain alert for safety issues surrounding the Operator and Observer.
4. Handle radio communications.

#### **610.6 USE OF UAS**

##### **Best Practice MODIFIED**

The UAS will only be used in situations where reasonable suspicion exists, pursuant to a warrant, or during situations where exigent circumstances exist or where public safety needs outweigh privacy expectations. This policy may not encompass every situation officers will encounter in the field and deviations may be necessary and justified. Any deviations from this policy will be reviewed on a case-by-case basis.

The Chief of Police, Captain, or Watch Commander may authorize the deployment of the UAS under the following circumstances:

## *Unmanned Aerial System (UAS) Operations*

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- (a) Public safety and life preservation missions including, barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous fleeing suspects, and high-risk search warrants;
- (b) Mass casualty events;
- (c) Lost or missing persons;
- (d) Search and rescue events;
- (e) Disaster response and recovery;
- (f) Suspected explosive devices;
- (g) Fire suppression or investigation;
- (h) Hazardous material releases;
- (i) Post-incident crime scene preservation and documentation;
- (j) Pursuant to a search warrant;
- (k) Mass gatherings or special events where security concerns exist or criminal activity is occurring;
- (l) When there is probable cause to believe that the UAS will record images of a place, thing, condition, or event, and that those images tend to show a felony has been committed, or tends to show that a particular person has committed a felony.
- (m) Anti-UAV operations when a person is operating a UAV in a manner which impedes emergency personnel who, in the course of their duties, are coping with an emergency (refer to Penal Code § 402(a)1);
- (n) Training missions;
- (o) In support of the Hayward Fire Department when the underlying mission meets the uses outlined in this policy; and
- (p) Mutual Aid support when the underlying mission meets the uses outlined in this policy.

### 610.6.1 CALLOUT PROCEDURE

#### **Agency Content**

- (a) The Watch Commander shall make a request via dispatch for qualified UAS team members to respond and deploy the UAS.
  - 1. Dispatch will call the UAS Program Coordinator, or his or her designee, who will coordinate the callout details with team members.
  - 2. If the UAS Program Coordinator is unavailable, or if specified by the Watch Commander, Dispatch will request assistance from Hayward Fire Department via ACRECC.
- (b) The UAS team members will handle all UAS operations, notifications and all necessary pre-flight guidelines as specified in the UAS Operations Manual.

# Hayward Police Department

## Hayward PD Policy Manual

### *Unmanned Aerial System (UAS) Operations*

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#### **610.7 EVIDENCE COLLECTION AND RETENTION**

##### **Agency Content**

- (a) Following a UAS operation by the Hayward Fire Department or the Hayward Police Department, a Hayward PD case agent or officer shall meet with the UAS operator to collect the UAS video(s). The video(s) recorded by the Fire Department and/or the Police Department will be uploaded into the approved digital evidence management system. The collection and uploading of the video(s) will be documented in an ARS report by a Hayward PD case agent or officer.
- (b) Data collected by the UAS shall be retained as provided in the established Police Department records retention schedule or retained as evidence of a crime.
- (c) Unauthorized use, duplication, and/or distribution of UAS videos are prohibited. Personnel shall not make copies of any UAS videos for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to capture UAS videos. All recorded media, images and audio are the property of the Hayward Police Department and shall not be copied, released or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.
- (d) Departmental request for a UAS video, including requests from the District Attorney's Office or City Attorney's Office, shall be forwarded as a written request via e-mail, to the Property Unit, with sufficient information to locate the UAS video.
- (e) Non-Departmental Requests for a UAS video shall be accepted and processed in accordance with Federal, State, and local laws, and departmental policy (discovery, media inquiries, subpoenas, Public Records Act requests, etc.).
  - 1. When practical, Department personnel will be advised prior to any release of UAS video under the California Public Records Act (CPRA).
- (f) Request for Deletion or Accidental Recording
  - 1. In the event of an accidental activation and recording of the UAS camera system, the recording employee may request that the UAS video is deleted by submitting an e-mail request to the Patrol Division Commander with sufficient information to locate the UAS video. The Patrol Division Commander shall review the video, approve or deny the deletion request, and forward to the System Administrator for action if applicable.
  - 2. Videos made during authorized department training will be viewed and/or retained for training purposes and then may be retained or deleted with the authorization of a lieutenant. Retained files will be stored in approved training files or the digital management system.
- (g) Copying Procedure
  - 1. A copy of the UAS video can be requested in accordance with the provisions of this policy.
  - 2. Property Officers will be responsible for handling evidence request for DVD copies and online sharing of videos produced by the UAS camera system for court and other approved request by the Chief of Police or his/her designee.

# Hayward Police Department

## Hayward PD Policy Manual

### *Unmanned Aerial System (UAS) Operations*

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- (h) A UAS video may be utilized as a training tool for individuals, specific units, and the department as a whole. A recommendation to utilize a UAS video for such purpose may come from any source outlined below:
  - 1. A person recommending utilization of a UAS video for training purposes shall submit the recommendation through the chain of command to the Watch Commander.
  - 2. The Watch Commander approving the utilization of a UAS video for training will send an email to Property requesting a copy of the video is placed in the UAS Training file on the t: drive. This file will hold all training videos. Videos may not be moved to other files, copied, or sent beyond this file.
  - 3. If an involved officer or employee objects to the showing of a UAS video, his/her objection will be submitted to their supervisor to determine if the employee's objections outweigh the training value. The Patrol Division Commander or Division Chief shall review the recommendation and determine how best to utilize the UAS video file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the video versus other means (e.g., departmental policy, Training Bulletin, Officer Safety Bulletin, briefing or other training).

#### **610.8 PROHIBITED USE**

##### **Federal**

The UAS video surveillance equipment shall not be used:

- (a) To conduct random surveillance activities.
- (b) To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- (c) To harass, intimidate, or discriminate against any individual or group.
- (d) To conduct personal business of any type.
- (e) The UAS shall not be weaponized.
- (f) The UAS shall not have facial recognition technology.
- (g) To conduct routine monitoring of a mass gathering, protest, or demonstration where security concerns do not exist or where criminal activity is not occurring.

#### **610.9 RETENTION OF UAS DATA**

##### **Best Practice**

Data collected by the UAS shall be retained as provided in the established records retention schedule. Consistent with data collected by other departmental audio or video recorders (e.g. body worn cameras), recordings shall be retained in a data management system where they are accessible for review and use strict to the guidelines pursuant to this policy. Access to recordings is automatically logged and can be audited.

Recordings that contain evidentiary value shall be retained in the same manner as any other evidence gathered during a criminal investigation. Recordings that contain administrative or evidentiary value shall be retained for up to 5 years or until administrative or criminal proceedings

# Hayward Police Department

Hayward PD Policy Manual

## *Unmanned Aerial System (UAS) Operations*

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are finalized. For all non-criminal recordings, the retention of recording media will be 90 days provided that it remains unassociated to any criminal or administrative investigations.

### **610.10 REVISIONS**

Agency Content

ISSUED: XXX



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** LB 22-002

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**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT**

Homekey 2.0 Application: Adopt a Resolution Approving the City of Hayward's Homekey Projects and Authorizing the City Manager and Assigned Staff to Submit Applications to the State of California Department of Housing Community Development for Homekey Funds for Housing for Persons Experiencing Homelessness

**RECOMMENDATION**

That the Council adopts two (2) resolutions to submit Homekey program applications to the State of California Department of Housing Community Development (HCD):

- 1) Authorizing the City of Hayward's Joint Application with Bay Area Community Services (BACS), the City of Livermore, the City of Union City, and the City of Piedmont to HCD for Homekey Funding for Project Reclamation Regional Scattered Site Program (Attachment II); and
- 2) Authorizing the City of Hayward's Joint Application with Firm Foundation Community Housing to HCD for Homekey Funding for the Tiny Homes Village at South Hayward Parish (Attachment III).

**SUMMARY**

On September 9, 2021, HCD announced approximately \$1.45 billion in Homekey Round 2 available funds. Homekey Round 2 continues the statewide effort to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness, and who are, thereby, inherently impacted by or at increased risk for medical diseases or conditions due to the COVID-19 pandemic. This is the second round of Homekey funding made available through HCD. The priority application deadline is January 31, 2022.

On July 13, 2021, the Council approved the Let's House Hayward (LHH) homelessness reduction strategic plan. It creates a strategic framework that better positions the City to address homelessness and seek funding for projects identified and prioritized through this process. The LHH plan outlines several strategies and projects that directly align with the City's applying for Homekey funding.

On October 20, 2021, the City released a Request for Information (RFI) seeking potential partners and projects for the possible submittal of future funding applications for the State HCD Homekey program. Staff conducted an in-depth assessment of all responses received and identified a suite of preliminary projects for review and discussion by the Homelessness-Housing Task Force (HHTF). On December 16, 2021, staff presented three projects to the HHTF. Members of the HHTF unanimously recommended these projects be presented to the full Council for approval and inclusion in the City of Hayward's Homekey Grant Application, due by January 31, 2022.

Since the December 16<sup>th</sup> HHTF meeting, staff have continued to meet with development partners and the State to discuss project feasibility and one of the three previously recommended projects was withdrawn to allow more time to identify sufficient operating funds for a future round of Homekey. As a result, staff recommends the following two remaining projects for Council approval and inclusion in the City of Hayward's Homekey Grant Application:

1. Project Reclamation Regional Scattered Site Program, in partnership with BACS and the Cities of Livermore and Union City; and
2. Tiny Homes Village at South Hayward Parish, in partnership with Firm Foundation Community Housing (FFCH).

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution for Project Reclamation
Attachment III	Resolution for Tiny Homes Project
Attachment IV	HHTF Feedback





**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT:** Homekey 2.0 Application: Adopt a Resolution Approving the City of Hayward's Homekey Projects and Authorizing the City Manager and Assigned Staff to Submit Applications to the State of California Department of Housing Community Development for Homekey Funds for Housing for Persons Experiencing Homelessness

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## **BACKGROUND**

### **Homekey Program**

HCD created the Homekey program as an opportunity for local public agencies to purchase motels and other housing types to increase their communities' capacity to respond to the COVID-19 pandemic. The program's purpose was to expand and diversify housing options for homeless persons at high-risk for serious illness and impacted by COVID-19. Cities, counties, or other local public entities, including housing authorities or federally recognized tribal governments within California, were eligible to apply independently or jointly as the lead applicant with a non-profit or a for-profit corporation. Since the onset of the COVID-19 pandemic, there have been two rounds of Homekey funding; Homekey Round 1 and Homekey Round 2.

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<sup>1</sup> July 13, 2021 meeting of the Hayward City Council:  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5028014&GUID=E5369F11-C504-413E-B317-E2797DF45328&Options=&Search=>

<sup>2</sup> December 16, 2021 meeting of the Homelessness-Housing Task Force:  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5360310&GUID=71CA4C4F-CC27-410E-AEDE-27F03B400C19&Options=&Search=>

On September 9, 2021, HCD announced approximately \$1.45 billion in Homekey Round 2 available funds. Homekey Round 2 continues the statewide effort to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness, and who are, thereby, inherently impacted by or at increased risk for medical diseases or conditions due to the COVID-19 pandemic.

Homekey Round 2 presents significant funding and programmatic changes from Homekey Round 1. The complete Notice of Funding Availability (NOFA) can be found online on the HCD website.<sup>3</sup> Key elements of the Homekey Round 2 funding available include:

- **Capital Award and Required Local Match:** HCD will award up to \$200,000 per unit with no required capital match, unless capital costs exceed the maximum award.
- **Operating Subsidy:** HCD will award up to three (3) years of operating subsidy of no more than \$1,400/unit/month with a local commitment of four (4) years of operating subsidy, or HCD will award up to two (2) years of operating subsidy of up to \$1,400/unit/month with a local commitment of three (3) years of operating subsidy.
- **Timely Submission Bonus:** HCD will award an additional \$10,000 per unit as a bonus award for each Project with a timely submission of a complete application to the Department by January 31, 2022.
- **Expedited Occupancy Bonus:** HCD will award \$10,000 per unit as a conditional bonus amount for projects able to reach full occupancy within eight (8) months of acquisition.
- **Geographic Funding Allocation:** The San Francisco Bay Area (comprised of the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma) has a reserved allocation of approximately \$199 million.

HCD has established a four-month priority application period from the release date of the Homekey application in late September through January 31, 2022. All applications must be submitted by May 2, 2022. In order to receive the timely submission bonus, staff intends to submit any approved Homekey projects by the January 31, 2022, submission deadline. Homekey projects must be submitted by the local jurisdiction in which projects are located; it is not possible for nonprofits, hotels, development partners, or others to directly submit projects for Homekey funding.

### **Let's House Hayward Strategic Plan for Reducing Homelessness**

On July 13, 2021, the Council approved the LHH strategic plan.<sup>4</sup> The LHH plan synthesizes community, Council, and staff input collected through listening sessions, community forums, focus groups, and interviews conducted from October 2020 through June 2021. The LHH plan begins with a comprehensive system and needs assessment that looks at the scope of homelessness and who experiences homelessness in Hayward, resources and services that are currently available in Hayward, and current gaps in resources and services. It then details

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<sup>3</sup> [https://homekey.hcd.ca.gov/sites/default/files/2021-09/NOFA\\_Homekey\\_0.pdf](https://homekey.hcd.ca.gov/sites/default/files/2021-09/NOFA_Homekey_0.pdf)

<sup>4</sup> July 13, 2021 meeting of the Hayward City Council:  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5028014&GUID=E5369F11-C504-413E-B317-E2797DF45328&Options=&Search=>

the overarching goals for reducing homelessness in Hayward and the strategies and action steps required to achieve those goals.

The LHH plan was developed through best-practices research and community engagement with a lens for racial equity and empowering individuals and families experiencing homelessness. It creates a strategic framework that better positions the City to address homelessness and seek funding for projects identified and prioritized through this process. Applying for and being awarded Homekey funds will help the City accomplish the several strategies and projects in the LHH plan including:

**Strategy 1.2: Develop Funding and Evaluation Strategy Reflecting Community Priorities Identified in this Strategic Plan**

- Program 1.2a: Conduct further research on different revenue options, including state and federal funding and private philanthropy and apply for funding that aligns with Strategic Plan action steps.

**Strategy 3.2: Prioritize the Development of Housing Targeted to People Experiencing Homelessness**

- Activity 3.2c: Continue leveraging partnerships between non-profit housing developers, County, and regional jurisdictions to support the creation of hotel conversion projects by community-based entities.
- Activity 3.2d: Continue to support affordable housing projects that utilize innovative affordable housing strategies (i.e. tiny homes, factory built housing, and other models) and encourage developers to incorporate individuals with lived experience in the process.

**Alameda County HOME-ARP funding**

On August 25, 2021, ahead of the release of the Homekey Round 2 NOFA, the County released a Request for Proposals (RFP) seeking to identify City-sponsored homeless housing projects that would be eligible to submit to HCD for Homekey funding. Through this RFP, the County has made available approximately \$12 million in HOME Investment Partnership funding to act as match for City-sponsored Homekey eligible projects. All cities within the Alameda County HOME Consortium (except for Berkeley and Oakland, which receive their own allocation of federal HOME Investment Partnership funding and are not part of the Consortium) were eligible to apply for these County matching funds.

The City submitted two projects for Alameda County match funding: hotel acquisition and conversion to permanent housing and scattered-site deeply affordable housing. Following submission and results from the City's RFI for eligible projects, staff determined that only the scattered site project would be appropriate for HOME-ARP funding. During a January 14<sup>th</sup>, 2021 meeting with City and County staff, the County identified four projects that would be receiving HOME-ARP funds, including the City of Hayward's scattered site program, discussed in detail below. On January 19, 2021, County HCD staff notified the City that they will be providing a letter of conditional commitment for up to \$1,500,000 to provide operating funds at the scattered site locations.

### **City of Hayward Request for Information (RFI)**

On October 20, 2021, the City released a RFI for projects and properties to house people experiencing homelessness through the Homekey program. The City received eleven (11) responses to the RFI: six submissions from hotel owners to sell their properties for the purpose of creating permanent housing, six submissions from potential sponsors proposing acquisition or construction of eight different projects, and one submission from a potential sponsor for development partnership.

After the RFI period closed on November 5, 2021, staff reviewed and evaluated all responses received. Through this initial review, staff determined that applicants with both a developer and property identified were the most competitive for Homekey funding given the accelerated nature of the Homekey 2.0 funding timeline and staff's limited capacity to manage an acquisition and development project. A complete discussion of the RFI and staff review criteria can be found in the December 16, 2021 Homelessness-Housing Task Force (HHTF) staff report.<sup>5</sup>

### **Homelessness-Housing Task Force**

Following extensive review and analysis of RFI responses received, staff initially identified four projects for HHTF review and recommendation for Council approval and inclusion in the City of Hayward's Homekey Grant Application:

1. Apartment complex acquisition project, in partnership with BACS;
2. Project Reclamation Regional Scattered Site Program, in partnership with BACS and the Cities of Livermore and Union City; and
3. Tiny Homes Village at South Hayward Parish, in partnership with Firm Foundation Community Housing (FFCH).
4. Hotel conversion project with re-entry services, in partnership with Creating Restorative Opportunities & Programs (CROP) and BACS.

CROP withdrew the hotel conversion project with re-entry services just prior to the HHTF meeting due to a lack of capital funding required for building improvements on potential Hayward sites.

The HHTF supported moving forward with the other three projects presented on December 16, 2021. Additionally, members of the HHTF directed staff to explore another project for consideration, a Tiny Home Village in partnership with FFCH and California State University East Bay (CSUEB) to build 12 tiny home units at Hayward First Church for CSUEB students at risk of or experiencing homelessness. For a full summary of the HHTF's feedback, please see Attachment IV.

### **DISCUSSION**

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<sup>5</sup> December 16, 2021 meeting of the Homelessness Housing Task Force:  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5360310&GUID=71CA4C4F-CC27-410E-AEDE-27F03B400C19&Options=&Search=>

Since meeting with the HHTF on December 16, 2021, staff have continued to work with development partners to prepare applications in anticipation of Council approval. One project that received HHTF approval will not be presented to Council and another that was proposed by the HHTF is not being recommended for submission to the current round of Homekey funding as explained further below:

- ***Apartment Complex Acquisition Project in partnership with Bay Area Community Services:*** Since meeting with the HHTF, BACS has determined that identifying the required operating subsidy was infeasible by the Homekey Round 2 priority deadline. Staff will continue working with BACS to prepare for potential submission for Homekey Round 3 funds.
- ***Tiny Home Village in partnership with FFCH and CSUEB:*** Staff held several meetings with FFCH, CSUEB, and the State to explore the Tiny Home Village project for CSUEB students experiencing homelessness. Staff recommend applying for Homekey Round 3 funds for this project, as this will provide more time to align the project with Homekey requirements, formalize the partnership with CSUEB, and identify and secure reliable long-term funding sources.

### **Projects for Homekey Application Submission**

The following section provides a detailed analysis of the two remaining projects that staff recommend for Homekey submission. Each project was supported by the HHTF and staff recommend that the Council vote to adopt resolutions authorizing the City Manager to apply for Homekey funding for each project.<sup>6</sup>

#### **Project 1: Project Reclamation Regional Scattered Site Program**

***Development Partner:*** BACS

***Population Served:*** Up to 30 chronically homeless individuals

***Project Description:*** BACS proposes to purchase and remodel up to five single-family homes to function as deeply subsidized co-living environments where each resident gets their own bedroom, shared community living spaces, and access to supportive services to meet their unique needs. The BACS Project Reclamation program has been in place since 1973 and received Homekey funding for its Oakland program in Round 1. The program was recognized by the State for its innovative use of Homekey funding. For this project, the City of Hayward would be the lead applicant in a regional application, partnering with the Cities of Livermore, Union City, and Piedmont, to increase the competitiveness of the project by broadening the regional impact and scope of acquisitions.

***Location and Outreach:*** BACS has begun identifying homes that meet program criteria throughout Hayward. Given the target price point of the homes (approximately \$900,000), the majority of prospective homes are located between Interstate 880 and Mission Boulevard. As BACS has been operating this program for several years, they have well-established outreach

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<sup>6</sup> Based on guidance from the State, the resolutions authorizing the City Manager to apply include a not-to-exceed amount that is double the actual estimated cost of the project.

strategies that they will apply to this project and will implement community-specific outreach as properties are identified. In their previous experience, BACS has not encountered opposition from community members as the projects do not include density changes or substantial construction.

**Funding:** For Project Reclamation, staff anticipates that the Homekey award of \$200,000/unit would cover the total cost of acquisition and rehabilitation for up to five homes with no capital funding gap. County HCD has notified staff that the regional scattered-site program will receive a commitment letter for funding of up to \$1,500,000 for operating costs. Staff anticipates this amount will cover the costs of operating the program; however, should the County subsidy be less than the up-to amount, the City, BACS, and partner jurisdictions will work together to adjust the number of properties being pursued to match the amount of available operating funds.

**Project Strengths:** Staff anticipates that the baseline Homekey award will cover the cost of acquisition and rehabilitation of five single-family homes. Therefore, there is no required capital match. Additionally, combining jurisdictions demonstrates a collaborative regional approach to providing housing opportunities and increases the number of individuals who will be served while accounting for fluctuations in the private housing market. Increasing the number of properties acquired allows for some streamlining of operational expenses, creating long-term savings for each city to re-invest in the program.

The project aligns with the City's LHH Strategic Plan. In addition to aligning with the goals described in the Background section of this report, this project aligns with the LHH Plan's emphasis on understanding homelessness as both a regional and local issue, providing the option for regional partnership to leverage State and County funding. Additionally, this model may be a successful tool for preventing large corporate purchases of foreclosed homes, which are then rented at market rate and preventing preservation of naturally occurring affordable housing.

**Ongoing Pre-Application Items:** While the Homekey NOFA includes the scattered site model as an eligible project, there are several requirements that make such projects difficult to apply for. Primarily, the NOFA requires that the applicant be able to demonstrate site control at the time of submission. It also requires that the applicant submit appraisals and physical needs assessments for each property. To meet these requirements, BACS would need to take the significant risk of purchasing the homes in advance before January 31, on the assumption of reimbursement from the State. This is a substantial barrier, both in terms of the costs to the non-profit agency and the timeline of the project. Staff and BACS have worked closely with the State to call attention to this inherent disadvantage to scattered site applications and have submitted an alternative proposal. At the time of this report writing, the State has indicated a willingness to work with BACS and staff are optimistic that a solution will be reached. Staff will not enter into an agreement with the State that requires up front purchasing of homes without a guarantee of reimbursement.

**Analysis and Recommendation:** The Homekey award would cover estimated capital expenses to purchase up to five single family homes in Hayward. The conditional allocation of

\$1,500,000 in HOME-ARP funding from the County will cover operating costs, and staff has contingency plans in place should the County award be lower than anticipated. Staff recommends submitting the multi-jurisdictional Project Reclamation application, using vetted estimates for capital expenses and committing to identify and purchase eligible properties within a timeframe negotiated with the State.

## **Project 2: Tiny Homes Village at South Hayward Parish**

***Development Partner:*** Firm Foundation Community Housing (FFCH)

***Population Served:*** 10 chronically homeless individuals

***Project Description:*** FFCH proposes to build a Tiny Homes Village with ten units on leased property at South Hayward Parish (SHP) on Patrick Avenue. The units will be constructed off site and placed on permanent foundations in currently vacant space at SHP.

***Location and Outreach:*** SHP currently serves as a food distribution site and as a shelter for individuals experiencing homelessness. The site is within a census tract that according to the 2019 PIT count have a medium incidence of homelessness (between 10 and 20 counted individuals). Locating permanent housing at the SHP site would be an extension of current programmatic efforts. SHP is well-established in the community and in the neighborhood and staff do not anticipate community opposition to this project. FFCH will begin preliminary outreach ahead of the January 25, 2022, City Council meeting.

***Funding:*** Staff anticipates that the Homekey award of \$200,000 per unit would cover the construction costs at the SHP site. No additional funds would be required for capital costs. The HHTF supported staff's recommendation to use a portion of the City's HOME Investment Partnership Program allocation as Tenant Based Rental Assistance (TBRA) from the Department of Housing and Urban Development (HUD) to provide rental housing subsidies. With that allocation, the project has an anticipated annual operating gap of approximately \$20,000, which SHP has committed to fund.

It is important to note that, by using HOME funds for this project, the City will not be able to support other affordable development projects with HOME funds while providing rental subsidies to the SHP Tiny Home Village.

***Project Strengths:*** Staff anticipates that the baseline Homekey award will cover the cost of construction of the tiny home units at SHP. Therefore, there is no required capital match from the City. FFCH would maintain ownership of the tiny homes while paying to lease the land on each site. Additionally, the project aligns with the City's LHH plan strategy of supporting affordable housing projects that utilize innovative affordable housing strategies. It also promotes collaboration with the City's faith-based partners and community service organizations.

***Ongoing Pre-Application Items:*** Staff is working closely with FFCH to finalize the development timeline to ensure it meets the Homekey standards but does not anticipate it



impacting the application submission. Staff are also working on a National Environmental Policy Review (NEPA) that also will not impact application submission. Finally, staff is working with FFCH to establish a memorandum of understanding between the City and FFCH to outline financial obligations, indemnity, and other key implementation components, which will not impact application submission.

***Analysis and Recommendation:*** Staff recommend applying for Homekey funding for the Tiny Home Village at SHP for individuals experiencing chronic homelessness. It is a viable Homekey project with the City's HOME funds contributed for rental subsidies, SHP providing additional operating funds, and the Homekey award covering all capital costs. The SHP location is well-established within the community as a homeless services location and would act as an extension of existing programs.

## **ECONOMIC IMPACT**

The City and local community have experienced adverse economic impacts related to the COVID-19 crisis, particularly as it relates to homelessness and housing instability. National data indicates increases in risk factors that lead to homelessness, including increased food insecurity and the inability to pay rent or mortgage. There is a positive economic impact from reducing homelessness and severe housing cost burden, which would be achieved through development of the recommended Homekey projects.

## **FISCAL IMPACT**

This item has no General Fund impact. All projects that are being recommended for full Council consideration would not impact the General Fund. The SHP Tiny Home Village site would leverage the HOME special revenue fund from HUD by allocating the majority of the City's allocation every other year to the Homekey-funded project.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Preserve, Protect & Produce Housing. Specifically, this item relates to the implementation of the following projects:

2b. Implement the Homelessness Reduction Strategic Plan

8b. Apply for state housing funding to support strategic partnerships and Council priorities

## **PUBLIC CONTACT**

Pursuing Homekey funding to support innovative, dedicated homeless housing projects was identified as a priority project in the LHH plan. The LHH plan was developed through best-practices research and community engagement with a lens for racial equity and empowering individuals and families experiencing homelessness. It creates a strategic framework that better positions the City to address homelessness and seek funding for projects identified and prioritized through this process. The LHH plan was intentionally created to identify a pipeline

of community-informed policies and programs for the City to embark upon, particularly those with expedited timelines.<sup>7</sup>

Staff are working with both BACS and FFCH to conduct project-specific outreach to the communities that will be impacted by these projects. FFCH is conducting virtual community outreach meetings in January with the SHP neighborhood and BACS will conduct targeted community outreach once properties are identified for Project Reclamation.

Staff presented to the HHTF on December 16<sup>th</sup>, 2021. During this meeting, two public comments were received. One of the comments was made on behalf of Jake Medcalf, Founder and Principal of FFCH and described FFCH's qualifications and experience and requesting HHTF support of the Tiny Home Village at SHP project. Another comment was made by Community Services Commissioner Corina Vasaure, asking about dedicated housing for families experiencing homelessness. Neither project moving forward for Council approval this evening are suitable as options for families experiencing homelessness and more suitable for single or coupled adults. Staff will continue to explore housing options for the entire homeless community in Hayward. As part of the award of HOME-ARP funds, there will be an associated public hearing through the County. At the time of this staff report writing, the meeting details have not yet been published.

## **NEXT STEPS**

Upon approval by the Council, staff will submit any approved Homekey applications to HCD by January 31, 2022.

*Prepared by:* Amy Cole-Bloom, Management Analyst II  
Jessica Lobedan, Management Analyst II

*Recommended by:* Christina Morales, Housing Division Manager  
Monica Davis, Community Services Manager  
Jennifer Ott, Assistant City Manager

Approved by:



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Kelly McAdoo  
City Manager

Hayward City Council

RESOLUTION NO. 22- \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD  
AUTHORIZING JOINT APPLICATION TO AND PARTICIPATION IN THE  
HOMEKEY PROGRAM FOR THE PROJECT RECLAMATION REGIONAL  
SCATTERED SITE PROGRAM IN A TOTAL NOT-TO-EXCEED AMOUNT OF  
\$28,500,000

WHEREAS, the State of California Department of Housing and Community Development (“Department”) has issued a Notice of Funding Availability, dated September 9, 2021 (“NOFA”), for the Homekey Program (“Homekey” or “Program”). The Department has issued the NOFA for Homekey grant funds pursuant to Health and Safety Code section 50675.1.3 (Assem. Bill No. 140 (2021-2022 Reg. Sess.), § 20.); and

WHEREAS, in response to the “Request for Information for Projects and Properties to House People Experiencing Homelessness Through the Homekey Program” released by the City of Hayward on October 20, 2021, Bay Area Community Services submitted a proposal for the Project Reclamation supportive shared housing program; and

WHEREAS, the CITY OF HAYWARD (“Lead Applicant”) desires to jointly apply for Homekey grant funds with BAY AREA COMMUNITY SERVICES (“Corporation”) and with the Cities of Livermore (“Co-Applicant”), Piedmont (“Co-Applicant”), and Union City (“Co-Applicant”). Therefore, Lead-Applicant is joining Corporation and Co-Applicant in the submittal of an application for Homekey funds (“Application”) to the Department for review and consideration; and

WHEREAS, the Department is authorized to administer Homekey pursuant to the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code). Homekey funding allocations are subject to the terms and conditions of the NOFA, the Application, the Department-approved STD 213, Standard Agreement (“Standard Agreement”), and all other legal requirements of the Homekey Program.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to submit a joint Application to the Department for Project Reclamation Regional Scattered Site in response to the NOFA, and to jointly apply for Homekey grant funds in a total amount not to exceed \$28,500,000.

BE IT FURTHER RESOLVED THAT if the Application is approved, the City Manager is hereby authorized and directed to execute a Standard Agreement, in a form to be approved by the City Attorney, in a total amount not to exceed \$28,500,000, any and all other documents required or deemed necessary or appropriate to secure the Homekey funds from the

Department and to participate in the Homekey Program, and all amendments thereto (collectively, the "Homekey Documents").

BE IT FURTHER RESOLVED THAT Lead Applicant acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement, in a form to be approved by the City Attorney, and that the NOFA and Application will be incorporated in the Standard Agreement by reference and made a part thereof. Any and all activities, expenditures, information, and timelines represented in the Application are enforceable through the Standard Agreement. Funds are to be used for the allowable expenditures and activities identified in the Standard Agreement.

BE IT FURTHER RESOLVED THAT City Manager Kelly McAdoo is authorized to execute the Application and the Homekey Documents on behalf of Lead Applicant for participation in the Homekey Program.

BE IT FURTHER RESOLVED THAT the City Manager is authorized to negotiate and develop an agreement with the Co-Applicants and Corporation outlining the roles and responsibilities of each entity if the Application is approved, subject to the review and approval as to form by the City Attorney.

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

## Hayward City Council

## RESOLUTION NO. 22- \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD  
AUTHORIZING JOINT APPLICATION TO AND PARTICIPATION IN THE  
HOMEKEY PROGRAM FOR CONSTRUCTION AND OPERATIONS OF A TINY  
HOME VILLAGE IN A TOTAL NOT-TO-EXCEED \$6,000,000

WHEREAS, the State of California Department of Housing and Community Development ("Department") has issued a Notice of Funding Availability, dated September 9, 2021 ("NOFA"), for the Homekey Program ("Homekey" or "Program"). The Department has issued the NOFA for Homekey grant funds pursuant to Health and Safety Code section 50675.1.3 (Assem. Bill No. 140 (2021-2022 Reg. Sess.), § 20.); and

WHEREAS, in response to the "Request for Information for Projects and Properties to House People Experiencing Homelessness Through the Homekey Program" released by the City of Hayward on October 20, 2021, Firm Foundations Community Housing submitted a proposal to build new, permanent tiny homes for individuals experiencing homelessness; and

WHEREAS, the CITY OF HAYWARD ("Co-Applicant" or "City") is submitting a joint application with the FIRM FOUNDATION COMMUNITY HOUSING ("Corporation") for Homekey funds ("Application") to the Department for review and consideration; and

WHEREAS, the Department is authorized to administer Homekey pursuant to the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code). Homekey funding allocations are subject to the terms and conditions of the NOFA, the Application, the Department-approved STD 213, Standard Agreement ("Standard Agreement"), and all other legal requirements of the Homekey Program.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to submit a joint Application to the Department for construction and operation of a tiny home village at South Hayward Parish in response to the NOFA, and to jointly apply for Homekey grant funds in a total amount not to exceed \$6,000,000.

BE IT FURTHER RESOLVED THAT if the Application is approved, the City Manager is hereby authorized and directed to execute a Standard Agreement, in a form to be approved by the City Attorney, in a total amount not to exceed \$6,000,000, and any and all other documents required or deemed necessary or appropriate to secure the Homekey funds from the Department and to participate in the Homekey Program, and all amendments thereto (collectively, the "Homekey Documents").

BE IT FURTHER RESOLVED THAT Co-Applicant acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement, in a form to be approved by the City attorney, and that the NOFA and Application will be incorporated in the Standard Agreement by reference and made a part thereof. Any and all activities, expenditures, information, and timelines represented in the Application are enforceable through the Standard Agreement. Funds are to be used for the allowable expenditures and activities identified in the Standard Agreement.

BE IT FURTHER RESOLVED THAT City Manager Kelly McAdoo is authorized to execute the Application and the Homekey Documents on behalf of Co-Applicant for participation in the Homekey Program.

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

## Feedback and Questions from Homelessness-Housing Task Force

December 16, 2021

HHTF Questions	Homekey Application Response
Eligibility: How will eligibility be determined and what groups will be served if the programs receive Homekey funding? Will any programs serve families with children? How much flexibility does the City have in specifying who is eligible?	The target population for each site is single or coupled adults who are at risk of homelessness or experiencing chronic homelessness. Eligible residents must meet Homekey eligibility requirements, including having an income of 30% of the area median income or lower. Citizenship status is not a criteria for determining eligibility. All residents must be referred to the program through the coordinated entry system. As the City is functioning as a pass through agency for the apartment acquisition and Project Reclamation programs, eligibility determinations will be primarily made by the agencies operating the programs.
Participation outreach: What type of outreach will be done to identify participants for the program?	Staff will work with the provider agencies to use the coordinated entry system and will work with the County to establish a form of local preference, if possible.
Funding sources: What portion of funding comes from the American Rescue Plan? What portion of the City's revenue will be used?	There is no impact to the City's General Fund. All capital expenses (i.e., acquisition, renovation, and new construction) will be covered with the Homekey award. The City will contribute a portion of its HOME Investment Partnership grant to operate the Tiny Homes Village at South Hayward Parish.
Funding availability: What is the timeline on State funding and what is the City's response when funds are no longer available?	Capital costs are one-time awards, while operating funds from the state are allocated on a 2:3 or 3:4 ratio. Staff have identified four years of operating funds for these programs, securing seven years of operating funds total. Staff will continue to monitor alternative funding sources.
Apartment acquisition project: What is the nature of the renovations to the apartment complex and how many individuals will be served?	After renovations, BACS anticipates being able to serve approximately 120 individuals through a shared housing model. The units will remain in an apartment style with bathrooms and kitchens in each unit and adults co-living in each apartment.
Operations timeline: What is the timeline for when the programs will be operating?	The timeline is informed by the Homekey program requirements. The City will have eight months from the time of receiving the award from the State to complete the projects and reach 90% occupancy.
Measuring success: For Project Reclamation, what is the approach to measuring success? What type of data (e.g., education accomplishments) will be collected on program participants	The program was formally recognized by the State as an innovative and successful use of Homekey funding. BACS tracks several demographic indicators, including education and employment status and accomplishments. Staff will work with partners to

<b>HHTF Questions</b>	<b>Homekey Application Response</b>
and their accomplishments for long-term success?	ensure that participants have access to supportive services and that metrics are established in the contract to track participant outcomes.
Service model: The City should consider models that include navigation services with on-site support and eventual transition to small home ownership opportunities.	There are separate programs throughout the City that can be connected. The pieces are not located at one site, but staff are working to connect them more clearly and will continue to explore this option.
Islander Hotel: Was the Islander Hotel considered for a Homekey project?	Ownership from the Islander did submit a response to the RFI for acquisition. Staff have been in communication with the owner for several months and have talked with developers who have worked on other Islander properties in other jurisdictions. Staff determined that the cost of the acquisition and corresponding operating needs made the project infeasible for this round of funding but will continue conversations regarding the property.
College study housing: Is it possible to reach out to partners to discuss using the second Tiny Homes Village project to provide housing for students attending Cal State East Bay and experiencing homelessness?	Staff will engage FFCH and CSUEB staff to get more information about the potential project and will report back at the January Council meeting.
Housing vouchers: Staff should continue exploring housing voucher availability	Staff concurs and will continue conversations with the Housing Authority of Alameda County and will monitor availability for future affordable housing development.





# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** RPT 22-006

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**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Informational Item Regarding Marin Municipal Water District's Proposal to Transmit Purchased Water Through the City's Transmission Mains and the Regional Water System Intertie as a Drought Relief Measure

**RECOMMENDATION**

That the Council receives this report on the Marin Municipal Water District's (MMWD) proposal to transmit purchased water through the City's transmission mains and Regional Water System Intertie as a drought relief measure.

**SUMMARY**

Faced with a critical water shortage condition due to the previous years' drought, MMWD reached out to Hayward staff in October 2021 regarding participation in MMWD's proposed project to obtain water from a third party due to a drought emergency and transmit the water to the District's services area. Of the four scenarios that MMWD is considering for conveyance of the imported water, the priority scenario involves use of the Regional Water System Intertie (Hayward Regional Intertie), operated by Hayward, and owned by the San Francisco Public Utility Commission (SFPUC) and East Bay Municipal Utility District (EBMUD). Under this priority scenario, water would be routed to Hayward for transfer to the EBMUD system, which would then convey the water to MMWD. Hayward staff are participating in meetings to ensure that the City's interests are protected.

Staff have initially identified three principles under which Hayward could potentially participate in this effort:

1. Water quality would remain the same as that delivered to all SFPUC wholesale customers.
2. Water would flow in one direction only, north to EBMUD. If managed carefully, delivering water to EBMUD can be accomplished with minimal pumping and less impact on Hayward's water distribution system.
3. Use of Hayward's water conveyance system would not interrupt deliveries to its customers

If this project is implemented, there would be no fiscal or economic impact on Hayward. All costs would

be borne by MMWD, including reimbursement to Hayward for costs incurred to prepare and operate the Hayward Regional Intertie.

Given the prospects of a severe drought, MMWD had not prepared an environmental review and instead relied on an exception due to the drought emergency. However, with a positive start to the water year and improved water supply storage, a drought emergency no longer exists, and the MMWD Board has determined that it is necessary to conduct a full environmental review of the project. That said, MMWD remains committed to this effort, and staff has prepared this report to update Council, particularly with regard to impacts on Hayward customers.

## **ATTACHMENTS**

Attachment I Staff Report



**DATE:** January 25, 2022

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Informational Item Regarding Marin Municipal Water District's Proposal to Transmit Purchased Water Through the City's Transmission Mains and the Regional Water System Intertie as a Drought Relief Measure

## **RECOMMENDATION**

That the Council receives this report on the Marin Municipal Water District's (MMWD) proposal to transmit purchased water through the City's transmission mains and Regional Water System Intertie as a drought relief measure.

## **SUMMARY**

Faced with a critical water shortage condition due to the previous years' drought, MMWD reached out to Hayward staff in October 2021 regarding participation in MMWD's proposed project to obtain water from a third party due to a drought emergency and transmit the water to the District's services area. Of the four scenarios that MMWD is considering for conveyance of the imported water, the priority scenario involves use of the Regional Water System Intertie (Hayward Regional Intertie), operated by Hayward, and owned by the San Francisco Public Utility Commission (SFPUC) and East Bay Municipal Utility District (EBMUD). Under this priority scenario, water would be routed to Hayward for transfer to the EBMUD system, which would then convey the water to MMWD. Hayward staff are participating in meetings to ensure that the City's interests are protected.

Staff have initially identified three principles under which Hayward could potentially participate in this effort:

1. Water quality would remain the same as that delivered to all SFPUC wholesale customers.
2. Water would flow in one direction only, north to EBMUD. If managed carefully, delivering water to EBMUD can be accomplished with minimal pumping and less impact on Hayward's water distribution system.
3. Use of Hayward's water conveyance system would not interrupt deliveries to its customers

If this project is implemented, there would be no fiscal or economic impact on Hayward. All costs would be borne by MMWD, including reimbursement to Hayward for costs incurred to prepare and operate the Hayward Regional Intertie.

Given the prospects of a severe drought, MMWD had not prepared an environmental review and instead relied on an exception due to the drought emergency. However, with a positive start to the water year and improved water supply storage, a drought emergency no longer exists, and the MMWD Board has determined that it is necessary to conduct a full environmental review of the project. That said, MMWD remains committed to this effort, and staff has prepared this report to update Council, particularly with regard to impacts on Hayward customers.

## **BACKGROUND**

The Hayward Regional Intertie, located in Hayward, connects the EBMUD water system and the SFPUC's Regional Water System through Hayward. The Intertie is owned by EBMUD and SFPUC, and operated by Hayward. It was constructed to facilitate delivery of water in the event of water supply interruptions due to emergency events or planned maintenance that cause interruptions in water supply. Water could be delivered through the Hayward Regional Intertie in either direction, should the situation necessitate.

MMWD serves 191,000 customers in Marin County. While recent precipitation has resulted in additional water supply storage and increased optimism, in the fall of last year, MMWD was in a severe drought after two years of extremely dry conditions. Given the impact of drought conditions on MMWD, the MMWD started pursuing a project to bring imported water purchased from a third party into the MMWD's service area under emergency drought conditions. The key element of the project is construction of an emergency 24-inch pipeline mounted under the upper deck of the Richmond-San Rafael Bridge that would convey water from EBMUD's system to MMWD. To complete this project, and depending on the water conveyance scenario, MMWD will need to coordinate with multiple agencies and stakeholders, including, but not limited to: Hayward, EBMUD, SFPUC, the City of Richmond, Contra Costa Water District, Alameda County Water District, a third-party water purveyor, and the California Department of Water Resources.

MMWD has developed four potential scenarios for the delivery of water from the seller (third party water purveyor) to MMWD's service area with the priority and more likely scenario involving use of the Hayward Regional Intertie. Given that the project would have a direct impact on Hayward customers, staff has prepared this report to update Council.

## **DISCUSSION**

Hayward staff have participated in two exploratory meetings with MMWD, and other potential partner agencies on this project to fully understand the options for transferring water through the Hayward Regional Intertie, and to ensure that Hayward's interests are protected. To provide context and structure to the City's discussions with MMWD and

other partner agencies, staff identified three criteria under which Hayward could participate in this project without impacts on its customers:

1. Water quality would remain the same as that delivered to all SFPUC wholesale customers.
2. Water would flow in one direction only, north to EBMUD. If managed carefully, delivering water to EBMUD can be accomplished with minimal pumping and impact on Hayward's water pressure. Therefore, it is critical that no water be returned to Hayward, which has the potential for water pressure changes and significant impacts to customers.
3. Use of Hayward's water conveyance system would not adversely impact deliveries to its customers. Under no circumstances would Hayward prioritize or accept service interruptions to City water customers in order to facilitate the water transfer.

Under these conditions, Hayward could potentially participate as a partner agency for the MMWD water transfer project through use of the Hayward Regional Intertie under emergency drought conditions, while maintaining water quality and delivery service to its customers.

#### Conveyance of Transferred Water and Water Quality Impacts

MMWD has prioritized the scenario which utilizes the Hayward Regional Intertie as the preferred method of conveyance. While the actual routing of the water is still to be determined, the options being considered at this time result in transferred water anticipated to be 8 million gallons per day, going into the SFPUC Regional Water System to be blended with other SFPUC supplies. SFPUC has indicated a strong willingness to participate in this project in the spirit of regional water supply reliability and partnership.

The transfer could result in some water quality impacts on the water supply to SFPUC wholesale customers including to Hayward; however, the extent and nature of those impacts are unknown. There are several factors that will determine the impacts, including the source of the transferred water, the time of year and the quantity. It is important to note, however, that staff has been assured by SFPUC staff that Hayward will not receive a different quality of water than other SFPUC customers. Staff will continue to participate in discussions to ensure that Hayward is not disproportionately affected.

#### Environmental Issues and Current Project Status

At this time, Hayward is not involved in environmental review for this project. Staff is providing the following information to update Council on the status of California Environmental Quality Act (CEQA) review and the project in general. MMWD had filed a Notice of Exemption from CEQA review on the basis that the project is needed to prevent or mitigate an emergency. At the time of the October 2021 filing, MMWD's water supply was critically low, and the agency determined that the amount of water in storage and reduced availability of water from its supplier, Sonoma County Water Agency, constituted an

emergency situation and thus a statutory exemption from CEQA. This determination was legally challenged by the North Coast Rivers Alliance on the basis that the project does not meet the definition of “emergency” under CEQA and further review of environmental impacts on endanger species is warranted.

The City Richmond has also expressed concern about the project, particularly related to noise and air pollution impacts on residential communities in Richmond from both construction and operation of the pump station and diesel generators in Richmond if the facilities are located as currently planned. EBMUD has identified engagement by MMWD with affected communities within EBMUD’s service area and resolution of outstanding issues as a principle which must be met in order to participate in the project.

At its January 4, 2022 meeting, the MMWD Board directed its staff to continue to develop the project with a full (non-emergency) environmental review. This will allow time to address environmental impacts and review all issues regarding this complex project. Hayward staff will remain engaged to ensure that the City’s interests are protected and that Hayward customers will not be negatively impacted.

### **ECONOMIC IMPACT**

There will be no economic impact on Hayward customers from the MMWD water transfer project as all costs will be paid by MMWD, including reimbursement for staff time needed to prepare and operate the Hayward Regional Intertie, as well as legal reviews.

### **FISCAL IMPACT**

There would likewise be no fiscal impact on Hayward associated with this project. All costs will be reimbursed by the MMWD.

### **STRATEGIC ROADMAP**

This agenda item does not address a Strategic Roadmap priority.

### **SUSTAINABILITY FEATURES**

Hayward’s participation in this project could support Bay Area regional water reliability under emergency drought conditions.

### **PUBLIC CONTACT**

At this time, no specific outreach to Hayward customers has been implemented. If the project moves forward, staff may conduct public outreach activities to inform the community and provide assurance regarding water quality and service reliability.

## NEXT STEPS

Staff plans to continue to participate in discussions related to the MMWD water transfer project to support Bay Area regional water reliability, while protecting Hayward's interests. At this time, two agreements are anticipated if the project goes forward: 1) a water transmission agreement between Hayward and MMWD to use Hayward's water conveyance system; and 2) an amendment to the Hayward Regional Intertie Operating Agreement between Hayward, EBMUD and SFPUC to operate the Intertie for this purpose. Staff and legal counsel will evaluate and draft the changes that may be needed to the Operating Agreement to ensure that operating the Regional Intertie to convey water for MMWD's use is consistent with the intended purpose of the facilities. Staff will return to Council with updates and consideration of the agreements at the appropriate time.

*Prepared by:* Cheryl Muñoz, Water Resources Manager

*Recommended by:* Alex Ameri, Director of Public Works

*Approved by:*

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

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Kelly McAdoo, City Manager