



## HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward  
East Bay Regional Park District  
Hayward Area Recreation and Park District

Meeting of Board of Trustees  
Hayward Shoreline Interpretive Center  
4901 Breakwater Avenue  
Hayward, CA 94545



**November 29, 2018**

### **DRAFT ACTION MINUTES**

#### **HASPA TRUSTEES PRESENT:**

Al Mendall, City of Hayward, Chair  
Dennis Waespi, East Bay Regional Park District  
Minane Jameson, Hayward Area Recreation and Park District

#### **HASTAC MEMBERS PRESENT:**

Adrienne De Ponte, Hayward Area Recreation and Park District  
Erik Pearson, City of Hayward  
Jay Lee, City of Hayward  
Mark Taylor, East Bay Regional Park District  
Sandra Hamlat, East Bay Regional Park District

#### **STAFF:**

Aimee Kerr, Climate Corps Fellow  
Larry Lepore, Hayward Area Recreation and Park District  
Matthew Graul, East Bay Regional Park District  
Paul Hodges, Hayward Area Recreation and Park District  
Robert Goldassio, City of Hayward

#### **VISITORS:**

Gena Wirth, SCAPE  
Kelly Abreu, Mission Peak Conservancy  
Laurel King, Hayward Shoreline Advocates  
Peter Wijsman, Arcadis  
Sybil Hatch, Convey

1. **Call to Order**

A regular meeting of the Hayward Area Shoreline Planning Agency (HASPA) was called to order at 3:00 P.M. by Chair Mendall.

2. **Introductions**

Introductions of those present were made [listed on Page 1].

3. **Approval of HASPA Minutes for October 11, 2018**

Moved by Trustee Waespi and seconded by Chair Mendall, without objection, to approve the minutes of the Hayward Area Shoreline Planning Agency meeting of October 11, 2018.

4. **Public Comments**

Kelly Abreu made a public comment asking if the new consultant for the Shoreline Master Plan is planning to use or reference the Technical Plan for Sea Level Rise from 2010 (“Preliminary Study of the Effect of Sea Level Rise on the Resources of the Hayward Shoreline”) in their work with the new plan.

**REPORTS**

1. **Reports from Technical Advisory Committee (TAC)**

**Industrial Regulations Update**

TAC Member Jay Lee announced that at the HASPA meeting of October 11, 2018, Leigha Schmidt, City of Hayward, gave a presentation on the Industrial Regulations Update and that the HASPA committee gave a lot of good feedback regarding the consideration of the shoreline in the update. Lee mentioned that Ms. Schmidt and other City staff are working on incorporating this feedback in the Draft update. Lee also advised of the upcoming City Council Work Session scheduled for December 18, 2018 – the agenda for the work session will be made available to the HASPA interested parties once published.

Trustee Minane Jameson asked whether there is anything already codified which requires any future development in the shoreline area to join a GHAD for shoreline protection.

TAC Member Lee responded that nothing is already in place for new development, but Ms. Schmidt is having conversations with the Hayward City Attorney’s office regarding those related legal challenges. Lee added that there is a significant cost to establishing a GHAD, in addition to a vote, which must be passed by the majority of landowners that own land within the GHAD boundary.

Chair Al Mendall added that while either creating a GHAD for the shoreline area or adding a fee to new developments is likely necessary, creation of a GHAD would be a more feasible vessel by which to secure funds for necessary improvements.

**Shoreline Master Plan Update – Memorandum of Understanding**

TAC Member Lee announced that a Memorandum of Understanding (MOU) for the Shoreline Master Plan (SMP), which identifies the roles and responsibilities of each agency as they pertain to the Shoreline Master Plan and the recently awarded Grant from Caltrans, is being routed to the three member agencies: City of Hayward, Hayward Area Park and Recreation District (HARD), and East Bay Regional Park District (EBRPD).

Chair Mendall stated that HASPA will consider this matter covered and closed.

### **Joint Powers Agreement (JPA)**

TAC Member Lee advised that the JPA is being re-routed to the three agencies (City of Hayward, HARD, & EBRPD) for signatures since the original agreement with the wet signatures from 2016 has been misplaced. The agreement is active until 2021.

Chair Mendall stated that HASPA will consider this matter covered and closed.

### **4150 Point Eden Way**

TAC Member Lee stated that the property at 4150 Point Eden Way was purchased by Uhaul. He stated that there was some concern about what would be allowed to go there given the Historic Designation and Historical landmarks. Lee added that the City of Hayward has reviewed the property and communicated clearly to the new owner that an Environmental Impact Report (EIR) would be necessary before any current structures could be demolished. Lee mentioned that no recent correspondence has been received from the property owner.

## **2. Action Items (Trustees/TAC)**

### **Offshore Drilling Resolution**

TAC Member Lee announced that the HASPA Technical Advisory Committee (TAC) has circulated a staff report with the agenda that will be submitted to City Council along with a resolution from HASPA recommending review and adoption. The resolution opposes the recent decision by the United States President, Donald Trump, to allow and expand offshore drilling along the California coastline. Lee added that a substantial number of other state jurisdictions and municipalities (upwards of 75) have also established their own resolutions opposing the President's decision.

A Motion was made by Trustee Waespi and seconded by Trustee Jameson to recommend approval and adoption of the resolution by City Council. This motion was passed unanimously without objections.

### **Shoreline Master Plan Consultant Selection**

TAC Member Lee provided an introductory summary of the efforts leading to the consultant selection phase of the SMP, including an overview of the Request for Proposals (RFP) process and interviewing. Lee also summarized the criteria by which the consultants' presentations and interviews were assessed, focusing on the firms' experience and qualifications, public sector experience, completeness and clarity of proposals, scope of work as aligning with the RFP, and estimated project budget.

TAC Member Lee stated some of the key strengths of the consultants and reasons for the final TAC recommendation that SCAPE be hired as the consultant to prepare the SMP for HASPA. Lee mentioned that additional strengths of the leading proposal included its feasibility and multi-benefit project approach, including environmental, transportation, social, and recreational benefits.

### **Consultant Presentation**

SCAPE presented a twenty-five-minute presentation with PowerPoint slides to provide an overview of their qualifications and experience and to express key points in their scope of work for the SMP.

### **Consultant Presentation Q&A**

Following the presentation by SCAPE, a Question & Answer segment was opened.

Trustee Waespi thanked SCAPE for a wonderful presentation. Waespi asked hypothetically what time other local jurisdictions are supposed to get involved if the shoreline starts flooding and how HASPA should engage them.

Sybil Hatch, Convey, responded that currently other governing bodies and agencies are looking into the tough questions about how to protect the shoreline and prevent adverse impacts of flooding, as well as who does what if a disaster begins or continues to happen. Hatch mentioned some of these agencies include ECOC, Alameda County Flood Control, and FEMA to name a few.

Peter Wijsman, Arcadis, noted that studies in the SMP may help develop a case to present to businesses in the area, improving their knowledge of potential impacts without them having to experience these impacts firsthand.

Trustee Waespi mentioned that the agencies with the most to lose are the enterprise districts, versus those agencies who need a two-thirds vote for implementation.

Gena Wirth, SCAPE, responded that they will be working with the stakeholders to determine time scales and how to prioritize adaptation strategies. Wirth added that the Hayward Shoreline's ecological projects have great potential to provide great benefits for a low cost as long as they are able to grow, starting now.

Trustee Jameson asked what other projects by SCAPE are currently being implemented.

Gena Wirth, SCAPE, responded that a major project is New York City's "Rebuild by Design", which is similar to Resilient by Design. Wirth also stated that she is interested in planning projects that can realistically be implemented and avoids creating projects that will sit on a shelf.

Chair Mendall asked if any of the projects in the SMP will be "shovel ready" or just conceptual. He also asked the TAC to coordinate with SCAPE to determine whether it would be wiser to wait until SCAPE outlines the transition zone boundaries first before starting the process of forming a GHAD so that the GHAD boundaries would be appropriate and accurate.

Gena Wirth, SCAPE, responded that projects identified in the SMP will be ready to move into the feasibility assessment and design stage, but that truly "shovel ready" projects will require effort that exceeds available financial resources. Wirth stated that prioritization of adaptation responses will be completed.

TAC Member Lee asked whether if the level of detail for projects is adequate so that HASPA can just tier them off with CEQA following adoption of the SMP.

Peter Wijsman, Arcadis, recommended that HASPA look into a programmatic EIR to capture multiple projects and focus on the most implementable projects by type and funding.

A Motion was made by Trustee Jameson and seconded by Trustee Waespi to approve the TAC's recommendation to hire SCAPE as the SMP Consultant. This motion was passed unanimously without objections.

### 3. Reports from Board Members (Trustees)

#### Bay Trail Failures Update

Trustee Jameson requested an update on previously TAC-reported (approximately seven) levee failures along the bay trail.

TAC Member Taylor announced that the two primary failures have been completely fixed via emergency repair as of last week, including repair of two hundred feet of trail and placement of one thousand tons of riprap in five days. Taylor stated that EBRPD received all necessary permits and permissions from appropriate agencies to commence work. They intend to begin work on the damaged bridges starting on December 10, 2018. Taylor added that the damages were caused by King Tides and a high-wind event.

### 4. Agenda for Next Meeting, Thursday, January 10, 2019, at 3:00 P.M.

#### Standing TAC Report Items:

- TAC bylaws and Procedures
- Shoreline Master Plan Update
- Industrial District Regulations Update
- 4150 Point Eden Way Update
- 2019 HASPA Meeting Schedule

#### Future Agenda Items:

- Citizens' Climate Lobby (Potential Agenda Item from Trustee Jameson)
- Invite Vinnie Bacon to present and provide feedback to HASPA

## **ADJOURNMENT**

Chair Mendall adjourned the meeting at 4:26 PM.