



## **HAYWARD AREA SHORELINE PLANNING AGENCY**

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

Meeting of Board of Trustees  
City of Hayward City Hall  
Second Floor, Conference Room 2-A  
777 B Street  
Hayward, CA 94541

April 13, 2017

### **OFFICIAL 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  
Rick Hatcher, Hayward Area Recreation and Park District

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

Damon Golubics, City of Hayward  
Erik Pearson, City of Hayward  
Mark Taylor, East Bay Regional Park District  
Kevin Takei, East Bay Regional Park District  
Adrienne De Ponte, Hayward Area Recreation and Park District

#### **STAFF:**

Laurel James, City of Hayward  
Mary Thomas, City of Hayward  
Sandra Hamlat, East Bay Regional Park District  
Jean Clark, Hayward Area Recreation and Park District  
Karl Zabel, Hayward Area Recreation and Park District  
Helena Graves, City of Hayward  
Hayes Morehouse – City of Hayward

#### **VISITORS:**

Allen Bertillion, Hayward Shoreline Advocates  
Audrey Le Pell, Hayward Resident  
Betty Moose, Hayward Shoreline Advocates  
Erika Castillo, Alameda County Mosquito Abatement District  
Evelyn Cormier, Ohlone Audubon Society  
Hayes Morehouse, Hayward Resident  
Jackie Bertillion, Hayward Shoreline Advocates  
Joseph Huston, Alameda County Mosquito Abatement District  
Kelly Abreu, Fremont Resident  
Laurel King, Hayward Shoreline Advocates

## 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.

## 3. **Approval and/or Changes to Agenda**

Agenda approved without any recommended changes or objection.

## 4. **Approval of HASPA Minutes for January 12, 2017**

Minutes of the Hayward Area Shoreline Planning Agency meeting of January 12, 2017 were approved with no objections. A motion was made by Trustee Waespi, seconded by Trustee Jameson and it passed unanimously with the following two corrections noted.

Page 2, Item 2, Line 1 should be corrected to read that Rick Hatcher of Hayward Area Recreation and Park District will become the alternate Trustee and Minane Jameson will continue as the primary Trustee on the Board of the Hayward Area Shoreline Planning Agency (HASPA).

Page 5, Item 8, Line 7 should be corrected to reflect that one of the key hold backs has been the evaluation and approval of the biological opinion from the U.S. Fish and Wildlife Service, not the Department of Fish and Wildlife.

## 5. **Public Comments**

Betty Moose, a member of the Hayward Shoreline Advocates invited all to their meeting and Ms. Moose provided notice of their April 20, 2017 meeting at 3:00 pm at the San Lorenzo Library Community Room. There will be a slide show presentation by the Oro Lomo Sanitary District regarding new levees.

Kelly Abreu, a citizen of Fremont provided information that neighboring cities to Hayward have been putting out expected sea level rise projections and if Hayward does not have data for the rate of sea level rise, he suggested that HASPA look to other neighboring cities for those numbers if the City of Hayward doesn't have this data.

## **NEW BUSINESS**

## 6. **Civic Spark Fellow Request**

Damon Golubics, TAC Chair, City of Hayward, presented the information regarding the Civic Spark Fellow request. The Fellow will be helping with HASPA's mission of producing a Shoreline Master Plan and possibly assist the TAC with Measure AA submittal documents. Mr. Golubics then introduced TAC Member Erik Pearson to speak in more detail about this topic.

Erik Pearson, TAC Member, City of Hayward, expanded that Hayward's Utilities and Environmental Services Department are in their second year of having a Civic Spark Fellow who has been working with the City's Sustainability Committee. The Civic Spark Fellow program is an arm of the Americorps program comprised of recent college graduates who work for local

governments. They work almost full time for about eleven months with the option of renewal for an additional six months. There has been quality work produced in the Utilities & Environmental Services Department. The TAC expects that the Civic Spark Fellow for HASPA could be housed in Hayward's City Hall as the host agency and would eventually work with all three agencies (City of Hayward, East Bay Regional Parks District and Hayward Area Recreation and Park District).

Mr. Pearson indicated that this person will assist with the development of the Shoreline Master Plan which will take a significant amount of resources that are not available elsewhere. Their role would be to also assist with outreach, project research, identify funding sources, work on some initial pieces and maybe assist with some Measure AA project work.

Trustee Minane Jameson expressed that a Civic Spark Fellow would bring value to HASPA efforts. She asked if anyone had been identified already and whether or not this would be an intern role. Mr. Pearson explained that no one had been identified yet, but that the Local Government Commission goes through a thorough vetting process and tries to match candidates to the projects they will be working on and the agency is usually then provided with three potential candidates. The applications for HASPA position are due on April 14, 2017.

Trustee Dennis Waespi asked questions regarding the Civic Spark Fellow candidate backgrounds and Mr. Pearson confirmed that most applicants have college degrees with backgrounds in areas such as water, sustainability and environmental sciences or similar fields. As part of the program, those chosen become part of a regional network where, in addition to their role with an agency, they go to collaborative regional meetings with other Fellows that begin their fellowships at the same time. Almost all Fellows will begin work in September of 2017 and continue through September of 2018.

Sandra Hamlat, East Bay Regional Park District, said that EBRPD has applied for a Civic Spark Fellow to work on Hayward's the sustainability action plan and cost benefit analysis and this person could also collaborate with the potential HASPA Civic Spark Fellow as part of the regional network of fellows.

Trustee (Alternate) Rick Hatcher asked for confirmation about the length of the assignment which would begin run from September 2017 through August 2018 (11 months) with the option to add an additional 6-month extension.

Chair Mendall raised the question if the funds requested would be adequate and if more is needed, if an extension is requested, etc. then the three agencies would need to agree to any additional funds requested. There was a motion made by Trustee Jameson and seconded by Trustee Waespi to support the hire of a Civic Spark Fellow for the next fiscal year. The motion passed unanimously with none opposed

## **7. NOAA 2017 Coastal Resilience Grant**

Damon Golubics, TAC Chair, presented information that the TAC applied for a resiliency funds grant to work on the Shoreline Master Plan. The TAC met multiple times and helped put together a grant application along with Mary Thomas, City of Hayward, and Laurel James, City of Hayward. The application is for \$700,000 but with the added staff time that would come from the \$36,000 funds over 3 years would be considered the grant matching funds component consistent with federal requirements for such grant applications. There is a reasonable probability of receiving the funds. Mr. Golubics thanked and recognize Laurel James and Mary Thomas for their

extraordinary assistance with this effort and their assistance to get the application in by the deadline.

Trustee Jameson asked what the chances of receiving the funds and would cuts at federal level affect this to which Laurel James responded that at this time there are no competitive grants going to California because there were three disasters that have occurred recently and funding will be available for these. It is anticipated that 100 million dollars will be available through the Local Hazard Mitigation program which also includes funding things like the Oroville Dam repairs. The limit of the ask is \$3 million in federal funds which includes in kind matching with staff time. The initial process begins June, 2017 where initial questions by applicants can be made.

Chair Mendall praised the TAC that pursuing this grant application was a good call and acknowledged all the hard work and tight deadline to accomplish it and since locating a source of funding for the Master Plan was a focus of the JPA for this year, the request for funds acquisition meets this goal.

## **8. Measure AA Funding Update**

Sandra Hamlat, Senior Planner, EBRPD, provided an update on Measure AA funding. The current schedule regarding Measure AA is that the Authority is in process of developing the RFP's which will be finalized in September of 2017. The expected grant application deadline will be sometime in November of 2017. A recommendation regarding what projects will be funded will happen anytime from January through March of 2018 by the Authority Board.

There are new representative on the Board that will include a new South Bay representative and new North Bay representative. There is also possibly of a new Chairperson for the Authority but that is not definitive as of yet. The Authority is appointed by ABAG so this is a good opportunity for HASPA to make connections with ABAG.

Chair Mendall asked that the HASPA Trustees receive a list of Shoreline projects related to the HASPA area to be considered by the end of April, 2017 for review and reference.

Trustee Waespi asked Ms. Hamlet about the range of funding that might be anticipated from the Authority and she stated that the awards will be from \$50,000 to \$500,000.

Ms. Hamlet replied that there is a matching funds component to any award of funds. The matching funds are expected to be not whole funding source. The bottom line here is that if there are other funds available, then that is what is expected to supplement funding for the project.

Alternate Trustee Hatcher asked will there be multiple RFPs for the June list of projects? Ms. Hamlat responded that release of RFPs will occur only once a year. Project labor agreements will consist of a rate of 3-5% for bigger projects. Smaller projects will have overhead as well as larger projects but those costs cannot be spread out like a larger project.

Chair Mendall asked Ms. Hamlat about the deadline related to the 2017 RFP and she responded that September is when it is expected that the RFP will be finalized and release. Formation of the organization (Authority) has caused the deadline to be pushed back a bit. Ms. Hamlat stated that the Authority will consider planning and permitting related to future projects not just shovel ready projects. The example Measure AA project list is a guideline not a guarantee of funding.

## **UNFINISHED BUSINESS**

### **9. Levees/Storm Update**

Mark Taylor, East Bay Regional Park District, reported that since the last HASPA meeting there has been some significant Shoreline damage but not as great as before. The damage was not as extreme this past storm season since the Shoreline experienced extreme winds from the south and southeast instead of the north and northwest which helped. EBRPD had a meeting with the San Francisco Bay Conservation and Development Commission (BCDC) staff and they are now more aware of the issues and needs at the Shoreline and it allowed the opportunity to answer more specific questions. There is a possibility that EBRPD may get the levee permits applied for by the end of the year. They are hopeful and it is positive progress made.

Trustee Waespi inquired about damage at the Oro Lomo horizontal levee to which Mr. Taylor responded that it is not near the Shoreline; it did not sustain significant damage and confirmed that it is still under construction.

Betty Moose asked Mark Taylor about the status of obtaining the permits and whether or not tours of the Shoreline have happened in the past. He confirmed that there have been tours in the past in both 2012 and 2015 but no permits have been granted since 2010 and 2013. EBRPD is in the process of applying for a five-year permit for annual maintenance and there is hope this will happen. Permits would be needed for the work to be done within the September to February construction window.

Trustee Hatcher inquired about the status of permits and Mark Taylor elaborated that although they have had some more success with some agencies, such Fish & Wildlife, Mr. Taylor is working with people at other agencies where it is hoped that permits might be obtained in January. There are still permits from the other agencies that also have to be lined up. All required permits must be issued for work to begin.

Chair Mendall brought up the question about what the status of the potential for an umbrella permit is at this time. The idea has come up before at prior meetings to make efficient use of time and resources and secure a long-term fix. Mr. Taylor confirmed the requirement that at this time all individual agencies need to apply for the permit(s) for the work in their respective areas. Trustee Hatcher asked if this was a viable option and Mr. Taylor responded that he is not aware of any agency(ies) that have been successful with this option. Sandra Hamlat shared that next week there was a meeting regarding the coordinated permitting process, which would include landowners and managers along the Shoreline. It would also include BCDC.

Trustee Waespi suggested the need to write a letter to EBRPD if they are willing to pursue an umbrella permit for multiple agencies (HARD and EBRPD).

Chair Mendall suggested there would be a need for this to be done by the person in charge of permitting (EBRPD). It was suggested that the TAC could draft a letter that General Managers of EBRPD and HARD would ultimately sign and provide a draft to Chair Mendall, Trustee Waespi and Trustee Jameson to review before sending.

The question/request was raised at a prior meeting specifically with EBRPD's Chief of Stewardship as the lead associated with this effort.

Audrey Le Pell indicated that she and Betty Moose remember the previous presentation about this matter and that their request was not responded to.

Kelly Abreu made the statement that if you want more than a few minutes with the Board (EBRPD) that you need to get on their agenda.

#### 10. Development Project(s) Update

TAC Chair Damon Golubics brought up that the Whitesell Street extension project. TAC Member Mark Taylor mentioned that northern Whitesell Street to Depot Road is still closed due to ongoing remaining project work.

It was mentioned by Mr. Golubics that the proposed project at 4150 Point Eden Way (former Oliver Salt Works property) was withdrawn since the City of Hayward was unable to support the request. A new request is forthcoming for the site spearheaded by Mr. William Lu who previously was the lead/project manager for the Baumberg Avenue development, also known as FedEx/Weber project. Any new project on the site will require CEQA review to evaluate biological issues and the demolition of a historic resource.

Trustee Jameson asked if the Hayward Historical Society still owned the property? The response by Mr. Golubics was "yes," they are still the owner of the site. Trustee Jameson thought that the property seems too close to the shoreline and perhaps could be donated to the Shoreline (as additional open space)? Mr. Golubics mentioned the City of Hayward's intent to update the industrial zoning regulations where City staff will look at the properties along the Shoreline. Mr. Golubics indicated that he will share Trustee Jameson's thoughts about industrial Shoreline properties with the Senior Planner in charge of the industrial zoning regulations update.

There was a comment related to industrial property and that it wasn't zoned as historic. There could be something done with new industrial building and incorporate a historic flare to represents Hayward's past.

Betty Moose with the Hayward Shoreline Advocates indicated that she has met with the Hayward Historical Society and spoke with the General Manager.

Audrey Le Pell observed that the planned development zoning process as applied to the Shoreline could yield interesting results and this is based on Ms. Le Pell's previous experience with the Alameda County Planning Commission. According to Ms. Le Pell, planning can change the character of an area.

Chair Mendall indicted that during the development review process a lot of constraints are put on applicants. The Chair thought that the three (HASPA) agencies could back to their boards or General Managers could to buy the property (like the 4150 Point Eden Way site), thus controlling how the site develops. Maybe it gets developed or preserved as open space. Chair Mendall indicated that he will follow up with the trustee of endowments for the Hayward Historical Society

Alternate Trustee Rick Hatcher agreed with the Chair and also see a need.

TAC Chair Damon Golubics mentioned the Depot Road Site Plan Review request for a new tilt-up building being proposed on a vacant parcel next to the Shoreline. The Site Plan Review request is nearing completion and potential project approval or decision regarding this the matter will be



coming soon. The proposed building will have darker more muted exterior paint colors and non-reflective glass.

Chair Mendall directed City of Hayward staff to ensure the any decision related to the Depot Road request be sent out to the HASPA distribution list.

There was also a request that public hearing items involving Shoreline sites should also be sent out to everyone on the HASPA Distribution list.

It was asked of Mr. Golubics what was going on with the property located at the end of West Winton Ave (old Pick Your Part site)? Nothing official yet only preliminary work with Hayward City staff has been done. HASPA staff was directed to inform HASPA interested parties via the distribution list should something official be submitted for the West Winton site.

There was also a discussion of the latest project going on in the Eden Shores development, specifically a new light industrial building going up close to Costco that involves a PD zoning request. Shea is involved with this development, which will be reviewed by Hayward's Planning Commission on May 11<sup>th</sup> and then to the City Council for a final decision related to the rezoning request.

Trustee Jameson asked about the environmental review component of the Eden Shores/Shea project. TAC Chair Golubics stated that he would speak with the city planner handling the case. Mr. Golubics thought that the project was covered by previous environmental work undertaken for the larger Eden Shores area. Chair Mendall mentioned that it is good to let people know what is going on and proposed on the Shoreline.

Audrey Le Pell asked if a project is controversial enough would that require a full EIR? Chair Mendall and TAC Chair Golubics Damon said potentially but this type of decision is done on a case by case basis. Generally speaking, City staff starts with an "initial study," which could lead to a Mitigated Negative Declaration for the project. Mr. Golubics mentioned that it's really not a simple answer.

## **REPORTS**

### **11. Report from Technical Advisory Committee (TAC)**

TAC Chair Damon Golubics mentioned that he recently met with City of Hayward Administrative Analyst Laurel James about a potential meeting between TAC staff and Dr. Patty Oikawa of California State University, East Bay (CSUEB) to discuss setting up a monitoring station on the shoreline for data collection. This would allow Dr. Oikawa and her students to collect and analyze data related to sea level rise, which in turn could be used for HASPA's Shoreline Master Plan work.

Trustee Jameson brought up the Russell City Energy Center air monitoring station issue where it would have been helpful to have been awarded a previous grant that would have had key data for Dr. Oikawa's work.

TAC Member Erik Pearson mentioned the Book to Action event where climate action was discussed. This was a collaborative event between the City of Hayward, East Bay Regional Park District, Hayward Area Recreation and Park District and Cal State East Bay. Bill Nye The Science Guy was the keynote at the event. Haywards's Mayor and Council Member Mendell were part of

the event. Also, it was noted that there was no live streaming or recording of the event. The event was fully booked.

It was also mention that the Wetland Habitat Room at the Shoreline Interpretive Center would be renamed after Frank & Janice Delfino on May 20, 2017. This particular piece of the Shoreline Interpretive Center has evolved into more than just a room.

It was also mentioned that Jean Clark is the new supervisor of the for the Shoreline Interpretive Center.

## **12. Report from Board Members**

Trustee Waespi met with Congressman Eric Swalwell and the Congressman's staff wrote a letter to the U.S. Fish and Wildlife regarding permits and permitting. There has been no response yet from the U.S. Fish and Wildlife.

On April 22<sup>nd</sup>, the EBRPD will dedicated the former Breuner Marsh and renamed it after Whitney Dotson, former board member, to Whitney Family Marsh. The marsh has a beautiful boardwalk and everyone is invited to the dedication event.

Trustee Jameson reported to the group that trash is being stopped from getting into the storm drains so it does not ultimately make it to the Shoreline. She encouraged that HASPA and interested parties to write a letter to the State to increase the redemption value on cans and bottles so there is more incentive for people to recycle and not litter the Shoreline

Chair Mendall commented that the City of Hayward is at 75% waste containment and was hoping the City get to the goal of 0% waste. TAC Member Erik Pearson indicted that the City of Hayward Public Works Utilities and Environmental Services Department via Director Alex Ameri can provided a status report on this and Water Pollution Source Control Administrator Elisa Wilfong could perhaps be tapped for detailed information related to this topic.

## **13. Setting Agenda for Next Meeting, Thursday, July 6, 2017 at 3:00 P.M.**

- 1) Damon Golubics should have action items from this meeting
- 2) The TAC should circle back with Matt Graul about permitting
- 3) Tour of Oro Lomo Ecotone project: staff will seek to scheduled (keep on radar)
- 4) Measure AA RFP: staff will continue to keep informed related to this matter
- 5) NOAA Grant status
- 6) Civic Fellow: interviews in July (tentative)

## **ADJOURNMENT**

Chair Mendall adjourned the meeting at 4:36 p.m.