



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



January 2, 2018

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

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

STAFF:

Ciaran Gallagher, CivicSpark Fellow
Dee Rosario, East Bay Regional Park District
Karl Zabel, Hayward Area Recreation and Park District
Linda Grand, CivicSpark Fellow
Robert Goldassio, City of Hayward

VISITORS:

Ann Graham, Hayward Shoreline Interpretive Center (HSIC)
Caitlin Hosken, Hayward Shoreline Interpretive Center (HSIC)
Christine Cardosi, Hayward Shoreline Interpretive Center (HSIC)
Evelyn Cormier, Ohlone Audubon Society
Kyle Bloomster, Hayward Shoreline Interpretive Center (HSIC)

1. Call to Order

A regular meeting of the Hayward Area Shoreline Planning Agency (HASPA) was called to order at 10:05 A.M. by Chair Mendall.

2. Introductions

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

3. Approval and/or Changes to Agenda

Agenda approved without any recommended changes or objection.

[Chair Mendall requested that this agenda item be removed from future agenda items]

4. Approval of HASPA Minutes for October 12, 2017

Minutes of the Hayward Area Shoreline Planning Agency meeting of October 12, 2017 were moved to the next HASPA meeting of April 12, 2018 for further review prior to approval. No action taken.

5. Public Comments

No public comments were made.

REPORTS

1. Report from Technical Advisory Committee (TAC)

TAC Member Jay Lee, City of Hayward, gave an update on the Measure AA Grant. TAC Member Lee indicated that the TAC submitted the application on November 15, 2017 for the "Oliver Salt Ponds Project" and expect to hear back by May of 2018. This project is a good fit for the grant since it meets the RFP requirement of being an implementation restoration project with a habitat restoration component. This was a joint effort between the City of Hayward, H.A.R.D, and E.B.R.P.D. to meet the first-round deadline for the grant.

Chair Mendall asked how much the grant could award in dollars.

TAC Member, Adrienne De Ponte, responded that the requested amount is approximately \$3.2 million.

Chair Mendall then asked if there is any early indication that the application will be accepted and/or awarded.

TAC Member Lee responded that there is currently no indication this early on regarding how well the application has been received. TAC Member Lee adds that he feels confident with the submittal since it addresses two critical parts of the grant RFP.

Trustee Waespi advised that if the any part of the grant awarding process becomes political, then HASPA should reach out to Vinny Bacon, the closest representative stationed out of Fremont for assistance.

Chair Mendall stated that he would like to draw Mr. Bacon attention to the grant application and requested a one-page summary of the submitted project from the TAC.

TAC Member Lee reported on the W. Winton project [approx. 500,000 sq. ft. industrial building at old Pick your Part site], which was previously presented to HASPA at the July 6, 2017 meeting. He announced that the CEQA process has been initiated and the Initial Study and Mitigated Negative Declaration has been released to the public. The environmental report was drafted by one of the approved City vendors for CEQA work, LSA Associates, Inc. The public review period will be ending on January 16, 2018; currently no comments have been received.

TAC Member Lee proceeded to address concerns previously raised at the July 6, 2017 HASPA meeting. Regarding the building height, the proposal is forty-three feet, which is slightly taller than other buildings in the area so additional research has been done. The applicant also indicated that even though the internal ceiling height is thirty-six feet tall, the additional height is required due to the size and structure of the building. Another issue is the aesthetics of the building, which is also a component of the CEQA analysis. The applicant provided photo simulation renderings, which are available in the IS/MND document. Although the height was a concern, this building is not much higher than the surrounding buildings so that impact is minimal. However, there currently is no maximum height requirement in the industrial district either.

Chair Mendall added that the City needs to work on fixing the industrial regulations, which currently do not provide a maximum height for industrial buildings.

TAC Member Lee responded that a Senior Planner is currently working on that issue as part of the Industrial Regulations update. Lee continued with the project update and added that a positive outcome is the applicant has agreed to include some good buffering along the west side of the building facing the shoreline, including extra pockets of trees along the façade, additional trees around the corners, and similar buffering along West Winton Avenue. The applicant also improved the elevations through additional building articulation as well as additional contrasting colors such as dark green to break up the building mass. All the changes since the original proposal have helped improve the building elevations.

TAC Member Lee continued and added that the applicant has agreed to add a pedestrian pathway and even put up some new signage alluding to the shoreline and bay trail. As for the solar panels, they're still working out the details, however, they do intend to use the East Bay Community Energy's Community Choice Aggregate program. Sea level rise was also evaluated in the CEQA document, which determined that the project wouldn't result in a significant impact.

Chair Mendall asked why the sea level rise wouldn't be an issue, especially if the property is only five to ten feet higher than sea level.

TAC Member Lee responded that the CEQA analysis concluded sea level rise would be less than significant. The applicant is also elevating the building by five feet. The parking area may have potential flooding so the applicant is designing the parking lot in such a way that the drainage should be less of an issue.

Chair Mendall reiterated his recommendation from the previous meeting that a Geologic Hazard Abatement District (GHAD) be formed. The W. Winton project could be the first to enter into the GHAD but all properties along the shoreline within a certain elevation, maybe fifteen feet or less, would have to be included in the GHAD. Chair Mendall added that if there is no GHAD component to this project then he will have some concerns regarding the project.

TAC Member Lee stated that City staff is keeping tabs on the GHAD formation and are considering including something to that effect in the Conditions of Approval for the project.

Chair Mendall suggested that if a Condition of Approval was included, which would require the property owner to join the GHAD for the shoreline, that it would be good.

TAC Member Lee added that the current estimated sea level rise is approximately one foot by the year 2050. Although this amount of sea level rise is significant, it shouldn't be a significant impact to this project until beyond that time.

TAC Member Lee finished the update by acknowledging that any the significant environmental impacts are being analyzed and mitigated. A public hearing is scheduled before the Planning Commission on January 25, 2018; the staff report is currently being prepared.

Chair Mendall asked if the project will be going to City Council due to the CEQA component.

TAC Member Lee responded that the Planning Commission is the approving body in this case. Furthermore, the project didn't need to go to the Planning Commission but it was decided by staff to refer the project to the Planning Commission due to the size of the building and it's in an environmentally sensitive area.

Trustee Jameson asked if the use of greywater is being incorporated into the project. Jameson suggested that it be required as a condition of approval to use for irrigation and landscaping.

TAC Member Lee stated that there will be a recycled water line going out there, which the developer plans on using.

Chair Mendall asked if the HASPA mailing list was also notified of the CEQA public comment period and availability of CEQA documents.

TAC Member Lee replied that HASPA interested parties were included on the mailing list.

Chair Mendall asked if there has been any discussion of murals on the west facing front of the building.

TAC Member Lee stated that City staff is considering ways to add public art to the building. At this time, the applicant feels inclined to put some interpretive features along the pathway.

Chair Mendall stated he would like to know the costs associated with the art work and see the applicant present it as an option to the Planning Commission, primarily on the west facing side.

TAC Member Mark Taylor stated that they are also concerned with the west elevation, which contains thirty-eight warehouse doors. Mr. Taylor added that EBRPD intends to present comments before the end of the comment period. Additionally, with that many warehouse doors, there will be a lot of light pollution. Since the building is right next to the marsh, the amount of light pollution will be comparable with the FedEx building, which has a similar issue regarding light reflection off the water.

TAC Member Lee thanked everyone for their suggestions and agreed to present everything back to the applicant.

TAC Member Lee gave an update on the Shoreline Master Plan (SMP). The TAC was able to get the SMP on the SF Bay Area Joint Ventures list, which is important in preparation for next year's

Measure AA grant since projects on that list are given priority. The TAC intends to apply for next year's grant as well, because they believe the SMP, with all the advanced planning and vast geographical scope, is competitive enough to be a strong candidate for an award. Additionally, the TAC is researching other potential funding resources, such as the CalTrans S.B. 1 grant and other funding sources.

Linda Grand, CivicSpark Fellow, passed around a gantt chart, which has a revised schedule of the SMP and highlights the specific scope of work that Ms. Grand will be working on for the SMP.

Linda Grand, CivicSpark Fellow, presented the SMP gantt chart, which is broken down by task and year. The first two tasks, determining the scope of work and gathering technical data, are what Ms. Grand has been working on since September of 2017. This also includes researching potential funding sources and creating timelines based upon future Request for Proposal dates. Ms. Grand stated she is also researching past vulnerability assessments that discuss SLR on the Hayward Shoreline, and has been creating a draft summary report of findings.

Ms. Grand added that next steps will be seeking stakeholder engagement from industrial property owners, and explaining what SLR is and how it effects them. Afterwards, HASPA and the HASTAC will work together to establish a vision for the SMP. Lastly, the critical piece is to find funding so that a consultant can be hired to start working on the SMP. Ms. Grand explained that she will be a fellow working on this project until August 2018, and hopes that another fellow can be acquired to continue the work needed.

Trustee Jameson asked what the funding is specifically intended for.

Ms. Grand responded that the funding will be to draft the plan.

Trustee Jameson asked if there is a cost estimate to draft the plan.

TAC Member Erik Pearson mentioned that the cost should be similar to other types of major planning projects, and if an EIR is required, he estimates the cost to be around half a million dollars.

Chair Mendall recalled that the NOAA Grant is for \$700,000, and felt that may be more accurate.

TAC Member Lee added that Linda Grand's work is an important part of preparing for the next steps so that when funding resources do become available and a consultant is hired, staff can share the information and data with everyone so the SMP can move forward at that point. Additionally, the City and HASPA want to have their own vision rather than letting the consultant draft the vision and objectives of the SMP without City input. The important part of the SMP will also be to provide alternatives.

Trustee Jameson asked if the SMP will include any plans for the Hayward Shoreline Interpretive Center. She stated that there is money in a bond measure with HARD for maintenance and a new roof, and is concerned about the SMP duplicating any already funded improvement projects.

Chair Mendall asked what the scope of the SMP is, whether it just includes the bay trail and Shoreline Interpretive Center, or if it encompasses the entire shoreline and industrial area.

TAC Member Pearson responded that staff is looking at anything on the map inundated in the shoreline area, which includes a portion of the developed industrial area.

Chair Mendall stated that he hopes the intent is to try to figure out what we need to do over the next 50 to 100 years to protect the shoreline as a whole, which would include the inundated developed industrial area, the trails, levee systems, etcetera; the SMP would cover all of those things. Furthermore, he anticipates the SMP would also mention a lot about whether or not a GHAD would be required to accomplish these things and whether it is a viable funding mechanism and how that might look.

TAC Member Lee responded that the SMP is for that purpose and will present all other alternatives, long-term and short-term, including a GHAD and adaptation strategies.

Trustee Jameson added that stakeholders should include HARD, EBRPD, Bay Trail, and others.

TAC Member Taylor added that PG&E will also be a major stakeholder. They have many facilities along the shoreline which will need to be protected, including the power plant, natural gas lines, and other facilities, including the City of Hayward Water Pollution Control Facility.

Chair Mendall requested that prior to reaching out to Russell City Energy Center (RCEC), staff coordinate with City Clerk Miriam Lens and the City Manager Kelly McAdoo because there are a lot of other conversations going on right now with RCEC, and he'd like to give them a chance to steer the conversation if they wish to do so.

TAC Member Adrienne De Ponte addressed Trustee Jameson's prior concern about the Interpretive Center being included in the SMP. De Ponte stated that the \$1.2 million bond is all for updating, renovating, and improving the habitat room, which is all listed under the project scope. Thus, the SMP will take into account what the long-term plan is for the Interpretive Center.

TAC Member Lee added that there is also some money intended for the Interpretive Center with the Measure AA grant application if awarded.

TAC Member Pearson clarified that the money would be to raise the elevation of the trails, as well as the deck and ramp of the center.

TAC Member De Ponte shared that the San Francisco Bay Conservation and Development Commission (BCDC) is organizing a Rising Sea Level Education Working Group as part of their 10-year plan to address sea level rise. This working group, which will focus on promoting education, will be one of four working groups and may become a formal commission. HARD will be a member of this working group and have the opportunity to share HASPA's outreach and educational efforts related to sea level rise.

TAC Member De Ponte passed around aerial photos of the Interpretive Center and surrounding area during the king tide in 2010 and 2011. TAC Member De Ponte indicated that the king tide from last year was most dramatic.

Trustee Jameson asked whether a king tide lasts for a day or longer.

TAC Member De Ponte responded that a king tide hits a peak level and then the tide lowers every six hours. The tide comes in and within 7 to 8 minutes the tide moves out, but the tide remains high for a few hours.

TAC Member De Ponte shared that Michael Loconte from the City of Hayward will place markers throughout the area and take aerial photos with a drone during the king tide to compare it to the low tide.

TAC Member Lee reported that U-Haul bought the property at 4150 Pointe Eden Way. A representative from U-Haul visited City Hall to obtain a business license to open a new location at this site. Former TAC Member Damon Golubits has been in communication with U-Haul regarding all the environmental and historical issues with this site.

Chair Mendall indicated that U-Haul is not the type of tenant the City of Hayward was envisioning to occupy this site and that a warehouse or storage yard is not an appropriate use. Chair Mendall added that he expects City staff to clearly communicate that the City would not support such a use on such a highly visible and sensitively-located site.

TAC Member Lee indicated that City staff has repeatedly shared the challenges of developing on this site but that U-Haul does not seem to fully understand these challenges.

Trustee Jameson asked whether the transaction is finalized.

TAC Member Lee responded that the transaction is finalized.

Ann Graham, HSIC, asked whether U-Haul plans to demolish the existing historic building.

TAC Member Taylor responded that U-Haul cannot do much on the site. As of today, the only work U-Haul has done on site is drill two test holes.

TAC Member Lee indicated that if U-Haul wants to demolish the existing historic building, an Environmental Impact Report, which is very costly, will be required. Unfortunately, U-Haul will have to demolish the building if they want to develop the site since there currently is not much available land.

Chair Mendall suggested that City staff be transparent upfront regarding the challenges of developing on this site and the City's likely stance regarding such a development, which could potentially prevent U-Haul from wasting their time and money through a lengthy, unsuccessful development process. City staff could either present the project to the Council Economic Development Committee or take them through a pre-application review process for early feedback.

Trustee Jameson asked whether the zoning for the property is commercial or industrial.

Chair Mendall responded that the zoning is industrial and that the City of Hayward Zoning Ordinance currently only has one type of industrial zone. The City of Hayward is working on updating the Zoning Ordinance to provide different types of industrial zones. Regardless, City Council has been very clear that the City of Hayward wants something other than a warehouse at this location.

TAC Member Lee indicated that City staff will continue to be as upfront as possible about the challenges facing the site.

Chair Mendall agrees that by doing this (being upfront early) will prevent unnecessary expenses by developers who won't qualify.

2. Report from Trustees

Trustee Jameson mentioned the Citizen's Climate Lobby and added that she plans to join. She indicated there is a Carbon Fee and Dividend Prop Fee they're working on, which sounds like something that could address global warming. This might have a positive effect on what each of us does every day. There is a workshop at the end of January to learn how to promote it. She requested if this is something that HASPA is interested in learning more about and if so, put it on the agenda for next meeting and invite Jennifer to give a report on.

TAC Member Pearson states that this is an effort to have a tax on carbon at the federal level, similar to the California Cafeteria Program, but a lot simpler in that it is a fixed price per ton of carbon. The proposal is that the revenue would be sent out via dividends to households. The idea is that the fee on carbon would progressively get higher as time goes on. Several cities have adopted resolutions to support this initiative already.

Trustee Minane asked if it would have to go to the public to vote on before being implemented at the federal level.

Trustee Jameson responded that it would need to go to congress and be approved by the president.

Trustee Jameson encouraged promoting education about the program as well as saving electricity and carbon biproducts within the public households and businesses to go green.

Chair Mendall requested that this topic be added as an agenda item when a filler item is needed since this is a low priority at this time. Mendall anticipates that it would take years for it to be implemented, so there is no urgency in getting in on the calendar.

Trustee Jameson mentioned that she is also on the Bay Trail Organization Board, affiliated with ABAG, but has a hard time attending all of the meetings since they can be as far away as Napa. The meetings are not that often so she would like to see if others may be interested in joining the Board or at least attending the meetings.

TAC Member Pearson asked if board members are elected.

Trustee Jameson stated she is unclear about that how the board members are elected. However, she believes mostly of the meeting attendees are made up of concerned citizens.

Trustee Waespi wished all attendees a Happy New Year and shared his excitement about all of the work that planned for HASPA in 2018, including the SMP, Measure AA, and applying and being awarded grant funding. Waespi also mentioned his agreement that HASPA meetings be held at the Interpretive Center. Lastly, he appreciated the opportunity to observe the king tide as an example of effected sea level rise and wished the media gave it more attention and publicity.

Chair Mendall gave Adrienne De Ponte and Mark Taylor credit for suggesting to hold the meeting at the Shoreline Interpretive Center. He added that perhaps they should hold all HASPA meetings at the Shoreline Interpretive Center at least for 2018 to see how it goes.

Trustee Waespi stated that lots of good things are happening along the shoreline; the EBRPD went into an agreement with CalTrans, they got a place called Bridgeyard which is a 25,000-sq. ft. building recently restored as part of the work on the eastern span of the Bay Bridge. There will be a park built there called Gateway Park. Piers adjacent to the shoreline may be included within the park instead of being demolished, which will allow us to build a gorgeous park with fishing piers and pillars instead of blowing them up.

Trustee Jameson asked for an update about the garbage along Breakwater.

Ann Graham, HSIC, stated that regarding the entry to the shoreline (follow up from October meeting), a grant was received to perform cleanup along with ROP; the goal was to remove trash. Students from the high school are involved. The City is going to help put up signs such as no parking. They will also come out and place three trash cans, recycling, compost, and landfill which will hopefully reduce dumping of items.

Trustee Jameson noted that articles of trash make their way across to the water and asked if a two-foot high fence or something similar could be placed to help mitigate this problem.

Ms. Graham responded that there is discussion about boulders being placed along breakwater to prevent people from parking there and having picnics or just parking to leave a bunch of trash on the side.

Trustee Waespi asked why the litterers are not being ticketed.

TAC Member Taylor responded that tickets cannot be issued without signage indicating that trespassing is prohibited, no parking signs to prevent parking, and tickets for littering can only be issued if the littering is observed. He added that it's a long process which will also include ongoing cleanup efforts.

Chair Mendall shared his appreciation to staff for trying to resolve that problem and expressed his only concern that he does not want to make it more difficult to reach the interpretive center.

3. Final 2018 Meeting Schedule

The 2018 Meeting Schedule has been confirmed. The remaining three meeting dates and locations are as follows:

Thursday, April 12	(Shoreline Interpretive Center)
Thursday, July 12	(Hayward Executive Airport Conference Room)
Thursday, October 11	(Shoreline Interpretive Center)

(tentative) January 10, 2019

A motion to approve the 2018 Meeting Schedule was made by Trustee Waespi and seconded by Trustee Jameson and it passed unanimously without objection.

4. **Agenda for Next Meeting, Thursday April 12, 2018 at 3:00 P.M.**

Standing TAC Report Items:

- January King Tide Report and Time-Lapse Photos
- Shoreline Master Plan Update
- Industrial Zoning Regulations Update
- W. Winton Project Update
- Measure AA Update (Hamlat?)
- Education, Communication, and Building Public Support

Other Possible Agenda Items:

- Grant response if it has been received (NOAA Confirmed Denied?)
- Update on ROP Habitat Enhancement Project along Breakwater
- Bay Trail update on Electric Bicycles
- SF Bay Restoration Authority Updates
- Invite guests to HASPA meetings (such as Vinnie Bacaon)
- Board Report on Citizen's Advisory (Jameson)
- Citizen's Climate Lobby (Jameson)

ADJOURNMENT

Chair Mendall adjourned the meeting at 11:08 AM [King Tide observation commenced shortly thereafter]