



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



August 2, 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
Kevin, Takei, East Bay Regional Park District
Mark Taylor, East Bay Regional Park District
Sandra Hamlat, East Bay Regional Park District

STAFF:

Alyce Bolton-Higgins, City of Hayward
Matt Graul, East Bay Regional Park District
Rick Hatcher, Hayward Area Recreation and Park District
Larry Lepore, Hayward Area Recreation and Park District
Tigran Agdaian, Climate Corps Fellow

VISITORS:

Erika Castillo, Alameda County Mosquito Abatement District
Laurel King, Hayward Shoreline Advocates
Levi Coulter, Local Resident
Mark Maurice, Local Resident
Phil Gordon, 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 [listed on Page 1].

3. **Approval of HASPA Minutes for April 12, 2018**

Moved by Trustee Jameson and seconded by Chair Mendall, without objection, to approve the minutes of the Hayward Area Shoreline Planning Agency meeting of April 12, 2018 with minor corrections.

4. **Public Comments**

Phil Gordon, Hayward Shoreline Advocates, announced that the Sunol Conservation Group pledged an extra \$10k (in addition to the \$3k previously pledged) to the Ohlone Audubon Society for a new lab in honor of the Delfinos.

REPORTS

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

TAC Member Jay Lee, City of Hayward, introduced new Climate Corps Fellow Tigran Agdaian who was present at this meeting and will be assisting HASPA for 10 months.

TAC Member Lee gave a quick briefing on the City's Industrial District Regulations Update and mentioned that Leigha Schmidt would present the project at the next HASPA meeting. The project would update the City's Industrial District regulations, which are currently outdated and need improvement. The project will go to the Planning Commission in October for a work session. TAC Member Lee indicated that he had provided extensive comments on behalf of HASPA regarding development along the Hayward Regional Shoreline. Comments included suggested performance and design standards related to design sensitivity to the surrounding natural environment (e.g., landscape buffering, natural colors, etc.), sustainability features, public art, and maximum height limits.

Trustee Minane Jameson asked if the City could require new development projects to contribute money towards addressing sea level rise.

TAC Member Lee responded that it would be a challenge since zoning regulations typically do not address financing but that this could be achieved through an improvement district.

Chair Al Mendall requested that the TAC provide the staff report in advance to provide a summary of the project and details regarding the proposed regulations and allow HASPA to provide adequate feedback.

TAC Member Lee responded that the project will likely include a set of overlay regulations for properties along the shoreline. The project will also include design guidelines in addition to new zoning code regulations to provide guidance to developers regarding architecture and site planning color.

TAC Member Lee gave an update on HASPA's Caltrans SB1 grant application for the Hayward Regional Shoreline Master Plan. TAC Member Lee provided a summary of the benefits of the Shoreline Master Plan, which include environmental, economic, and social benefits. The project would protect the natural environment along the shoreline, the City's industrial corridor, and

disadvantaged communities nearby. The project would help HASPA fulfill its mission now that funding is available.

TAC Member Lee provided a summary of the anticipated project timeline and cost. Caltrans awarded HASPA the grant in May and Tigran will start his service year in September. HASPA can start work on the project in October, which is when HASPA will issue the RFP for consultant services. February 2021 is the targeted end date.

The grant is for \$509,000, which will cover the entire cost of preparing the Shoreline Master Plan except the potential CEQA analysis. The only cost to HASPA would come in the form of staff time to manage the project, which will total approximately 5,000 hours over two and a half years, which comes out to approximately six and a half hours per week per TAC member.

TAC Member Sandra Hamlat asked if the expectation is for the City of Hayward to contribute more staff time than the other HASPA member agencies.

Chair Mendall answered in the negative and indicated that the work should be evenly shared between agencies. The City of Hayward is responsible for some administrative tasks as the host and treasurer, but the technical work should be evenly distributed.

TAC Member Lee continued to discuss the possibility of doing CEQA analysis as part of this project. The estimated cost to complete the CEQA analysis is \$240,000 and the City of Hayward's contracted on-call CEQA consultants confirmed that this estimate was reasonable. The estimated cost of additional staff time required to manage the CEQA process is \$20,000.

TAC Member Lee also provided information regarding the latest draft of the resolution and memorandum of understanding (MOU) for the Shoreline Master Plan. While the resolution authorizes HASPA to accept the grant and is required for Caltrans to officially award the grant funding to HASPA, the MOU, which establishes the roles and responsibilities of the member agencies, is not required. However, the TAC believes the MOU would be helpful in providing more detail than the existing HASPA joint powers authority (JPA) agreement. The MOU was also written in a manner to allow HASPA to decide whether to do the CEQA analysis later on.

TAC Member Lee went on to discuss the pros and cons of doing the CEQA analysis. The cons would be that the upfront cost would be greater and that it may be difficult for the CEQA document to hold up for implementation projects happening in the distant future. However, the pros would be that the overall long-term cost would be lower because the CEQA analysis for future implementation projects could tier off of the potential environmental impact report (EIR) and a full CEQA analysis would not be required for each project, which would save time as well. Furthermore, having a CEQA document that already analyzed the potential environmental impacts of future implementation projects would make HASPA's future grant applications for these projects more competitive, since most grants favor shovel-ready projects. Regardless, there is time to decide whether to do the CEQA analysis for the Shoreline Master Plan.

Chair Mendall asked when HASPA needs to decide whether to do the CEQA analysis.

TAC Member Hamlat indicated that the target end date is February 2021 and an EIR typically takes one year to complete, so this decision would need to be made by early 2020 at the latest.

TAC Member Adrienne De Ponte introduced Matt Graul from the East Bay Regional Park District (EBRPD).

Trustee Jameson asked for confirmation regarding the financial contributions outlined in the MOU and asked whether the MOU requires each member agency to contribute the required funding for the CEQA analysis.

TAC Member Lee clarified the MOU only requires financial contribution for the CEQA analysis if HASPA decides to do the CEQA analysis. The Board of Trustees can decide later on if HASPA would like to do the CEQA analysis for the Shoreline Master Plan. If so, then the member agencies would have to commit to contributing \$85,000 for the CEQA analysis.

Chair Mendall suggested that the MOU language be revised to clarify what happens if there is a majority vote to do the CEQA analysis but one of the member agencies does not want to do the CEQA analysis. The agency voting no should not be required to pay the \$85,000.

Larry Lepore from the Hayward Area Recreation and Park District (HARD) stated that it appears the City of Hayward's attorneys wrote the MOU and asked whether the other two agencies have had an opportunity to review and comment on the MOU.

TAC Member Hamlat indicated that HARD and EBRPD have seen the MOU but have not reviewed it in detail and provided detailed comments.

Mr. Lepore also asked when the MOU needs to be approved.

TAC Member Erik Pearson responded that it would be ideal to execute the MOU at the next HASPA meeting in October.

Rick Hatcher from HARD clarified that the MOU indicates that if one of the member agencies terminates its involvement in the MOU, the other two agencies are responsible for the remaining costs.

Chair Mendall suggested additional clarification since the language could be interpreted to require the agency terminating its involvement to pay for its share of the remaining costs if HASPA has already decided to do the CEQA analysis.

Trustee Jameson asked for worst-case scenario numbers for the potential financial contributions.

TAC Member Hamlat replied that the best-case scenario is \$80,000 and the worst is \$120,000 is an agency pulls out.

Chair Jameson asked what the potential cost would be to implement the Shoreline Master Plan.

TAC Member Hamlat responded that it would be financially beneficial to do the CEQA analysis since it would make future implementation projects more competitive for Measure AA funding.

Mr. Gaul added that some of these future implementation projects would require much more funding than the \$85,000 needed for CEQA and that there is some risk in doing CEQA now since some of these future projects may not be covered under the EIR document for the Shoreline Master Plan decades later. HASPA will have to know more about the implementation projects before making a decision about CEQA.

Chair Mendall agreed that HASPA does not need to make this decision now.

TAC Member Mark Taylor asked whether it could make sense for EBRPD to do the Hayward Marsh Project on its own.

Mr. Gaul replied that a separate CEQA may be required but perhaps the CEQA analysis for the Shoreline Master Plan could allow for only a mitigated negative declaration (MND). However, the Hayward Marsh will probably happen before the completion of the Shoreline Master Plan and the accompanying CEQA analysis. Therefore, EBRPD will just need to make sure that the Hayward Marsh Project is aligned with the efforts outlined in the Shoreline Master Plan.

TAC Member Hamlat believes that there is potential for the CEQA analysis for the Hayward Marsh Project could tier off of the CEQA analysis for the Shoreline Master Plan.

TAC Member Lee indicated that an MND could easily cost around \$50,000, which is not significantly less than the \$80,000 each agency would have to contribute to do an EIR for the Shoreline Master Plan. Therefore, doing an EIR right now would be more cost efficient.

Trustee Waespi asked whether HASPA would be missing an opportunity for funding through Measure AA for some implementation projects since the Shoreline Master Plan and the accompanying EIR would not be completed until 2021. If we decide to hold off on some of these projects in the meantime until the EIR is completed to tier off of the EIR, we will be missing out on opportunities to secure annual funding for these projects through Measure AA until 2021.

TAC Member Hamlat and Mr. Gaul agreed that there is a benefit to starting CEQA as soon as possible.

Chair Mendall stated that each agency could discuss whether there is interest in starting the CEQA process for the Shoreline Master Plan sooner rather than later and that we could discuss this again at the next HASPA meeting.

Mr. Hatcher added that the timing of the CEQA analysis for the Shoreline Master Plan is critical since the CEQA analysis will create opportunities for projects and funding.

Mr. Gaul mentioned that it would make sense to at least spend some time preparing the Shoreline Master Plan before starting the CEQA analysis to avoid losing efficiency, which could happen if the project and CEQA analysis are done in parallel. Mr. Gaul added that a couple of bonds were recently approved that will provide additional funding for Measure AA.

Chair Mendall brought up a couple of typos in the MOU and went on to reiterate the recommendation from staff to the Board of Trustees to approve the resolution.

Trustee Jameson made a motion to approve the Shoreline Master Plan resolution and Trustee Waespi seconded the motion.

Chair Mendall took a vote and the Board of Trustees unanimously approved the resolution.

TAC Member Lee announced that the Measure AA grant application deadline will likely be November 15th, which was the deadline last year. The grant evaluators provided the strengths and weaknesses of HASPA's application, which will help in the preparation of future applications. HASPA will have to decide whether we want to apply this year and for what project. This year should be a little different from last year in that the focus on implementation projects may not be as strong as last year and the evaluators may be more open to planning projects. Feedback included suggestions to utilize green or natural measures and incorporate a stronger habitat restoration component. The evaluators also did not like the use of rip rap to raise the levees.

Mr., Hatcher asked if there is a point system for scoring Measure AA grant applications. Knowing the scoring system would help HASPA prepare stronger applications in the future.

TAC Member Lee responded that they did not provide a point system.

Trustee Dennis Waespi added that the grant folks want to give away the money and suggested we lobby for our area and invite one of them to a meeting. Trustee Waespi recommended we invite Vinnie Bacon, who is the representative for our area.

Chair Mendall added that we have an opportunity to support each other's individual projects and offer letters of support if appropriate as a Joint Powers Authority (JPA).

Erika Castillo asked if HASPA submits projects to San Francisco Bay Joint Venture to get on their list of projects, which is not a requirement for Measure AA but helps make projects more competitive.

TAC Member Lee answered in the affirmative for the Oliver Salt Ponds Restoration Project, which HASPA submitted the Measure AA application for.

Ms. Castillo indicated that there are several parameters for evaluation including habitat restoration, flood control, environmental justice, and youth/community involvement. Also, there is a requirement to distribute grants throughout the entire Bay Area but most of the grants went to jurisdictions and areas outside of the East Bay. Contra Costa County did not receive any grants and the East Bay only received two. As such, there have been some discussions about focusing on these areas in the future. Ms. Castillo also mentioned that she is on the Measure AA grant advisory committee.

Trustee Jameson asked whether Measure AA covers levee failures and mentioned that one levee she saw while on a bike ride appeared to be in a dangerous condition.

Mark indicated that there are currently seven levees that need to be repaired.

Ms. Castillo indicated that although flood control is an important factor for Measure AA, the project should be part of a larger project that provides multiple benefits. There would need to be a recreational and/or habitat component to the project.

TAC Member Lee affirmed that HASPA's application for the Oliver Salt Ponds Restoration Project mentioned various co-benefits such as the protection and improvement of a portion of the San Francisco Bay Trail. Perhaps our application could have been stronger if there was more of a habitat restoration component.

Chair Mendall agreed that, if it is not too close to the potential Measure AA grant application deadline on November 15th, for staff to submit a completed application. Mendall added that it would be good to invite Vinnie Bacon to speak at the next HASPA meeting on October 11th.

Trustee Jameson asked how HASPA could invite Vinnie Bacon to the next HASPA meeting.

TAC Member Lee stated that the previous RFP was only released one month prior to deadline, so staff would still have enough time if we started working on the application after October 11th.

TAC Member Pearson volunteered to reach out to Vinny Bacon about attending the next HASPA meeting.

TAC Member De Ponte provided an update on the Shrinking Shores event that happened on June 9th throughout the Bay Area. The purpose of the project was to educate the community about climate change, which is one of HASPA's goals. Linda Grand, the previous HASPA fellow, assisted with the event along with Interpretive Center staff. Although only six individuals attended, they were all very engaged. They guided a walk along the shoreline, discussed the benefits of protecting the shoreline, and shared about HASPA's efforts. However, they were unable to play the Game of Floods.

Mr. Hatcher stated that the Game of Floods is a really powerful educational tool.

TAC Member De Ponte explained how the game is played. Participants can make decisions and choose strategies for how to protect coastal assets and adapt to sea level rise.

Chair Mendall asked if the recommended HASPA budget is an action item for today.

TAC Member Pearson responded that staff is recommending that the Board of Trustees adopt the proposed budget and provided a summary of the budget. Staff drafted two versions, one without CEQA analysis for the Shoreline Master Plan and one with the CEQA analysis. Regardless of HASPA's future CEQA decision, both versions indicate that all three agencies would continue to provide \$12,000 each year for a HASPA fellow. This contribution is a little higher than the cost for a fellow, so the leftover money could remain as reserve funds or the annual contribution could be reduced. Most of the grant spending would occur in 2019 and 2020. If HASPA decides to do the CEQA analysis for the Shoreline Master Plan, the agency contributions would be split evenly between 2019 and 2020.

Chair Mendall indicated that it would be fine to adopt the budget without CEQA, which could later be amended to include CEQA costs if HASPA decides to do the CEQA analysis. Chair Mendall also indicated that we could keep the annual contributions for a fellow at \$12,000 and retain the surplus funds since the Shoreline Master Plan could go over budget.

Trustee Jameson asked if anyone other agencies are doing similar projects.

TAC Member Pearson responded that the City of Alameda, City of San Francisco, and Marin County are doing similar projects. HASPA is unique in that it is a joint powers authority.

Trustee Jameson asked if there is an opportunity to share information between various agencies.

TAC Member Lee shared that he has communicated with planners from other jurisdictions. These agencies are working on strategic plans to adapt to sea level rise, but no one is much further along in the process than we are.

TAC Member Hamlat affirmed that opportunities for sharing information and resources do exist. TAC members are involved in various networks and larger efforts to address sea level rise at a regional level.

TAC Member Pearson added that there is a new network forming called Bay Climate Adaptation Network (BayCAN), which is intended to be a network between jurisdictions for information and resource sharing.

TAC Member Lee added that staff is also involved in the Adapting to Rising Tides (ART) Program, which is a regional program intended to support adaptation projects.

Trustee Waespi asked if HASPA could focus on pursuing grants with the fellows spearheading these efforts.

TAC Member Lee responded that CivicSpark was stricter with fellows assisting with grants, but that Climate Corps may be more flexible.

Mr. Hatcher agreed that HASPA should focus on pursuing funding opportunities.

Chair Mendall moved to approve the draft budget.

Trustee Jameson seconded the motion and the motion was passed unanimously.

TAC Member Hamlat shared about the South Bay Salt Ponds Restoration Project and announced that the accompanying EIR was recently published, which means that this project is now eligible for Measure AA funds. EBRPD submitted comments regarding the EIR. The comments focused on the preferred alternative, which is currently being developed. EBRPD commented that the Resilient by Design process and results should be used as the framework for the preferred alternative and expressed concern that there isn't enough of a public access component.

Chair Mendall added that there are not a lot of access points along the Shoreline and that HASPA should be looking at increasing access to the shoreline, which should help make our grant applications more competitive due to potential transportation and recreation co-benefits.

TAC Member De Ponte provided an update on the Eden ROP (Recreational Occupational Program). HASPA staff partnered with the Eden ROP, which received a grant, to clean up Breakwater Avenue. Companies involved with the Eden ROP, which are required to do volunteer work, have agreed to assist with cleanup efforts in perpetuity. It helped to explain that there is a larger habitat restoration effort for the entire area. EBRPD also asked the City of Hayward to install "no parking" signs, which has helped with keeping the area clean. Additionally, the Interpretive Center now has three-stream waste collection service. Installing interpretive signage could be one of the potential next steps.

TAC Member Taylor provided an update on electric bicycles. EBRPD does not allow them on trails. Each agency owning property along the San Francisco Bay Trail has the authority to determine whether electric bicycles are allowed on the trail. Although there is a pilot program for electric bicycles along the San Francisco Bay Trail, the Hayward Regional Shoreline is not part of this pilot program.

Trustee Jameson stated that the main issue with electric bicycles on trails is the speed of these bicycles. Rangers in other areas ticket bicyclists who are moving too fast regardless of the type of bicycle.

TAC Member Taylor indicated that EBRPD rangers ask bicyclists to slow down when necessary and ask bicyclists on motorized bicycles to manually pedal until they get onto a street. EBRPD rangers do not issue citations, which requires a larger policy discussion. The only exception to this prohibition of using motorized bicycles on a trail is if it is for ADA purposes.

Trustee Jameson added that we should continue to encourage alternate forms of commuting and without damaging the natural habitat.

TAC Member Hamlat shared that the Bay Restoration Regulatory Integration Team was recently formed between the Army Corps of Engineers, US Fish and Wildlife, National Marine Fisheries Services, CA Fish and Wildlife, San Francisco Bay Conservation and Development Commission

(BCDC), and San Francisco Bay Regional Water Control Board. They are working to improve permitting processes for multi-benefit wetland restoration projects.

Ms. Castillo added that the purpose of this effort is to streamline the process and give you an assigned point of contact to work with at all levels of the permitting process.

Mr. Graul added that this team is looking specifically for Measure AA projects and that additional funding for staff is necessary since it is not fully funded yet. The team will comprise of new regulatory staff so that existing staff will not be overburdened.

Mr. Hatcher asked about the status of the umbrella permit concept to bundle the various permits required for maintaining and upgrading levees under one permit process.

Mr. Graul shared that this program was approved last week. It was a huge undertaking that took maybe a year longer than the six-month estimate. There are about 40 eligible projects under review.

TAC Member Lee provided an update on the proposed industrial building on West Winton Avenue. The building permit for the industrial building will soon be issued, so construction should start soon.

TAC Member Lee also provided an update on the 4150 Point Eden Way property. He recently met with U-Haul and shared the challenges associated with developing on this site such as the EIR required for demolition of a historic structure, potential impacts to the natural habitat, and the City of Hayward's desire for a more economically attractive and well-designed development. Despite clear indication that the City of Hayward and HASPA would not be supportive of a U-Haul facility at this site, U-Haul does not seem to be deterred. City of Hayward staff will take this proposal to the Council Economic Development Committee for early review and feedback.

TAC Member De Ponte shared a study on how park and recreation districts are responding to climate change. One of the recommendations is for agencies to take collective action and engage in joint plan development efforts with nearby partner park and recreation districts. HASPA appears to be one of the leaders in this department.

Mr. Lepore announced that Carl Zabel has retired from HARD as of August 1st. Carl Zabel was 15 years old when he started with HARD in 1970.

2. Report from Trustees

Trustee Jameson shared that she had a great bicycle ride along the Hayward Regional Shoreline on Saturday and wants to encourage the promotion of recreation along the shoreline.

Mr. Hatcher announced that HARD and the Alameda County Flood District applied for an active transportation grant for a \$35 million pedestrian and bicycle trail along San Lorenzo Creek. This project was identified as part of a nearly 20-year study. The first phase will start at the entrance to the creek near Lincoln Landing. The east-west corridors are vital connection points for the surrounding community. Mr. Hatcher encouraged HASPA and its member agencies to incorporate these types of improvements for new development projects along San Lorenzo Creek.

Mark asked if EBRPD was aware of this project because the Alameda County Flood Control District is trying to remove EBRPD from the San Lorenzo Trail and relocate the path. EBRPD's license agreement for this portion of the trail runs out in 2020, so if a new agreement is not reached, this portion of the trail will no longer exist.

Chair Mendall encouraged the involvement of other agencies for the San Lorenzo Creek trial project.

Mr. Hatcher responded that other agencies have been involved throughout the process.

Trustee Waespi complimented HARD staff for opening up the Interpretive Center for these HASPA meetings. Trustee Waespi also announced that the 10k on the Bay event is coming up on August 26th.

3. Final 2018 Meeting Schedule

The remaining 2018 meeting dates and locations are as follows:

| | |
|---|---------------------------------|
| Thursday, October 11, 2018 | (Shoreline Interpretive Center) |
| Thursday, November 29, 2018 (Special Meeting) | (Shoreline Interpretive Center) |
| Wednesday, January 10, 2019 (tentative) | (Shoreline Interpretive Center) |

4. Agenda for Next Meeting, Thursday, October 11, 2018, at 3:00 P.M.

Standing TAC Report Items:

- Shoreline Master Plan Update
- Measure AA Grant
- Salt Ponds EIR
- W. Winton Project Update

Future Agenda Items:

- Measure AA Staff
- Resilient by Design Public Sediment team
- Industrial Zoning District Regulations Update

ADJOURNMENT

Chair Mendall adjourned the meeting at 4:37 PM.