



## HAYWARD AREA SHORELINE PLANNING AGENCY

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



Meeting of Board of Trustees  
Special Virtual Meeting Held Remotely via  
Zoom Webinar

**July 8, 2021**

### **DRAFT ACTION MINUTES**

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

Dennis Waespi, East Bay Regional Park District  
Elisa Márquez, City of Hayward, HASPA Chair  
Rick Hatcher, Hayward Area Recreation and Park District

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

Brian Laczko, Hayward Area Recreation and Park District  
Erik Pearson, City of Hayward  
Mark Taylor, East Bay Regional Park District  
Matthew Gaul, East Bay Regional Park District  
Taylor Richard, City of Hayward

#### **STAFF:**

James Wheeler, Hayward Area Recreation and Park District  
Meghan Tiernan, Hayward Area Recreation and Park District  
Robert Goldassio, City of Hayward

#### **VISITORS:**

Erika Castillo, Alameda County Mosquito Abatement District  
Louis Andrade, Hayward Area Recreation and Park District Board Member  
Paul Hodges, Hayward Area Recreation and Park District Board Member  
Richard Maurer

## **Call to Order**

A regular meeting of the Hayward Area Shoreline Planning Agency (HASPA) was called to order at 3:02 P.M. by Trustee Elisa Márquez.

## **Announcement**

Trustee Elisa Márquez announced that consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, HASPA will be participating in public meetings via phone/video conferencing.

## **Introductions**

Introductions of Trustees present were made, all others in attendance were recorded [complete list on Page 1].

### **1. Approval of HASPA Minutes for April 8, 2021**

Moved by Trustee Waespi and seconded by Trustee Hatcher, without objection, to approve the minutes of the Hayward Area Shoreline Planning Agency meeting of April 8, 2021.

## **Public Comments**

There were no public comments.

## **REPORTS**

### **Reports from Technical Advisory Committee (TAC)**

TAC Member Erik Pearson congratulated the recent advancement of Taylor Richard, City of Hayward, from HASPA Fellow to Assistant Planner for the City of Hayward Planning Division. Ms. Richard will be the new Chair of the TAC going forward.

### **2. Grant Funding for the Oro Loma Interim Levee (Pearson)**

TAC Member Erik Pearson reported that the TAC previously announced at the April 8, 2021, HASPA meeting that they were pursuing a FEMA grant known as the Hazard Mitigation grant program, however due to timing and other factors the TAC decided instead to pursue a more feasible FEMA grant known as Building Resilient Infrastructure and Communities (BRIC) grant program. HASPA has partnered with the Oro Loma Sanitary District as the project surrounds their facilities. HASPA has also partnered with Oro Loma to contract with Arcadis who will assist in preparing project design and cost estimates to be included in the grant application to be submitted later in 2021. The Arcadis work products should be submitted by early October, and the formal application will be due in October-November. The contract amount for Arcadis is \$55,000, half of which is being paid by Oro Loma Sanitary District and the remaining half split equally between the three HASPA JPA agencies.

TAC Member Erik Pearson further noted that the TAC reported at the April 8, 2021, meeting that a Local Hazard Mitigation Plan is required to be in place prior to applying for a FEMA grant funding. The TAC was recently found out the County of Alameda is preparing an update of their Local Hazard Mitigation Plan. Therefore, Oro Loma is working with the County to make sure their facility is including in the Plan which should satisfy the pre-requisite for the FEMA grant funding.

TAC Member Erik Pearson added that feedback from the Alameda County Flood Control District will be critical for the Oro Loma Interim Levee project.

Trustee Rick Hatcher asked what County agency is leading the Local Hazard Mitigation Plan.

TAC Member Erik Pearson responded that the General Services Agency (GSA) is leading that effort.

Trustee Elisa Márquez asked about the Fire Department's involvement in the County's update to the Local Hazard Mitigation Plan.

TAC Member Erik Pearson responded that the County General Services Agency (GSA) will be leading the County's update and will include unincorporated areas such as Oro Loma, however when the City updates its Local Hazard Mitigation Plan then the Hayward Fire Department will be the lead.

### **3. SJSU Shoreline Adaptation Master Plan Outreach Update (Richard)**

TAC Chair Taylor Richard reported that in early 2021 a group of San Jose State University students assisted HASPA with additional outreach of the Hayward Shoreline Adaptation Master Plan. The student group provided previous updates, but Ms. Richard provided this update on their behalf:

In collaboration with TAC staff and SCAPE, the students helped translate thirteen pages of the Shoreline Adaptation Master Plan (SAMP), which SCAPE incorporated into translated pages and images with the existing images and maps with subtitles. The translated pages are also available on the City of Hayward website on the SAMP webpage. The students also created a video with subtitles. Staff has provided comments and suggestions to the students and are waiting to hear back.

Trustee Hatcher expressed his excitement regarding the translation as part of outreach. Trustee Hatcher asked if they are proprietary to San Jose State University or if HASPA can disseminate as its discretion. Hatcher suggested utilizing the Hayward Youth Commission to assist with outreach through youth.

TAC Chair Taylor Richard responded that the translations are not proprietary and is already on the City of Hayward website.

Chair Elisa Márquez commented that it would be beneficial to allow formatting for social media use via posting to Twitter, Facebook, Instagram, etc. in order to have the ability to reshare the information.

TAC Chair Taylor Richard responded that the TAC currently does not intend to do another social media campaign, however the TAC is happy to use the new material for any future outreach which may occur.

Chair Elisa Márquez asked about the video and its progress and usability.

TAC Chair Taylor Richard responded that the TAC is still waiting to hear back from the SJSU students regarding the video and look forward to providing an update when available.

**4. New Planning Projects**

**1. Industrial Shell Building at 3636 Enterprise Ave**

TAC Chair Taylor Richard reported that in June of 2021, the Hayward Planning Division received a Major Site Plan Review and Conditional Use Permit Application for 3636 Enterprise Avenue. The site is located roughly 0.79-miles from the Hayward Shoreline. The proposed project includes the construction of a new approximately 219,000 square foot industrial building on an almost 11-acre site. The project includes an approximately 200,000 square foot warehouse, an approximately 10,000 square foot office, an employee amenity area and site landscaping. The tenants have not yet been identified but the applicant has noted the proposed development is aiming at addressing market needs and attracting information and technology-based uses. The project also includes the relocation of three existing radio towers on the site on top of the new building. This project will include the preparation of an initial study.

Trustee Waespi asked if this project is located in one of the areas designated as flood zone at 2, 5, or 7-foot levels.

TAC Chair Taylor Richard Responded that the site is within one of the designated flood zones and impacted by groundwater emergence and that in the short-term it will likely see two feet of sea level rise (SLR). The applicant has been made aware of the risk and the Hayward Shoreline Adaptation Master Plan. Currently, the City of Hayward has no SLR base flood elevation requirements but the City has been recommending the developments in that region go above and beyond and the City engineers have been working with developers to ensure compatibility.

Trustee Waespi asked that if there are no base standards then could the developer do what they want if they refuse the recommendations.

TAC Chair Taylor Richard responded that there are base level standards but they do not currently include SLR projections. City staff is working on creating new base level standards that do include SLR projections.

Trustee Hatcher commented that if the project site is not listed in a FEMA flood zone then they may not be required to mitigate against potential flood. Trustee Hatcher asked what the expected timeline is for the City's updated base level standards.

TAC Chair Taylor Richard responded that while it is a priority, there is no timeline for establishing new base flood level standards.

TAC Member Mark Taylor commented that he spoke with the project Planner and the development will be elevated approximately 4-5 feet due to a drainage on the north side of the property.

Trustee Elisa Márquez suggested that coordinating with the Economic Development Committee while projects are still being vetted may be a good opportunity to coordinate these efforts ahead of time, and perhaps putting this topic on a future agenda for discussion.

TAC Chair Taylor Richard responded that there has not yet been a meeting with the Economic Development Committee, however the Shoreline Adaptation Master Plan outlines a series of policies and programs including one to increase flood protection standards. Economic Development staff did review the increased flood protection standards during the Master Plan development stage and is aware of them.

## **5. Planning Project Updates**

### **1. Amazon Last Mile Delivery Station at 2701 West Winton Ave**

TAC Chair Taylor Richard reported that the Amazon Last Mile Delivery Station at 2701 West Winton Avenue is located roughly 0.62-miles from the Hayward Shoreline. This project was scheduled to go to the City Council in May 2021 after receiving a recommendation for denial from the Planning Commission. The applicant has requested that the item be postponed to a date uncertain to allow the applicant and City staff to discuss conditions of approval.

### **2. U-Haul Development at 4150 Point Eden Way**

TAC Chair Taylor Richard reported that the U-Haul Development at 4150 Point Eden Way project site is located roughly 0.97-miles from the Hayward Shoreline. The project will be heard by the Planning Commission that same evening, July 8, 2021. Staff is recommending approval, the adoption of the CEQA findings and the adopting of a statement of overriding consideration. The Final EIR for this project was released in June 2021 and is available on the City's website. Among the required mitigation measures, if adopted, is the documentation of historical and cultural resources on site and the construction on an information kiosk or board paying homage to the site's history.

### **3. LogistiCenter at 25450 Clawiter Road (Former Berkeley Farms Site)**

The LogistiCenter at 25450 Clawiter Road project site is located roughly 0.17-miles from the Hayward Shoreline. The project is currently under environmental review. Staff expects the analysis to be completed and released for public review this summer. The project will likely go to the Planning Commission for a determination in Fall 2021.

### **4. Duke Realty Building at 24493 Clawiter Road**

TAC Chair Taylor Richard reported that the Duke Realty project site at 24493 Clawiter Road is located roughly 1.37-miles from the Hayward Shoreline. The project is currently under review. An initial study focusing on traffic and hazardous materials is expected to be complete soon. Staff anticipates making an administrative decision in late 2021.

Trustee Waespi asked how many of the four projects are in designated flood zones.

TAC Chair Taylor Richard responded that the Clawiter sites are not in any short-term impacted flood areas. The site at 4150 Point Eden Way is of particular interest. The building has been brought out of the flood plain and elevated to mitigate against a two-foot Sea Level Rise event and has positioned the building on the property further away from the Shoreline.

Trustee Hatcher asked if there is anything salvageable from the 4150 Point Eden Site related to the historic Oliver Salt Ponds.

TAC Chair Taylor Richard responded that nothing seems salvageable on the sight, however as much as possible is being documented for record and informational purposes.

Trustee Elisa Márquez requested that staff confirm they have provided recommendations to mitigate against SLR and all developers have made efforts.

TAC Chair Taylor Richard responded that staff informs new developers and recommends mitigation changes to their project, particularly because the Hayward Shoreline Adaptation Master Plan has been adopted and the Planning Commission is looking to developers to implement recommendations regarding Sea Level Rise.

## ACTION ITEMS

### 6. Expansion of the Hayward Shoreline Planning Agency

TAC Chair Taylor Richard reported that based upon recommendations from the HASPA Board of Trustees, the HASPA TAC is currently working to expand HASPA to include additional member agencies. The expansion of the HASPA Joint Powers Authority will be instrumental in the implementation of the Hayward Regional Shoreline Adaptation Master Plan. Current prospective members agencies include Oro Loma Sanitary District, Alameda County Flood Control District, East Bay Dischargers Authority, and Alameda County Mosquito Abatement District.

TAC Chair Taylor Richard further reported that the TAC has reached out to staff at the prospective agencies and informed them that HASPA may be formally reaching out to request a meeting to discuss joining HASPA. The TAC has drafted a letter for prospective member agencies requesting an opportunity to present the invitation at an upcoming board meeting. The letter includes the expectation that each member agency make an annual contribution of \$12,000. Additionally, the TAC has drafted a presentation providing background, the benefits, and the expectations of the HASPA JPA. The TAC is suggesting that each presentation be made by at least one Trustee and one TAC member.

**Recommendation:** The TAC is requesting feedback from the Board of Trustees on the draft letter, presentation, and the annual contribution amount.

Trustee Waespi asked if any responses have been received during the preliminary invitations to join HASPA.

TAC Chair Taylor Richard answered that responses have been received from Oro Loma Sanitary District, East Bay Dischargers Authority, and Alameda County Mosquito Abatement District. Alameda County Flood Control District has not responded.

Trustee Waespi suggested to reach out to the County Supervisors who oversee the Flood Control District, and would also like Castro Valley Sanitary District to be included as a prospective member since they own 25% of the Oro Loma treatment plant and are also members of the East Bay Dischargers Authority and would appreciate a vote.

Trustee Hatcher commented that other key players, although challenging to get, could be helpful, including Caltrans and Union Pacific. It is unfortunate that Alameda County Flood Control has not responded and requests staff continue to reach out. Trustee Hatcher asked how the \$12,000 contribution per agency was determined?

TAC Member Pearson responded that the \$12,000 was originally determined as the amount all three agencies need to contribute to host a ClimateCorp fellow. Members have continued the amount until a time when better able to identify future expenses and have a better idea of a required budget.

Trustee Waespi asked when staff expects the agencies to confirm their intent to join HASPA or if a deadline has been imposed.

TAC Chair Taylor Richard responded that with the Trustees approval of this item and the draft letter and presentation, then presentations would be given in August or September. Part of the request of the six-month extension of HASPA is to allow time to prepare a new Memorandum of Understanding (MOU) and new Joint Powers Agreement with additional agencies.

TAC Member Pearson added that staff is hoping to receive general buy-in on the JPA over the next few months, and then will need a few months to draft the new JPA as it will not be a routine renewal.

Trustee Elisa Márquez disclosed that she sits on AC Mosquito Abatement District and requested one of her colleagues make the presentation to them. Trustee Elisa Márquez expressed her appreciation of the approach, the preliminary outreach, the formal letters and presentations are all appropriate. Trustee Elisa Márquez added that she feels HASPA should start with presentations to two or three prospective agencies first, acknowledging that there is a desired longer list of additional agencies. Because of the new endeavor, HASPA should start off smaller before embarking on bringing in all relevant agencies. Trustee Elisa Márquez suggested contacting County Supervisors Richard Valle and Wilma Chan who oversee districts pertaining to the Hayward Regional Shoreline Adaption Master Plan. Trustee Elisa Márquez also agreed to add Caltrans, Union Pacific Railroad, and Castro Valley Sanitary District, however, they should be on a second tier. Trustee Elisa Márquez also added that staff should be open and transparent on what the costs are intended to be used for.

Trustee Waespi appreciates casting a wide net of potential agencies and suggested including the South Bay Salt Marsh Restoration project, San Francisco Bay Trail, etc. as other agencies and organizations that have a vested interest in the shoreline.

Trustee Elisa Márquez asked if staff has considered the flexibility of involvement of agencies who join HASPA such as those who own land along the shoreline versus those who have interest due to proximity or use, as a part of JPA negotiations.

TAC Chair Taylor Richard responded that staff has considered the different levels of involvement in the HASPA JPA and intend to have further conversations after receiving confirmed interest from prospective agencies. TAC Chair Taylor Richard added that the East Bay Dischargers Authority has already brought up how it could work since they are also a JPA.

TAC Member Pearson commented that the costs for joining would be general, more collective costs of running the JPA. However, as HASPA continues to take on larger projects from the Shoreline Adaptation Master Plan, then it may be more appropriate to develop separate MOUs for different projects as interests to agencies fluctuate. For example, the Oro Loma levee is of great interest to Oro Loma, so more costs will be fronted by that agency. Agencies would have different cost investments according to their stakeholder interest and land ownership for the projects and their sites.

Trustee Elisa Márquez requested that staff create a slide in the presentation to expand on those thoughts to better communicate our ideas to the identities up front. Trustee Elisa Márquez also requested confirmation that each member agency will be required to select one of their own staff to be on the Technical Advisory Committee, and one of their board members to sit on the Board of Trustees.

TAC Member Pearson confirmed.

TAC Member Mark Taylor asked if there will be an expectation that each agency of the new JPA be required to host, or be the liaison, when the rotation cycles.

TAC Member Erik Pearson acknowledged that the 5-year hosting rotation could be an issue for smaller agencies and would be something for discussion during the JPA.

*Public Comments:*

Erika Castillo, Alameda County Mosquito Abatement District (ACMA), shared some of the same concerns being discussed as far as budget and staff, similar to East Bay Dischargers Authority, and coordination of meetings as a lead agency may require hiring an additional employee. Also, ACMA is a stakeholder not a landowner. Open to a tiered approach as for funding projects. In the past ACMA has participated in the Technical Advisory Committee but has not had Board of Trustee representation. Interested to know how that would work.

Paul Hodges, Hayward Area Recreation and Park District Board member, asked when the SF Bay Restoration will be considered as a prospective member of HASPA.

TAC Chair Taylor Richard responded that staff is always looking for involvement from Bay Area interested agencies and stakeholders. TAC Chair Taylor Richard expressed her appreciation for the recommendation and staff will look into it.

*Public Comment Period Closed*

**Action:**

Moved by Trustee Hatcher and seconded by Trustee Waespi, without objection, to accept and approve the draft letter and presentation with those edits mentioned and to send the formal invitation to the following entities: Oro Loma Sanitary District, Alameda County Flood Control District, East Bay Dischargers Authority, Alameda County Mosquito Abatement District, Castro Valley Sanitary District, Union Pacific Railroad, Caltrans, Calpine, SF Bay Trail, SF Bay Salt Ponds, SF Bay Restoration Authority, Alameda County Board of Supervisors, and Assembly Member Bill Quirk. Approved by unanimous vote.

Trustee Elisa Márquez thanked staff for their preparation and the public for their comments, and is also excited to see how everything unfolds.

**7. Extension of HASPA for a Six-Month Period**

TAC Chair Taylor Richard reported that the HASPA TAC is recommending that the HASPA Board of Trustees renew the current HASPA JPA agreement for a six-month period starting January 1, 2022, and ending June 30, 2022, with East Bay Regional Park District as the lead agency. As previously discussed, HASPA is currently working toward expanding the JPA membership to support the implementation of the Shoreline Adaptation Master Plan. Given the necessary steps to expand membership, it is unlikely that any prospective member agencies will be able to formally join the JPA before the current JPA agreement expires on January 1, 2022. For this reason, the TAC recommends extending the current JPA agreement for a six (6) month period to allow time for prospective agencies to join.

TAC Chair Taylor Richard added that the HASPA TAC is recommending that the responsibility for coordinating HASPA meetings and activities be transferred to East Bay Regional Parks District starting January 1, 2022. This role of lead agency has currently been held by the City of Hayward for six years.

Trustee Waespi commented that he is in complete support.

*Public Comments:*

Louis M. Andrade, President of Board of Directors, Hayward Area Recreation and Park District, commented that HASPA JPA should let the remaining six months of the current agreement expire and then fold the JPA. Mr. Andrade suggested that HASPA dismantle and let those directly

impacted and entities responsible for the shoreline and its infrastructure take charge of their projects on their land and with their budgets, rather than bringing in many other entities for projects that may or may not be of direct interest to them. Mr. Andrade expressed that HASPA is a waste of time and money.

Trustee Elisa Márquez asked staff if there are any planned changes in the schedule or meeting place once East Bay Regional Park District takes over in January 2022.

TAC Member Matt Graul responded that as staff reevaluate the structure of HASPA that, at least for the upcoming six months, nothing should change dramatically as EBRPD takes over as lead agency of HASPA in January 2022.

Moved by Trustee Waespi seconded by Trustee Hatcher, without objection, to approve the six-month extension of the HASPA JPA. Approved by unanimous vote.

### **REPORTS: Board Members (Trustees)**

Trustee Waespi asked if there was any information on Calpine after hearing of an explosion at their facility.

TAC Member Mark Taylor reported that there was an explosion and they are investigating.

Trustee Elisa Márquez read an excerpt from a public announcement released on June 28, 2021, regarding the explosion which took place on May 27, 2021.

For the full news report and other information concerning the City's position can be found on the City of Hayward website here: <https://www.hayward-ca.gov/your-government/departments/city-managers-office/russell-city-energy-center>

Trustee Waespi stated in response to the public comment made by Louis Andrade, that it is his opinion that agencies work better when they work together. Related to the FEMA grant for the Oro Loma Interim Levee project, these grants are given to those who meet specific goals, and "promoting partnerships" is one of them, as is supporting the community. Trustee Waespi reiterated that everyone talks about partnerships and working together and he is proud of what HASPA has managed to achieve so far and would like HARD to remain a member of the JPA for those reasons.

Trustee Elisa Márquez concurred with Trustee Waespi and stated that it is important to have a coordinated effort and to be open and transparent with the public and will impact everyone who is being engaged in the conversation, whether directly or indirectly. Every HASPA member will have a role to play and will be an important part of securing funding for implementing those projects identified in the Shoreline Adaptation Master Plan. Trustee Elisa Márquez further expressed her appreciation that the vote to continue HASPA was unanimous and all Trustees are in agreement for continuing the JPA and the work that is to be done.

Trustee Hatcher commented that he is in agreement with Trustees Waespi and Márquez and HASPA is in a prime position to bring in other entities and involve them in the collective effort.

The advantage of having already adopted a Shoreline Adaptation Master Plan will be very impactful in keeping momentum to move forward and instructive to new members. The existing agencies can work in coordination with new members to implement the proposals identified in the Master Plan.

**REPORTS: Setting of Agenda for Next Meeting (Trustees/TAC)**

**Tentative Agenda for Next Meeting, Thursday, October 14, 2021, at 3:00 P.M.**

Standing TAC Report Items:

- Status Updates on Current Planning Applications
- Update on FEMA Grant Program Application
- Expansion of HASPA
- Presentation on South Bay Salt Ponds Project

Potential Future Agenda Items:

- Fieldtrip to Hayward Shoreline/King Tide Viewing
- Update on any Federal and State Infrastructure Funding Available
- Discussion with Economic Development Committee re: New Development SLR Base Standards
- Streamlined Permitting Update
- Community Outreach Plan
- In-Depth Report on Outside Agencies
- Citizens' Climate Lobby (Previously suggested by Former Trustee Jameson)
- Invite Vinnie Bacon to present and provide feedback to HASPA
- Visit and feedback from Assembly Member Bill Quirk

**ADJOURNMENT**

Chair Márquez adjourned the meeting at 4:15 PM.