

CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



Agenda

Thursday, August 2, 2018

3:00 PM

**Hayward Shoreline Interpretive Center
4901 Breakwater Avenue**

Hayward Area Shoreline Planning Agency

A Joint Powers Authority Comprised of the East Bay Regional Park District, the Hayward Area Recreation and Park District, and the City of Hayward

3:00 PM - CALL TO ORDER

3:02 PM - INTRODUCTIONS

1. [MIN 18-101](#) Approval of the HASPA Minutes of April 12, 2018

Attachments: [Attachment I Draft HASPA Minutes of April 12 2018](#)

3:05 PM - PUBLIC COMMENTS:

The Public Comment section provides an opportunity to address the Oversight Board on items not listed on the agenda. The Board welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the Board or are within the jurisdiction of the Board as the Board is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

3:15 PM - REPORTS: Technical Advisory Committee (TAC)

2. [RPT 18-139](#) Caltrans SB1 Grant Application (Lee)

Attachments: [Draft Reso and MOU](#)

3. ClimateCorps Fellow (Lee)

4. Industrial Zoning District Regulations Update (Lee)

5. 2018 Measure AA Grant Application (Lee)

6. Shrinking Shores Project (De Ponte)

7. [RPT 18-141](#) Draft Budget

Attachments: [Draft Budget](#)

8. South Bay Salt Ponds EIR (Hamlat)

9. Additional Items as Time Permits:

- Update on ROP Enhancement Project
- Education, Communication, & Building Public Support
- Bay Trail Update on Electrical Bicycles
- SF Bay Restoration Authority Updates

4: 00 PM - REPORTS: Board Members (Trustees)

4:15 PM - REPORTS: Action Items (Trustees/TAC)

4:30 PM - REPORTS: Setting of Agenda for Next Meeting (Trustees/TAC)

5:00 PM - ADJOURNMENT

NEXT MEETING - THURSDAY, OCTOBER 11, 2018 (HSIC)

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Manager at (510) 583-4300 or TDD (510) 247-3340.



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File #: MIN 18-101

DATE: August 2, 2018

TO: Hayward Area Shoreline Planning Agency

FROM: Technical Advisory Committee for HASPA

SUBJECT

Approval of the HASPA Minutes of April 12, 2018

RECOMMENDATION

That the HASPA Trustees approve the HASPA Minutes of April 12, 2018

SUMMARY

There was a HASPA meeting on April 12, 2018

ATTACHMENTS

Attachment I Draft Minutes of the HASPA Meeting of April 12, 2018



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



April 12, 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 Shoreline Interpretive Center
Erik Pearson, City of Hayward
Jay Lee, City of Hayward
Mark Taylor, East Bay Regional Park District

STAFF:

Linda Grand, CivicSpark Fellow
Robert Goldassio, City of Hayward
Stacey Bristow, City of Hayward

VISITORS:

Erika Castillo, Alameda County Mosquito Abatement District
Emily Pomeroy, Hayward Shoreline Interpretive Center
Laurel King, Hayward Shoreline Advocates
Kelly Abreu, Mission Peak Conservancy

1. Call to Order

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

2. Introductions

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

3. Approval of HASPA Minutes for October 12, 2017

Minutes of the Hayward Area Shoreline Planning Agency meeting of October 12, 2017, had no corrections and were unanimously approved with no changes.

Minutes of the Hayward Area Shoreline Planning Agency meeting of January 2, 2018, had two minor corrections from Chair Mendall and were unanimously approved with those changes.

4. 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 Caltrans SB1 Grant that HASPA applied for on February 23, 2018. Caltrans expects to make their decision by May of 2018. The Shoreline Master Plan is a good fit for the grant since the scope allows for planning projects and one of the focuses is sea level rise adaptation. The Shoreline Master Plan would also provide many transportation benefits including the protection of State Route 92 and the Bay Trail, which are vulnerable assets. The application was a joint effort between the City of Hayward, Hayward Area Recreation and Park District (HARD), and East Bay Regional Park District (EBRPD), who collaborated to prepare a strong proposal. The TAC submitted a draft a few weeks before the deadline, and received and incorporated feedback from Caltrans for the final application submittal. TAC Member Lee has noticed that most grants, and not just this one, have not included California Environmental Quality Act (CEQA) analysis as an activity eligible for grant funding, so it was not included in the scope of work.

Trustee Jameson asked what the value of the grant is, if it is just for the preparation of the Shoreline Master Plan, and if will it cover the entirety of the project.

TAC Member Lee responded that we applied for approximately \$500,000 to fund the preparation of the Shoreline Master Plan, but that the CEQA component, if required, could cost up to \$240,000.

Trustee Jameson asked if the CEQA analysis would require funding beyond the requested grant amount.

TAC Member Lee responded in the affirmative.

TAC Member Lee provided an update on what he and Linda Grand, CivicSpark Fellow, have been working on prior to receiving funding for the Shoreline Master Plan. He and Linda have been preparing to conduct some early outreach to get the community and stakeholders thinking about

sea level rise and have it on their radar. In addition to an email blast, they will reach out to key stakeholders one-on-one for their knowledge, feedback, and concerns. They are looking to start this outreach as soon as possible.

TAC Member Lee asked a question to the HASPA Board of Trustees and TAC about whether HASPA should conduct CEQA analysis for the Shoreline Master Plan because although it would allow for better implementation of the project, it would require an Environmental Impact Report (EIR), which would require each agency to contribute roughly \$80,000. Many other jurisdictions, including San Francisco and Marin and San Mateo Counties, are avoiding CEQA analysis by proposing a suite of strategies instead of an adopted plan that would provide specific implementable projects. A suite of strategies would not trigger CEQA or require adoption by the City. The project would be more of an information and strategy document for future sea level rise adaptation planning. TAC Member Lee presented both options and pros and cons for each. To summarize, the benefit of performing CEQA analysis with the Shoreline Master Plan, is that it would be more cost and time efficient compared to conducting CEQA analysis for each implementation project. However, some of these implementation projects may not happen for decades and sea level rise projections are constantly changing, which may result in any current CEQA analysis becoming outdated by the time individual projects are started in the future. Delaying CEQA analysis to future projects would allow HASPA to complete the Shoreline Master Plan without any extra cost other than staff time and provide flexibility in implementing various adaptation strategies.

TAC Member Eric Pearson, City of Hayward, stated that we do not have to decide whether to conduct CEQA analysis now and that we could make this decision later on. We could start the project as a suite of strategies and decide later on if we want it to be formally adopted or just serve an informational document.

TAC Member Lee mentioned that if HASPA receive the grant, it would be easier for each agency to commit to completing the CEQA analysis since most of the work has already been completed.

Chair Mendall asked for clarification on whether CEQA is triggered when a project a project is formally adopted or if it depends on the nature of the plan and the recommendations.

TAC Member Lee stated that CEQA could apply for either reason, but that formal adoption automatically triggers CEQA. Other cities are not adopting documents to avoid CEQA analysis.

Trustee Jameson commented that she thinks HASPA should move forward with the Shoreline Master Plan. She further stated that grant funding cannot be used for the CEQA analysis and that money would have to come out of the general fund.

TAC Member Lee responded that he checked with the City's on-call consultants about the cost of completing the CEQA analysis, who agreed that \$240,000 was a reasonable estimate.

Trustee Waespi inquired if any of the other grants HASPA applied for could cover the costs associated with CEQA compliance.

TAC Member Lee responded that the TAC has not been able to find a grant that would cover the cost of CEQA analysis. The NOAA grant might have covered it, but it was a Federal grant. There is a better chance of getting a statewide grant.

Trustee Waespi went on to say that is why they are all there, to continue pursuing those other grants and to see the work get done.

TAC Member Adrienne De Ponte, HARD, stated that the anticipated CEQA expense is about half of what we requested from Caltrans to prepare the Shoreline Master Plan.

Trustee Waespi stated that HASPA should be seeking and applying for other grants for other projects.

TAC Member Mark Taylor, EBRPD, stated that member agencies that own properties within the Hayward Regional Shoreline will have to complete CEQA analysis for restoration or other projects.

Chair Mendall asked if that is a certainty because the CEQA document for the Shoreline Master Plan could cover the required CEQA analysis for future implementation projects.

TAC Member Taylor responded that it may depend on the level of detail provided in the Shoreline Master Plan regarding implementation projects and if these projects are modified in the future.

Chair Mendall asked if there are other funding sources that could fund CEQA analysis and if we are actively seeking those out. Chair Mendall also asked if there are other funding sources that could fund the CEQA analysis required individual implementation projects.

TAC Member Lee noted that all grants thus far do not provide funding for CEQA.

Trustee Waespi stated that Measure AA recently awarded grants for the latest round to shovel-ready projects with CEQA analysis already completed. Trustee Waespi indicated that it may make sense to conduct CEQA analysis for our projects upfront to increase our chances of receiving grant funding.

Trustee Jameson asked if the Shoreline Master Plan will provide the costs of constructing implementation projects.

TAC Member Pearson stated that preparing the Shoreline Master Plan will be similar to preparing a Capital Improvement Plan since long-range planning documents typically do not address or identify costs. Identifying costs would be whole other component beyond the scope of work.

Trustee Jameson restated that she hopes the Shoreline Master Plan will clearly identify specific projects, which would allow HASPA to understand the costs and then decide whether to complete the CEQA analysis.

Chair Mendall recognized speaker Kelly Abreu.

Mr. Kelly Abreu commented in response to the information about potentially breaking up the project into several components and preparing several EIRs. Mr. Abreu referenced the South Bay Salt Pond Restoration Project, which covers 2,000 acres, and announced that the EIR for this project was released today. The EIR is a huge document since the project is a massive effort involving the enhancement of recreational facilities and conversion of salt ponds into tidal marshes. The environmental analysis, which is underway, will be completed all at once. Mr. Abreu inquired why HASPA would complete the environmental analysis in a different manner.

Chair Mendall proposed that HASPA postpone the decision until we are midway through the planning phase since the Board of Trustees need more information before making a decision.

TAC Member Lee agreed.

Trustee Waespi agreed to move forward with waiting until the planning phase. The goal is to complete the Shoreline Master Plan. There can be further conversation and clarification among the parties about when the CEQA analysis should be completed. He repeated his earlier comments about continuing to seek other funding and partners.

Trustee Jameson said that it is important to complete the Shoreline Master Plan first and then decide whether to complete the CEQA analysis. She is hopeful we can find partners to help with funding the CEQA analysis.

Chair Mendall disagreed that private funding would be scarce. He believes that developers will have to contribute to the citywide effort of addressing sea level rise. Chair Mendall stated that the City is interested in forming a GHAD for areas near the Hayward Regional Shoreline to require property owners to contribute to the City of Hayward's efforts to mitigate sea level rise impacts.

Trustee Jameson inquired about whether the City of Hayward would only require new projects to join the GHAD or also require existing developments to join.

Chair Mendall replied that the latter is preferred but that it would be beneficial to require it for old and new developments. Sea level rise will become a more prominent issue in the future, so it is important to have the Shoreline Master Plan completed, which will allow HASPA to receive funding for the CEQA analysis when the time comes.

TAC Member Pearson passed out the rough draft budget. Each agency contributed \$12,000 to hire Linda Grand, CivicSpark Fellow, for this past service year. HASPA intends to continue with the program, but could apply for a Climate Corps Fellow if a CivicSpark Fellow is unavailable for the next service year. Agencies may need to contribute more money in the future for fellows if they are unable to secure grants. If the Trustees adopt this budget, it will assist with any future asks for funding. If we decide to complete the CEQA analysis but are unable to find grant funding, the budget indicates how much money would be required to cover the CEQA portion of the plan. The budget provides rough numbers. Dollar amounts listed in the grant application included in-kind services, which are being provided through staff hours as the contribution.

Trustee Jameson asked if the commitment of staff time will come from the TAC members and asked for clarification regarding the \$160,000 identified in the budget for the CEQA analysis.

TAC Members Pearson and Lee affirmed these numbers are likely outdated and may be higher.

Chair Mendall clarified that each agency may contribute each year to meet these figures.

TAC Member De Ponte stated that it would be a worthwhile investment to spend this money.

Trustee Jameson asked if each TAC member should present this budget to their own agencies and have the Trustees vote to adopt the budget at the next HASPA meeting since we are not voting on it now.

Chair Mendall confirmed that that is what the TAC is asking the Trustees to do if the Trustees are not voting on the budget today.

TAC Member De Ponte reminded attendees to be mindful of the Fiscal Year since the next meeting will be in July.

Chair Mendall mentioned that each respective agencies should be aware that the \$12,000 required to hire a fellow should be kept in the budget for future years. Chair Mendall prefers to a long-term

or 5-year plan. HASPA can adopt the budget as is for now with the understanding that there may be some changes.

Mr. Abreu suggested that HASPA use the South Bay Salt Ponds Restoration Project as a template. HASPA could borrow the methodology and funding sources and utilize the CEQA document.

Trustee Waespi asked if the Trustees are going to vote on the budget at the next meeting in July, and if the budget will be a 5-year or 1-year budget.

TAC Member Lee replied that it would be preferable to approve a 5-year budget and amend it each year as needed.

Chair Mendall stated that any budget can be amended.

Trustee Waespi indicated that it will be easy for HARD to approve \$12,000 for a fellow, but that a request for \$60,000 or more may require full Board action.

TAC Member Pearson offered an alternative, which would entail approving the current basic budget since the grant decision will be known in May.

Chair Mendall suggested that since we will know the result of the grant application before adoption of the budget, the Trustees could discuss and take action on the 5-year budget with caveats and subject to change at the next HASPA meeting in July. It would be the responsibility of the TAC members to go back to their respective agencies for approval of the budget.

TAC Member Lee announced that he had received a Notice of Availability for the South Bay Salt Ponds Restoration Project, which he can circulate if desired.

Chair Mendall requested that TAC Member Lee email the Notice of Availability and other relevant documents and indicated that HASPA can hold an emergency meeting if needed.

TAC Member Lee noted that the deadline to provide comments for this project is May 21st.

Mr. Kelly Abreu stated there will be a public meeting in Fremont in early May.

TAC Member Lee provided an update on the West Winton project for the industrial building. It was approved by the Planning Commission and the developer agreed to provide a public art element in the form of cut-outs of birds along the western elevation, which fits well with the project and surrounding natural area. There was a lot of discussion between the City of Hayward and the developer regarding the provision of rooftop solar panels and the developer offered to contribute \$50,000 to the City of Hayward to be utilized for solar panels on a public building.

Chair Mendall said he believed the contribution was \$150,000, and asked for staff to confirm.

Trustee Jameson asked if the development is providing enough solar panels to provide energy for a future tenant.

TAC Member Lee responded that the contribution from the developer is intended to provide the same amount of energy to the City and that the developer still intends to go through East Bay Community Energy (EBCE) to install solar panels on the rooftop. The developer opted to contribute the money to the City of Hayward rather than install a small number of panels now, which would likely have to be removed to accommodate a larger solar energy system.

Trustee Jameson stated that it is good that the developer intends to install rooftop solar panels at some point down the line.

Chair Mendall agreed, saying they were not obligated to do so.

TAC Member Pearson confirmed that the project conditions of approval require a contribution of \$125,000 from the developer, not \$50,000 or \$150,000, to cover a 50 kilowatt per hour system.

TAC Member Lee added that the developer is willing to join a Geologic Hazard Abatement District (GHAD) when it is formed in the future. The developer has submitted a building permit application, which is currently under review.

Chair Mendall commented that it was important to note that the developer was required to agree to a lot of improvements including the rooftop solar panels, public artwork, a potential GHAD, landscape buffering, and other improvements.

TAC Member Lee added that one of the significant improvements is a pedestrian pathway along West Winton Avenue with interpretive signage and additional landscaping.

Chair Mendall stated that these improvements were good concessions, which he would see incorporated into future projects.

TAC Member De Ponte asked if the developer will write the interpretive language text.

TAC Member Lee responded that the developer will write the language but that the language along with the renderings will be reviewed and approved by the City of Hayward through the building permit process.

TAC Member De Ponte noted that they are working on a park called "Mia's Dream Come True: Where the Heart of the Bay Comes to Play", which will be a special needs park for children who are in wheelchairs. There is a mockup of the bay, which is upsetting to her.

TAC Member Lee provided an update on the City of Hayward Industrial District Update. Senior Planner Leigha Schmidt said she would be willing to come to a future meeting to provide a presentation. Leigha is aware of the concerns HASPA has and indicated that there will be design guidelines and performance standards intended to mitigate concerns related to the protection of the Hayward Regional Shoreline. The City of Hayward held a community meeting regarding the project and there will be more opportunities for the community to provide feedback in the future. TAC Member Lee also provided an update on HASPA's Measure AA grant application for the Oliver Salt Ponds project. HASPA did not receive the grant but received helpful feedback on the application. A strength of the application is that it was thorough and the project provided multiple benefits. However, the main reason we did not get the grant was because the grant program prioritized shovel-ready projects. The application may need to include a more detailed design to be more competitive for future grant rounds. Additionally, the project did not include a strong enough habitat restoration component.

TAC Member De Ponte mentioned that the San Francisco Bay Restoration Authority did not like the use of an unnatural material like riprap, and that they had wanted a more natural solution such as a horizontal levee.

TAC Member Lee added that they wanted to see the use of other green infrastructure in the proposal.

Trustee Waespi asked if HASPA should submit an application for the Oliver Salt Ponds project for the next round or submit an application for another project that is better suited to this grant program. Trustee Waespi went on to suggest that there is a lot of political lobbying going on for these grant programs and recommended that HASPA reach out to Vinnie Bacon, a City Councilmember for the City of Fremont who may support HASPA's efforts. Trustee Waespi suggested inviting Mr. Bacon to a future HASPA meeting and noted that there is a vacancy on the Citizens Advisory Committee Board and wondered if anyone had applied.

TAC Member Lee stated that HASPA could have applied for the Shoreline Master Plan this time but did not because it probably would not have been a competitive application. We expect the Shoreline Master Plan to be more competitive for the next round.

Trustee Waespi reiterated that HASPA needs to consider leveraging political will since multiple agencies are involved and the project is a priority for HASPA and stakeholders.

Chair Mendall said that he had attempted to speak with Vinnie Bacon informally, but was unable to. Chair Mendall stated that he will try again at the next opportunity.

Erika Castillo, Alameda County Mosquito Abatement District, commented that she sits on the advisory committee for the San Francisco Bay Restoration Authority but that she was not on the grant review committee this time. She stated that there is a requirement within the measure for awarding grants according to population representation. This is over the lifetime of the grant and while the East Bay is large, grants were only awarded to two projects, EBRPD's Encinal Dunes and the San Leandro Water Treatment Plant Project. There is a push to get Contra Costa County to submit applications since no agencies within Contra Costa County submitted an application. Therefore, the San Francisco Bay Restoration Authority may be leaning towards funding something in Contra Costa County. Ms. Castillo also mentioned that they were hoping for short-term projects so they can point to success stories. However, they may trend towards longer-term projects and providing for funding CEQA and planning activities as things progress.

TAC Member De Ponte stated that the City of San Leandro reached out to her regarding their project.

Ms. Castillo stated that their project is barely in the planning stages and that it was supported because of its multi-use nature. It checked off a lot of things on the list, which were in the language of the measure.

TAC Member De Ponte agreed with Mr. Abreu's earlier comment that they should steal the County's methodology.

Chair Mendall asked when they next round of applications would be due.

TAC Member De Ponte replied the fall, with the same timeline as this round.

Chair Mendall suggested that we discuss what to pursue for the next Measure AA grant round at the HASPA meeting in July or October.

TAC Member Lee stated that the deadline for the last round was November 15.

Chair Mendall stated that if the deadline is the same this year, early October may be too late to discuss HASPA's Measure AA application.

TAC Member De Ponte provided an update on the Shrinking Shores Project, which is being led by the County of Marin. The County of Marin created a game called the Game of Floods to educate the public regarding sea level rise. The TAC played this very engaging, hands on and tangible game during a TAC meeting. HASPA will need to adapt the game for our specific needs and that she will try it out with summer camp kids.

Linda Grand, CivicSpark Fellow, mentioned that on there will be a simultaneous statewide effort on June 9 to increase public awareness of sea level rise. She and TAC Member De Ponte have discussed how to best participate in this effort, which could include visiting farmers markets or hosting an event at the Interpretive Center.

Trustee Jameson asked what ages the game is suitable for.

TAC Member De Ponte answered 9 to 13 years old.

Trustee Jameson stated that she asked because she does not want to instill fear in little children regarding the potential impacts of sea level rise.

TAC Member De Ponte stated that there was some good training on framing sea level rise. The training provides the best tips and tools for how to talk to people about climate change and emphasized not discussing projection, which could be inaccurate or too scary.

Trustee Jameson said she had worked for science camps where counselors could not talk about earthquakes so as to not scare the children. It is a fine line between being educational and upfront in order to get people to take action and presenting a doom-and-gloom scenario.

TAC Member De Ponte stated that it is important to give confidence instead of fear. Bridging and pivoting are political strategies, but applicable to sea level rise education.

Mr. Abreu handed out a flier about a meeting on May 8th from 6 to 8pm for the South Bay Salt Ponds Restoration Project and an article with a map showing vulnerable areas within the Bay Area. Mr. Abreu mentioned that he has been attending meetings for several years now and is encouraged to hear so many conversations about sea level rise. The red spot shown on the map is the Eden Landing Ecological Reserve, which is sinking at a rapid rate even in comparison to other areas within the Bay Area.

Chair Mendall thanked Mr. Abreu but suggested that he come early next time so he can have more time to talk during the public comments section of the agenda.

Trustee Jameson asked for an update on the Bay Trail electric bicycles. TAC Member Lee indicated that we could discuss these items at the next meeting.

Trustee Waespi thanked the TAC for its efforts and indicated that Measure AA will continue to provide funding in to the future. The Hayward Regional Shoreline is becoming more important and prominent and there is an opportunity for HASPA to conduct additional outreach to raise awareness about the Hayward Regional Shoreline and the potential impacts of sea level rise. Trustee Waespi suggested that HASPA send someone to set up a booth and speak to the public about HASPA's efforts at various community events such as Hayward street parties and other similar events. The Hayward Area Historical Society (HAHS) does a lot of outreach and perhaps HASPA could work with HAHS.

TAC Member De Ponte stated that she just met with someone from HAHS to discuss collaborating on outreach efforts.

Trustee Waespi asked if Ben Botkin from the Association of Bay Area Governments (ABAG) has attended a HASPA meeting yet. Mr. Botkin works on the Bay Water Trail, which is a fascinating project that provides a trail in the water for small water boats such as kayaks. There are currently several large gaps in the system.

TAC Member Taylor responded that it is hard to fill these gaps because much of the land is a mud flat at low tide. For example, many are using Hayward Landing as a haul out spot or a place to rest.

Chair Mendall stated that the Shoreline Master Plan could analyze existing water trails and provide recommendations for improving the system.

Trustee Waespi suggested inviting Mr. Botkin to a future HASPA meeting.

TAC Member Taylor stated that Eden Landing is pretty heavily used.

Trustee Jameson stated that she hopes HASPA can do more to expedite the education of the public in a manner that does not scare children. She has past experience discussing how important gas miles and emissions are with children. As they get older they can better understand these issues and find ways to get more involved. She is hopeful that HASPA can take the lead in helping people understand how our decisions are interrelated and can have an impact on our communities.

Trustee Jameson asked Laurel King if Betty Moose is okay. Ms. King stated that she is much better.

Chair Mendall mentioned that the City of Hayward along with 12 or so other agencies joined to form EBCE about a year and a half ago. The energy provided by EBCE would be cheaper and cleaner than the energy provided by PG&E. A program for businesses will launch in June and a program for residents will launch in November. The program provides two options. The first option includes energy that is 38% renewable and 85% greenhouse gas free and is cheaper than PG&E. The second option includes energy that is 40% renewable and 100% greenhouse gas free for the same price as PG&E's rates. The latter is the default option for businesses unless they opt out.

TAC Member Pearson indicated that commercial and residential customers are automatically enrolled in this program unless they decide to opt out. For residential users, those who would like to start before November have the option to become an early adopter. More information is available at www.ebce.org.

Chair Mendall stated that all jurisdictions in Alameda County have decided to participate except the City of Alameda, which has its own power company, the City of Pleasanton, and the City of Newark.

Mr. Abreu stated that these programs are not as simple as they seem. There are pros and cons to these programs.

Chair Mendall agreed that it is complicated for those managing the program but simple for customers. Chair Mendall also mentioned the 1-megawatt solar array installed in 2010 at the Water Pollution Control Facility (WPCF), which has gone from the single largest consumer of electricity to the single largest exporter of clean, green, and renewable energy in the City of Hayward. The WPCF produces around 150% of the energy consumed and export the rest to City Hall and fire stations to offset those electricity uses as well. The City of Hayward wanted to expand the system but PG&E did want to buy the energy. However, EBCE is willing to buy the energy so the City of Hayward is tripling the size of the array. This will allow the City of Hayward,

which currently is at 50% from local renewable sources for municipal operations, to reach 80% from local renewable sources. The City of Hayward is almost producing almost all the energy that is needed from local renewable sources.

TAC Member De Ponte suggested that this information could be presented as part of an exhibit and indicated that the most effective way to educate about sea level rise is to discuss how individuals can be part of a larger effort rather than emphasizing individual action.

Trustee Jameson announced that Earth Day is coming up and indicated that she will be participating in a cleanup of the Alameda Flood Control Channel.

TAC Member De Ponte announced that the Shoreline Trash Takers event will also be happening on the same day. Restoration rangers will assist with trash cleanup on the Hayward Regional Shoreline from 1 to 4pm.

Trustee Jameson mentioned that the cleanup will be happening along the channel near the industrial area for anyone interested in joining her.

Chair Mendall set the agenda for the next meeting.

Mr. Abreu asked if anyone will attend the meeting for the South Bay Salt Ponds Restoration Project on May 8th.

Chair Mendall requested that the TAC send an e-mail blast to the interested parties list regarding this project and meeting.

Trustee Jameson announced that there is an opportunity for someone from HASPA to the Bay Trail Board meetings.

2. Report from Trustees

Chair Mendall requested reformatting the agenda.

3. Final 2018 Meeting Schedule

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

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, seconded by Trustee Jameson and passed unanimously without objection.

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

Standing TAC Report Items:

- Salt Ponds EIR
- Caltrans SB1 Grant Application (Lee)
- Shoreline Master Plan Update (Lee)

- W. Winton Project Update (Lee)
- Measure AA Grant “Oliver Sal Ponds Project” (Lee)
- Shrinking Shores Project (De Ponte)
- Draft Budget (Lee)

Future Agenda Items:

- Update on ROP Habitat Enhancement Project
- Bay Trail update on Electric Bicycles
- SF Bay Restoration Authority Updates
- Education, Communication, & Building Public Support
- Industrial Zoning District Regulations Update (Lee/Schmidt)

ADJOURNMENT

Chair Mendall adjourned the meeting at 4:33 PM.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: RPT 18-139

HAYWARD AREA SHORELINE PLANNING AGENCY

RESOLUTION NO. 18-

Introduced by Trustee _____

RESOLUTION TO AUTHORIZE THE HAYWARD AREA SHORELINE PLANNING AGENCY TO ACCEPT AN ADAPTATION PLANNING GRANT FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR \$509,000, AND TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE MEMBER AGENCIES TO COMPLETE THE HAYWARD REGIONAL SHORELINE MASTER PLAN

WHEREAS, the Hayward Area Shoreline Planning Agency (HASPA) has submitted an application to the California Department of Transportation (Caltrans) for grant funding to complete the Hayward Regional Shoreline Master Plan (herein referred to as Plan); and

WHEREAS, HASPA was formed pursuant to the December 7, 1970 Joint Exercise of Powers Agreement, for the purpose, among others, of preparing a comprehensive statement of planning policies for the area referred to as the Hayward Regional Shoreline; and

WHEREAS, the Plan supports the expressed purpose of HASPA, which is to coordinate planning activities and adopt and carry out policies for the improvement of the Hayward Regional Shoreline for future generations; and

WHEREAS, on May 11, 2018, Caltrans selected HASPA's Plan proposal for funding by Caltrans' Road Maintenance and Rehabilitation Account and Public Transportation Account in the amount of \$509,000; and

WHEREAS, the City of Hayward is the HASPA Treasurer per the terms of the HASPA Joint Exercise Powers Agreement and as such the City will manage the grant funds on behalf of HASPA.

NOW, THEREFORE, BE IT RESOLVED that HASPA hereby supports the City's receipt of grant funds on behalf of HASPA for preparation of the Plan.

BE IT FURTHER RESOLVED that HASPA authorizes the Board of Trustees or designees to negotiate and execute a Memorandum of Understanding between the member agencies, the City of Hayward, Hayward Area Recreation and Park District and East Bay Regional Park District, to provide the required local match through in-kind-services; and

BE IT FURTHER RESOLVED that HASPA authorizes the Board of Trustees or designees to negotiate and execute agreements with Caltrans necessary to effectuate the acceptance of grant funds for the Plan as referenced in this resolution.

HAYWARD, CALIFORNIA _____, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: TRUSTEES:

NOES: TRUSTEES:

ABSTAIN: TRUSTEES:

ABSENT: TRUSTEES:

Al Mendall, Chair of the HASPA Board of Trustees

Memorandum of Understanding

Between

CITY OF HAYWARD (CITY)

And

EAST BAY REGIONAL PARK DISTRICT (EBRPD)

And

HAYWARD AREA RECREATION AND PARK DISTRICT (HARD)

RECOGNITION

On the ____ day of _____, 2018, authorized representatives of City of Hayward (CITY), Hayward Area Recreation and Park District (HARD), and East Bay Regional Park District (EBRPD) (and collectively, "Parties") made and entered into this Memorandum of Understanding.

RECITALS

WHEREAS, the Hayward Area Shoreline Planning Agency (HASPA) was established by the Parties in 1970 to plan for, preserve, and protect the Hayward shoreline; and

WHEREAS, in January 2016 the Parties agreed to renew the HASPA Joint Exercise of Powers Agreement to January 1, 2021 for the purpose of planning and preparing for sea level rise; and

WHEREAS, the Parties mutually recognize the need for a Shoreline Master Plan; and

WHEREAS, on May 11, 2018, the California Department of Transportation (Caltrans) issued a conditional grant award to HASPA for the preparation of a Shoreline Master Plan; and

WHEREAS, the Parties desire to work together to provide the required local in-kind match in the form of staff time for the duration of the project; and

NOW THEREFORE, the Parties agree as follows:

AGREEMENT

- (1) Term. This MOU shall become effective on the _____ day of _____, 2018, and shall remain in effect until the parties complete the Shoreline Master Plan and submit a final report to Caltrans or until terminated in accordance with Article 4 of this MOU.
- (2) Financial Contributions. Each Party agrees to make the following financial contributions to HASPA:
 - a. \$12,000 to support the Fellow (may be from the Civic Spark, Climate Corps, or other similar program) to support project activities. This amount is due by August 1 each year.
 - b. \$85,000 to support preparation of the Environmental Impact Report for the Shoreline Master Plan. This amount may be paid in full by August 1, 2019 or in two equal installments by August 1, 2019 and August 1, 2020. Contributions for the Environmental Impact Report will only be required if deemed necessary by the HASPA Board of Trustees.
- (3) In-Kind Contributions.
 - a. Under direction from the HASPA Board of Trustees, the HASPA Technical Advisory Committee shall work with a consultant team to carry out the following project tasks. City staff will serve as the primary point of contact for the consultant team.

Task 1: Project Initiation

Task 2: Update Sea Level Rise Modeling and Mapping

Task 3: Public Outreach

Task 4: Develop Adaptation

Task 5: Draft Shoreline Master Plan and Maps

Task 6: Complete Environmental Impact report

This task will be completed only if it is determined that an Environmental Impact report is required or desired for the Shoreline Master Plan.

Task 7: HASPA Adoption

Task 8: Fiscal Management

- b. Unless otherwise noted, all other work shall be shared equally among the Parties. As required by the local match for the grant, the total staff time required from each Party is estimated to be approximately 1,700 hours over the course of the 29-month project.

Per the terms of the HASPA JPA, the City of Hayward is the HASPA Treasurer. City staff will be responsible for monthly invoicing and quarterly reports.

- (4) Termination. Each party to this MOU can terminate its involvement upon thirty (30) days' written notification to the other parties. In the event of termination, the terminating party will not be entitled to a refund of any financial or in-kind contributions relating to this MOU.
 - a. In the event only one party terminates its involvement in accordance with this provision, the MOU shall remain in force and effect as between the remaining two parties. All outstanding in-kind and financial contributions of the terminating party will be equally shared by the remaining parties to this MOU.
 - b. The MOU shall terminate upon two parties' exercise of the right to terminate in accordance with this provision or upon mutual agreement of all parties in writing.

- (5) Indemnification. The CITY, the COUNTY, and HARD agree to mutual indemnification as follows:
 - a) CITY will indemnify, defend, protect and hold harmless EBRPD and HARD, their respective officers, agents, and employees, from and against any and all liability, damage, expense cause of action, suits claims, and judgments arising from injury to or death of persons or loss of or damage to personal property based on performance pursuant to this MOU, unless such liabilities and obligations have arisen by reason of the negligence of willful misconduct of EBRPD or HARD, their officers, agents and employees.

 - b) EBRPD will indemnify, defend, protect and hold harmless the CITY and HARD, their respective officers, agents, and employees, from and against any and all liability, damage, expenses, causes of action, suits claims, and judgments arising from injury to or death of persons or loss of or damage to personal property based on performance pursuant to this MOU, unless such liabilities and obligations have arisen by reason of the negligence of willful misconduct of the CITY or HARD, their officers, agents and employees.

 - c) HARD will indemnify, defend, protect and hold harmless the EBRPD and the CITY, their respective officers, agents, and employees, from and against any and all liability, damage, expense causes of action, suits claims, and judgments arising from injury to or death of persons or loss of or damage to personal property based on performance pursuant to this MOU, unless such liabilities and obligations have arisen by reason of the negligence of willful misconduct of the EBRPD or the CITY, their officers, agents and employees.

- (6) Accountability. The CITY, the EBRPD, and HARD shall collaboratively evaluate the success of the partnership on a regular schedule to be determined but, not less than twice per year; and shall regularly and timely provide reports of the Project's progress to the governing bodies of their respective agencies.

- (7) Amendments. This MOU may be amended and/or modified only by mutual agreement of all three parties, and any such amendments or modifications must be in writing and signed by duly authorized representatives of all three parties.
- (8) Whole Agreement. This MOU has four (4) pages including the signature pages. This MOU constitutes the entire understanding and agreement of the parties. This MOU integrates all of the terms and conditions mentioned herein or incidental hereto with respect to all or part of the subject matter hereof.
- (9) Counterparts. This MOU may be executed in counterpart.

IN WITNESS HEREOF, the parties hereto have entered into this agreement to be executed the day and year herein above first written.

CITY OF HAYWARD

By: _____ Date: _____
Kelly McAdoo
City Manager

Approved as to Form:
CITY OF HAYWARD

By: _____ Date: _____
Michael Lawson
City Attorney

Attest:
CITY OF HAYWARD

By: _____ Date: _____
Miriam Lens
City Clerk

HAYWARD AREA RECREATION AND PARK DISTRICT

By: _____ Date: _____
Paul McCreary
General Manager

EAST BAY REGIONAL PARK DISTRICT

By: _____ Date: _____
Robert E. Doyle
General Manager



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: RPT 18-141

Hayward Area Shoreline Planning Agency - Draft Budget

	FY 2018 Actual	FY 2019 Projected	FY 2020 Projected	FY 2021 Projected	FY 2022 Projected
Beginning Balance	0	10,500	34,350	57,350	66,350
Revenues/Contributions					
City of Hayward	12,000	12,000	12,000	12,000	12,000
HARD	12,000	12,000	12,000	12,000	12,000
EBRPD	12,000	12,000	12,000	12,000	12,000
Grant Funds	0	116,000	350,000	43,000	0
Total Revenues	36,000	152,000	386,000	79,000	36,000
Expenditures					
Climate Corps Fellow (paid by HASPA)	25,500	12,150	13,000	27,000	28,000
Climate Corps Fellow (paid by grant)	0	12,150	13,000	0	0
CEQA for Master Plan	0	0	0	0	0
Shoreline Master Plan	0	103,850	337,000	43,000	0
Total Expenditures	25,500	128,150	363,000	70,000	28,000
Annual Surplus/(Shortfall)	10,500	23,850	23,000	9,000	8,000
Ending Balance	10,500	34,350	57,350	66,350	74,350

Hayward Area Shoreline Planning Agency - Draft Budget (assumes CEQA)

	FY 2018 Actual	FY 2019 Projected	FY 2020 Projected	FY 2021 Projected	FY 2022 Projected
Beginning Balance	0	10,500	34,350	34,350	34,350
Revenues/Contributions					
City of Hayward	12,000	12,000	46,833	51,500	12,000
HARD	12,000	12,000	46,833	51,500	12,000
EBRPD	12,000	12,000	46,833	51,500	12,000
Grant Funds	0	116,000	350,000	43,000	0
Total Revenues	36,000	152,000	490,500	197,500	36,000
Expenditures					
Climate Corps Fellow (paid by HASPA)	25,500	12,150	13,000	27,000	28,000
Climate Corps Fellow (paid by grant)	0	12,150	13,000	0	0
CEQA for Master Plan	0	0	127,500	127,500	0
Shoreline Master Plan	0	103,850	337,000	43,000	0
Total Expenditures	25,500	128,150	490,500	197,500	28,000
Annual Surplus/(Shortfall)	10,500	23,850	0	0	8,000
Ending Balance	10,500	34,350	34,350	34,350	42,350