



HAYWARD AREA SHORELINE PLANNING AGENCY

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

Thursday, July 7, 2016
5:00 p.m. – 7:00 p.m.

- | | | |
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| 1. | Call to Order | Mendall |
| 2. | Introductions | Trustees |
| 3. | (d) Changes to Agenda | Trustees |
| 4. | (d) Approval of Agenda | Trustees |
| 5. | (a) Approval of HASPA Minutes for April 14, 2016 | Trustees |
| 6. | Public Comments | Public |

NEW BUSINESS

- | | | |
|----|---|-------------------|
| 7. | (i & d) Climate Change Education and Outreach (20 min.) | De Ponte/Shcherba |
| 8. | (i & d) H.A.R.D. Possible Bond Measure for Upgrading Facilities (15 min.) | De Ponte |
| 9. | (i & d) Shoreline Development Project(s) Update (10 min.) | Golubics |

UNFINISHED BUSINESS

- | | | |
|-----|---|--------------|
| 10. | (d) Tour of Hayward Shoreline for Political Leaders (10 min.)
(Levee repair conversation – umbrella permit idea) | Golubics/TAC |
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REPORTS

- | | | |
|-----|---|--------------|
| 11. | (i) Report from TAC (verbal) (15 min.) | Golubics/TAC |
| 12. | (i) Reports from Board Members (verbal) (15 min.) | Trustees |
| 13. | (d) Setting Agenda for Next Meeting on October 13, 2016 (10 min.) | Trustees/TAC |
| 14. | Adjournment | Mendall |

- (i) Information
- (d) Discussion
- (a) Action



HAYWARD AREA SHORELINE PLANNING AGENCY

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

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

April 14, 2016

DRAFT MINUTES

HASPA TRUSTEES PRESENT:

Al Mendall, City of Hayward, Chair
Minane Jameson, Hayward Area Recreation and Park District
Dennis Waespi, East Bay Regional Park District
Paul Hodges, Hayward Area Recreation and Park District (Alternate)

HASTAC MEMBERS PRESENT:

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

STAFF:

Elena Frink, Hayward Area Recreation and Park District
Helena Graves, City of Hayward
Karl Zabel, Hayward Area Recreation and Park District
Paul McCreary, Hayward Area Recreation and Park District
Paul Nguyen, City of Hayward
Todd Trimble, Hayward Area Recreation and Park District

VISITORS:

Audrey Le Pell
Geoff Monk, Monk & Associates, Inc.
Ginny DeMartini, District Director, Supervisor Valle's Office
Gregg Boehm, Industrial Property Trust
Kelly Abreau, Member, Mission Peak Conservancy
Laurel King
Maggie Wenger, San Francisco Bay Conservation and Development Commission (BCDC)
Matt Edwards, Edwards Development & Advisors

1. **Call to Order**

A regular meeting of the Hayward Area Shoreline Planning Agency was called to order at 5:02 P.M. by Chair Mendall.

2. **Introductions**

Round robin introductions of all those present were made.

3. **Changes to Agenda**

There were no changes made to the Agenda.

4. **Agenda Approval**

The agenda was approved with no objections.

5. **Approval of HASPA Minutes for January 14, 2016**

The minutes of the Hayward Area Shoreline Planning Agency meeting from January 14, 2016 were approved with no objections.

6. **Public Comments**

No general public comments were made. Public comments were received as part of presentation of Item #7.

NEW BUSINESS

7. **Project Review – 4150 Point Eden Way**

Damon Golubics introduced the item, which was then presented by project proponent Gregg Boehm and his team to the Trustees as the last vacant lot in the City of Hayward as you come eastbound on Highway 92 from the Peninsula. According to Mr. Boehm, the lot has some wetland issues associated with it as well being the current home to the historic Oliver Salt Works building that has medium historic integrity associated with it. Mr. Golubics requested that after the project proponent's presentation and public comment on the item, the TAC be provided time to offer comments on the project.

Project proponent Greg Bohem presented concepts envisioned for the 40 acre site that is located in the Point Eden area of Hayward and running along the southern edge/side of the San Mateo Bridge. The proposal calls for development of a new 100,000 square foot building on approximately 8 acres of the 40 acre site, specifically involving 5.5 acres of development and 2 plus acres of storm water management ponds. The remaining 32 acres would be designated as wetlands. The property is a remnant piece of the Oliver Salt Works and there is one original building onsite that is not salvageable per review by the project proponent's architect and engineer. The proposal is for a Class A building with LEED certification for energy efficiency and will include native landscaping and preservation and improvement of ponds to enhance the shoreline. The proposal also includes enhancements ("historic park") to the Bay Trail which runs on the east side of the property. A wetlands delineation map was obtained by the project proponent from the U.S. Army Corp of Engineers giving their team important information to hopefully secure necessary permits from local and state agencies with jurisdiction over the project. Without an Army Corp of Engineers permit, the development cannot be built. The area is in the Industrial Zoning District and fits within the General Plan designation for the site. The project proponent expects the project will provide jobs and economic growth for the City of Hayward. The site is currently owned by two charities (The Hayward Area Historical Society and a church) and the developer is in the process of

purchasing the site from them. The site has a deed restriction related to clean-up that occurred previously at the site. According to the project proponent, the parcel could not be rezoned to some sort of residential zoning designation.

The project proponent reiterated the proposal as a "Class A" industrial development and is expected to be home to possibly 100 employees working at the site. The project proponent indicated that there will be about a \$15 million investment made as part of this project.

The plan is for an interpretive point (park) on the Bay Trail with the use some of the existing salvageable materials (wood and steel from the old Oliver Salt Works building). The interpretive point may also contain some onsite benches, a few shade structures, and a monument.

The site is bordered by land owned by the State Department of Fish and Wildlife and the Eden Point Ecological Reserve. There are a number of endangered species on the site and have been there for a number of years. Hazardous materials clean up over a span of 13 years create micro depressions at the site, which, in turn, has created wetlands (site depressions). According to the project proponent, several permits have already been applied for (none involving the City of Hayward) and it is assumed the State Department of Fish and Wildlife will be very interested in acquiring 32 acres of wetlands west of the project site. There is a good chance that eventually the salt ponds on the project proponent's site could be deeded over to the Department of Fish and Wildlife giving them a clear contiguous large area if this area were to be included in their ownership. Full permitting would be required for all the work required to restore the salt ponds.

Trustee Dennis Waespi asked the question if the Alameda County Parks, Recreation and Historical Commission had been contacted regarding the historical significance of the buildings on the site and the response from the project proponent was that they had not but the information would be noted as something their team would follow-up on. This information would be required for permitting with the Army Corp of Engineers involving their permitting process and without a permit from them the project couldn't be built.

According to the project proponent, Gregg Boehm, the site is in an elevated position that is approximately ten feet higher than the wetlands. HASPA staff disputes this claim. The proposed 100,000 square foot building will have an inside dimension measuring about 320 feet by about 400 feet located about a half mile from the Hayward Area Shoreline Interpretive Center. The building will be below the view from the bridge and, as previously mentioned, the Bay Trail is located adjacent to the site.

Trustee Jameson asked about possible predatory species. Peregrine falcons won't be a problem at the site according the Mr. Boehn's team and it was noted that herons might be attracted to the site since they are attracted to similar existing developments located around the San Francisco Bay.

Audrey Le Pell inquired whether the project site has access to transit for the approximately 50-100 employees and was informed that the closest bus stop will be a one quarter mile distance from the site. She also suggested the idea to incorporate the Oliver brother's name and the salt manufacturing business as part of Hayward's history somewhere into the project to honor them. Perhaps the naming of a corporate room within the new project building might be in order. Chair Mendall also suggested perhaps historical and interpretive markers along the Bay Trail segment be installed.

The power source for the site will utilize the existing utilities servicing the site. Use of solar and skylights will be incorporated into the building design. The possible uses for this speculative building will be in accordance with the General Plan, which include ecommerce, warehouse distributor, Silicon Valley tech type of businesses, and food related uses according to Mr. Boehm.

The trade-off of wetlands versus development will be equal to the following; total parcel size 40 acres where 32 acres of wetlands will be donated to some trustee agency and the project proponents will build on approximately 8 acres (5.5 net built acres) with the remaining developed land to be used for stormwater retention. It was noted by project proponent Mr. Boehm that the full 8 acres may not be able to be utilized due to permitting requirements.

Chair Mendall inquired about the details of the habitat/wetlands restoration plans and also encouraged them to seek a high level of LEED certification, especially since they are in an environmentally sensitive location. Gregg Boehm responded that they propose to donate the land (wetlands) and don't know exactly what extent the restoration will entail or specific plans related to funding the wetlands restoration will be.

Mark Taylor asked whether or not the State Department of Fish and Wildlife had been contacted about the donation of the wetlands area and was told it had not been informed. Environmental Biologist Geoff Monk, speaking for Mr. Boehm, explained that it is a long process involving any action with the State Department of Fish and Wildlife but thought that they would be interesting in additional wetland area given that it is adjacent to land they already own or manage. Mr. Taylor stated that there is very little tidal action in the 32 acres of ponds and that snowy plovers currently nest on the site. East Bay Regional Park District (EBRPD) requested a four strand fence along the shoreline (Bay Trail) trail.

The question was asked of Gregg Boehm as to why they chose this site to restore when there are other less environmentally impacted industrial lands in Hayward that exist away from the shoreline area to which he responded that the current market is strong and they may even be able to pre-lease the site to someone. The vacancy rate in the East Bay is very low for Class A property.

Paul Nguyen indicated that there is a current 15 year low vacancy rate of 3.2% which is down from about 4.5% in 2015. Also, there is a very high demand for light flexible industrial space. The existing buildings near this site have long been vacant, however, this proposed development type is currently in demand.

Maggie Wenger and Adrienne De Ponte both expressed concern about sea level rise and the proximity of this building to the shoreline. The height of the sea level at the site and the recorded water level at the bridge during a storm event was discussed. It appeared that the project proponent's team had yet to consider sea level rise as part of their site design efforts.

Adrienne DePonte also was concerned about the proposed plans to use drought tolerant and native plants and trees and the ability for them to survive in the area so close to the shoreline. She also inquired about birds and whether there were birds nesting on and within the existing onsite structure. The response was that they would strive to avoid (architectural building) elevations that would attract predator birds and would propose no ceilings (open) and no structured walls less than five feet in height. Pre-demolition studies would need to be completed. Lighting, both scatter and ambient, was also a concern.

Concern was raised about obscuring or cutting off any vistas for users of the Bay Trail and if the footprint of the building, while walking on the Bay Trail, would be seen rather than marshland. The question was raised if any consideration had been made for movement of the trail and, per Mark Taylor, the trail is owned by East Bay Regional Park District. Was the choice for not moving the placement of the trail any closer to the shoreline related due to the potential impact on the wetlands by dogs and people? No response was offered from the project proponent.

8. **Shore Realignment Master Plan**

Deferred until next (future) meeting.

9. **Creation of a Maintenance Master Plan**

Maggie Wenger began this discussion with the statement that this (levee & shoreline maintenance) is an ongoing issue. There is clearly difficulty obtaining permits for shoreline maintenance projects since each agency (EBRPD, HARD) can only get permits for their own agency. An umbrella permit encompassing the needs of EBRPD and HARD is the goal. There are park nationwide maintenance permits but they are only good for a certain amount of time and it is a long arduous process to obtain these permits which requires an extensive amount of staff time to obtain. EBRPD has not been successful during the past five years in obtaining these types of permits, only success with emergency permits. Other agencies have had similar issues. Erosion of levees is a primary issue of concern.

Trustee Dennis Waespi suggested inviting our (local U.S.) Congressman to help obtain assistance from someone (within the Federal government) that can help solve these permitting problems and has the resources to talk with the various agencies and assist with the regulatory burden.

Maggie Wenger offered information that the Army Corp of Engineers has quarterly cross agency clearinghouse meetings where project issues can be discussed. Permits are not obtained in these meetings but all that are present at these meetings can talk about issues. There are different projects discussed at each meeting.

10. **Improving Staffing of HASPA Agencies**

Damon Golubics indicated that the City of Hayward (COH) has proposed in their budget \$12,000 as a third of the support (of the three joint powers agencies) for a designated person to work specifically on the HASPA Shoreline Realignment Master Plan. East Bay Regional Park District (EBRPD) will need to go back to their Board to make a decision on funding and recommend a budget adjustment to the calendar year cycle. If recommended and each of the agencies were in agreement then an adjustment would be pursued.

This support position would be involved in doing background project research needed for HASPA, specifically related to sea level rise; i.e., grant writing and seeking sources of funding as there is none at this time. The need to be organized and be in a position to utilize funding sources if and when they become available is important, i.e, if parcel tax Measure AA is approved it could provide funds for shoreline enhancements if determined to be eligible. The funding associated with this \$36,000/annual position would be split between the agencies (COH, EBRPD, HARD) and could yield a larger potential for funds for the Shoreline with this person actively pursuing future funding opportunities.

The Hayward General Plan was funded by an advance of Capital Improvement Program funding with the idea to pay the borrowed amount of \$1 million update money back through a 12% levy on most City building permits. It is being suggested that a 4% increase on these permit fees be added for policy planning activities (Shore Realignment Master Plan) on top of the standard 12% building permit levy. The Hayward's City Council will consider this fee arrangement in the fall as part of a comprehensive look at all City fees. Some revenue generated under increased fees may be used to supplement the Downtown Specific Plan project funding but funds for advance policy planning will be for things like a Shoreline Realignment Master Plan.

This staff person would start based on the funding being approved from all three (HASPA JPA) agencies. The specifics duties of this position will be developed in time but would probably work for the City of Hayward, currently HASPA's host agency, and then transferred to the next host agency. The TAC will work on making recommendations for the logistics of this funded position for the further review and discussion by the Trustees or directly to the Boards/Council of the three agencies.

UNFINISHED BUSINESS

11. HASPA Shoreline Levees

Deferred until the next (future) meeting.

12. Tours of the Hayward Shoreline

The direction from the Trustees was to arrange a tour for elected officials and/or tours for the Boards/Council of the three (JPA) agencies. This effort would be most effective after the outcome of Measure AA in terms of a potential funding source.

Adrienne De Ponte asked for confirmation of the Trustees direction that the focus of the tours would be to ask for a list of specific "wants & needs". This list would include issues with getting permits but also cover long-term needs.

Chair Mendall confirmed that the tours should be scheduled when the list of specific requests are ready such as levee repair and possible projects if Measure AA passes. Approximate tour schedule date could be June 30th. Trustee Dennis Waespi also spoke about the funding aspect and about the need for ways to streamline processes and a list of restoration projects that will be looked at if the measure passes to express to elected officials and other interested parties shoreline needs. Getting the word out is very important to endorse the projects to see the benefits that will be gained.

13. HASPA Partners & Guests

An early task for the new JPA position would be to begin developing long-term relationships by taking off from where we are now with the sources already developed and those we want to begin partnering with. The Trustees would like to invite the Alameda County Mosquito Abatement District to a meeting and begin a partnership. Jennifer Koney added that as part of the Adapting to Rising Tides project, a list was developed and that would be another good source to include.

REPORTS

14. Report from TAC

Damon Golubics stated that the TAC was meeting more frequently and the focus has been sea level rise, preparing recommendations and materials for the Trustee meetings, and education. He also shared that staff from COH will be involved in the Equity and Climate Change Initiative which is looking at how to engage the community in problem solving. April 27th and June 6th are scheduled webinars. Effective community engagement is very important and a huge part of successful planning.

Adrienne De Ponte spoke about the TAC building support with the community and providing education. April 23rd at the Danville Village Theater Art Gallery, Beckie Zisser will be speaking to the Danville community about Measure AA. Jennifer Koney will be there and there will also be a discussion on the impacts of climate change on public health.

The Bay Area Impact Climate Collaboration meeting on May 25th will focus on creating sustainable partnerships and provide tool kits for educators and connecting interpreters and teachers with scientists who are studying climate change, which is a great way to create partnerships.

The Hayward Shoreline Interpretive Center photo was on the cover of the Hayward Chamber of Commerce magazine and folks were very pleased to see that.

Mark Taylor provided information that there were two emergency levee repairs last year but at the present time there are no more emergency repairs. The hope continues to be to get some more maintenance repair work done once the permits are approved this year.

Karl Zabel said that the Hayward Area Park and Recreation District is working on a small grant for an app for the Hayward Shoreline. The app, which will hopefully be available by the end of the year, would discuss education, some sea level rise issues and historic aspects of the shoreline and will be available to all Hayward area students.

Damon Golubics provided a status update on a concrete recycler on Depot Road that the City of Hayward is working with to help them have an environmentally friendly business. The goal is for all dust and run off to be treated onsite so that the surrounding bird and shoreline habitat is protected. It has been an arduous process and working closely with City staff and input from former CAC members has been invaluable in really working to make this an environmentally friendly project, especially since it is so close to the shoreline. The project was approved via an Administrative Use Permit but the City is continuing to work with applicant to ensure that is as environmentally friendly as possible. Going forward, the City is working towards "indoor only" concrete recycling.

Audrey Le Pell commented that the City has stayed on top of this project on Depot Road and she appreciates that the city has done this during this long process especially with such a large project.

12. Reports from Trustees

Trustee Jameson asked the question if HASPA had ever received an answer from the Bay Area Air Quality Management District (BAAQMD) regarding an air monitoring station. Erik Pearson responded that correspondence was received by the City that BAAQMD responded that they do not have the funding to install a monitoring station. He also added that even if a monitor were to be installed, we do not have the expertise to analyze it. The challenge is that the

emissions get dispersed and the monitoring on the stacks at the plant (Russell City Energy Center) is the best location at this point.

Mr. Golubics also responded and said that the letter sent to the City's Environmental Services Division stated that data generated by Russell City is adequate for their (Air Districts) needs and they (Russell City) are monitoring themselves. Chair Mendall added that the Russell City plant is responsible for self-monitoring and reporting to the BAAQMD. They had a violation a year or so ago reported to the BAAQMD and they required them (Russell City) to do some remediation.

16. Setting Agenda for Next Meeting – July 7, 2016

- Process and details of hiring a staff person through the JPA
- Master Plan Process. The development of plans to seek funding sources, a list of needs, sources of funding and how to obtain them to be in alignment when a funding cycle begins
- Industrial Zoning Update

ADJOURNMENT

Chair Mendall adjourned the meeting at 7:08 PM.

(Minutes Submitted by Helena Graves, City of Hayward)