



HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District
JOINT Meeting of Board of Trustees and Citizens Advisory Committee
City of Hayward City Hall
First Floor, Conference Room 1-C
777 B Street
Hayward, CA 94541

January 22, 2015

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
Doug Siden, East Bay Regional Park District

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)

HASCAC MEMBERS PRESENT:

Betty Moose (Chair)
Audrey LePell
Evelyn Cormier
Ernest Pacheco
Allen Bertillion
Ruth Kufin
Mary Ann McMillan
Laurel King

STAFF:

David Rizk, City of Hayward
Helena Graves, City of Hayward
Karl Zabel, Hayward Area Recreation and Park District
Larry Tong, East Bay Regional Park District
David Rizk, City of Hayward
Erik Pearson, City of Hayward
Helena Graves, City of Hayward
Kevin Takei, East Bay Regional Park District

VISITORS:

Carol Severin, former HASPA Trustee & former EBRPD staff member
Ginny DeMartini, District 2, Alameda County Supervisor's Office

1. Call to Order

The meeting was called to order at 5:05 p.m. by Al Mendall.

2. Introductions

Round robin introductions of all those present were made.

Presentation made to Mark Taylor who had been honored at the 37th Annual Hayward Volunteer Recognition & Rewards Dinner for his service with HASPA but was unable to attend. Betty Moose, CAC accepted the award on his behalf. Recognition was received in the form of documents from the following California Legislators for his service; Senator Bob Wieckowski District 10 (former State Assemblyman), District 20 Assemblyman Bill Quirk, State Senator Ellen Corbett, 15th District Congressman Eric Swalwell, Supervisor, Alameda County, Richard Valle, and a certificate of recognition from the Hayward Area Shoreline Planning Association (HASPA).

Minane Jameson recognized Carol Severin's dedicated service to HASPA. Carol's sharing of knowledge with both HASPA and EBRPD were enhanced by her degree in Recreation and experience as a teacher at San Francisco State. Carol was presented with a Proclamation, cards and flowers for her service to HASPA. Betty Moose on behalf of the CAC also thanked and recognized Carol for her time, effort and service to HASPA.

Minane welcomed new HASPA Trustee, Dennis Waespi, EBRPD and indicated that he will bring a lot of knowledge and energy to the Board. Dennis was a former member of HARD and looks forward to the opportunity for liaison opportunities between HARD and EBRPD and to working with HASPA.

3. Appointment of New HASPA Trustee Chair

A motion was made to officially appoint Al Mendall, City of Hayward as new HASPA Trustee Chair. The appointment was approved by unanimous consent. It was suggested that a Vice Chair be named, a motion was made to recommend Dennis Waespi and it was approved by unanimous consent.

4. Agenda Approval

The agenda was approved with no objections.

5. Approval of HASPA Minutes for September 18, 2014

A motion was made to approve the minutes which were approved unanimously without objection.

6. Public Comments

A question was raised to move the Report from HASCAC Chair back to the top of the Agenda as compared to being moved to the bottom of the Agenda. This comment will be considered after the current meeting.

A Street extension status? Staff directed to see about a name change that is more clear .
"Depot Road extension?"

(A brief break was introduced to allow Carol Severin to depart; the meeting ensued at 5:28 pm)

NEW BUSINESS

7. Update on the "A Shared Vision" Report

Introduction of topic #8 as the JPA will expire in July of 2015. Efforts have been made to update the original 1993 Shared Vision document which provided goals and objectives of which many have been fulfilled. These update efforts span the period from 1993 – 2014. The update is a streamlined working vision that was sent out in the complete packets to all members that included next steps that could be a starting point to continue the JPA of HASPA.

Comments from the Trustees and feedback from others was initiated. It was brought up to merge the conversation and discussion of both topic #7 and topic # 8 together as they are intertwined. There were no objections to this idea.

Sea Level Rise and Climate Change should be HASPA's Number One focus since it is our Number One critical threat. Focus must be collective and coordinated amongst all three agencies; HARD, EBRPD and City of Hayward as well as regional efforts to make a difference. HASPA's existence influenced by reaction to Climate Change and Sea Level Rise. Number One threat to the Hayward Shoreline bar none. If there is a renewal of the JPA for the next five years it will be contingent upon these efforts. Continued monitoring of existing projects and monitoring of new projects should be a secondary focus, not a primary focus.

It was suggested that the expansion of HASPA be considered beyond the three current agencies to be more effective. Agencies and property owners located directly on and adjacent to the Shoreline. Alameda County Flood Control, Oro Lomo, although this would require changing the HASPA boundary. The inclusion of others would be dependent upon the extent of effectiveness that would be derived.

It was brought up that climate change is not explicit in the Shared Vision document and this would be important to ensure future advocacy in this area. Snowy Plover nesting site biologist recommendations should be included. Union City should also be involved as they are doing things that affect the shoreline.

"Adapting to Rising Tides Project" and the projections that came about as a result of this even a retooled HASPA with a focus on Sea Level Rise and Climate Change there would still be limitations unless other agencies are included to reach a more regional level of adaptation measures. This project has come to its completion and the group is at a point of investigating implementation measures and models for design of adaptation measures. It is now up to individual interested groups to begin these conversations. BCDS was the original body for the "Adapting to Rising Tides Project". They received a Federal Grant.

Shared vision can be seen as a blueprint for HASPA for the next five to ten years.

KFAX West Winton antennas and their proximity to the shoreline was a concern. Four antennas so close to the shore. Whitesell and Enterprise antennas original proposal was to move them to West Winton but that project died and in 2009 four additional towers were denied by the City Council.

It was suggested to add hyperlinks to provide information about adaptive measures considered for raising the wetlands, etc. comment was made by the Chair that this document should be a very high level document that provide steps and goals and be very simple.

Climate Action Plan within the City of Hayward which is now part of the General Plan has segments that support the idea of monitoring sea level rise and climate change. HASPA can assist the City of Hayward to meet the goals of the General Plan.

As a condition of renewal of the JPA each of the agencies (COH, EBRPD, HARD) will be required to outline their goals and fold that into each of their Resolutions.

Expectation is that a verbal vision to the updated "Shared Vision" will come out of this 1-22-15 meeting and at the next meeting in April, 2015 a version will be made available for all to view and flush out any additional changes or questions.

TAC and Planning boundary – sea level rise 50 year projection. 1 meter sea level rise example. Two maps were distributed at the meeting to serve as a visual to use to start the discussion of the potential for the expansion of the HASPA boundary. One showed the current HASPA boundaries which was from the original Shared Vision document and the other map prepared by City of Hayward graphics staff showed possible sea level rise projections. This data was found on the BCDC (San Francisco Bay Conservation and Development Commission) website. Staff would like direction from the Trustees to direct what level to focus on, i.e., 2100 & 1 meter rise level? Look at 100 year rise? Look at levees. A lot of utilities need to be looked at.

Chair asked if consensus had been reached on three priorities for Vision Document.

- 1) Sea Level Rise
- 2) Development Monitoring
- 3) Environmental Protection and Education

HASPA should support not try to mimic the efforts of BCDC. The more agencies involved the more unwieldy it becomes to get things done.

Keep the Trustees's role unchanged and enlarge the TAC role to flush out topics and details for the Trustee's consideration.

East Bay Regional Park District sees that HASPA's core mission has been fulfilled and is exploring staffing utilization and wants to explore additional avenues such as ad hoc or liaison committees. EBRPD wants to fully explore other mechanisms. Other groups such as Alameda County, BCDC, etc. should take on the critical role for land use issues. Perhaps an ad hoc or liaison committee would be more effective. A JPA provides weight that a committee cannot and formalizes the relationship. What are EBRPD's concerns?

- 1) Staffing Capacity
As a public entity have only a finite amount of staff time available
- 2) JPA Agreement
Primary mission has been fulfilled.
Produces both a legal and fiduciary responsibilities. Potential liability.
Annual reporting of financing – Controller and Treasurer – Requirement of the JPA
JPA could sue or be sued.
JPA can be audited.

EBRPD has an ad hoc committee between the City of Fremont and EBRPD concerning Mission Peak. Can an ad hoc committee protect the shoreline? That is our primary goal. How will a

Committee address concerns or how could it do it better than the JPA? Concern raised that HASPA's jurisdiction is much larger and the role is more complex than the example of Mission Peak for EBRPD and the City of Fremont.

Chair directed back to Staff to get together between this meeting and the next meeting and come together with a more clear focus to bring to the Trustees. It doesn't make sense to involve such a large organization as the BCDC that has a regional focus. We are just participating in their process rather than the other way around. For April meeting, have staff get together and come up with a recommendation regarding:

- 1) Agencies to recommend or not
- 2) Recommendation for renewal of the JPA or not & term of renewal – not necessarily Five years – it could be even a renewal for one or two years as a trial rather than five or ten years.

Trustee direction to Staff also included that if the JPA is to be eliminated than to explore and drill down and make recommendations how to deal with the high level issues with an ad hoc committee or some other means. How can a staff level committee deal with larger complex issues.

No official action for TAC and Staff, but to provide recommendations and guidance to the Trustees for their consideration. If not a unanimous decision among TAC and Staff then Recommendations can be provided to the Trustees and it can be brought before a vote to decide.

8. **Recommendation on Continuance of HASPA**

See Item Number 7, above.

9. **Adoption of Meeting Schedule for 2015**

The 2015 meeting schedule was approved unanimously without objection. However, Since the current JPA expires July 1, 2015, if a decision is not made about the continuance or not of HASPA at the April 23, 2015 HASPA meeting a special meeting of the Trustees would need to be called prior to the July 23, 2015 meeting.

10. **Weber Project**

Original project had 13 lots on Baumberg Ave in 2010 the Developer has sold it to East Bay Ventures they are moving forward with developing the lot and have reduced the number of lots from 13 to 5. Public Works has approved this change it is still the same development area, similar design with the first building being 330,000 sq feet. The project is moving forward and they have submitted for Building Permits for the first building at the end of the road and submitted for the final map. Staff is moving forward working on precise plans – details of the exterior improvements, landscaping, roads, etc. From a Planning standpoint we will not move forward until we have the 401 and 404 permits for grading plans and filling in of some of the wetlands. Staff is keeping a close eye on these requirements as it has been a concern with this project going close to the wetlands and marshland for HASPA and others concerned. There was a request from the CAC that Staff provide a presentation on the update and current status of this project and it was agreed that Staff would provide this. Preservation of the existing wetlands is still the focus. This is almost the last development behind the delineation line set decades ago. There is no change to the approval from 2010.

UNFINISHED BUSINESS

11. HASCAC Recruitment – Brochure

Reviewed by Board of Trustees and only remaining issue was updating the contact information due to switching from the Hayward Area Recreation and Park District, who was in charge for the previous five years to currently the City of Hayward for soliciting new members and taking them through the application process for Board of Trustee final review and approval. Per the JPA the maximum size of the CAC is fifteen members and there are currently ten members. If the mission changes and the JPA is renewed that would be a good time to go out and actively recruit new members.

One application has been received and is to be reviewed by the Trustees. Process for appointing new members historically has been; potentially interested applicant submits an application to Staff for reviewed which is then forwarded to the Trustees for review and potential approval. Guillermo Nevarez is a CAC applicant that is still in the pool and will be added to the next agenda. Staff was being cautious waiting on outcome of JPA continuance discussion before progressing.

Action from Chair: Schedule an interview with Guillermo Nevarez following the April meeting with the Trustees if he is still interested. His patience in the delay before interviewing is appreciated.

REPORTS

12. Report from HASCAC Chair

Handwritten agenda from today's CAC meeting given to the Trustees.

A packet had been received from the City with plans for a concrete recycling plant on 3898 -3890 Depot Rd and she had no knowledge of this project before receipt of this packet. Staff said they would provide further information and details about the project.

Damon indicated that the project is currently under review by Staff as an Administrative Use Permit, is ongoing and still evaluating the merits of the project. HASPA will be provided with more information before final approval of the project.

Ginny from Supervisor Valle's office was also interested in this project.

CAC supports the continuance of HASPA by unanimous vote.

BAAQMD resolution the RCEC: and all 5 agencies (HARD, COH, HUSD, EBRPD, Fairview Fire Protection Agency request that the Air Quality Management District provide an air quality monitoring system in the city. CAC has requested a response from the City Council but have not had any follow up response. Also have requested and not received a response from the Fairview Fire Protection. CAC requests that HASPA request a response from the BAAQMD regarding the status of an air quality monitoring system for the City of Hayward. Chair directed HASPA to seek a response from BAAQMD.

Heron Bay put up gates and did not allow the public to get to the shore. Betty Moose, as a member of San Lorenzo Heritage Society and member of the CAC of HASPA brought this to the attention of the City Council and the Planning Commission of the City of San Leandro. BCDC is in charge of this shoreline access and Mark Taylor and Doug Siden both of EBRPD were stopped and denied access to the trail. Betty brought this to the Bay Trail meeting and they said they would bring this up to the BCDC and find out what the resolution will be. Per Mark Taylor – no gates were ever put up. The Heron Bay replied to the Planning Commission and this was denied also denied by the City Council. BCDC also denied their application. No gates ever put

up because they were going to block public access. Drawings were put up to show what they gates would look like and there were construction gates also a security guard who tried to keep people out for a while unsuccessfully. Failed attempts at blocking public access. Betty will follow up with a status report on this at the next meeting.

Mark Taylor was recognized for his efforts in protecting and preserving our shoreline. Mark also gave a report on the wildlife bird "Mystery Goo".

Audrey – according to the CAC By-Laws allowed to have 15 members, CSU Hayward, Hayward School District, Ohlone College, Chabot College, Castro Valley Unified, HARD, brought CAC have brought up Alameda Co was a member of the original HASPA organization.

Expressed thanks to Karl and Minane as Chair, HASPA for the past 5 years and Julie for all their assistance to the CAC.

13. **Report from TAC**

First meeting of the TAC on the January 13, 2015 – with COH as new lead and Trustee direction tonight will provide direction and focus for the TAC to move forward and future goals.

of Mark Taylor – bird "Mystery Goo" was first noticed on Fri, January 15th reported to State Dept.

Fish and Wildlife. On average 50 birds a day had been found and now down to much fewer. The State lab is still working on a determination of what the substance is but they didn't start working on it until the following Tues due to the President's Holiday on Monday, February 16th. Approximately 315 birds were found alive and approximately 200 birds were found dead along the shoreline. The majority hit Hayward and San Leandro and covered quite a few species. As of January 22nd, they still did not have a source or a responsible party. Per Evelyn Cormier, the International Bird Rescue in Fairfield has put a lot of time and effort and volunteers cleaning the birds

Mark Taylor brought up - Alameda Co proposing gating off an area that has had public access for 30 years hope this would come to HASPA for a response. Chair directed Staff to make contact, specifically the Planning Department to speak to their Planning Department to get information to bring back to the next meeting. Survey crews are out there. End of West Winton – County old landfill. No size or scope. They have been very tight-lipped about the project. Also emergency levee repair work that was done and the marsh trails were shut down for a period of time to rebuild the roads and the roads and trails have now been re-reopened due to the recent heavy rains.

Adrienne informed all that on February 13th – Charrette effluent discharged into the Bay multi agency staff – 20- 30 year planning stages. 50 – 60 people at the Interpretative Center. Open to the Public? HASPA invited or just the Trustees? Adrienne to check on this and communicate with Damon if open so the information can be disseminated to the group. Very high level conversation. Land use Real world what am I going to do types of questions. Also she shared that there is a recent article in the *Bay Nature Magazine* about the Interpretive Center, including a picture of Jennifer walking at the King Tide a few years ago. Also there is new signage on the building that says "Wetland Education" to distinguish the purpose of the Interpretive Center to the public.

14. **Reports from Board Members**

Minane – charity event at the Shoreline – new signage acquired and the rest of money went to other programs. Question about the King Tides – they are usually in the Winter but not on a schedule.

Dennis – No report.

Al – Question about time limit for meeting. Is it supposed to be 1 hour? 1 ½ hours? 2 hours? Open ended? Damon stated that it had been suggested that time limits be placed on items on the agenda for the next meeting if OK with the Trustees? Explore time limits. Recommended time limits helps to focus the agenda items, per Al people get a sense of the time frames for items so people are prepared and the Chair can manage the meeting.

Name tags for next meeting. Large Print. (per Betty) 10 minutes span between CAC and HASPA Trustee meeting. CAC meeting can be scheduled at an earlier time or even a different day. Damon volunteered to work with the CAC Chair to work this out and come to resolution that is workable.

15. **Setting Agenda for Next Meeting on April 23, 2015**

Presentation with pictures to the CAC and copy of the documentation for the Trustees from Staff on the Weber project.

Old Business – Ernie was supposed to list of agencies that are associated with Russell City Energy Center licensing procedures re: air quality violation issues they had be good for the future all agencies that had authority over various aspects and conditions for the power plant to meet that we organize a way for them to communicate with one another in the case of for example an air quality incident that only they knew about – the City of Hayward, EBRPD, Regional Water Quality Control Board etc. didn't know about it – cross communicate.

Chair direction – report that to the CAC and provide in writing for the HASPA Board and we can always follow up if you have questions as part of the Trustee meeting. Bring to the CAC and if decided upon then have the CAC bring it to the Trustees as a recommendation for consideration. Action: Should we reach out to the other agencies? Ernie would do all the work and set up this communication system so if there was an incident involving the power plant, any kind of violation that it is disseminated to all the different agencies. Would have to originate from one of the agencies.

Recommend unfinished business before new business? New CAC member recommended this (Laurel King) Per Chair if we have new business first it ensures there is adequate time to address these items and focus on these topics. People can leave early if needed knowing they have heard all the new business rather than having to wait until the old business is covered. If old business is covered first the Chair will hold these items to 10 minutes each.

Sea level rise and Calpine. CAC: How does the city stand on this? Would like an update on this?

City Sustainability Committee Meeting. Directed Staff to provide a report from that and can do a follow up presentation if needed.

PV ready roofs in the Industrial area. HASPA territory in the implementation plan. Advocating on the county plan. HASPA issue. Early engagement would be important.

Direction from Chair - Regular part of the Agenda should be to provide an update on development projects. Even if there is no update just to provide the top five that Staff is keeping an eye on them.

ADJOURNMENT

16. Chair Al Mendall adjourned the meeting at 7:06 p.m.

(Minutes Respectively Submitted by, Helena Graves, City of Hayward)