



## HAYWARD AREA SHORELINE PLANNING AGENCY

HASPA Meeting  
HARD District Office  
1099 E Street  
Hayward, CA 94541

**Thursday, June 23, 2011  
5:00 p.m.**

**THE CAC MEETING WILL BE HELD ONE HOUR PRIOR TO THE HASPA MEETING**

### **AGENDA**

- |    |  |         |
|----|--|---------|
| 1. | Call to Order                                | Jameson |
| 2. | Introductions                                |         |
| 3. | Agenda Approval                              | Jameson |
| 4. | Approval of HASPA Minutes for March 24, 2011 | Jameson |
| 5. | (i) Report from HASCAC Chair                 | LePell  |

### **UNFINISHED BUSINESS**

- |     |   |                  |
|-----|---|------------------|
| 6.  | (d) HASCAC Membership Report (5 Min.)   | Zabel            |
| 7.  | (d/a) Weber Property Development (5 Min.)<br>(Zone change and subdivision of property located at 3596 Baumberg Ave.)  | Pearson          |
| 8.  | (i) BCDC's Proposed Bay Plan Amendments (5 Min.)<br>( <a href="http://www.bcdc.ca.gov/proposed_bay_plan/bp_amend_1-08.shtml">http://www.bcdc.ca.gov/proposed_bay_plan/bp_amend_1-08.shtml</a> ) | Pearson          |
| 9.  | (d/a) Letter to BCDC (15 Min.)  | Pearson          |
| 10. | (i) Hayward Shoreline Interpretive Center- 25 <sup>th</sup> Anniversary Update (5 Min.)   | Koney            |
| 11. | (i) Sea Level Rise Study and ART Project Update (5 Min.)  | Anderson/Pearson |
| 12. | (i) PG&E Gas Line Update (5 Min.)   | Pearson          |
| 13. | (i) CAC/TAC/Board Comments  |                  |
| 14. | (d) Agenda Building   |                  |
| 15. | Public Comments   |                  |
| 16. | Adjournment   | Jameson          |

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



## HAYWARD AREA SHORELINE PLANNING AGENCY

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

Joint Meeting of Board of Trustees and Citizens Advisory Committee  
HARD District Office Conference Room  
1099 'E' Street  
Hayward, CA 94541

March 24, 2011

### MINUTES

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

Minane Jameson, Hayward Area Recreation and Park District (Chair)  
Bill Quirk, City of Hayward  
Carol Severin, East Bay Regional Park District  
Paul Hodges, Hayward Area Recreation and Park District (Alternate)

#### **HASCAC MEMBERS PRESENT:**

Audrey LePell (Chair)  
Betty Moose (Vice Chair)  
Evelyn Cormier  
Allen Bertillion  
Ron Barklow  
Frank Delfino  
Martin Eschen  
Phil Gordon  
Ernie Pacheco

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

Mark Taylor, East Bay Regional Park District  
Jennifer Koney, Hayward Area Recreation and Park District  
Adrienne De Ponte, Hayward Area Recreation and Park District

#### **STAFF:**

Karl Zabel, Hayward Area Recreation and Park District  
Julie Williams, Hayward Area Recreation and Park District  
Erik Pearson, City of Hayward  
Mike Anderson, East Bay Regional Park District

#### **1. Call to Order**

The meeting was called to order at 5:07 p.m. by Minane Jameson.

#### **2. Introductions**

Round robin introductions of all those present were made.

3. **Agenda Approval**

The agenda was approved by unanimous consent.

4. **Approval of HASPA Minutes for December 16, 2010.**

The minutes were approved as amended by unanimous consent.

5. **Report from HASCAC Chair**

Audrey LePell requested that the HASCAC meeting time be added to the HASPA agenda so members are aware that the HASCAC meets one hour before HASPA.

Audrey LePell wanted to thank Staff for providing copies of the By-Laws and for their continued support. She also indicated that the HASCAC does not have minutes since no member has volunteered to be the secretary and the chairperson cannot do both jobs.

Audrey LePell reported the Russell City Energy Center is now underway. There are two pile drivers on site right now and the piles will be installed by May 1, 2011. Mark Taylor indicated that there will be a total of 1,200 vertical piles that will be driven which are 100 feet long and 4 feet on center and the goal is to do 25 piles per day. Bechtel Construction Management is the company doing the pile driving. The snowy plover and salt harvest mouse are the two endangered species that are outlined by the California Energy Commission for the noise monitoring requirement. The CA State Energy Commission has approved the use of the pile drivers and so far there is no damage to these endangered species.

Audrey LePell indicated that when reading the December HASPA minutes, it is not clear who is responsible for recruiting new members for the Citizens Advisory Committee. Audrey indicated that Ms. Catherine Ryan was selected for the Monthly Volunteer Award for the Hayward Area Recreation and Park District and perhaps maybe she would be interested in joining HASCAC. It was also suggested that Audrey recruit members at some of our local colleges and people who are doing environmental studies.

Audrey LePell wanted to acknowledge Patti Workover's article in the newspaper regarding the Salt March Program and for publicizing the Hayward Shoreline Interpretive Center's upcoming events. She wanted to thank Patti for her efforts as she is the one responsible for getting the press out for the various activities at the Shoreline.

Audrey LePell reported that the nominating committee is looking for someone to represent HASCAC at the Volunteer Awards Dinner in October. HASCAC will decide by the next meeting who will be the representative.

Betty Moose reported that she attended a meeting of the Bay Trail on March 20, 2011 and she passed out two maps of the Bay Trail. The first map showed the proposed water trail backbone access site. Mark Taylor reported that there are three planned areas on this map: one is north of the San Mateo bridge which is the Hayward Landing that will be a planned destination, another area is south of the San Mateo bridge on the Eden Landing property, which will be a proposed launch for non-motorized boats that is scheduled for construction in 2014, and the other planned destination site will be halfway between the San Mateo Bridge and Dumbarton Bridge. The second map shows active and completed projects throughout the shoreline as of December 9, 2010 from the Bay Trail Grant Program.

Betty Moose also passed out two newspaper articles: one titled "Salt ponds getting new life as restored wetland area" and the other titled "Officials take steps to protect shorebirds." Betty also passed out a flyer titled "The Bay Trail in Richmond". Each city has to come up with Bay Trail progress and acknowledgements and the flyer shows what accomplishments Richmond has done to the Bay Trail. She also handed out the "Newsletter of Save the Bay" and a flyer regarding plastics in the ocean and the bay.

Betty Moose also reported that The Friends of the Creek in San Leandro had an environmental forum and Erik Pearson did a great presentation on the shoreline planning agency.

Adrienne De Ponte reported the various events that are being planning at the Hayward Shoreline Interpretive for the 25<sup>th</sup> Anniversary. On May 21<sup>st</sup>, there will be a reception at the Interpretive Center. Minane Jameson will be a speaker and there will be an exhibit showing the history of the center. Adrienne has been working with Mark Taylor on recreating a map from October 1976 showing accomplishments at the Shoreline since then and what the shoreline looks like today. There will be an interactive video booth giving people an opportunity make a documentary on saving the bay and people will also be able to contribute to making a quilt from various shoreline t-shirts. Invitations to the May 21<sup>st</sup> celebration will be sent out on April 8<sup>th</sup>. On July 9, 2011, the shoreline staff will offer the public the opportunity to get up close and personal with sharks from the bay. There will be activities and exhibits as well as the unveiling of the new refrigerated salt water aquarium. In September 2011, the Interpretive Center will offer an Education Open House which will offer information to the public on climate change. In October 2011, the Interpretive Center will host presentations about planning ideas for sea level rise. Jennifer Koney is involved in the Adapting to Rising Tides working group, which is a two year grant funded project to do an analysis on the vulnerability assessments. The Hayward Shoreline Interpretive Center has an opportunity to help disseminate this information to the public once the results are determined which will happen sometime around September 11th. Minane Jameson suggested that information regarding the HASCAC membership be available to the public at this event. HASCAC applications are currently available at the Interpretive Center.

#### 6. **HASCAC Membership**

Karl Zabel reported that according to the By-Laws, the Hayward Area Shoreline Citizens Advisory Committee (HASCAC) shall be made up of no less than 10 members and no more than 15 members. Applicants must complete an application and shall be appointed by a majority vote of the HASPA Trustees. They must be a resident of Alameda County and at least a majority of HASCAC members shall reside within the jurisdiction of a member agency of HASPA. There are currently eleven members on the HASCAC. Audrey LePell made a suggestion that each agency member to think of one person to ask to be a HASCAC member.

#### 7. **Hayward Shoreline Interpretive Center – 25<sup>th</sup> Anniversary Events**

This item was discussed in detail under the HASCAC chair report above.

#### 8. **Weber Property Development**

Erik Pearson reported that at the last HASPA meeting Tim Koonze from the City of Hayward presented a proposal of a zone change and subdivision of property located at 3596 Baumberg Avenue. The proposal is to subdivide an 85-acre parcel into 16 lots, which would eventually be developed into industrial buildings for light manufacturing purposes. The portion that is being developed is about 35-acres. The proposal includes an application for a zone change that would change from which is now light manufacturing to a planned development, which would allow just for this subdivision to have warehousing if it was approved by City Council. There are

currently a lot of outstanding issues but the major issues are mainly with the Department of Fish and Game and the US Army Corps of Engineers. The Department of Fish and Game says that the entire property is habitat for a number of endangered species. The applicant's consultant has responded with a five page letter to the Department of Fish and Game but has not heard back from them yet. As it stands now, Fish and Game says 'no'. There also is an area that the Army Corps says is a wetland. However, the applicants' consultant said it is a much smaller area that is a wetland. They are waiting to hear back from the Army Corps. The project will be brought back to HASPA before it goes to the Planning Commission. Minane Jameson suggested that a representative speak at the next meeting. Erik responded that we might want to wait until the responses are in. There is nothing scheduled with the Planning Commission as of yet.

Frank Delfino responded that about 20 years ago, Janice Delfino fought this battle. He had a picture of the property from 1988. It was also clarified that this property is within the city limit. Frank indicated that this land used to be a wetland and it was a duck club. He opposes any development on that property.

Ernie Pacheco wanted to know if there is a procedural rule that a project has to go to HASPA before it goes to the Planning Commission. Erik Pearson responded that there is nothing formal but the Planning Commission knows that it needs to go back to HASPA for response. Minane Jameson requested this project as an action item on the next agenda in case a vote is needed. Ernie also requested copies of the letter to the Department Fish and Game, Army Corp as well as the responses from the applicant's consultant to be sent to the HASCAC members. Erik will provide those by email.

Ron Barklow took photos and videos of the Oliver Property when it was flooded and will provide those videos and photos when he finds them.

#### 9. **BCDC's Proposed Bay Plan Amendments**

Erik Pearson reported that BCDC started the process of amending the Bay Plan about 1½-2 years ago to incorporate climate change and sea level rise. There has been a lot controversy over the proposed amendments. Most recently, there is a coalition including the Building Industry Association, Bay Planning Coalition and the Bay Area Council and collectively they are negotiating with the BCDC staff. Their main concern is that BCDC wants to limit and have requirements on analyzing sea level rise for future development, especially in areas that the Association of Bay Area Governments has as planned developments areas (PDA's). There are a couple of cities that have PDA's in low-lying areas so this is a big deal for some cities. It's not much of an issue for Hayward because Hayward doesn't have large development areas along the shoreline. This is being tracked through the East Bay Development Alliance and they are participating in the coalition meetings. There should be a public hearing with BCDC in a few months. Part of the discussion is trying to coordinate the Bay Plan amendment with the regional effort to develop the sustainable community strategy, which is saying where we can accommodate the housing over the next 25 years. Ernie Pacheco wanted to know if the City of Hayward is sending a letter to BCDC on the state of the amendment now and Erik Pearson responded that a letter was sent in December not opposing the proposed plan amendments but just recognizing a few concerns and looking for the next draft to be released.

#### 10. **Sea Level Rise Study and Adapting to Rising Tides (ART) Project Update**

Erik Pearson reported that the Adapting to Rising Tides project officially kicked off in January 2011. There is a working group of staff from various agencies of the East Bay. The project area is from Union City to Emeryville, which they are calling a sub-region. It includes some

major transportation infrastructure including the approach to the San Mateo Bridge, the Oakland Airport, and the Port of Oakland. The working group meets every other month and the Technical Committee and the Communication Committee meets monthly. Erik Pearson, Jennifer Koney, and Mike Anderson are on the working group and communications group. All three groups met last week and they are in the process of establishing all the assets that need to be analyzed in terms of impacts of sea level rise and vulnerability. Those assets include the transportation infrastructure, natural areas, residential development, and utility pipelines among other things on the list. Once the categories are gone through, they will pick certain features along the shoreline to do a full analysis, which is the first phase. The second stage will be to develop some adaption strategies.

Jennifer Koney clarified even further that it is pretty clear that this whole process ends up being a series of prioritization from developing what's on the asset list to what's being assessed and then according to certain models and formula based on risk and likelihood and consequences, they may or may not get to the vulnerability assessments stage, which gets more in depth, and then ultimately defining possible adaption strategies, which is even a smaller list.

Bill Quirk inquired if there is any way to make sure that this group looks at Hayward. Erik Pearson responded that there is a good chance that some of Hayward's features will be analyzed but at this point it will be an objective process as to which features are most vulnerable or have the most educational benefit that would serve as a model around the bay. Bill Quirk inquired if we are going to be doing follow up on our own and Mike Anderson responded that is something they wanted to let the Adapting to Rising Tides define itself so they can decide what they wanted to do as HASPA. Mike's interpretation from the meeting is that the funding that BCDC has is pretty much located on natural features, transportation features, ports and airports. When they talked about the need for infrastructure, BCDC didn't really have monies identified to look at that in detail which seems like a big flaw in this process.

Mike Anderson clarified that HASPA asked the three lead agencies (City of Hayward, East Bay Regional Park District, and the Hayward Area Recreation and Park District) for a Resolution of Support which all three lead agencies have passed the resolution. Other agencies have also passed a resolution of support. HASPA is not asking for funding at this time.

Jennifer Koney said it was clear from the working group meeting that the whole geographical area will be analyzed for impact as the first level analysis and then it goes deeper into assessment, vulnerability, and then more in depth toward the adaption strategy.

Mike Anderson clarified that there is no guarantee that they will do the in depth vulnerability study that we want. There is a clear indication that the money they have is tied into more of the transportation, airport, seaport, and natural features which will get the wetlands but will not deal with waste water lines, treatment plants, the actual industrial area, and land use. It is a pretty significantly funded process.

Audrey LePell requested clarification on who are the lead agencies for this project. The lead agencies are Hayward Area Recreation and Park District, East Bay Regional Park District, and City of Hayward. This project is being coordinated by BCDC and NOAA.

Ron Barklow asked if the City of Alameda is part of this project and Mike Anderson responded that they have not yet responded to ART.

The HASPA trustees agreed that this project will probably be locally funded not state or federally funded. The goal is to have a coalition of various agencies to share in the funding.

#### 11. **PG&E Gas Line Update**

Erik Pearson reported that the City of Hayward's Public Works Director has been in touch with PG&E and following what they are doing in regards to testing the gas lines around the Bay Area. PG&E put out a press release last week and a report that they presented to the Public Utilities Commission. PG&E has identified the pipelines that they have data for. They have a lot of pipelines that they do not have data for and those are the pipelines that they still have to test. They are reducing the gas pressure on those untested pipelines. Two of the pipelines are in Hayward: one following the Hesperian Blvd. and the other one along the east side of the railroad tracks. They are doing hydro-static testing which is filling the pipelines with water. Sometime this year PG&E will be testing the two Hayward pipelines and possibly replacing certain sections.

Ernie Pacheco is concerned that there is only a press release and a verbal from PGE that they will do hydro-static testing and Erik Pearson confirmed that PG&E has put in writing that they are going to do the testing. Ernie requested a copy of that letter from PG&E. Ernie indicated that on the PG&E website, you can see in the Bay Area which pipelines they have reduced the pressure on and which ones they tagged orange due to population density. Ernie said the pipeline that is going to feed the Russell City Energy Center is one the pipelines that PG&E has not found the data for. He also said the gas pressure will have to be increased to build the Russell City Energy Center. Erik is not sure which pipeline that Russell City Energy Center will be using as that information is not yet available.

Ernie Pacheco also wanted to know if HASPA will issue a directive to PG&E to see the results of the testing. Bill Quirk indicated that the Transportation Safety Board is the agency responsible for these pipelines and that they are regulated locally by the California Public Utility Commission (CPUC). It is not known that the PG&E records will be public, which Erik Pearson will look into. If they are public, then HASPA can review them. IF HASPA has a concern at that time, it could be brought to the CPUC and not to PG&E directly. HASPA's influence on this issue will be small. Ernie indicated that both the City of Hayward and HASPA need to stay on top of this issue. There was discussion on the fines that PG&E will have to pay until all the data is found.

Ron Barklow wanted to make sure that PG&E does an outside inspection of the pipelines for corrosion. However, Mark Taylor indicated that most of this pipeline is underground and they are protected from corrosion.

#### 12. **CAC/TAC/Board Comments**

Bill Quirk reported that "Save the Bay" came to the City of Hayward and wanted to promote the banning of Styrofoam and plastic bags. The City will be bringing it forward but they are waiting for an environmental impact report to be done by the Waste Board in which they will be doing a study and a model ordinance that all of Alameda County can bring forward. Waste Management is in support of the City of Hayward banning Styrofoam and plastic bags.

Bill Quirk indicated that he will not be able to attend the Hayward Shoreline Interpretive Center 25<sup>th</sup> Anniversary on May 21<sup>st</sup> as it is the same weekend as the Rowell Ranch Rodeo which he is working one of the food booths as a Rotary member.

Mark Taylor reported that Patty Zierman from East Bay Regional Park District is doing much better from her illness and she should be back to work in a couple of months.

Phil Gordon reported that Chabot College will be hosting the 9<sup>th</sup> Annual Return of the Swallows Festival on Tuesday, April 26<sup>th</sup>. Cooper Ranch in Sunol will be a location for one of the field trips. The cliff swallows nest in the blue bird boxes that they can see at Cooper Ranch. There will also be a walk around at Lake Elizabeth in Fremont. There are two swallow festivals in the United States with the other one held in San Juan Capistrano.

Adrienne De Ponte wanted to acknowledge and thank the following people who are assisting with the 25<sup>th</sup> Anniversary of the Hayward Shoreline Interpretive Center: Betty Moose, HASCAC Vice-Chair, Catherine Ryan, Former Naturalist, Laurey Hemenway, Former Naturalist, Kelly Davidson Chou, Former HSIC Director, Steve Cochrane, Former HSIC Director, Diane Curry and Heather Mellon from the Hayward Historical Society.

Minane Jameson was wondering if EBRPD can put out trash cans and bags along the shoreline for people to pick up and throw away the garbage. Mark Taylor indicated that there used to be trash cans along the shoreline but people were lighting bonfires in the trash cans so they were removed. Mark said he will put more trash cans further out along the shoreline and see how it goes. Minane asked if she can bring her own bags, fill them up and leave the bags. Mark said yes and EBRPD would pick them up.

13. **Agenda Building**

The following unfinished business items will be added to the next agenda: BCDC's Bay Plan Amendments, PG&E Gas Lines, Weber Property Development, Sea Level Rise and ART Project Update, HASCAC membership and the Hayward Shoreline Interpretive Center 25<sup>th</sup> Anniversary events. There were no new business items.

Bill Quirk reminded everyone to think of one person to ask to be a HASCAC member and report back at the next meeting.

14. **Public Comments**

None

15. **Adjournment**

The meeting was adjourned by Minane Jameson at 6:28 p.m.

Minutes taken by Julie Williams, Hayward Area Recreation and Park District



## HAYWARD AREA SHORELINE PLANNING AGENCY

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

# Memorandum

**To:** Hayward Area Shoreline Planning Agency (HASPA) Board of Trustees

**CC:** Hayward Area Shoreline Citizens Advisory Committee

**From:** HASPA Staff

**Date:** 6/22/2011

**Re:** Bay Conservation and Development Commission (BCDC) Proposed Bay Plan Amendment

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### *Bay Plan Amendment Process –*

The Bay Conservation and Development Commission (BCDC) has been working on amending the Bay Plan to incorporate findings and policies related to climate change. BCDC began the process of amending the Bay Plan when it released *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on the Shoreline*<sup>1</sup> on April 7, 2009. The Bay Plan<sup>2</sup> needs to be amended because when it was originally adopted in 1968, the primary concern was the prevention of filling of the Bay. As noted by BCDC's Executive Director, Will Travis, we used to be concerned primarily with people making the Bay smaller and now we're dealing with the Bay getting bigger. Various amendments have been made to the Plan over the years; however, with sea levels projected to rise due to global climate change, the Bay Plan needs to be updated to include policies that address both existing and planned development that will be impacted by rising sea levels.

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<sup>1</sup> Document available at [http://www.bcdc.ca.gov/proposed\\_bay\\_plan/bp\\_amend\\_1-08.shtml](http://www.bcdc.ca.gov/proposed_bay_plan/bp_amend_1-08.shtml)

<sup>2</sup> The Bay Plan is at <http://www.bcdc.ca.gov/pdf/planning/plans/bayplan/bayplan.pdf>

BCDC has held numerous public hearings and workshops over the last two years. According to a recently released schedule, the next draft of the revised Bay Plan will be released by BCDC staff on July 29, 2011. A Commission hearing is scheduled for September 1, 2011 and the Bay Plan Amendment (BPA) is scheduled to be approved on October 6, 2011.

*BCDC Authority –*

BCDC has regulatory authority over the Bay, marshes, salt ponds, managed wetlands, and lands within 100 feet of the Bay. As sea level rises and the Bay increases in size, BCDC's regulatory reach will also increase. Current maps showing possible inundation from sea level rise in 2050 and 2100 do not take into consideration local topographic features such as levees, so we do not have sufficient information to determine the future extent of BCDC's jurisdiction. Where BCDC does have jurisdiction, its powers are quite limited.

The McAteer-Petris Act of 1965 established BCDC as a temporary agency and in 1969, upon a recommendation in the original Bay Plan, the Act was amended to make BCDC a permanent agency. According to BCDC's *Management Program for San Francisco Bay* (p. 14)<sup>3</sup>:

“The McAteer-Petris Act gives BCDC jurisdiction over a 100-foot shoreline band around San Francisco Bay. Within certain areas of this shoreline jurisdiction, only certain water oriented priority land uses—for example, ports, water related industry, airports, wildlife refuges, and water oriented recreation and public assembly—are permitted. In the remainder of the shoreline band, the power of BCDC is limited to the provision of maximum feasible public access.”

According to BCDC's *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on the Shoreline* (p. 125):

“Within the Commission's shoreline band jurisdiction, the Commission may only deny a permit for a project that: (1) fails to provide maximum feasible public access consistent with the project; or (2) conflicts with the use designated in a priority use area (McAteer-Petris Act Section 66632.4).”

Much of Hayward's shoreline is mapped as Priority Use Areas, which are designated as waterfront park, beach, wildlife refuge, tidal marsh, and salt pond, managed wetland (see Attachment I). These Priority Use Area designations are generally consistent with the land uses identified in the *Hayward Area Shoreline Planning Program*, which was prepared by HASPA in 1993.

Within the 100-foot band, land use authority is and will continue to remain with the local jurisdiction. If a BCDC permit is required, it is only considered after local approval, including environmental impact analysis per the California Environmental Quality Act, is

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<sup>3</sup> <http://www.bcdc.ca.gov/publications/MgmtPrgrmSFBay.pdf>

granted. In addition to ensuring public access, some of the proposed Bay Plan amendments are to ensure that new development is sited and/or managed to accommodate sea level rise. BCDC is already requiring engineering analysis for projects to ensure that they take into consideration projected sea level rise.

As you may have seen, the East Bay Economic Development Alliance, the Building Industry Association, the Bay Planning Coalition the Bay Area Council, and others have expressed concerns that the proposed BPA will expand BCDC's regulatory authority. In particular, policies regarding the encouragement of wetland restoration and discouragement of development in certain areas have been scrutinized. According to BCDC, "The proposed amendments would modify the existing policies to encourage development in suitable low-lying areas and encourage resource enhancement in areas with high natural habitat value."

BCDC has posted the following questions and answers on its website:

*Will the Bay Plan amendments increase BCDC's regulatory authority?*

*No. BCDC permits are needed for development in the Bay, salt ponds, managed wetlands and on land within 100 feet of the Bay. State law would have to be changed to give the Commission authority over a larger area, and the Commission has not asked that its authority be expanded.*

*Would the proposed climate change policies broaden BCDC jurisdiction and usurp local land use authority?*

*No. The proposed policies would be applied by the Commission within its existing jurisdiction, using its existing regulatory authority, which is quite limited. State law explicitly states that the policies are **advisory only** beyond the Commission's regulatory jurisdiction. The advisory policies can be used by local governments and others, or ignored.*

*Outstanding Issues –*

A working group, including BCDC Commissioners and advocates from the business and environmental communities, has been meeting with over the last several months to try to arrive at specific language in the Plan that would be agreeable to all parties. City of Hayward staff attended a May 19, 2011 BCDC workshop, which appeared to be the first time that the Commission met with the business and environmental representatives in a public meeting. As stated during the May 19 meeting, the outstanding issues remained:

- The definition of "Infill". BCDC's intent is to allow compact, transit oriented development that furthers the goals of SB 375. BCDC Commissioners and business and environmental advocates are working together to arrive an agreeable definition.

- Use of the sentence “Development in these areas should be discouraged” when referring to areas suitable for habitat restoration.
- References to the California Climate Adaptation Strategy<sup>4</sup> were recently added to the Plan amendment language that states that the Bay Plan is, at some level, implementing the CCAS. The business community opposes such references to the CCAS as it includes another set of recommendations/policies. For example, on page 73 of the CCAS, it states, “State agencies should consider project alternatives that avoid significant new development in areas that cannot be adequately protected (planning, permitting, development, and building) from flooding or erosion due to climate change.”
- Concerns that the federal Coastal Zone Management Act, through its consistency findings, will in effect, cause the Bay Plan to have regulatory reach beyond the 100-foot band.

City of Hayward staff attended a subsequent BCDC meeting on June 2, 2011, where revisions to the Bay Plan Amendment, resulting from the May 19 meeting and a working group meeting held on May 25, were presented. The definition of “infill” was removed. BCDC staff noted that the proposed language refers to PDAs and that a definition is not necessary. The phrase “Development in these areas should be discouraged” was removed from Climate Change Policy number 4. Multiple references to the CCAS, previously contained in several policies, were consolidated into one finding. Finally, upon the recommendation of a Commissioner, BCDC staff agreed to include in its next staff report a “preamble” that will state the intent of the BPA to further clarify/emphasize that BCDC does not intend to expand its land use authority.

Many of the public speakers on June 2 represented various chambers of commerce and building trades associations who noted that, given the current recession, the focus should be on jobs and that BCDC shouldn’t do anything that would hamper job growth. Comments from the business and environmental organizations who have been participating in BCDC’s working group reflected the fact that significant progress has been made toward reaching agreement on the proposed BPA. Fortunately, it appears that the document is getting close to a point where both business/development and environmental advocates can agree or compromise on a final version of the Bay Plan amendments.

*What the BPA Means for the Hayward Shoreline –*

As mentioned above, current maps are not sufficient to determine the future extent of the Bay, so it is difficult to know how the Bay Plan will affect development along the Hayward shoreline. In general, HASPA staff supports BCDC’s efforts to ensure that new development is not located in areas subject to future inundation.

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<sup>4</sup> <http://www.climatechange.ca.gov/adaptation/>

Some cities are particularly concerned because they have Priority Development Areas (PDAs), designated by the Association of Bay Area Government's FOCUS program, that are mapped as being in low-lying areas subject to inundation. Hayward does not have PDAs subject to inundation, but there may be industrial properties at risk of inundation that would be affected by the new policies.

*Next Steps –*

If so directed by the HASPA Board of Trustees, HASPA staff will forward the attached draft letter (Attachment II) to BCDC.

Attachments:

Attachment I	Priority Use Areas Map
Attachment II	Draft Letter from HASPA to BCDC

# Plan Map 6

Central Bay South

**PLAN MAP NOTES**

**Hayward Area Waterfront** - The Hayward Area Shoreline Plan, a detailed plan for the Hayward area shoreline between the San Leandro city limits on the north and Fremont and Union City city limits on the south, was prepared by the Hayward Area Shoreline Planning Agency. The Plan, adopted by the City of Hayward, Alameda County, East Bay Regional Park District, and the Hayward Area Recreation and Park District, provides for marsh restoration and shoreline recreation use.

**Greco Island** - Largest remaining marsh in South Bay. Tidal marsh and adjacent tidal flats are part of Don Edwards San Francisco Bay National Wildlife Refuge and are important feeding areas for birds. Area used by California Clapper Rail, a rare species of bird, endangered by loss of habitat.

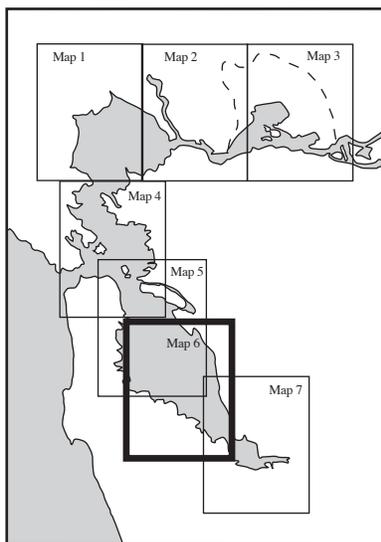
**San Mateo (City) Waterfront** - Presently undeveloped. Detailed planning needed to determine most desirable waterfront design emphasizing recreation with minimum of Bay filling.

**Burlingame Waterfront** - Developing waterfront requires detailed planning to determine the most desirable waterfront design emphasizing recreation and public access with a minimum of Bay filling.

**Don Edwards San Francisco Bay National Wildlife Refuge** - The U.S. Fish and Wildlife Service manages and proposes to restore approximately 9,600 acres of salt ponds and adjacent tidal habitats added to the Don Edwards San Francisco Bay National Wildlife Refuge to a mix of tidal and managed pond habitats. The proposed restoration use would be in accord with Bay Plan policies and provides excellent wildlife compatible recreation opportunities.

**Eden Landing Ecological Reserve** - The California Department of Fish and Game manages and proposes to restore 5,500 acres of salt ponds and adjacent tidal habitats added to the Eden Landing Ecological Reserve to a mix of tidal and managed pond habitats. The proposed restoration use would be in accord with Bay Plan policies and provides excellent wildlife compatible recreation opportunities.

**San Francisco Bay Area Water Trail** - Pursuant to state legislation, the Commission, in partnership with the State Coastal Conservancy, Association of Bay Area Governments and interested parties, is preparing a San Francisco Bay Area Water Trail plan. The Water Trail will provide a series of linked landing and launching sites around the Bay for human-powered boats and beachable sail craft, and provide for diverse water-accessible overnight accommodations, including camping.



Amended September 2006

# Plan Map 6

## Bay Plan Policies and Commission Suggestions

### BAY PLAN POLICIES

- 1 **Oakland Airport** - Further expansion into the Bay only if clear need is shown by regional airport system study. Keep runway approach and takeoff areas clear of tall structures and incompatible uses. Complete Bay Trail along inland route around airport.
- 2 **Oyster Bay Regional Shoreline** - Provide opportunities for shoreline trail access, completion of San Francisco Bay Trail gaps, wildlife observation and non-motorized small boat access. Preserve group picnic areas, vistas, multipurpose trails and rugged character of the shoreline.
- 3 **San Leandro Shoreline Park System** - Protect and provide public access to shellfish beds offshore.
- 4 **Hayward Shoreline** - Preserve interpretive center. Continue to manage for wildlife habitats and wildlife, and provide wildlife compatible recreation activities. Maintain trails and continue to provide environmental education. Gateway to Eden Landing Ecological Reserve.
- 5 If not needed for salt production, ponds west of Coyote Hills should be restored consistent with management objectives for the Don Edwards San Francisco Bay National Wildlife Refuge.
- 6 **Dumbarton Bridge** - Approaches should provide for fishing and wildlife observation. Maintain existing public path.
- 7 **Harbor Seal Haul-Out** - Protect harbor seal haul-out and pupping site where harbor seals rest, give birth and nurse their young. Projects allowed only if protective of harbor seals and other sensitive wildlife.
- 8 **Greco Island** - Protect harbor seal haul-out and pupping site where harbor seals rest, give birth and nurse their young.
- 9 **Port** - See Seaport Plan. Expand marine terminals and water-related industries. Some fill may be needed.
- 10 Provide public access to the Bay along levees in a manner that is protective of sensitive wildlife. Provide trail linkage between San Carlos Airport and Whipple Avenue.
- 11 **Bair Island Ecological Reserve** - Restore and enhance habitat for the benefit of wildlife and aquatic life. Protect harbor seal haul-out and pupping sites where harbor seals rest, give birth and nurse their young. Provide wildlife compatible recreation opportunities.
- 12 **Redwood Shores** - Provide continuous public access to Bay and to Belmont, Steinberger, Smith, and Corkscrew Sloughs if in a manner protective of sensitive wildlife; where appropriate include paths, beaches, small parks, and wildlife observation areas. Protect harbor seal haul-out and pupping site where harbor seals rest, give birth and nurse their young. Projects allowed only if protective of harbor seals and other sensitive wildlife.
- 13 **Harbor Seal Haul-Out** - Protect harbor seal haul-out and pupping site where harbor seals rest, give birth and nurse their young. Projects allowed only if protective of harbor seals and other sensitive wildlife.
- 14 **Foster City** - Provide continuous public access to Bay and Belmont Slough, including paths, beaches, and small parks.
- 15 Protect and provide public access to shellfish beds offshore.
- 16 **Harbor Seal Haul-Out** - Protect harbor seal haul-out and pupping site where harbor seals rest, give birth and nurse their young. Projects allowed only if protective of harbor seals and other sensitive wildlife.
- 17 **Coyote Point Recreation Area** - Provide full-service public marina. Preserve beach and launching ramp; expand marina. Some fill may be needed. Preserve and improve swimming, windsurfing, picnic, family gathering, museum, interpretive facilities and playgrounds. Allow appropriate concessions. Stabilize shoreline. Potential water trail campsite. Improve access for non-motorized small boats. Protect harbor seal haul-out and pupping site where harbor seals rest, give birth and nurse their young. Projects allowed only if protective of harbor seals and other sensitive wildlife.
- 18 **Bayside Park** - Retain lagoon as open water.
- 19 **San Francisco Airport** - Further expansion into Bay only if clear need is shown by regional airport system study. Keep runway approach and takeoff areas free from tall structures and incompatible uses.
- 20 **Regional Restoration Goal for South Bay** - Restore large areas of tidal marsh connected by wide corridors of similar habitat along the perimeter of the Bay. Several complexes of salt ponds, managed to optimize shorebird and waterfowl habitat functions, should be interspersed throughout the region, and natural unmanaged salt ponds should be restored on the San Leandro shoreline. Natural transitions from tidal flat to tidal marsh and into adjacent transition zones and upland habitats should be restored wherever possible. See the Baylands Ecosystem Habitat Goals report for more information.

# Plan Map 6

Bay Plan Policies and Commission Suggestions

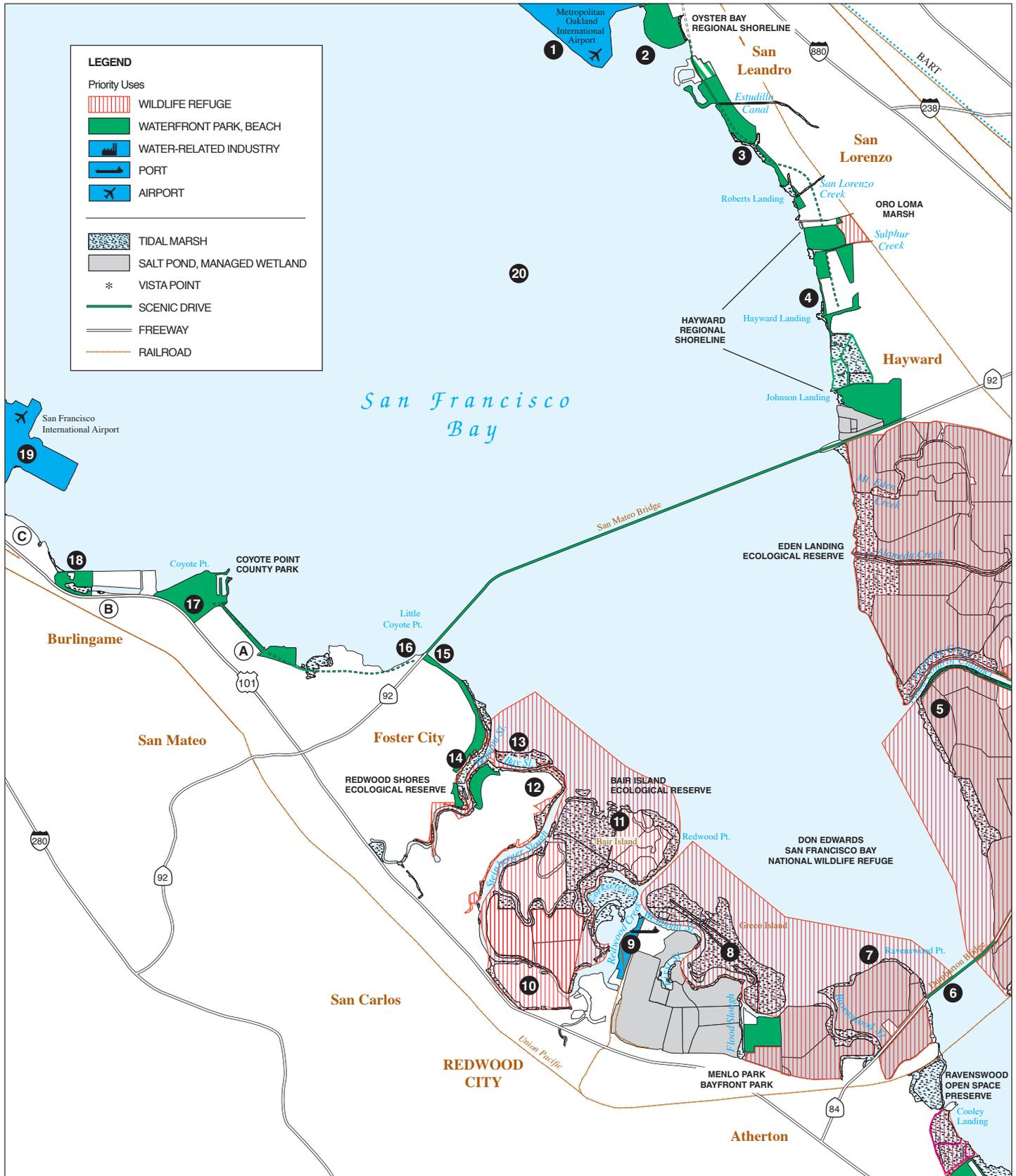
## COMMISSION SUGGESTIONS

- (A) San Mateo - Prepare precise plan and development program for waterfront emphasizing water-oriented recreation. Some fill may be needed.
- (B) Burlingame - Prepare precise plan and development program for waterfront; include continuous public access to Bay shoreline for viewing and fishing. Some fill may be needed.
- (C) Develop scenic drive and riding and hiking trail along waterfront from airport to Foster City.



# Plan Map 6

Central Bay South





## HAYWARD AREA SHORELINE PLANNING AGENCY

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

June 23, 2011

The Honorable Sean Randolph, Chair  
San Francisco Bay Conservation and Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

**Subject: Proposed Bay Plan Amendment No. 1-08**

Dear Mr. Chairman and Commissioners:

As a local agency that has been studying sea level rise in the East Bay and as a participant in the ongoing Adapting to Rising Tides project, the Hayward Area Shoreline Planning Agency (HASPA) is pleased to see BCDC addressing the issues of sea level rise and climate change at a regional scale. While the proposed Bay Plan Amendment is a step in the right direction, additional resources must be directed toward more detailed vulnerability assessments and adaptation plans as well as actual shoreline improvements.

While we recognize that the proposed Bay Plan Amendments are not intended to increase BCDC's regulatory authority, the 100-foot-wide shoreline band will move as sea levels rise. Current mapping is not sufficient to know the future extent of the Bay and the 100-foot-wide band on the Hayward shoreline.

In consideration of the proposed amendments, we look forward to continuing to work with BCDC to find ways to streamline the permitting process for levee repairs and other sea level rise mitigation/adaptation projects that are critically needed both now and as the Bay continues to rise.

Sincerely,

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Minane Jameson  
HASPA Board Trustee for Hayward Area Recreation and Park District (Chair)

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Bill Quirk  
HASPA Board Trustee for City of Hayward

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Carol Severin  
HASPA Board Trustee for East Bay Regional Park District

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