



HAYWARD AREA SHORELINE PLANNING AGENCY

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

Thursday, June 21, 2012
5:00 p.m.

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

AGENDA

- | | | |
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| 1. | Call to Order | Jameson |
| 2. | Introductions | |
| 3. | Agenda Approval | Jameson |
| 4. | Approval of HASPA Minutes for March 22, 2012 | Jameson |
| 5. | (i) Report from HASCAC Chair | Moose |

UNFINISHED BUSINESS

- | | | |
|-----|---|---------|
| 6. | (a) CAC First Amendment Rights- Staff Recommendation (5 Min.) | Zabel |
| 7. | (a) Redwood Shores Development Project- HASPA Letter (5 Min.) | Zabel |
| 8. | (i) Least Tern Colony Update - Staff Report (5 Min.) | Koney |
| 9. | (i) URS Corporation Mitigation Project (5 Min.) | Zabel |
| 10. | (a) Weber Property Development Update (10 Min.)
-HASPA Letter to City of Hayward Planning Commission | Pearson |
| 11. | (i) Sea Level Rise Study and ART Project Update (5 Min.) | Pearson |

NEW BUSINESS

- | | | |
|-----|---|---------|
| 12. | (d) HASPA/HASCAC Work Session Assignments (10 Min.)
- 1993 HASPA brochure revision
- HASPA accomplishments from 1993 to now
- CAC to determine what still needs to be accomplished | Zabel |
| 13. | (a) Amendment to Bylaws- HASPA meetings (biannually) (5 Min.) | Zabel |
| 14. | (i) CAC/TAC/Board Comments | |
| 15. | (d) Agenda Building | |
| 16. | Public Comments | |
| 17. | Adjournment | Jameson |

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

Next HASPA Meeting: September 20, 2012



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 22, 2012

DRAFT MINUTES

HASPA TRUSTEES PRESENT:

Minane Jameson, Hayward Area Recreation and Park District (Chair)
Barbara Halliday, City of Hayward (Alternate)
Paul Hodges, Hayward Area Recreation and Park District (Alternate)

HASCAC MEMBERS PRESENT:

Betty Moose (Chair)
Martin Eschen
Allen Bertillion
Frank Delfino
Evelyn Cormier
Ron Barklow

HASTAC MEMBERS PRESENT:

Jennifer Koney, Hayward Area Recreation and Park District
Mark Taylor, East Bay Regional Park District
Anne Rockwell, East Bay Regional Park District

STAFF:

Erik Pearson, City of Hayward
Tim Koonze, City of Hayward
Mike Anderson, East Bay Regional Park District
Larry Lepore, Hayward Area Recreation and Park District
Karl Zabel, Hayward Area Recreation and Park District
Julie Williams, Hayward Area Recreation and Park District
Kerrilyn Ely, Hayward Area Recreation and Park District

VISITORS:

Steven Knight, Save the Bay
Anthony Varni; Varni, Fraser, Hartwell & Rodgers

1. Call to Order

The meeting started at 5:05 p.m. but was not officially called to order until 5:40 p.m. by Minane Jameson when Barbara Halliday arrived.

2. **Introductions**

Round robin introductions of all those present were made.

10. **URS Corporation Mitigation Project**

Karl Zabel reported that URS Corporation has approached HARD with a possible mitigation project regarding two Port of Oakland/Oakland Airport safety enhancement projects. The Port of Oakland is currently looking for possible sites to restore wetland habitat along the Hayward Shoreline. They are looking for at least 35 acres at this time and narrowed the list to about twelve agencies. Some more information is expected in April.

6. **Save the Bay Informational Presentation**

Stephen Knight, Political Director of Save The Bay, made an informational presentation on the Save The Bay organization which is the largest regional organization working to protect, restore and celebrate San Francisco Bay. Mr. Knight said that San Francisco Bay was underappreciated and was becoming a smelly wasteland. Cities used the shoreline as a dump and every city had a plan to fill in its portion. Save The Bay was founded in 1961 by three East Bay women who were watching the Bay disappear before their eyes: Kay Kerr, Sylvia McLaughlin and Esther Gulick. Mr. Knight presented a slideshow presentation on the history of Save The Bay. As its leading champion since 1961, Save The Bay protects the Bay from pollution such as toxic trash and inappropriate shoreline development, making it cleaner and healthier for people and wildlife. They restore habitat and secure strong policies to re-establish 100,000 acres of wetlands that are essential for a healthy Bay. They engage more than 25,000 supporters, advocates and volunteers to protect the Bay and encourage sustainable alternatives. Last year, Save the Bay celebrated 50 years. Save The Bay is working on the Clean Bay project which is a community based restoration program. Mr. Knight provided some website addresses: www.savesfbay.org; www.savesfbay.org/bay-vs-bag; and www.don'tpavemybay.org. Frank Delfino made a comment that Janice Delfino also helped saved the Hayward Shoreline. Erik Pearson also indicated that Stopwaste.org developed a county wide ordinance on banning plastic bags. Minane Jameson requested that the Redwood Shores project be placed on the next HASPA agenda for a vote.

3. **Agenda Approval**

The agenda was approved (2 in favor, 1 absent).

4. **Approval of HASPA Minutes for December 15, 2011.**

The minutes were approved as amended (2 in favor, 1 absent).

5. **Report from HASCAC Chair**

Betty Moose reported that Ron and Viola Barklow are moving to Rio Vista. Betty thanked Evelyn Cormier for taking the minutes for the CAC. Betty reported that there will be a Calpine court hearing at the 9th Circuit District Court in San Francisco that will be open for oral arguments on April 19 at 9:00a.m. and Audrey LePell will attend that hearing. Jennifer Koney gave a report on sea level rise. Betty said that the Hayward Area Recreation and Park District received an award by CARPD for the 25th Anniversary Celebration at the Hayward Shoreline Interpretive Center and would like to see HARD acknowledge the staff for their efforts. Betty reported in regards to Calpine that she received a call from Jule Spalding, Attorney for Chabot College, and she was upset that the democratic system had been invaded through the neglect of not allowing the CAC to be able to speak and to do their presentations. Jule Spalding suggested the CAC seek the Attorney General's assistance and ask the HASPA President to send a letter to the Attorney General requesting the first amendments rights of the CAC acknowledged which are

public individuals. Minane Jameson responded that the agenda item from last meeting expressed that HASPA Trustees prefer that we eliminate anything regarding Calpine and voted that they no longer have Calpine on the agenda. Mike Anderson reported that the CAC can speak under public comments. Betty said the CAC would like to know the first amendment rights. Minane referred this to staff to look at this issue and come back next meeting with a recommendation. Barbara Halliday will discuss this issue with the attorney from the City of Hayward to find out if they can talk about Calpine once the construction is started if questions arise.

7. **Least Tern Colony Analysis**

Karl Zabel reported that at the last meeting, the CAC requested that an analysis of the Least Tern Colony be placed on the next agenda. Because of Calpine, there are concerns about the effects on the Least Tern Colony and can an analysis be done. Evelyn Cormier indicated that there could be perching problems and they need to continue to be monitored since they are an endangered species. Karl said one of the concerns is that the flight pattern may change. Ron Barklow has studied the flight patterns of many birds. Mike Anderson said he believes the US Fish and Wildlife Service and the Department of Fish and Game have to consider the plans for Calpine and they did file an opinion about the Calpine project. He suggests that is the place to start in terms of an assessment. The US Fish and Wildlife Service and the Department of Fish and Game are the agencies to take the stance against threats to these endangered species. This study would have been done to consider the project. Minane Jameson said her concern is that the FAA is requiring lighting which might affect the airplanes changing their routes. Mike said he will go back and see what he can find. Mark Taylor indicated that there was a study and they determined one of the impacts could be the pile driving. He said that was a requirement by the California Energy Commission that Calpine monitor two sensitive receptors which are the Salt Marsh Harvest Mouse and Snowy Plover that were nesting on the Least Tern Colony for disturbance from the pile driving and there were no problems. Frank Delfino said that this is the most important Least Tern Colony in California. Ron said the Least Terns should be migrating in April. Minane directed the TAC to review the materials, prepare a report, discuss it with the CAC, and bring back an update at the next HASPA meeting.

8. **Hayward Shoreline Interpretive Center Visitor Poll**

Jennifer Koney provided a shoreline use survey that was distributed in 2010. Four questions were asked on the survey. One question was how people currently use the Shoreline Interpretive Center and the trails and three questions that projected a change of use should there be a power plant. There were 67-69 total responses to each of the four questions and that it was only current users of the shoreline at the time the survey was done. The following were the results of the survey should there be a power plant:

- Shoreline Area Outdoor Activities: (68 responses)
59% will not use; 37% will use less; 4% no change in use; 0% use more; 0% use significantly more.
- Hayward Shoreline Interpretive Center Activities: (69 responses)
33% will not use; 46% will use less; 20% no change in use; 1% use more; 0% use significantly more.
- Special Events on the Shoreline: (67 responses)
38% will not use; 37% will use less; 25% no change in use; 1% use more; 0% use significantly more.

Minane Jameson added that this survey was done last minute and the Shoreline Interpretive Center is only open to school groups during the week and a lot of people who go to the shoreline don't even go into the building. There would have been a lot more surveys completed if they were more accessible and available earlier.

9. **HASPA/HASCAC Work Session**

At the last meeting it was decided that HASPA would pick a date and time to have a HASPA/HASCAC work session to develop future projects for the CAC to work on for HASPA. The work session will be on April 25, 2012 at 2:00 p.m. in the HARD District Office.

11. **Weber Property Development**

Erik Pearson introduced Tim Koonze from the City of Hayward who previously presented this project which is a proposal of a zone change and subdivision of property located at 3596 Baumberg Avenue. 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. The main issue was getting approval from the Department of Fish and Game who will deal with habitat and environmental issues, Alameda County Flood Control District who will deal with drainage issues and the US Army Corps of Engineers who would deal with wetlands.

Tim Koonze introduced Anthony Varni who is representing the applicant. Mr. Varni gave a brief idea of where the project was started, what things have changed, and where it is now in the process. He also provided a detailed map regarding the project. The Weber property consists of 87 acres that will be developed and will wrap around Baumberg. It will have 14 industrial lots between 2-3 acres in size with access through Arden Road and through Industrial Parkway. The remaining property which is about 54 acres will all be converted to a mitigation bank and will be restored to wetlands. One benefits of the property is that it has never been salt ponds. Prior to 1985, there were duck ponds in this area. Due to involvement of State and Alameda County Flood Control District, this property is required to put in a drainage system, which will remove the storm drainage which presently comes out of Baumberg. This system will bring the water out and put it into the flood control system and put it through the modern standards of a filtration system. In addition, it will have a backup system to prevent Baumberg from flooding. This property will be higher in elevation than Baumberg. The result is that Baumberg will be in a better situation with this new drainage system in place. The project is being done under the jurisdictions of agencies that are very aware of the environmental issues presented. The only remaining issue is that from a recent survey on the property they found a burrowing owl. They have come up with guidelines to deal with the burrowing owls during the course of construction. The project is presented to HASPA for comment. This project will soon go to the Planning Commission for the approval of these 14 lots. When the property is developed, it will be an enhancement to the Baumberg area. The new industrial building will help bring new jobs closer to where people live which is the entire concept of this South of 92 project in 2000.

Martin Eschen inquired on what material will be used to raise the elevation. Tim said the material is non-contaminated, engineered fill which is a combination of rock and dirt.

Martin Eschen wanted to know how Baumberg would be protected with the rising of the elevations of the other properties around it. Tim Koonze said the ordinance allows the homes to be primary use up to 2013 and after that they become legal nonconforming. What that means, if you have structural damage to the house, the structural damage cannot be repaired. It forces the homes to be moved or destroyed and it would take awhile before that will happen. The Alameda County Flood Control District said they finally have a design that is acceptable. The US Army Corps of Engineers has also come to a solution that they are happy with. After months of communication, the Department of Fish and Game had changed their regulations regarding burrowing owls and made them stricter. The applicant's environmentalist is working with the

Department of Fish and Game to come up with a solution for the taking care of the habitat and wildlife, maintaining the wetlands, providing a habitat for the burrowing owl and accommodating the project. This would include some mitigation and monitoring. The plans were just submitted to the City which they have not had time to review yet. However, they will review it before it goes to the Department of Fish and Game.

Larry Lepore wanted to know, because of the deed restriction, who will be responsible for maintaining the 54 acre future reserve site. Mr. Varni said it gets transferred into the control of the state agency or an agency that is approved by the state. The proper owner has to bond to guarantee the installation and bond again to guarantee that it's maintained so it goes out of the owner's control. Paul Hodges wanted to know who will become the stewardship for the two parcels of dedicated wetlands and who will have to maintain it. Mr. Varni indicated that there are two nonprofit organizations right now that do that. They won't be able to go ahead with the project until they have chosen one and they meet the approval of the state.

Erik Pearson mentioned that HASPA asked that a worksheet for sea level rise be completed. The applicants for the project completed the sea level rise worksheet and answered the questions on how it will be dealt with over the life of the project. Mr. Varni said that there are all kinds of protective levees but they are not necessarily under the control of Alameda County Flood Control District. The Weber property will be filled by the highest level required by the government which will be higher than most property in this area. There is nothing that this property can do to prevent flooding from other properties that are too low. Martin Eschen asked if they have accounted for the sea level rise. Mr. Varni responded that there is no information available now on how to deal with a four foot high increase in sea level.

Tim said that after they hear from Department of Fish and Game, then they will process the initial study followed by an environment document such as a mitigated declaration, then set a hearing date in the next 2-4 months. The intent is getting something from HASPA prior to going to the Planning Commission. It will go to City Council after that since it is a zone change.

The HASPA Board directed staff to prepare a letter to the Planning Commission identifying concerns to include burrowing owls, the drainage system, the amount and what type of fill and stewardship of proposed wetlands, design of the wetlands and mosquito ponds.

Tim said that once the initial study is completed, it is sent to the State and that they have thirty days to review it. Erik said they could respond to the HASPA letter and share the initial study document by the next meeting.

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

Erik Pearson reported that the project is moving along. The ART project started a year ago, which stretches from Emeryville to Union City. The vulnerability assessment report is complete. The second phase is the adaption strategy. A sub-group is working on an equity analysis to look at social equity in terms of sea level rise and that should be out at the end of March. The BCDC staff is making a presentation on an update of the project to the BCDC Committee on April 5th. The project should be completed by the end of the calendar year. The Metropolitan Transportation Commission has posted some documents on their website which includes an analysis of the vulnerability of the transportation assets in the sub region area. There are also some sea level rise maps posted as well. For more information, go to www.risingtides.csc.noaa.gov.

13. **CAC/TAC/Board Comments**

Betty Moose wanted to everyone to know that the Hayward Shoreline Interpretive Center is the jewel in the crown of HARD and that they be acknowledged with some recognition. Betty also thanked Adrienne for taking the minutes for the HASCAC meeting.

13. **Agenda Building**

The next meeting agenda topics will be decided at the April 25th HASPA/HASCAC work session.

14. **Public Comments**

None

15. **Adjournment**

The meeting was adjourned by Minane Jameson at 7:07 p.m.

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