



Making San Francisco Bay Better

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AUG 19 2013

PLANNING DIVISION

August 16, 2013

Sara Buizer
City of Hayward
777 B Street
Hayward, CA 94541

SUBJECT: Notice of Preparation of a Program Environmental Impact Report for City of Hayward 2040 General Plan

Dear Ms. Buizer

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Program Environmental Impact Report (EIR), dated August 2, 2013, and received in our office on August 7, 2013. Our staff has reviewed the NOP and is providing comments based on the San Francisco Bay Conservation and Development Commission (BCDC) laws and regulations, namely the McAteer-Petris Act and *San Francisco Bay Plan* (Bay Plan). In particular, these comments are related to BCDC jurisdiction within the plan area, with a focus on public access, transportation and land use, sea level rise, and the safety of fills.

Jurisdiction and Authority. As a permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill (earth or any other substance or material, including pilings or structures placed on pilings, and floating structures moored for extended periods), extraction of materials or change in use of any water, land or structure within the Commission's jurisdiction. Generally, BCDC's jurisdiction includes all tidal areas of the Bay up to the mean high tide level, including all sloughs and specifically marshlands up to five feet above mean sea level; the shoreline band, which extends 100 feet inland from and parallel to the Bay jurisdiction; salt ponds; managed wetlands (areas diked from the Bay); and certain waterways tributary to the Bay.

The Commission can grant a permit for a project if it finds that the project is either (1) necessary to the health, safety or welfare of the public in the entire Bay Area, or (2) is consistent with the provisions of the McAteer-Petris Act and the Bay Plan. The McAteer-Petris Act provides for fill in the Bay for water-oriented uses where there is no alternative upland location and requires that any fill that is placed in the Bay is the minimum that is necessary for the project. The McAteer-Petris Act also requires that proposed projects include the maximum feasible public access consistent with the project to the Bay and its shoreline. The Bay Plan includes priority land use designations for certain areas around the Bay to ensure that sufficient lands around the Bay are reserved for important water-oriented uses, such as water-related industry, parks, and wildlife areas. While it does not appear that the plan area is within a priority use area, the Eden Landing Ecological Reserve is wildlife refuge priority use area adjacent to the plan area. Projects within BCDC's jurisdiction that are inconsistent with these designations require an amendment to the Bay Plan.

Public Access. Section 66602 of the McAteer-Petris Act states in part that “existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided.” Furthermore, the McAteer-Petris Act authorizes the placement of fill in the Bay only for water-oriented uses or minor fill for improving shoreline appearance or public access. If any projects identified in the EIR may require bay fill or new shoreline development within BCDC’s jurisdiction, then the EIR should consider that BCDC policies on public access state, in part, “maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline.”

Transportation and Land Use. Because of the continuing vulnerability of the Bay to filling for transportation and development projects, the policies of the Bay Plan recognize that the Commission should continue to take an active role in Bay Area regional transportation and land use planning. The transportation findings of the Bay Plan state, in part, “pressure to fill the Bay for surface transportation projects can be reduced by improving the efficiency and increasing the capacity of existing transportation facilities and services, increasing access to public transit, providing safe and convenient public pathways for non-motorized forms of travel (e.g. bicycles, pedestrian)” and “transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline.” It does appear that the Bay Trail is within the plan area.

The general goals described in the NOP are goals that, if met in a way that protects the ecological resources along the shoreline, BCDC supports. These goals include, the development of “Transit-Oriented Development” that takes advantage of existing public transit and “that will increase transit ridership, reduce the jobs housing imbalance and improve the quality of life”. In pursuit of these goals, the City of Hayward should continue coordinating with the Association of Bay Area Government (ABAG) Focus program, a joint effort of ABAG, the Bay Area Air Quality Management District, the Metropolitan Transportation Commission, and BCDC.

Sea Level Rise and Safety of Fills. It appears that some areas within the plan area and along the adjacent shoreline may be vulnerable to projected sea level rise. BCDC has conducted an assessment of the region’s exposure to sea level rise based on a projected 16-inch sea level rise at mid century (2050) and 55-inch sea level rise at the end of the century (2100). Bay Plan findings and policies anticipate the need for planning associated with sea level rise and the safety of fills. Bay Plan policies state, in part, “ In planning and designing projects for the Bay shoreline, it is prudent to rely on the most current science-based and regionally specific projections of future sea level rise, develop strategies and policies that can accommodate sea level rise over a specific planning horizon (i.e., adaptive management strategies), and thoroughly analyze new development to determine whether it can be adapted to sea level rise.”

Projects in BCDC jurisdiction that involve bay fill must be consistent with the Bay Plan policies on sea level rise and the safety of fill. Accordingly, the EIR should discuss the potential for inundation and its impacts on transportation, land use, utilities and public services, and natural resources. Finally, see the attached maps that identify areas that may be exposed to sea level rise in the vicinity of the plan area. These maps are part of a BCDC report that analyzes vulnerabilities to sea level rise along part of the Alameda County shoreline.

Ms. Sara Buizer
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Thank you for the opportunity to comment on the NOP for the EIR. If you have any questions regarding this letter, please contact me directly at (415) 352-3647 or by e-mail at maggiew@bcdc.ca.gov

Sincerely,



MAGGIE WENGER
Coastal Program Analyst

Enc.
MW/go

cc: State Clearinghouse



Map 4

16" Sea Level Rise

- Areas potentially exposed to tidal inundation at MHHW (mean higher high water)
- Disconnected Low-lying Areas
- ART Project Boundary
- BART
- Major Roads and Highways

Data Source: BCDC, MTC, AECOM, BART
 1:40,000
 0 0.2 0.4 Miles

**Disclaimer: The inundation maps and the associated analyses are intended as planning-level tools to illustrate potential impacts and do not represent a final design or depth of flood or shoreline evolution. The maps are based on model outputs and do not account for all of the complex and dynamic Bay processes or future conditions such as erosion, subsidence, future construction or shoreline protection upgrades, or other changes to San Francisco Bay or the region that may occur in response to SLR. For more context about the maps and analyses, including a description of the data and methods used, please see Adapting to Rising Tides: Transportation Vulnerability and Risk Assessment Pilot Project, Technical Report (November 2011).*

Hayward

San Francisco Bay

Union City

880'

92



Adapting to Rising Tides

16" Sea Level Rise

- Areas potentially exposed to storm event flooding (100-year stillwater)
- Areas potentially exposed to wind waves during a storm event
- Disconnected Low-lying Areas
- ART Project Boundary
- BART
- Major Roads and Highways

Data Source: BCDC, MTC, AECOM, BART
 1:40,000
 0 0.2 0.4 0.6 Miles

*Disclaimer: The inundation maps and the associated analyses are intended as planning-level tools to illustrate the potential for inundation and coastal flooding under future sea level rise. They are not intended to provide a detailed depth of flooding, storm surge, or wave damage, or to account for all of the complex and dynamic Bay processes or future conditions such as erosion, subsidence, future construction or shoreline protection upgrades, or other changes to San Francisco Bay or the region that may occur in response to SLR. For more context about the maps and analyses, including a description of the data and methods used, please see Adapting to Rising Tides: Transportation Vulnerability and Risk Assessment Pilot Project Technical Report, November 2011.

Map 4

Hayward

San Francisco Bay

Union City

92

88



Adapting to Rising Tides

- 55" Sea Level Rise**
- Areas potentially exposed to tidal inundation at MHHW (mean higher high water)
 - Disconnected Low-lying Areas
 - ART Project Boundary
 - BART
 - Major Roads and Highways

Data Source: BCDC, MTC, AECOM, BART
 1:40,000
 0 0.2 0.4 Miles

In some of the inundation maps and the associated analyses we intended to show potential future SLR scenarios and do not represent the exact location or depth of flooding or shoreline overtopping. The maps are based on model outputs and do not account for all of the complex and dynamic Bay processes or future conditions such as erosion subsidence, future construction or shoreline protection upgrades, or other changes to San Francisco Bay in the region that may occur in response to SLR. For more context about the maps and analyses, including a description of the data and methods used, please see Adapting to Rising Tides - Transportation Vulnerability and Risk Assessment Pilot Project Technical Report, November 2011.

Map 4

Hayward

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San Francisco Bay

Union City

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Adapting to Rising Tides

55" Sea Level Rise

- Areas potentially exposed to storm event flooding (100-year stillwater)
- Areas potentially exposed to wind waves during a storm event
- Disconnected Low-lying Areas
- ART Project Boundary
- BART
- Major Roads and Highways

Data Source: BCDC, MTC, AECOM, BART
 1:40,000
 0 0.2 0.4 Miles

* Disclaimer: The inundation maps and the associated analyses are intended as planning-level tools to illustrate the potential for inundation and coastal flooding under future SLR scenarios and do not represent the exact location of potential flooding or specific engineering designs. The maps are based on local conditions and do not account for all conditions such as erosion, subsidence, future construction or shoreline protection upgrades, or other changes to San Francisco Bay or the region that may occur in response to SLR. For more context about the maps and analyses, including a description of the data and methods used, please see *Adapting to Rising Tides: Transportation Vulnerability and Risk Assessment Pilot Project Technical Report*, November 2011.

Map 4

Hayward

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San Francisco Bay

Union City

880