



H A Y W A R D   A R E A   P L A N N I N G   A S S O C I A T I O N

Vol. XXXI No. 2

## *The HAPA News*

March 14, 2009

### *For Your Calendar*

March 19, 7pm	Community Meeting - <b>Hayward Climate Action Plan</b> , City Hall Council Chambers
March 26, 7pm	Planning Commission - <b>238 Land Use</b> and DEIR; 7pm, City Hall Council Chambers
March 31, 5pm	Close of public comment period - Hayward <b>Climate Action Plan</b>
April 7, tentative	City Council - <b>Form Code</b> to guide transit-based growth
April 16, 5pm	Close of public comment period - DEIR on <b>238 Land Use Study</b>
May:	City staff - recommendation to Planning Commission for <b>238 Land Use</b>
May 12-13:	CSU Board of Trustees - <b>CSUEB Hayward Master Plan and EIR</b>



## *Route 238 Land Use Study-DEIR*

The 238 Bypass Land Use Study Draft Environmental Impact Report is available on the web and from Sara Buizer in City Planning Department. Take a look at

<http://www.hayward-ca.gov/forums/rte-238blus/238blus.shtm>

On March 16, HAPA plans to submit a progress report and QV proposals to City staff. On March 20, City staff plans to recommend 238 Land Uses to the Planning Commission. On March 26 at 8pm the Planning Commission will consider the proposals.

April 16 is the close of comments on DEIR. Comments may be made at the public meeting on March 26, by EMAIL: [sara.buizer@hayward-ca.gov](mailto:sara.buizer@hayward-ca.gov), on a weblog, or by writing to:

Sara Buizer, Senior Planner (583-4191)  
City of Hayward  
777 B Street  
Hayward, CA 94541

## *Form Code*

Current land use planning separates “uses” (housing, retail, industry, etc.) into large blocks of land and, because the uses are separated, cars are required to accomplish daily needs. This type of land use planning results in much greater greenhouse gas emissions than compact, mixed use traditional neighborhoods. Urban design, using Form Code, takes a different approach to town planning, aiming at a five-minute walking radius to accomplish daily needs, thus allowing mixed uses and lowering the carbon footprint. Form Code defines the shape of buildings and how they relate to each other and to pedestrians, rather than how the building is used. The City of Hayward is considering amending current Planning Policy to incorporate Form Code in certain areas of the City. HAPA favors the use of Form Code in the South Hayward BART area, downtown, and along the Mission corridor, including the proposed Quarry Village. Currently, the matter is set for City Council to discuss on April 7. Watch the City website ([www.Hayward-Ca.gov](http://www.Hayward-Ca.gov)) and upcoming City Council Agendas to confirm that date.



## *Hayward Climate Action Plan*

Take a look at <http://www.hayward-ca.gov/CAP08/CAP08.shtm>.

On March 19, there will be a Community meeting from 7:00 to 9:00 p.m. in the City Council Chambers at City Hall to discuss the Climate Action Plan (CAP) for the City. The Public Comment period ends on March 31. Comments on the draft CAP may be made at the public meeting on the 19th, by EMAIL ([erik.pearson@hayward-ca.gov](mailto:erik.pearson@hayward-ca.gov)), on a weblog, or by writing to:

Erik Pearson, Senior Planner  
 City of Hayward  
 777 B Street  
 Hayward, CA 94541

## *Right Hand vs. Left Hand?*

The City of Hayward is pursuing policies that contradict each other environmentally. On the one hand, pro-environmentally, we have the Council’s new Sustainability Committee, the Climate Action Plan, support for Quarry Village, a new building energy conservation code, a proposed Form Code, and the City Council’s message to CSUEB, Hayward, to develop a real transit plan as part of its Master Plan. On the other hand, anti-environmentally, the City is destroying historic buildings — the La Victoria Building and its fanciful mural of hacienda days — to expand streets for more cars going through downtown Hayward and is approving a heavily subsidized 910 space parking garage at the South Hayward BART station. Hmm. . .

# *CSUEB, Hayward Master Plan*

Have you seen: <http://www.aba.csueastbay.edu/FACPLAN/> ?

On March 9, **CSUEB, Hayward** issued the Final EIR on the Master Plan for campus development. The Board of Trustees will vote on the Final EIR for the CSUEB, Hayward Master Plan at their meeting in Long Beach on May 12-13. The public will then have until June 11 to file suit.

A PowerPoint slide show and a spreadsheet on “Sustainable Access to CSUEB Hayward: Cars vs. Transit” are available from Sherman Lewis. Email me at [Sherman@csuhayward.us](mailto:Sherman@csuhayward.us). They show that a two bus, rapid shuttle from the campus to Hayward BART can meet the University’s proposed parking need at a lower cost than building a parking structure. And, by the way, the University has the power under state law to use parking fees for transit access. Encouraging the University to solve its parking issues by using transit planning eases Hayward’s traffic congestion, saves the University (and students!) money, contributes to the greening of our State, and simplifies student access needs.



## *Lewis v. MTC*

You may have seen recent news reports that I and others are suing MTC. Regional Measure 2 was approved by the voters to commit funds for specific projects. MTC is trying to take money from the Dumbarton Rail Project in order to fund BART to Warm Springs. The Dumbarton Project would rebuild the rail bridge across the bay south of the Dumbarton Bridge, buy a section of rail in the East Bay for public passenger rail, and build three switches in the East Bay to separate freight from passenger traffic. The project would help High Speed Rail and rail service from Union City BART across to the Peninsula.

MTC can shift money among projects following strict rules — which MTC has violated. If that rings a bell, it is because the case involves the same issues as the Measure B Route 238 Bypass case. “Cal Train Metro East,” using existing rail to reach from Fremont to San Jose, makes much more sense, along with High Speed Rail via the Altamont and CalTrain extension to the Transbay Terminal. Most of the work is being done by David Schonbrunn and the Transportation Defense and Education Fund (TRANSDEF). Details at [http://www.transdef.org/BART/Warm Springs.html](http://www.transdef.org/BART/Warm_Springs.html)

As well, MTC is using old figures in talks about extending BART to San Jose while, in fact, standard gauge rail can be done more economically. A hearing is scheduled for later this month, and we hope to get from the Court a Writ of Mandate, which is based on the record. Brian Stanke, HAPA Board member, is also active in the Bay Rail Alliance, which is advocating for CalTrain rather than BART to serve the San Jose to Fremont corridor. He hopes that the law suit will keep the Metro-East issue alive. Service eventually could be extended on the existing line from Union City to Hayward and connected to BART for about \$100,000

## *Calpine bites dust also?*

What's up with the Russell City Energy Center? Since the plant will burn fossil fuel and be the fifth highest polluter in the bay area with 1.8 million tons of pollution and greenhouse gases, we are concerned. Let's get off our fossil addiction and make sustainable energy work

Calpine's Russell City Energy Company recently said that the Bay Area Air Quality Management District (BAAQMD) was simply going to "re-notice" and issue the permit to "prevent" the significant deterioration of air quality (a PSD permit). Then a funny thing happened. The comments from local, state and national organizations flowed in, proving that Calpine planned to use antiquated equipment in spite of the Federal Clean Air Act requirements to the contrary. The Act requires use of the Best Available Control Technology. The comments showed there was commercially available equipment which would substantially reduce emissions. Technology dealing with a major problem, start-ups and shut downs, could reduce their pollution by a whopping eighty to ninety percent. With the Bay Area out of compliance with the Clean Air Act for P.M. 2.5 (particulate matter under 2.5mm), the BAAQMD may be thinking, hey, maybe we ought to help the environment.

Check out the BAAQMD link at [http://www.baaqmd.gov/pmt/public\\_notices/2008/15487/index.htm](http://www.baaqmd.gov/pmt/public_notices/2008/15487/index.htm) for all documents and [http://www.baaqmd.gov/pmt/public\\_notices/2009/15487/letters/index.htm](http://www.baaqmd.gov/pmt/public_notices/2009/15487/letters/index.htm) for just the comments. And what a list it is: Alameda County Public Health Department, Sierra Club, Earthjustice, Audubon Society, Congressman Pete Stark, Chabot College and many others — 58 altogether.

Evidently, contrary to Calpine's earlier representations, BAAQMD will not be issuing any response this month. Calpine is now pushing its "second amended and restated purchase power agreement" (PPA) with PG&E. Opposing this are HAPA, the Skywest Townhouse Homeowners Association, the California Pilots Association, Californians for Renewable Energy (CARE) and our own Rob Simpson.

On another front, it looked as though the this PPA and a rate hike were on a fast track for approval before the California Public Utilities Commission (PUC). It did not help that the PUC declared that we were "not customers" of PG&E. Yet somehow, this PUC proceeding has remained quiet. The PUC did open an investigatory file and fined Calpine approximately \$745,000 for failing to satisfy their reporting requirements.

Action by HAPA Board Member Rob Simpson, HAPA attorney Jewell Hargleroad, and many other advocates and attorneys have already changed power plant licensing in the Bay Area and probably in the state. There is more work to be done. Over 35 regressive plants are now in the permit process in California, to be paid for by utility rate payers. Contact Rob Simpson for further info and to help: [Rob@redwoodrob.com](mailto:Rob@redwoodrob.com) 510-909-1800

# *Litigation Looms, Policy Pends*

On March 10, the **HAPA Board** of Directors unanimously voted to:

1. File suit against CSU unless the University prepares an adequate EIR under CEQA and supports sustainable transportation through a realistic transit plan:

California State University East Bay Hayward has circulated a new Master Plan for the campus and a Draft Environmental Impact Report on it. The Hayward Area Planning Association, City of Hayward, and others in response to two scoping notices and in comments on the DEIR made clear that the University had to study improved transit access and to analyze alternatives to a proposed parking structure. Despite the plan claiming to support sustainable transportation, it continues to subsidize car travel by having low cost surface parking subsidize high cost structured parking. The evidence submitted to the University shows that it would be less expensive and equally effective to have a rapid shuttle to Hayward BART and that AC Transit 92 service is too slow, even if free to students. Therefore, the HAPA Board of Directors resolves to sue the CSU if the campus does not support real sustainable transportation by frequent rapid bus and prepare an adequate EIR under CEQA.

2. Ask the City and the State to discourage subsidized parking structures:

Downtown Hayward has three parking structures, none of which charge for parking, and a large number of surface parking spaces, most of which are little used. At the same time, the city wants downtown redevelopment, and supports abundant, free, and easy parking to assure patronage for businesses. Free parking, however, subsidizes parking without necessarily helping redevelopment, and a lack of parking has not necessarily hindered redevelopment. To achieve sustainability, cities need to find some way to attract people downtown without subsidizing use of cars. The Hayward Area Planning Association therefore asks that the Sustainability Committee and Council consider this issue, to develop some draft city policy on fostering redevelopment downtown without additional subsidized parking, and to request that the ACCMA, MTC, and CARB develop policy for their respective jurisdictions. Such policy would limit subsidized parking structures and avoid competition among cities, transit agencies, universities, and other entities based on under-priced parking.

3. Ask the State CARB, JPC and MTC to develop policy against building subsidized parking structures:

The State CARB, JPC, and MTC have responsibility to promote sustainability and reduce carbon emissions caused by subsidies to car travel. Subsidized parking structures are being built by state and local entities, contrary to general policy. There is, however, no state or regional policy or guidance. Free parking subsidizes driving, usually without being needed. A lack of parking does not necessarily hinder redevelopment, cinema ticket sales, transit patronage, University enrollment, or other functions. The State, the JPC, and MTC should develop policy to avoid parking structures and to promote sustainable access to the various functions. The Hayward Area Planning Association, therefore, asks that MTC and CARB develop policy on avoiding subsidized parking. The policy would help avoid competition among cities, transit agencies, universities, and other entities based on under-priced parking.

## *Quarry Village Inches Ahead*

Bryan Albini, a site planner and 2008 graduate of CS Polytechnic U, Pomona, is working on Quarry Village. He is doing three short term projects - 1) improve the QV site plan, following some tight constraints, 2) improve the QV site plan without adhering to the constraints, and 3) make these plans into attractive pdfs. After that, we may attempt some 3-D modeling.

Meanwhile, Lois Fisher has developed a proposal for "Italia Village," a condo project with more parking and about half the number of units of Quarry Village. We are polishing a proposal with both projects to show potential green investors.

Hayward housing prices have crashed, losing about half their value over two years. Have you noticed? The impact on raw land values is probably worse because it will be years before development becomes profitable. With raw land values down, options to purchase them also must be down. An option is an agreement to buy at a certain price by a certain future year. The seller needs just enough money to justify not getting paid for several years. If the option holder does not buy the land, the owner can sell to someone else in the future, and not lose money by the delay. The cost of an option may now be so low that the City should consider negotiating one to buy in future years all the 238 right of way from Caltrans.

About a year ago I estimated that the entire 238 surplus ROW was worth very roughly about \$196 million. If it is now worth less than \$100 million, the option value might be something like \$5.3 million, assuming an 8% rate and 5 years average holding time. It is complicated because there are 213 parcels each with its own current value based on potential development or sale in different years in the future. Houses would sell sooner, while larger vacant parcels with significant improvement costs would develop much later.

That amount of money (or even less) is within the realm of possibility for the City of Hayward, allowing the City to buy an option for all of the Caltrans property and become the master developer. That would give the city a lot of control over the future of the land, as compared to Caltrans selling parcels at auctions to buyers who might not develop the projects the City wants. With control, the City could, for example, seek good developers for Quarry Village and redevelopment along Mission, and would be able to wait for the right time to sell. The City could recover much of the cost of the option by selling in 2010 the existing houses. Caltrans would get, eventually, the best current estimate of the future value of the various parcels.



## *HAPA Board members*

Bruce Barrett, Evelyn Cormier, Sherman Lewis, Steve Murtaugh, Joy Rowan, Rob Simpson, Kieran Slaughter, Brian Stanke

## *2008 HAPA accounts*

Starting balance with San Francisco Study Center (our fiscal sponsor).....	1,034.38
 <b>Revenues</b>	
Contributions by Sherman and Alison Lewis. ....	40,000.00
<u>Contributions by others.</u> .....	<u>1,185.00</u>
total.....	41,185.00
 <b>Expenses</b>	
Study Center fee for all fiscal work (accounting, payroll, taxes @ 10% of rev.). ....	4,118.50
Lois Fisher, town planner.....	11,558.01
HAPA Staff.....	9,211.74
Brooks White, Manx Web Service.....	352.50
Diana +Dorinson, transportation planner. ....	5,700.00
Jim Toby, Lea & Braze Civil Engineering.....	6,025.00
Other consultants (geotechnical engineer, architect).....	2,820.00
Conferences.....	60.97
Computer and plotter repair.....	374.00
Secretary of State Statement of Information filing fee. ....	25.00
QV Corp, establish bank account.....	100.00
<u>Supplies (stamps, CDs, Green Building book, FTP software, mailing, etc.)</u> .....	<u>238.77</u>
total.....	40,584.49
Ending balance. ....	1,634.89

## *HAPA Dues - Still Only \$20*

There are still a few stragglers out there, so may we remind you to make checks payable to “HAPA/SFSC.” (The SF Study Center continues as our fiscal sponsor, so your contribution is tax deductible.) Mail to HAPA, c/o Sherman Lewis, 28787 Hillcrest Avenue, Hayward, CA 94542.

If you managed to read this far, you are clearly among the elite of concerned citizens in Hayward, Castro Valley, and nearby areas. HAPA needs to grow, so if you have smart, progressive friends who might want to support the important work that we do on local planning issues, tell them about us. Try flattery.



Sherman Lewis, President  
 Hayward Area Planning Association  
 2787 Hillcrest Ave.  
 Hayward CA 94542  
 510-538-3692  
[sherman@quarryvillage.org](mailto:sherman@quarryvillage.org)