

**CITY COUNCIL MEETING
TUESDAY, APRIL 30, 2019**

**DOCUMENTS RECEIVED
AFTER PUBLISHED AGENDA**

PUBLIC COMMENT

KRISTINA BOYCE

Good evening Mayor Halliday and city council members,

My name is Kristina Boyce and this is my mother Gail Minor and I'm speaking to you as a concerned daughter and community member.

I was originally here to speak on behalf of just my father Troy Minor, but after learning about the other terminally ill Parcel 5 tenant still remaining, my family is more concerned about her safety and welfare if she were to be displaced. We fear that my father and Ms. Miller are literally days away from being locked out by the sheriff with their breathing machines by the direction of the City of Hayward. I was given permission last Sunday by Ms. Miller to speak about her condition and housing situation. Ms. Maria Miller is a 76 year old disabled and terminally ill Bunker Hill tenant. I was shocked to hear that she too was facing an eviction because her symptoms are even worse than my dad as she also has end stage COPD. She's wheel-chair-bound and hooked up to oxygen machines 24-7 and is hardly audible. She currently is admitted at Eden Hospital. It takes tremendous effort for her to even communicate. Her son lives with her as her full-time caregiver on a fixed income.

My mother and I collected resources to pay legal fees to delay my dad's unlawful detainer so he could be comfortable in his home as long as possible as we diligently continued to search for housing that would accommodate his breathing machines. We asked your city attorney if my father could have even 6 more months since his doctor noted on the medical certification form from Alameda County In Home care services that my father could possibly only live another 6 months at this point in time with his health condition, but this request was rejected by the City of Hayward.

My father paid rent on time for 34 years. No amount of time or free rent (since the rental account was closed November 30 2018) that he or Ms. Miller have received so far is going to remedy the fact that they are both sick with no where to live that will accommodate their breathing machines. Since my father can't move in with his family with the difficulty of climbing stairs, we will be forced to place my father in a potentially hostile living situation in an apartment complex where he will likely pose as a nuisance and disturbance with his wall-vibrating and incredibly loud breathing machines he runs every night to help him sleep.

Please allow my father and Ms. Miller to "age in place" and "remain connected to their neighborhood and community" as outlined in your vision statement for seniors and people with disabilities in the Hayward General Plan 2040 by letting them live their lasting days in their

homes. According to the Tentative Timeline document for the development of the Parcel 5 homes, estimated construction won't begin until Spring of 2021, so while the land sits there vacant for over a year awaiting construction, two terminally ill long-standing tenants are kicked out of their homes with no where to go. More importantly, Ms. Miller and my father deserve to die with dignity in their home. As publicly elected officials representing the City of Hayward, you have a duty and moral responsibility to protect the vulnerable in our community. Who is more vulnerable than a female, disabled, senior citizen one step away from homelessness like Ms. Miller? Mayor Halliday, I ask you and every council member here, what would you do if you were in my shoes? Would you be okay with putting your sick elderly mother, father, or grandparent in a hostile living situation or on the streets?

I ask for your immediate action and support in offering a resolution that puts the needs of real lives over a development project.

Thank you for listening and your consideration

HOME SUPPORTIVE SERVICES (IHSS) PROGRAM HEALTH CARE CERTIFICATION FORM

Applicant/Recipient Name:
TROY MINOR

IHSS Case #:
027000 By: Adult & Aging

C. HEALTH CARE INFORMATION (To be completed by a licensed Health Care Professional only)

NOTE: ITEMS #1 & 2 (AND 3 & 4, IF APPLICABLE) MUST BE COMPLETED AS A CONDITION OF IHSS ELIGIBILITY

1. Is this individual unable to independently perform one or more activities of daily living (e.g., eating, bathing, dressing, using the toilet, walking, etc.) or instrumental activities of daily living (e.g., housekeeping, preparing meals, shopping for food, etc.)? YES NO

2. In your opinion, is one or more IHSS service recommended in order to prevent the need for out-of-home care (See description of IHSS services on Page 1)? YES NO

If you answered "NO" to either Question #1 OR #2, skip Questions #3 and #4 below, and complete the rest of the form including the certification in PART D at the bottom of the form.

If you answered "YES" to both Question #1 AND #2, respond to Questions #3 and #4 below, and complete the certification in PART D at the bottom of the form.

3. Provide a description of any physical and/or mental condition or functional limitation that has resulted in or contributed to this individual's need for assistance from the IHSS program:

CPD stage 4 very Severe (FEV1 0.29%)

4. Is the individual's condition(s) or functional limitation(s) expected to last at least 12 consecutive months OR expected to result in death within 12 months? YES NO

Please complete items # 5 - 8, to the extent you are able, to further assist the IHSS worker in determining this individual's eligibility.

5. Describe the nature of the services you provide to this individual (e.g., medical treatment, nursing care, discharge planning, etc.):

Medical treatment

6. How long have you provided service(s) to this individual? 07/14/2010

7. Describe the frequency of contact with this individual (e.g., monthly, yearly, etc.): As Needed

8. Indicate the date you last provided services to this individual: 11.14.2018

NOTE: THE IHSS WORKER MAY CONTACT YOU FOR ADDITIONAL INFORMATION OR TO CLARIFY THE RESPONSES YOU PROVIDED ABOVE.

D. LICENSED HEALTH CARE PROFESSIONAL CERTIFICATION

By signing this form, I certify that I am licensed in the State of California and all information provided above is correct.

Name: Christopher Gee Title: MD

Address: KAISER PERMANENTE

Phone #: RELEASE OF MEDICAL INFORMATION
2500 MERCED ST.

Signature: Christopher Gee MD/MS Date: 12/21/2018

Professional License Number: 25025 Licensing Authority: CSMB

PLEASE RETURN THIS FORM TO THE IHSS WORKER LISTED ON PAGE 1.

Goal 6 Aging in Place

Goal HQL-6: Create neighborhoods that enable residents to remain in their homes and live healthy, productive lives as they age.

Policies in this section support opportunities for Hayward residents to remain in their community as they age. Hayward's senior population will continue to grow in the coming years as the current population ages. Rather than move to a new community, many seniors prefer to stay in their homes and their communities. Aging in place promotes self-sufficiency and preserves valuable social networks that support a higher quality of life for seniors. The current physical environment and provision of services can be improved to promote independence as resident's age.

COMMUNITY HEALTH AND QUALITY OF LIFE GOALS

Health (HQL) [Goal 6 Aging in Place](#)

- [1. Access to Quality Health Care](#)
- [2. Access to Quality Health Care](#)
- [3. Access to Quality Health Care](#)
- [4. Access to Quality Health Care](#)
- [5. Access to Quality Health Care](#)
- [6. Aging in Place](#)**
- [7. Access to Quality Health Care](#)
- [8. Access to Quality Health Care](#)
- [9. Access to Quality Health Care](#)
- [10. Access to Quality Health Care](#)

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- [HQL-6.1: Aging in Place](#) +
- [HQL-6.2: 'Villages' Concept](#) +
- [HQL-6.3: Range of Housing for Seniors](#) +

[VIEW GOAL IMAGES](#)

PG:5 Tentative Timeline

Est. Timeframe	Activity	Public Contact and Participation
February 2019	Hold Neighborhood Meeting	Yes
May 2019	City Council Work Session on Master Site Plan, Planning Commission review, and Council approval of General Plan EIR Addendum, Master Site Plan & Issuance of RFP	Yes (3)
June 2019	Issuance of Request for Proposals	
August 2019	Proposals Due	
September 2019	Interviews with Developer finalists	
November 2019	Council Selection of Developer	Yes
December 2019	Exclusive Negotiations Begin	
December 2020	Approval of Disposition and Development Agreement, Project Entitlements	Yes
Spring 2021	Construction Start	

Proposals made by my family to the City of Hayward:

The City of Hayward is not a private landlord, it is a public entity. Mayor Halliday and council members, you have the authority to make life changing policy decisions. As elected officials, you have the power to help my father and Ms. Miller. You have the opportunity to make meaningful change and potentially save the lives of 2 long-term Hayward tenants.

My family proposed the following to the City of Hayward's attorney, Goldfarb and Lipman and every request was rejected:

1) My mother can qualify with her excellent credit to purchase our family home so my father can live out the remaining days in the home he raised his children in. Rent is skyrocketing and the mortgage of our family home will be a more affordable option and sound investment emotionally and economically than a monthly rent at a 1 bedroom apartment. My family has been cooperative with the housing relocation agent, OPC and we are trying to do the right thing. We have independently looked and my father paid rent on time for 34 years (never missed a payment). We would gladly continue to pay rent if the City of Hayward reopened his account. We would also be eternally grateful to be able to negotiate with the City of Hayward to purchase our family home. Hayward tenants being offered first right to purchase is a discussion item at tonight's Hayward City Council meeting for the future development properties (which is wonderful), but what about my father who may not survive when this opportunity actually presents itself?

How much would it really cost the City of Hayward to sell us our home?

2) Our attorney helped the relocation of tenants during the Bart redevelopment project and was able to work with the City of Hayward to grant a life estate interest for a senior citizen on Atherton Street. Development went on as usual and the senior was able to live out her final days in peace where her home went back to the city upon her death. If purchasing our home is off the table, why can't my father or Ms. Miller be granted a life estate interest in their property?

3) According to the Alameda County In-Home Care medical document signed in December, my father at this point in time can potentially only survive his end stage COPD with 6 more months so we asked for 6 more months in his home, this request was denied.

MINOR, GAIL A

From: Gail Minor6666i I 77777 [REDACTED]
Sent: Monday, March 04, 2019 6:20 AM
To: MINOR, GAIL A
Subject: Fwd: Troy Minor Impending Unlawful Detainer Response
Attachments: Alameda County In Home Support Services Med Cert Form.pdf; Intended Development of Parcel 5.png; - Kaiser Permanente.pdf.pdf

----- Forwarded message -----

From: "Kristina Minor" [REDACTED]
Date: Mar 1, 2019 12:35 PM
Subject: Troy Minor Impending Unlawful Detainer Response
To: "List-Mayor-Council" <List-Mayor-Council@hayward-ca.gov>, "Kelly McAdoo" <Kelly.McAdoo@hayward-ca.gov>
Cc: "Jennifer Ott" <Jennifer.Ott@hayward-ca.gov>, "John Stefanski" <John.Stefanski@hayward-ca.gov>, <thecollective@thehaywardcollective.com> [REDACTED]

Pursuant to the February 11, 2019 TTAP Final Offer Letter, **the City will provide a one-time cash payment of \$5,000 plus up to \$2,000 for verified moving expenses contingent on your entering escrow for the purchase of a home or having a signed lease for a rental unit by February 28, 2019.** You will also receive the full balance of your security deposit of \$1,215. If you fail to meet this deadline, the City will be forced to file an action against you for unlawful detainer.

Dear City Council, City Manager, and City Mayor,

My name is Kristina Boyce and I am the daughter of Troy Minor, who is a Parcel 5 tenant residing at 25672 Maitland Drive. I am responding to the TTAP Final Offer Letter, sent by John Stefanski February 11th, 2019 and signed by Deputy City Manager Jennifer Ott, and I am asking for help in relation to the impending unlawful detainer my father faces by not meeting the February 28th, 2019 deadline to have a signed lease or be in escrow on alternative housing. My father is terminally ill with stage 4 COPD and fighting for his life with irreversible lung and heart damage. Please see attachment of medical certification from Alameda County In Home Care Social Services #4 from his doctor (dated December 21st, 2018) where Dr. Christopher Gee marks **YES** to the statement, **"Is the individual's condition(s) or functional limitation(s) expected to last at least 12 months OR expected to result in death within 12 months."** My mother and I have spent hours upon hours making calls, sending emails (can provide email inquiry transcripts and phone logs), and scouring the internet in hopes of finding housing for my father and we have had no luck. My mother and I have been in constant communication with your hired agency OPC (can provide email correspondence) and have followed up on every single lead they have sent, and not 1 lead after being vetted was acceptable to my father's disability/health needs. (Please see prior email pasted below where I document every lead that was sent as a sample of what they have been sending and my notes on what was unreasonable and unacceptable about each one).

Sean,

My mother and I have been, in good faith, independently looking for alternate housing for my dad, as well as reviewing listings you have provided. I have spent hours of personal time calling and emailing places on Zillow and apartments.com (can provide evidence

of phone logs and email inquiry transcripts to apartment complexes) along with communicating with you consistently and pursuing every housing lead sent by OPC.

I have been transparent and consistent from the beginning about my father's needs to survive this move:

- a place that will not force my dad to give up his 15-year-old emotional support dog.
- not climb stairs with stage 4 COPD (terminally ill)
- not be locked in a 1 year lease. rather a 6 month max. lease.
- allow for co-signer for income verification and credit since my mother has been his financial supporter since his health declined.
- The pool was always a wish list item mentioned informally over the phone and never on our short needs list.
- My mother is his certified care taker, which is why we have asked that his housing be located close to my mother and his doctors

The only changing need is having housing amenable to his loud breathing machines. I added this on the list after I heard it running from visiting with him. It is imperative that he is comfortable and not stressed with his heart condition.

So far 7/9 listings recently sent on February 7th are not reasonable and are not acceptable. I have called and left multiple voice messages for 4712 West St. Oakland and 2757 76th Ave and I'm waiting to get a call back (hoping these aren't scams). Both of these rentals are stated as not for rent or for sale on Zillow and I cannot locate their listing on apartments.com. OPC has sent listings that at face value appear acceptable given they meet \$2000 budget (which is already more than the \$1760 my dad was paying in good faith up to Dec. 1st 2018 when the account was closed for 25672 Maitland Dr.) Here are our comments on those 7 listings sent by OPC:

Example 1: The 297 Smalley Ave in Hayward is falsely advertised as a 2bed, 1bath. I called and communicated with Elena the property owner who confirmed it is the 1 room "in-law" unit in the back of the house and it has NO front door(have text message evidence that states front door needs to be installed). This unit looks like a shack and it wouldn't surprise me if this does not meet basic codes of safety for occupancy. Please see link below for image of this rental at \$1700/month.

[https://www.google.com/maps/@37.6691443,-](https://www.google.com/maps/@37.6691443,-122.0975268,3a,72.722488y,143.040817h,74.623642t/data=!3m4!1e1!3m2!1si070ZotFGNDdWDoLlx1_QQ!2e0?shorturl=1)

[122.0975268,3a,72.722488y,143.040817h,74.623642t/data=!3m4!1e1!3m2!1si070ZotFGNDdWDoLlx1_QQ!2e0?shorturl=1](https://www.google.com/maps/@37.6691443,-122.0975268,3a,72.722488y,143.040817h,74.623642t/data=!3m4!1e1!3m2!1si070ZotFGNDdWDoLlx1_QQ!2e0?shorturl=1)

Example 2: I spoke with Tony from 777 Palomino Dr. Pleasanton unit and this place has a firm no pet policy (even emotionally certified dogs) and it's on top floor so my dad would have to go and up and down stairs to access unit.

Example 3: 434 E. 17th St. just states that cats are allowed on Zillow listing under pet policy. I called and left several voice messages to hear if they accept emotionally certified dogs and am waiting to hear back.

Example 4: I have already contacted Gabriel a couple of weeks ago on 9021 Seneca St. when you first sent this listing on January 25th and he reiterated multiple times that the sharp incline driveway would be the biggest challenge for my dad and they are NOT flexible on lease terms (only accepting 1 year leases).

Example 5: The 3444 Hannah St is a shared house and confirmed with Justin (property manager) that there would be a tenant above and on the side of available room. This rental also has a freeway overpass right above unit (see below link) and the proximity to car pollution would be a detriment to his health.

<https://www.redfin.com/CA/Oakland/3444-Hannah-St-94608/home/1980914>

Example 6: 451 Livermore is too far out for my mother to get to my father. Livermore was never a city in our discussion of reasonable locations for my father to move to.

Example 7: 1123 Baypoint is too far out for my mother to get to my father. Bay Point was never a city in our discussion of reasonable locations for my father to move to.

We seriously want you to continue looking, but keep my father's situation in mind, the basic requirements, and other comments described above.

We also are continuing to look independently.

Regards,
Kristina

Before my father became very ill, he was a licensed self-employed General Contractor and Real Estate Broker, conducting his business in the Hayward area. He volunteered with Project Elf at Cesar Chavez Middle school

for several years, wrapping presents and fundraising monies to give food and presents to low-income families Christmas Day. He was a member of MDI (Mentoring men to live with excellence) offering regular community service and mentorship to young men in Hayward and surrounding bay area. He was always very supportive and involved in our schooling from serving as a regular chaperone on school field trips to meetings with teachers and counselors. He consistently was determined to learn about how we can improve and if we were enrolled in accelerated courses that pushed our academic potential. His three daughters all went through Hayward Unified School District (Harder Elementary, Cesar Chavez Middle School, then Hayward High School). From a young age, my father had an unwavering commitment to ensure my sisters and I took advantage of every educational opportunity possible and instilled in us the value of education as a top priority so that we could have access to opportunities that he did not get to experience. His three girls all ended up going to college as 1st generation college students coming from low-income backgrounds. I ended up graduating from UC Berkeley, my sister Amy graduated from UCLA, and my youngest sister Samantha is finishing her last year at UC Davis. Watching my father serve the community selflessly and be an inspirational mentor to youth motivated me to pursue my calling to serve as a teacher. I ended up student teaching General Biology and AP Biology at Hayward High School, then doing substitute teaching in the Hayward Unified School District and am now in my 9th year serving as a science teacher in San Francisco. The point I'm making is that many of the Parcel 5 tenants (like my father) were working-class, tax-paying, contributing members of the Hayward community.

As unconscionable it is to believe the city would send a terminally ill person receiving county welfare medical social services on the streets, the displacement of Parcel 5 tenants would be a little easier for my family to digest if it was somehow for the overall common good of the community of Hayward like building a public access park or affordable student housing. I cannot even begin to fathom how tearing down the Parcel 5 single-family homes to build new single-family homes is anything other than motivated by pure greed. Shameful. (see screenshot attachment below titled, "Intended Development of Parcel 5" from the PowerPoint presentation from November 15th, 2018 community meeting regarding the development plan for route 238 properties).

Relocation agent Sean Kerr, confirmed in an email this past Monday that he has been unable to find anything that meets my father's needs (see email below). How can you expect my father, who cannot step outside currently in this cold rainy weather for fear of catching pneumonia with his compromised immune system and irregular heart rate, who is hardly mobile and needs to hold onto walls and counters to catch his balance, who is attached to his oxygen machines every night to regulate his breathing, to move with nowhere to move into? My family independently have been looking along with your own hired relocation agency (OPC) and there is no available housing for my father to meet his health needs.

Sean Kerr Mon, Feb 25, 3:38 PM (2 days ago)

Hi Kristina

We may be able to accept an affidavit, though I am trying to find out if we would need it notarized. Obviously with your father's condition it wouldn't be possible for us to take him to a notary, but perhaps we could have a mobile notary meet him at home. We may not need it notarized at all. I will let you know.

I will let you know. We have been looking for housing as well, and unfortunately found nothing last week that met the needs and budget of your household, but are continuing to search this week as well.

Best,
Sean

OPC Sean Kerr Senior Agent

Enhancing Lives Through Infrastructure

NOTICE: This message and any attachments is private and confidential. If you received this message in error, do not use or rely upon it. Instead, please inform the sender and then delete it. Thank you.

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The city prides itself on combating the homeless crisis and protecting tenants, which can be evident in just the recent media news pieces that came out on Kron 4 and CBS.

[tps://www.google.com/amp/s/www.kron4.com/amp/news/bay-area/hayward-looking-at-new-protocols-to-stabilize-rising-rent-costs/1795247264](https://www.google.com/amp/s/www.kron4.com/amp/news/bay-area/hayward-looking-at-new-protocols-to-stabilize-rising-rent-costs/1795247264)

<https://sanfrancisco.cbslocal.com/video/3946968-hayward-tackles-homelessness-with-28-million-in-new-housing/>

How can this city morally claim they are protecting the vulnerable when they displaced over 30 families, many of whom were low-income working-class families with nowhere to go, and many of them, like my father, are one step away from homelessness? I am pleading with the city to delay this inhumane unlawful detainer action until there is alternative housing option for my father to move into. My family is left with no options at this point. My mother and I, who live locally in the bay area to my father and his doctors, would take my father in to live with us in a heartbeat, but my residence is up three flights of stairs with no elevator in San Francisco and my mother lives up a sharp incline with stairs as well to access her unit so he cannot move in with his family. My father's house has access from the back so when it is not raining, you can drive up the hill behind the house without having to walk up driveway or climb stairs.

My father's health negatively spiraled this past November and led to a 10 day stay in ICU at Kaiser San Leandro from the devastating Butte County camp fires, which restricted his already limited ability to breathe (see attachment below of hospital records titled, "Kaiser Permanente"). His reoccurring visits to the hospital this year and last year have not made filing taxes a priority since every day is a blessing and we don't know how much time we have left with him. We communicated with Sean Kerr that we can submit his banking records for his business checking account (this is his only account). He has been unable to work and bring in income for the last 6 months and has no savings so my mother and I have fully financially supported his expenses (rent, utilities, food, medical bills, etc.). We have been financially stretched trying to make this housing search manageable by increasing my father's budget from \$1790, which was the amount he paid in good faith until the account was closed December 1st, 2018, to \$2000. This \$2000 would be gathered funds from my income as a teacher in San Francisco with a newborn baby along with my mother's income as an administrative assistant at AT&T to cover this anticipated rent increase. Despite our willingness to do whatever possible and make financial sacrifices by coming up with \$2000/month to keep my father off the streets, we have found no housing. We are asking that the city work to get my father into affordable housing or at least delay the eviction process until we can find a housing alternative with OPC at the \$2000 budget that meet his disability needs.

My family is appreciative and grateful for my father being able to stay in his home up to this point, and recognize he has been given more time than the other Parcel 5 tenants who have had to unfortunately relocate. Being that my father's health is in critical condition and we have been looking in good faith with OPC for alternative housing, I am pleading with the city to come up with a solution or compromise that will not

further exacerbate the homeless crisis in Hayward and to avoid my father going on the streets. He will not survive. His life depends on how this relocation process is executed.

Respectfully yours,
Kristina Boyce

Redaction Log

Total Number of Redactions in Document: 4

Redaction Reasons by Page

Page	Reason	Description	Occurrences
8			3
11			1

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
		8(3) 11(1)

PUBLIC COMMENT

ZACHARIAH OQUENDA

PUBLIC COMMENT

TO: Mayor and City Council

FROM: Zachariah Oquenda

DATE: April 30, 2019

SUBJECT: Hayward's Procurement Process – CONS 19-267.

I have questions and concerns about the city's reliance on US Communities contracts and their multi-agency bidding process, which favors larger corporations at the expense of local ones.

For the public's reference, US Communities is an alliance of public sector entities like cities, school districts, and other government agencies. The purpose of this alliance is to pre-emptively conduct competitive bid process to encourage agencies, like Hayward, to save time and money by skipping their own local bid process to buy things like office supplies.

While I understand the benefits of economies of scale and the logic of combining the purchasing power of many agencies to better negotiate prices, I am concerned that relying on US Communities alliance leads to two bad outcomes: (1) it will strengthen monopoly power and crowd out local retail, and (2) it may end up costing the city more.

How does relying on US Communities entrench monopoly power? The US Communities alliance recently contracted with Amazon to use Amazon Business's online platform to manage public sector procurement purchases. The online platform means more convenience, but ultimately at the cost of crowding out local retailers from the public sector market. This undermines the very purpose of a competitive bidding process.

How would US Communities agreements lead to higher costs for Hayward? As reported in the Washington Post, the Institute for Local Self-Reliance¹, a procurement watch dog for local governments, says, "The contracts DO NOT INCLUDE PRICE GUARANTEES or volume discounts that are typical of public purchasing agreements, potentially putting cities and counties at risk of overpaying for basic supplies."² There are already reports of overcharging. Within the last 5 years, Office Depot was required to pay \$43 million to more than 1,200 government agencies across California for fraudulent overbilling.³ The local competitive bid process is supposed to be in place to prevent that very abuse.

¹ Stacy Mitchell and Olivia Lavecchia. "Report: Amazon's Next Frontier: Your City's Purchasing." Institute for Local Self-Reliance. Published July 2018. Accessed April 30, 2019. <https://ilsr.org/amazon-and-local-government-purchasing/#section1>.

² Abha Bhattarai. "How Amazon's contract to sell office supplies to cities could hurt local retail." Washington Post. Accessed April 30, 2019. https://www.washingtonpost.com/business/2018/07/10/amazon-now-sells-office-supplies-books-thousands-cities-other-local-organizations/?noredirect=on&utm_term=.8ccad3cfa10b. J. Brian Charles. "AAs Amazon Enters Government Purchasing Market, Signs of a Bad Deal Emerge." *Governing: Management & Labor*. Published August 2, 2018. <https://www.governing.com/topics/mgmt/gov-amazon-government-procurement-lc.html>.

³ Ashly McGlone. "Office Depot settles supply lawsuit." *San Diego Union Tribune*. Published Nov. 21, 2014. <https://www.sandiegouniontribune.com/news/watchdog/sdut-office-depot-supply-lawsuit-settlement-2014nov21-htmlstory.html>.

And there's another problem too. As US Communities using Amazon's platform pulls city spending away from local office supply companies, or from chains that have local locations, this will ultimately affect the city's tax base. Knoll, Inc. the parent company to KBM-Hogue, the vendor selected here does not appear to be a massive monopoly, but Knoll is headquartered in Pennsylvania not the Bay Area.

I'm not saying that this particular deal is bad. It may be the best deal for Hayward. But it also may not be. We cannot know without a locally-controlled competitive bid process.

I respectfully request that Council vote to pause this process here, gather more information, and consider adopting a policy moving forward that commits to a local process that is more transparent and accountable to the people.

Additional Sources:

[OmniaPartners.com](#) – Knoll, Inc profile page

[Institute for Local Self-Reliance](#) – [ilsr.org](#) – watchdog organization for local governments

[Amazon Business](#) – Steps for suppliers to apply to use the US Communities contract

- <https://www.amazon.com/b2b/info/USCommunities?layout=landing>

US Communities, Government Purchasing Alliance: RFP2000000330 (Fairfax County).

- <http://dockets.sandiego.gov/sirepub/cache/2/g0mkxe3nluikmx1sdatbcutc/55570004302019021813582.PDF>

PUBLIC COMMENT

CHARLIE PETERS

A Miviam

Ethanol Contaminating Ground Water in Lake Tahoe; Detections Prove That Fuel Storage Tanks - Not MTBE - Are to Blame For Tainted Water.

ARLINGTON, Va., May 8, (2000) /PRNewswire/ --

South Tahoe Public Utility District ("STPUD") spokesman Dennis Cocking, acknowledged in a report by the Tahoe Daily Tribune (April 28, 2000) that ethanol is polluting Lake Tahoe's groundwater. Earlier this year, ethanol replaced MTBE in all reformulated gasoline sold in and around Lake Tahoe after opponents of MTBE blamed it for gasoline leaks from fuel storage tanks that tainted groundwater in the area.

The Tahoe Daily Tribune reported earlier this year (March 24), that ethanol has been detected in Lake Tahoe's groundwater at concentrations as high as 130,000 parts per billion. The Tribune account also quotes a Lahontan Regional Water Quality Control Board official who acknowledges that ethanol moves faster through groundwater and in a less predictable fashion than MTBE.

Charles Drevna of the Oxygenated Fuels Association commented, "We have said all along that you cannot blame a single component for gasoline leaks from substandard tanks. But our groundwater resources are too precious and the problem of leaking underground storage tanks is too serious for us to say 'I told you so.' Still, the fact that ethanol has replaced MTBE in Lake Tahoe and is now in groundwater, speaks for itself."

Unlike MTBE which is one of the most studied chemicals in commerce today, little is known about the impacts of ethanol releases into groundwater or the environment. However, because ethanol is

the primary ingredient of beverage alcohol, which is classified by the California Proposition 65 Committee and other cancer experts as a human carcinogen, many are concerned about the possibility that ethanol may pose a cancer risk. Additionally, independent researchers have determined that ethanol in groundwater can extend plumes of other more potent gasoline carcinogens (benzene, toluene, etc.) up to 25%.

Both California Governor Gray Davis and Senator Richard Mountjoy (R-Arcadia) have called for further study of ethanol to determine the health risks posed by its contamination of groundwater. Recently however, California Senate Bill 1972, which would have mandated a comprehensive study of ethanol by the University of California, was defeated in the Environment Committee of the California State Senate.

In addition to its potential adverse health effects, studies have shown that, as a component of cleaner burning gasoline, ethanol is less effective than MTBE at fighting air pollution and due to transportation and supply problems, will likely increase gasoline prices.

The Oxygenated Fuels Association is an international trade association incorporated in 1983 to advance knowledge about the use of oxygenated fuel additives which improve the combustion performance of motor vehicle fuels, thereby significantly reducing automobile emissions and air pollution.

<http://www.thefreelibrary.com/Ethanol+Contaminating+Ground+Water+in+Lake+Tahoe%3b+Detections+Prove+...a061938659>

Officials know ethanol is a human carcinogen

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

AG Kamala Harris ... Can we have cleaner air & \$2 gas by 2014?
Stella Sez, Hemmings Motor News, July 2000 & March 2001

(March 2001) - "Rep. Gary A. Condit (D-Calif.) has introduced legislation, in the opening days of the 107th Congress, to help drive gasoline prices down while protecting the environment. HR 52 seeks to relieve California from federally mandated year-round gasoline oxygenate requirements while preserving the full benefits of California's reformulated gasoline program. Condit introduced the bipartisan legislation with another member of the California delegation, Rep. Chris Cox. 'California already meets Environmental Protection Agency requirements for reducing emissions of toxic air pollutants and ozone-forming compounds,' Condit said. 'When a state meets these requirements, under this legislation, they would not be required to add oxygenates to gasoline'."

<http://clubs.hemmings.com.clubsites/capp/mar01.html>

(July 2000) - "Unlike MTBE, little is known about the impacts of ethanol releases into groundwater or the environment. However, because ethanol is the primary ingredient of beverage alcohol, which is classified by the California Proposition 65 Committee and other cancer experts as a human carcinogen, many are concerned about the possibility that ethanol may pose a cancer risk. Additionally, independent researchers have determined that ethanol in groundwater can extend plumes of other more potent gasoline carcinogens (benzene, toluene, etc.) up to 25%. In addition, ethanol is less effective than MTBE at fighting air pollution, and due to transportation and supply problems, will likely increase gasoline prices."

<http://clubs.hemmings.com/capp/july.html>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

San Francisco dumps MTBE; will others follow?

San Francisco Chronicle, (AP), October 31, 2001 08:59 PST

(AP) In terms of the overall market, gasoline for San Francisco's city vehicles isn't likely to have a huge impact. But the city-county supervisors' decision not to buy any gasoline containing the oxygenating additive MTBE (methyl tertiary butyl ether) for its own vehicles could have a significant political and legal impact.

MTBE you may remember, is the additive favored to meet Environmental Protection Agency standards that call for oxygenates in the gasoline in parts of California that don't meet EPA clean-air standards. The trouble is that it leaks easily into water supplies and stays a long time.

While the health effects are subject to controversy – some authorities claim a link to cancer and other diseases while others disagree – MTBE has a noxious odor that makes water virtually undrinkable.

California has moved to ban MTBE in gasoline beginning January 2003. Gov. Davis petitioned the feds to grant California a waiver from the EPA decree demanding that oxygenates be added to California gasoline since the most viable alternative is ethanol, made from corn by agribusiness giant Archer Daniels Midland with heavy subsidies. Earlier this year the Bush administration refused to grant the waiver.

But some authorities believe the EPA

oxygenate requirement is not an enforceable mandate at all. If California defied it on the credible grounds that requiring oxygenates could make pollution worse rather than better, the EPA might well back off.

Those forces carried the day in San Francisco.

San Francisco Supervisor Chris Daily, spurred by lobbyists for ethanol, began the move to ban MTBE a few weeks ago. But a coalition of environmental and community groups mobilized and convinced him that the EPA "mandate" for oxygenates was not enforceable.

So the resolution the San Francisco supervisors passed (Oct. 22) did not include language giving preference to ethanol. In a letter to the group Communities for a Better Environment, Daily praised the group's "tireless efforts" and said the final ordinance "will move San Francisco closer to protecting our water quality by phasing out MTBE quickly, without creating a massive giveaway to special interests who produce ethanol." ...

There's irony in the controversy. Most of the MTBE that got into California water supplies came through leaky tanks, most of which have been replaced. So the problem may not be as widespread as some fear.

Orange County Register Oct. 29, 01

<http://www.sfgate.com/cgi-bin/article.cgi?file=/news/archive/2001/10/31/commentary1159EST0053.DTL>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Greenhouse redux

Orange County Register, May 27, 2002

A.B. 1058, the controversial bill to limit carbon dioxide emissions in California, is scheduled for a possible vote in the Assembly on Tuesday. A final vote was delayed several times due to grassroots opposition and lobbying by the auto industry.

Clearly the pressure is on. Why the urgency?

Part of the reason is the desire of some environmental groups and state legislators for California to be the first state to limit the emission of "greenhouse gases."

But the reasons may go deeper. So far the debate has centered on the harsh measures that might be taken to meet the goals of A.B. 1058. In a report, the California Air Resources Board said it might have to impose gas taxes and sport utility vehicle fees.

Another scenario, however, is being raised: If those remedies prove too controversial, the board could propose ethanol credits to meet the requirements. The costs would be largely hidden in higher gasoline prices and ethanol producers would cash in.

Ah, the ethanol industry.

Midwest-based ethanol industry influence is the chief reason the Bush administration refused to give California a waiver from a mandate to put oxygenates in gasoline. Californians have been using MTBE, but it has proven to be a water pollutant.

The only other practical alternative is ethanol, although some believe it could actually increase smog. So most environmentalists, including the Sierra Club, along with Sens. Boxer and Feinstein, support a lawsuit by Gov. Davis to get the federal oxygenate mandate waived.

Is the ethanol industry also in the 1058 debate? It's not readily apparent, but questions have been raised about a group called the Bluewater Network, a self-described coalition of about 60 businesses and environmentalists. Bluewater stands out as one of the few environmental groups to support federal ethanol mandates. And, Bluewater has aligned itself with ethanol interests by signing an ad promoting ethanol benefits. In a recent Earth Island Journal, Bluewater Network founder Russell Long brags that Bluewater Network wrote A.B. 1058.

Californians should pay close attention to those who could benefit most from A.B. 1058 and how they might be shaping debate.

<http://ocregister.com/commentary/editorial5.shtml>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

NEWS FROM...

U.S. REPS. CHRIS COX AND HENRY WAXMAN

Contact: Marilyn Cosenza (Cox): (202) 225-5611

Karen Lightfoot (Waxman): (202) 225-5051

California House Delegation Urges EPA Action on Cheaper, Cleaner Fuels

WASHINGTON (Thursday, March 18, 2004) - Rep. Chris Cox (CA-48), Rep. Henry Waxman (CA-30), and members of the California House delegation today sent a letter to EPA Administrator Michael Leavitt expressing support for Governor Arnold Schwarzenegger's recent request for a waiver of the Clean Air Act's ethanol MTBE mandate for California. This waiver would allow California to use cleaner blends of gasoline, while saving consumers money at the pump.

The letter was signed by 52 of the 53 members of the California delegation.

For five years, California has sought a waiver allowing it to sell cleaner-burning gasoline without oxygenates such as MTBE and ethanol. EPA's Blue Ribbon Panel on Oxygenate in Gasoline reported on September 15, 1999, that "within California, lifting the oxygenate requirement will result in greater flexibility to maintain and enhance emission reductions, particularly as California pursues new formulation requirements for gasoline." Although last year the U.S. Ninth Circuit Court of Appeals vacated the EPA's 2001 decision to deny a waiver, the EPA still has not granted the waiver request.

"For over a decade, the congressional mandate that California use ethanol or MTBE has set back our efforts to achieve cleaner air and water, while driving up the cost of gasoline to consumers," said Rep. Cox. "The California congressional delegation has once again asked that the EPA consider a proposal that makes sense for California's environment and its economy."

California has already banned MTBE, one of the most commonly used oxygenates, because it poses significant risks to the state's groundwater and surface water resources. Without the requested waiver, California's efforts to meet its fuel needs will continue to require massive use of ethanol--a complicated and costly mandate that the California Air Resources Board asserts will jeopardize California's attainment of federal ozone standards.

The EPA recently found that the oxygenate requirement was not necessary for either New Hampshire or Arizona to meet their clean air goals. The resulting flexibility could allow the states to produce clean gasoline in the most cost-effective way possible. Today, the delegation asks EPA to allow California similar flexibility to use cleaner-burning gasoline, whether or not it contains oxygenates.

"California can improve its air quality, address the threat MTBE poses to our water, and alleviate the excessive prices for gasoline, but the oxygenate waiver is crucial to this effort. I am deeply disappointed that the U.S. EPA has not yet granted California's request," said Rep. Waxman (D-Los Angeles).

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<http://oversight-archive.waxman.house.gov/documents/20040611103812-79001.pdf>

**STATE OF CALIFORNIA PERFORMANCE REVIEW COMMISSION
RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION**

AUDITORIUM, SATELLITE STUDENT UNION CALIFORNIA STATE UNIVERSITY,
5241 N. MAPLE STREET, FRESNO, CALIFORNIA SEPTEMBER 17, 2004, 10:00 A.M.

Charlie Peters, (Clean Air Performance Professionals) ... representing motorists (page) 228

MR. PETERS: Mr. Chairman and Commission, my name is Charlie Peters. (Clean Air Performance Professionals) I'm probably confused, I'm probably in the wrong place, because I'm not here asking for money. I'm not here asking that anything actually be changed from what you're proposing.

I was hearing that one of the considerations that was being made has been rescinded and maybe my comments will help you understand that.

I'm here, today, representing motorists. I don't hear too many people representing that group. I have a little proposal that I perceive might economically impact the State of California, \$30 billion within a year, in a positive way, as well as remove 50 percent of the negative environmental impact of the car, particularly the ones that participate in Smog Check, within one year.

What I am proposing is, in one sentence, is that the smog check inspection and repair is audited by the State to see that what is broken is, in fact, getting repaired.

That system is quite dysfunctional and the opportunities to improve it are immense. It is the best program in the world and California's done a better job than anybody, but the opportunities to improve it are immense.

That small business, who is coming under threat, and is being criminalized, and thrown out of business, instead of supported, and improve the behavior, and an audit can accomplish that.

I also believe that the issue of gasoline oxygenates, which virtually every important person in the State of California has agreed, that we need a waiver, we need relief from the oxygenate requirement, which is resulting in \$600 million a year in corporate welfare for the refiners, for putting ethanol in the gasoline, which is coming straight out of our Highway or Transportation funds.

In addition to that, we have an issue of credits, CAFE credits, which are giving significant increases in the amount of fuel that new cars use, by making cars operate where they can work on both gasoline and ethanol, and those credits are increasing the amount of gasoline, creating a shortfall in the available gasoline. Which relief from that, which would require petition of the fed to get, could significantly lower the amount of gasoline and improve the amount of gasoline that we're using.

So the combination of those three units, the Smog Check reductions, which we believe would generate credit for 2,000 tons a day in emissions reductions, which are currently selling in the competitive marketplace for approximately \$20,000 a ton, is approximately \$20 billion in positive economic impact to California, where businesses are not having to purchase those credits to do business.

Thank you.

COMMISSION CO-CHAIRPERSON HAUCK:

Okay, thank you, Charlie.

http://www.cpr.ca.gov/Updates/Archives/pdf/09_17_2004/Hearing_Transcript_Sept_17.pdf

Google: 510-537-1796 arb

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Ethanol waiver available

Orange County Register / September 20, 2005 at 3:00 am

Tucked in among the pork and subsidies Congress passed in the energy bill this summer was a provision that could work to California's advantage – if California officials take advantage of it.

According to Congressional Quarterly magazine, the Environmental Protection Agency "would have the authority to reduce or waive the requirement for a state in which a percentage of fuel sold in that state contains renewable fuel additives. The requirement could be waived if it is determined that the mandate would have a significant adverse economic or environmental impact on the state or region." The waiver would be for one year, but it can be renewed.

As we have noted previously, California has had problems with the federal mandates under the Clean Air Act amendments of 1990, which mandated that "reformulated gasoline contain 2 percent oxygen." Most California refiners chose to meet that requirement by adding methyl tertiary butyl ether (MTBE), but it created both environmental and economic problems. It escaped easily from storage tanks and in some cases led to water supplies and bodies of water having an unpalatable taste and odor. There are also allegations that MTBE can lead to diseases.

California governors Gray Davis and Arnold Schwarzenegger, supported by elected officials from both parties, have in the past applied for a waiver from the federal oxygenate mandate without success. The energy bill, according to the Congressional Research Service, eliminates the oxygenate mandate but replaces it with a mandate to use increasing amounts of ethanol, made from corn. And it allows states to apply for a waiver.

California has led the nation in regulating fuel to reduce air pollution, and California regulators believe the oxygenate mandate and ethanol are not necessary to reduce smog; indeed, some environmentalists believe ethanol makes certain aspects of smog worse.

Gasoline with ethanol is also more expensive, so mandated ethanol use is a factor – though not the only one – in gasoline being more expensive in California. Gov. Schwarzenegger should move aggressively to apply for a waiver from this unnecessary mandate to subsidize agribusiness in the Midwest.

<https://www.ocregister.com/2005/09/20/ethanol-waiver-available/>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Top Ten Facts about Ethanol

By James S. White, CAL Gasoline

- * 1 Ethanol is listed as a known human carcinogen by the International Agency for Research on Cancer.
- * 2 The cost of Reformulated Gasoline with ethanol will increase 3-6 cents per gallons compared to RFG with MTBE.
- * 3 Spills of pure ethanol or gasoline containing ethanol from leaking storage tanks can create a benzene plume up to 150% larger than a spill from a non-ethanol fuel.
- * 4 Ethanol cannot be shipped by pipeline because of its high affinity for water posing significant distribution costs and hurdles for gasoline blenders.
- * 5 According to a study by Cornell University, for every gallon of ethanol produced, 1.4 gallons of energy is consumed in the process, compared to 0.15 gallons used in the manufacture of gasoline.
- * 6 It takes 1.5 gallons of ethanol (E-85) to drive as many miles as one gallon of gasoline.
- * 7 Every gallon of ethanol removes 53 cents from the Federal Highway Trust Fund because of a special tax break for producers.
- * 8 Ethanol increases the vapor pressure of gasoline by 1 psi, resulting in higher evaporative emissions of Volatile Organic Compounds, while tailpipe emissions of Acetaldehyde increase 150%.
- * 9 Ethanol permeates the hoses and lines of automobile fuel systems resulting in a 50% increase in VOC emissions for pre 1995 cars.
- * 10 Ethanol dissolves oxide scale from the walls of pipes and tanks, subjecting the systems to internal corrosion, which leads to leaks

<http://www.calgasoline.com/facttopten.htm>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

From: Nichols, Mary D. @ARB
Subject: RE: Cheney could be Condit witness
Date: February 15, 2011 9:54:39 AM PST
To: Clean Air Performance Professionals

“This stuff is now a decade old. Normally I wouldn’t bother to respond, but there is enough dirt in the ethanol lobby that you really don’t need to drag in Chandra Levy. Alex Farrell is dead. Gary Condit and Dick Cheney are both alive, but not very relevant. Gray Davis is or was working for ADM to advance the cause of Midwest corn ethanol in California. No big surprises there.”

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Will BP-DuPont bio-butanol patent lower the gas price?

Will Mary Nichols, Kamala Harris, Gary Condit and Governor Brown support the Bill Clinton, Al Gore, Pete Wilson, Gray Davis, Dianne Feinstein & Barbara Boxer (GMO) fuel waiver?

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Commercial Bakery To Pay \$1.3M For Air Violations

LODI (CBS13) / Sacramento CBS Local / June 26, 2012

Ralcorp's Cottage Bakery has been ordered to pay a penalty of \$625,000 after an investigation revealed it never applied for air pollution permits to install and operate the facility's ovens and associated air pollution controls that minimize the release of ethanol, says the EPA. Ethanol is generated during the leavening stage of baking and is considered a precursor to ozone and particulate pollution.

Cottage Bakery installed three ovens between 1997 and 2006.

The company also paid \$750,000 to install an apparatus that will cut down on these harmful emissions by 95%.

"Air quality is a critical human health issue in the San Joaquin Valley," said Jared Blumenfeld, EPA's Regional Administrator for the Pacific Southwest. "Our enforcement action requires air pollution controls at the plant to protect the communities in the Valley from illegal emissions."

Cottage Bakery employs approximately 625 people and produces frozen bread and cake products.

<https://sacramento.cbslocal.com/2012/06/26/lodi-commercial-bakery-to-pay-1-3m-for-air-violations/>

Google: 510-537-1796 arb

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Clean Green Scam

The EPA misses an ethanol crook, but it does nail his victims.

Wall Street Journal, Updated July 13, 2012, 6:18 p.m. ET

Ponder the crimes of one Rodney Hailey. He used to run a Baltimore company called Clean Green Fuel and found a way to abuse the U.S. ethanol mandate to steal \$9 million from the oil industry, which he used to charter private jets and buy a Rolls Royce among other luxury cars and jewelry. Late last month a federal jury convicted Hailey of 42 counts of fraud, money laundering and other charges—so naturally, the Environmental Protection Agency has decided to punish his victims.

Ah, the latest episode in Washington's torrid 40-year love affair with the ethanol lobby.

The EPA runs a program that is supposed to ensure 36 billion gallons of biofuels are blended into the gasoline supply by 2022. Every gallon produced earns something called a renewable identification number, or RINs, which are then sold to and traded among refiners and other "obligated parties" to help meet their annual biofuel quotas.

Hailey was selling these credits but never producing the underlying gallons. Clean Green Fuels did not even have a manufacturing plant, though it was registered by the EPA as a biofuel producer authorized to generate RINs.

Nor was it alone. In the biodiesel market—whose size is second only to corn ethanol—the EPA itself estimates that some 140 million RINs are fraudulent or otherwise invalid, and

the true number may amount to as much as 12% of the biodiesel "supply."

The EPA, however, maintains a "buyer beware" policy that says refiners are responsible for ensuring they buy good RINs, even if they are purchased in good faith from companies certified by the EPA. After the EPA's enforcement gumshoes raided Clean Green Fuels and deduced that it was a fraud, they did not notify the companies buying these credits for 15 months.

Then the agency said the companies would have only 14 days to replace the bad RINs. And then it fined 24 businesses for not conducting due diligence. The total cost came to \$40 million.

The real failure of oversight is the EPA's, given that no one would ever buy biodiesel or ethanol in the absence of the mandate that the agency helped to create. Refiners have been ripped off to the tune of \$200 million so far by crooks and government fines, which consumers ultimately pay for at the pump.

The irony is that this is a rounding error compared to the many billions of dollars in subsidies and transfers that the ethanol industry has secured from its political clients over the years. Rodney Hailey's mistake was breaking the law. If he were smarter, he would have been trying to make it.

A version of this article appeared July 14, 2012, on page A12 in the U.S. edition of The Wall Street Journal, with the headline: Clean Green Scam.

http://online.wsj.com/article/SB10001424052702304373804577523192444787780.html?mod=googlenews_wsj

NO on CA / AB 523 & SB 1396 unless the ethanol mandate is changed to voluntary.

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Fuel Standard Could Cost Restaurants Billions

By Charlie Peters, Environmental Leader, December 1st, 2012

(snip)

* California CARB fuel was close to zero ethanol in our fuel in 1992..

* 1992 fuel price about \$1.40 per gallon.

* Ethanol push from fed EPA and friends pushed ethanol to 5.6% and we paid more for our fuel.

* Fed EPA and Big oil refiners pushed the oxygenate to 10% and we paid more.

* Now BP GMO fuel is pushing for over \$1.00 in corporate welfare with 15% of the fuel market while cutting back Oil and refining

* Will BP GMO fuel patents generate credit trade income from the Big oil industry with the Queen Mother help.

* The Queen banker friends may want a share.

* So, how big does California ethanol bill need to be to qualify for the EPA waiver?

* Can Mary Nichols and Governor Brown support a BP GMO fuel ethanol waiver? Motorcycle, Classic car, Lawn tool engines, Boat, & the beef just might like a choice of fuel ethanol opinion, a waiver. Can Governor Brown use the 10th amendment to support California waiver.

<http://www.environmentalleader.com/2012/11/29/pwc-fuel-standard-could-cost-restaurants-billions/>

The California Department of Motor Vehicles (DMV) collects \$billions\$ using "Wallet Flushing" car tax. Is it time for CA AG Kamala Harris EPA GMO ethanol fuel waiver conversation?

Did Governor Brown choose a CA/DCA/BAR Chief who can find out if what is broken on a PZEV Smog Check failed car gets fixed? A Smog Check secret shopper audit would cut toxic car fleet impact 1500 tons per day while reducing cost by \$billions.

<http://www.youtube.com/watch?v=Zl-Nrep74qg>

Dr. Stan's California water supply opinion

<http://mediaarchives.gsradio.net/radioliberty/121213d.mp3>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Monsanto plotting to wipe out genetic diversity of corn in Mexico with GMO corn

By: J. D. Heyes / *Natural News* / December 04, 2012

NaturalNews) If agri-giant Monsanto gets its way, the company will destroy all genetic diversity in Mexico's corn crops by replacing it with genetically modified (GM) corn.

Outgoing Mexican President Felipe Calderon is considering approval of a proposal by Monsanto, along with fellow agribusiness behemoths DuPont and Dow, to plant some 2.5 million hectares (about 6 million acres) of "transgenic or GM maize" in the country's heartland, *Digital Journal* reported recently, noting that the amount of land is approximately the size of the country of El Salvador.

"According to *ETC Group*, the consequences will be devastating for the heart of the center of origin and diversity for maize, and also globally," the online publication said.

If approved by Calderon, "this parting gift to the gene giants will amount to a knife in the heart of the center of origin and diversity for maize," said the *ETC Group*, an organization that works to address the socioeconomic and ecological issues surrounding new technologies that could have an impact on the world's poorest and most vulnerable people, in a statement published on its website.

The consequences of Calderon's decision "will be grave - and global," *ETC Group* warned, because planting so much GM maize would essentially wipe out all biodiversity, as well as the various local varieties of corn, developed over the course of the past 7,000 years.

The *ETC Group* says it has appealed to the *UN Food and Agriculture Organization* (FAO) and also to the *UN Convention on Biological Diversity* (CBD), because they "are mandated to support food security and biodiversity," *DJ* reported.

"If Mexico's government allows this crime of historic significance to happen, GMOs will soon be in the food of the entire Mexican population, and genetic contamination of Mexican peasant varieties will be inevitable," said Veronica Villa from *ETC's Mexico* office. "We are talking about damaging more than

7,000 years of indigenous and peasant work that created maize - one of the world's three most widely eaten crops."

"As if this weren't bad enough, the companies want to plant Monsanto's herbicide-tolerant maize [Mon603] on more than 1,400,000 hectares," she said. "This is the same type of GM maize that has been linked to cancer in rats according to a recently published peer-reviewed study."

Adds the *Union of Concerned Scientists* in Mexico:

"This is grave, as Mexico is not only the cradle of corn, the second most important commodity crop in the world, but it also stewards one of the few *Centers of Origin and Diversification*, from which the world derives the genetic diversity needed to maintain its production in the mist of new plagues, climatic challenges (Ureta et al., 2011), and consumption preferences."

Unlike other nations, where corn production is generally controlled by corporations and corn is used primarily as a feed and industrial raw material, the organization said, thousands of different varieties of open-pollinated corn across Mexico are cultivated by millions of indigenous campesino families.

The campesinos produce "most of the corn for human consumption and Mexico's population ingests large amounts of corn directly, placing its entire population at an acute level of risk from the large-scale exposure to GM agriculture that uses hybrids that are nutritionally inferior to landraces (i.e., higher glycemic index, less fiber, less antioxidants, etc.), as well as to its associated agrotoxics and derived products," the scientist group said.

Not long ago Mexico was a net exporter of corn. But the erosion of the campesino economy and lack of central government support to agricultural production, have both generated a production deficit, the *UCS* said. This has been used as an excuse to introduce so much GM corn, though "well-established scientific evaluations show...that GM corn does not provide a solution to this problem," the group said.

http://www.naturalnews.com/038204_Monsanto_Mexico_GM_corn.html#ixzz4J7bF2bU3

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

California sues BP and Arco, alleges violations at gas stations

By Ronald D. White, Los Angeles Times, February 4, 2013

California Atty. Gen. Kamala D. Harris has filed a civil lawsuit against BP West Coast Products, BP Products North America Inc. and Atlantic Richfield Co., accusing them of violating state laws on hazardous materials and hazardous waste.

The lawsuit accuses the parties of failing to properly inspect and maintain underground tanks used to store gasoline at more than 780 gas stations in California.

"Safe storage of gasoline is not only common sense, it is essential to protecting the integrity of California's groundwater resources," Harris said.

Harris added, "California's hazardous waste laws safeguard public health and this lawsuit ensures proper maintenance of the tanks that store fuel beneath California's communities."

The lawsuit filed in Alameda County Superior Court alleges that BP companies and Arco have improperly monitored, inspected and maintained underground storage tanks used to store gasoline for retail sale since October of 2006.

The lawsuit also accuses the companies of tampering with or disabling leak detection devices.

The lawsuit also alleges that the defendants improperly handled and disposed of hazardous waste and materials associated with the underground storage tanks at retail gas stations throughout the state.

<http://www.latimes.com/business/money/la-fi-mo-ag-sues-bp-and-arco-20130204,0,2267305.story>

Is Sunoco, BP & Shell ethanol in your tap water?

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net



Clean Air Performance Professionals

Thursday, March 14, 2013

Bill Lockyer,
California State Treasurer
915 Capitol Mall, Suite 110
Sacramento, CA 95814
(916)-653-2995
fax: (916) 653-3125

RE: The Nissan PZEV Warranty Issue

California has the best car emissions system but we need support to improve.

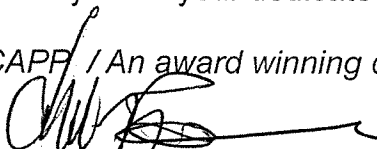
Will you consider a letter in support of the California Air Resources Board (CARB) efforts to improve compliance with the California Partial Zero-emissions (PZEV) standards.

Improved toxic impact from the car fleet will provide better health and economic performance for California.

This issue of PZEV Performance was the subject of my interest June 20, 2011 with Dr. Willie Armstrong. Some real progress has been great but the Dr. Willie Armstrong, Richard Woonacott, and Dave Lewis may be gone from State Service. Environmental improvements might deserve further conversation.

Thank you for your dedicated attention to the details of an improved California.

(CAPP / An award winning coalition of motorists)


Charlie Peters
(510) 537-1796
cc: interested parties

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Clean Air Performance Professionals

21860 Main Street Ste A
Hayward, California 94541

Friday, July 12, 2013
California Environmental Protection Agency
Mary Nichols, Chair of Board
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814
P.O. Box 2815
Sacramento, CA 95812
(916) 322-5840/ FAX: (916) 445-5025
mnichols@arb.ca.gov

Goodmorning Chair Nichols,

Federal ethanol policy increases Government motors oil use and BP Shell profit.

It is reported that today California is using Brazil sugar cane ethanol at \$0.16 per gal (\$8billion for Big oil) increase over using GMO corn fuel ethanol. In this game the cars and trucks get to pay and Big oil profits are the result, that may be ready for change.

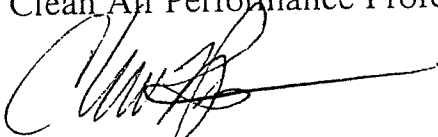
Folks that pay more at the pump for less from Cars, trucks, food, water & air need better, it is time.

The car tax of AB 118 Nunez is just a simple Big oil welfare program, AAA questioned the policy and some folks still agree.

California is just a short put (waiver) from better results.

Thank you for your life long service.

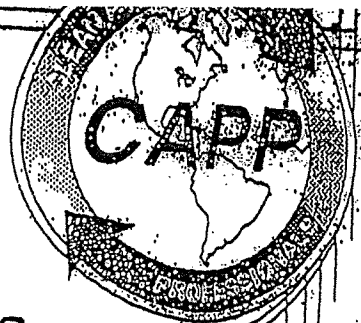
Clean Air Performance Professionals (CAPP) / An award winning coalition.



Charlie Peters

cc: interested parties

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net



Clean Air Performance Professionals

Saturday, November 22, 2014

Voluntary GMO corn fuel may reduce CO₂ & Fuel cost to \$2 per gallon.

50% butanol mandate may raise fuel to \$10 per gallon.

Monopoly patent mandate may lower BP-DuPont stock value and profit while a move to voluntary may improve employee and customer relationship with improved profit. Win Win outcome.

MTBE is in our water and a pain to oil profit. Is it time to check California water for fuel ethanol? Time for food air & fuel price mitigation? Time for a AG conversation for consideration of a California fuel ethanol waiver?

UN supports voluntary GMO fuel, a waiver.

Go OOIDA, Clean Air Performance Professionals supports your fuel performance and price conversation, Fed EPA ethanol mandate stinks.

A random 'Smog Check' inspection & repair 'secret shopper' audit, ethanol cap and elimination of dual fuel CAFE credit can cut California "Wallet Flushing" car tax over 50% in 2015. (Prevent 2000 tons per day of sulfur, PM, HC, O₃, NO_x, CO & CO₂.) Improved performance of AB32 by \$billions

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Cheap Gasoline

Climate One at the Commonwealth Club, February 27th, 2015

Gas prices are plunging, and Americans can get back on the road again. What are the economic, geopolitical and environmental consequences of cheap oil?

Jason Bordoff, Founding Director, Center on Global Energy Policy, Columbia University; Former Special Advisor to President Obama, National Security Council Staff

Kate Gordon, Senior VP and Director, Energy & Climate Program, Next Generation

Bill Reilly, Former Board Member, ConocoPhillips; Senior Advisor, TPG Capital

Transcript

(snip)

We're talking about cheap oil and gasoline at Climate One. Let's have our audience questions. Welcome.

Male Participant (Charlie Peters): I have a question that has been an awful fun part of this debate over time which is the issue of the use of corn to make products that were promoted to be a significant improvement in global warming, in carbon taxes. So my question is, there's an appearance that there's a divide there between possibly British Petroleum and Shell and DuPont wanting to go to butanol. And then the question becomes is it impacting our water supply being a carcinogen. Is that something that should be of concern? We never check our water supply anywhere ever

Greg Dalton: Thank you --

Male Participant (Charlie Peters): So a response to that would be great.

Greg Dalton: So who'd like to -- Bill Reilly, you were on the board of DuPont, but the question, I think, is that people advocated for corn as a climate solution, corn turned out to

not be so good. Cellulosic ethanol has been disappointing. Your thoughts.

Bill Reilly: Well, if you make the ethanol out of switch grass or something of the sort, I think that you possibly do something very positive with respect to liquid fuels, and I would support that. I would not worry so much about contaminating the water supply with ethanol. I mean, we're talking about replacing some portion of the gasoline and we've been managing that with some success for, I think, some time. So I don't think that would be the major problem.

The major problem, I think, with the ethanol area is the enormous subsidies that have gone into it and for corn production and certainly my recollection from having administered the Clean Air Act is that the advantages of ethanol as an additive are for wintertime NOx [nitrogen oxides] control. So it's been touted as doing something far more significant than that and reducing our dependency on foreign imports and the rest. Those arguments, I think, have lost a great deal of their appeal.

Greg Dalton: Corn has been overhyped. ...

<http://www.climate-one.org/audio/cheap-gasoline>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Jay Leno hates ethanol

Can't we just get rid of ethanol?

Autoweek / March 4, 2015

There have been a lot of old-car fires lately. I went through the '70s, the '80s and most of the '90s without ever having read much about car fires. Suddenly, they are happening all over the place. Here's one reason: The ethanol in modern gasoline—about 10 percent in many states—is so corrosive, it eats through either the fuel-pump diaphragm, old rubber fuel lines or a pot metal part, then leaks out on a hot engine ... and ka-bloooooie!!!

As someone who collects old cars, and keeps them up religiously, I am now replacing fuel-pressure regulators every 12 to 18 months. New cars are equipped with fuel lines that are resistant to ethanol damage, but with older cars, the worst can happen—you're going down the road, and suddenly your car is on fire.

There's more. I find that gasoline, which used to last about a year and a half or two years, is pretty much done after a month or so these days. If I run a car from the teens or '20s and fill it up with modern fuel, then it sits for more than two months, I often can't get it to start.

Ethanol will absorb water from ambient air. In a modern vehicle, with a sealed fuel system, ethanol fuel has a harder time picking up water from the air. But in a vintage car, the water content of fuel can rise, causing corrosion and inhibiting combustion.

Ethanol is a solvent that can loosen the sludge, varnish and dirt that accumulate in a fuel tank. That mixture can clog fuel lines and block carburetor jets. Photo by Autoweek

It gets worse. Ethanol is a solvent that can loosen the sludge, varnish and dirt that accumulate in a fuel tank. That mixture can clog fuel lines and block carburetor jets.

Blame the Renewable Fuel Standard. This government-mandated rule requires certain amounts of ethanol and other biofuels be blended with gasoline and diesel fuel. But when Congress first passed RFS as part of the Energy Policy Act in 2005, our demand for energy was increasing. Today, it's the opposite. Total demand for fuel has decreased thanks to more-efficient vehicles, more hybrids and increased environmental awareness. The EPA is set to release the 2015 standard in June. Meanwhile, some legislators are pushing to reform or eliminate the Renewable Fuel Standard entirely.

I just don't see the need for ethanol. I understand the theory—these giant agri-business companies can process corn, add the resulting blend to gasoline and we'll be using and importing less gasoline. But they say this diversion of the corn supply is negatively affecting food prices, and the ethanol-spiked gas we're forced to buy is really awful.

The big growers of corn have sold us a bill of goods. Some people are making a lot of money because of ethanol. But as they divert production from food to fuel, food prices inevitably will rise. Now, if you don't mind paying \$10 for a tortilla ...saw a huge pool of gas. I looked at it while it was running and saw gas just pouring out. "OK,

manufacturers make diaphragms for old cars out of modern materials like Viton or Teflon? Yes, they should, but not all of them do. Consequently, your chances of a fire remain.

Here's another problem: When you have vehicles with fuel cells in their gas tanks, ethanol tends to eat the coating out of the fuel cell. If you have an old motorcycle and redo the fuel tank, the first thing you do is seal the tank with some sealant. It's generally a cream or a gray color, and it looks like you painted the inside of the tank. On a lot of my bikes now, I'll open the gas tank and I'll go in with a long set of tweezers. I'm pulling out sheets of this coating. Really, it comes out in 6-inch strips.

The ethanol is just eating it up and clogging the fuel pump because it'll move around as a sheet of material and block the opening. With cars like my McLaren F1, if I buy a 55-gallon drum of VP racing gas, the fuel cell will last twice as long.

The fiber diaphragm of one of Leno's Duesenbergs was eaten right through. Photo by Autoweek

It's time for us as automobile enthusiasts to dig in our heels and start writing to our congressmen and senators about the Renewable Fuel Standard, or we'll be forced to use even more ethanol. Most people assume, "Oh, that'll never happen. They'll never do that." Remember prohibition? In 1920, all the saloons were closed. It took until 1933 before legal liquor came back.

Most people don't really look at what goes into their car. Obviously, the days of high-octane gas like Sunoco 260 are long gone. Those of us with older vehicles are the ones who end up paying the price. The car manufacturers don't care. They don't mind if your vintage car burns up or breaks down. They want to sell you a new one. It's hard for enthusiasts. We really have nowhere to go.

So write those letters, but I also suggest you drain and clean your old car's fuel tank, use a quality fuel-tank sealer that's impervious to ethanol, replace fuel filters, keep all the screens clear and use a fuel stabilizer (added to a full fuel tank), if your car is to be stored for the winter season.

Oh, and keep a fire extinguisher handy.

Jay Leno - In addition to being a comedian and TV host, Autoweek columnist Jay Leno has more than 280 cars and motorcycles in his collection.

<https://autoweek.com/article/car-life/jay-leno-hates-ethanol>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Clean Air Performance Professionals

Charlie Peters
21860 Main Street Ste A
Hayward, California 94541
Fax: 510-537-9675
Friday, April 10, 2015

Eric Swalwell
Member of Congress
1260 B Street, Suit 150
Hayward, CA 94541
(510) 370-3322

Honorable Congressman Swalwell,

RE: California motorist interest in GMO fuel waiver

Thank you for your service to us.

The administration of our President George W Bush rejection of my hero California Governor Davis request for a fuel oxygenate waiver (change the mandate to voluntary) with support of all California congressional members may deserve a review audit of our waiver requests.

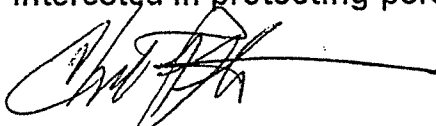
*** I want \$2 fuel at the pump ***
*** I want clean air and water ***

Ethanol waiver & elimination of E-85 flex fuel credit can cut our CO2 transportation pollution over 50%

Let's improve performance of CA climate change law AB 32 (Pavley) in 2015 for future generations.

Congressman Swalwell thank you for your interest in our waiver audit request, a response would be great.

Clean Air Performance Professionals (CAPP), an award winning coalition of motorists interested in protecting personal property and the environment.



Charlie Peters (CAPP)
Ph: 510-537-1796 / fax: -9675
cappcharlie@earthlink.net
cc: interested parties

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

EXCLUSIVE: Anti-GMO harassment alleged at UH

By Rick Daysog, Hawaii News Now, June 04, 2015

HONOLULU (HawaiiNewsNow) - Academic freedom is usually a hallmark of a university. But one University of Hawaii professor said he was harassed by his department because his criticisms of GMOs.

Hector Valenzuela, a professor in the UH College of Tropical Agriculture and Human Resources, has worked at the university for more than two decades, teaching farmers how to grow organic crops.

He said his supervisors and peers in his college have repeatedly told him that his outspoken views on genetically modified crops are not welcome.

"I know they're still trying to muzzle me," said Valenzuela.

"Essentially, I was told by my immediate supervisor, my department chair, that's not supposed to be what you're doing. You shouldn't be talking about crop biotechnology."

But the university said the allegations are unfounded.

"We're a strong supporter of academic freedom. No one is ever telling anyone not to say things. In fact, he's welcome to say whatever he wants," said UH professor Mark Wright, the faculty chair of Valenzuela's department.

Crop biotechnology or genetically modified organisms are a major political controversy in Hawaii. Activists have tried to ban or restrict GMOs in Neighbor Island counties but Hawaii's courts have struck down these moratoriums.

Valenzuela is one of the few UH scientists who have come out against these types of crops. He says the harassment from his pro-GMO peers dates back decades, sometimes leading to confrontations.

In 2003, he claims his former department chair made derogatory comments about his homeland, Guatemala.

"He called my nation of origin 'worthless.' I felt insulted at the time," he said.

Last October, one of his colleagues in an email called him an "embarrassment" to the department for opposing GMOs. The email, which was later forwarded by another professor to other staffers in his department, include this insult:

"Hec, please stop already. You're simply working so hard to prove what a scientific idiot you are about items like transgenes ..."

UH says human resources officials told the author and department staffers that the email was not appropriate. But no disciplinary action was taken.

According to Valenzuela, the most recent incident allegedly occurred in February during his post-tenure review. He said that Wright, his faculty chair, told him he could talk about GMOs on his "own private time but not as a faculty member."

Wright denies that he said that, adding that Valenzuela passed his review.

Wright believes the anti-GMO crowd rely on junk science and added that genetically engineering helped save Hawaii's papaya industry and added that genetically modified seed crops are the largest ag industry in Hawaii.

Valenzuela thinks there needs to be more studies on GMOs because many of the modified seeds and crops are developed to be more resistant to pesticides. Because of that, he said the large GMO businesses are dumping more pesticides into the environment, posing potential risks for residents.

"I think it's a basic right of a faculty member to ask questions about the future of agriculture in Hawaii," Valenzuela said.

"It is my duty as a professor to ask questions about technologies that may pose a risk to the environment and the the health of the community."

<http://www.hawaiinewsnow.com/story/29245638/exclusive-anti-gmo-harassment-alleged-at-uh>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Why U.S. oil companies clash with EU peers on global warming

By David R. Baker, San Francisco Chronicle, June 5, 2015

The fight against climate change has opened a trans-Atlantic rift in an industry often seen as a monolith — Big Oil.

Unwilling to sit on the sidelines of climate negotiations, Europe's largest oil companies last month issued a joint statement calling for a worldwide price on the greenhouse gas emissions that come from burning their products. Such a price, they said, would help the global economy transition to cleaner sources of energy.

The CEOs of BP, Eni, Royal Dutch Shell, Statoil and Total all signed the statement.

None of their American counterparts did.

Chevron Corp. CEO John Watson argued that his European colleagues are pushing a policy that consumers would never embrace. Focus instead on developing nuclear plants and natural gas reserves to fight global warming, he said.

"It's not a policy that is going to be effective, because customers want affordable energy," Watson said last week, at an OPEC seminar in Vienna. "They want low energy prices, not high energy prices."

The split, analysts say, reflects the stark divide between climate politics in Europe and the United States.

Europe already has a cap-and-trade system for setting a price on greenhouse gas emissions. Public debate over global warming revolves around how best to fight it, not whether it exists.

In the United States, many conservatives still insist that warming is either a natural phenomenon or an outright hoax perpetrated by scientists, environmentalists and their

political allies. Pricing carbon is a nonstarter for most Republicans in Washington, who are trying to block President Obama's climate regulations. An effort to create a nationwide cap-and-trade system died in 2010, in part due to opposition from oil- and coal-producing states.

"The domestic politics for the U.S. companies is different from what it is for the Europeans," said Raymond Kopp, a senior fellow with the Resources for the Future think tank. "Right now, this is a difficult conversation for them to have domestically."

And that's assuming they want to have it all.

Exxon CEO Rex Tillerson has expressed support for a tax on greenhouse gas emissions but hasn't pushed for it. The company formerly supported groups that questioned the scientific consensus on warming. Billionaires Charles and David Koch, whose wealth comes largely from oil and gas, have poured money into the campaigns of political candidates who oppose action on climate change. The Koch brothers have announced plans to spend \$889 million during the 2016 election cycle.

California policies

And while Chevron's home base lies in the only U.S. state with a full-scale cap-and-trade program — California — the company has often criticized the state's climate-change policies, warning they could push energy prices higher.

Last month's statement from the European oil CEOs, in contrast, brands climate change "a critical challenge for our world" that must be tackled immediately. The executives urge governments that haven't already done so to start putting a price on carbon.

The statement, issued as an open letter to two top international climate negotiators, is notably silent on whether the companies prefer a tax on greenhouse gas emissions or a cap-and-trade system. Such systems — including California's, which began in 2012 — force businesses to buy credits for each ton of carbon dioxide they emit.

The CEOs make clear, however, that they eventually want a worldwide price.

"Pricing carbon obviously adds a cost to our production and our products," they write. "But carbon pricing policy frameworks will contribute to provide our businesses and their many stakeholders with a clear roadmap for future investment, a level playing field for all energy sources across geographies and a clear role in securing a more sustainable future."

Natural gas strategy

The CEOs also hint at how their companies could thrive in such a future, by producing more natural gas and investing in renewable

technology. Indeed, the companies already have extensive natural gas holdings, analysts noted.

"If you're on the board of directors of an oil company, you have to be asking yourself, 'What's our future in a low-carbon world?' And with this letter, I think you see these companies trying to figure it out," said Ralph Cavanagh, energy program co-director for the Natural Resources Defense Council environmental group.

Chevron and Exxon have also invested heavily in natural gas, which when burned in power plants produces roughly half the greenhouse gas emissions of coal. Regulations limiting emissions, including the Obama administration's effort to cut emissions from power plants, could help them.

"I can't imagine that Exxon or Chevron, which are companies that would benefit from a shift to natural gas, would be privately opposed to the Clean Power Plan," said Amy Myers Jaffe, director of the energy and sustainability program at UC Davis.

David R. Baker is a San Francisco Chronicle staff writer. E-mail: dbaker@sfchronicle.com Twitter: @DavidBakerSF

<http://www.sfgate.com/business/article/Why-U-S-oil-companies-clash-with-EU-peers-on-6310380.php>

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Corn ethanol emits more carbon than Keystone would

By *ROBERT BRYCE, Bloomberg News, Sunday, June 7, 2015*

For years, environmental activists have opposed the Keystone XL pipeline, claiming that development of Canada's oil sands will be "game over for the climate." But if those same activists are sincere about climate change, why aren't they getting arrested outside the White House to protest the use of corn ethanol? That's a pertinent question, given a new analysis from the Environmental Working Group, which finds that corn ethanol produces more carbon dioxide than Keystone XL would - presuming, of course, that the pipeline ever gets built.

Making the issue even more relevant, last week the EPA outlined new requirements for the minimum amounts of ethanol that retailers must blend into their gasoline.

Before looking at the EWG's findings, a quick refresher on Keystone XL: Proposed in 2008, it would carry crude from Canada's oil sands to the U.S. Gulf Coast.

Two years ago, several dozen people, including leaders of 350.org and Sierra Club, were arrested outside the White House for protesting against the pipeline. It got provisional environmental approval from the State Department in 2010 and has been blocked by the Obama administration ever since.

Now back to climate change and ethanol. In a May 29 report, Emily Cassidy, a research analyst at EWG,

says that "last year's production and use of 14 billion gallons of corn ethanol resulted in 27 million tons more carbon emissions than if Americans had used straight gasoline in their vehicles." She continues, "That's worse than Keystone's projected emissions." (Another environmental group, Natural Resources Defense Council, has estimated that Keystone XL would increase carbon dioxide emissions by about 24 million tons per year.)

In a graphic comparing corn ethanol with standard gasoline and fuel produced from the oil sands, Cassidy shows that the carbon intensity of corn ethanol is about 120 grams of carbon-dioxide equivalent per megajoule of energy produced. That's about 20 percent more than standard gasoline and about 10 percent more than that produced by the oil sands.

Cassidy concludes: So far the federal corn ethanol mandate has resulted in a massive influx of dirty corn ethanol, which is bad for the climate and bad for consumers. The only interest it benefits is the ethanol industry.

The ethanol industry's interests continue to trump other interests. Consider that all the presidential candidates except Ted Cruz have come out in favor of corn ethanol. Among the most obvious examples of pandering to the corn ethanol lobby: an op-ed article by Hillary Clinton last week in the Gazette, an Iowa City newspaper.

While Clinton was in the Senate, she voted against the ethanol industry 17 times. In a 2002 letter, she and three senate colleagues called then-pending legislation that was to require the blending of 2 billion gallons of corn ethanol per year into domestic gasoline supplies "an astonishing new anti-consumer government mandate."

That same year, during a floor debate on the proposed ethanol mandates, she said she found it "impossible to understand why any pro-consumer, pro-health, pro-environment, anti-government-mandate member of this body would vote for this provision."

But since she decided to run for president, Clinton has switched sides. In her Gazette op-ed, she praises "rural clean energy" and says the Renewable Fuel Standard, the mandate that requires retailers to mix ethanol in

gasoline, has been "a success for Iowa and much of rural America."

Unfortunately, success for Iowa and the corn ethanol racket means failure for consumers and the environment.

Indeed, the EWG's analysis of corn ethanol's outsized carbon footprint should serve as a wake-up call to climate activists. They can continue protesting against Keystone XL if they like.

But if they're serious about climate change, they should join the coalition of groups -ranging from the Clean Air Task Force and the American Petroleum Institute to the National Marine Manufacturers Association and Friends of the Earth - who are calling for an end to the mandates that require motorists to use motor-fuel moonshine.

http://www.pressofatlanticcity.com/opinion/commentary/robert-bryce-corn-ethanol-emits-more-carbon-than-keystone-would/article_658b6d3c-0c07-506b-bff8-facc041f4d74.html

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CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net



Clean Air Performance Professionals

Tuesday, November 17, 2015
Councilmember Jesse Arreguin
City of Berkeley
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
(510) 981-7140 / FAX: -7144
jarreguin@cityofberkeley.info

Honorable Councilmember Arreguín,

RE: GMO climate crisis performance

Thank you for your service.

The administration of our President George W Bush's rejection of your friend, and my hero California Congressman Henry Waxman's request for a fuel oxygenate waiver supported by 52 of 53 California congressional members, may deserve a review audit of our waiver requests.

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Councilmember Jesse Arreguín thank you for your interest in our waiver audit request.

Clean Air Performance Professionals (CAPP), an award winning coalition of motorists.


Charlie Peters

Ph: 510-537-1796 / fax: -9675

cappcharlie@earthlink.net

cc: interested parties

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Pelosi urges Obama to go strong with ethanol fuel mandate

By Devin Henry – The HILL / November 20, 2015

House Democratic Leader Nancy Pelosi (Calif.) is urging the White House to strengthen its ethanol mandate for gasoline ahead of an international climate change conference.

“We hope you will keep in mind the need to reduce carbon pollution, and not expand it in the transportation sector, in the days leading up to the president’s historic efforts at the upcoming [climate] conference in Paris,” Pelosi wrote in a letter to Obama’s chief climate adviser, Brian Deese, this week.

The letter — which House Minority Whip Steny Hoyer (D-Md.) and Reps. Collin Peterson (D-Minn.) and David Loebsack (D-Iowa) also signed — comes as members and industry groups lobby the White House on the Renewable Fuel Standard and the level of ethanol the government will require to be blended into the gasoline supply.

Lawmakers from agriculture states, such as Peterson and Loebsack, as well as clean energy supporters and corn groups, have pushed regulators to increase the ethanol mandate.

“We view a robust renewable fuels rule as an opportunity to allow the agriculture and biotechnology communities a productive

path to reduce oil dependence and vehicle emissions, enhance our domestic energy security and address climate change,” the Democrats wrote.

But the oil industry, which argues that it's already blending as much ethanol as it possibly can, opposes a tougher standard, as do some environmental groups that question ethanol-based fuels' impact on the environment.

Several lawmakers, including California Sen. Dianne Feinstein (D), have looked to end the ethanol mandate altogether.

“It’s really just a bizarre position for [Pelosi] to take, especially given where her constituents are on this issue and the fact that Sen. Feinstein is working so hard on the other side to end these indefensible corn mandates and protect California consumers and the environment,” said Matt Dempsey, a spokesman for the Center for Regulatory Solutions. The group is currently running ads against the ethanol mandate in San Francisco.

The Environmental Protection Agency (EPA) is due to release three years of ethanol standards by the end of the month. The White House is currently reviewing the EPA’s final rule.

http://thehill.com/policy/energy-environment/260917-pelosi-dems-calls-for-strong-ethanol-fuel-mandate#disqus_thread

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Bernie Sanders Embraces Corn Power

By Alan Bjerga / Bloomberg / February 15, 2016

Bernie Sanders's admiration for corn-based fuel is winning him some praise in unusual places.

The self-declared socialist candidate for the Democratic presidential nomination won glowing praise today from America's Renewable Future, a pro-ethanol group drumming up biofuels support, with campaign-style offices in every Iowa county. The group is headed by Eric Branstad, son of Iowa's Republican governor, Terry Branstad, and is allied with influential Iowa political activist and GOP mega-donor Bruce Rastetter in promoting the fuel.

"We thank Sen. Sanders for his appreciation of the crucial part biofuels play in the creation of a sustainable energy future," said Patty Judge, a former Democratic lieutenant governor of Iowa and a co-chair of America's Renewable Future, in a statement released by the group. "Advanced biofuels like cellulosic ethanol have been a runaway success in Iowa, thanks to a strong RFS that created a partnership" between corn and other renewables, she said.

The statement praising Sanders came after a Sunday interview on Iowa TV in which the Vermont senator embraced corn-based ethanol and the controversial Renewable Fuels Standard. He called the state that is the top U.S. ethanol producer—and home to the caucuses that will kick off the race for the White House on Feb. 1—"one of the leaders in the country" in renewables.

"As somebody who believes climate change is the greatest global crisis that we face, I think it's absolutely imperative that we move away from fossil fuel, from oil, from coal, move to energy efficiency and move to sustainable energies. And Iowa, by the way, in general is doing a very good job," Sanders said.

Sanders didn't think ethanol, which, in the U.S., is based almost exclusively on corn, is perfect—he said sources other than grain need more emphasis. But his embrace of a fuel that's at the heart of Iowa's economy could cause heartburn for his Democratic rival, Hillary Clinton. Clinton's measured pro-biofuels position, staked out in a Cedar Rapids Gazette op-ed last May, is that "America's farmers and rural communities have to be at the heart" of renewable energy efforts.

Ethanol, a darling of the 2000s, has had a tougher time in the 2010s. A longtime tax credit and tariff expired in 2011, and resistance toward the Renewable Fuels Standard—the focus of federal biofuels support since 2007—led to a cut in government use requirements from the Environmental Protection Agency in May. Corn-based ethanol has come under fire not only from fossil fuel manufacturers, but some scientists and environmentalists who argue that it drives up food prices and nullifies its environmental benefits because of the energy required to manufacture it.

As it did with Clinton last May, America's Renewable Future invited Sanders to tour an ethanol plant.

<http://www.bloomberg.com/politics/articles/2015-09-15/bernie-sanders-embraces-corn-power>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

VW, gov't ink deal to pay owners of cheating diesels

By Associated Press / San Francisco Examiner / April 20, 2016



In this Sept. 30, 2015, file photo, John Swanton, spokesman with the California Air Resources Board, explains how a 2013 Volkswagen Passat with a diesel engine is evaluated at the emissions test lab in El Monte. (AP Photo/Nick Ut, File)

DETROIT — Volkswagen, the U.S. government and private lawyers have reached a deal for the automaker to spend just over \$1 billion to compensate owners of about 600,000 diesel-powered cars that cheat on emissions tests, including buyback offers to some owners, according to a person briefed on the matter.

The “deal in principle” includes a maximum amount of spending, but the final details, like how much each owner would get, are still being worked out, according to the person, who asked not to be identified because the deal hasn’t been made public.

Some owners would get a choice of having VW repair their cars or buy them back, but that would vary by model year and engine type, the person said. The deal does not yet include plans on how to repair the cars, the person said. The cars can spew out harmful nitrogen oxide at 40 times the allowable limit, the person said.

The agreement is likely to be announced Thursday morning during a federal court hearing in San Francisco. The person says it will not include plans to fix the cars. Those plans, and the cost of the fixes, apparently are still under negotiation.

“They’ve agreed on a maximum amount of money, over \$1 billion” for compensation, said the person. “How it’s allocated and distributed, that remains to be seen.”

It means that owners likely won’t find out Thursday how their cars will be fixed, nor will they know exactly how much they will get in compensation. With \$1 billion to spend, it works out to about \$1,700 per car. But some owners of newer models who get just a software fix may receive little. About 325,000 owners of older cars that require more extensive repairs likely will get more, because the repairs could affect mileage and performance.

At the hearing, Senior U.S. District Court Judge Charles Breyer also is to discuss a schedule for depositions and information exchange between all sides in the case. He could even set a trial date if he’s dissatisfied with the agreement.

Representatives for Volkswagen, the lawyers, and the government all declined comment Wednesday. Wyn Hornbuckle, spokesman for the Justice Department, which has sued Volkswagen, said federal officials would wait until Thursday’s hearing before speaking. John Gersten, a spokesman for a law firm representing hundreds of Volkswagen owners, said a confidentiality order barred the firm from making any comment.

The owners filed dozens of lawsuits against VW after it acknowledged in September that it intentionally defeated emissions tests and put dirty vehicles on the road. The cheating allowed cars to pass laboratory emissions tests while polluting on real roads.

Volkswagen told its shareholders last year it had set aside \$7.3 billion to help defray the potential costs of a recall or regulatory penalties. Most outside observers have said that figure is likely far too low. The company faces as much as \$20 billion in fines for Clean Air Act violations alone, before paying to fix the cars or compensate their owners.

Breyer has told the lawyers to come up with repair and compensation plans before Thursday’s hearing or face a trial. He wants to know the timing of any fixes and any planned payments to owners, among other details, by Thursday. It was unclear if the plans would satisfy the judge’s request.

Lawyers for the owners have said in court papers that if there's no deal, they want an expedited hearing or a trial before the judge to get an order for "equitable relief" that would begin in July. Or they want a full trial that would include punitive damages against VW in the same time frame.

Volkswagen says in documents that it does not believe a hearing or trial is appropriate, apparently because progress is being made toward a fix and compensation. A solution could be revealed at Thursday's hearing.

The first item on Thursday's agenda is a report on the status of fixing the cars and "related discussions." It also includes a request to add the Federal Trade Commission to the case. The FTC has sued VW alleging deceptive advertising. The owners' lawyers also are seeking documents that Volkswagen provided to the law firm Jones Day, which the company has hired to investigate how the cheating happened.

California Air Resources Board enforcement chief Todd Sax said last month he doesn't think it's technically feasible to repair any of VW's 2-liter diesel engines, under the hoods of most of the models at issue, to meet that state's stringent clean air rules.

Breyer said in March that former FBI Director Robert Mueller told him Volkswagen, government regulators and attorneys for car owners had made substantial progress toward a resolution that would get the polluting cars off the road. He did not provide any details. Breyer appointed Mueller to oversee settlement talks.

<http://www.sfexaminer.com/source-vw-govt-ink-deal-pay-owners-cheating-diesels/#>

http://www.lodinews.com/news/article_81ac49e8-416a-11e3-84b8-001a4bcf887a.html

Will California State Senate confirm a Department of Consumer Affairs / Bureau of Automotive Repair (DCA/BAR) Chief who will make sure (Partial) Zero Emissions Vehicles (PZEV) that fail Smog Check get fixed. Smog Check secret shopper audits would cut California's smog by 1500 tons per day, this will reduce the cost impact to Californians by \$billions\$.

Google: 510-537-1796 ARB ... for more opinions

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

State probe looks at Nestle's mountain water rights

By Jim Steinberg / The Press-Enterprise / June 4, 2016

The state Water Resources Control Board has launched an investigation into Nestle's water rights in the San Bernardino National Forest, adding a new layer of scrutiny to the growing public outcry into the water bottler's operations during a drought.

Last year, Nestle withdrew 36 million gallons from remote Strawberry Canyon, on U.S. Forest Service land north of San Bernardino, paying \$524 — under a permit that expired 28 years ago. Forest Service officials say permits remain in effect until they are renewed or denied.

"We have launched an investigation into the basis of their water rights" in Strawberry Canyon and requested documents supporting those rights, said Tim Moran, spokesman for the state Water Resources Control Board.

Moran said he could not say when the investigation began, but he did say that Nestle has complied and those documents are being evaluated.

Jane Lazgin, director of media and public relations for Nestle Waters North America, said she did not know a formal investigation was underway.

"We are not aware that the SWRCB has opened a formal investigation," Lazgin said in a statement. "From time to time, the board asks questions, and we are happy to provide the board with the requested information to the extent it is in our possession."

The state inquiry follows the launch earlier this year of the San Bernardino National Forest's first-ever environmental study of Nestle's operations in Strawberry Creek. The review could take anywhere from six months to two years to complete.

A meeting with Nestle officials in Sacramento is planned for June 16 to go over documents, Moran said. It's not unusual for this type of inquiry, he added. There will also be a meeting with San

Bernardino National Forest officials.

For Steve Loe, a Yucaipa resident with more than 30 years of experience as a wildlife biologist in the San Bernardino National Forest, there is a new urgency for stopping Nestle's water withdrawals while the scientific studies continue.

Water flows from Strawberry and the nearby East Twin Creek area are declining rapidly given the heat and the relatively sparse rainfall this winter, Loe said via email.

"There is no doubt these extremely low flows will greatly reduce areas of surface water and habitat capable of supporting endangered and sensitive species as well as riparian vegetation," he wrote.

Nestle has said it carefully monitors rainfall and spring flows and makes adjustments as conditions change.

In calendar year 2014, it reported collecting approximately 28 million gallons and approximately 36 million gallons in 2015, which had higher rainfall than the previous year, according to Lazgin.

And the legal process continues June 13 for the lawsuit filed late last year against the Forest Service. The lawsuit, filed by the Center for Biological Diversity, Courage Campaign Institute and Story of Stuff Project, claims the Forest Service allowed Nestle's pipelines, pumps and other structures on federal land for too long after the permit expired.

Two of the plaintiffs in the lawsuit, Courage Campaign Institute and Story of Stuff Project, along with Corporate Accountability International are holding a digital town hall event at 5 p.m. Thursday to discuss strategies for stopping Nestle's bottling operations in the San Bernardino Mountains and elsewhere, according to Courage Campaign spokesman Tim Molina.

<http://www.pe.com/articles/nestle-804847-water-forest.html>

I'm Confused, state water control board & CalEPA may have a conflict of interest.

Questions on ethanol in water for Public use at home and in the grocery store.

California Regulators Know Ethanol is a Carcinogen

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Robert Mueller:

Special settlement master in Volkswagen emissions case

Automotive News / November 28, 2016

As the court-appointed special settlement master, former FBI Director Robert Mueller, 72, steered the talks that produced the record-setting \$14.7 billion settlement of VW's 2.0-liter diesel emissions violations in a matter of months.

As the court-appointed special settlement master, former FBI Director Robert Mueller, 72, steered the talks that produced the record-setting \$14.7 billion settlement of VW's 2.0-liter diesel emissions violations in a matter of months.

When the final deal was filed in U.S. District Court in San Francisco in late June, it laid out a plan to get the dirty diesels off the road within three years. It also required VW to pay \$2.7 billion in environmental mitigation projects and invest \$2 billion in zero-emission vehicle projects.

It was a breathtakingly quick resolution to a complex problem. VW's emissions violations created a web of overlapping claims by state and federal regulators, and owners who needed to be made whole. Not to mention what to do with the 475,000 VW diesels, which were still spewing excess nitrogen oxide pollution as each day passed with them still on the road.

The speed even caused VW's attorney, Robert Giuffra, to remark in an April court hearing, "we're not aware of another [multi-district litigation] that's moved as quickly as this one."

After marathon negotiating sessions that sometimes stretched into the early-morning hours, an agreement in principle was reached in about four months. VW is now able to begin buying back the dirty diesels, just a little more than a year after its violations were made public.

<https://www.autonews.com/article/20161128/OEM02/311289959/robert-mueller>

<http://www.foxbusiness.com/features/2017/03/05/german-chancellor-angela-merkel-to-testify-on-volkswagen-emissions-scandal.html>

VW-Shell-Parsons-EPA Partners?

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

... Swalwell's Iowa memory: Algona fired his dad

By Kathie Obradovich / Des Moines Register / April 9, 2018

What Eric Swalwell remembers most about growing up in Iowa was the time his dad got fired as Algona's police chief.

Swalwell, 37, now a California congressman who may run for president, was in preschool at the time, and he was a little confused.

"My memories in Iowa are mostly around him being a cop, because I remember the police car," he said. "But I also remember being scared, because I heard my mom and dad talking about my dad getting fired. And I associated 'fire' with getting burned."

Swalwell, who was born in Sac City, has been spending time in Iowa and other Midwestern states, helping Democrats campaign in advance of the 2018 elections. He stopped in to the Smokey Row coffee shop in Des Moines on Sunday morning in between phone calls about the Chinese tariffs hitting wineries in his district. Later, he was scheduled to visit an Iowa farmer to discuss the effect of the tariffs on Iowa agriculture.

Having an Iowa birth certificate is a coveted asset for any potential presidential candidate. The Iowa caucuses are expected to kick off the presidential nominating process again in 2020. But while other politicians like to gush about the bliss of rural life, the tale of how Swalwell's dad got fired over small-town politics doesn't flatter Algona in the least.

The way Swalwell remembers hearing the story, his dad got into hot water with the mayor and a city council member in August 1985 for towing their cars — which he said were parked in a fire lane at the county fair.

The Des Moines Register's reports from the time show that parking tickets from the Kossuth County Fair did indeed raise the mayor's and council members' ire against the police chief.

The chief, Eric Swalwell Sr., refused to void 21 tickets issued to illegal parkers on a street near the fairgrounds. A city council member told the Register at the time that the cars were blocking driveways and fire hydrants, causing a safety hazard.

The Register reports don't say whether the mayor or any city council member received a ticket or that anyone was towed. They do report that a fair board member had told the council that the mayor had assured board members the tickets would be voided.

There were other grievances against the 38-year-old police chief as well, most of which had to do with his unpopular efforts to enforce laws against illegal drinking in city parks and selling alcohol to minors.

After a six-month legal battle that divided the town, the senior Swalwell took a settlement and left, moving his family to California.

"I think that was maybe one of my earliest lessons in doing the right thing even when it's not comfortable and it means that you may lose your job," Swalwell Jr. said Sunday.

These days, the three-term congressman is trying to get some people fired, including two-term Republican Congressman Rod Blum. Swalwell's Future Forum, a political action committee, has endorsed Democrat Abby Finkenauer in that race. The 28-year-old state representative from Dubuque is running in a four-way primary.

"The way I see it, if we win Iowa, we win the House," Swalwell said, because that likely would mean Democrats won back other Midwest seats. "There are just not enough seats in California and New York and New Jersey to put us back in the majority."

Future Forum has not endorsed a candidate in Iowa's 3rd District, where three candidates are seeking the Democratic nomination, or in the three-way race in the 4th District.

Swalwell endorsed and worked with Maryland Gov. Martin O'Malley's presidential campaign in 2016. These days, however, he is encouraging a big primary field for 2020.

"When we kind of have preordained nominees, that's not necessarily as helpful," Swalwell said. "I think crowded primaries also flush out weaknesses."

He said people are encouraging him to run and says it's something he'll consider. But the 2018 elections come first.

"Our country needs help and I think the best way to help the country is to bring new energy, new ideas and new leaders to solve the problems. For me, there's nothing more important than serving my constituents and winning the House," he said.

<https://www.desmoinesregister.com/story/opinion/columnists/kathie-obradovich/2018/04/09/congressman-eric-swallow-iowa-2020-dad-fired-algona-police/498643002/>

Ethanol Waiver for \$2 Gas, Clean Water & Clean Air

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net



Clean Air Performance Professionals

September 7, 2018
Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, California 95814
Fax: 916-558-3160

Introduction: Position Statement

Ethanol Voluntary Waiver for Improved Financial, Air and Water Considerations

There is significant concern regarding both the issue of global warming and the development of renewal fuels. Both concerns could be impacted in a positive way through a sensible approach.

Financial Economic Impacts:

Implement a waiver for voluntary ethanol for California gasoline. Some believe there is a proposal for a single federal allowance of 15% ethanol but there are also waivers showing other levels including none. Allowing for 15% and a voluntary choice generates policy that significantly increases not only the supply of oil but can also affect the price.

As funny as it might seem using ethanol actually increases the use of fossil fuel!

Fuel economy per gallon of gas is reduced due to the introduction of ethanol because the performance output is less than with unblended fuel. The net result is a loss of gas mileage per tank of gas so "more" fossil fuel is needed to cover the same distance driven.

The price of a gallon of gas is impacted by the introduction of ethanol due to increased transportation methods used today such as ships, barges, trains and trucks. Refining techniques required by California environmental policy mandates a boutique fuel which cannot be sold elsewhere affecting economies of scale which increases the cost.

Without these parameters the price of a gallon of gas could be reduced by at least \$2.00 per gallon to the consumer.

Air Quality and Water Contamination:

Ethanol increases undesirable particulate matter and ozone levels into the air. As was seen in Brazil within the last 5 years when their fuel was blended with 25% ethanol a public health crises was created leading to smog and negative health impacts.

According to an Environmental Protection Agency Report as referenced in an article in the Daily Caller by Jason Hopkins August 4, 2018 stating that "Air Quality modeling suggests that production and use of ethanol as fuel to displace gasoline is likely to increase such air pollutants as PM2.5, ozone and SOx in some locations. While traditional gasoline contains more CO2, ethanol-based fuels have more nitrogen oxides (NOx), which can be more harmful to human health".

Here in California with the high level of use of ethanol the outcomes may be even worse.

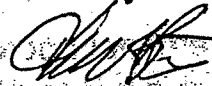
The exposure of ethanol to the water supply is a particularly difficult subject requiring our concentrated efforts to stop any leaking of carcinogens from getting into the ground water.

Wildlife habitats along with plant, agriculture and public use is all at risk when levels of contamination occur resulting in not only associated health problems but unusable areas of land and water.

Suggested Approach:

Emergency study to evaluate ethanol impacts on the environment and the economy. This can be accomplished quickly by a study at the Caldecott tunnel using existing protocol which can demonstrate the factual basis for the improved environmental and economic impacts in California along with answering the ethanol question.

Thank you for your service to California



Charlie Peters
21860 Main Street Ste A
Hayward California, 94541
510-537-1796
cappcharlie@earthlink.net
cc: interested part

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

How Volkswagen turned from diesel pariah into electric gorilla

By David Ferris / E&E News / January 3, 2019

**... A special master
— a certain former
FBI chief named
Robert Mueller —
oversaw the
negotiations. ...**

<https://www.eenews.net/stories/1060110789>

<http://www.foxbusiness.com/features/2017/03/05/german-chancellor-angela-merkel-to-testify-on-volkswagen-emissions-scandal.html>

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Ethanol Waiver for \$2 GAS, Clean Water & Clean Air

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Californian lawmakers request investigation into gas surcharge

By Jobina Fortson / KGO ABC 30 / January 29, 2019

BERKELEY, Calif. -- More than a dozen California state lawmakers have called on the attorney general to investigate our gas prices after the discovery that we may be paying more than we should - a lot more.

"Welcome to California," Jesus Murillo of Fairfield, said.

According to AAA, the national average on January 29 was \$2.25, while California's is \$3.25.

A mystery surcharge of anywhere from 20 to 40 cents per gallon may be one reason behind the cost.

"I just want to know what's it for," China Crawford, a Vallejo resident said. "Where's it going? That's what I'd like to know."

Everyone else seems to want the answer to Crawford's question too.

Somewhere between the refinery and the pump the cost is added. U.C. Berkeley Haas School of Business professor, Severin Borenstein, found the mystery while leading a committee formed by the California Energy Commission in 2014.

"It's not explained by the fact that we have higher taxes or a cap and trade program for greenhouse gases, or burning cleaner gasoline," Borenstein said. "So, that's the problem."

Borenstein's final report was released in 2017. He noticed the spike in gas prices after a California refinery explosion in 2015. The never really went back down after that. Since 2015, Borenstein said the mystery surcharge has cost Californians anywhere from \$3 billion to \$5 billion a year.

That staggering number is getting the attention of lawmakers.

"We really want to see the attorney general's office to investigate this surcharge, get to the bottom of what is causing this and hopefully find a solution," Assemblymember Rebecca Bauer Kahan said.

More than a dozen lawmakers sent a letter to the Department of Justice on Monday. At last check, they had not received a response.

<https://abc30.com/politics/californian-lawmakers-request-investigation-into-gas-surcharge/5112363/>

Fuel Ethanol Waiver for \$2 GAS, Clean Water & Clean Air?

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Why much of the country is headed for \$4 gas

By Martha C. White / ABC News / April 8, 2019

A consortium of oil-producing countries has taken more than a million barrels a day off the market — and that's the least of the problems plaguing American gasoline prices.

Across the U.S., regular gas averaged \$2.77 a gallon, up 7 cents on the week and 29 cents on the month, according to GasBuddy. Last year, gas prices topped out at \$2.98 at the outset of Memorial Day weekend.

Skyrocketing prices are particularly pronounced on the West Coast. According to GasBuddy, California already has the highest gas prices in the country at an average of \$3.77 per gallon for regular gas, an increase of 49 cents over last month's average. GasBuddy head of petroleum analysis Patrick DeHaan warned in a Sunday tweet that prices weren't done going up just yet, predicting that the average price in California will top \$4 this week.

"It's nothing short of spectacular on the West Coast. A trifecta of issues is causing gas prices to surge," DeHaan said.

Oil prices are climbing, but that only accounts for about one-quarter of the recently higher gas prices American drivers have been facing, he said. A bigger issue is that this is around the time of year when many oil refineries plan maintenance as they make their annual switch to summer-blend fuels.

This year, unexpected issues took a higher number of refineries offline, squeezing supplies. "This laundry list of refinery issues, both planned and unplanned, is having a dramatic impact on prices," DeHaan said. "It's almost inevitable every year that there will be a refinery issue."

Another factor driving up gas prices is ethanol, a corn-based fuel refiners are required to mix into summertime gasoline blends. Flooding in key Midwestern ethanol production hubs like Chicago has disrupted the delivery of ethanol and made supplies scarce.

The upshot is that drivers in different parts of the country will continue to see prices climbing in the coming weeks, albeit at different rates.

“At OPIS, we still think gasoline prices on balance for the driving season are going to be slightly lower than they were last year. The major exception to that is the West Coast,” said Tom Kloza, global head of energy analysis at Oil Price Information Service. “We’ve added 2.4 million barrels a day of refining capacity, but it’s all been added in the Midwest and Gulf Coast,” he said.

“This has been the most rapid runup seasonally that we’ve seen since 2012, and it may soon outpace 2012. I think we may see the national average advance another 15 to as much as 30 cents, which would put us slightly above the \$3 mark,” DeHaan predicted.

“I think they probably get relief in May or June, but you’re going to see a lot of \$4 gas in California this week and next week,” Kloza said. Gas prices in other Western states like Washington, Oregon and Nevada also have escalated sharply.

“It’s an expensive second quarter in those states — in many cases, \$1.25 more than the rest of the country,” Kloza said. “In the rest of the country, it’s kind of like a normal spring.”

Looking beyond the immediate West Coast supply crunch, analysts said they expected geopolitics and the activities of OPEC and non-member allies like Russia (referred to by analysts with the shorthand OPEC+) to have a greater influence on prices.

“For now, oil prices seem to be heading upwards, albeit slowly,” said Sukrit Vijayakar, director of Mumbai-based energy consulting firm Trifecta. “We will have to wait and watch to see what happens at those levels.”

“I think OPEC is over-complying,” Kloza said. “They’re cutting more than they promised,” he said of the cartel’s pledge to reduce output by

1.2 million barrels a day beginning this year. These cuts are exacerbated by conflicts in oil-exporting countries like Venezuela — which faces U.S. sanctions — and Libya.

“I don’t think we’ve had this little breathing room between supply and demand balance in several years. OPEC is significantly a driving force in that,” DeHaan said.

“The U.S. is in a bind as OPEC+ and speculators are hell-bent on taking prices higher, and that could have repercussions in the U.S.,” Vijayakar said.

Although President Donald Trump has excoriated OPEC on Twitter in the past, analysts say the White House holds relatively little sway over the cartel’s activities.

The Trump administration has implemented other tactics for influencing prices, such as issuing last-minute waivers to eight countries in advance of the Iran sanctions that went into place last year, blunting the impact those sanctions had on prices.

The waivers are on track to expire at the beginning of May, but Vijayakar suggested that climbing oil prices could prompt the U.S. to give some countries — notably, China and India — longer waivers. “In a bid to keep the situation under control, Trump may allow a further extension to these countries,” he said.

But analysts say there are more price drivers that are out of U.S. policymakers’ hands. “I think oil is going to continue to be a pressure point behind gas prices this summer,” DeHaan said. “How high we go there is more a function of what we’re seeing globally... All it will take is one geopolitical flare-up that disrupts the flow of oil.”

<https://www.nbcnews.com/business/energy/why-much-country-headed-4-gas-n992216>

Google: 510-537-1796 ARB

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Sen. Amy Klobuchar sees common ground in ... climate change

By Shelby Fleig / Des Moines Register / April 13, 2019

NEVADA, Ia. — As wild winds blew the lime green hard hats off the heads of campaign staff and journalists, Sen. Amy Klobuchar toured one of Iowa's 43 ethanol plants on Friday afternoon — vowing to protect the state's farmers and their investment in the renewable fuels industry if elected president.

Ethanol has long been a priority for Iowa voters, who credit the biofuel with bolstering the rural economy and lowering dependence on foreign oil. But Iowans questioned whether the issue had lost relevance after Sen. Ted Cruz of Texas won the Republican Iowa caucuses in 2016, despite his support for phasing out the U.S. Renewable Fuel Standard.

Now, Democrats running in 2020 are balancing their support for ethanol production in Iowa while pitching bold action on climate change.

To satisfy both farmers and environmentalists who oppose biofuels, Klobuchar suggested she'd approach the issue by forming a coalition of common interests.

Even environmentalists who don't see biofuels as a remedy to climate change agree that oil refineries should not get waivers that exclude them from the Renewable Fuel Standard, she said.

"I've never taken oil PAC money, but they own a lot of people, basically," Klobuchar said Friday at Lincolnway Energy, a small ethanol plant operating since 2006.

More than half of Iowa's corn is used for ethanol production, with almost 40% of it used for ethanol fuel specifically, according to the Iowa Corn Growers Association.

Popular among Republicans and Democrats in Iowa, ethanol's long-term environmental impacts are debated nationally.

The U.S. Energy Information Administration says ethanol is carbon neutral because the corn used to make it absorbs carbon dioxide as it grows.

As a Senator from Minnesota, @AmyKlobuchar has long been a champion for rural issues. Very grateful she took the time to visit an ethanol plant in Nevada today, and that she continues to elevate the positive impact of renewable biofuels in Rural America. Thanks, Amy! #IACaucuspics.twitter.com/8TAysy4SOE

But environmental groups, including the Sierra Club, argue that too much land is being converted to grow more corn for ethanol, hurting natural landscapes and wildlife.

Across the street from the ethanol plant, a row of wind turbines spun steadily.

"When I see those wind turbines out there and think of solar and how that benefits us more in the middle of the country, you could put together a package that the Midwest would like," she

said. "And it could include stopping some of the shenanigans when it comes to these waivers, and the sucking up to the fossil fuels."

Former Lt. Gov. Patty Judge, who toured the plant with Klobuchar, complimented the Minnesota senator for grasping the issue.

"We have a lot of candidates coming into Iowa right now and a lot of people don't have the background that you have on these issues," said Judge, Iowa's first and only female secretary of agriculture, who founded the Focus on Rural America nonprofit.

Farmers are "in a bad place right now," Judge said.

If the waivers aren't ended, she said, the effects "are going to be very dire, not just for this ethanol plant, but for producers."

The Environmental Protection Agency on Friday said it is considering a rule that would name oil refineries with waivers.

Last month, the EPA announced its plans to finalize regulation allowing year-round access to gasoline with 15% ethanol, or E15. President Trump first touted the idea in Council Bluffs last October, claiming falsely that Democrats in the state want to "end ethanol."

Most gas sold in the U.S. is 10% ethanol, but the Trump administration's push for year-round E15 would bolster the rural economy, advocates say. Klobuchar agrees.

Several of Klobuchar's fellow candidates have spoken in support of ethanol and its importance to Iowa farmers.

Beto O'Rourke was the first in the crowded field to visit an Iowa ethanol plant when he toured Big River Renewables in West Burlington last month, and later explained his support for ethanol in Fairfield.

"All of these renewable energy resources, let's continue to invest in them," O'Rourke told Iowa voters in March. "Let's continue and speed up our transition from fossil fuels, and let's reassert some global leadership."

Klobuchar, who is pitching her bipartisan record and support as Democrats' best chance of beating Trump, said she wants to address climate change in the same vein.

She said she'd work with environmentalists to take on oil companies and benefit farmers at the same time. One idea: legislation that combines renewable fuel and renewable electricity standards.

"I think we can find common ground," Klobuchar said.

<https://www.desmoinesregister.com/story/news/elections/presidential/caucus/2019/04/13/iowa-caucuses-2020-amy-klobuchar-common-ground-ethanol-climate-change-biofuel-epa-waivers-trump-e-15/3426429002/>

Sierra Club-California Senator Support Corn Ethanol Waiver?

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Thank ethanol for pain at the pump

The Colorado Springs Gazette Editorial Board / April 17, 2019

Iowa's two senators, Chuck Grassley and Joni Ernst, are hosting a field hearing this coming week in western Iowa to discuss the devastating floods that have hit the Midwest. You can see the lesser effects of this flood without traveling to the banks of the Missouri River just by driving down to your nearest gas station, where prices are skyrocketing.

How could flooding in Missouri affect the price of gasoline in Los Angeles, you may wonder? Through the magic of the ethanol mandate, an indefensible corporate welfare boondoggle beloved by Republican and Democratic politicians.

Ethanol is an alcohol made from plants, mostly corn in the U.S. In addition to getting you drunk, it can act as a fuel additive. You've probably noticed those signs on gas pumps informing you that your gasoline contains 10% ethanol. That means your gasoline is less efficient and will slowly wreck your motorcycle, boat, and lawnmower.

So, why do refiners put ethanol in your gasoline? Because the federal government requires it. The federal ethanol mandate created by President George W. Bush (officially the Renewable Fuel Standard) was a sop to the ethanol lobby, which wields extra clout thanks to prominence of the Iowa caucuses.

The floods across the Midwest have overwhelmed roads and rails and thus trapped millions of barrels of ethanol in the heartland. In a sane world, this wouldn't harm drivers who just want some regular old gasoline. But thanks to the Renewable Fuel Standard, it's effectively illegal to sell gasoline without ethanol in it.

Supply curtailed by nature, demand legislated by Congress — blend them together, and you get \$4 a gallon in San Francisco and sharply climbing prices in most of the country.

This ethanol squeeze isn't the only factor pushing up gasoline prices, of course. But pushing up gasoline prices isn't the only harm of the ethanol mandate.

Ernst and Grassley's hearing this week will focus on the Army Corps of Engineers and how the federal government can mitigate the harm of future floods. These two lawmakers are perfectly positioned to mitigate the harm future floods will pose to the rest of the country by dropping their stubborn support of the Renewable Fuel Standard.

We know why Grassley and Ernst love the mandate, but that doesn't make it OK. The Renewable Fuel Standard is pure special-interest politics. It enriches corn growers and ethanol refiners at the expense of the rest of the country by forcing us to buy something we don't like.

Any Democratic candidate with guts, and who really wants to stand up to the special interests, will say in Iowa that the Renewable Fuel Standard needs to go. The Republican Senate, if it actually believes in free markets, would pass a bill winding down the Renewable Fuel Standard over five years.

Americans are happy to help the farmers of Iowa recover from these floods. But we're not happy to keep tolerating their special-interest corporate welfare.

https://www.coloradopolitics.com/opinion/editorials/the-colorado-springs-gazette-thank-ethanol-for-pain-at-the/article_a8ce69b8-6084-11e9-b092-83cbad2167dd.html

<http://www.foxbusiness.com/features/2017/03/05/german-chancellor-angela-merkel-to-testify-on-volkswagen-emissions-scandal.html>

VW-Shell-Parsons-EPA Partners?

Ethanol Waiver for \$2 Gas, Clean Water and Clean Air

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

California governor seeks explanation for high gas prices

By ADAM BEAM / AP News / April 24, 2019

SACRAMENTO, Calif. (AP) — California's governor wants to know why gas prices are higher than in the rest of the country, blaming potential "inappropriate industry practices" Tuesday rather than the state's higher taxes and tougher environmental regulations.

Democratic Gov. Gavin Newsom asked the California Energy Commission for an analysis of the state's gas prices by May 15. California drivers were paying an average of \$4.03 per gallon Tuesday, or \$1.18 more than the national average, according to AAA.

Higher taxes, along with a combination of tougher gas standards and environmental regulations, normally account for about 70 cents of that difference, said Gordon Schremp, a senior fuels specialist with the California Energy Commission. But the rest is a mystery.

In 2017, the state's Petroleum Market Advisory Committee found that California has had "a continuous and significant unexplained differential compared to the rest of the country" since February 2015. That difference has cost Californians more than \$17 billion, or about \$1,700 for a family of four, said Severin Borenstein, faculty director at the Energy Institute at the University of California, Berkeley's business school.

In a letter to energy commission chairman David Hochschild, Newsom defended the state's environmental standards, accusing critics of using the high prices to "undermine our clean air and safety standards."

"Independent analysis suggests that an unaccounted-for price differential exists in California's gas prices and that this price differential may stem in part from inappropriate industry practices," Newsom wrote.

The commission agreed to do the price analysis but declined further comment.

Western States Petroleum Association President Catherine Reheis-Boyd noted that California's gas prices have been scrutinized in dozens of government inquiries, "all of which concluded the dynamics of supply and demand are responsible for movements in the price of gasoline and diesel fuel."

Spiking gas prices have caused headaches for California policymakers since the Legislature approved a 12-cent gas tax increase in 2016.

Last year, voters recalled a Democratic state senator who voted for the increase and replaced him with a Republican. But a statewide ballot initiative to repeal the higher tax failed with more than 56 percent of the vote.

As gas prices kept climbing, 19 state lawmakers in January asked Attorney General Xavier Becerra to investigate the "unexplained surcharge."

"This mystery surcharge happens between the refinery and retail purchase by the consumer," Democratic Assemblyman Marc Levine said. "This is a punitive, abusive practice that Californians are paying."

But it's unclear if Becerra's office took any action. Representatives from his office on Tuesday would not confirm or deny an investigation.

<https://apnews.com/d9eae4f406024e99b8cd2b87d7875e42>

Corn Ethanol Waiver for \$2 Gasoline, Clean Water & Clean Air

Tunnel Waiver Study may Show Credits for FREE Road Fix.

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

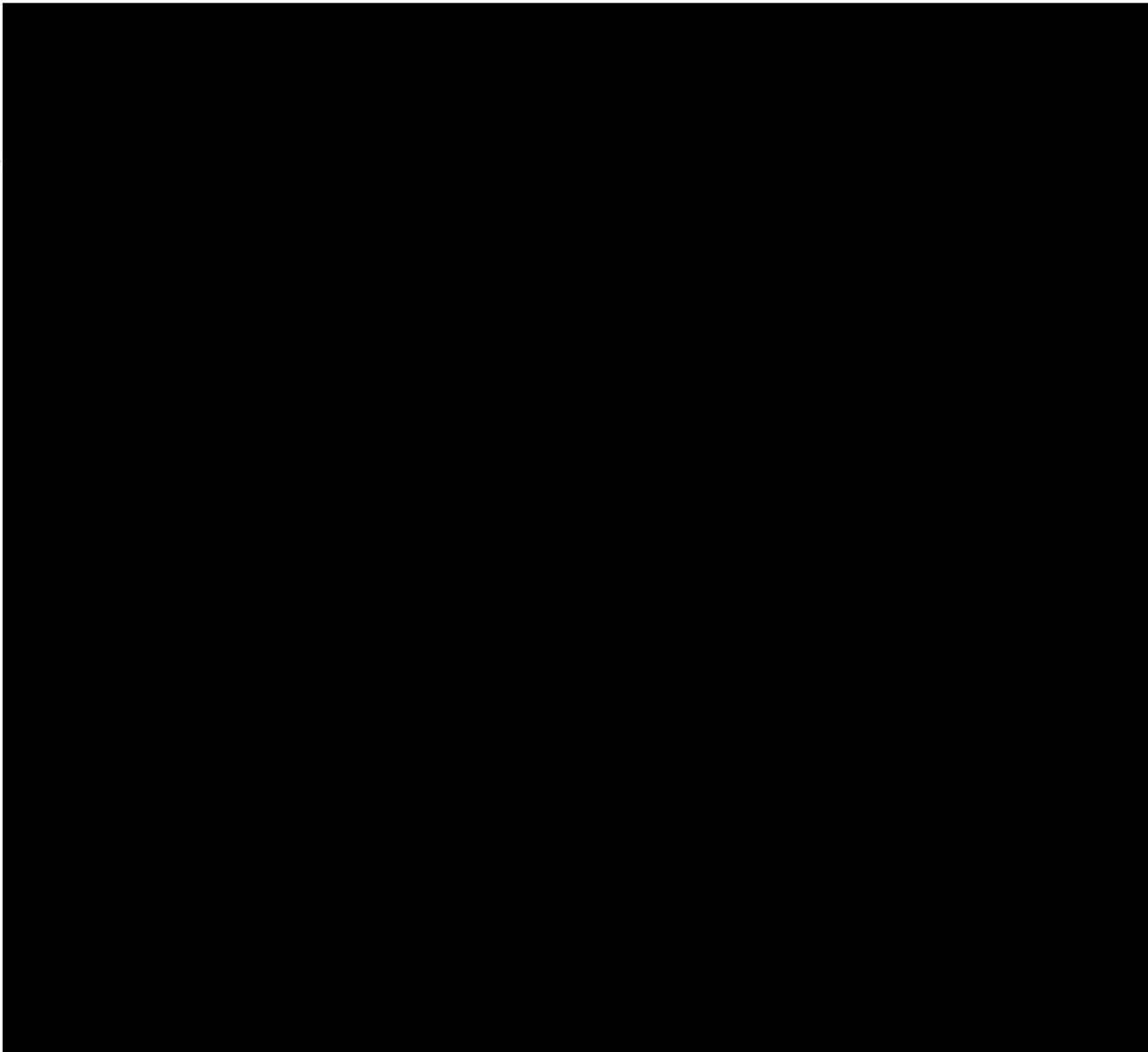
PUBLIC COMMENT

TIM DRAGONI

Petition to City of Hayward

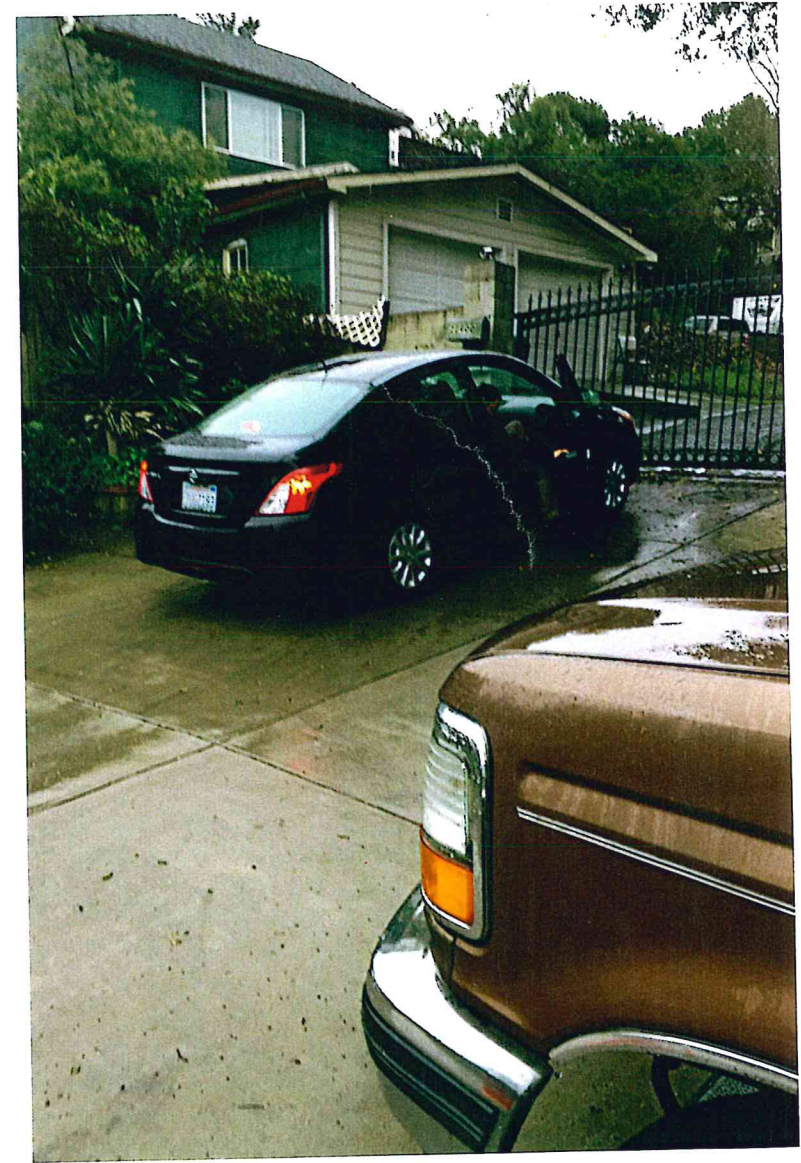
Per the need of the homeowners on Seventh Street in Hayward California, we the undersigned residents of a non-city maintained, very narrow street, respectfully request the City of Hayward and all pertinent authorities therein to take immediate action to rectify the business nuisance and danger of the AIR BnB Property at 22900 7th Street. Below is a list of community hazards and damages. We request the city of Hayward to issue a cease and desist order for the AIR BnB Business Property's operation for the following reasons.

- *The private road (easement) is only a 20-foot-wide easement for homeowners (Single Family Residence occupancy) to egress and regress, **not meant for daily business traffic or capacity.***
- *The road (easement) contains unpaved gravel and **cannot support business traffic.***
- *The road is **not maintained** in any fashion by the City of Hayward.*
- ***The Air BnB business is within the Urban-Interface fire-zone. Life Safety issues must be addressed.***
- *The Air BnB business contains numerous difficulties for first responders in the event of a fire or other disaster.*
 - *Including; locked electric gate with no emergency access. Business activity that contributes to multiple fire hazards. Property is **heavily wooded** with a lot of unpermitted business activity for a single-family residence.*

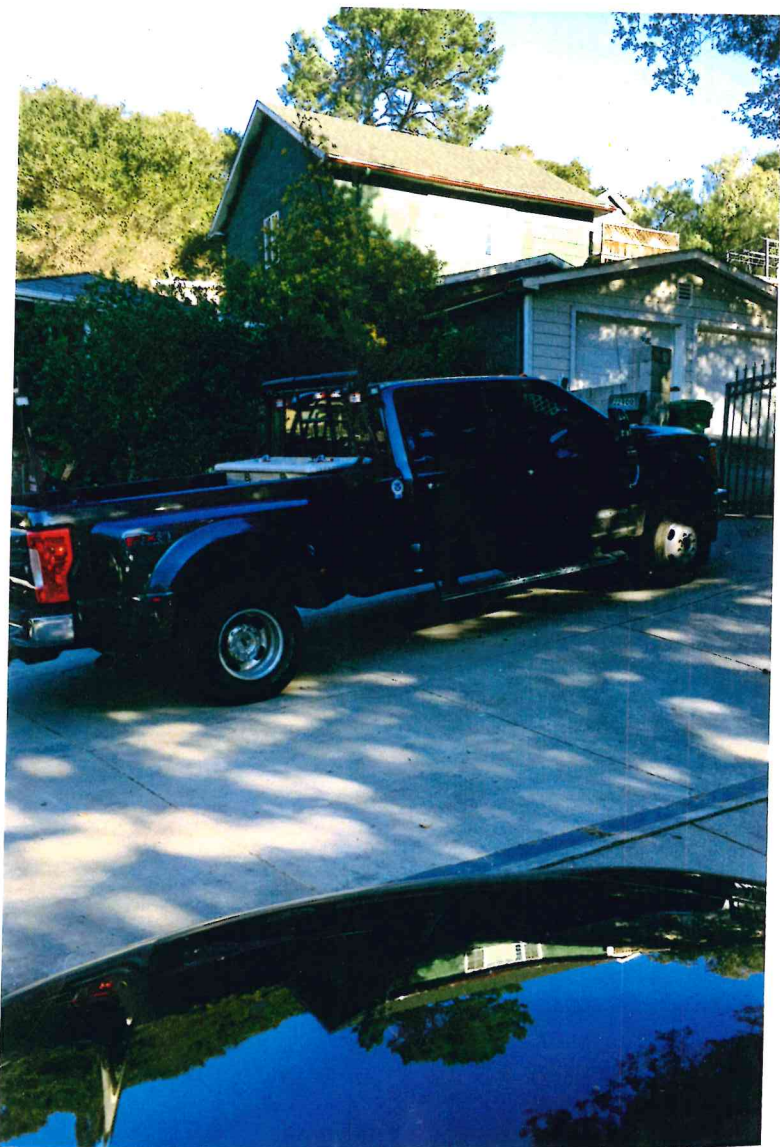




OUTSIDE DEFECATION WITH TRAILER RENTAL



DRIVEWAY BLOCKED BY A.B. & B
TRAFFIC



FIRE HAZARD



HAYWARD

Michelle Torres
Code Enforcement Inspector II
Code Enforcement

777 B STREET
HAYWARD, CA 94541-5007

T 510.583.4172

F 510.583.4994

E michelle.torres@hayward-ca.gov

www.hayward-ca.gov

18-2687 CASE #

ITEM #8 – PH 19-027

**ADOPTION OF THE DOWNTOWN SPECIFIC
PLAN AND DEVELOPMENT CODE AND
CERTIFICATION OF THE FINAL
ENVIRONMENTAL IMPACT REPORT, PER CEQA,
WITH A STATEMENT OF OVERRIDING
CONSIDERATIONS AND MITIGATION
MONITORING AND REPORTING PROGRAM**

REVISIONS



DATE: April 30, 2019

TO: Mayor and City Council

FROM: City Manager

THROUGH: Director of Development Services

SUBJECT Adoption of the Downtown Specific Plan and Development Code and Certification of the Final Environmental Impact Report, per CEQA, with a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (Report from Development Services Director Simpson)

RECOMMENDATION

That Council accepts the amendments to agenda item #8, PH 19-027, regarding minor corrections to page 3 of Attachment II Ordinance of the Downtown Specific Plan item. Attached is a “track changes” version of the Ordinance showing the changes on page 3.

Recommended by: Damon Golubics, Senior Planner

Approved by:

Kelly McAdoo, City Manager

ORDINANCE NO. 19-__

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD ADOPTING THE DOWNTOWN DEVELOPMENT CODE AND AMENDING THE CITY'S ZONING MAP TO INCORPORATE ALL PROPOSED DOWNTOWN HAYWARD REGULATING PLAN MAP AMENDMENTS CONTAINED IN FIGURE 2.1.020.1 OF THE DOWNTOWN SPECIFIC PLAN AND CODE

WHEREAS, on April 30, 2019, the City Council held a public hearing and adopted findings of support for the adoption of the Downtown Development Code and all proposed Zoning Map amendments as set forth in the companion Resolution (No. 19-__); and

WHEREAS, the Council hereby finds, based on evidence and records presented, that:

A. All proposed Zoning Map amendments are necessary to implement the Downtown Specific Plan and Code;

B. The Downtown Specific Plan and Code, along with all proposed Zoning Map amendments, will ensure that the definitive and precise vision of the Plan and Code is achieved;

C. There are six (6) separate land use documents that regulate development and establish land use policies/goals for areas within Downtown Hayward. This number of documents makes it difficult to implement a consistent vision for various projects in the City. One of the many reasons for the City to craft a new Downtown Specific Plan is to make it easier for everyone interested in doing business in Downtown to comply with the goal of creating a more dynamic shopping, entertainment and arts district. All proposed Zoning Map and Code Amendments will help accomplish this important project goal;

D. The Downtown Specific Plan and Code provides a strategy to achieve the community's vision of a resilient, safe, attractive, and vibrant historic Downtown by clearly outlining an implementation plan, delineating an inclusive, multi-modal circulation system, integrating public open spaces, and establishing new regulations that clearly establish Downtown Hayward as the heart of the City and a destination for visitors and residents. The proposed Zoning Map and Code changes will help implement this key Specific Plan and Code strategy;

E. The Plan will guide initiatives and investments that capitalize on the City's unique assets, such as its central location in the Bay Area, its proximity to educational institutions, the Downtown Hayward Bay Area Rapid Transit (BART) station, the beautiful parks, creek and public gardens, the compact street grid, the historic buildings, and the extensive public

art. All proposed Zoning Map and Code amendments will enhance all future initiatives and investments within the Downtown Plan area boundaries;

F. Pursuant to Section 10-1.3400 (Amendments) of the Hayward Municipal Code (Zoning Ordinance), all proposed parcels and properties within the City of Hayward Downtown City Center Priority Development Area (PDA), which is also the Study Area for the Downtown Specific Plan project, shall be rezoned to new zoning designations as shown on Figure 2.1.020.1 (Regulating Plan) Downtown Specific Plan Development Code (Page 2-4). The rezoning complies with the "Purpose" of the Amendments Section (Section 10-1.3405) of the Hayward Municipal Code (Purpose) as initiated by the Hayward City Council since the benefit of the proposed rezoning benefit the public necessity, convenience, and general welfare. All proposed rezoning reflects the independent judgment of the Planning Commission and its staff and as adequate and in compliance with purpose and intent of the Downtown Specific Plan and Code.

G. All proposed properties subject to reclassification are within the Downtown Specific Plan Study Area/PDA as directed by the City Council pursuant to Sections 10-1.3415 (Initiation) of the Hayward Municipal Code.

H. The Planning Commission held a public hearing on March 28, 2019 and reviewed all reclassifications in the Downtown Specific Plan and Code pursuant to Section 10-1.2820 of the Hayward Municipal Code. Notice was given pursuant to Section 10-1.2820.

I. Pursuant to Section 10-1.3425 of the Hayward Municipal Code, the Planning Commission recommends approval of all proposed reclassifications to the City Council. The Commission's recommendation for approval are based upon all the following findings:

- Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward. All proposed rezonings are consistent with the purpose and intent and all other applicable provisions of the Downtown Specific Plan and Code;
- The proposed changes are in conformance with the purposes of the Ordinance for the Downtown Specific Plan and all applicable, officially adopted policies and plans;
- Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified. Utility and traffic modeling was done for the Downtown Specific Plan project affirming that there are adequate streets and public facilities to serve all uses permitted when property is reclassified or rezoned; and
- All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be

achieved which is not obtainable under existing regulations. Each rezoned property within the Downtown Specific Plan Study Area will be within the purpose and intent of the Downtown Specific Plan, specifically that all uses permitted will have of a beneficial effect currently not achieved or obtainable under all existing regulations governing uses within the Plan Study Area.

J. On April ~~2330~~, 2019, the City Council held a public hearing on each Planning Commission recommendation for approval related to the proposed rezoning within the Plan Area (Section 10-1.3430) and Notice was given pursuant to Section 10-1.2820.

K. The City Council considered all reclassifications at their April 30, 2019 meeting.

L. The City Council or Planning Commission did not impose any conditions of approval for the reclassification of property within the Downtown Specific Plan Study Area contrary to Section 10-1.3450 of the Hayward Municipal Code.

M. The Ordinance rezoning and reclassifying property within the Downtown Specific Plan Study Area shall become effective upon adoption of the Ordinance. In the case of an Ordinance relating to a text amendment, the decision of the City Council shall become effective 30 days after adoption of the ordinance.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions. The City Council incorporates by reference the findings contained in Resolution No. 19-__ as well as the Findings set forth above, in support of all proposed Zoning Map and Code amendments as identified in Figure 2.1.020.1 (Regulation Plan) of the Hayward Downtown Specific Plan and Code.

Section 2. Downtown Development Code as shown on Exhibit "A" is hereby adopted. Section 3. The City's Zoning Map is hereby amended to change all Zoning Map designations to the proposed Zoning Map changes as identified in Figure 2.1.020.1 (Regulation Plan) of the Hayward Downtown Specific Plan and Code as shown in the attached "Exhibit ~~BA~~," introduced herewith and as specifically shown in this Ordinance.

Section 4. Severance. Should any part of this Ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this Ordinance, which shall continue in full force and effect, provided that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 5. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Mayor of the City of Hayward

DATE: _____

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

AGENDA QUESTIONS & ANSWERS

Item 8

AGENDA QUESTIONS & ANSWERS

MEETING DATE: April 30, 2019

Item # 8: [PH 19-027](#) Adoption of the Downtown Specific Plan and Development Code and Certification of the Final Environmental Impact Report, per CEQA, with a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (Report from Development Services Director Simpson)

In Chapter 6 of the plan, (page 1-3) the following is noted
“Exemptions. Properties in Figure 2.1.020.1 (Regulating Plan) zoned Central City-Residential (CC-R), Central City-Commercial (CC-C), Planned Development (PD), and Open Space (OS) are exempt from this Chapter and will continue to be subject to the standards and requirements of Chapter 10 (Planning, Zoning, and Subdivisions) of the Hayward Municipal Code (Hayward Code).”

Does this applicable section of the HMC need to be included or linked in this document to support the goal of having one consolidated code for stakeholders to follow?

Staff will include references to those sections that will remain the same zoning in the Specific Plan document and will also include an electronic hyperlink directly to the Municipal Code in the Plan to take users of the new code to existing zoning code sections.

ITEM #8 – PH 19-027

**ADOPTION OF THE DOWNTOWN SPECIFIC
PLAN AND DEVELOPMENT CODE AND
CERTIFICATION OF THE FINAL
ENVIRONMENTAL IMPACT REPORT, PER CEQA,
WITH A STATEMENT OF OVERRIDING
CONSIDERATIONS AND MITIGATION
MONITORING AND REPORTING PROGRAM**

EMAIL FROM CARL GORRINGE

Subject: FW: Downtown Specific Plan EIR

From: Carl Gorringer <>

Date: April 29, 2019 at 5:34:04 PM PDT

To: Hayward City Council <List-Mayor-Council@hayward-ca.gov>

Cc: Kelly McAdoo <Kelly.McAdoo@hayward-ca.gov>, Damon Golubics <damon.golubics@hayward-ca.gov>

Subject: Downtown Specific Plan EIR

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Hayward City Council:

Here is my input for the Downtown Specific Plan EIR public hearing on 4/30/2019.

It is my opinion that the plan to create a Roundabout would not be good for Downtown Hayward, as I believe that this will lead to an increase in Vehicle Miles Traveled by commuters, and thus lead to increases in Greenhouse Gas Emissions. This is due to commuters taking alternative routes that are longer in distance traveled. I also believe that it would lead to significant traffic congestion throughout Hayward, due to various factors including increased miles traveled, slowed traffic, and increase in traffic accidents at the roundabout, which is a "single point of failure" which could cause significant halts in traffic among connecting major roads.

In terms of safety, I believe the Roundabout would not be very safe for pedestrians to cross, considering the amount of traffic flowing through it, and just isn't ideal for retail storefronts due to the traffic. People prefer less traffic, not more, in walkable areas. We should focus our storefronts along B & C Streets instead. There is no need for a plaza in the middle of a roundabout when we'll already have a major plaza at the old library site.

I've attended multiple public meetings on this plan, and have been VERY disappointed in the lack of any alternatives suggested regarding the site of the Roundabout.

Restoring A Street to 2 ways should be a Short-term Priority with no reduction in lanes. This will reduce traffic and simplify eastbound travel.

B Street in Downtown could really use bike lanes. I've suggested turning B St from Watkins St to Foothill Blvd into a single-lane one-way road with bike lanes and ride-hail drop-off spots. Grand St from A to D St could really benefit from bike lanes as well.

Thanks for reading.

Carl Gorringer,
Downtown Hayward resident

ITEM #8 – PH 19-027

**ADOPTION OF THE DOWNTOWN SPECIFIC
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EMAIL FROM SHERMAN LEWIS

From: Sherman Lewis <> **On Behalf Of** Sherman Lewis

Sent: Tuesday, April 30, 2019 2:12 PM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>; Joy Rowan <>; Bruce Barrett <>; Evelyn Cormier <>; Alison <>

Subject: Additional Comments on Downtown Plan and the EIR

Two more thoughts:

1. The policy should be no minimum parking requirements. The original strong policy has been weakened. **Bold underline** shows weakness: "Amend the Code to remove minimum parking requirements **(for small projects) and reduce minimum parking requirements** for projects in areas with high transit accessibility within the Plan Area." (Downtown Plan p. 78). Reduce? Really? Let the developers decide how much parking. Parking policy is the most difficult cultural change Council has to deal with personally and in the community. You don't seem to be ready. You proclaim a climate emergency, then balk at taking action--like removing the bold underline.

2. Coordinate the new plan with parking management: do not allow new tenants to buy cheap \$50 permits for public parking.

Let the free use for limited time and the paid use for no time limit fill up the lots, educate people about smart meters and markets, and do a pilot somewhere.

Time limits are inefficient; smart meters are efficient; and people can be educated to support them, or you can tolerate continual deterioration of parking and pay a consultant a lot to tell you the same thing.

Continuing rhetoric:

Staff and consultant have put you on their railroad; they have shown you the tracks and hidden the cliff. Does the executive summary discuss the issues I have emailed you about?

Your power to decide is being taken away. Great ideas that should be there are not there. Ask questions, get answers.

Ideas for Downtown Hayward has been updated with no major changes except a new section on Appendix E: transportation and circulation data, attached.

The full update can be downloaded from the HAPA dropbox at

<https://www.dropbox.com/s/tvgchcdmwwyhhlq/Ideas%20for%20Downtown%20Hayward.pdf>

(let me know if it does not download.)

Sherman Lewis

Professor Emeritus, Cal State Hayward

President, Hayward Area Planning Association

----- Forwarded Message -----

Subject:Comments on Downtown Plan and its DEIR

Date:Thu, 25 Apr 2019 14:59:57 -0700

From:Sherman Lewis <>

To:Mayor Council List <List-Mayor-Council@hayward-ca.gov>, Joy Rowan <>, Bruce Barrett <>, Evelyn Cormier <>, Alison <>, Michael Stuchlik <>

- The downtown plan is not ready for prime time; delay it.

- The consultants are telling you what to do, not giving you choices.
- People have been consulted but not actually been given choices.
- There are many great policies here.
- The oval traffic circle is goofy. Do you really understand how it would work? For each traffic flow?
- You have not looked at two sensible alternatives.
- You have no information on effective speeds and no information of traffic volumes.
- Do you really intend to sever D Street, taking out two blocks of it?
- B St. won't work two-way. You know that.
- Parking structures cause global warming--not to mention more traffic, de-completed streets, and preemption of non-auto modes. The DEIR has no evaluation. HAPA will try to sue on this.
- Bicycle lanes are great if people use them. You have no information that people will. You should not preempt parking in favor of phantom bike riders. Start small, have a performance criteria for expansion.
- The potential for public cars is poorly discussed.
- An affordable rapid bus system has been ignored.
- In general, there are no real alternatives in the DEIR.

--

Sherman Lewis
Professor Emeritus, Cal State Hayward
President, Hayward Area Planning Association

Appendix E

Appendix E of the EIR on the Downtown Plan has transportation and circulation data and it is very sad. It was expensive; it measured the wrong thing; it does not even mention what must be analyzed to assess impacts. Nelson Nygaard messed up the street pattern design; Kittleson messed up the analysis. Kittleson used its model to justify the project, not to figure out the best alternative. Appendix E purports to meet CEQA requirements using official guidelines of the Bay Area Air Quality Management District, which are quite inadequate to evaluate impacts.

In 341 pages of descriptions, irrelevancies, and analysis, Kittleson obsessed on intersection LOS F and only one solution, make the intersection bigger: 51 lane additions to intersections and 7 lane additions to freeways. Such a policy will induce more traffic and make matters worse. It is based on rigid assumptions that ignore alternative policies. It directly contradicts Compete Streets policy: Plan at p. 371, Program C 3: "Reduce motor vehicle travel lanes on the following roadways to reallocate space for other uses..."

Fortunately, massive lane expansions are too expensive to have any impact, but we still need an adequate EIR.

Kittleson bases its analysis exclusively, without adjustment of the ACTC Travel Demand Model.¹ Yet the policies of the plan are designed to change those model outputs and those impacts have to be evaluated. In general, four-step models like the one ACTC uses over-predicts congestion for the "no-project alternative" in future years. The models use the same trip table of travel demand for all scenarios when it, in reality, would change among them.

The EIR ignores

1. Intersection LOS is the wrong thing to measure. State law has eliminated LOS as a basis for determining significant impacts. Congestion due to development in dense centers is an impact that no longer requires mitigation.²
2. LOS based on link speed, effective speed, pedestrians, bicycles, transit, public cars, local residents, and business access.
3. City policy: "LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays." The EIR fails to discuss this.
4. The impact of the plan on vehicle miles traveled (VMT), effective speed, link traffic volumes, link speeds, induced demand, induced restraint, land use changes due to network changes, alternative modes, travel time budgets, walkable systems, and pricing reforms. (As shown above, the ACTC model reports volumes on every block.) An adequate traffic study would have revealed slower point-to-point travel times despite more speed, increased VMT for the same traffic inputs, and increased link volumes for the Loop, all of them negative impacts. The traffic study needs to show if the currently excessive

¹ Appendix E, Item 1, pp. 48, 65; https://www.alamedactc.org/wp-content/uploads/2018/12/AlamedaCTC_ModelDocumentation_FinalReport_20151109-2.pdf?x28501.

Appendix E has a dead link:

https://www.alamedactc.org/files/managed/Document/17533/AlamedaCTC_ModelDocumentation_FinalReport_20151109.pdf

² Kittleson, Appendix E, p. 56 on SB 743

traffic on B Street is reduced; it needs to cover the increase in traffic on Francisco Street.

5. For the oval and alternatives to the oval, the costs of buying right-of-way, loss of existing businesses, costs of construction, financing, time needed to completion, performance (traffic volumes, traffic speed, effective speed). One obvious alternative is a signalized intersection with Foothill realigned east to create green space and buildable area and to create a shorter, more functional travel distance across the intersection.
6. How parking garages with free parking induce traffic and are costly to tax payers.
7. How much downtown residential development and policies supporting non-auto modes will reduce traffic.
8. How much market parking charges could reduce traffic.
9. How much parking cash out could reduce traffic.
10. How much support for public cars could reduce traffic.
11. How much a downtown circulator could reduce traffic.
12. How much transit improvements could reduce traffic.
13. How much rapid bus to Cal State East Bay and to Chabot could
14. How much the ACTA trip generation would be reduced in response to plan policies, which is rather the point of complete streets. Complete streets are not a theory or just posturing and symbolic politics; they are intended to reduce traffic.
15. The impact of plan policies on mode split.
16. Problems that would occur if B Street is made two-way.
17. The functionality of the B and C Street one-way couplet for efficient bus and passenger lanes at the BART station relative to two-way.
18. The functionality of keeping B Street and C Street two way. One-way on B Street won't work because it is narrow and has a lot of traffic. Any vehicle parked in a travel lane would block traffic, which is an existing problem but drivers can use the other lane to get around.
19. The impacts of closing two blocks of D Street and the performance of street narrowing, land recovery, and mural recovery relative to existing conditions and the plan proposal.
20. The need to evaluate the claim that the oval with four (or a "mitigated" six lanes) lanes of traffic would "support increased pedestrian activity" and "reduce travel speeds." The volume and speed of traffic must be estimated. On its face, the claims look totally bogus.
21. How a combination of cost-effective recovery of street parking, improvement in non-auto modes, and new housing could provide access to downtown.
22. How traffic origins and destinations would change due to induced restraint created by a two-way system favor trips downtown and discourage trips through downtown.

How to get an adequate EIR

Concerning performance of the oval and alternatives, the City should use a **traffic flow optimization analysis**, not the usual four-step model to evaluate the options. Given the same screenline loading of the network around the big intersection, a traffic simulation flow

model could evaluate the three options. Traffic simulation is an operations analysis of flow through several intersections.

“Traffic simulation or the simulation of transportation systems is the mathematical modeling of transportation systems (e.g., freeway junctions, arterial routes, roundabouts, downtown grid systems, etc.) through the application of computer software to better help plan, design, and operate transportation systems. Simulation of transportation systems started over forty years ago, and is an important area of discipline in traffic engineering and transportation planning today. Various national and local transportation agencies, academic institutions and consulting firms use simulation to aid in their management of transportation networks.

“Simulation in transportation is important because it can study models too complicated for analytical or numerical treatment, can be used for experimental studies, can study detailed relations that might be lost in analytical or numerical treatment and can produce attractive visual demonstrations of present and future scenarios.” See [traffic simulation](#).

Signal timing is an output of traffic simulation models. It is “used to distribute right-of-way at a signalized intersection. Signal timing involves deciding how much green time the traffic signal provides to an intersection approach, how long the pedestrian WALK signal should be, and numerous other factors.” See [signal timing](#).

“TRANSYT-7F is a traffic simulation and signal timing optimization program. The primary application of TRANSYT-7F is signal timing design and optimization. TRANSYT-7F features genetic algorithm optimization of cycle length, phasing sequence, splits, and offsets. TRANSYT-7F combines a detailed optimization process (including genetic algorithm, multi-period, and direct CORSIM optimization) with a detailed macroscopic simulation model (including platoon dispersion, queue spillback, and actuated control simulation).”

From: Sherman Lewis < > **On Behalf Of** Sherman Lewis

Sent: Tuesday, April 30, 2019 6:25 PM

To: Kelly McAdoo <Kelly.McAdoo@hayward-ca.gov>; List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

Cc: Miriam Lens <Miriam.Lens@hayward-ca.gov>; Laura Simpson <Laura.Simpson@hayward-ca.gov>; Damon Golubics <Damon.Golubics@hayward-ca.gov>; Alex Ameri <Alex.Ameri@hayward-ca.gov>; Fred Kelley <Fred.Kelley@hayward-ca.gov>; Joy Rowan <j>; Bruce Barrett <>; Evelyn Cormier <>; Alison <>

Subject: Re: FW: Comments on Downtown Plan and its DEIR

Thank you for this opportunity to respond. I am also attaching the revised Ideas document, which can replace earlier editions.

Sherman Lewis
Professor Emeritus, Cal State Hayward
President, Hayward Area Planning Association

The downtown plan is not ready for prime time; delay it. **The Downtown Specific Plan has been in development for a three-year period, since the project's initiation. Additional time was added to the original two-year schedule to allow full community participation and Council feedback in crafting a new vision for the Downtown. Extensive public outreach was achieved and feedback received through several well-attended workshops and through public hearings at Planning Commission and City Council.**

True. Good process except for some flaws. See next.

The consultants are telling you what to do, not giving you choices. **Staff, the Planning Commission, the community and City Council all have been actively involved in the assemblage, review and development of the all project documents, including all options and choices related to how the Plan unfolds over the next 20 to 30 years.**

What options and choices?

Signalized intersection with Foothill realigned east to create green space and buildable area and to create a shorter, more functional travel distance across the intersection. Nope.

No parking structures? Nope.

Keep B and C as one way pair? Nope

Keep D Street and narrow it to restore land and mural? Nope.

Eliminate downtown parking requirements? Nope.

Prevent new tenants from having permits in city lots? Did I miss it?

Restoration of land and parking lost to Loop. Didn't see it.

The plan has many good choices presented as your railroad. The attached survey presents them as choices, plus more ideas omitted from plan.

Really and truly, the plan does NOT present choices.

People have been consulted but not actually been given choices. The Downtown Specific Plan project team has created a flexible Downtown Plan and Code that embodies choice and flexibility. The smart code allows for flexibility and choices along with incentives for desirable businesses and other compatible uses to locate in Downtown.

Good. But not the choices needed on major issues.

There are many great policies here.

The oval traffic circle is goofy. Do you really understand how it would work? For each traffic flow? The "oval traffic circle" was evaluated extensively by the project consultant team and their transportation engineering staff and the City's Transportation Division as a viable option to slow speeding traffic through Downtown. Please note that the traffic circle is an option. Over time, ultimately, through incremental changes, the core roadway system may return to a traditional grid system that will efficiently and effectively slow traffic through Downtown Hayward, one of the goals of the Downtown Plan effort.

It was not evaluated adequately, not by a long shot. Details have been emailed to you. A traffic circle is not an option in the plan.

The plan contains no references to traffic circle as an alternative to the oval; it is not an option. Same for signaled intersection described above.

There is no nice, incremental, efficient way to go two-way. It needs to be done with all the brutal effectiveness of Loop implementation. Our society is far from pricing the auto, and so far we prefer congestion.

You have not looked at two sensible alternatives. You have no information on effective speeds and no information of traffic volumes. Speed and traffic volume information was analyzed and reviewed by City engineering staff and the consultant team as part of this project. This data was factored into circulation system computer simulations to ultimately lead to recommended mobility changes in the short-term, midterm and long-term within the Plan study area.

OK, where is it? It is not part of the documents. The EIR and its Appendix E are inadequate. The Loop is harming B Street and slowing traffic and needs to be changed short-term based on LATIP funds. Make that a choice.

- Do you really intend to sever D Street, taking out two blocks of it? This is one option available within the Plan as a way to slow traffic down through Downtown. In the long-term, the City may opt to go back to a traditional grid system versus a plan to "sever D Street."

It is not an "option." It is the plan. Most of the plan does go back to the grid.

- B St. won't work two-way. You know that. This option was studied during the course of the project and it is a viable option should Council direct City staff to move forward with this Downtown circulation enhancement sometime in the future.

Good it was studied. Too bad facts are not in the documents. Viable? Really? We already have sometimes blocked lanes with two-way, that work only because a lane going around is still there. You should not just proclaim "viable." "Should Council direct..."? The plan approves major direction, or is it not really a plan?

- Parking structures cause global warming--not to mention more traffic, de-completed streets, and preemption of non-auto modes. The DEIR has no evaluation. HAPA will try to sue on this. A thorough analysis of all mobility components have been extensively evaluated within the Downtown Plan study area and as part of the Environmental Impact Report completed for the project. The entire Bay Area regional is part of an area on nonattainment with regard to air quality impacts. Even if Hayward's Downtown Specific Plan suggested that no new parking garages could be built over the life of the plan, other aspects of the Plan (new residential units, new commercial businesses, etc.) would still trigger unavoidable impacts with regards to future air quality measurements (worse air quality over the long run within the Plan area) Also, direction from Council and input from the public was part of all final goals, policies and programs contained in the final version of the Downtown Specific Plan document.

There has been no thorough analysis. My comments have had more analysis than anything the city has done. GHG is also the issue. Hayward just has a few slaves, so freeing them won't really make a difference considering all the slaves in the bay area. Some people grasp the crisis of the Anthropocene. Climate change is really climate collapse and just as evil as racism, only in this case we are the slave owners and we are the slaves. Our culture can't grasp the enormity of the problems we face. We have consensus against racism. How long will it take for real action on climate change? And is the plan a suggestion? I thought it was a plan.

- Bicycle lanes are great if people use them. You have no information that people will. You should not preempt parking in favor of phantom bike riders. Start small, have a performance criteria for expansion. The final draft Downtown Specific Plan has been crafted to enhance all modes of transportation, including enhanced improvements for pedestrian and bicyclists currently lacking within the Plan area. This directive was part of the main vision and ultimately Plan goals identified at the beginning of the Downtown Specific Plan project.

You can craft all you like, and I approve, but it also matters whether people use what you craft. It should be part of the vision, but helping business is also part, and you need balance. Provide this as a choice.

- The potential for public cars is poorly discussed. This option has been included as part of the Downtown Specific Plan. Future private development projects within the Plan area will be reviewed on a case by case basis to determine whether car-sharing is feasible or financially viable to include within each development.

Elements of the concept get mentioned, but there is no coherent or detailed support for living without owning a car. The plan makes progress, but it needs to be better. It is not just a question of projects, but also street management, working with providers, and working with residents.

- An affordable rapid bus system has been ignored. This program, currently under evaluation by the City's Transportation Division staff, is a separate effort, and is also on a parallel path with the Downtown Specific Plan effort.

No, it's not. You are looking at something else and mislabeling it.

- In general, there are no real alternatives in the DEIR. All CEQA analysis for the project complies with State CEQA Guidelines and all applicable court cases that further refine environmental law, rules and regulations for environmental assessments of projects like Hayward's Downtown Specific Plan effort.

We'll see.



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

What do you want for Downtown Hayward?

The City is preparing a new Specific Plan for downtown Hayward. The proposed downtown plan is “take it or leave it.” What is your opinion? This survey from the Hayward Area Planning Association (HAPA) allows you to make choices.

<p style="text-align: center;">1. Accessing Downtown</p> <p>A more dynamic downtown needs a way to get more people there. Should we emphasize housing downtown, rapid shuttle access from Cal State East Bay and Chabot, surface parking, walking, bicycling, and other non-auto modes?</p> <p>Agree Disagree No opinion</p>
<p style="text-align: center;">2. The Loop</p> <p>Number 1 for first choice, 2 for second.</p> <p>___ Keep as it is ___ Change to two-way using a large oval roundabout</p> <p>___ Change to two-way using a traffic circle ___ Change to two-way using traffic lights</p>
<p style="text-align: center;">3. Reforming the Loop should be a top priority for funding</p> <p>Agree Disagree No opinion</p>
<p style="text-align: center;">4. Make A Street two-way</p> <p>Consider this as a separate issue apart from The Loop.</p> <p>Agree Disagree No opinion</p>
<p style="text-align: center;">5. B Street and C Street</p> <p>___ Convert to two-way streets ___ Keep as a one-way pair ___ Undecided</p>
<p style="text-align: center;">6. Unbundling</p> <p>Unbundling: a renter pays separately for the living space and the parking, and the two rents combined equal the “bundled” rent. It saves on rent and reduces traffic, but may tempt a renter to park on the street. Many people can live downtown without owning a car and have a more sustainable life style. Hayward should unbundle parking downtown.</p> <p>Parking should be unbundled ___ Parking should not be unbundled ___ No opinion ___</p>
<p style="text-align: center;">7. Protecting neighborhoods from spillover parking</p> <p>Unbundling can tempt a renter to park on the street. The City has controlled spillover parking by the main Post Office, Chabot, South Hayward BART and other places. The City should manage neighborhood parking spillover with low-cost permit programs.</p>

Agree Disagree No opinion

8. Pedestrian Safety and Walkability on Foothill, A Street and Mission

Make crossing easier and safer with narrower roadways, pedestrian safety medians, and other improvements on wide streets with less width for cars.

Agree Disagree No opinion

9. A Street at Lucky

To improve traffic flow and provide a safe crossing for seniors at the new senior housing, build a center median on A Street to prevent left turns going in and out of Lucky.

Agree Disagree No opinion

10. Downtown Block

The “downtown block” (Foothill/A Street/Main Street/B Street with CVS, Buffalo Bill’s, and Bank of the West) could have a big parking structure in the middle **OR** have a shuttle bus lane connecting BART to Lincoln Landing.

___ Big parking structure ___ Shuttle bus

11. Parking structures

The City can subsidize free parking in parking structures. It would be convenient but costly for taxpayers, causes more traffic, air pollution and global warming gases, preempts space for parks and housing, and competes with transit, and other modes of access.

___ Parking structures are needed despite the costs.
___ We should emphasize alternative modes and the environment.
___ No opinion

12. Bicycle lanes

___ Have bicycle lanes on most streets even if not used and parking is reduced **OR**
___ Have bicycle lanes where they are most likely to be used and minimize loss of parking.
___ No opinion

13. Greyhound Bus Station at Hayward BART

The Greyhound bus station is an eyesore and inadequate and needs to be replaced with an attractive, spiffier station where people can get out of the rain.

Agree Disagree No opinion

14. e-hail

I would prefer to use e-hail ride sharing (Lyft, Uber) over a taxi.

Agree Disagree No opinion

15. Taxi competition

Deregulate taxis to compete more fairly with Lyft and Uber; let them use software for e-hailing like Lyft and Uber.

Agree Disagree No opinion

16. Taxi stand at Hayward BART

The taxi stand on the north side of B Street is inconvenient and feels unsafe at night. It can be and should be relocated to right outside the BART exit.

Agree Disagree No opinion

Your comments on using taxi and ehail:

17. Pilot program, back-in diagonal parking

We are used to head-in diagonal parking, but back-in diagonal is actually safer. Using it would take some practice and we try a pilot program on Main Street to see how people respond.

Agree Disagree No opinion

18. Downtown circulator

Create a fast, frequent, and free downtown circulator from Hayward BART to Lincoln Landing, using signal preemption and rapid bus concepts.

Agree Disagree No opinion

19. Study Rapid Bus

The City should study similar fast frequent shuttles from Cal State to BART and from Chabot via Southland and the Amador Center to BART.

Agree Disagree No opinion

20. Smart Parking Meters Pilot project on B Street

Where parking demand is high, smart meters would charge no more than what people are willing to pay, using credit cards and smart phones. Smart meters get more turnover to help merchants. You pay only for time you used. They produce revenues to improve downtown. You don't need to pay if you don't want to: Free spaces will be nearby.

Agree Disagree No opinion

21. Car-free living downtown?

Public cars are car share, car rental, taxis, and ehail like Lyft and Uber. A person living downtown could use public cars when needed and save money. The City should promote public cars to support not having to own a car and having a more sustainable lifestyle.

Agree Disagree No opinion

22. Housing project by Green Shutter Hotel

The City owns the lot at C Street and Main Street by the Green Shutter and is considering developing it for housing. The City how much parking there should be.

___ The amount of parking should be based on a market analysis that charges the owner the full cost, which is likely to be high in a place where people can live car-free (see next question).

___ Parking should be minimized as long as spillover parking can be avoided.

23. Transit Links

The City should study conventional bus service similar to AC Transit from downtown to Cal State East Bay and to Chabot OR it should study a fast, frequent, and free bus which more expensive to run but would have high ridership.

Conventional bus _____ Rapid bus _____ No/other opinion _____

24. The Wm. Hayward Hotel

The City should look into the feasibility of a Downtown hotel/convention center with special access from BART located in the vacant lot north of B Street and west of Montgomery Street.

Agree Disagree No opinion

25. East Bay Greenway

Promote the East Bay Greenway Project for a long walking and bicycle path on vacant land between Western Avenue and the Union Pacific tracks from Hayward BART to Oakland.

Agree Disagree No opinion

26. D Street Mural

The City should commission a new D Street mural replacing the original lost to widening.



Agree Disagree No opinion

For more discussion on these ideas, visit <https://hapaforhayward.wordpress.com/> and

<https://www.hayward-ca.gov/downtown-specific-plan>

Sherman Lewis, President, Hayward Area Planning Association, 510-538-3692,
sherman@csuhayward.us

Ideas for Downtown Hayward

Revised 4/30/2019. More updates forthcoming.

1. Overview: A Destination Scenario

Downtown should be a destination, not an island surrounded by an expressway with wide streets and fast traffic. The City's goal should not be less congestion, but more successful business. Most successful downtowns have congestion. A Destination Scenario will still have congestion but would bring more people downtown and increase business.

Getting people downtown requires the complementary and comprehensive policies of a Destination Scenario. The policies include

1. Loop reform: going back to two-way streets: keep the B and C Streets one-way pair.
2. Loop reform: going back to a signalized intersection at Mission and Foothill with realignment of Foothill.
3. Increase non-auto modes: high level of service for non-auto modes: walk, bike, transit, public cars. Public cars are taxis, ride hail, carshare, and car rental; safer attractive pedestrian crosswalks; the East Bay Greenway, bike lanes, a downtown rapid bus circulator, taxi access to BART, curb space for public cars.
4. Cost-effective parking: increased surface parking; parking management, increasing how much the private car pays its own way based on unbundling and smart meters.
5. Walking-oriented development downtown: sustainable, more residents able to live without a private car, public spaces designed for social interaction.
6. Fast, frequent shuttles to Cal State and to the Amador government center, Southland, and Chabot.
7. Sustainable corridors: walkable housing along corridors to Cal State and Chabot.

Smart Growth America, a non-profit advocacy group, promotes redevelopment of old centers. "Walking oriented development" focuses on revitalizing neighborhoods and employment in old centers.

2. The Loop

The Loop is the one-way traffic pattern in downtown Hayward, from Jackson north on Foothill Blvd., west on A St. and back on Mission Blvd. In 2008 the Hayward City Council approved the Corridor/Loop project to promote through traffic rather than helping access to downtown. The City also relied on hopelessly misleading traffic modeling. The traffic experts never told the City that most of the traffic on Foothill was Hayward-based traffic, not regional through traffic. They did not explain how faster traffic did not mean better performance. They measured intersection level of service (LOS), ignoring effective speeds and vehicle miles traveled. They never described numerous additional problems to be discussed below.

In June 2013 the Loop started operation. Our discussion of the 2014 to 2018 period will look at opinions on the Loop, the failure of government to study it, HAPA's study, a new plan for downtown, and problems with that plan.

Opinions: The Battle of the Anecdotes

Some people love the Loop; some people hate it. Loop Lovers are mostly people who think they can get through downtown faster. Some of the haters have a learning curve problem, which was not be a long-term factor. Many people understand it and still hate it, such as downtown merchants, Prospect homeowners, and people who shop downtown. It was easy to confuse speed of movement over a longer distance with effective travel, i.e., going slower over a shorter distance in less time.

Anecdotes are not analysis but dominate political thinking of average people and members of the City Council. Political decisions are often made by counting noses rather than analysis. A member of Council sent me two more pro-Loop opinions: "I have yet to have any issues with the loop. Traffic always flows now."- Jason Oliver. "I remember how horrible the traffic was going through Hayward when I was a student at Cal State. The Loop definitely and improvement." - Victoria Anne Krysiak. (Quoted exactly as sent to me.)

At a meeting in City Hall in March to discuss intersections, Barbara Sachs spoke up in favor of the Loop, to which Linda Bennett took sharp exception, leading to a short tiff. Kevin Dowling (5/18/2016) told me he liked the Loop.

In 2017 the owners of the Book Shop on B Street before it closed, Carl and Marilyn Baker Madsen, reported increases in traffic volumes, speed, and noise, which make backing out of diagonal parking dangerous. Hundreds of people commented to them about how much they don't like the Loop. At least one elderly customer no longer comes downtown due to traffic and the confusion of one-way streets and lane changes created by the Loop.

Greg Schluntz, retired and when working part time delivering auto parts for Vic Hubbard before it closed, said their drivers had problems with the Loop even after they knew how it worked.

When I asked a friend what he thought of the Loop, his answer was, "Oh good God!" Casper's Hotdogs reports that their business collapsed after the Loop started. In January my neighbor Lodema Epperson, the Potter, said it was terrible. I asked if I could write that down; she said "My God, yes! It doesn't promote business; it promotes freeways! You have to plan your route; you can't go directly from Bank of the West to the library; forget the rest. A Street is so fast no one can see the businesses there."

My student intern from CSUEB Hayward didn't know what "Loop" meant, so I explained it. His reaction, "I hate the Loop."

I sent an email in February to downtown merchants. Stu Modifies wrote: "As my numbers have shown, the loop has only damaged my business. My personal opinion is do what must be done for the businesses or the city will lose the appeal that many feel it has. Many simply cannot afford both the high rents and the low walk by traffic that we now have. Many of us blame the loop. Many clients have had to call to get help and others have simply arrived with complaints. When coming into my store, it is very important to be in a positive mental state so that you feel comfortable and excited. Frustration does not provide those feelings. I personally have heard from many people that they simply do not come to downtown anymore because of "what a pain it is". The intent is not to complain and blame the city but rather to express an honest view point of how this project has damaged my business personally."

In 2015, the CSUEB Hayward Emeritus and Retired Faculty Association (ERFA) in which I am an officer, searched downtown for a venue for our luncheons. We decided not to use The Ranch because of lack of parking on the south side of Foothill and because of difficulty crossing the Foothill from the north side. From Jack Kilgour: "The Hayward Ranch...has a nice banquet room in which I have eaten many Rotary lunches. To get to the Ranch, one would have to go down Mission Blvd. and turn into and go through the parking lot of a tire company. The Ranch no longer has an overflow parking lot on Watkins Street. If the small parking lot at The Ranch is full, there is a public parking lot not too far away on the far side of Mission Blvd...To get back to The Ranch would involve walking up to the crosswalk, waiting for the light, crossing a very busy street and then walking back down to The Ranch. Needless to say, we are not holding our luncheon at The Ranch. Since the "improvements" were made, I usually avoid downtown Hayward. However, on one occasion I was on Hesperian Blvd. and wanted to go to the Castro Valley Library. Without thinking, I drove up A Street which used to be a direct route to Castro Valley. It no longer is. At some point I was shunted around part of the downtown area to Foothill Blvd. before rejoining A Street. This is crazy! I do not understand the logic or purpose of the "improvements" that have been made to downtown Hayward. For those driving north on Mission Blvd. or coming up Jackson to Foothill Blvd., I guess it speeds things up. Heading in the other direction it is more problematic. Most cities want to encourage people to come to town to shop and do other business. Apparently, Hayward doesn't. -John G. Kilgour, Professor Emeritus, Department of Management, CSUEB." 9/11/2015 email.

ERFA Board members also made critical comments about the Loop. From my email: "I find the new Hayward traffic loop to be inconvenient at best and, at worst, so baffling that it discourages me from visiting the city. Recently, I met friends for dinner at Bijou. Upon leaving, I could not figure out how to get back to highway 580. Having worked in Hayward for many years, I thought I knew my way around. But not so any more. We co-own a building on A Street (near 2nd), in which my husband has his law office. He, too, is confounded by the loop and his clients have expressed their difficulties in getting to and from that downtown location. The loop should be considered a failed experiment and the city should move on." "I don't drive through Hayward, but when I do, I find that lane changes are confusing, difficult to manage and often dangerous. I'm surprised that there are not many reports of accidents everywhere on the Loop." "I seldom come to Hayward anymore because the loop is too difficult to navigate and it is particularly hard to maneuver at night. I can buy anything available in Hayward in other cities, can attend movies in other cities, and dine in other cities. So why bother with the hassle of Hayward streets!"

From a neighborhood leader in South Hayward on Jan. 28, 2015: "The loop has been a disaster. It has cut the downtown into two parts with an expressway prohibiting it from ever becoming a vital and thriving downtown. ... [Foothill] is one of our main downtown streets. We have the right to develop it for our use and not be required to turn an integral part of our downtown into an expressway for those who don't want to live in our community to race through it. If people want to live and work on opposite sides of Hayward, they can take 880, 580 and 680 and not ruin our downtown."

From a friend on Pinedale across from the Plunge: "Merge of Foothill and Jackson at the big traffic arch: there is no safe lane. Most of the cars on Foothill are crossing 3+ lanes to the left, and most of the cars on Jackson are crossing 3+ lanes to the right. This is bar none the most terrifyingly dangerous intersection I have ever driven (30 years, all over the country and bay

area) INCLUDING driving in Tijuana 40 years ago. ... Talking with a few neighbors, not just on Pinedale, everyone is concerned about the unsafe driving conditions - even though the PD may have produced stats that support the engineering position that the roadway is "safer".

I talked to my neighbor, Joe, on February 29, 2016, and mentioned I had some issues with the city, like the loop. He immediately said "Oh my God. It sucks. It's the worst idea." Also, that same day I asked Jay at Copy Pacific, who said it didn't seem to have hurt his business (he has some parking on Foothill and behind Buffalo Bill's) but that it had not accomplished its goals for downtown.

Kim-yo "Ky" Hsieh emailed me on 3/22/2016: "Hayward really needs to get off the car-boasting band wagon, and really start focus on pedestrian-friendliness infrastructure. Businesses benefit when there is proper parking and good walking accessibility. Foothill Blvd has so many businesses hampered by the frantic 40 mph (sometimes upwards of 45 - 50mph) speeds, that in actuality, is like a mini-freeway. People simply are caught up in the momentum (literally) and don't (or wont) stop. They have more of an incentive to just go faster, than slow down and smell our boutique offerings. Thousands upon thousands use Hayward as a pass-through city ... sad, but true."

A friend talked to Benjamin, owner of Cyclepath on Foothill. He opposes the Loop. He talked to Jake at True Value Hardware next door, who said "The Loop has hurt my business. This side of Foothill is not part of downtown anymore."

On March 31, 2016, Diana Dickerson came to my house for my pledge to my church. I asked her what she thought of the Loop. "I think it's disgusting. I have to go out of my way to get where I'm going.... [other comments too fast for me to take notes] ...I hate it. I think it's horrible." A number of people have surprised me with the vehemence of their hostility to the Loop.

On May 13 I got a new tire at Wheel Works at the corner of Jackson and Watkins. I was helped by Derek Sanders, visiting the shop as manager of 81 Wheel Works and Firestone stores in Northern California. He's a Castro Valley native and believes the Loop is a failure for various reasons discussed here. The Loop did not have an identifiable impact on his business, but it does cut off access from westbound on Foothill to Jackson and from northbound on Mission which is forced to go up Foothill.

A few days ago (May 2016) I was talking to Paul Hodges of the HARD Board and I asked him his opinion. He does not like the Loop and mentioned how hard it is to go east on A Street

On September 9, 2016, at 4:40 pm I was driving north on Mission and had to wait through two red lights, service level F.

On Sept. 13, 2016, I talked to Brian Schott, one of Hayward's leading citizens. He told me he did not like the Loop, and suggested bringing Foothill south from A Street to B Street, based on the small number of people going north up Foothill and turning left onto A Street westbound. Since few people are using Foothill to get north to A Street, the Loop should make it easier to get south to B Street Making A Street two-way would also be acceptable.

On Sept. 14, 2016, I was at Citibank setting up a new account for HAPA with Jonathan Jones. We were chatting casually and I asked in a neutral tone, "What do you think of the Loop?" "Oh, the Loop! I hate the Loop!" I had to laugh because I have heard that reaction from so many people. He added, "I can get a team of people to tell you that."

On Jan. 11, 2017, I was at a dinner with the Cassutos and the topic came up. Barbara said, “I’m not happy with the current traffic pattern,” and explained how it made it harder to get to Hayward Honda, not just the pattern but also the hazardous way people drove it, lane changing, and left turn jam ups.

On March 15 I went to Kraski’s for some bran and chatted with the owner, Elie Goldstein. His store has access from a lot in back and Foothill in front. I asked where most people came in and he said the lot. I asked about the Loop and he said he opposes it and gave me permission to use his name.

Years of No Loop Analysis

It was important to try to be objective, to separate bias from fact. A major question was how to separate idiosyncratic personal perceptions from a more comprehensive objective analysis. From 2014 onward there was a need to measure VMT, effective speed, and traffic volumes on the Loop, to compare to the previous system, and to look at reform. The Alameda County Transportation Commission (ACTC) and the City of Hayward had no interest in making an objective study.

Under a 1990 law, the Alameda County Transportation Commission (ACTC) is responsible for reporting on congestion. Instead of delay at intersection LOS, state law requires congestion to be measured on a specific network of important roads designated in the Congestion Management Plan (CMP). Each point-to-point segment has a design speed and if actual traffic is much slower, it is rated at LOS F, congested. Drivers and timers working for ACTC measure speeds every two years on all the segments in Alameda County. And publishes a Level of Service monitoring report.

The Loop has six segments, three each way, along Foothill, A Street and Mission. For decades, the ACTC measured speeds on Loop street links and never found congestion—using the definition required by state law. In 2010, the most recent year before Loop construction, four links were LOS C and two were D. There has been so little congestion that the ACTC CMP reports never commented on them.

After completion of the Loop in 2014, ACTA stopped measuring the reverse directions. They ignored the new alignments needed to get from one point to another and stopped measuring where a new one-way prevented using the street. For ACTA, the cutting off of the ability to use the old route was reason enough to truncate the network of the three reverse direction links. By looking at shorter route, ignoring the new indirect alignments, and ignoring the continuing need of people to get from point-to-point, ACTA was able to report no congestion problems—even “improvements” in the level of service. ACTA reported the truncation of the network but never told the public that it had stopped measuring the full distance and that travel times increased between the old points in the three reverse directions.

Public records requests over four years produced little of value.

While ACTC dropped the ball on dealing with Loop problems, it is a big operation doing many things right. For a great education on transportation in Alameda County, go to the 2012 Performance Report of the Alameda County Transportation Commission (ACTC).¹

¹ http://www.alamedactc.org/files/managed/Document/12486/2012_Performance_Report_20131218.pdf. For the report on traffic speeds for 2010 and 2012, go to the 1202 LOS (Level of Service) Monitoring Report at

Over the years HAPA also kept asking the City to study the Loop. We asked Mayor Halliday and Councilman Piexoto to ask ACTC to study the Loop. No action was taken.

HAPA Studies the Loop

HAPA sent a long report, “Ideas for Downtown,” to the City several times over a few years, with variations and on many topics, but always with the major section focusing on the Loop. HAPA advocated a return to a two-way system; the Loop is too large to be efficient compared to two-way.²

Before the Loop was approved, HAPA explained the defects of the “no project” scenario, the problem of circularity, and other issues. From 2014 onward, HAPA developed more and more data about additional problems that we did not realize in detail until the Loop actually went into effect. Given that ACTC and the City were unlikely to do a study, and that two-way is now included in the draft Specific Plan, it is no longer worth the trouble to seek a study. HAPA’s research, laid out below, will have to suffice. With anecdotal opinions all over the place and no useful traffic study, HAPA’s comments have gradually turned into the needed report. Here is the latest version of “Ideas.” Also, in our opinion, the evidence against the Loop is so over-whelming, there is no real need to do more study. Read on, and judge for yourself.

1. Slower traffic.

The one-ways on the Loop require drivers in the reverse direction go the long way around. 1. Southbound on Foothill is detoured two turns and two blocks out of its way. Some drivers instead turn left onto City Center Drive then right onto Second Street to get southbound, longer than the old straight through route. 2. Northbound Mission also goes two blocks and two turns out of its way using Foothill, or traffic can use Fletcher to Watkins to A Street. 3. Driving east on A Street is especially roundabout, .6 miles—right on Mission, left on C Street, left on Foothill, right on A Street. Going west directly on A Street is .2 miles between the same two points.

This problem also affected traffic with a downtown destination coming from the wrong direction; they have to go around extra blocks to reach where they were going.

The Alameda County Transportation Commission (ACTC) has data that can answer the question, how much has traffic sped up or closed down with the Loop? Every two years ACTC measures “The Level of Service” as required by state law. The Congestion Management Plan (CMP) designates a network of major roadways in Alameda County. The roads are divided into segments and the county has over 1,600 segments.

Historically, ACTC measured speed using a floating car with a driver and a timer making six or so passes along each segment during the morning peak and the evening peak. In 2018, the ACTC started using cell phone signals for the same purpose.

The actual speed of travel is related to the design speed of the segment. The level of service goes from A to F, depends on the measured speed relative to the design speed. A segment

http://www.alamedactc.org/app_pages/view/8091; for 2012 and 2014, go to <http://www.alamedactc.org/events/view/12969> (draft as of 7/18/2014).

² Vikash Gayah, “Two-Way Street Networks: More Efficient than Previously Thought?” *Access*, fall 2012. The author confirmed to me that there is an error in Fig. 3; the key is reversed; the bottom dashed line is two-way network with left turn lanes.

running close to its design speed rates A and one running very slowly would be F. A slow speed could be rated A if that is the design speed, regardless of how drivers feel about it.

HAPA looked at the ACTC data from 2010 to 2018. We noticed a problem: in 2014 ACTC truncated the segments in the reverse direction. For example, historically ACTC measured the speed going east on A Street from Western Blvd. to Foothill. From 2014, ACTC measured only the distance to Mission, two blocks less. ACTC deleted three blocks on Mission and four blocks on Foothill. The reason ACTC gave was that the one way going west prevented use of those to blocks. ACTC's 2014 Report made no reference to how shorter segments affected the speed, nor to the slow-downs in the reverse directions, which it did not measure, having eliminated them from the monitoring.³

ACTC ignored questions about the continuing need people had to reach Foothill and how much longer that would take going around by C Street. The connecting roads were there, but not considered to be a realignment of the segment.

Effective speed

Effective speed is an important new concept in transportation and essential for understanding the Loop. We decided that speeds in the reverse direction should be based on the old distance and the new amount of time going the long way around, which is "effective speed." There really is no better way to compare the pre-Loop with the post-Loop performance.

Understanding effective speed is absolutely crucial to understanding what is wrong with the Loop. It does not mean how fast a vehicle is moving. It means how fast a person can travel between two points. Traveling a little faster on an indirect route can be slower than traveling a little slower on a straight route. It is the time to get from point-to-point that matters. Since ACTC would not look at the problem, HAPA did: We measured the times on the indirect routes with two passes of a floating car, ours. We related that time to the direct distance to calculate effective speed in the three reverse directions.

Speeds in the reverse direction. ACTA's and our findings are in the table below on "Loop speeds from 2010 to 2018." The truncated segments are shown in yellow and our measurements shown in green. For A Street eastbound and Mission northbound, we found what we expected: big slowdowns. For Foothill southbound, we got a surprise, at least for 2016. Driving the whole distance via A Street and Mission had a travel speed of 9.2 miles per hour. ACTC, measuring Foothill only from City Center to A Street, had slower speed, 7.3 miles per hour. However, that segment also had volatility, before and after the Loop. 2014 and 2018, bracketing 2016, both had higher speeds and conformed to our idea that the shorter distance would have a higher speed than going the longer distance on a roundabout route.

Average speeds in the reverse directions. HAPA's research produced substantial evidence of a big slowdown in the reverse directions when measured consistently with the pre-Loop network. Comparing 2010 and 2016, the ACTC report on the three truncated routes showed traffic was actually slightly slower because of the anomaly on Foothill. HAPA research on the effective speeds for the full distances showed slower speeds by **6.5 miles per hour**.

³ <https://www.alamedactc.org/previous-los-monitoring-reports/>

To adjust for volatility, we also looked at ACTC for 2018, which showed average traffic 2.2 miles per hour faster than 2010, as compared to the HAPA 2016 figure of 6.5 miles per hour slower. The effective speeds on the real distances were all Level of Service F.

Average speeds, both directions. ACTA found an increase in speed in the one-way direction of 1.4 miles per hour from 2010 to 2018 was out-weighted by the slow down in the reverse directions, for an average loss of speed of 5.1 miles per hour. The reason was simple: the speed up in the one-way direction was less than the slow-down in the reverse direction.

Another way to understand speed changes is to include the segments coming into and leaving the Loop, as shown in the table. This increases the comprehensiveness of the analysis to see the larger system of which the Loop is a part. There are 18 data points for each year. In 2010 they averaged 19.1 miles per hour and in 2018, 18.4 miles per hour, for a large area slow down of 0.8 miles per hour using truncated ACTC data. Using the HAPA data to get real speeds, the slow-down on the larger network is 2.2 miles per hour.

Caveats: The volatility of speeds across the years indicates more factors in play than just the Loop, particularly the economy. Data can be selected out of context to reach different conclusions. Our table presents all the data ACTC has, allowing you to look around for more interpretations than we have made. We believe the data taken as a whole, from various angles, shows that the Loop has made traffic slower.

While traffic engineers could do a deeper analysis, this research is important for those concerned about actual speeds. The Council has shown no interest in this issue and probably is more concerned with popular perceptions than actual performance.

Loop speeds from 2010 to 2018		Average Speed, PM Peak Period					
	Speeds on truncated segments measured by ACTC						
	Effective speeds on real distance, HAPA research**						
	Segment	2010	2012	2014	2016	2018	change
A Street eastbound							2010-2018
west side	I-880 to Western	23.3	18.8	20.8	21.7	20.8	-2.5
loop	Western to Foothill to 2012, Mission 2014 on	7.6	5.2	14.7	11.9	10.8	3.2
loop	Western to Foothill, HAPA research	x	x	x	5.6	5.6	
east side	Foothill to Redwood Rd/Grove Way*	20.5	20.5	17.6	19.9	19.0	-1.5
A Street westbound							
east side	Redwood Rd/Grove Way to Foothill Boulevard*	16.6	16.6	27.9	19.5	19.1	2.5
loop	Foothill to Western in Loop	13.5	10.3	10.7	17.2	14.1	0.6
west side	Western to I-880	21.8	17.7	20.6	19.1	17.9	-3.9
Jackson and Foothill northbound							
south side	I-880 to Mission on Jackson	15.4	6.9	14.5	10.6	16.1	0.7
loop	Jackson to City Center	17.3	6.4	12.3	16.0	15.3	-2
north side	City Center to I-580	20.7	21.5	13.5	14.3	20.7	0

Foothill and Jackson southbound		2010	2012	2014	2016	2018	change
north side	Castro V Blvd to City Center	27.2	23.1	24.5	26.7	18.7	-8.5
loop	City Center to Jackson to 2012, A Street 2014 on	16.2	8.9	24.0	7.3	16.7	0.5
loop	City Center to Jackson, HAPA research	x	x	x	9.2	9.2	
south side	Mission to I-880 on Jackson	23.4	23.7	18.4	22.8	20.8	-2.6
Mission northbound							
south side	Sorenson to Jackson	15.8	11.8	23.5	16.8	19.7	3.9
loop	Jackson to Sunset to 2012, A Street to Sunset 2014	17	10.6	9.7	19.3	19.9	2.9
loop	Jackson to Sunset, HAPA research	x	x	x	6.5	6.5	
north side	Sunset to Lewelling	26.3	24.9	20.7	21.1	21.2	-5.1
Mission southbound							
north side	Lewelling to Sunset	27.3	27.0	16.4	15.8	19.9	-7.4
loop	Sunset to Jackson	11.4	9.0	11.7	17.1	16.9	5.5
south side	Jackson to Sorenson	23.3	18.7	16.9	19.1	22.8	-0.5
	average speed on 2014+ truncated segments 2016	13.6			12.8		-0.8
	average effective speed in reverse direction 2016	13.6			7.1		-6.5
	average reported speed on truncated segments 2018	13.6				15.8	2.2
	average effective speed in reverse direction 2018	13.6				7.1	-6.5
	average speed and change on one-way directions	14.1				15.4	1.4
	change in average speed on the Loop						-5.1
	average speed on all segments, truncated ACTA	19.1				18.4	-0.8
	average speed on all segments, effective real speeds	19.1				16.9	-2.2

Segments are defined by ACTC for the network of major roads in Alameda County, the CMP (Congestion Management Plan) Network. The typical LOS Monitoring report is 16 columns wide and 1,733 lines long.

* 2010 speed was not measured; 2012 speed is shown for 2010.

**HAPA research is shown below. The 2016 speed is shown for 2018.

2012 LOS monitoring results

https://www.alamedactc.org/wp-content/uploads/2018/12/2012_LOS_Monitoring_Report-Appendix_G.pdf

2014 LOS monitoring results

https://www.alamedactc.org/wp-content/uploads/2018/12/2014_AlamedaCTC_LOS_Monitoring_Report_AppendixB.pdf

2016 LOS Monitoring Results

https://www.alamedactc.org/wp-content/uploads/2018/12/2016_LOS_Monitoring_Report_AppendixB.pdf

2018 LOS Monitoring Results

https://www.alamedactc.org/wp-content/uploads/2018/12/2018LOS_Results_Tables.pdf

HAPA research

HAPA floating car timing of speeds on short segments

2016

February 2016, 5 to 6 pm, driver Nancy S., timer Sherman L.	time 1	time 2	average min.	dis- tance	effective speed
A Street - eastbound Western to Foothill	4:37	6:47	5.70	0.53	5.6
Foothill - southbound City Center to Jackson	3:47	4:17	4.03	0.62	9.2
Mission - northbound Jackson to A Street*	4:24	4:11	4.29	0.46	6.5
*We went to A Street, should have gone .84 miles more to Sunset. Distance corrected to A Street by .376 mi.					
C:\Users\sherm\Documents\238 Freeway\Archive\Loop traffic data\ HAPA speeds 2010 to 2020.xlsx					

2. Increased traffic on B Street and C Street

We looked at data from the City, Caltrans, and ACTC to understand how traffic counts changed. Was there a problem? There were many changes, some logical and some we do not understand. One change stood out as a problem, a huge increase in traffic on B Street and C Street.

The City used to count traffic on major streets but in recent years has done only spot surveys here and there, and keeps records for only ten years. The City gave us its data from 2000 to 2017, but it had only one 2014 count on Foothill and two 2017 counts on Foothill. Fortunately, we had old City traffic maps that the City did not seem to know about. We had big City maps for 1967 and 1968 showing traffic volumes by thickness of a line for each street and with numbers (see figure below for downtown inset from larger map). We also had maps for 1988, 1993, and 1997 and an old spreadsheet with more data. So, we had data on the past but not the present.

Caltrans was another source of traffic counts. Caltrans measured Average Annual Daily Traffic (ADT) on state routes. Caltrans had eight relevant data points per year, but stopped counting traffic when the routes were relinquished. We had Caltrans data from its website from 1993 up to the relinquishments of 2010 and 2017. Again, data on the past, not the present. Both data sets, like the data on traffic speeds, had volatility over the years.

Given thin and spotty data on current traffic volumes, we turned to the traffic model for 2010 and 2020 of the Alameda County Transportation Commission. (ACTC). The Countywide Travel Demand Model is a four-step model with five trip purposes and separate modeling for trucks.⁴ It is current for this type of modeling but has not yet advanced to Activity Based Modeling like San Diego and San Francisco.

The model update in 2014 used traffic counts from 2008 to 2012 from all over Alameda County to validate the model for 2010.⁵ On February 7, 2018, ACTC told us via email us that “Once every 10 years, for the purposes of a countywide travel demand model base year update and validation corresponding with the US Census update, Alameda CTC requests traffic counts data from the local jurisdictions and Caltrans. These counts are requested for locations along roadways that cross screenlines across the county.” The screenlines where traffic is counted are the 16 jurisdictional lines among local governments.

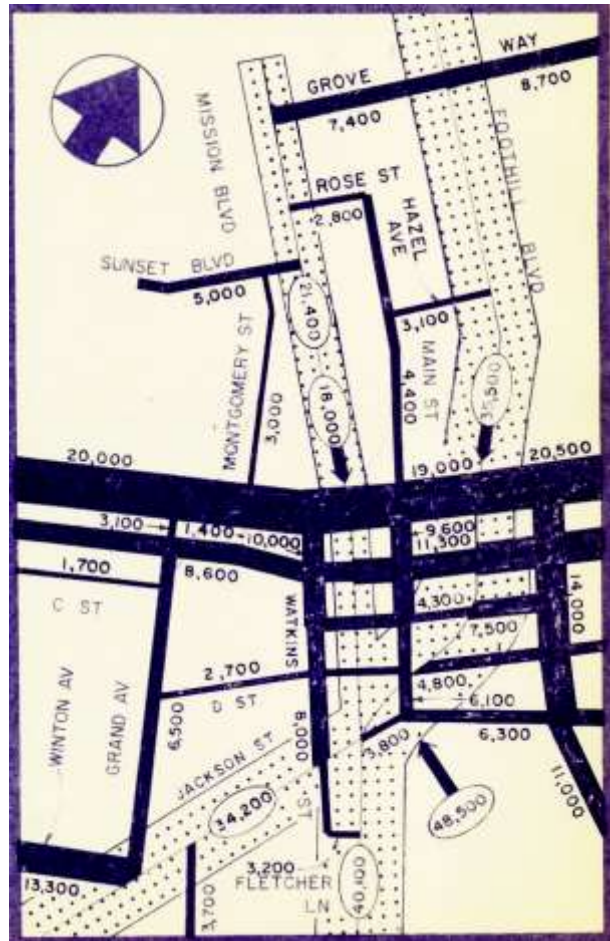
⁴ <https://www.alamedactc.org/planning/congestion-management/countywide-travel-demand-model/>

⁵ ACTC, Alameda Countywide Transportation Model Update, Final Model Documentation, August, 2015, https://www.alamedactc.org/files/managed/Document/17533/AlamedaCTC_ModelDocumentation_FinalReport_20151109.pdf. ACTC, Alameda Countywide Transportation Model Update, Projections 2009, Model Documentation, https://www.alamedactc.org/files/managed/Document/9608/AlamedaCTC_Model_P09_112712.pdf

The model provides the best detail, indeed the only detail, on traffic by block in both directions. Every block of downtown Hayward is a travel analysis zone, which relates land use to the network, taking traffic on and off. The model is constrained by having to match actual traffic counts in many locations. The time frame is short enough to avoid major errors, and the decade between projections avoid the volatility of year to year estimates.

Having said that, there are still some problems for downtown. Since ACTC's screenlines for counting traffic were miles away from downtown, the model was not validated for downtown. ACTC: "There are only two screenlines near Hayward: one at the Union City border and one that covers Castro Valley. These are referred to as Screenline 10 and Screenline 11, respectively, in the model documentation reports. Neither of these screenlines is near downtown Hayward."

For lay people, the criteria for how much error is acceptable in the model compared to the observed count can be unnerving. For example, the screenline closest to downtown Hayward is at the city limit with Castro Valley. It has a criterion of 20 percent error allowed between modeled and observed, and the actual error was 16 percent. The range of error and distance from downtown lowered the usefulness.



1968 City of Hayward traffic flow map.

ACTC then projected traffic for 2020 based on the model and growth estimates, but not using traffic counts after the Loop started. The lack of validation for downtown and the lack of any usable Loop counts in the 2020 projection mean the county model is limited—but we will look at it anyway. The model is somehow at the same time very useful and very questionable.

The charts below show the downtown grid for 2010 and 2020. Key traffic counts just outside the Loop and one on Mission are circled and the Loop is highlighted in yellow.

You can study these charts for a large variety of purposes, but finding problems is our focus here, and those problems are the increase of traffic on B Street and on Mission south of B Street. The initial traffic study did not report the problem. I did not fully realize this problem until doing this research. Traffic increased 673 percent on B Street and 334 percent on Mission south of B Street. Traffic on A Street also increased by 240 percent, while traffic on Foothill fell by 240 percent. Evidently, much of the traffic southbound on Foothill in 2010 shifted to Mission southbound in 2020, under-using Foothill and over-loading Mission.

The Loop does not function with A Street for westbound; it functions with A and B Streets combined for westbound, with the trip increase of both combined (55,000) explaining most of the increase on Mission (48,000).

The realignment of Winton into D Street produced a large increase of traffic on D St.

The table also shows data from the 1968 chart shown above.

There seem to be two reasons for the big traffic increase on B Street. One reason is that traffic coming north up Foothill often finds B Street a shorter way to get west, rather than going an extra block up to A Street. Second, even more important, traffic coming down B Street from the east can no longer turn left to get west on Foothill and so goes on B Street to Mission to Jackson.

The irony of the huge jump in through traffic on B Street is that a major purpose of the Bypass and Loop was to get through traffic onto the Bypass or onto Foothill, only to have the Hayward's major shopping street be severely impacted with through traffic.

Other streets—Mission, C Street, and Foothill--also get more traffic from eastbound on A Street which can no longer use A Street.



ACTC model for downtown Hayward, 2010

Traffic Analysis, Selected Downtown Streets				
one-way	1968	2010	2020	10-20 change
B Street: westbound Main to Mission	11,300	3,996	30,882	673%
two-way in 1968 and 2010, one-way in 2020				
Mission between B Street and C Street	18,000	14,257	61,861	334%
Foothill between B and C	35,000	88,009	69,651	-21%
A Street between Foothill and Main	19,000	10,153	34,552	240%
two-way in 2010 and 2020				
D Street: Mission - Main both ways	2,700	529	13,088	2374%

Slower traffic and the increases of traffic volumes on key streets seem to result from the fact that the Loop, unlike a short-distance, side-by-side one-way couplet, is just too big, around a whole downtown, to be efficient.

3. Circularity and VMT

Circularity refers to the fact that about half of trips have to take a more circular, longer route, than they did with two-way traffic. It occurs going through the Loop in the reverse direction and going to places downtown that require doubling back to get there.

The circularity of the Loop increases VMT (Vehicle Miles Traveled), pollution, GHG (greenhouse gases), and energy use compared to direct travel. Even if the longer distance were balanced by a higher speed, it would still mean more VMT.



ACTC model for downtown Hayward, 2020

4. Problems navigating errands.

Going to a single place is usually easy enough, even if the long way around. However, for two or more errands, the route can be complicated. You can't get from Lucky to CVS efficiently, only from CVS to Lucky. If one is at Lucky and A Street and wants to go to CVS, one route is up A Street, left on Mission, right on Hotel, left on Main, right on McKeever, right on Maple Court, right on A Street, and hope for a break in traffic to get across to CVS. This kind of problem requires planning errands carefully or wasting time driving the long way around.

5. Jack rabbiting, pulse traffic, inefficiency of lane use.

These three issues are manifestations of the same problem, some streets much bigger than needed, especially Foothill. Instead of two lanes facing a red light, the Loop has four to five lanes. Cars spread out at the light, usually just a few deep, lined up on the white line. Drivers see wide open pavement ahead. When the light turns green, the cars speed forward up to 50 miles per

hour, only to stop at the next red light. Instead of a stream of cars using a few lanes, there is a pulse of traffic using many lanes, followed by empty pavement.

A Street is two fast downhill blocks. Foothill after D Street gets fast traffic.

Lane use can be measured in average daily traffic (ADT) per lane per block. Loop lanes are used inefficiently compared with similar urban arterials in other old downtown in the Bay Area like El Camino, East 14th/San Pablo, and Telegraph Ave. One little-used lane on the Loop is the left lane southbound on Mission south of D Street to Foothill.

6. Three routes reduced to two.

Previously, northbound traffic could use three routes; now Mission north traffic is blocked, adding to traffic on Fletcher/Watkins and Foothill. Previously, northeast-bound could use three routes; now Jackson traffic is added to Watkins and Foothill. Previously, eastbound traffic could use three routes, now A Street is blocked and adds traffic to C Street and small neighborhood streets. Previously, southbound traffic could use three routes; now Foothill traffic is blocked and adds to traffic on Mission and Second Street. As a result, crossing volumes (e.g., at Watkins and Jackson) are increased and the red-light cycle is longer.

7. Lanes In, Lanes Out.

The Loop simply rearranged traffic within the loop and with no increase in capacity of outside streets serving the loop. The typical numbers of lanes entering and leaving the Loop are the same: two for Mission on the north side, three for Mission on the south side (to Carlos Bee), three for Jackson on the west side, and three for Foothill on the north side. There is one exception; Foothill southbound north of A Street narrows to two lanes, reducing the capacity of the whole system and demonstrating that three lanes are not necessary. The Loop only rearranges the flow within downtown. The Loop reduces intersection conflict, but increases distances, increases lane changes, and makes some traffic faster.

8. Intersection blocking.

Pictures: blockage of Watkins at Jackson, blockage of Mission SB by Foothill NB.

The result of forcing more traffic on Jackson to go up to Foothill often creates a problem where northbound Watkins crosses Jackson. Drivers on Jackson sometimes misjudge the traffic lights and get caught in the intersection, blocking northbound Watkins, which has a short signal time. Drivers turning right are unable to get out of the way of traffic behind on a short green



cycle. Pedestrians have to weave through traffic that could move at any time. All three problems are shown in one picture below. The same problem occurs for traffic on Foothill coming into the D Street intersection, backing up to block southbound traffic on Mission. This happened to me Dec. 21 2015 at night during a rain storm, when I was blocked by a large truck and changing lanes was too



dangerous. Sometimes you have to wait through two red lights.

Cut-throughs.

Eastbound A Street, unable to go straight, often goes left up Mission and then onto neighborhood streets: Hotel Ave. to Main Street to McKeever to City Center Dr. to Foothill. They also go up Montgomery to Simon to Main to Hazel to Foothill. These rat runs are still less convenient for people who need to get eastbound on A Street

Another cut-through occurs coming south on Foothill when people don't want to go all the way to A Street to turn right, and turn right on City Center and left on Maple Court, often speeding despite the narrow street.

Another cut-through is eastbound on C Street Instead of waiting for the light at Foothill, people drive through the parking structure. When I tried it, I beat the C Street traffic.

9. Pedestrian crossing problems.

Wide expressways make it difficult, uncomfortable, and hazardous for pedestrians to cross the street, as compared to narrower crossings, pedestrian medians, and bulb-outs. Crossing A Street on the west side of Foothill has four lanes and is especially difficult despite the signs, because drivers don't see pedestrians unless they look left when they need to look right to make the turn. On Foothill, northbound drivers making a left turn on to A Street have no light and only a sign telling them to stop for pedestrians. On Foothill, southbound drivers in the right lane turning onto A Street can make a right on red. The other three lanes are always green, back and forth between westbound on A Street and Foothill southbound to A Street westbound. There is no pedestrian crossing light. Much of Foothill is seven lanes and over 80 feet wide, far too wide for most pedestrians. It is even worse when you look to the left and see a wall of cars ready to head your way.

10. Traffic-pedestrian conflicts.

Pedestrians crossing Mission at B Street delay cars on B Street trying to turn left onto Mission. The Loop increases the number of cars on B Street and the number needing to turn left.

11. Intense lane changing and merge problems.

The Loop requires intense, perilous lane changing, with many drivers ignoring pavement markings. It may be possible to observe this problem using CCTVs at the intersections.

- From **Mission northbound** onto Foothill merging left to enter the Cinema parking

structure.

- From **Foothill southbound** in right lanes, especially the inner lane which must quickly merge into the lane on the left, to westbound on A Street and then must merge more left to get on Mission southbound. Merging left fast enough to get into the CVS lot can be dangerous or impossible.
- **Jackson northeast-bound** onto Foothill merging with traffic from D Street on the left and Mission on the right. Getting from Jackson to Foothill to D Street eastbound is so difficult it is prohibited, forcing a longer route and still difficult lane changes to turn right eastbound on C Street. If the pattern were changed to a two-way system, then D Street traffic at Foothill is reduced by allowing traffic to go up Mission to A Street. Also, merges from Jackson and Mission onto Foothill are reduced by how the traffic lights would pulse traffic between Jackson and Mission.
- **Exiting the Cinema Parking Structure** onto Foothill it is impossible to cross safely six lanes to get to eastbound on B Street, and challenging to even get eastbound on A Street.
- **Exiting the City Parking Structure** onto Mission it can be difficult or impossible to change lanes fast enough to turn left onto C Street
- **D Street westbound right onto Foothill and left into Cinema Parking Structure** is difficult, requiring changing five lanes in a short distance.
- **B Street from east side of Foothill.** Going to park in front of Copy Pacific requires crossing six lanes almost at right angles in order to reach the safety of the seventh lane for parking. It is possible with a red light on Foothill.
- **D Street westbound to Foothill northbound to enter parking structure** requires changing three lanes in about one block and is almost impossible if there is traffic. The method I use is to slow down, lean out the window and look back, wave my arm, and hope that someone will slow down enough to let me in, three times.

High speeds aggravate the problem of lane changing and merges. I had a scary experience exiting the city parking structure southbound onto Mission and changing four lanes to get eastbound on C Street. The cars behind me made it difficult to see what was coming in the lane back to my left, and I had to slow down to a near stop to see. What I could see was fast traffic coming up at me unwilling to slow down even when I was a foot into their lane. I had to pull in front of the least dangerous car coming up at me and do it three more times. I have a hunch that the driver behind me who honked had to brake a bit.

12. Queuing (lane stacking) and safety problems.

Excessive queuing in left lanes occurs because the Loop goes in the left direction. I have seen this all the time; it is a systemic problem.

- Southbound on Mission in the left lane to go eastbound onto C Street;
- Eastbound on C Street left lane to north on Foothill;

Merge of Jackson and Mission into Foothill and Jackson: there is no safe lane. Many cars from Mission onto Foothill are crossing 3+ lanes to the left, and many cars from Jackson are crossing 3+ lanes to the right. This is bar none the most terrifyingly dangerous intersection I have ever driven (30 years, all over the country and bay area) INCLUDING driving in Tijuana 40 years ago. –Bonnie Peyton, Hayward resident

- Westbound on A Street in the left lane on the east side of Foothill, getting ready for turns into CVS, Salvation Army, Main Street and Mission Blvd. On 6/18/16 I was coming south on Main to use A Street, to Mission. When the light turned green two left lanes were fully stacked into the intersection, so I went up Mission, over on Hotel, back across on Main to D Street for the left on Mission
- Westbound on A Street in the left lanes on the east side of Mission
- Eastbound on A Street in the left lane to go north on Mission to reach the Hotel Ave. rat run;
- Northbound on Mission in the left lane to go west on Fletcher, sometimes back up outside the turn pocket all the way to the Plunge,
- Northbound on Watkins at Jackson, where a sometimes very brief light cycle and the blocking problem described above creates an incentive for drivers to use the left turn only lane to go straight, or to cut left out of the straight lane, cut around blocked cars in that lane, and swerve back into the intersection to continue on Watkins (I've seen it done and done it myself), and
- Westbound on B Street to turn left onto Mission.

13. Parking lost to the Loop.

The loss of parking on Loop streets has probably reduced commerce. Some surviving Loop parking on A Street does not look or feel like parking. The white line for parking is not marked for specific spaces and is not clear if the area is for parking. Speeding cars in the adjacent lane make it uncomfortable to open the car door on the traffic side; it can feel uncomfortable, even dangerous, to stop and back into a parallel parking space. Parking lot to the Loop should be restored and parking should be increased on Foothill. Design plans and space counts have been submitted to the City, but not acknowledged.

14. Land lost to the Loop.

The Loop required acquisition of 30 parcels and destruction of 18 buildings, all or most of which could be recovered for higher uses. The City should recover the land for productive use. The Loop included widening D Street and the destruction a large, delightful mural that enriched downtown for decades. When D Street is narrowed and new building is built, the mural can be restored.

15. Longer lights.

The Loop reduces conflicts at some intersections and can thus speed up traffic, but it also creates more flow at intersections, creating more conflicts. There seem to be longer lights northbound on Watkins at D Street possibly due to traffic diverted from A Street to D Street, and at other places with very wide pedestrian crossings.

The Loop has made traffic slower and reduced access to downtown. These problems would go away or be diminished by a two-way system.

Complete Streets and the Downtown Specific Plan

For years, City leaders needed to ask, what will bring the most business downtown? What should we do to increased access by non-auto modes? These questions are still unanswered, but at the same time people were complaining about the Loop, a planning process was underway to go back to a two-way system.

Ironically, in March 2013, just as Loop construction was completed, the City committed to “complete streets” to better serve non-auto modes.⁶ City action was prompted by the Complete Streets Act of 2008 (AB 1358) which finally took effect in 2011, and was backed up by Metropolitan Transportation Commission (MTC) and Alameda County Transportation Commission (ACTC) funding policies of 2012. The City policy was far more detailed than anything HAPA had advocated. It focused on improving non-auto modes and on helping all travelers, not just drivers.

The logic of complete streets goes against the Loop. Complete streets “are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Complete streets make it easy to cross the street, walk to shops, and bicycle to work. They allow buses to run on time and make it safe for people to walk to and from train stations.”⁷

In July 2014, ACTC granted the City of Hayward \$950,000 to write a new Downtown Specific Plan. There were delays when the first consultant failed to perform and then more money was needed. At HAPA’s September 2014 Board meeting we decided what we would advocate to reform the Loop.⁸ We lacked confidence the City would apply the complete streets idea to the Loop, but we would eventually be proven wrong.

The City spent over \$1 million on Linda Wise Consulting (LWC) and subconsultant Nelson Nygaard to develop a new downtown plan. The scope of work included planning complete streets with more room for bicycles and pedestrians. The process featured a citizen’s advisory committee, workshops, a charrette, a Vision Plan, and a Draft Hayward Downtown Specific Plan. After the Vision Plan, the City put out a Draft Plan January 2019, still without any analysis of what was wrong with the Loop.⁹ Nelson Nygaard, the traffic consultant, made no mention of HAPA’s analysis of 15 Loop problems.

The Draft plan nevertheless recommended reverting the Loop to two-way and other HAPA ideas: unbundling, market parking charges, deregulation of parking requirements, bicycle lanes, safer pedestrian crossings, no parking structures, efficient street parking, land recovery, and narrowing Foothill Blvd.¹⁰ The plan, in fact, largely implemented the ideas that HAPA had set forth in the “Foothill / Mission Smart Growth Variation” in February 2003. HAPA’s analysis was ignored but our solutions were adopted. I doubt, however, that HAPA had any influence on City policy; rather, the idea of complete streets had become popular.¹¹

Two-way traffic will reduce or eliminate Loop problems: it will make point-to-point travel times faster than Loop effective times by restoring directness and by spreading out turning movements to more intersections, which reduces red light times by having less traffic at each intersection. Two-way the traffic will reduce circularity and VMT, which will reduce GHG

⁶ Director of Public Works to Mayor and Council, Adoption of Compete Streets Policy, March 19, 2013.

⁷ <https://smartgrowthamerica.org/program/national-complete-streets-coalition/publications/what-are-complete-streets/>

⁸ Note: HAPA News July 2014.

⁹ City of Hayward, Hayward Downtown Specific Plan, Public Hearing Draft, January 2019, <https://www.hayward-ca.gov/downtown-specific-plan>

¹⁰ City of Hayward, Downtown Specific Plan, <https://www.hayward-ca.gov/downtown-specific-plan>

¹¹ City of Hayward, Downtown Specific Plan, <https://www.hayward-ca.gov/downtown-specific-plan>

(greenhouse gases) and other air pollution. The efficiency of lane use improves. The ease of lane changes improves. There would be more space for parking. Land can be recovered for development. More people come downtown. Fewer people would try to drive through downtown. Slow speeds, however, may make it hard to perceive faster effective travel times.

Two-way will be more effective if combined with other policies discussed in this report.

The traffic oval and alternatives

Nelson Nygaard proposed a big oval traffic circle from Mission to D Street along Foothill Blvd. It looks nice as “place making” but will work poorly for traffic along several lines of travel. It will condemn existing business, require expensive right-of-way takes, and cost much more than alternatives. Mission traffic would have to jog off from a direct route. Two blocks of D Street, recently widened, would be closed and diverted to other streets adding to their traffic. Eastbound on D St. would evidently have to go the long-way-around using narrow Francisco Street to the south, or C Street on the north.¹²

The proposal seems far too expensive and impractical compared to and affordable, cost-effective signalized intersection or simple traffic circle. Foothill could be realigned a bit the east for a less oblique alignment into Jackson, narrowing the crossing distance and speeding up the flow. Realignment would also create the green space of the oval.

Traffic circles are as efficient or more so than intersections, but require more space. A one lane traffic circle has about the same capacity as a two-lane intersection. The big intersection serves mostly two-lane inputs and a two-lane circle plus right turn lanes might accommodate Loop flow.

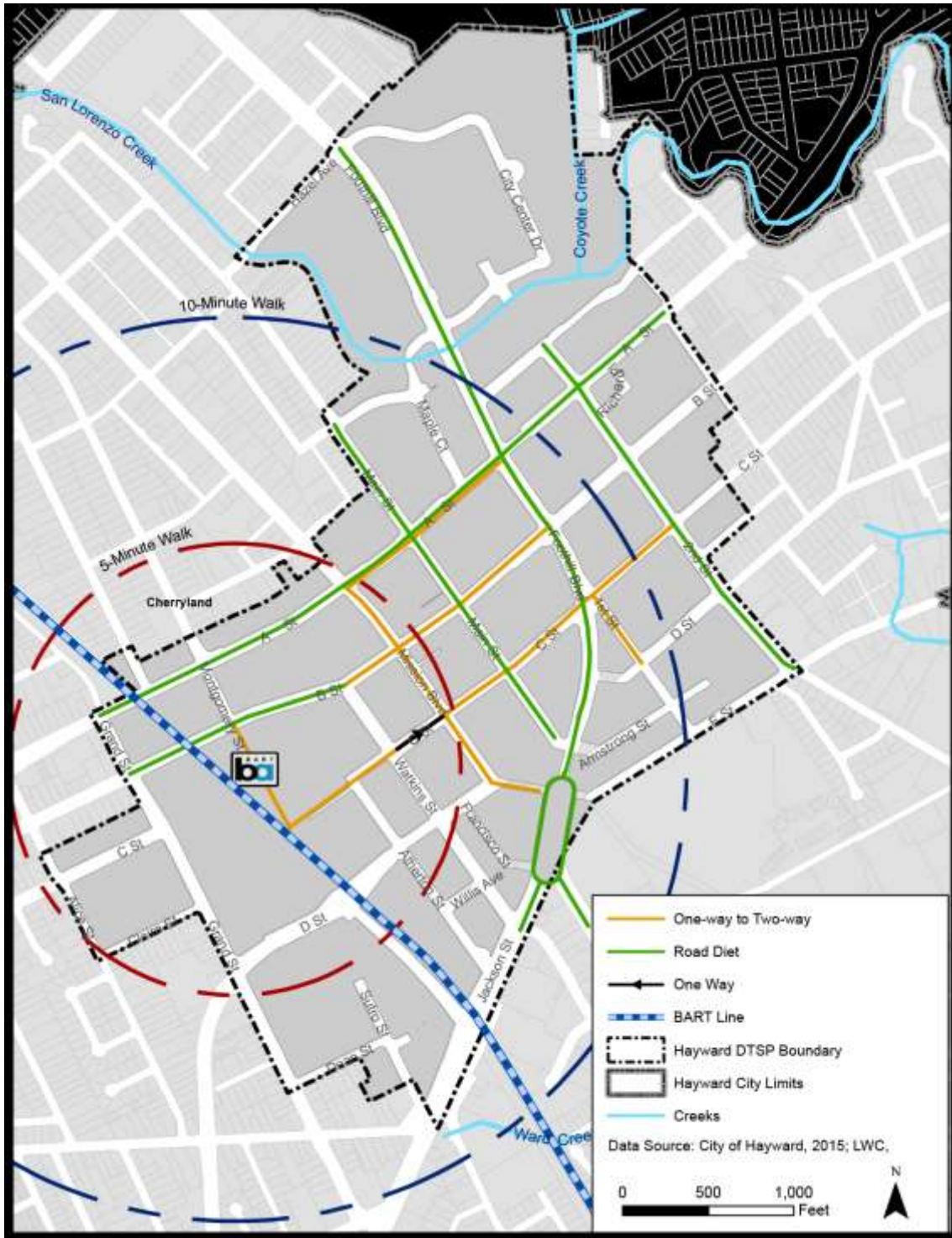
Paris has the largest traffic circle in the world at the Arc de Triomphe. It accommodates 12 arterials with 59 lanes, a mix of open, parking, and bus lanes. It is 120 curb-to-curb or about 11 lanes wide, except it has no lanes marked, just wide-open pavement. The YouTube videos of traffic flow at first appear chaotic, but then systematic, with mostly slow traffic and little herds of cars flowing through. Traffic from four lane incoming traffic overwhelms those on the loop, but evidently traffic lights a block upstream cut off the flow, so when the pulse has passed, the cars in the circle can zip around OK.

The situation in Hayward is a little different from Paris. The consultants never gave people a choice; they are not giving City Council a choice. Council has no information about choices that are probably better for effective speed, low cost, and rapid implementation.

AB 1386

The oval plan would delay implementation until 2028 and does not refer to the AB 1386 account that has enough funds to fix the problem soon. The California Transportation Commission has programmed \$100,000,000 in the Local Agency Transportation Improvement Program (LATIP) for spending on projects in central Alameda County. The LATIP, already used for the Corridor/Loop project, has more funds available for programming by the City, ACTC, and MTC by applying to the CTC. (See Staff Report by City Manager, Agreement with Caltrans, Jan. 12, 2016, File #: LB 16-007.) I have much more information.

¹² HAPA News, August 28, 2017.



Proposed traffic oval, Hayward Downtown Specific Plan, January 2019

Appendix E

Appendix E of the EIR on the Downtown Plan has transportation and circulation data and it is very sad. It was expensive; it measured the wrong thing; it does not even mention what must be analyzed to assess impacts. Nelson Nygaard messed up the street pattern design; Kittleson messed up the analysis. Kittleson used its model to justify the project, not to figure out the best alternative. Appendix E purports to meet CEQA requirements using official guidelines of the Bay Area Air Quality Management District, which are quite inadequate to evaluate impacts.

In 341 pages of descriptions, irrelevancies, and analysis, Kittleson obsessed on intersection LOS F and only one solution, make the intersection bigger: 51 lane additions to intersections and 7 lane additions to freeways. Such a policy will induce more traffic and make matters worse. It is based on rigid assumptions that ignore alternative policies. It directly contradicts Compete Streets policy: Plan at p. 371, Program C 3: “Reduce motor vehicle travel lanes on the following roadways to reallocate space for other uses...”

Fortunately, massive lane expansions are too expensive to have any impact, but we still need an adequate EIR.

Kittleson bases its analysis exclusively, without adjustment of the ACTC Travel Demand Model.¹³ Yet the policies of the plan are designed to change those model outputs and those impacts have to be evaluated. In general, four-step models like the one ACTC uses over-predicts congestion for the “no-project alternative” in future years. The models use the same trip table of travel demand for all scenarios when it, in reality, would change among them.

The EIR ignores

1. Intersection LOS is the wrong thing to measure. State law has eliminated LOS as a basis for determining significant impacts. Congestion due to development in dense centers is an impact that no longer requires mitigation.¹⁴
2. LOS based on link speed, effective speed, pedestrians, bicycles, transit, public cars, local residents, and business access.
3. City policy: “LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays.” The EIR fails to discuss this.
4. The impact of the plan on vehicle miles traveled (VMT), effective speed, link traffic volumes, link speeds, induced demand, induced restraint, land use changes due to network changes, alternative modes, travel time budgets, walkable systems, and pricing reforms. (As shown above, the ACTC model reports volumes on every block.) An adequate traffic study would have revealed slower point-to-point travel times despite more speed, increased VMT for the same traffic inputs, and increased link volumes for the Loop, all of them negative impacts. The traffic study needs to show if

¹³ Appendix E, Item 1, pp. 48, 65; https://www.alamedactc.org/wp-content/uploads/2018/12/AlamedaCTC_ModelDocumentation_FinalReport_20151109-2.pdf?x28501. Appendix E has a dead link:

https://www.alamedactc.org/files/managed/Document/17533/AlamedaCTC_ModelDocumentation_FinalReport_20151109.pdf

¹⁴ Kittleson, Appendix E, p. 56 on SB 743

the currently excessive traffic on B Street is reduced; it needs to cover the increase in traffic on Francisco Street.

5. For the oval and alternatives to the oval, the costs of buying right-of-way, loss of existing businesses, costs of construction, financing, time needed to completion, performance (traffic volumes, traffic speed, effective speed). One obvious alternative is a signalized intersection with Foothill realigned east to create green space and buildable area and to create a shorter, more functional travel distance across the intersection.
6. How parking garages with free parking induce traffic and are costly to tax payers.
7. How much downtown residential development and policies supporting non-auto modes will reduce traffic.
8. How much market parking charges could reduce traffic.
9. How much parking cash out could reduce traffic.
10. How much support for public cars could reduce traffic.
11. How much a downtown circulator could reduce traffic.
12. How much transit improvements could reduce traffic.
13. How much rapid bus to Cal State East Bay and to Chabot could
14. How much the ACTA trip generation would be reduced in response to plan policies, which is rather the point of complete streets. Complete streets are not a theory or just posturing and symbolic politics; they are intended to reduce traffic.
15. The impact of plan policies on mode split.
16. Problems that would occur if B Street is made two-way.
17. The functionality of the B and C Street one-way couplet for efficient bus and passenger lanes at the BART station relative to two-way.
18. The functionality of keeping B Street and C Street two way. One-way on B Street won't work because it is narrow and has a lot of traffic. Any vehicle parked in a travel lane would block traffic, which is an existing problem but drivers can use the other lane to get around.
19. The impacts of closing two blocks of D Street and the performance of street narrowing, land recovery, and mural recovery relative to existing conditions and the plan proposal.
20. The need to evaluate the claim that the oval with four (or a "mitigated" six lanes) lanes of traffic would "support increased pedestrian activity" and "reduce travel speeds." The volume and speed of traffic must be estimated. On its face, the claims look totally bogus.
21. How a combination of cost-effective recovery of street parking, improvement in non-auto modes, and new housing could provide access to downtown.
22. How traffic origins and destinations would change due to induced restraint created by a two-way system favor trips downtown and discourage trips through downtown.

How to get an adequate EIR

Concerning performance of the oval and alternatives, the City should use a **traffic flow optimization analysis**, not the usual four-step model to evaluate the options. Given the same screenline loading of the network around the big intersection, a traffic simulation flow model

could evaluate the three options. Traffic simulation is an operations analysis of flow through several intersections.

“Traffic simulation or the simulation of transportation systems is the mathematical modeling of transportation systems (e.g., freeway junctions, arterial routes, roundabouts, downtown grid systems, etc.) through the application of computer software to better help plan, design, and operate transportation systems. Simulation of transportation systems started over forty years ago, and is an important area of discipline in traffic engineering and transportation planning today. Various national and local transportation agencies, academic institutions and consulting firms use simulation to aid in their management of transportation networks.

“Simulation in transportation is important because it can study models too complicated for analytical or numerical treatment, can be used for experimental studies, can study detailed relations that might be lost in analytical or numerical treatment and can produce attractive visual demonstrations of present and future scenarios.” See [traffic simulation](#).

Signal timing is an output of traffic simulation models. It is “used to distribute right-of-way at a signalized intersection. Signal timing involves deciding how much green time the traffic signal provides to an intersection approach, how long the pedestrian WALK signal should be, and numerous other factors.” See [signal timing](#).

“TRANSYT-7F is a traffic simulation and signal timing optimization program. The primary application of TRANSYT-7F is signal timing design and optimization. TRANSYT-7F features genetic algorithm optimization of cycle length, phasing sequence, splits, and offsets. TRANSYT-7F combines a detailed optimization process (including genetic algorithm, multi-period, and direct CORSIM optimization) with a detailed macroscopic simulation model (including platoon dispersion, queue spillback, and actuated control simulation).”

3. Non-auto modes

Existing mode split

Downtown access already has a much higher non-auto mode component than commuting in the rest of Hayward, 26% compared to 16%.

MEANS OF TRANSPORTATION TO WORK				
	Downtown Hayward		Hayward city	
Private auto	1,337	74%	59,357	84%
Alt modes	459	26%	11,281	16%
total	1,796	100%	70,638	100%

American Fact Finder, 3/27/2017

Level of Service for Non-auto Modes

Historically, traffic analysis has focused almost exclusively on more capacity for more and faster auto traffic. In the early 2000s, planners needed a way for non-auto modes to compete with the auto and developed the idea of level of service for non-auto modes. Complete streets are a continuation of that process. LOS for non-auto includes the capacity of roads to serve

people, time to walk across a street, attractive bicycle lanes, transit capacity, and design amenities making non-auto modes attractive.¹⁵

Pedestrian and bicycle amenities.

Improved amenities for walking and biking are helpful but need the other policies discussed in this report to get more people to walk and bike.

1. Improve pedestrian crossings.

Pedestrians need crossings that feel safe and are safe: narrower road widths at pedestrian crossings, pedestrian safety medians, bulb-outs, lights, signage.

Foothill is all too wide. A St. has poor crossings, especially at the senior housing project on the north side of A Street with no safe crossing to Luckys. Westbound traffic on A Street from Foothill is fast coming down to Mission. Traffic on A Street from the west side by Lucky backs up because it is forced to turn right or left onto Mission. The signals are slow because of left turns. The best solution seems to be put in a pedestrian safety median that would block left turns into and out of Lucky. Traffic into and out of the parking lot from A Street would be reduced to traffic eastbound on A Street only. Otherwise westbound traffic on A St. can access the parking from Mission Blvd., which is now hindered because Mission is a wide, one-way expressway.

2. Bicycles: East Bay Greenway Project

The East Bay Greenway Project would convert part of the Union Pacific railroad right of way from Lake Merritt BART to South Hayward BART into a “rail trail” for pedestrians and bicyclists. It would especially improve bicycle access to downtown and BART. The easiest section to make into a trail also serves downtown, next to Western Avenue (west side) from Hampton Rd. to Hayward BART station, where the railroad right-of-way is much wider than it needs to be for rail use and already open to informal public use. It could easily become a trail for walking and bicycling that would bring people right to the BART station and downtown at B Street. The trail would need a safety fence to keep people away from the tracks. The Alameda County Transportation Commission and East Bay Parks are sponsors. See <https://www.alamedactc.org/eastbaygreenway> for details.

The proposed Downtown Specific Plan actually has too many bicycle lanes at the expense of surface parking. It needs fewer lanes with more supporting policies to get actual use and performance criteria for when expanding them should be considered. The Dutch, German, and Danish systems have the comprehensiveness needed to be successful.

3. The Downtown Circulator

We need a downtown circulator which is fast, frequent and free, from BART to Lincoln Landing.

People choose mode primarily on the travel time and cost for the purpose of the trip. In some situations, congestion, bridge tolls, and parking costs can induce high transit ridership even when fares are high. In Hayward, abundant “free parking” pushes people into private cars. For a circulator to be successful, it has to have enough density over a short distance, be frequent fast

¹⁵ James Daisa of Kimley Horn (now of Steer Group), Vehicle Level of Service in Transit Oriented Districts; Service for Whom? ABAG Technical Session on CEQA and LOS, November 14, 2003, <https://www.steergroup.com/about/our-people/james-m-daisa>, has an in depth discussion of the planning issues.

and free, and compete fairly with parking, which requires smart meters and unbundling. A circulator can have low capital and operating costs.

To achieve these goals, a circulator needs to use rapid bus concepts:

23. Dual mode diesel electric motor for torque, braking energy recovery, renewable fuel potential
24. 30-foot bus for maneuverability in traffic
25. No fare collection by driver; use proof of purchase and soft enforcement
26. Low floor, high sidewalk stops with no step entry and guided docking
27. Minimal dwell time
28. Shortest possible distance
29. Signal preemption and right lane bypass
30. Needs road improvements and new signals
31. Usually faster than driving
32. Runs most of the day
33. Free to most users using eco-pass
34. Land-based financing
35. Contract operator selected by RFP
36. Financers of circulator manage it in consultation with riders and operator

Ridership. Riders would be residents of Maple Main and Lincoln Landing and also should include downtown area residents, people coming downtown on other transit, and that park downtown.

Route, headway. A long suburban route is usually not cost-effective due to longer travel time reaching fewer people at lower densities and more competition from use of cars. The circulator has a short route, less than a mile, which allows shorter headways with fewer buses, one bus in fact. People make mode choices based on travel time, so the faster and more frequent the service, the more riders it will have. For speed the shuttle should use the shortest possible route and for frequency have a headway most of the day of 10 minutes or more. These goals can be achieved with a Downtown Circulator using one bus between BART and a turn-around end-of-the-line stop at Lincoln Landing off City Center Dr. as shown in the picture.

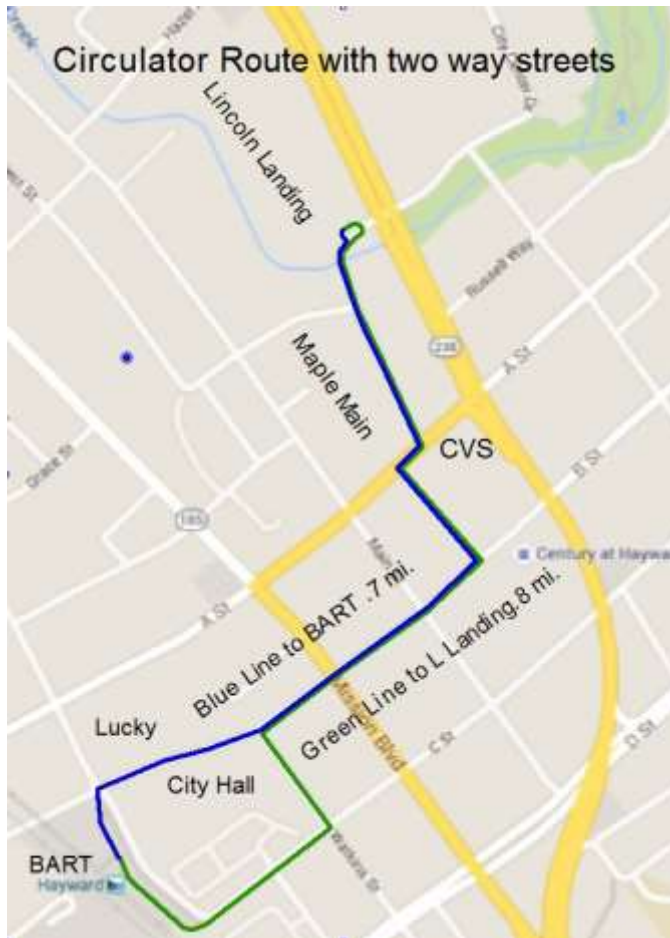
The route proposal below is based on the two-way traffic pattern proposed in March 2017 by Lisa Wise Consulting. The best initial route from BART seems to be up C Street, left on Watkins St., right on B Street, left on the mid-block street through the parking area, jogging across A Street to Maple Court to a turn-around at Lincoln Landing on City Center Dr. The best return route seems to be back on Maple Court, crossing A Street to the parking lot street, right on B Street, and left into BART. This route allows one bus to go every seven minutes. A bus way traffic light would be needed at Maple and A Street. The route goes close to Lucky outbound for shopping on the way home.

The distance is 4,465 feet outbound and 3,720 feet inbound, with a round trip distance of 1.55 miles. At a speed of 15 mph the round-trip travel time would be 6 minutes. With stops and layovers one bus could support a seven to ten-minute headway. The route avoids the extra distance and slow turns of using Foothill Blvd.

If B Street remain one-way, the route would cross the Lucky lot and go up A Street.

Capital Finance. The capital cost for one bus and right-of-way improvements would be about \$1.2 million. Capital costs could be funded by new development, a Community Facilities District, city parking revenues, and state funding from cap and trade. In 2015 the Cap-and-Trade Program committed \$25 million each to the Transit and Intercity Rail Capital Program and the Low Carbon Transit Operations Program. The financial planning should include all properties along the route to get support as redevelopment occurs.

Lincoln Landing and the Maple Main Apartments have the cash flow to pay for one bus and right-of-way improvements if required by the City as a condition of approval to mitigate traffic impacts.



The capital cost for one bus and way improvements would be about \$1.3 million, mainly for one high tech bus, traffic lights, and signal changing equipment. It would be funded in part by developers, but they should be able to seek reimbursement from other sources based on serving more than their residents. However, the cost could be only \$4,100 per unit. Funding sources could be Community Facilities District revenues, city parking revenues, and fixed charges on the property tax (Community Benefit District), which could partially replace AC Transit's \$96 per year property tax fee. This project would also score well for AHSC and TCAC funding.

Operating finance. Initial operating funds should come from a share of the rents at the new projects. All residents would ride for free (eco-pass). Some revenue could also come in part from a fixed charge on property in the downtown area. New developments would also contribute. Operating costs would come to

some extent from rent and HOA fees.

Management. Like Union City and Emeryville, Hayward should own and manage the system. An RFP would allow cost-effective management and cost control. The operating cost would be about \$60 per bus service hour.

Ridership. The traffic study should estimate the ridership of the circulator in the context of the related complementary factors of the Destination Scenario.

My impression is that the City is studying a long route with slow and infrequent service operated by a high-cost operator that is similar to AC Transit and will not have much ridership.

4. Support for public cars

The City needs to understand a pedestrian system as a system just like we now understand the car system. The City should designate public curbside space for public cars, starting with Main St. south of the Green Shutter to C St. The City should develop its property at Main and C St. considering public cars. The City should arrange with providers to make it easy for them to use curbside space and expand it as needed. The City should educate new residents in how to meet their mobility needs with non-auto-modes.

Support for public cars can be required of new residential construction, in lieu of parking requirements, and tie into Parking Management discussed below. For example, taxi vouchers could be given in limited numbers to residents to use when the circulator is not running and to reach health care.

Taxi pick-up at Hayward BART

Taxis are over-regulated, making them too expensive, and they face unfair competition from e-hail ride apps. The report on this issue has been moved to a separate document. This section discusses moving the taxi stand to the station exit.

The **Hayward BART taxi stand** is dysfunctional. It is on the north side of B Street (bottom left, the white car is a taxi), which is inconvenient to reach from the BART station exit shown at the bottom center of the picture. It is **400 feet** by sidewalk and pedestrian crossing and a bit shorter by walking in the parking lot and jay-walking across B Street. The taxis are hard to see even in daylight. The walk is not inviting and is dark and unsafe at night. Gail Lundholm: "As an older, single woman who likes to travel and enjoys the Symphony, Opera and Ballet in S.F., I have more than once phoned for a cab rather than walk from the BART station to the taxi area after dark." Malca Chall: "Last week on Sunday night I transferred in to the BART Pleasanton line in order to get a taxi right at Castro Valley BART. Imagine night at Hayward!" (March 16, 2016)

A taxi driver was robbed at gunpoint and sprayed in his eyes with a chemical so he couldn't see. He lost all of his earnings for the day.

In November 2014, HAPA Researcher Dustyn Bindel talked with 3 taxi drivers and reported, "They were pretty excited about someone trying to help them have a taxi waiting area closer to BART. They don't feel too safe both where they're at, and, of course, it'd be better for business."

The taxi drivers do not like the location on B Street which faces westbound. Going eastbound legally is roundabout: the taxi has to circle around on Grand to A Street or D Street, so they often make a **logical but illegal U turn** for better service and sometimes get ticketed. Customers, in fact, may complain if the taxi does not make the U turn.

The best taxi access is just **40 feet** from the exit in the **handicapped parking area**, which would allow turning left or right at the exit onto B Street. There is plenty of room for three taxis. The picture below shows the route as a thin white line. Extra taxis could wait in the right side of B Street eastbound and go to the station pick-up curbside. Exiting, they can easily go either way on B Street.

Greyhound Bus Station

Intercity bus service is an important alternative to the automobile.

There is a mysterious prefab structure inside a strange small building at the entrance to the Hayward BART Station from B Street. There is a Greyhound sign involved. It all looks like some forgotten relic now devoid of function. Nevertheless, the Greyhound web site says there is a station there and has a picture of it. It is open Monday – Saturday, 8:15 AM - 12:30 PM and 4:30 PM - 6:30 PM. The website does not give a schedule for Hayward service but from looking at other schedules it appears that about six buses a day come through, stopping at the curb east of the entrance to the disabled parking area.

The outside structure encloses a prefab trailer with one seat of waiting, a bathroom on the left, a counter on the right, and various shipments on the floor waiting to be picked up.

The City should talk to the Greyhound people about a new station where people could wait



for a bus out of the weather, with glass walls to prevent misuse, with better signage and, well, just spiffier. How much would it cost, really? Not much.

4. Cost-effective Parking

In recent years the literature on parking management has expanded, with outstanding research by Shoup, Willson, Wachs and others and research, policy analysis, and guidance from MTC. MTC discusses reduced parking requirements, residential demand, and unbundled parking on a significant website at <https://parkingpolicy.com/>, including <https://parkingpolicy.com/reduced-requirements/>.

Improved surface parking, no parking structures

The draft downtown plan calls for heavily subsidized parking structures. This is contrary to Complete Streets and unacceptable. Subsidized parking induces more traffic and congestion, degrade street quality, cause safety problems, pollute the air, discourage alternative modes of travel, and are very expensive. They cannot pay

their own way because the costs (land, construction, operating, return on investment, external costs) are too high. Subsidized parking structures are not needed considering the ability of non-auto modes—pedestrian-oriented development, parking management, shuttles—to provide mobility.

The downtown plan seemed to have a disconnect, an inconsistency in thinking, like trying to have walking and parking in the same place at the same time.

Surface parking is superior to structured parking. It is less expensive, can more likely pay for itself with charges, and is more convertible to other uses.

More surface parking downtown is easily possible. Loop reform would recover lost parking. Parking can be improved with better striping and repaving. The midblock area of **Foothill-B-Main-A Street** should be rationalized and accommodate two lanes of through traffic, to be used by the shuttle. **Main Street** has little traffic and should have a pilot project with back-in diagonal parking, inviting people to practice and comment. Back-in parking is harder to park but safer and easier to pull out, and gets easier with practice.

Surface parking, however, is not as desirable as productive uses of land. It can be transitional, and decline with the increase in non-auto modes.

Pay to Play Pilot Project for Smart Meters

At an MTC workshop June 2, 2015, several ideas were presented for market charging. A modern system (Advanced Parking Management System) is based on three ideas: existing high parking demand much of the day in a parking area, willingness to pay, and ease of payment. "Willingness to pay" means that if parking is less than about 70 percent occupied, there is no charge. Occupancy of about 85 percent or more would have a charge that depends on people paying: if vacancies go up, the rate comes down; if occupancy goes up, the rate goes up. Employee parking is not a problem; convenient spaces are still available for others. In practice, employees are quickly priced off to cheaper parking.

Current Hayward parking regulations allow free use of expensive public parking paid for by tax payers. Parking is so over-supplied that much of it goes unused where there could be productive development, yet some parking is in high demand with too little turnover for efficient use. In some areas, the city has neighborhood parking permit requirements and time limits that help to some extent, but are inefficient for downtown. Parking management can prevent parking spillover into existing neighborhoods, but smart meters are needed downtown.

Some downtown parking is **over-parked** with poor turnover: B Street, behind Buffalo Bill's and Bank of the West, and the area closest to Lucky. Some drivers get a windfall; others drive around looking for parking, wasting gas, causing congestion, polluting the air, and unable to get the parking they are willing to pay for. Shoppers go elsewhere and revenues for local improvements are lost. The parking is paid for by taxpayers instead of the people who park.

1. A modern system helps business

Free parking is not necessary for business. Some of the most successful business areas have expensive, limited parking, and a high level of walk and transit access. Properly implemented, parking charges actually increase local business, as in Old Town Pasadena. Similarly, in Ventura, former mayor Bill Fulton describes its benefits. In Boulder CO, Los Angeles and San Diego, meter revenues support streetscape improvements to attract more retail business.¹⁶

The Green Shutter Hotel is planned to have no parking at all.

A modern system

- charges a market rate to park,
- increases business,
- has low cost enforcement using real-time reporting from occupancy sensors,

¹⁶ <http://fulton4ventura.blogspot.com/2010/09/parking-management-that-actually.html> and <http://www.vtpi.org/tm/tm72.htm>.

- makes it easy to pay,
- reduces time and congestion from hunting for parking,
- does not have time limits,
- has free parking where there is too little market demand,
- adjusts rates based on demand using computerized analysis,
- can use Internet and in-vehicle navigation systems to help find a parking space, and
- Produces revenues for streetscape improvements (sidewalks, cleaning, litter, signage, façades, policing, street furniture, pedestrian and bicycle amenities, landscaping, and traffic calming).

A modern program uses parking revenue to improve the downtown, advised by the merchants. Also, the revenue is based on voluntary payments, not punishment. Use of the funds is very important. They should not disappear into the general fund but be used for improvements in the local area, as was done very successfully in Old Town Pasadena. Funds could also be used for solar roofs over parking, as Chabot did several years ago.

Where parking in downtown is in high demand, there should be a parking charge, based on willingness to pay. Frequent localized shortages occur in the area behind Bank of the West-Buffalo Bills, along B Street, and at the Lucky supermarket. I recommend a pilot project for B Street.

A modern system is flexible. Close-in spaces can charge while spaces at a distance might be free. Some free parking helps public acceptance and gives those who do not want to pay a place to park.

Charges could start low, about 50 cents per use. Signs are essential so people know how much is charged, how to pay, and where the free parking is.

The challenge is to find the most cost-effective charging technology. Payment can use stored value cards like Clipper or BART, a tag read by a computer like FasTrak, credit/debit cards, and cell phones. SFPark is now actually saving drivers money in many spots.¹⁷ Smart phone apps guide drivers to affordable spots directly. The FasTrak tag and reader system is especially appealing, as it is fully automatic—the driver would do nothing except park and leave while the system keeps track of the time. Enforcement is easy; the occupancy sensor and charge system automatically report violators and where they are located. The FasTrak used on bay area bridges and SFPark in San Francisco shows how successful a modern system can be. Pittsburgh PA and Redwood City also have modern systems.

Galveston TX has free Wi-Fi downtown and a cell phone app that supports an easy-pay system. The City could ask MTC for information about the best technology.

Cash payment has high overhead costs and security problems of handling currency, and should be avoided when non-cash payment reaches a high level, similar to how Caltrans gradually increased use of FasTrak on bridges. Charges should be for time used. Long durations are possible up to 24 hours.¹⁸ No more having to carry change, guessing the time, rushing back, getting a ticket, or leaving time on the meter.

¹⁷ Examiner 12/16/12, Reisman

¹⁸ NY Times, 12/22/12, Stross

The expensive part of a modern system is the initial equipment and installation, requiring wireless tag readers, card machines, occupancy sensors, and central computerized management and enforcement system. SFPark is probably too expensive for Hayward. Less expensive but less easy to use are pay-by-license plate multi-space meters and smart phone electronic payment, with Pittsburgh PA as a modern example.

Old Town Pasadena is hemmed in by I-210, I-710, and the Arroyo Parkway, plus local arterials. Pasadena took this blighted area and made it a destination with a strong plan, historic preservation, parking charges, and use of parking revenues for improving the area.

HAPA is now looking for a merchant on B Street who will host a single smart meter. Because there is so little parking on B Street in front of occupied businesses, only 21 merchants have parking in front along the three blocks of downtown.

BART is charging \$3 to park at the Hayward station, so it is hard to imagine that people would not pay to park downtown.

2. Time limits are inefficient.

They have high enforcement costs, poor impact on turnover, and alienation of the public with fines. Currently, the two-hour limit program is losing money, about \$50,00 per year and “abuse of parking time restrictions is common” (CDM Smith report) downtown.

SFCTA On-Street Parking Management and Pricing Study: The public desires flexible time restrictions, and non-compliance with current time limits is common. Both the resident and business surveys indicate a strong desire for longer or more flexible time limits. //

Even if the mix of regulations is adjusted to better shape a neighborhood’s desired demand profile (such as by setting and enforcing time limits to encourage short-term use), conventional regulations are inadequate for tackling parking challenges when demand is high and practical capacity limits are routinely exceeded. //

Relaxed time limits allow users to pay progressive rates to park for a more extended period (if they are willing to pay) without risking a citation. New technologies can also improve the responsiveness and productivity of enforcement personnel. Regulations guided by a principle (i.e., target occupancy), paired with effective enforcement, will tend to improve public acceptance of enforcement, because the enforcement activities support specific goals rather than being perceived as primarily punitive or revenue-generating. //

Charge higher rates for successive time periods. This strategy is referred to as progressive pricing or length-of-stay pricing. Progressive pricing can be implemented in conjunction with relaxed time limits. By charging a higher hourly meter rate for each additional hour, short-term parking is encouraged and turnover increases, while providing flexibility and convenience to users. //

Redwood City: Eliminate Time Limits The program is set up so that market-rate prices will encourage turn-over and thus, there is no need for time limits, especially since they are perceived as aggravating to customers. With the removal of time limits, “occupancy shall be rigorously monitored in order to ensure that the prices are sufficient to generate the needed 15% vacancy rate”.

http://www.sfcta.org/images/stories/Planning/ParkingManagementStudy/pdfs/parking_study_final.pdf

San Francisco will become the first U.S. city to base its parking rates on driver demand citywide.

Beginning in mid-January, motorists who park in the city's 30,200 metered spaces, or in its lots and garages, will be charged more during peak times and less when demand isn't as high. Hourly rates will vary by time of day and block by block and be adjusted up or down four times a year, depending on actual use during the previous quarter.

The Municipal Transportation Agency board approved the plan Tuesday on a 5-0 vote.

In areas that have had the demand-based rates, he said, "the best thing you can say is that it's been a nonissue. Nobody notices."

At the same time, the city replaced its old mechanical coin-only meters with electronic meters that take credit cards, parking cards or coins, and allow motorists to pay by mobile phone. The meters are linked, allowing them to be remotely monitored and programmed, enabling the MTA to measure demand and adjust rates.

Under the program, the MTA reviews hourly rates every three months, and decides whether to raise or lower them, in 25-cent increments, or leave them unchanged. The decisions are based on how many vacant metered spaces are typically available on a block during three times of day: morning, midday and evenings.

Rates can go as low as 50 cents an hour during low-demand times or as high as \$8 an hour at peak times, according to MTA policy, but the highest rate now is \$7 an hour. The average rate at the existing 7,000 demand-based parking spaces, Willson said, is about \$2.50.

Jim Lazarus, policy director for the San Francisco Chamber of Commerce, said the organization welcomes the new way of setting parking meter rates and called the test program "unusually successful."

San Francisco Chronicle, <https://www.sfgate.com/bayarea/article/Plan-to-set-SF-parking-rates-based-on-demand-is-12408525.php>

Litman: The right price is the one that means there are always one or two open spots per block. Since the cost encourages turnover, time limits are unnecessary; in fact, any place that needs to impose time limits is not charging enough.

A two-hour limit to get turnover is costly to enforce and inefficient compared with modern systems. Several cities have found that the "time limits and tickets" approach didn't create enough parking availability and have switched to parking meters with variable rate pricing.

3. San Francisco

In February 2018 the City is proposing to upgrade enforcement based on equipment purchases and more personnel, and anticipating about \$90,000 income. Capital costs and five-year operating cost totaling \$645,000 should be compared with a modern system. Both systems would have a goal of one space per block face vacant most of the time on average. A modern system can be cheaper, quicker, and closer to destination. It saves energy, pollutes less and reduces congestion.¹⁹

¹⁹ "SFPark program a success," SF Chronicle, June 21, 2014



CDM Smith should report on costs of SF's parking fee expansion. How much do the new meters cost? What are the other capital costs of the system? What are the administrative costs? What are the revenues? What is the surplus? What is the surplus invested in?

CDM Smith should compare time limits with meters based on willingness to pay and high tech easy pay systems, report on how SF and Berkeley persuaded merchants to support the programs, and on what would a pilot program look like.

More details are at <https://www.vtapi.org/tdm/tdm26.htm> and www.vtapi.org/park_man.pdf

From the SFMTA:

"Upgrading our parking meters is one more step in making our parking system smarter and easier, while providing more convenient payment options for those who need to park in San Francisco," said Ed Reiskin, SFMTA Director of Transportation. "These benefits will ultimately make our transportation system more efficient, while continuing to reduce the number of parking citations throughout the city."

Citywide, parking citations have already been reduced by 12 percent.

4. Smart Meters

New easy-to-use smart meters make it easy to pay and accept debit and credit cards, SFMTA parking cards, **PayByPhone**, and coins; have larger display screens; show **PayByPhone** transactions right on the meter display; and provide flexible time limits that will eventually allow for multiple uses at the same meter. For example, a yellow loading zone meter can be used as a regular meter for longer time limits outside of the loading hours. More details at: <https://www.sfmta.com/>; <https://www.sfmta.com/press-releases/sfmta-upgrade-parking-meters-citywide>; <http://www.sfcta.org/transportation-planning-and-studies/current-research-and-other-projectsstudies/street-parking-management-and-pricing-study>

Study Hayward's Existing Smart Growth

Hayward is a regional leader in smart growth; we have had substantial smart growth at Atherton Place, City Centre, City Walk, and more, but we have no information on how well it is performing, which could provide a basis for improved management and growth., but has no information on **how well they are performing**. Do the residents shop downtown? How much have they reduced car use and increased walk or transit? Is their on-site parking working as planned, or is there spillover parking and use of garages for other purposes? What do residents see as important for improving the neighborhood? How many are Section 8 rentals? Are there any social problems associated with the residents?

The City should require green housing downtown—energy efficient, PV and thermal solar, zero net, Energy Star lighting and appliances, energy management software controls, water conserving fixtures, and low water landscaping.

Parking Management

The parking fee pilot program described above is a discrete element within the broader policy of parking management. The City's new Downtown Parking Management Plan should support additional policies, but it is vague. Downtown should have

- No parking requirements in zoning,

- No bundling of parking costs into sales or rents,
- No new parking structures,
- No parking underneath that is part of a dwelling unit,
- No platform parking,
- Parking open to all users for short periods,
- Management of spillover parking using fees,
- Leases for long term needs like resident parking,
- Redesign of inefficient surface parking on Main Street and in the Foothill-B-Main-A block, and
- More diagonal back-in parking, starting with a trial and education on Main Street of a block face painted and signed for diagonal back-in parking.²⁰

Unbundling

The City should test the market for unbundled parking in development of the Main and C Street property. The City should require unbundling in all new projects.

Any subsidy for parking, which includes zoning mandates, goes against sustainability and economic efficiency. Users should pay the life-cycle cost of the parking they use just like they pay for their cars. Such a policy would increase the cost of parking to users, reduce it for the public, reduce rents that now include parking, reduce private car trips, increase transit use and walking, increase the amount of transit, and redevelop land now in parking for human use. All of this would significantly improve the urban economy and livability.

Unbundling does not increase the cost of parking; it simply splits one price into two, the rent for the unit and the rent for parking. Initially the two unbundled rents combined could equal the bundled rent. An apartment with parking at \$1,600 per month could rent the unit for \$1,450 per month and the parking for \$150 per month. Then a low-income family not owning a car and living close to a grocery store and buses could save \$100 month or more. Furthermore, instead of a one size fits all rental system, a family needing more spaces could rent more, and one needing less, rent less.

Unbundling can also be defined in other ways besides splitting a bundled rent. The most economically inclusive is to include land, construction, operating, and external costs for greenhouse gases, pollution, and accidents. The most market-oriented is to charge what the market will bear and still have 85 percent occupancy on average. This is the rate proposed for smart meters. Whatever the system, the charge should not be trivial, which indicates the parking is really not needed. A market charge should not fall below the rate implied by the value of the real estate it serves.

Bundled parking is uneconomic and socially unjust. Those who want to walk and use transit are discriminated against by being forced to pay for something they don't need. The private economy cannot respond to demand for a more efficient life style. Unbundling supports a market-based transition to a more efficient, sustainable life style.

A common concern is that a renter could avoid the parking charge by parking on the street. If the street is under-parked, such use is efficient. If the parking crosses the 85 percent threshold,

²⁰ walkBoston, Pedestrian Infrastructure, August 2015, p. 30, Reverse angle parking.

the parking can be charged based on willingness to pay and the proceeds used to improve the neighborhood, as discussed above.

Another concern is that an owner of an apartment complex would lose income from unrented parking spaces. Vacant spaces, however, reveal that the parking was not economically justified, and the owner should be able to build new units on the vacant land. Currently, bundling is preempting land needed for housing. Downtown living does not require owning a car; it has all the shopping and transit service people need, and carshare/rental would provide for mobility not met otherwise.

The City now requires bundling: that is, the City requires that developments have parking and that rentals include parking. The City should allow separate rental of building space from parking space. The City could help landlords understand that unbundling can be implemented gradually.

Transform, the transportation advocacy group, has data on unbundling at its Green Trip website: <http://www.transformca.org/landing-page/greentrip>. GreenTRIP certification includes unbundling requirements. Many projects (43 so far) meet the requirements: <http://www.transformca.org/greentrip/certified-projects>.

Shared parking

When parking is regulated and restriction to specific users, it cannot be used flexibly for all users. Parking Management means shared parking, giving all users equal access at the same cost. Most parking is inefficiently restricted to single purpose use, such as only for residents, only for BART riders, or only for one business. Shared parking allows different users regardless of purpose, making more efficient use of the space.

Abolish minimum parking requirements in zoning

Current Hayward zoning requirements mandate building large amounts of free and bundled parking, thus subsidizing more cars and more traffic at the expense of affordable housing and less car dependency. Zoning should go the other way, for example, by allowing no more than one parking space per ten units and requiring market-rate unbundling.

- More parking means more cars, traffic congestion, and climate pollution.
- Parking spots cost about 80,000 each to build. That makes it more expensive to build, rent, and buy new homes.
- Parking takes up valuable real estate that could be used for more units in multi-family buildings, or storefront retail. In single-family homes, the space could be used for more accessible living space, gardens and trees, and play areas.
- More parking (and driveways) make our neighborhoods less safe, especially for children, seniors, people with disabilities, and cyclists.
- Parking minimums prioritize cars over people in our cities, undermining the walkability and sustainability of neighborhoods.
- An analysis by Transform (<http://www.transformca.org/greentrip/parking-database>) of 80 projects found 13,823 parking spaces, of which 3,882 were unused.

An [analysis reported by Streetsblog](#) showed that 88% of the new households in San Francisco added between 2008-2012 were car-free households. Since then the increase in transportation choices has made it even easier to live in San Francisco without owning a car. See

more at [letter of support](#) and [Livable Cities post](#). People living in downtown Hayward do not need to park a car downtown or own a car.

Conversion of surplus parking

If a market charge creates persistent vacancies and alternative modes are available, the spaces should be assembled into lots and developed for uses with economic and social value.

5. Walking-oriented Development Downtown

Residential development vs. Retail and Other Development

Residential development downtown is caught in a tug of war between the city's preference for more commerce and the need for more residents to provide demand for that commerce, yet which also takes up land that could be used for commerce. What is the best balance? Prime ground floor frontages facing the Circulator route (see below) on B and C Streets and on Foothill, plus A Street, should be preserved as opportunity sites.

Many people tend to be unrealistic about how much retail downtown can support. Retail requires a large residential population to be viable. Consultants can provide ideas about what is realistic, so the city does not withhold land from residential development hoping for retail when it is not realistic.

Currently retail rents are low due to lack of demand, indicating too few residents. There is much potential for residential development off the shopping streets and on upper floors. Downtown residential redevelopment should be walking-oriented. If rentals are proposed, units should be recorded as condominiums to allow conversion if market supports it. For a general summary, go to

https://www.dropbox.com/s/6krz5sa5a49j0j9/Walking_Oriented_Development.pdf?dl=0.

Funding

The California Strategic Growth Council (SGC) has \$400 million to award to housing and non-auto transit access projects in 2016 in the Affordable Housing and Sustainable Communities (AHSC) program. A Notice of Funding Availability (NOFA) has been coming out in January. Projects following the principals of Walking Oriented Development will score well.

Housing types

Owner-occupied covers a wide range of incomes, of housing types from McMansions to small condos, and from pricey high-end to low-cost fixer uppers.

Rental housing similarly ranges from rented McMansions to rented condos, plus private apartments of a few to many units, and affordable rentals for seniors, for families, and singles owned by non-profit housing agencies such as Eden Housing. Rent levels and quality may be high, with site amenities (landscaping, pool, fitness, club house) and interior quality finish, such as BRE's City Centre near BART, Essex Trust's City View on Bee Blvd. These rentals have more amenities than many high-end houses.

Rental-owner mixed housing exists during condo conversions and in developments where some units are rented by the condo owner and others are owner-occupied.

Both types range from auto-dependent to smart growth to pedestrian neighborhood.

Opportunity Sites

1. The New Wm Hayward Hotel “The Hayward”

Downtown Hayward has no hotels or motels. BART owns a major opportunity site, the vacant lot bounded by A Street, BART and railroad tracks, Montgomery St., and B Street It is 2.18 acres (428-0046-052-02-1.92 acres, 428-0046-053-00-0.08 acres, 428-0046-054-00-0.08 acres). The Westin St. Francis Hotel on Union Square in San Francisco is on 1.77 acres, a smaller lot. The BART site is plenty big enough for a **medium-sized hotel and convention center** which emphasizes sustainability in design and access.

Hayward’s competitive advantage is its affordability and closeness by BART to San Francisco.

Most access to the convention hotel should be by BART, not car. This is the ideal site for a hotel from a sustainability access perspective. A special access could be built on the north side of the station, direct from the train into the building. The platform would be extended north across A Street, and go down to a mezzanine level with fare gates exiting into the hotel lobby and down to A Street This kind of transit-oriented growth would reduce auto dependency and increase walking downtown. The BART parcel should be held for this or a similar special purpose using BART access.

The design would feature access by public car and integration with the taxi pick-up at Hayward BART.

The city should consult with an expert on feasibility of a design focused on sustainable access. Attendees could have mobility without renting a car. They could fly into Oakland or SFO and take BART directly to the hotel entrance. Powell St. is 34 minutes away by BART. B Street is an easy walk, and regional parks are not far away. The design could be modular to start small to reduce risk, as a hotel only, then expanding as the market allows.



Attendees could have mobility fly into Oakland or SFO and take entrance. Powell St. is 34 minutes walk, and regional parks are not far to start small to reduce risk, as a market allows.

The best expert seems to be Rick Swig. “Rick Swig operates RSBA & Associates, which was founded in 1986. Since that time, Mr. Swig has provided advisory services to both major hotel management and operating companies, as well as owners of individual hotels and portfolios. Along with his asset management and consultancy work associated with RSBA & Associates, he has also been an investor in hotels since 1989, including currently the Napa Winery Inn in Napa, California. His past background also includes a career with Fairmont Hotels, where he rose to be the Vice-President and Managing Director of the Fairmont Hotel Management Company.” (RSBA & Associates, 400 Spear Street, Suite 106, San Francisco, CA 94105, T 415.541.7722, rickswig@rsbaswig.com)

The City should invite graduate students in architecture at UC Berkeley Master of Architecture Studio One program to do a workshop on the concepts.

2. City-owned Site at C and Main

The Green Shutter Hotel will have no parking, none, nada, zip. The City should build residential housing three to five stories high next door on the C and Main site with no parking, none, nada, zip if the Green Shutter is successful. As of April 2019, the apartments, mostly studios, are rented but the building is not quite ready for occupancy. The City needs to work with public car providers and the tenants to promote non-auto-modes. Parking on Main St. towards C

St. should be reserved for public cars. Parking should be rented to the tenants at a price that makes a profit for the city or other owner.

3. Lincoln Landing

The Lincoln Landing proposal for the Mervyn's property was a large opportunity site. It has advantages of easy access from freeways via Foothill Blvd., shopping and employment across the street, proximity to downtown amenities like restaurants, shops, and movies, and closeness to BART. Dolinger's Lincoln Landing: 486 rental apartments, bundled; 1,064 parking spaces, 82,000 sq. ft. retail.

Major problems:

1. Bundling subsidizes parking and car traffic.
2. Bundling increases costs for those wanting a sustainable lifestyle.
3. Project orientation is to the north using Foothill Blvd. and freeways, taking residents out of Hayward.
4. Street frontages are dominated by massive buildings (Hazel), pavement and parking (Foothill, City Center), and a long parking structure two floor high facing Hazel, hostile to pedestrians
5. Lack of Intermodal Center in the South Tower on City Center Dr. and lack of a circulator to BART from the intermodal; they would help non-auto modes.
6. Need a Creek Walk café to improve amenity for residents, creek walk users, and shoppers.
7. Failure to adjust parking in North Tower based on results of unbundled parking and green mobility for the South Tower.
8. Lack of dedicated parking for carshare/rental, taxi, and ride app vehicles.

HAPA failed to influence this project. Most of this discussion moved to archive.

4. Maple Main

HAPA also failed to influence this project, which is a large six-level parking structure wrapped in apartments; also moved to archive.

5. Centennial Hall

250 single family houses were proposed for this site next to a Safeway and retail center, diametrically opposed to walking-oriented development. It is hard to imagine a worse blunder: wiping out purchasing power and sustainability by downzoning an area that needs mid-density. This area already has high density next to it to the north and east. The 1979 Downtown Specific Plan fixes this problem.

6. Walking-oriented development: Corridors

The Downtown Plan was devoid of any specific information on how to improve transit access to downtown

The same comprehensive policies development and sustainability that apply to downtown also apply to the two major corridors going to downtown. We need fast frequent shuttles from Cal State to BART and from Chabot via Southland and the Amador Center to BART, and we need walkable development along those routes.

General

Walking-oriented development must be served by high-quality transit with access to a job center and be within 15 minutes total travel time of a good grocery store. Walking-oriented development densifies a center (downtown) or along a short corridor (this discussion) without adding subsidized parking. Pricing, density and design replace car trips with non-auto trips for more efficiency and better health.

Affordable and Sustainable Housing

Affordable and sustainable housing is best accomplished by:

- Mid density: about 50 to 100 persons per neighborhood acre
- Four square construction for major savings
- Three-story building height for insulation, human scale, and active solar energy
- Net zero on the grid (roof-top PV and thermal solar energy, three stories optimal)
- Parking cost paid by parkers, reducing unit cost by 15% to 20%.
- A resident association with procedures to foster community and maintain value.
- Built to condo standards and registered as condo properties even if rented.

Green Mobility

The Bay Area has wasted almost \$200,000,000 on 3,882 unused parking in affordable housing projects. See <http://database.greentrip.org/>.

Walking-oriented development uses green mobility:

- Parking
 - Surface parking; with parking charges.
 - Reduced parking ratio for initial phase of residential development.
 - Parking management on public streets to prevent spillover parking from new development.
 - Parking charges
 - Unbundled parking, charged like living space rent to make a profit on the parking (for example, \$2,930 rent and \$370 for two parking spaces, \$3,300 if bundled)
 - Market parking charges at 85% occupancy; no time limits; efficient fare collection/no currency; use of funds for local improvements; involvement of local people in deciding use of funds, free parking nearby, signage (see HAPA detailed proposal).
 - Public autos: Carshare/rental; taxi; ehail (Uber, Lyft); paratransit
 - Dedicated curb space based on use for public cars
 - Arrangements with providers
 - Easy pick up, drop off, payment
 - Guaranteed ride home voucher for residents from BART for taxi/e-hail when the BART Shuttle is not running.
 - A limited number of taxi/e-hail vouchers for healthcare when other modes are inefficient.
 - Rapid Shuttle; rapid bus concepts
 - Short corridor, less than two miles, allowing frequent service with one or two buses, with one end of route at high quality transit like BART.
 - **Frequent:** every ten minutes or more frequently most of the day

- **Fast:** Uses rapid bus concepts: maneuverable bus—30 feet long or less, dual mode motor for fast acceleration, hill climbing, and regenerative braking; low floor bus, elevated sidewalk stops with no step entry; guided docking for fast roll-on, no fare collection, “proof of purchase” fare enforcement, signal preemption, right lane bypass.
- **Free:** Residents have eco-pass; students have class pass
- **Land-based capital finance:** The City would require developers at time of development to provide capital on a per-bedroom basis. The CSU would use parking fees or student fees for capital costs of a CSU shuttle.
- **Land-based operating finance, called eco-pass:** The City would require residents through rent and the CSU would have students through parking fees or student fees provide operating costs.
- The funding would be required by a recorded Fixed Charge on the property tax or of by HOA fee.
- The City also could facilitate voluntary participation by existing property owners.
- **Ownership** by capital contributors, management by RFP and contract operator.
- **BART to CSUEB Hayward:** to campus via C St., Mission, Bee, to upper PE Building; back the same way except B St. for the last leg. (See HAPA detailed proposal.)
 - Bike share and supporting facilities for easy one-way bike trips
 - Multimodal Centers where dense housing, shuttle, shared ride, and retail are concentrated.
 - Special carts for groceries.
 - Walk route improvements for attractive and safe crossing of streets.
 - Education for residents in green mobility.

Financial feasibility

- Estimate absorption rate for new markets—rail transit riders, corridor workers, retired, work at home using travel diaries and focus groups.
- Departing incentives: financial incentives for residents to not park their car on site (saving money on no car or reduced car use, parking charge savings, possible additional inducements).
- Project has mobility education and services for residents to have mobility without parking a car on site.
- As residents transition away from parking a personal car on site leaving unused parking spaces, new phases are built following the same concepts.
- This kind of housing costs about 15% less than automobile-based housing, making it very competitive in the marketplace.
- As surface parking becomes unoccupied, the land is used for the next stage of housing. The amount of parking to be built can be adjusted to reflect demand based on charging the real costs of parking. Developer has an incentive to profit from parking and to profit even more by building more units.

Definitions

Densities can be by units or persons

They can apply to various kinds of area (Lot only, Lot plus street; Lot plus street plus integral neighborhood serving land uses (neighborhood density); Neighborhood plus non-neighborhood land uses over a large area (urban density)

Low density: 50 persons or fewer per neighborhood acre; Mid density: 50 to 100 persons per neighborhood acre; High density: 100 persons per neighborhood acre

Low-rise: 1 to 2 stories; Mid-rise: 3 to 7 stories; High-rise: 8 stories on up

7. Downtown Hayward Community Benefit District (CBD)

Downtown property owners have to pay more taxes, but it is not clear what the money would specifically be used for. The Methodist Church was facing a bill of \$3,200 per year with no benefit. It is cut off from downtown by Foothill. According to a church leader, the Boy Scouts no longer even try to cross Foothill because of the width and the number of youth trying to cross all at once. The City needs to study the ideas discussed in this report, and consider limiting the area, limiting the projects to be affordable, and getting buy in from affected parties.

8. Railroading vs. Consulting

The Downtown Specific Plan is a take-it-or-leave-it railroad with no choices. The workshops and hearings were all process and no choices. The process was structured to create scattered and uninformed comment and a veneer of participation so that the City can claim the process is democratic while avoiding giving people choices. The plan failed to consider many of the policies discussed above.

HAPA has a survey with choices that can be used to inform people, particularly downtown merchants, and let them make choices among viable options. HAPA would like to find some way to confer with people to see if some consensus can be developed.

Involving people in realistic choices would be a good start on developing consensus about what to do.

Sherman Lewis

President, Hayward Area Planning Association

2787 Hillcrest Ave., Hayward CA 94542

510-538-3692 sherman@csuhayward.us

<https://hapaforhayward.wordpress.com/>

www.bayviewvillage.us

http://www.bayviewvillage.us/database/resources/bayview_village_ebook.pdf

ITEM #8 – PH 19-027

**ADOPTION OF THE DOWNTOWN SPECIFIC
PLAN AND DEVELOPMENT CODE AND
CERTIFICATION OF THE FINAL
ENVIRONMENTAL IMPACT REPORT, PER CEQA,
WITH A STATEMENT OF OVERRIDING
CONSIDERATIONS AND MITIGATION
MONITORING AND REPORTING PROGRAM**

STAFF RESPONSE

From: Kelly McAdoo <Kelly.McAdoo@hayward-ca.gov>
Sent: Tuesday, April 30, 2019 4:42 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Cc: Miriam Lens <Miriam.Lens@hayward-ca.gov>; Laura Simpson <Laura.Simpson@hayward-ca.gov>; Damon Golubics <Damon.Golubics@hayward-ca.gov>; Alex Ameri <Alex.Ameri@hayward-ca.gov>; Fred Kelley <Fred.Kelley@hayward-ca.gov>; sherman.lewisiii@gmail.com
Subject: FW: Comments on Downtown Plan and its DEIR

Good afternoon Mayor and Council –

I am forwarding staff's responses to Dr. Lewis' first email – see comments in red text below. Staff will be available to address further during tonight's meeting.

Thank you-
Kelly

Kelly McAdoo
City Manager
City of Hayward | 777 B Street | Hayward, CA 94541
☎ Phone: 510.583.4305 | Fax: 510-583-3601 | * Email: kelly.mcadoo@hayward-ca.gov



From: Sherman Lewis <> on behalf of Sherman Lewis
<>
Sent: Thursday, April 25, 2019 3:06 PM
To: List-Mayor-Council; Joy Rowan; Bruce Barrett; Evelyn Cormier; Alison; Michael Stuchlik
Subject: Comments on Downtown Plan and its DEIR

The downtown plan is not ready for prime time; delay it. **The Downtown Specific Plan has been in development for a three-year period, since the project's initiation. Additional time was added to the original two-year schedule to allow full community participation and Council feedback in crafting a new vision for the Downtown. Extensive public outreach was achieved and feedback received through several well-attended workshops and through public hearings at Planning Commission and City Council.**

The consultants are telling you what to do, not giving you choices. **Staff, the Planning Commission, the community and City Council all have been**

actively involved in the assemblage, review and development of the all project documents, including all options and choices related to how the Plan unfolds over the next 20 to 30 years.

People have been consulted but not actually been given choices. The Downtown Specific Plan project team has created a flexible Downtown Plan and Code that embodies choice and flexibility. The smart code allows for flexibility and choices along with incentives for desirable businesses and other compatible uses to locate in Downtown.

There are many great policies here.

The oval traffic circle is goofy. Do you really understand how it would work? For each traffic flow? The “oval traffic circle” was evaluated extensively by the project consultant team and their transportation engineering staff and the City’s Transportation Division as a viable option to slow speeding traffic through Downtown. Please note that the traffic circle is an option. Over time, ultimately, through incremental changes, the core roadway system may return to a traditional grid system that will efficiently and effectively slow traffic through Downtown Hayward, one of the goals of the Downtown Plan effort.

You have not looked at two sensible alternatives. You have no information on effective speeds and no information of traffic volumes. Speed and traffic volume information was analyzed and reviewed by City engineering staff and the consultant team as part of this project. This data was factored into circulation system computer simulations to ultimately lead to recommended mobility changes in the short-term, midterm and long-term within the Plan study area.

- Do you really intend to sever D Street, taking out two blocks of it? This is one option available within the Plan as a way to slow traffic down through Downtown. In the long-term, the City may opt to go back to a traditional grid system versus a plan to “sever D Street.”
- B St. won't work two-way. You know that. This option was studied during the course of the project and it is a viable option should Council direct City staff to move forward with this Downtown circulation enhancement sometime in the future.

- Parking structures cause global warming--not to mention more traffic, de-completed streets, and preemption of non-auto modes. The DEIR has no evaluation. HAPA will try to sue on this. A thorough analysis of all mobility components have been extensively evaluated within the Downtown Plan study area and as part of the Environmental Impact Report completed for the project. The entire Bay Area regional is part of an area on nonattainment with regard to air quality impacts. Even if Hayward's Downtown Specific Plan suggested that no new parking garages could be built over the life of the plan, other aspects of the Plan (new residential units, new commercial businesses, etc.) would still trigger unavoidable impacts with regards to future air quality measurements (worse air quality over the long run within the Plan area) Also, direction from Council and input from the public was part of all final goals, policies and programs contained in the final version of the Downtown Specific Plan document.
- Bicycle lanes are great if people use them. You have no information that people will. You should not preempt parking in favor of phantom bike riders. Start small, have a performance criteria for expansion. The final draft Downtown Specific Plan has been crafted to enhance all modes of transportation, including enhanced improvements for pedestrian and bicyclists currently lacking within the Plan area. This directive was part of the main vision and ultimately Plan goals identified at the beginning of the Downtown Specific Plan project.
- The potential for public cars is poorly discussed. This option has been included as part of the Downtown Specific Plan. Future private development projects within the Plan area will be reviewed on a case by case basis to determine whether car-sharing is feasible or financially viable to include within each development.
- An affordable rapid bus system has been ignored. This program, currently under evaluation by the City's Transportation Division staff, is a separate effort, and is also on a parallel path with the Downtown Specific Plan effort.
- In general, there are no real alternatives in the DEIR. All CEQA analysis for the project complies with State CEQA Guidelines and all applicable court cases that further refine environmental law, rules and regulations for environmental assessments of projects like Hayward's Downtown Specific Plan effort.

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Sherman Lewis
 Professor Emeritus, Cal State Hayward
 President, Hayward Area Planning
 Association 510-538-3692,
 <Ideas for Downtown Hayward.pdf>
 <Comments on Draft EIR.pdf>

ITEM #8 – PH 19-027

**ADOPTION OF THE DOWNTOWN SPECIFIC
PLAN AND DEVELOPMENT CODE AND
CERTIFICATION OF THE FINAL
ENVIRONMENTAL IMPACT REPORT, PER CEQA,
WITH A STATEMENT OF OVERRIDING
CONSIDERATIONS AND MITIGATION
MONITORING AND REPORTING PROGRAM**

EMAIL FROM LAWRENCE JOHMANN

From: Lawrence Johmann <>
Sent: Tuesday, April 30, 2019 6:20 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Cc: Kelly McAdoo <Kelly.McAdoo@hayward-ca.gov>; Laura Simpson <Laura.Simpson@hayward-ca.gov>
Subject: Downtown Specific Plan and Development Code

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Greetings,

I attended several of the public meetings related to the subject item and provided a number of comments, some of which resulted in revisions to the draft plan.

The subsequent documents now under consideration are, I think, a rather impressive culmination of work.

However, despite the staff report characterizing this as a much more user friendly zoning code that will encourage a variety of development, I cannot say I necessarily agree.

I have lingering questions and concerns that I wish to bring to your attention. I am hoping these can be addressed prior to adoption.

Like any property owner, I do welcome zoning changes that increase my property's development potential. Unfortunately, it appears that this plan and code change doesn't practically do so (unless my property is merged with adjacent parcels owned by others--a scenario I'm not interested in pursuing).

Under the proposed plan, my parcel will be rezoned to **Urban Neighborhood**.

Per Table C on *page 2-20*, this zone allows for five different building types:

C. Building Types			
Primary Building Type	Lot ¹		Standards
	Width A	Depth B	
Multiplex: Large	50' min.; 150' max.	100' min.	3.3.090
Rowhouse: Block Scale	18' min.; 50' max.	80' min.	3.3.100
Courtyard	100' min.	150' max.	3.3.110
Stacked Flats	100' min.; 250' max.	200' min.	3.3.120
Lined Building	320' max.	420' max.	3.3.140

¹ Sites over 3 acres must comply with Article 4 (Standards for Large Sites).

Accessory Building Type	
Carriage Building ²	3.3.040

² Only allowed on a lot with Rowhouse: Block-scale.

When applied specifically to my parcel, however, the associated rules only permit the development of one: **Multiplex: Large**.

My lot width of 50-ft is too narrow to satisfy the specified requirements for **Courtyard** and **Stacked Flats** or the practical requirements of a **Lined Building**.

The requirement to have only one **Rowhouse** per lot, but minimally four per run (for "Block Scale" page 3-32), disqualifies this building type for my property as well. This, in turn, also disqualifies the consideration of a **Carriage Building**, as these will only be allowed on a lot with a **Rowhouse**.

Under the description for **Multiplex: Large**, I'll apparently have to have a minimum of 7 dwellings (as indicated on page 3-18), or 6 dwellings (as indicated on page 3-30) all in one building.

Whichever it's supposed to be, it will be challenging to conceive and likely infeasible to implement.

Assuming that my 7500-sf lot was simply vacant for future improvement (which it's not), the need to provide for 7, 6, or however many parking spaces the code is to require, along with a driveway, and room for vehicle turn-around will leave little space for an adequate building footprint for a **Multiplex: Large** that is restricted to 3½ stories.

To be in any way possible, the first story, I imagine, will have to be almost exclusively dedicated to garage space.

I'm not actually sure what the parking requirements are because the proposed code supplements the existing code, "except as superseded," which is confusing.

For example, the section for shared parking under the new code (section 3.2.020-E-1) obviously supersedes the existing section for shared parking (section 10-2.401), but what about the credits currently allowed, such as that of section 10-2.404, "credit for proximity to public transportation facilities?" Are these still in effect?

Plus, I am not entirely sure how to interpret the proposed parking requirements. *Page 2-21* states that the spaces required for residential use are "1 per unit, or 1/500 sf, whichever is less." Does this mean if 6-units averaging 500-sf or more per unit are allowed, then 6 spaces are required? And if 6-units averaging 499-sf or less per unit are allowed (studios?), then only 5-spaces are required ($499\text{-sf} \times 6 = 2994\text{-sf}$, $2994\text{-sf} \div 500\text{-sf} = 5.98$ which rounds down to 5 per section 3.2.020-D-2)?

As it is, my constraints are further complicated by my existing house (and home-office) that is over 100-years old and identified as medium to high integrity on *page 1-9*. So other than just expanding my existing dwelling as part of a simple addition (which will now apparently burden me with a site review) what can I realistically do? How does one add 5 or 6 additional units as part of one building that already exists as well as 6 or 7 parking spaces on a relatively small lot?

My situation is not unique.

By my count, the plan will designate 140 existing parcels as **Urban Neighborhood**. The majority of these are of a similar size and configuration as mine, quite a few are even smaller. Most properties are already developed to some extent and nearly a third are designated as medium to high integrity. This begs the question: how can these properties be further developed in a practical and feasible manner under the proposed rules without scraping all of the history from these sites?

Perhaps it's the City's desire for property owners to sell their properties to larger developers who will consolidate lots and completely redevelop entire blocks? I think this is wishful thinking, but not a wish I share.

What would I like to see? Under the plan as is, eliminate the minimum unit requirement for **Multiplex; Large** and allow the multiplex to be more than one structure (so as not to infringe on the integrity of existing--potentially historic--structures). Alternatively, allow a development applicant the option of making improvements under existing zoning regulations for one year after the adoption of the new plan. Personally, I would be okay with my property simply retaining its current zoning designation of Central City - Commercial.

Strangely enough, the current zoning rules seem to afford me more practical and desirable development options.

In closing, this a substantial plan and code change. I've only reviewed the documents as they apparently apply to my property. During my perusal, I noticed a number of inconsistencies and conflicts. I think it all could still use further review, consideration and revision.

For example, the **Multiplex: Large** building, which is only permitted in the **Urban Neighborhood** zone, allows for a **Porch: Projecting** frontage type. However, the building setback provisions for **Porch; Projecting** stipulate a minimum building setback requirement of 11-ft, whereas the provisions for **Urban Neighborhood** require a maximum building setback of 10-ft (incidentally, the porch setback dimension in the left figure on *page 3-52* is mislabeled "F;" it should be "E").

It is also peculiar that the **Urban Neighborhood** allows for no rear setback for buildings, but a minimum 5-ft setback for accessory structures. This is the opposite of what the figure on *page 2-21* suggests.

Respectfully

Lawrence M. Johmann, P.E., QSD
612 B St, Hayward, CA 94541

From: City of Hayward <cityclerk@hayward-ca.gov>
Sent: Friday, April 26, 2019, 10:22:36 AM PDT
Subject: Special City Council Meeting: Tuesday, April 30, 2019

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Special City Council Meeting

Tuesday, April 30, 2019 | 7:00 p.m. | Council Chambers

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Regards,

Miriam Lens, City Clerk
City of Hayward

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