

**CITY COUNCIL MEETING  
TUESDAY, NOVEMBER 14, 2017**

**Documents Received After Published Agenda**

# **AGENDA QUESTIONS & ANSWERS**

**Items 5, 6 and 9**

**AGENDA QUESTIONS & ANSWERS  
MEETING DATE: NOVEMBER 14, 2017**

Item #5: Approval of Resolution Authorizing the City Manager to Execute a Service Agreement with the Fairview Fire Protection District

Given that our employee related costs are increasing at much more than CPI, does using CPI as the annual adjustment allow the city to recoup its ever-increasing cost of providing the service?

The costs of providing services to Fairview are covered. Simply put, we had a 5% escalator built in for 10 years. In 2012, the district made the case that they were paying 5% increase every year, even when Local 1909 made considerable concessions. The district did not realize savings from salary savings or concessions. We realized a 50% increase over a ten-year period; 7 of those years Local 1909 had no salary increases. The baseline starting point for this contract extension is greater than 100% cost recovery.

Item #6: Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Design Workshop for the Development of a Route 238 Properties Master Development Plan and Appropriation of Funds

Would the \$600k come from General Fund reserves?

Yes, with reimbursement coming after the parcels are sold

Does the current interest in parcel 8 change the timeline as currently envisioned?

We are planning to move forward as quickly as possible with the open space parcels

Will Nate Miley's office and the County be included in the process for Parcels 8 & 9?

Yes – The City Manager has already had preliminary conversations with him about the process.

Would staff please respond to this suggestion made below? I don't believe it's part of the Caltrans property list but the doesn't mean we can't encourage them to make it look nicer.

Staff will reach out to our contacts at Caltrans and will encourage them to clean up the site. Currently, CHP is evaluating the site for a new East Bay station and the State does not plan to surplus this property at this time.

One property not listed in report is the L shaped lot at Santa Clara and Jackson (behind the gas station). It was meant for replacement housing if 238 was built. Caltrans started using it when doing 92/880 interchange and now seems to have moved in as a permanent office. They also been storing construction materials which are visible on Jackson St. It would be a good location for housing. At the least, could the City ask them to make the property better looking especially from Jackson which is a major gateway.

Item #9: Proposed subdivision and construction of 35 townhomes and a mixed-use building of 39 apartment units with 1,020 square feet of ground floor commercial use on a 2.7-acre project site located at 26601 Mission Boulevard (west side, north of Sorenson Road) Assessor Parcel Number (APN) 452-0036-30-05, requiring: 1) approval of an amendment to South Hayward BART/Mission Boulevard Form-Based zoning code (Article 24) to allow residential density transfer/averaging among like-zoned development sites in the Urban General transect zones T4 (17.5 DU/Acre min; to 35 DU/Acre max) and T5 (35 DU/Acre min; to 55 DU/Acre max); 2) Site Plan Review; 3) Warrants for: (a) roof pitch, (b) excess parking in the T4 zone, (c) glazing less than 30% for the first story along Mission Boulevard, and (d) parking within the Layer 2 setback area; 4) Vesting Tentative Map 8335 associated with the subdivision; and 5) Mitigated Negative Declaration. KB Home (Applicant) and DNS Capital Partners LLC/Robert Telles (Owner/Applicant). Application No. 2016-01022 (Continued from October 3, 2017) (Report from Interim Development Services Director Bristow)

<p>What does the new solar language mean? Will there be solar on every town house or not? If yes, how big must the solar PV be on each townhome? Condition 149 is very vague. As I read it, a single PV panel on a single townhome would satisfy the condition.</p> <p>Are any EV charging stations required in the apartments? Sounds like no. Conditions only mention EV ready for future install with no obligation to ever actually install any EV chargers.</p> <p>Will any of the townhomes have EV chargers?</p>	<p>The Existing Language states the following:</p> <p>149. <b><u>Residential Solar System (Townhomes):</u></b> <i>In addition to the solar power provided for the community common areas in the original Conditions of Approval, Applicant also will provide solar power to the residential Townhouse Units.</i></p> <p>We could recommend a change that may make it clearer which would be:</p> <p>149: <b><u>Residential Solar System (Townhomes):</u></b> <i>In addition to the solar power provided for the community common areas in the original Conditions of Approval, Applicant of the townhouse units will also provide solar power to the extent feasible (roof area, roof pitch, solar orientation, etc.) to reduce the electrical needs of the townhouse units to the lowest extent possible.</i></p> <p>The requirement is to provide pre-wiring for 3% of the spaces. The apartments are providing solar for the common area lighting.</p> <p>The developer will be installing the infrastructure so all that the purchaser has to do is buy the charger itself.</p>
<p>In the resolution materials (ex: page 13 of attachment 3 for agenda item 9), it still references the smaller commercial space amount (1,020 sq ft). I thought the new proposal had additional space? If so, do we need to adjust the text to ensure that, if approved, that is built as promised?</p>	<p>I see the reference and that is the project description at the top of Exhibit A to the Resolution for approval. It does still reference the original project description which only identified about 1000 sq. ft. of retail. COA #147 has been added to reflect the additional square footage being proposed to be sure it is required should the Council decide to support the changes proposed by the applicant.</p>

Also, if approved, the resolution on page 4 of 32, item 7 B may have a small typo – the last line looks like it is repeated? "...a variety of housing types by maintaining the emphasis on the development of mixed use while expanding ways to incorporate different types of housing by maintaining the emphasis on the development of mixed use while expanding ways to incorporate different types of housing."

Yes, that is duplicative text and it will be removed.

# **PUBLIC COMMENTS**

Charlie Peters



*Clean Air Performance Professionals*

# **STOP**

## **California Smog Check**

*Save Billions In "Wallet Flushing" Car Tax*

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

# How GOP's Tax Deal Could End Gov Brown's Anti-Fossil Fuel Fantasies

*By Chris White / Daily Caller / November 11, 2017*

Democratic California Gov. Jerry Brown's mission to eliminate the state's gas-powered vehicles could come screeching to a halt if President Donald Trump's tax proposal passes through Congress unscathed.

The tax bill would zero out the Plug-In Electric Drive Vehicle Credit, a program giving a \$7,500 tax credit to people who purchase Teslas and other electric vehicles. California provides a \$2,500 state rebate for such customers – they act in tandem to reduce Tesla prices by nearly \$10,000.

But the legislation, which seeks to slash the corporate tax rate to 20 percent from 35 percent and reduce the number of income tax brackets, would likely dash Brown's hopes of keeping the anti-gas vehicle crusade on the straight and narrow. Reports show the bill could destroy the push.

Data show that the elimination of the tax credit could be a death knell for the budding green energy industry, especially for automakers that can't mass produce electric vehicles at the scale necessary to replace gas guzzlers in the market. Tesla relies heavily on the credit for survival.

A July 10 data analysis from The Wall Street Journal, for instance, shows that there were no new Tesla Model S sedans and Model X SUVs registered in Hong Kong the month after that country revoked the tax credit.

There were 2,939 Tesla vehicles registered in March before the April 1 redaction of the credit, according to WSJ, and nearly 3,700 entering the department's books for the first quarter of 2017. The end of the tax break was announced in February.

The bulk of Tesla's fleet of vehicles were sold in California in 2015, according to Edmunds, a group that researchers automotive sales in the U.S. California citizens made up nearly 50 percent of Tesla's customers that year. The next nine states made up nearly 33 percent, while the remaining 40 states combined were below 22 percent of Tesla's overall market.

A bill nixing the federal tax credit could bring dark days for Brown, who has staked out a claim as one of the country's most ardent anti-Trump activists. He has gone so far as to initiate a campaign designed to push states into undermining the president's decision to pull out of the Paris climate accord.



Brown leaned heavily on the federal electric car tax credit to push his climate policy agenda. He set a goal in 2012 of having 1.5 million electric vehicles on the road by 2025 – the move included a call to banish gas powered vehicles all-together.

“Governor Jerry Brown has expressed an interest in barring the sale of vehicles powered by internal-combustion engines,” Mary Nichols, chairman of the California Air Resources Board, told reporters in September about what Brown might have in store for the state.

He advocated and eventually passed a massive gas tax earlier this year to prompt motorists to make the switch – a decision that could ultimately come back to bite him and California if Republicans move forward on eliminating the credits.

California leap-frogged Pennsylvania to become the state with the largest gas tax – Pennsylvania’s tax settles in at \$0.50 cents per gallon, with New York at \$0.42 cpg following closely behind. The Golden State’s gas tax, meanwhile, increased from \$0.40 to \$0.52 cpg.

Gas taxes are supposed to provide revenue for road construction, maintenance, repair, and improvements, but states typically divert much of the money to other sources. In 2013, gas taxes and motor vehicle license fees paid for 40 percent of state and local road spending.

Californians signed petitions shortly after the tax passed on a recall effort against Democratic state Sen. Josh Newman for his vote in favor of the bill, and another lawmaker is moving forward on an initiative to repeal the unpopular gas tax.

Three Southern California radio talk show hosts embarked on the recall campaign targeting Newman, a first-term Democratic legislator who barely edged out his Republican opponent in November. Democratic lawmakers eventually passed a procedure making it more difficult to recall senators.

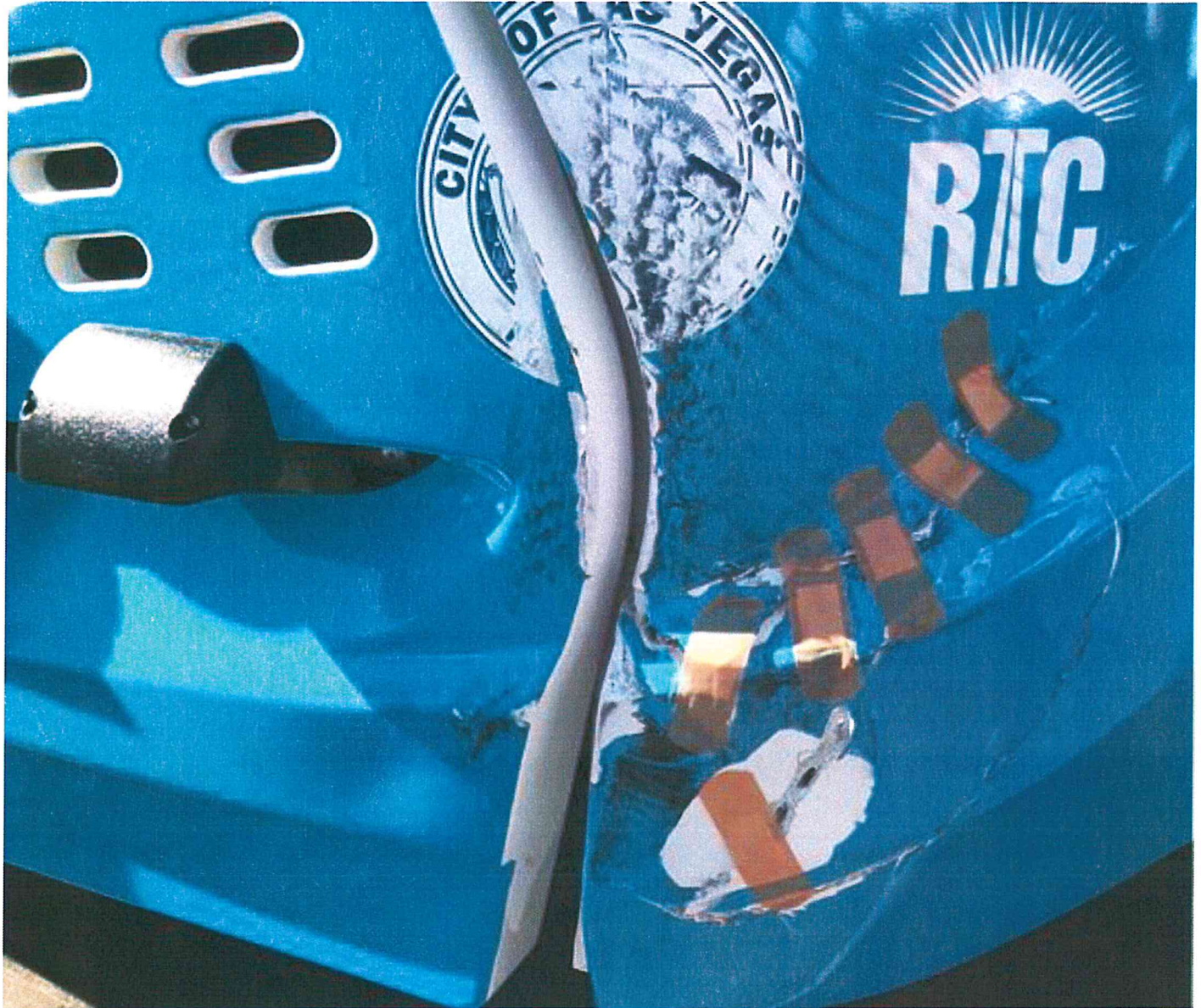
“That’s the only thing that works, is to take one of their team members out, politically,” Ken Chiampou, a co-host of “John and Ken” on KFI-AM in Los Angeles, told reporters Thursday. “If there’s no consequence, no punishment, then they’re going to keep right on doing this crap.”

<http://dailycalier.com/2017/11/11/how-gops-tax-deal-could-end-gov-browns-anti-fossil-fuel-fantasies/>

## ***Can The Honorable Jerry Brown Jr. Find Out if what is Broken on PZEV Smog Check Failed Car Gets Fixed?***

<https://www.arb.ca.gov/lists/sip07/112-0777com0010.pdf>

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**The Navya vehicle patched with band-aids.**

**Source: AAA**

## ***Safe To Transport Folks?***

<https://www.bloomberg.com/news/articles/2017-11-10/vegas-fender-bender-highlights-risks-of-sharing-road-with-robots>

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## Tesla Buys its Line Vendor After Stock Plunges \$15 Billion in 6 Weeks

*By Chriss W. Street / Breitbart / November 10, 2017*



*JERRY LAMPEN/AFP/Getty Images / 10 Nov, 2017*

**Tesla Inc. bought its automated machine tooling vendor after delays in its supposedly robotic Model 3 production line caused its stock to plunge by \$15 billion in 6 weeks.**

PERBIX has been Tesla's (NASDAQ:TSLA) vendor for designing and building automated manufacturing machinery for the last three years. Tesla's SEC filings state that the privately-held Minneapolis-area company was acquired for at least \$10.5 million in stock.

Breitbart News reported last week that Tesla's stock plunged \$5.5 billion after CEO Elon Musk on the company's third quarter earnings call stated that production of the new high-volume Model 3 would be delayed by six months. The news devastated investor confidence and caused the yield on its \$1.8 billion of bonds, issued less than 3 months ago, to spike to 6.5 percent, a level associated with junk bonds expected to default.

Musk blamed delays on its \$5 billion Gigafactory battery supplier in Reno, Nevada, but avoided questions about being sued for laying off 7 percent of employees without notice at Tesla's Fremont, California, assembly plant. Musk also acknowledged automated volume production challenges of the Model 3, compared to the company's largely hand-built luxury Model S sedans and Model X SUVs.

But he emphasized that through "physics-first principles," Tesla would shape a new mode of industrial production to improve efficiency by "factors of 10 or even 100 times." He repeated Tesla's key advantage in building all-electric vehicles was limiting the number of moving engine parts to 20, versus up to 10,000 for internal combustion engines.

Breitbart News highlighted that the Daily Kanban industrial blog reported Tesla only gave PERBIX a purchase order for "Body in White" (BIW) robotic-enabled Model 3 production lines earlier this year. Although car companies normally place fully-designed orders for fully-tested BIW lines with at least a two-year lead time, Tesla asked for a four-month delivery and planned a risky "cold build" layout and quality testing at its own factory.

But Tesla only built 260 of the 1,500 Model 3s scheduled in September. Instead of hitting the promised 10,000 per week in December and 500,000 for 2018 projected in the company's 10-Q, filed with the SEC in July. Tesla's stock crashed when Musk said the company would not achieve even 5,000 per week until late March 2018.

More concerning is Tesla's just published SEC 10-Q filing, which states that Tesla can only achieve 5,000 Model 3 cars per week without adding capacity. That tends to confirm reports by top Seeking Alpha analyst "The Montana Skeptic" that Tesla never ordered a second BIW line from PERBIX, despite guiding investors to assume the company already had Model 3 production capacity of 10,000 vehicles per week.

PERBIX automation was founded in 2001 and has an excellent reputation with Fortune 500 manufacturers for automation expertise. Its 150 member highly skilled technicians should be a big help to Tesla's manufacturing ambitions.

But Tesla was holding roughly half-a-million in customer pre-order deposits for the Model 3 as of August. The company was burning cash from operations at the rate of \$16 million a day in its third quarter ending September. It is currently unknown how many cash deposits Tesla has recently had to refund due to Model 3 customers due to long delivery delays.

<http://www.breitbart.com/california/2017/11/10/tesla-buys-its-robotic-line-vendor-after-stock-plunges-15-billion-in-6-weeks/>

## ***VW top Player For Self Driving Electric Transportation?***

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# ADM, COFCO sign MOU for U.S. soybean exports into China

*By Holly Demare / World-Grain / November 9, 2017*



CHICAGO, ILLINOIS, U.S. — Archer Daniels Midland Co. (ADM) and COFCO Group signed a memorandum of understanding (MOU) for the export of U.S. soybeans into China.

The signing ceremony on Nov. 9 was witnessed by U.S. President Donald Trump, and China's President Xi Jinping, in Beijing, China.

"The signing is a strong example of our countries' increasingly productive and mutually beneficial trade relationship," ADM said.

"The U.S. and China are the world's two largest producers and consumers of food, and together, both countries play a key role in helping to achieve food security not only for their respective

populations, but for the globe."

ADM also noted both companies are pleased to continue advancing agriculture as a basis for ongoing cooperation and collaboration between the two countries, and creating a foundation for a stronger overall bilateral relationship in the years ahead.

This is COFCO's second MOU of the year. In May, Denmark and COFCO signed an agreement to further bilateral cooperation in food and agriculture. The agreement helps establish a platform for the exchange of agricultural and food technologies, promote and reinforce pragmatic cooperation in planting and cultivation, food production, organic food, development of new products, and consumer-oriented

food experience as well as the exchange of expertise and information between China and Denmark.

This is ADM's most recent expansion into the soy sector.

In October, the company made further investments at its crushing facility in Straubing to produce non-GMO high-protein soybean meal. Located in southern Germany, the added capability will allow the site to serve ADM's growing portfolio of soybean meal customers and support local farmers in increasing the region's soybean output.

The move to processing non-GMO soybeans is a part of the company's growth plan.

[http://www.world-grain.com/articles/news\\_home/World\\_Grain\\_News/2017/11/ADM\\_COFCO\\_sign\\_MOU\\_for\\_US\\_soyb.aspx?ID=%7B1C5EAB06-6155-4394-92F3-1946CC26C53C%7D&cck=1](http://www.world-grain.com/articles/news_home/World_Grain_News/2017/11/ADM_COFCO_sign_MOU_for_US_soyb.aspx?ID=%7B1C5EAB06-6155-4394-92F3-1946CC26C53C%7D&cck=1)

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# **E15 Mandate is more harmful than it appears**

*By Algenon Cash / WS Chronicle / November 7, 2017*



**November 02, 2017**

Across this great nation, African-American families are struggling to do more with less. They must find ways to keep food on the table at a time when costs are skyrocketing and they are trying to rebuild savings by stringing together part-time jobs. The Pew Research Center recently reported an alarming statistic: “the median wealth of non-Hispanic black households fell 33.7%, from \$16,600 in 2010 to \$11,000 in 2013”.

Given the harsh economic reality of many African-American families, I've been disappointed to learn a large number of communities have voted in favor of an ordinance which would bring them even further harm. Requiring E15 (15 percent corn ethanol, 85% gasoline) to be sold in gas stations, adversely affect many of the most vulnerable citizens.

Currently 10 percent (E10) is the highest corn ethanol content sold. Supporters said that E15 will improve the environment and lower prices, however, many experts have

countered those claims, including scientists, economists, owners of gas stations, restaurant owners, car manufacturers, AAA and even bakers, food pantries and the environmental community.

Corn is used not only in fuel, it is also used for almost every type of food that we consume such as cereal, bread, gravy, (corn syrup, corn starch), fried foods (corn oil), and chicken, beef, pork (corn-feed). The more corn grown for fuel, the less land for corn for food and feed, driving up costs. According to FarmEcon, ethanol mandates could result in a family of four paying more than \$2,000 per year in extra food costs. For African-American families who are already struggling to make ends meet, added food costs would undoubtedly hurt.

E15 could also damage car engines as well as lawnmowers, snowblowers, motorcycles and other small engines. When you're out several thousand dollars because your car or tools got ruined by this slightly higher ethanol blend, or because you accidentally filled up on E15, you'll understand why the move to E15 is being opposed by a diverse set of groups.

Then there is the local service station owner who has to pay upward of \$125,000 to install the equipment that will dispense E15. Those stations provide jobs, food and staples for families in the community. What happens to those jobs and retail options for those small owners who won't be able to afford to install expensive equipment? They will be gone. And for larger station owners who can and will have to spend a small fortune to stay in business, who do you think they're going to pass the costs on to? Their customers, of course.

Proponents of E15 tell us that ethanol blends are less expensive than unadulterated gasoline, but this isn't true. Because ethanol burns faster than gasoline, so drivers using it run out of fuel faster and have to fill up more often. Where is the savings?

And E15's environmental benefits are not what they are purported to be. Studies and reports have concluded that corn ethanol could actually contribute to higher greenhouse gas emissions (GHG). Also, increased demand for corn for fuel has led to billions of pounds of fertilizer in rivers, lakes and groundwater. How environmentally friendly is that?

<http://www.wschronicle.com/2017/11/commentary-e15-mandate-harmful-appears/>

## ***Trump-EPA Ethanol Waiver for Clean Air, Clean Water & \$2 gasoline***

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# DuPont seeks to sell cellulosic ethanol plant

*Michael McCoy / Chemical & Engineering News / Nov 7, 2017*



*DowDuPont wants to sell this cellulosic ethanol plant in Nevada, Iowa. / Credit: DowDuPont*

It's one step forward and two steps back for the cellulosic ethanol business. As Clariant pushes ahead with plans to make ethanol from agricultural waste in Europe, two other chemical firms—DuPont and Beta Renewables—are pulling back from the technology.

On Oct. 31 Clariant announced plans to build a cellulosic ethanol plant in Romania based on its Sunliquid process. The Swiss specialty chemical company said the plant will be a flagship facility intended to demonstrate the technology's competitiveness and support a licensing strategy.

That was pretty much DuPont's plan when it decided to build a cellulosic ethanol facility in Nevada, Iowa. The plant, which opened in October 2015, was intended to be



the first of a string of facilities that would use DuPont enzymes and yeast to turn corn cobs, stems, and leaves into ethanol.

But on Nov. 2, the same day that DowDuPont released its first quarterly earnings report as a combined company, DuPont disclosed plans to sell the business. “While we still believe in the future of cellulosic biofuels we have concluded it is in our long-term interest to find a strategic buyer for our technology, including the Nevada, Iowa, biorefinery,” DuPont said.

The company said it will continue to participate in the biofuels market with enzymes and engineered yeast, and that it will work with local, state, and federal partners to assure a smooth transition.

Separately, Beta Renewables, an Italian cellulosic ethanol producer, is in trouble following the bankruptcy of its parent company, Mossi & Ghisolfi. The newsletter Biofuels Digest reports that Beta Renewables’ plant in Crescentino, Italy, the world’s first large cellulosic ethanol facility, has been shut down.

Late last year, another bankrupt company, Abengoa, sold its cellulosic ethanol plant in Hugoton, Kan., to a start-up firm, Synata Bio, that plans to convert it into a natural gas-based chemicals and fuels facility.

But it’s not all bad news for the industry. Clariant is investing in Europe. And the third big U.S. cellulosic ethanol maker, the Poet-DSM joint venture in Emmetsburg, Iowa, claims to have solved a major challenge in pretreating cellulosic feedstock so it can be attacked by enzymes and yeast.

“Where others have seen challenges, we have persevered,” says Poet-DSM board member Atul Thakrar. The firm says it anticipates increased production levels in 2018.

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<https://cen.acs.org/articles/95/web/2017/11/DuPont-seeks-sell-cellulosic-ethanol.html>

***Trump-Brown Jr. Climate Laws Are interesting  
California Air Resources Board (arb) Has interesting Pdf Files:***

<https://www.arb.ca.gov/lists/sip07/112-0777com0010.pdf>

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# Clean Air Performance Professionals

July 5, 2017

AB 1274 O'Donnell

Charlie  
Peters

Yes, I'm Charlie Peters, Clean Air Performance Professionals. We represent motorists, the people who drive cars. And one of the things that we've kind of been a bit interested in since about the year 2000 is the issue of the warranty on PZEVs, partial zero emissions vehicles. I testified at the oversight hearing in the Senate of the Transportation Committee and the Judicial Committee. And there I held up a copy of my testimony in 2003 of the California Resources Board, talking about the implementation of PZEV warranties.

Charlie  
Peters

That PZEV warranty was going to be completely handled by the manufacturer and it was going to make the trees grow, and the flowers bloom. And it was going to be marvelous because every bit of it is going to be paid for by the manufacturers who will make any repairs necessary for 15 years, 150,000 miles. What's going on there is, to start with, if I as a consumer have a complaint, and I need for somebody to look into that to find out whether my warranty is, in fact, the agreement between the manufacturer and the Air Resources Board, is in fact being validated and taken care of. I have to get the manufacturer of the car to put in writing about my car and me that they refuse to fix my car, which they can't do because it's required by the state law to be fixed by them, diagnosis and repair for 15 years, 150,000 miles. The only way that they can get a review of that process at the Air Resources Board is the manufacturer has to state that they refused to fix the car. Now that's a really interesting situation.

Charlie  
Peters

Now you add to that the fact that the manufacturer's required to continuously, quarterly provide the information to the Air Resources Board on the performance of their warranty.

Bob  
Wieckowski

And you think AB 1274 is going to make that situation worse?

Charlie  
Peters

When we completely ignore whether or not somebody can get a warranty, whether or not this information is valid, whether or not the cars that should appropriately fail are failing, whether the cars are getting repaired, we must reevaluate before we go forward. Because we have a system that is nothing but destroying the California automobile, in favor of corporate hostile takeover of markets by electric cars owned by car manufacturers, not public.

<https://ca.digitaldemocracy.org/hearing/53969?startTime=0&vid=0a828744630fa5b3691fe6a4a813de0f>

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## New air-board chief says he's been tough on air pollution, polluters



Wayne Natri, South Coast Air Quality Management District executive officer, standing outside SCAQM headquarters overlooking the 60/57 Freeways in Diamond Bar on Wednesday, April 26, 2017. (Photo by Watchara Phomicinda, The Press-Enterprise/SCNG)

***By David Danelski | The Press-Enterprise / April 28, 2017***

Wayne Natri's arrival a year ago as the chief of South California's air quality agency was seen by many as a coup for the business community.

The former Bush administration official and environmental consultant took the helm of the South Coast Air Quality Management District just after a takeover of the district's governing board by Republicans seeking a more business-friendly approach to smog cleanup strategies.

In June, Natri unveiled a 15-year smog plan that calls for as much as \$1 billion a year in public money to help polluters retool to cut emissions. And he is now seeking volunteer reductions from port, rail yard and warehouse distribution centers.

Yet in an hour-long interview at the air district's Diamond Bar headquarters, where his office has a view of the crowded 60 and 57 freeways, Natri said it is neither fair nor accurate to say he is averse to rule-making or afraid to enforce them.

On four occasions, he halted operations at metal processing businesses in Paramount because they were emitting harmful levels of hexavalent chromium, a cancer-causing pollutant.

And the smog plan with all those incentives, which was approved by state officials last month, also calls for phasing out a 22-year-old cap-and-trade marketplace used to limit air pollution from the region's top 275 or so industrial polluters and replacing it with

traditional regulations. This marketplace has been criticized for allowing oil refineries to purchase “pollution credits” from shuttered factories rather than upgrading their emission-control equipment.

The plan also has new rules for diesel backup generators, water heaters, furnaces and other machinery.

“This plan has a much stronger regulatory approach,” said Nastri, who grew up Carson, a refinery town, during the 1960s when choking smog regularly blanketed the region.

While representatives of business and environmental groups say Nastri is still unproven, both camps appreciate his disarming and approachable demeanor. And he is winning their respect.

“Nastri is a straight shooter, and open to listening to input from all sides,” said Adrian Martinez, a Los Angeles-based attorney for Earthjustice, which does legal work for the Sierra Club and other environmental groups.

“At times, he has indicated that he is willing to stand up to the region’s biggest polluters.”

Bill La Marr, executive director of the Anaheim-based California Small Business Alliance, also had good words about Nastri.

“He is inclusive, accessible and willing to listen, and is a marked improvement from the previous administration,” La Marr said. “He puts you at ease.”

## **Incentive strategy**

Nastri said identifying \$1 billion in incentives is part of a strategy to spur talks with state and federal officials about what it will really take to clean up smog in the nation’s most-polluted air basin.

The sea-to-mountains air basin in Orange County and the urban portions of Los Angeles, Riverside and San Bernardino counties last year failed to meet the federal standard for lung-irritating ozone during 132 days. Most of the smog-forming emissions come from cars, trucks, locomotives and ships that fall under state or federal regulatory authority.

“We have zero and near-zero emission technology, whether that is battery electric or fuel cell electric vehicles,” he said. “The challenge, though, is the cost. So we are having a very honest discussion.”

This discussion, he said, replaced a past practice of not specifying where all pollution cuts would come from, leaving a “black box” gap to be closed by future, unidentified technologies and rules.

Nastri acknowledges finding funds is challenging.

But he hopes to get about \$100 million a year from pending legislation, AB 1274, that would move the requirement for a new car’s first smog test from six years to eight years after purchase. Vehicle owners would still have to pay a fee, but the money that would have gone to smog certificates would instead go to clean-air programs.

Nastri said that a federal infrastructure bill that President Trump has promised — some put its costs as high as \$1 trillion — could include funding for clean air.

“If you are going to be building the roads and bridges, you should make sure the vehicles themselves are clean, and not as polluting as can be,” Nastri said.

At the state level, a fee could be imposed on thousands of cargo containers that arrive at the ports before being transported through the air basin on trucks and trains.

## Logistics facilities

Still, Nastri added that regulations should not unfairly burden one sector of the economy. “The challenge is, ‘how do you look at ways that equitably distribute the cost?’ ” he said.

“You just can’t blame the transportation system that is providing goods that the consumer wants.”

One strategy is to collaborate with regulated industries. Nastri is working to reach voluntary agreements with the operators of the ports, rail yards and warehouse distribution centers to reduce emissions from the trucks and other vehicles. And he plans to pivot to traditional rulemaking for such facilities if no meaningful agreements emerge.

This strategy prompted criticism from environmental and public health groups.

“The time for voluntary measures passed long ago, and we cannot allow some of the region’s biggest polluters to continue operating without any rules or requirements to clean up their own mess,” said Martinez, the attorney for Earthjustice.

Yet Nastri maintains that the district will

achieve significant pollution cuts from such facilities without losing time. If volunteer measures don’t come to fruition, the air district will pivot to rulemaking.

Essentially the same work, such identifying pollution reduction strategies, needs to be done whether the district is “engaged in collaborative efforts” or “making rules,” he said.

“Where is the time wasted? We still have to all of these things,” he said.

Nastri acknowledged that cleaning up nation’s most polluted air is no easy task.

Just this month, the Legislature approved a fuel tax and transportation project bill contains language that curtails the ability to require upgrades on diesel trucks that meet 2010 emission standards for as long as 13 to 18 years. Gov. Jerry Brown signed SB 1 on Friday.

And diesel trucks are Southern California’s largest source of pollution.

“We are going to press ahead,” Nastri said. “We are going to move forward in our existing authority, and we going to look to expand our authority.”

<http://www.pe.com/2017/04/28/new-air-board-chief-says-hes-been-tough-on-air-pollution-polluters/>

# *Can The Honorable Jerry Brown Jr. Find Out if what is Broken on PZEV Smog Check Failed Car Gets Fixed?*

<https://www.arb.ca.gov/lists/sip07/112-0777com0010.pdf>

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

Fact box:

## **Wayne Nastri**

Age: 57

Home: Aliso Viejo

Resume:

\* 2013-present: Co-president, E4 Strategic Solutions Inc., government relations consulting firm.

\* 2011-2012: Senior vice president, Capitol Management, strategic counsel/government relations services.

\* 2009-2011: Senior vice president, Dutko Worldwide, develops and implements strategies to shape public policy outcomes.

\* 2001-2009: Administrator, U.S. Environmental Protection Agency, southwestern region administrator under President George W. Bush; the region covers California, Nevada, Arizona and Hawaii.

\* 1995-2001: President, Environmental Mediation Inc., government relations and public affairs firm focusing on the environment.

Source: LinkedIn

## Donald Trump in Iowa: I Love Ethanol



[The Associated Press](#)

*by [Charlie Spiering](#) / 13 Nov 2015*

**FORT DODGE, IOWA – Billionaire presidential candidate Donald Trump met with leaders of POET, an ethanol company here in Iowa, and some of the co-chairs of the American Renewable Fuels group to talk about the importance of ethanol.**

**The event was closed to the press, but they were expected to discuss the importance of the Renewable Fuel Standard policy and the economic success of the company.**

**After the meeting, Trump rallied with supporters here in Fort Dodge and signaled his political support for the process as he appeared on stage.**

**“You know what? he said. “I went out to see some of the folks on the ethanol. Good stuff and great people, put a lot of people to work out here. I just want to thank them, they’re doing an amazing job.”**

**It was his only mention of ethanol during his over 90 minute speech, which touched on the subjects of illegal immigration, foreign policy, the economy, and the state of the media.**

**He also signaled his love for the state of Iowa.**

**“I may just buy a farm and move here. I like it. I love it!” he said as he was wrapping up his speech.**

**After the rally, one attendee shouted out to Trump as he was signing posters for supporters: “Mr. Trump, What do you think about ethanol?”**

**“I love it, I’m for it,” Trump said simply before exiting the stage.**

<http://www.breitbart.com/big-government/2015/11/13/donald-trump-iowa-love-ethanol/>

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



# Wooden Nichols

*By Nick Miller / Sacramento News and Review / July 19, 2007*

When Governor Arnold Schwarzenegger fired Air Resources Board chairman Robert Sawyer last month, he set off a chain reaction that exposed an agency badly shaken. Within weeks, ARB executive director Catherine Witherspoon resigned, and Capitol testimony by her and Sawyer revealed unprecedented interference by the governor's staff over the ARB's implementation of last year's Global Warming Solutions Act.



Mary Nichols at a preliminary confirmation hearing on Tuesday.

SN&R PHOTO BY LARRY DALTON

Schwarzenegger tapped Mary Nichols to head the board. Her nomination was seen as a shrewd recovery; Nichols' qualifications—chairwoman of the ARB under Governor Jerry Brown and administrator with the U.S. EPA under President Bill Clinton—seemed beyond doubt.

But while some critics question whether Nichols will be able to effectively curb emissions within the industry-beholden Schwarzenegger administration—"I don't think anybody should be under the illusion that appointing Mary Nichols completely solves all of the problems at ARB," offered Sierra Club's Bill Magavern, who gingerly supports her nomination. "It's a first step."—others

fear she'll be part of the problem.

Their evidence? Nichols' performance at the U.S. EPA and her role in enforcing 1990's Clean Air Act amendments, which they contend casts doubts on her ability to effectively fight global warming in California.

"I am under the impression that Mary has been wired to the major corporate agenda for decades," argued Charlie Peters, a longstanding smog-check and environmental activist who heads up the New Jersey-based Clean Air Performance Professionals. "She's being put in there because she does what the corporate agenda wants."

Nichols' tenure at the national EPA marked a decided shift in U.S. policy for establishing and enforcing emissions reductions. A June 2000 report by D.C.-based nonprofit Public Employees for Environmental Responsibility documents that Nichols, then-EPA assistant administrator for air and radiation, played an instrumental role in undermining regulations and compliance.

According to the PEER report, Nichols in 1995 touted open-market trading as the "new paradigm for market-based control," referring to a paper by attorney Richard Ayres of the O'Melveny and Myers law firm as inspiration for the new direction.

But there was a conflict of interest: Nichols' husband, attorney John Daum, who represented Exxon in the infamous Exxon Valdez oil spill case *Baker v. Exxon*, was an employee of O'Melveny and Myers.

In July 1994, Nichols had issued a permanent recusal that forbid her to participate "in any EPA matter in which the law firm of O'Melveny and Myers is providing representational services." Her support for the Ayres concept of open-market trading in 1995 seemingly violated the recusal, but the EPA ignored the apparent conflict.

In 1995, the report says Nichols "directed EPA regional administrators to de-emphasize the Clean Air Act's

deadlines for attainment plans [or emissions-reductions goals] and instead shift to an emphasis on what she described as 'market-based alternatives.'" This gave states the green light to initiate carbon-credit-trading programs without a national cap on overall emissions or "quantification protocols," which would have established a common currency for trading.

The Clean Air Act Corporation, an O'Melveny and Myers client, later would become the nation's largest broker of these open-market-trading credits.

A 1996 EPA inspector general report challenged the validity of Nichols' plan, citing "invalid credits or weaken[ed] enforcement." But Nichols and fellow EPA officials were unconcerned. "Mary Nichols and I remain committed to developing a model rule which minimizes the federal government's involvement in the day-to-day operation of the market for these trades," stated John Seitz, director of the EPA's Office of Air Quality Planning and Standards.

In 1997, Nichols testified before Congress that greenhouse-gas emissions are "especially well-suited to be addressed through emissions trading because the problem is caused by cumulative emissions well mixed in the atmosphere."

PEER executive director Jeffrey Ruch

explained the folly of this approach to SN&R: “You were trading one type of pollutant for another, and you didn’t have any kind of way to ensure you were getting apples for apples,” he said. “In many cases you were trading apples for the promise of a future guava.” Essentially, the carbon credits being traded were illusory; they didn’t necessarily have any net environmental benefit.

Nichols left the EPA in 1997, but her “new paradigm” de facto policy remained—and proved disastrous.

“She was a midwife to a stillborn in a sense that she wasn’t around when [the open-market trading] collapsed,” beginning in New Jersey in 2002, Ruch explained. A 2003 Department of Environmental Protection report observed that New Jersey’s Open Market Emissions Trading program failed to establish an emissions cap, did not verify the validity of credits and allowed facilities to build compliance strategies entirely on the prospect of using emission credits without the guarantee of finding a seller.

“Instead of being a trial balloon, it turned into a trial buffoon,” Ruch quipped. “This was sort of looked upon as the next new wave in air-pollution

control, and it collapsed under its own weight.”

Experts are conflicted as to what this means for California and the implementation of last year’s Global Warming Solutions Act.

“I’m not sure that I had high expectations to begin with,” Ruch admitted. “In a sense, you have a governor that’s just cleaned out the Air Resources Board under circumstances that seem highly unusual and controversial.” He views Nichols as “somebody who’s promising independence but certainly understands that there’s some requirement of flexibility.”

“I think her appointment helps bring some stability back to the agency” and alleviates a “major problem” for the governor, said Sierra Club’s Magavern.

“To me, the cornerstone of [the global-warming act’s] implementation is direct emissions reductions,” Magavern continued. “You can’t put market mechanisms in place just by having the governor’s office, through back channels, dictate that to the Air Board.”

The question now is whether Nichols will share this priority—and take a stand against Schwarzenegger’s interference.

<https://www.newsreview.com/sacramento/wooden-nichols/content?oid=353445>

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

## **UC Riverside Study Shows Accelerated Introduction of Super-Clean Cars Will Help Los Angeles Meet Federal Smog Standards By 2010**

*Iqbal Pittalwala, University of CA Riverside, September 23, 2003*

RIVERSIDE, Calif. — Sept. 23, 2003 — ([www.ucr.edu](http://www.ucr.edu)) — The Los Angeles metropolitan area, characterized by some of the dirtiest air in the nation, could achieve federal air quality goals for smog more rapidly if the use of super-clean vehicles, available in showrooms today, is aggressively implemented, according to study results released today by the University of California, Riverside.

The “Study of Extremely Low Emission Vehicles” (SELEV) was conducted over the past three years by the UC Riverside Bourns College of Engineering’s [Center for Environmental Research and Technology \(CE-CERT\)](#). The study examined emissions from vehicles that meet the California Air Resources Board’s standards for ultra-low emission vehicles (ULEV), super-ultra-low emission vehicles (SULEV), and partial zero-emission vehicles (PZEV).

The study’s final results found that the greater use of the best existing, proven, gasoline engine and auto emission control technology could enable the Los Angeles air basin to reach 2010 ozone — commonly referred to as smog — attainment goals.

Atmospheric modeling conducted as part of the CE-CERT study showed that if it was possible by 2010 for all passenger vehicles to be less than 15 years old, and for all cars sold in 2004 and later to meet at least the current California SULEV standard, then the federal smog standard could be met by 2010. “Achieving this scenario may not be realistic, but the important point is that the technology is here today to do it,” Norbeck said.

The study was sponsored by the U.S. Environmental Protection Agency, the [California Air Resources Board \(CARB\)](#), Honda R&D Americas, Inc., ChevronTexaco North America Products, and the Manufacturers of Emission Controls Association.

“There is no such thing as a magic bullet in solving the air pollution problem,” said Dr. Joseph Norbeck, CE-CERT director. “But we believe we’ve found a viable tool with the emerging crop of cars that meet California’s most stringent emissions standards. Meeting the Los Angeles metropolitan area’s 2010 air quality goals can be helped with aggressive implementation of existing technologies.”

“This study illustrates that light-duty passenger automobiles will soon be taken off the ‘most-wanted’ list of air pollution sources,” said Norbeck. “Our results show that replacing a gasoline powered vehicle in Los Angeles that is 15 years old or older reduces the smog-forming emissions by more than 97 percent.

“The impressive thing about these findings is that the technology and fuels that were developed for these clean cars to meet the California air standards will, within a few years, find themselves in the rest of the nation’s fleet and then the rest of the world’s fleet. The recipe for attacking smog is clean vehicles aided by clean fuels. If the clean fuel is available we’ll soon find that these cars will be able to help solve air quality problems in cities in China, India, Egypt and other air-quality challenged countries.”

The study evaluated tailpipe emissions from ULEV, SULEV and PZEV vehicles under real-world conditions to meet California’s strict emissions standards. Researchers drove the test vehicles in typical Southern California traffic in all types of weather conditions.

“We drove these cars the way most Southern Californians drive theirs — in stop-and-go rush-hour traffic on high-speed freeways, in the heat and rain — and they were found to maintain near-zero emissions,” said Norbeck. “We found that the cars’ emissions were below the CARB emissions standards. The in-use deterioration of the emissions control systems was extremely low, meaning we can anticipate these cars to go well into the 100,000 mile range with consistent air quality benefits.”

The CE-CERT work on the SELEV program was a continuation of research — results of which were announced in September 2002 (<http://www.cert.ucr.edu/selev/>) — that found advanced technology could all but eliminate air pollution from gasoline-fueled vehicles. The current study expanded the vehicle testing program and looked at the atmospheric improvements achievable with the new technology.

These new, super-clean vehicles use improved fuel management and catalyst technologies as well as new technology that virtually eliminates evaporative emissions. The technologies also allow cars and light trucks to be produced at costs similar to those of current vehicles.

Differing types of SULEV and PZEV technology are available today in thirteen models of cars from various manufacturers certified by CARB. Honda, Ford, Toyota, BMW, Volvo and several other automakers provide models that include the SULEV and PZEV technology.

## Background

In June 2000, CE-CERT established the SELEV program in partnership with industry and government agencies with the purpose of understanding, via direct measurements and modeling, the impact that new-generation vehicles with extremely low emissions have on overall air quality.

CE-CERT has successfully developed the measurement technology to test emissions at lower levels, most importantly vehicles that meet the state’s stringent SULEV and

PZEV standards. These vehicles must meet the increasingly stringent requirements for volatile organic compounds (VOC), oxides of nitrogen (NOx), and carbon monoxide (CO) on emissions certification tests. Technology has also been developed to measure the emissions of these vehicles under real-world conditions, while they are being driven on the road.

VOCs are of concern because of their role in the formation of ozone, which has adverse health effects. NOx, which is formed in the combustion chamber of the engine, is an irritant to the lungs and can aggravate respiratory problems. It is also a precursor to the production of ozone and very fine particulate matter in the atmosphere. CO, a colorless, odorless, and poisonous gas, results from incomplete combustion of fuel and is emitted directly from vehicle tailpipes. Its entry into the bloodstream through the lungs can hinder the blood's capacity to carry oxygen to organs and tissues. CE-CERT's results showed the emissions of these pollutants were essentially reduced to zero.

*CE-CERT was established in 1992 as a model for partnerships among industry, government, and academia.*

*CE-CERT's goals are to become a recognized leader in environmental education, a collaborator with industry and government to improve the technical basis for regulations and policy, a creative source of new technology, and a contributor to a better understanding of the environment. CE-CERT is committed to furthering education and research for the next generation of engineers. Its students receive an excellent education and unprecedented opportunities to be intimately involved in the research enterprise.*

<http://newsroom.ucr.edu/669>

***Improve Partial Zero Emissions Vehicle performance with Air Resources Board repair audit***

***\* I want \$2 Gasoline at the pump / Do you want clean air and water?***

***Ethanol waiver and elimination of E-85 flex fuel credit can cut our CO2 transportation pollution***

***Let's improve performance of CA Climate change law, AB 32 (Pavley), in 2018 for future generations***

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

# **(Is it time to consider a conversation for CA AG & Controller audit of BP, Shell, and the fed partnership of GMO fuel credits?)**

**By Stella Sez, Hemmings Motor News, July 2000** < Note Date

"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>

"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."

***(Dick Cheney, BP, DuPont, Shell, ENRON, Arnold, MTBE, & ethanol)***

[http://www.cbsnews.com/8601-201\\_162-7078753.html](http://www.cbsnews.com/8601-201_162-7078753.html)

*Denise D. Brown Department of Consumer Affairs, Bureau of Automotive Repair Director (916-574-8200)*

***The DCA-BAR does not seem to care if any Smog Check faults get fixed.***

***The Department of Motor Vehicles (DMV) collects \$billions using "Wallet Flushing" (DCA-BAR) car tax for BIG oil, BIG banks & Government motors welfare***

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

## **ITEM 6 – CONS 17-697**

### COMMENTS

- Mary Ann Higgs
- Sherman Lewis



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**From:** Mary Ann Higgs  
**Sent:** Tuesday, November 14, 2017 4:36 PM  
**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>  
**Subject:** City Council Meeting 11/14 - agenda item 6

Dear City Council,

I recently learned from a neighbor that the City Council has a topic on tonight's agenda "Professional Services Agreement with Design Workshop for the Development of a Route 238 Properties Master Development Plan and Appropriation of Funds" (Item 6). As this came up on short notice, I am not able to attend the meeting and am thereby sending this email with my comments.

My name is Mary Ann Higgs. My address is [REDACTED], Hayward, CA 94542. I have lived at this address for 25+ years and am a homeowner.

My neighbor, Debbie Frederick, sent an email to our neighborhood email distribution list alerting us to the fact that there was an agenda item on the Tuesday, Nov 14 City Council agenda that involved the Route 238 properties. Our neighborhood is always interested in this topic as area #5 of Attachment III Property Map is adjacent to Westview Way and any changes/action to Area #5 parcels impact our neighborhood. Based on the attachments to the agenda item, my interpretation of tonight's topic is that the City Council is being asked to approve a plan to determine how to utilize/absorb the Route 238 properties currently owned by CalTrans and allocate funds to execute that plan. While our neighborhood has only been aware of this topic for a few days, I've been approached by 4 different households asking me what I know about the topic and expressing their concerns. (NOTE: They approached me as I'm usually aware of actions on this topic and keep the neighborhood informed. Multiple times at meetings on this topic, I have added my name and contact information to sign up sheets asking to be notified when topics related to Route 238 properties comes up on City agendas. I almost NEVER receive notifications and when I do, it's the same day as the event). The overwhelming sentiment expressed is concern that the City is trying to make changes without

involving those of us who will be impacted and that neighbors who were once renters of CalTrans properties and are now owners of those same properties may lose their homes to eminent domain if a developer wants to buy the hillside. The other concerns are related to rumors they've heard about building townhomes to create affordable housing for Cal State faculty and staff and the increased traffic that would cause going through our neighborhood. My response has been that I don't think tonight's meeting is about deciding what will be done with the properties, that tonight's meeting is to approve a plan to determine what to do with the properties.

That being said, I have a request. The agenda Attachment IV Project Management Plan, Phase 1: Site Analysis, Activity 5 lists activities related to Area 5 of the map. Under "Schedule and Facilitate Community Engagement" can you specify a minimum of 3 input meetings, 2 in the evening and one during the day to gather input from the residents, owners and renters, of Westview Way, Central Boulevard, Maitland Drive, Bunker Hill Road and Bunker Hill Court. We have a unique and somewhat isolated neighborhood. We are a close knit group of neighbors and we have strong opinions about what happens to our neighborhood. Over the past 25 years, I have dealt with issues related to renters of CalTrans properties, vacant CalTrans properties, homeless people living in the vacant properties, public dumping at those vacant properties and a number of other issues related to these properties. Some of my neighbors have been dealing with this longer than me. We all want the properties/parcels to be developed in a way that is consistent with this neighborhood. And, as we live in this specific neighborhood, most of us 15 or more years, we want a strong voice in what happens in our neighborhood going forward.

If I am able to get to this meeting in person, I will deliver these remarks to the council. However, it is unlikely I'll arrive before this topic is discussed and I wanted my thoughts to be known.

Please know that I am expressing concerns of the families I have heard from at [REDACTED] Westview Way, [REDACTED] Westview Way, [REDACTED] Westview Way, and [REDACTED] Westview Way. While we would love to be there in person to express our views and concerns, the short notice of this meeting prevents many of us from attending. And based on past participation from my neighbors on topics related to these specific CalTrans parcels, I am confident we would have an active group participating to provide comments and input for how our neighborhood is developed.

Please let me know what I need to do to ensure our neighborhood is intimately involved in the decisions regarding what happens to the parcels in Area 5 of the map. And, if there's a new list for people who want to be contacted when the Route 238 Parcels are discussed, please add me to it. My contact information is below.

Thank you

Mary Ann Higgs

Hayward, CA

Date:

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-----Original Message-----

From: Sherman Lewis [REDACTED]

Sent: Sunday, November 12, 2017 2:59 PM

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

Cc: Joy Rowan [REDACTED]; Bruce Barrett [REDACTED]; Evelyn Cormier

[REDACTED]; Alison [REDACTED]; Dag Forssell [REDACTED]

Subject: 238 properties development

Item 6 Agreement for 238 Properties Master Development Plan

I support this, a good step forward.

My concern is the market analysis for the Bayview Village project.

The consultant scope of work does not require the market research that I think is needed for the Bayview concept. The components would be recruitment of prospective buyers from the four markets, a two week travel diary followed by individual consultation on how travel would work in BV, focus groups to discuss the concept, advertising for people to take a survey on line, and letters to local progressive billionaires who might be interested. I can go into detail if you are interested.

Firms like New Economics are unlikely to have the background or skill set needed to take BV seriously; it is just too innovative. I went through this with the Concord Group a few years ago. There are two social science research firms in San Francisco that I think could do the work. I've worked on this for about 15 years, and the development world looks down on Hayward for this kind of project; San Francisco, Oakland, Berkeley is where the more sustainable development takes place.

Is New Economics the same as New Economics & Advisory, Inc., 508 Gibson Drive, Suite 260, Roseville, CA 95678? I could not find any other firm with a similar name.

Also, I could not find the contract on the City web site.

There is over a gigabyte of research on BV and I suggest that if the consultants want to look at it I need to email them the link to the Dropbox and guide them to things they might otherwise miss.

--

Sherman Lewis

Academic Senator for Emeriti

Professor Emeritus, CSU Hayward

President, Hayward Area Planning Association  
[REDACTED]

## **ITEM 10 – LB 17-048**

### COMMENTS

- Kim Kush
- Ernie

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-----Original Message-----

From: Kim Kush

Sent: Tuesday, November 14, 2017 6:34 PM

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

Subject: Cannabis delivery services

Good Evening City Council Members,

Thank you for being a prime example of how to responsibly integrate the Cannabis industry into our community of Hayward.

As a small business owner of an established cannabis delivery service that has operated safely and successfully for multiple years we are concerned about the stipulation that reads, in attachment 2 10-1.3607 section F 6 "commercial cannabis delivery only businesses shall not store or sell cannabis or cannabis products on site"

A better option may be to have better security standards and lower limits of on-site cannabis.

By not allowing delivery only businesses, This will add an additional expense for the consumer who is already facing multiple new taxes and charges. Most delivery services do not operate like eaze or uber eats. Many have a secure office that they run their businesses from allowing them to keep their prices reasonable. Please take this into consideration when making adjustments to the ordinance to allow mom and pop businesses to stay in Hayward.

Thank you all for your time.

Respectfully Yours,

A concerned entrepreneur

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**From:** Kelly McAdoo

**Sent:** Sunday, November 12, 2017 1:43 PM

**To:** ernie [REDACTED]

**Cc:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>; Jeremy Lochirco <Jeremy.Lochirco@hayward-ca.gov>; Stacey Bristow <Stacey.Bristow@hayward-ca.gov>

**Subject:** RE: sale marijuana

Good afternoon Ernie-

You are correct on several fronts in your email. The State does not require cities to allow marijuana dispensaries or other related uses. The City Council has made a policy decision to allow certain marijuana related uses in various zoning districts throughout the City. This includes allowing up to three retail dispensaries in limited retail zoning districts in the community. If there are problems related to these uses, the City Council can decide to revoke a permit for a certain user if they are problematic.

If you would like more specific information about what uses are allowed in what areas, I would recommend contacting Jeremy Lochirco who is the planner working on this issue. I have copied him on this email.

Please let me know if you have any other questions.

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](mailto:kelly.mcadoo@hayward-ca.gov)



**From:** ernie [REDACTED]  
**Sent:** Saturday, November 11, 2017 9:55 AM  
**To:** List-Mayor-Council <[List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)>  
**Subject:** sale marijuana

Barbara & Council members

I was confused by the article about this in yesterday *Daily Review* supplement. It seems to say that it will be sold only in the industrial areas; then it also says it will be sold on A B C streets and Foothill. Those are not industrial areas.

Why are we going to approve such stores in any area? I don't think that the law requires counties or cities to have such sales in their jurisdiction. Cannabis is still considered a controlled substance by the federal government.

Ernie