



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

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The HAPA News

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Dues are Due

As usual, HAPA dues are \$20 and payable as soon as you feel like it. We probably should raise the dues, but it embarrasses me to ask you for money. So I will just request that you consider giving \$25, which is probably what the dues should be. In other words, next year the Board may raise the dues so this may be your last chance at \$20.



Report on Hayward Loop

A report is attached to this email with data from the Alameda County Transportation Commission showing that from 2010 to 2104 the speed of traffic got slower in the directions of travel of the Loop, in the network going into and out of the Loop, and especially in the reverse directions of the Loop. These results are surprising. However, even if traffic might be slower without the Loop, there are benefits from helping downtown once again become a destination. Traffic adjusts to the network. We should decide the kind of future we want and not be controlled by assumptions used by computer models.



HAPA Did Not Get Its Day in Court

For several years HAPA has done everything possible to persuade Cal State East Bay Hayward to not build a parking structure, and, instead, to implement a fast, frequent, free shuttle from the campus to BART that would clearly do the job. We did extensive research to show quantitatively how it would all work. We were stonewalled by the CSU, but we were very successful in the Alameda County Superior Court. The CSU then appealed that decision and the San Francisco Court of Appeals

ruled against us based on an incorrect understanding of our case.

We appealed to the California Supreme Court with the City of Hayward. The Supreme Court accepted the case because it raised issues that were similar to a case from San Diego. Eventually, the Supreme Court decided the San Diego case, requiring CSU San Diego to mitigate its impacts, and then applied the same decision to CSU East Bay Hayward.

The problem was that the Supreme Court ignored our issues. We had hoped that the court would deal with the issues before it, but it just dealt with one relating to mitigation and ignored ours relating to alternatives. Stuart Flashman, HAPA's attorney, made a special additional request that we be heard and was ignored. The court has the power to do that, and we did not get our day in court. We were just too unimportant to get their attention.

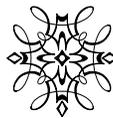
Oddly enough, since we won on the City issue, we won the case as a whole. That allows us to ask for our legal fees, about \$32,000, and \$950 in court costs

Unfortunately, it will take a while because a number of steps have to be taken to be really done. The City of Hayward has filed a new "petition for review" by the Supreme Court for an "amended judgment." Meanwhile, the case stays with the San Francisco Court of Appeal. When the Supreme Court rules, it will tell the Appeals Court what to do, and Appeals Court can return the case to the trial court (Alameda County Superior Court), where, finally, judgement will be filed "rescinding the certification of the EIR" and requiring any new CSU Master Plan and EIR to include mitigation of impacts. If you were wondering what was happening

and can stay awake for all of this, now you know.

Our prolonged HAPA v CSU litigation thus begins to resemble the story in *Bleak House* by Charles Dickens, a dystopia of endless litigation. This conflict prevents what needs to happen—a new access road to the campus, more student housing, and upgrading the shuttle bus. The underlying cause seems to me quite simple, the unwillingness of the CSU administrations here and in Long Beach to stand by their stated environmental goals while providing better access to campus. HAPA recently wrote a letter to them asking to talk with us, which was never answered.

Our litigation could go away if the CSU committed to a defined, genuine upgrade to rapid bus and a continued development of rapid bus if the first phase proved successful before it tries to build a parking structure. CEQA and litigation should not have been necessary had the CSU pursued this fairly simple, obvious policy that has been presented to them in great detail. Exasperating! Meanwhile, all the campus talk about sustainability is just talk. We really can't make progress on sustainability until we deal with our dependence on cars.



The World Moves toward Sustainability: PARIS COP21

The rapid collapse of the earth's environment, understood from the perspective of geologic time, has already imposed high costs on humanity. A major cause is climate change.

In 1958 Charles Keeling started monitoring CO2 in Antarctica and Hawaii. In 1975 Wally

Broecker coined the phrase "global warming." In 1979 the first World Climate Congress was held in Geneva. In 1987, the successful Montreal Protocol limited certain GHGs—Greenhouse Gases. In 1988, NASA scientist James Hansen testified to Congress in defiance



of orders from the first President Bush. In 1992, in Rio the first “Conference of Parties” (COP) created the first climate treaty and set up programs of research and meetings. Also, Al Gore published *Earth in the Balance*, and I required it for my classes. In 1997 the Kyoto Protocol agreed to reduce GHGs, but failed to do so. In 2001 President George W. Bush removed the US from the Protocol. Both Gore and Hansen continue to be ahead of the curve, but now are joined by millions, enough to finally budge the world community forward a bit.

The 21st Conference of Parties on climate change in Paris was nine years in the making. On Dec. 12, 2015, in Le Bourget, France, the gavel fell on the gathering of 195 nations, which may be one of the most important in world history, similar to the founding of the United Nations and the Declaration of Human Rights. Nearly every country in the world committed to reducing GHG.

It was an historic breakthrough cheered by thousands of delegates and around the world. Critical leadership came from Secretary General Ban Ki-moon, who had made it a deeply personal priority. President Obama, the Chinese Premier, Pope Francis, and thousands of citizen advocates played crucial roles. It’s not enough, but it is a step. It will not work until there is

enforcement through strategic trade measures, e.g., green tariffs.

Over the years I have read thousands of pages on this issue. The latest: lakes are heating up faster than in the past, bringing depleted fisheries and algae blooms...the poles are warming more than twice as fast as the center, reaching 2.3 degrees F, the highest in recorded history, which started in 1900...sea ice coverage and volume are lowest in history...walrus and polar bears are in trouble without sea ice... snow cover is down exposing land that absorbs sun heat where snow had reflected it...Greenland and the West Antarctic Ice Sheet are melting, and ocean temperatures rising, expanding the oceans...Baffin Island off Greenland is losing ice at 30 vertical feet of ice per year...More cold water in the North Atlantic is slowing the Gulf Stream, bringing (ironically) colder weather to Northern Europe. ... Hundreds of people die in flooding in Chennai, India... Heaviest rains ever measured in Britain flood villages in the Lake District... Flooding rains in Washington and Oregon and Mississippi...2015 hottest year on record.

If we are to save the planet, we must reduce GHG emissions, which mean we must take steps to overcome our dependency on our cars.



City Of Hayward Wages Quiet War on Downtown and the Environment

The City Council knows about global warming and they're against it. Well, sort of...maybe... They support the Bayview concepts and have a Climate Action Plan. The problem is that the City is now aggressively pursuing development plans that will damage downtown and the environment virtually forever. They got the climate change memo; they just don't know what it means, and so they pursue policy diametrically opposed to smart growth and sustainability. It's democratic; that is, their thinking reflects our common car culture. But, as a governing body responsible for the long term well-being of Hayward, the City Council needs to do better.

The State of California has been a leader with its cap and trade program generating funds for less car-dependent development. The state's Strategic Growth Council (SGC) is talking about catalytic projects, which are large projects with state-wide significance. The SGC funds the Affordable Housing and Sustainable Communities Program with about \$320 million available this year. Hayward should promote projects that are eligible for AHSC funding—if they are, it's being kept secret. The deadline for applications is March 16.

HAPA wants to apply the benefits of concepts developed for Bayview Village to downtown development. The Bayview Village concepts apply strongly to downtown and are summarized in a new document, Walking-Oriented Development. The city is pushing to develop two large projects downtown: the Maple Main proposal has 235 rental units with bundled parking, 470 parking spaces, and a 6 story parking garage; the Lincoln Landing proposal has 486 rental apartments with bundled parking and 1,064 parking spaces. The Loop is a disaster of expressways around downtown center, intimidating pedestrian access to downtown businesses from these projects. The City has contracted to destroy a large public building that could easily be used for a community center downtown; we have about 20 months to save it.

We need EIRs on these projects. We need to develop alternative plans for walking-oriented development, hopefully getting some help for architectural, traffic, and financial analysis. We want to work with downtown business to oppose the city-proposed special tax until the Loop is reformed. We need to analyze the increase in surface parking possible with Loop reform and other access ideas to revitalize downtown. We need to overcome our dependency on cars.

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