



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!*

**You can now use the Paypal link on the Contact/Donate page of our new website (a Paypal account is not necessary, just a credit card):**

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Our dues are now \$25; additional donations are appreciated! Please make your checks to HAPA [this is a change; we are no longer under S.F. Study Center's fiscal sponsorship, we're our own 501(c)3!]

Why donate to HAPA? HAPA continues to investigate and advocate on issues that affect the quality of life for Hayward area residents. In 2016, HAPA produced 6 newsletters detailing our activities on several fronts (detailed in the Feb. 8 HAPA News). And we're running with active projects for this year (see below).



### *Maple-Main Modestly Modified*

On February 7 the Hayward City Council heard the appeal by HAPA. The Planning Commission in December had approved a project with some progress on unbundling, parking management, and shuttle transit, but HAPA wanted more: we asked that the City move the retail space to Maple Court to support a pedestrian environment with transit and improvement of the pedestrian crossing of A Street at Main. Otis Ogata and Amber Collins represented HAPA and advocated our position. By this time, I had met with the developers, who had already agreed to moving most of the retail and some kind of help for A Street.

The meeting bogged down over trying to save a redwood tree, and the meeting ran until 10:30 pm. Eventually, the Council approved a small amount for A Street and a larger amount to move the tree. However, if the tree cannot be moved then the tree money goes for the pedestrians. Some of us are now hoping for a pedestrian-friendly arborist to make the call on the tree.

## Amber Collins and Otis Ogata represented HAPA at the meeting.

**Amber:** Otis and I drove to the City Council meeting on February 7. It was my first time attending a Council meeting and I was nervous about speaking. We spent the ride down refining what we had to say and trying to fit our words into our allotted 3 minute time slots.

We got there a little early, filled out speaker cards, and found a place to sit. I still wasn't sure that I was ready to speak, but I figured I would just go with it as the meeting was starting. I decided to trust that if I listened to what was being said, I would know how to respond.

**Otis:** Feeling slightly unprepared but enthusiastic to shed light on HAPA's appeal, I was eager to speak and curious to what would be discussed by the city staff and Council beforehand. Everything seemed to be lining up in a last minute sort of fashion—Sherman Lewis had just sent an official letter to the developers mitigating their concerns around our appeal.

To make it clear, our presence at the city council meeting was to reinforce good ideas and proposals that the developer and HAPA had agreed upon. However, the details were evidently still in the works in the moments before we arrived, considering that the letter stated something along the lines of “a fair agreement between the Council and developer” and “agree to support the project upon this understanding,” etc.

**Amber:** We had just printed out the HAPA letter before our drive over. We knew that Sherman had come to an agreement with the developer on the decision to move retail to Maple Court, but we weren't certain how much the developer was going to agree to contribute to A Street improvements. We also weren't sure exactly how council would respond to the requests.

As the council meeting opened, a handful of citizens got up to voice various concerns to council. I looked at the meeting agenda and noticed that there were a few other motions besides ours, but ours was by far the longest and most involved. Sherman had estimated that council would begin addressing our motion by around 7:30 and he was correct. At almost exactly 7:30, the staff began to address our appeal on Maple and Main to the council.

**Otis:** Listening to the staff (mainly David Rizk) was crucial to our presentation. We did not want to be completely redundant but additionally we were waiting for official wording and agreements made with city staff and the developer. After jotting down a few talking points and notes, Amber and I finally heard what we were anxiously waiting to hear: that the staff and developer were proposing a \$10,000 contribution to pedestrian improvements on A Street. Ironic how much emphasis David placed on the “significance” or “generosity” of this amount—he seemingly wanted to convince everyone that this number was appropriate. It wasn't long before Al Mendall and others expressed otherwise.

**Amber:** Council Member Al Mendall pointed out that a \$10,000 contribution seemed rather small for a project of this size. He supported improvements of the A Street pedestrian crossing and questioned why the developer didn't offer more. He was concerned that such a small amount would prevent the project from being completed in a reasonable time frame and that it would take years to see the project come to fruition. At this point, the city manager, Kelly McAdoo, interjected to say that Mr. Lawson, the city attorney, had set the \$10,000 amount. He believed it was a fair contribution for the nexus. Al Mendall didn't back down. He respectfully said that he stood by his decision and wanted to see the developer offer more to the project. Things were definitely getting interesting.

**Otis:** It was surprising to know now that it was the city staff themselves that proposed the \$10,000 amount and not what we assumed had been the developer's decision. It was also at this point that the onslaught of questions from council to staff began, some members even getting

excited or anxious to ask questions that should have been directed to the developer specifically (the mayor had to repeatedly remind them of this).

**Amber.** After the council was finished asking questions of the staff, the developer was given his chance to speak. The mayor granted him 10 minutes. Blake Peters came up to the podium suited up for a business meeting. He was man of large stature with a commanding presence. Unfortunately only given a 10 minute time slot to present a multi-million dollar project (HAPA estimates to be around 35 million), it was easy to see how he had difficulty condensing everything into a Power Point within that time.

He touched upon two other issues that had been brought up during the discussion of the project: a memorial tree being potentially cut down and the fact that project site rests atop an already developed area known to contain Native American remains.

The developer was planning to cut down the memorial tree because it was too large to move. Mr. Peters said he had reached out to various tree movers in the state and that this tree is of such significant size that only one tree moving service in the entire state of California with the equipment to get the job done. Additionally, the tree's root system is so deep that once placed on a truck to move, the roots would tear down power lines and anything within a 30 foot radius of its root system.

Council Member Zermeño was not happy with the idea of losing the tree. After the developer spoke, he asked if it might be possible to relocate the tree on the property. He pointed out the central pool area as a potential site. The developer deferred the question to the architect. The architect noted that although the pool area was not a suitable spot, that there was a large courtyard on the main street side of the building that could house the tree. It will cost an estimated \$75,000 to make this happen. Despite the cost, Zermeño accepted this as a victory since many Hayward residents had expressed concern about the tree.

Concerning the Native American remains, the developer had reached out to the Ohlone tribe and is planning on having a tribe member present during the excavation of the site to ensure that any remains are treated with respect. The council also requested that there be a mural or plaque on site commemorating the history of the Ohlone in Hayward.

As for HAPA, we were happy to hear him solidify the main points that we had come to appeal. He was able to explain to the council members the rationale behind moving the retail to Maple Ct in a way that they understood. We were disappointed with the small size of the contribution towards the A Street improvements, but still happy to see the support of the project.

**Otis:** When it came time to speak, we were granted 10 whole minutes! We were tremendously grateful and surprised that Mayor Halliday gave us the same amount of time to speak as the developer who had worked for countless hours and invested heavily into this project. Especially when we realized that most of our appeal was redundant and simply provided further clarification...I think it must have been Amber's smile and charm that warmed the hearts of the council.

When it came our time to finally approach the podium, we went up together. First Amber spoke and focused on unbundling, retail moving to Maple Ct side of the project, and finally her thoughts on how this benefitted everyone. When she passed the mic to me, I began by re-stating that HAPA's appeal is not to undermine the project, and that we supported the project as long as it came with the improvements that we recommended to the developer:

**Amber.** After we finished speaking, members of the community shared their thoughts related to the project. There were people there to discuss the memorial tree, folks expressing concern over building on top of Native American remains, some who were concerned about traffic impacts of the project, a few who were fretting that the stature of the building may block their view, and some citizens who were very supportive of the project and excited to see it come to Hayward. It was interesting to listen to what everyone had to say.

When the community members were finished speaking, the council deliberated a bit more. Finally, Council Member Sarah Lamnin made the motion to approve the project. Council Member Al Mendall seconded the motion on the condition that, if the developer cannot move the memorial tree, the developer would contribute the \$75,000 cost towards the improvements at A Street. Everyone on the council agreed.

**Otis:** As the staff was adding Mendall's amendment to the vote, Mendall noticed that the wording stated that either the developer would contribute \$10,000 to the A Street crossing or \$75,000 – which is half of the proposed \$150,000. Mendall pointed out that he was proposing an \$85,000 contribution, as the developer was already paying \$10,000 towards A Street and \$75,000 towards the tree. Oddly, both staff and the developer decided to stick with a \$75,000 contribution. Mendall threw up his hands in acquiescence, accepting their offer. The day had been long and he seemed ready to reach a decision and not block progress. The vote went forward.

**Amber.** After many hours of discussion, at nearly 11:00 pm, Council unanimously approved the project with HAPA's amendments. We were both excited to see the changes made to the project. Though there could have been more money given towards the A street improvements and more attention given to a more sustainable parking system (there is a 6 story parking structure in this development), it felt productive to see the changes that HAPA made to the project.

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P.S. Amber and Otis failed to mention that I came in for a certain amount of kidding for not being there myself.

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