



HAYWARD AREA PLANNING ASSOCIATION

Vol. XXXI No. 4

The HAPA News

August 26, 2009

Russell City Energy Center: Important Public Hearing Hayward City Hall Council Chambers, Wednesday Sept. 2, 6:30 - 9 PM

Come, speak, help us stop the power plant. The Russell City Energy Center will be 14 stories high, 600 megawatts, natural gas fired, combined-cycle thermal power plant, at 3862 Depot Road. The Bay Area Air Quality Management District is considering a **“Federal Prevention of Significant Deterioration Permit.”** **If approved, the permit would allow significant deterioration** of air quality in Hayward. It should be called a “Significant Deterioration Permit.”

Air District staff will be available to answer questions and talk to the public during an open house from 6:00 to 6:30 p.m. prior to the public hearing that same evening.

Key points for you to make:

- This power plant would not **prevent** deterioration, it would **cause** massive air pollution.
- The deterioration may be insignificant for people who do not breath in Hayward, but we breath in Hayward and it is significant.
- As a peaker plant, the generators are started and stopped for temporary peaking power. so pollution controls are ineffective for many hours a day.
- The plant produces a huge amount of pollution per year:
 - > 3,800,000 tons carbon dioxide causing global warming
 - > 4,000,000 gallons of water turned to steam, causing global warming
 - > 134.6 tons of nitrogen oxides
 - > 389.3 tons of carbon monoxide
 - > 28.5 tons organic compounds that lead to smog
 - > 86.8 tons of particulate matter
 - > 12.2 tons sulfur dioxide
 - > Toxic Air Contaminants: ammonia, benzene, formaldehyde, diesel particulates, PAHs (polycyclic aromatic hydrocarbons, etc.



Photo supplied by Rob Simpson

- The purpose of the Clean Air Act is to reduce pollution, not increase it, and the Bay Area is already in violation of two national standards: 8 hour ozone and PM2.5—particulate matter under 2.5 microns. PM2.5 are tiny particles that penetrate deep into the lungs and often cannot be removed.
- The Alameda County Public Health Department opposes the Russell City Energy Center and reports that chronic disease, acute illness, hospitalization, and death from air pollution are already higher near the plant. Children and seniors are especially at risk.

If you can't speak, write! Send a letter or email opposing significant deterioration to Weyman Lee, P.E., Senior Air Quality Engineer (weyman@baaqmd.gov)

Bay Area Air Quality Management District
939 Ellis Street, San Francisco, CA, 94109

All written comments must be received BAAQMD by September 16, 2009

Background.

The plant is more polluting because, as a peaker plant, the generators are started and stopped as often as twice per day for temporary peaking power. Startup can take 3 to 6 hours, with pollution controls off line or ineffective, and incomplete fuel combustion increasing the amount of pollutants. The Air District and the California Energy Commission (CEC) have allowed Calpine to ignore startup emissions and, instead, use the emissions levels when the plant is warmed up and controls are working. We can't be sure the emissions will be constantly measured at the plant; we can't be sure what action will be taken if the plant exceeds its limits. [from Mike Toth]

From the Air District: The District's revised proposal is explained in detail in its Additional Statement of Basis for the proposed permit, as well as in the initial December 8, 2008, Statement of Basis and the other documentation the District is making available for public review (including the draft permit conditions, all data submitted by the applicant, and all administrative record documents the District has relied on for its proposal). These documents are available for public inspection at District headquarters during normal business hours, and the principal documents are also available on the District's website at

<http://www.baaqmd.gov/Divisions/Engineering/Public-Notices-on-Permits/2009/080309-15487/Russell-City-Energy-Center.aspx>

Further information about the project and copies of the project documents can be obtained by calling or writing to Weyman Lee, P.E., Senior Air Quality Engineer, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA, 94109, (415) 749-4796, weyman@baaqmd.gov.

Some arguments important to us are not relevant for the legal scope of the Air District agenda item. We don't want to see smokestacks in or around our city. The plume of hot air is a hazard to flying airplanes. The HARD Board and the shoreline citizen committee voted unanimously against the permit. Senator Pete Stark wrote: "The proposed permit is faulty on numerous levels and should not be approved." All this is not germane to deciding the Deterioration Permit.

Calpine, the corporation behind the Russell City Energy Center Plant, makes dubious claims about the number of jobs that will be created, largely short-term jobs building the plant. Renewable energy creates more jobs, over a longer period of time, to meet the same energy needs through improved efficiency, thermal and photovoltaic solar, and wind energy. The California Energy Commission has done several in-depth studies and reports conclusively that peaking

power and fossil power are not needed. Local activist Rob Simpson has distributed a hard hitting flyer enumerating many reasons for opposition to the Russell City Energy Center. He says many more jobs will be created over a longer period of time by implementing the City's policies for sustainability: "Green policies can meet the need." But the Air District will not look at this aspect.



Green Transportation / Affordability / Energy / Housing / Community = **Green Neighborhood**

HAPA's New Best Friend

Rebecca Newman is a Cal State journalism student who recently qualified to be on the "Interested Parties" list for Quarry Village. She's fast becoming our new best friend. In July she had a featured article in The Pioneer entitled "Utopia in The Hayward Hills" - yep, about Quarry Village. In very few words, she captured the goal and excitement of QV.

The Pioneer

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Features

Utopia in The Hayward Hills



Quarry Village is "an effort to take advantage of an unexpected opportunity of a lot of vacant land... and to use that land for a sustainable neighborhood. Sustainable for transportation, energy, housing, affordability, and community."

now that you are not making car payments or buying gasoline, and your energy bill is next to nothing because your home is so well-insulated and has solar panels on the roof.

This all sounds too good to be true, right?

Not according to Sherman Lewis, president of the Hayward Area Planning Association (HAPA.) This idyllic vision of a car-free community could be a reality if the association's plans for a development called Quarry Village come to fruition.

According to Lewis, Quarry

to campus or the BART station in about 8 minutes.

After work or classes, you catch the shuttle home, and then in the evening you might visit the gym, the grocery store, or a restaurant all within walking distance. You might spend the evening planning the vacation you'll be taking next month with all the money you are saving

BY REBECCA NEWMAN

Staff Writer

You wake up in the morning, and when you leave for work or school, instead of getting in your car, you walk to the end of your block and catch a free shuttle bus that takes you

Village is “an effort to take advantage of an unexpected opportunity of a lot of vacant land between Cal State Hayward and the Hayward BART station and to use that land for a sustainable neighborhood. Sustainable for transportation, energy, housing, affordability, and community.”

The plot of land in question is located north of Carlos Bee Blvd. and is bordered by Overlook Ave. This land was purchased by Caltrans for use in a freeway project that was subsequently cancelled. It is due to be sold in the next few years, although no one knows for sure when it will be available. Lewis predicts the sale will occur sometime between 2009 and 2011.

While residents will not be forbidden from owning cars, one of the main features that will set Quarry Village apart from conventional housing developments is that it will

be designed specifically to accommodate a car-free lifestyle.

With on-site amenities and retail businesses and convenient transportation options, such as a proposed electric shuttle bus system, and possible car-share services, planners are hoping that the future residents of Quarry Village will be able to ditch their individual cars. In addition to the emphasis on reduced individual car usage, Quarry Village plans include the use of environmentally friendly building methods and architecture.

With the environmental benefits of living in a car-free, or reduced-car neighborhood, come additional benefits: Walking is safer and more enjoyable within the car-free areas designed for pedestrian use. Children can play outside without dangerous traffic being a concern. The air in the development will be cleaner with

fewer cars and it will also be quieter. Not only will Quarry Village be a cleaner, safer and quieter community in which to live, but it will probably be less expensive too. The community will include housing units ranging from studios to 6 bedroom townhouses, with estimated prices starting at \$250,000, according the Quarry Village website.

Currently, HAPA is seeking investors willing to commit financial backing for the project. While there are those who are skeptical that buyers in this area is ready to abandon their car-centric lifestyle, there has been no direct opposition to the project and the City of Hayward has been supportive of the idea, according to Lewis.

If you are interesting finding out more about Quarry Village, visit <http://quarryvillage.org/index.html>

This month, Rebecca had her parking structure commentary printed in The Pioneer:

The Pioneer

Thursday, August 20, 2009 2

Commentary | Rebecca Newman

New Parking Structure? No Thank You

Ever since I transferred to CSUEB a couple quarters ago, I have been hearing rumors about a new parking structure being built. I have heard that it was to be funded by increasing student parking fees. But it's hard to find any actual information about this plan on the school's website. I've tried.

Like it or not, ours is a "commuter school," meaning that the majority of the student body lives elsewhere and commutes to the campus to attend classes. Because of this, transportation is an important issue. Getting people

to come to campus, from wherever they are, as quickly and easily as possible is the goal. How we, as a college community, solve this problem is the question.

I propose that more parking is not the answer. Increasing the available parking on the campus is like putting a golden band-aid on a bullet wound: really expensive and doesn't solve the underlying problem. More parking will only facilitate the current paradigm of students driving their individual cars to campus alone, which is expensive for them, and

increases traffic and pollution for all of us.

Perhaps instead of more parking, what we need at this campus are more alternative forms of transportation. Maybe instead of footing the bill for a new parking structure, students could be asked to contribute to new, more viable forms of transportation. The free use of the route 92 buses is a good start, but anyone who has ridden this bus can tell you that it's incredibly slow. The engines in the double-length buses are not powerful enough to haul them up the steep

incline of Carlos Bee Blvd., so instead they take a roundabout route up Second Street.

For the amount of money that would be needed to build a new parking structure, there are so many other avenues that could be pursued. New high-powered shuttle systems could be implemented, possibly even using alternative fuel or electricity.

Carpooling could be promoted and developed by the university.

Increasing parking fees while not providing enough alternative transportation options hurts students. With few viable alternatives, students who drive will have no choice but to pay the higher parking fee. Many of

these students might not even still be attending school here by the time the parking structure is finished. Basically, what we would be doing is financing the continued car-use of future CSUEB students. And personally, this is not the direction I think the school should be looking for its future transportation solutions.

Our fellow CSU campus in San Francisco has successfully encouraged its students to commute to school via public transit. By not increasing its available parking to meet the demand and making it expensive to park there, it has forced students to look for other ways to get there,

which I think is ultimately better.

I know this view will probably not prove popular with my classmates who see driving to school as their only available option. And right now it might very well be. But I think we, as a community, need to look farther into the future when making long-term plans. Gasoline prices are only going to go up and air pollution and global climate change caused by burning fossil fuels is only going to increase. I don't want to pay for the golden band-aid.

More parking, which encourages more individual car usage is not the answer. Smarter transit planning is.

State not at plate; still supports increased greenhouse gases

August 25, 2009

Mary Nichols, Chairman

CARB

1001 I St.

Sacramento CA 95812

Dear Ms. Nichols:

This is the third of three letters on how the State of California is investing in increasing greenhouse gases even though official policy is to reduce them.

The first letter (April 12, 2009) concerned the use Prop 1C infrastructure grants to use taxes to subsidize parking structures, and the lack of clarity about "transit linkages" in the guidelines. Russ Schmunk, Deputy Director of HCD, has been willing to allow recipients of Prop 1c bond funds for parking structures to use them for transit linkages if they wish. That is progress by HCD; I'm unaware of any action CARB might have taken.

The second letter (May 5, 2009) concerned how the California State University system overcharges students for surface parking in order to pay for expensive parking structures and refuses to study alternative access despite being supplied with detailed information about how it could work.

My colleague, Crissy Tsai, and I appreciate the chance to confer with your staff member, Dennis Wade. We talked about the issue of jurisdiction and whether CARB has the authority to promote alternative transit linkages at CSUEB. We believe you do not have direct authority. Are you allowed to communicate your concern to the CSU and to the Education Committees of the Legislature? Or do you confine yourself narrowly to AB32 and SB 375 even though other state actions impinge negatively on GHG emissions?

The Hayward Area Planning Association considers the CSUEB FEIR on a parking structure inadequate because, in part, it did not consider a rapid shuttle as an alternative. The rapid shuttle that is viable for South Hayward BART is also adaptable to serve CSUEB Hayward and preferable to overcharging students for surface parking in order to build a parking structure that gives cars a great view of the Bay Area and occupies a location better suited to student housing.

The proposed parking structure at CSUEB Hayward is scheduled to be rubber stamped by the CSU Trustees on September 22 or 23. I would appreciate CARB speaking against global warming. The goal of SB375 is to reduce carbon emissions and requires a reduction in vehicle miles traveled. Rapid shuttles reduce the number of vehicles going to the CSUEB campus, add to campus cohesion, help allay parent concern about student driving, and make it possible to build student residences close to campus.

The influence of CARB at the State level could be crucial to implementing SB375. At a minimum, I would hope that CARB would strongly advise the CSU and legislators on Education Committees to study a rapid shuttle as a replacement for the proposed parking structure. Any action needs to take place before the CSU Trustees meet in September.



Attention Cal State U!:

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August 26, 2009

Board of Trustees
California State University
c/o Trustee Secretariat
401 Golden Shore, Suite 136
Long Beach, CA 90802

RE: California State University, East Bay Hayward Campus Master Plan and EIR.

Dear President Schwarzenegger, Chair Achtenberg, and Trustees,

The above-referenced matters are scheduled for your review and approval this September. My client, the Hayward Area Planning Association ("HAPA") has been a watchdog on environmental and planning issues in the Hayward area for over thirty years. Over that time period, it has repeatedly brought to the attention of local, regional, and state government agencies, including specifically the California State University system ("CSU"), situations where good planning and proper concern for the environment have been short-changed. In a number of cases, that has involved litigation to force the correction of improper or illegal behavior. HAPA is concerned that CSU's approval of the above-referenced projects would violate the California Environmental Quality Act ("CEQA") as well as SB32, the recent legislation committing the state to reducing its impact on global warming.

HAPA has also, over the years, been a strong advocate for improved transportation and land-use planning. HAPA has initiated planning and development efforts for a major transit-oriented development project, Quarry Village, in the vicinity of the Hayward campus of California State University, East Bay ("CSUEB Hayward"). This project is meant to service CSUEB Hayward students, faculty, and staff by providing affordable off-campus housing that would be easily accessible to the campus through a fast, free, frequent shuttle HAPA has repeatedly attempted to engage the CSUEB administration in the planning for this project, and urged the CSUEB administration to work with HAPA so that

the future development of CSUEB, Hayward would minimize its "carbon footprint." Unfortunately, the CSUEB administration has not yet been supportive.

The proposed CSUEB Hayward master plan before you, and specifically the major parking structure proposed as part of the first phase of the master plan, make little attempt to encourage public transit use or reduce the auto-orientation of the CSUEB, Hayward campus. In addition, the FEIR for these projects flouts CEQA's mandates that environmental review include consideration and adoption of feasible mitigation measures or alternatives that would reduce or avoid what would otherwise be significant adverse impacts on the environment. The FEIR asserts that the traffic, energy, and global warming impacts of these projects are significant and unavoidable. The impact would be significant, but they are avoidable. Establishment of a long-term transit plan for the campus, including improved bus service to/from the Hayward BART station, could significantly reduce the traffic, energy, and global warming impacts of the long-term master plan, as well as eliminating the need for the major parking structure proposed in the first phase of that master plan.

HAPA provided the University with a detailed comment letter on the DEIR for this project. The comment letter laid out what would be entailed in "alternative transit" that would greatly reduce auto use and eliminate the need to build the proposed parking structure included in the Master Plan. The response to these comments included in the Final EIR ("FEIR") brushed aside the comments, asserting that they were too speculative to be included in this EIR and deferring their consideration to an ill-defined future study. While this might be permissible for a program-level EIR that would be followed-up with further environmental review prior to any actual construction, this EIR functions as the Project EIR for the parking structure. There will be no further environmental review before the parking structure is built.

The FEIR asserts that regardless of how much alternative transit might reduce auto trips to and from the Hayward campus, there will still be a need for the proposed parking structure. However, the FEIR contains no substantial evidence to support this assertion. The FEIR acknowledges that there has been, as yet, no detailed study of how many trips might be eliminated by alternative transit. Consequently, there is no basis for its assertion that, regardless of how successful alternative transit is, the new parking structure will still be needed.

This is not a situation where a proposed alternative is so remote and speculative that it does not merit study. All of the components included in alternative transit are already in practice elsewhere and most are even mentioned favorably as topics for future study. For that reason as well, alternative transit cannot be rejected out of hand as being infeasible. The University had a duty to study alternative transit and determine whether it could eliminate any or all of the project's identified significant impacts. The failure to do so is a clear violation of the California Environmental Quality Act and a sufficient basis for a legal challenge to the project approval.

The CSU should reconsider its intent of moving forward on certifying the EIR and approving the master plan and parking structure. Instead, it would behoove the University to direct staff to undertake a detailed study of alternative transit, including its ability to reduce or eliminate the need for a parking structure, and revised the EIR in accordance with the results of that study. It would be far better to spend the time, effort, and money required for such a study than to approve a defective EIR and spend the University's resources attempting to defend a defective approval in court.

Please keep me informed about any future actions in this important project's environmental review.

Most sincerely,

[original signed]

Stuart M. Flashman
Attorney for Hayward Area Planning
Association

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