



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

Vol. XXXIII No. 1

The HAPA News

February 8, 2011

Quarry Village name change - We need your input

Please help us choose a new name for Quarry Village. Email messages: Click on "reply," enter your choices, and click on "send." PDF-only versions: comment if you wish by copy and paste.

A Marketing class at CSUH discussed possible words and names. Students then ranked various words and names. After they did their work, a new name came up: Sunrise Village.

Rank the following words; type 1 after the word for your first choice, then 2 and 3:

Heights	Vista
Grandview	Eco
Green or Greens	Tierra
Solar	Village
Estates	

As far as good names go, rank your top three the same way:

Solar Heights	Tierra Commons
Grandview Heights	Bayside Village
East Bay Estates	Eco Bay Village
Grandview Estates	Greenhills Vista
Green Estates	Greenhills Village
Green Hills	

Now, how does Sunrise Village fit into your ranking above?

Comments pro and con on Sunrise Village or other ideas:

All your input will go the HAPA Board for final decision.

RCEC: Russell City Energy Center

The Goliath power plant proposed for the Hayward shorelands would be the second dirtiest power plant in the Bay Area, emitting almost 2 million tons of CO₂ a year. RCEC seems on the verge of real construction, yet still may be vulnerable to some well-aimed legal rocks being thrown by the local Davids who have been fighting it for years: Chabot-Las Positas Community College, Hayward Area Recreation District, Rob Simpson, Andy Wilson, Ernie Pacheco, Audrey LePell and others.

The fourteen story plant will have a tall smoke stack, visible for miles around, with a hot plume of toxic gases going forcefully upwards for about 1,000 feet, enough to cause a hazard to air navigation. Air traffic patterns for Hayward Airport will have to change, requiring FAA approval, which may not be forthcoming. The Public Health Dept. of Alameda County and the Bay Area Air Quality Management District (BAAQMD) have documented high respiratory problems in the I-880 corridor, a community generally of moderate and low income population. They identified Hayward as a "community whose health is already at risk" from air pollution. RCEC would supply, among other things, peaking power for summer air-conditioning for the peninsula, which could be better served by insulation and other conservation and efficiency measures, among other alternatives.

One legal rock, perhaps a boulder, is the failure of Calpine to apply to the Bay Area Conservation Development Commission (BCDC) for certification that its project is consistent with the Bay Area Plan under the federal Coastal Zone Management Act. Perhaps Calpine execs just missed a beat, or perhaps they realize RCEC is inconsistent with the Plan and cannot be certified.

Files from sophisticated computer modeling of air quality from BAAQMD showed that the RCEC will contribute to a serious deterioration of air quality, violating the Clean Air Act in the Bay Area, where the air is already too dirty. Nevertheless, the local EPA with BAAQMD issued a federal permit to Calpine, called a PSD (Prevention of Serious Deterioration) permit.

Opponents appealed to the Environmental Appeals Board (EAB) of the Environmental Protection Agency. In a series of orders issued in November and December 2010, just before the EPA's authority to regulate CO₂ green house gases kicks in, the EAB denied the appeal.

Having exhausted their "administrative remedies," opponents then filed petitions for review in the Ninth Circuit Court of Appeal in San Francisco in December 2010 and January 2011. The survivors seeking judicial review before the Ninth Circuit are Chabot-Las Positas Community College District (air files in hand), Robert Sarvey, and Rob Simpson.

Next steps: Preparation of the administrative record, legal briefs, and a hearing before the Ninth Circuit in August 2011, or later. Meanwhile, Calpine might proceed with building the plant. Stay tuned.

RCEC video at <http://www.youtube.com/watch?v=IWvc4KNEvL8> 3 minutes 37 seconds; save time by dragging circle at bottom to 57 seconds. Good visuals and info.

HAPA vs. CSU: We go for fees

The writ and notice of entry of judgment were both served on CSU (through its attorneys) on January 11th. I served (and mailed for filing) a memorandum of costs over the weekend. (Deadline for service & filing is this coming Wed.) The costs were not very substantial -- filing fee and personal service in Long Beach. They have sixty days to file an appeal, and we need to file our fees motion within that sixty days.

I've asked CSU's attorneys to let us know if they're interested in settlement, both on the merits and on fees. Based on CSU's past behavior, I don't expect them to be interested. I expect they will appeal and will strenuously oppose our fees motion. However, I also expect the decision to easily survive an appeal, and I expect we will win on our fees motion. I'm going to talk to the City's attorneys about reserving a hearing date for both fees motions (the City's and ours.) I'll probably get started on the writing the motion & supporting brief this week.

–Stuart Flashman, Jan. 24, 2011

Related work: I made a public records request and have received more information on the parking structure. When time allows I can use it to revise my “Bee Line Bus” proposal for CSUEB Hayward. I am still looking for someone in the administration who will listen to me. We have solvable problems with HAPA and the City if we can do some serious talking. So far, no takers.



Private Placement Memorandum for Quarry/Whatever

We have a draft from Dave Jacobson and key people are reviewing it. Jim Toby is working on an engineers report. We are probably revising the phasing to reduce initial costs and get more unit to market more quickly. We need to decide the name change and get some additional marketing data, then go to potential investors. After that milestone we can update the web site and start work on “visualization” — how the project will look in three dimensions.

Sherman Lewis, President
Hayward Area Planning Association
2787 Hillcrest Ave., Hayward CA 94542
510-538-3692; sherman@quarryvillage.org

