A City can be friendly to people or it can be friendly to cars, but it can’t be both.

-Enrique Peñalosa

Comments on the Initial Study

For the Maple Main Apartments

By Sherman Lewis, President

Hayward Area Planning Association

[sherman@csuhayward.us](mailto:sherman@csuhayward.us)

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# Overview

The opposition to some of this project should not be construed as opposition to the whole project. We support reforming the project and a reformed project would be better for Hayward and for the developer.

The Initial Study (IS) on issues not discussed in these comments is tantamount to an EIR already. The IS, however, does not inform citizens or Council about many important environmental impacts. HAPA is mainly concerned that the environmental issues be discussed adequately. We believe an EIR is necessary but even an EIR risks doing as poor a job on our issues as the IS. A beefed up IS responsive to our concerns would be better than a Swiss cheese, stonewalling EIR.

The Initial Study claim of consistency with the General Plan is incorrect. The project fails to conform to the General Plan, the Program EIR on the General Plan, and Council findings that the General Plan has environmental benefits.

These comments assume that the city’s power of project approval should be used to implement the General Plan. “The City shall consider/strive/encourage/promote/implement etc.…” includes using its regulatory powers.

**Bolding** has been added.

# Green Mobility and the General Plan

These comments define **Green Mobility** as 19 policies contained in the General Plan. They should be understood as a whole; only the synergy among all the policies truly accomplishes the goals of the General Plan.

The policies can be summarized as unbundling, neighborhood parking permits, TDM and parking management, shuttle service, taxi/ehail services, carshare/rental services, social interaction, complete streets, and improvements for bicycles and pedestrians. See Green Mobility in “Walking Oriented Development” at <https://www.dropbox.com/s/1tvi8ut2eyjctla/Walking%20Oriented%20Development.pdf?dl=0> for a summary of policy in general. See “The Maple Main Project; How to make the future work” PowerPoint at <https://www.dropbox.com/s/0lifqegsicdfc8w/HAPA%20Maple%20Main%20Apartments%20PowerP%20June%202016.pptx?dl=0> for an application of the policies to the Maple Main Apartments.

These comments discuss four topics in the guidelines, first in terms of the project, and then in terms of cumulative effects.

# Greenhouse Gas (GHG) Emissions

## Necessity to mitigate

**Is some global warming OK?** Are some GHG increases really insignificant? The issue is whether BAAQMD thresholds are acceptable for determining the need to mitigate project GHG. The IS assumes that if project GHG does not exceed BAAQMD thresholds, the impact is deemed less than significant and no mitigations are required.

The IS, instead, must consider ***any* increase in GHG** as requiring at least partial mitigation. Using only BAAQMD thresholds, GHG would at best get worse more slowly. Mitigation would require reductions, and we would make more progress reducing GHG.

The high costs of climate change, the certainty of costs getting higher, the necessity of drastically lowering GHG, and the intent of CEQA and laws related to GHG, all make reducing GHG essential for public welfare. We consider that the use of BAAQMD thresholds to ignore mitigation is illegal. Mitigation of any GHG is the **intent of the law**. If the GHG does not rise to the level requiring an EIR, it still needs to be mitigated in a negative declaration.

The **exclusion of GHG** by the Medical Office Building is unacceptable. Illingworth p. 15: “The existing medical office building would be reduced in size to 60,000 square feet. The new office building was assumed to generate the same amount of traffic as the existing building, so office building emissions were not computed in this assessment.” The building cannot be grandfathered in as it is subject to *de novo* review in the project application. Allowing grandfathering GHG prevents progress; otherwise old pollutions become new pollutions. Office GHG must be mitigated.

The CalEEMod had some outputs in Attachment 2 that were difficult to understand. On pp. 2 and 34, it says the office building was excluded. On p. 14 for commercial construction it says the building had a lot size of 3 acres and a floor surface area of 60,000 square feet. On p. 25 for Operational it says the building had .04 acres and 1,650 square feet. Evidently, the commercial data refers to the office building and the operational data refers to the apartment leasing office.

## Inadequacy of General Plan EIR and non-conformity of project

The IS **uses the General Plan incorrectly** to discuss project GHG. Illingworth p. 31:

The Hayward 2040 General Plan Draft EIR contains a comprehensive list of specific General Plan policies and programs that constitute the City’s updated GHG emission reduction strategy. … Implementation of these measures would reduce GHG emissions by more than 20 percent below 2005 levels by the year 2020 when combined with State and federal programs.

As part of the evaluation of the project’s consistency with the CAP, the project’s incorporation of applicable strategies and measures from the plan as binding and enforceable components of the project. Projects that show consistency with the plan forecasts and implement applicable strategies included in the plan are considered to have less-than-significant GHG emissions.

The problem is that there is **no evidence** that the GHG estimates in the EIR on the General Plan considered relevant General Plan policies, and, also, the **project is inconsistent** with the policies, as documented in these comments.

## Emissions methodology

Another issue is the **incorrect methodology** used by Illingworth because its modeling is out of date. (The reference to SR 238 is also out of date; it is no longer a state route.) The state’s ARB uses more advanced modeling. The CalEEMod model endorsed by the BAAQMD is not used by the Air Resources Board for modeling GHG of project applications to the Affordable Housing and Sustainable Communities program. CalEEMod is used for an initial start on estimating vehicle miles traveled (VMT), but then has additional add-ons to estimate project GHG. See details at <http://sgc.ca.gov/pdf/QuantificationVersion2_1516.pdf> (“Quantification”). For example, the add-ons have three model inputs that reduce VMT from housing, and Illingworth seems not to have used them.

The Air Resources Board quantification has several features that make it a poor estimator of project GHG. First, the **parking assumptions** are part of land use and cannot be separately modeled. The amount of parking is not input by the applicant but assumed in the land use type, preventing analysis of low-parking projects. See Quantification, Appendix B.

The AHSC program **subsidizes parking** which increases GHG. In the summer of 2015 a Berkeley graduate student and I explained to the ARB in some detail, based on a few dozen runs of CalEEMod to see how it managed different inputs, that the AHSC quantification was not sensitive to how much subsidized parking structures were causing the GHG they were supposed to reduce. As a result, the state restricted parking credits in the guidelines for 2016 and committed to eliminating them altogether in 2017. The quantification, however, still is not sensitive to how much parking subsidies increase GHG because they are not an input to the model.

Also, the quantification inputs are too simplistic regarding **unbundling**. The three inputs are PDT-1 Limit Parking Supply, PDT-2 Unbundle Parking Costs, and PDT-3 On-Street Market Pricing. The concepts are excellent but the inputs are so rigid as to be useless. The calibration is based on a large sample, but the variation is so great that a fixed quantification does not work. The quantification caps reductions to a 20% maximum for all three measures combined, which is way too simplistic (see Quantification, Table 3). In reality, the specific parking rent and the array of alternatives determine performance.

The models do not have inputs for an **array of Green Mobility** policies and how they work together in a specific project context to affect mode shift. The model would need to be sensitive to a shifting balance that leads to a dramatic shift to non-auto modes, significantly affecting GHG emissions.

The models underestimate viable **walking distances** to urban rail; see “Walk Access to BART and Residential Density” at <https://www.dropbox.com/s/cevf1xewmowg7dc/BART%20Walk%20paper%20for%20Int%27l%20J%20of%20Sust.%20Trans%20rev.pdf?dl=0>.

The quantification also lacks **travel time budget data** applied to the land use situation of the project, which is essential to estimate mode shift. The models are designed for vehicle trips and transit ridership in metro areas; they are unsophisticated at estimating walk and bike trips in small areas, which require inputs for travel time by auto mode vs. by non-auto mode for routine trips and anchor trips. See <https://www.dropbox.com/s/gvq309hd2yf6wsl/Household%20Surveys%20and%20TT.pdf?dl=0>.

The models are calibrated against the lower density land uses of suburbia with little or no data on **higher density** areas where walk and transit can prevail. Above about 50 persons per neighborhood acre, there is a take-off, a non-linear increase, in non-auto modes and a similar decrease in auto modes. The empirical evidence for this is in “Neighborhood Density and Travel Mode” at <https://www.dropbox.com/s/ssnr3gfjn8dfv0z/Neighborhood%20Density%20and%20Travel%20Mode.docx?dl=0>. The theoretical foundation for the density necessary for Walkable Neighborhood Systems and mode shift is at <https://www.dropbox.com/s/nedmhvav17377f4/Walkable%20Neighborhood%20Systems%20for%20Growth%20and%20Change.docx?dl=0> (publication forthcoming).

The models have a misleading aura of quantification and environmental evaluation should recognize their limits. The inadequacy of even of the best modeling is not due to intent to do a poor job, but is a result of the **level of knowledge** at this time and a failure to study the densest neighborhoods. The models evolved to deal with metro area auto traffic over a large area and are not yet sophisticated enough for small dense areas with walkable local business, rich transit and other Green Mobility concepts for project-level projections.

We need, instead, to make a **qualitative evaluation** of project transportation-related GHG based on the knowledge we have about existing unbundled projects in dense areas similar to downtown Hayward. (This can be explained further in terms of household surveys on travel time budgets for 15 trip purposes, especially anchor trips and errand trips.) An evaluation of the interaction of all features helps evaluate synergy among policies. A disinterested expert should apply knowledge of this experience and other Green Mobility factors to specific projects in specific locations, in this case, the Maple Main Apartments. Such an evaluation would reveal a very large difference between the proposed project and one with Green Mobility. The IS fails to do this.

Wood Rogers is a transportation consulting firm that did reports attached to the IS. The Wood Rogers transportation study (p. 17) approximates the kind of evaluation needed. Table 4 has adjustments to the trip projection for Mixed Use TDM, shuttle, and BART/Rideshare/Bicycle to get the vehicle trips. The problems here are the use of ITE rates, the lack of actual TDM, the omission of unbundling and other Green Mobility policies, and the lack of transparency to lay readers. Still, the overall reduction of about 20 percent relative to suburbia is a reasonable balancing of a few green features against the dominant pro-auto design.

## Three Pedestrian Policies

Besides the need to mitigate GHG, the use of an outdated methodology, and the many weaknesses of the current methodology, there is the additional problem of the **omission of 19 General Plan Policies** that would reduce GHG and the **false claim** thatthe project conforms to the General Plan (p. 54). The modeled reduction of GHG in the EIR on the General Plan would not occur and should not be used in the IS. Three policies are discussed here and 16 under Land Use and Planning.

Table 12 refers to Goal M-5 Pedestrian Facilities, but this is not a policy—it’s a goal. The goal is, “Provide a universally accessible, safe, convenient, and integrated pedestrian system that promotes walking.” The goal has **three germane policies**, 5.1, 5.2, and 5.6, which are relevant for the project and for reducing GHG, but not implemented in the project. The IS claims “The proposed project would provide pedestrian access,” but it doesn’t.

## Policy M-5.1 Pedestrian Needs

The City shall consider pedestrian needs, including appropriate improvements to crosswalks, signal timing, signage, and curb ramps, in long-range planning and street design.

## Policy M-5.2 Pedestrian System

The City shall strive to create and maintain a continuous system of connected sidewalks, pedestrian paths, creekside walks, and utility greenways throughout the city that facilitates convenient and safe pedestrian travel, connects neighborhoods and centers, and is free of major impediments and obstacles.

## Policy M-5.6 Safe Pedestrian Crossings

The City shall strive to improve pedestrian safety at intersections and mid-block locations by providing safe, well-marked pedestrian crossings, bulb-outs, or median refuges that reduce crossing widths, and/or audio sound warnings.

The City **did not consider** pedestrian needs. The IS, unfortunately, narrowed its scope to the site of the project, which contrasts sharply with its extensive consideration of off-site traffic impacts on surrounding streets. The IS assumes that a pedestrian leaving the property is not an issue, while cars are. The IS is inadequate; it must consider pedestrian needs off-site as well as on. If it is reasonable to evaluate off-site mitigation for project traffic, it is reasonable to do it for pedestrians.

**Wide streets and fast traffic** are barriers to connected sidewalks. The Maple Main project is disconnected from the downtown center. The project has a nexus to A St. and Mission Blvd. by their close proximity and their use by project residents to walk to the center and the BART station.

We need to make it possible for average people to walk across A St. and Mission Blvd. Walking across these arterials is not convenient or safe and few people try it. They are now **cut off from safe and comfortable walking** to the downtown center by excessive street width and high speed of traffic. A St. is 62 feet wide with 2 parking lanes and four travel lanes and Mission Blvd. is almost as bad.

The IS needs to **require mitigation** of impacts by requiring, at a minimum, improved crosswalks. Walking routes should be improved with slower traffic, bulb-outs, and pedestrian safety medians for minimal walkability. Safe, walkable routes are essential to connect Maple Main to the downtown center. Without safety and walkability improvements, the downtown as a whole is really not walkable. Achieving walkability downtown is a repeated, major goal of the General Plan, and these three policies are major ways to get there. Walkability is crucial for reducing car use and reducing GHG.

The IS should discuss the **ability to live downtown** without bundled parking. There is a misperception that downtown requires a car as much as suburbia outside downtown. In fact, downtown has the short walking distances that make routine and anchor trips attractive for major markets. Many trips can now be made more inexpensively than in the past using ehail. The need for a car can be met by carshare/rental. General Plan policies do not need to be applied where not practical, but it is totally practical to apply them to downtown.

The IS does not discuss these policies; the project does not conform to them, negative impacts result, and the policies would help reduce GHG. Lots of pavement and parking create drivable cites but prevent walkable neighborhoods.

The other 16 policies to reduce GHG are discussed below: LU-1.5, LU-2.3, LU-2.5, LU-3.6, M-1.2, M-1.3, M-3.7, M-3.10, M-7.11, M-7.13, M-8.2, M-8.7, M-9.1, M-9.3, M-9.7, and M-9.10.

# Land Use and Planning

A detailed analysis of the proposed project’s consistency with applicable General Plan land use and parking policies is provided in Table 13, Land Use and Parking Policies Applicable to the Proposed Project. As shown in Table 13, the proposed project would not conflict with these applicable policies." (p. 69)

Table 13 falls short; the project conflicts with many General Plan policies. The Land Use section includes four General Plan policies and the Transportation section, discussed below, includes no policies. As a result, the IS does not discuss twelve relevant policies.

## Four Discussed Policies

## Policy LU-1.5 Transit-Oriented Development (TOD)

The City shall support high-density transit-oriented development within the city’s Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.

Concerning project consistency, the IS claims that

The proposed project is located within a Priority Development Area (PDA), as designated by the Plan Bay Area, which includes the region’s Sustainable Communities Strategy (SCS) and the 2040 Regional Transportation Plan (RTP). The proposed project is within walking distance of transit and local retail establishments, schools, and employment centers in Downtown Hayward, and thus would reduce automobile use.

The IS claims here and on p. 11 and p. 73 that the project is within **walking distance to schools**. On p. 62 it says that “The project is not located within 0.25 mile of a school…” The intermediate school is close, 0.4 miles, but the high school is 1.2 miles away, and both require crossing Foothill Blvd., a highway mostly 80 feet wide with five travel lanes and two parking lanes. The elementary school is 1.2 miles away requires crossing Mission Blvd. High school kids could do it; little kids not so much. The IS can easily fix this inaccuracy.

The IS, however, has a much more serious problem, the slippage from the policy to the claim of consistency. The IS clams that proximity would reduce automobile use while ignoring the auto-orientation of the project for residents, retail, and Medical Office Building. If proximity is the only requirement for transit-oriented development (TOD), the project conforms. However, General Plan policy makes clear that mere **proximity is not enough**—a project needs to improve transit ridership and reduce auto use, traffic congestion, and GHG.

The performance of the Maple Main Apartments can be compared to suburbia, or to a project that is actually oriented to transit. In general, projects wind up along some dimension between auto- and transit-oriented. It is not clear how much it would take to cross some line to qualify as TOD, but it is clear that this project is too auto-oriented and anti-transit. The proposed bicycle facilities, Zip Car, private shuttle are not enough. Compared to TOD, the project will **increase auto use and decrease transit**, which is confirmed by the auto trip generation rates used in the traffic study.

The evaluation now missing from the IS has to consider the functionality of Green Mobility, which is how the General Plan defines TOD.

**Bicycles**. The IS should point out that the bicycle storage access is slow and cumbersome. It is in a long narrow room at the back in the basement of the parking structure, and not in a convenient location between elevators and stairwells and the street. If there are bicycle users, they are likely to keep the bicycles in their units.

The IS also needs to say that bicycle storage is only meaningful if there are places to bicycle to, a safe attractive way to get there, and a safe place to leave the bike. Hayward, like most of the U.S., is bike-hostile in ways people don’t realize, which is part of the problem. Bicycle use **requires a system** to attract more than just the young spandex and muscle crowd. Some European countries show how to do it. It’s not just the A St. problem, but the general lack of comfortable bikeways on routes people want to use. The downtown area has too many wide arterials with fast traffic, lack of parking at destinations, and few destinations.

The **private shuttle** raises similar questions, as it also was not studied. How many people would ride it? Route? Schedule? Financing? Cost? A private shuttle means the public can’t ride, so it does not contribute to transit. The IS should discuss using the funds for a public shuttle to conform to the General Plan.

The General Plan is a guide, not a mandate, and sometimes a policy is too expensive or impractical for implementation. However, in the case of these apartments, that is not true. To be adequate, an IS has to consider **what the project could reasonably do**, i.e. Green Mobility, which is further developed in the documents cited above, Walking Oriented Development and the Maple Main Project PowerPoint.

Many other points in these comment show how pro-auto (and pro-congestion and pro-GHG) and how anti-transit the project is. The value of a few steps forward is **more than negated** by many steps backward. Conformity to the General Plan is proclaimed, not demonstrated. TOD should not be a superficial marketing slogan; it has real meaning. Anybody knowledgeable about real TOD knows that this isn’t it. See the report on *Why Creating…* cited below.

## Policy LU-2.5 Downtown Housing

The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to: …

**Promote** lifestyles that are less dependent on automobiles.

One interpretation of this policy is that the simple creation of any housing, or housing above other uses, is enough to reduce auto dependency. We believe, alternatively, that evaluation of conformity has to be based whether the housing actually **promotes**—the word used in the General Plan—less auto dependency, and that the evaluation must use city policy, i.e., the relevant policies in the General Plan to as a way to define promotion. “Not prevent” is not good enough. The IS has to discuss how poorly the project performs on Green Mobility and reducing auto dependency.

The IS claims project consistency is based on walking distances and affordability with no evidence for less auto dependency. The IS repeats the mistake of assuming small children can walk 1.2 miles to school. The project clearly fails to conform and the IS fails to inform.

## Policy M-9.1 Appropriate Parking

The City shall ensure that adequate parking is provided appropriately to all areas of the city, while **prioritizing** alternative transportation modes and Transportation Demand Management strategies that **reduce parking demand**.

“Adequate” can be defined as supply when parking is free, or as supply when parking pays a market charge. It **does not make sense**, and is not consistent with the General Plan, to subsidize parking by making it free to the user while trying to promote non-auto modes. Adequate parking has to be defined in the context of the General Plan, which includes unbundling, reduced parking requirements, walkability, multi-modal transportation, and transportation demand management. It has to include residential, retail, and Medical Office Building parking. The IS needs to discuss separating the leasing of Medical Office Building offices from leasing of parking for the offices, so that those leasing office space would determine how much parking they needed and pay for it separately.

The IS, more specifically the Wood Rodgers parking report at p. 4, finds that parking is adequate, without ever discussing any **definition of adequacy**. It is part of our culture to have parking as a public good, even though the General Plan tries to make it a market good. Culture prevents seeing the unreasonable.

The project subsidizes parking, does not have TDM, and does not prioritize alternative modes. The IS claims conformity by pointing to zoning and does not reveal that the **zoning** is clearly **inconsistent** with the General Plan. There is no conformity.

The IS fails to point out that the allocation of parking on lower levels to commercial and retail uses results in **not a single resident** being able to park on the level on which they live. All must go up one level, some must go up two levels. See attached spread sheet, HAPA Maple Main Apartments.xlsx, parking levels tab.

## Policy M-9.10 Unbundled Multifamily Parking

"Policy M-9.10 Unbundled Multifamily Parking. The City shall encourage multifamily development projects to separate (i.e., unbundle) the cost of parking from lease or rent payments."

The IS claims project consistency: "According to the project’s parking management plan, if project parking demand exceeds supply, 'unbundling' of parking from residential rent/lease fees is recommended to reduce vehicular parking demand." (Note: the period after "supply" is a typo in the Initial Study.)

The claim of consistency with the policy is false. **The project is bundled**.

Furthermore, the claim is nonsense. Think about it: How can anybody know if the demand exceeds the supply? The city has no operational definition; it has no procedure; it has never in its history made a finding of demand exceeding supply. What supply? Where? On site? On adjacent streets? If one area of free parking is always parked up, and another a few feet away has spaces, does demand exceed supply? Suppose someone complains, saying there is not enough parking in the public lot on Maple Court and it’s because of the new apartments. Is that enough? Or will there be a three year process to figure it out? If parking is unbundled what will the rate be—the market rate? the economic rate? the full cost rate? Next, the project's plan does not actually say it will unbundle; it is only "recommended." The vaporware of excess demand is followed by a toothless commitment. The project does not support unbundling by, in fact, having bundling.

These comments will now discuss why unbundling is desirable and feasible, supporting the importance of the General Plan Policy.

### Why Unbundle

There are reasons why unbundling is so extremely important. **Economically**, bundling distorts markets, denies consumers choices they would like to make, such as to save money or live an environmental lifestyle. It increases housing costs, and lowers economic productivity and total product. The cost of housing is increased by 15 to 20 percent, and land is lost to productive purposes that can compete in the marketplace. Unbundling lowers the cost of a car, inducing people to drive out of town and shop less downtown. Productivity of urban land and economic product is reduced. Government interference in the market place is hugely expensive.

As of February 2016, Transform’s, GreenTRIP Parking Database listed 80 affordable multi-family housing developments in the five largest counties of the Bay Area. The database has 11 variables for each development. Transform found that 3,882 spaces of a total of 13,823 spaces (28 percent) were unused. The spaces covered 1,164,600 square feet and cost about $198,034,400 to build. The available spaces per unit was 1.16 and occupied spaces .84.

The reasons for the vacancies are not clear; it may be that a tenant just can’t afford a car at all and uses alternative modes. It is likely cities required too many spaces. The enormous waste of funds on vacant parking exists in spite of the spaces being free to the user. The need for free parking is being significantly over estimated. With unbundling, vacancy rates would be even higher.

TransForm estimated that a mid-rise TOD project with 875 units and 1,444 parking spaces (1.65 spaces per unit) could in the same building envelope, with .7 spaces per unit, have 1,021 units, an increase of 146 units.

Source: Transform, GreenTRIP Parking Database lists 68 projects with 11 variables for each one. <http://www.transformca.org/greentrip/parking-database>. The database can be downloaded. See also <http://www.transformca.org/landing-page/greentrip> and <http://database.greentrip.org/>

**Socially**, bundling forces many low income families to spend money they can ill afford on parking they don’t want or need. Less affordable housing is built because it is forced to pay for parking also. Bundling hinders efficient use of urban space, pushes traffic into walkable areas, degrades the environment for non-auto modes, discourages walking, and undermining social development of land. People walk less and streets have more traffic, resulting in health and safety problems. About $200 million has been wasted on unused parking in affordable housing projects in the Bay area (see text box). For a more detailed discussion, see Transform and California Housing Partnership Corporation, *Why Creating And Preserving Affordable Homes Near Transit Is A Highly Effective Climate Protection Strategy,* May 2014, <http://www.transformca.org/transform-report/why-creating-and-preserving-affordable-homes-near-transit-highly-effective-climate>.

**Environmentally**, bundling is undesirable because it is one of the most important causes of global warming, continually forcing subsidies for auto dependency into urban development. It increases air and water pollution.

### How to unbundle

Unbundling is feasible for market rate and affordable housing. Claims that unbundling is not possible for affordable or market rate housing are incorrect. For HAPA research on this issue, go to our Dropbox folder at <https://www.dropbox.com/sh/flvxe66cm9alcpb/AACs0rFT9DEkjeojkFbh6_Bia?dl=0>. The first seven items at this site summarize the research.

Many **affordable housing** projects are unbundled. It requires having no parking, like the Mercy Housing project in San Francisco, or separate financing, as in Berkeley and Arlington VA. Tax credit financing does not require parking or bundling; it only requires that an unbundled rent plus the parking rent not exceed the federal rent cap. Housing developers have not tried to develop a proforma that is based on unit rent below the federal cap and do not know how to estimate the reduction in parking demand from unbundling. The California Affordable Housing and Sustainable Communities Program does not require parking. Low parking ratios are similar to unbundling because units lacking parking are not paying for it. Transform reports 16 projects with ratios from.07 to .51 spaces per unit.

**Market rate** housing financed by FHA/JUD section 221(d)(4) does not require parking. A project with unbundling in San Leandro is going forward. The Fannie Mae Multifamily Mortgage Business, the major lender in this area, does not require parking. Their DUS underwriting does not require parking. The Maple Main developers seem to be under the misapprehension that Fannie Mae underwriting requires bundling, so I wrote them a letter. Joanne Schehl, Senior Vice President and Deputy General Counsel for the Multifamily Mortgage Business answered on June 3, 2016, stating, ”Fannie Mae does not impose parking requirements on the multifamily housing properties that we finance through our DUS program.”

A major complaint from housing developers is that **cities create the problem** with excessive parking requirement in walkable areas.

We now turn to LU-2.3, LU-3.6, M-1.2, M-1.3, M-3.7, M-3.10, M-7.11, M-7.13, M-8.2, M-8.7, M-9.3, and M-9.7. In all cases, the IS failed to evaluate the policies and the project does not conform to them.

## Three More Pedestrian Policies

These comments cover three more pedestrian policies, adding to the three discussed under GHG, with nuances of difference among them. However, what is said for one often applies to others.

## Policy LU-2.3 Downtown Pedestrian Environment

The City shall **strive** to create a **safe, comfortable, and enjoyable pedestrian environment in the Downtown** to encourage walking, sidewalk dining, window shopping, and social interaction.

The project is downtown. Bundling, gated parking, private shuttle, fast wide arterials, and dead frontage on Maple **undermine** social activity. The retail is now located on a lifeless street, Main St. Once past the hot dog fast food store, there is nothing. The project would only add a few shops next to a parking structure entrance, which is too small to matter; in fact, I don’t see how they can survive.

The project does not lend itself to sidewalk dining but it could encourage walking, window shopping, and social interaction. The IS should propose mitigation based on **minor redesign** to support social interaction. It requires some knowledge and judgment about how urban areas work. There is already activity on Maple Court because of the strip, which can be reinforced by having project retail on Maple, the Medical Office Building entrance, apartment entrances, and a shuttle stop for the bus connecting Lincoln Landing to BART. It is important to realize, and for the IS to discuss, how the project is anti-social and how various General Plan policies combined could foster a hub of social interaction.

## Policy LU-3.6 Residential Design Strategies

The City shall **encourage** residential developments to incorporate design features that **encourage walking** **within neighborhoods** by: …

* Orienting … apartment …buildings toward streets or public spaces.

The Maple Main building is not oriented to its street; it has two doors on Main Street for 240 units. Most access is from the parking structure, then up and down stairways and elevators and down long hallways. One can walk in from Maple to part of the project but only by walking around the side into Courtyard 2. The project is not just a parking structure wrapped in units; the whole system of movement is designed around the auto. The design should conform to the General Plan by having more entrances from Main and Maple. The design now favors driving into the structure rather than walking to an entrance. Combined with gated access to residential parking on the upper levels of the parking structure, bundling of parking into unit rent, and a private shuttle, the project is a **suburban style, parking oriented, gated development supporting auto dependency**.

## Policy M-3.10 Pedestrian Needs

The City shall develop **safe and convenient bikeways and pedestrian crossings that reduce conflicts** between pedestrians, bicyclists, and motor vehicles on streets, multi-use trails, and sidewalks.

This policy is almost the same as M-5.6, discussed above. The IS has not evaluated how to do this, but it should discuss how the City could improve bikeways and pedestrian crossings in the conditions of approval.

## Final Nine Policies

## Policy M-1.2 Multimodal Choices

The City shall promote development of an integrated, **multi-modal** transportation system that offers desirable choices among modes including pedestrian ways, public transportation, roadways, bikeways, rail, and aviation.

## Policy M-1.3 Multimodal Connections

The City shall implement a multimodal system that connects residents to activity centers throughout the city, such as commercial centers and corridors, employment centers, transit stops/stations, the airport, schools, parks, recreation areas, and other attractions.

The project does nothing for multimodal policies. The IS and the Wood Rogers reports **never mention multimodal** anything. The project bicycle component is particularly dysfunctional as discussed under LU-1.5 TOD above. The project has a private shuttle, not public transit. It does nothing to support pedestrian ways.

The Maple Main Project PowerPoint indicates what easily could be done, such as move the retail to complement other retail on the BART shuttle route, put the shuttle stop where activities concentrate (the Medical Office Building entrance, residential access, new retail, and existing strip retail), street level dedicated spaces for carshare/rental and taxi/ehail, and make A St. safe—all aspects of Green Mobility. The IS needs to discuss how a series of small policies **reinforcing each other** can achieve multimodal connections.

## GOAL M-3

Provide complete streets that balance the diverse needs of users of the public right-of-way.

## Policy M-3.7 Development Review

The City shall consider the needs of all transportation users in the **review of development proposals** to ensure on-site and **off-site** transportation facility improvements complement existing and **planned land uses**.

This policy clearly applies to development review and off-site improvements. The IS and the Wood Rodgers reports **never mention complete streets**. The IS needs to discuss whether the city considered requiring this development proposal to include off-site improvements that would ensure complete streets. The project has, in fact, no off-site transportation improvements in support of walking, and does nothing for a BART shuttle, such as supporting ROW improvements as proposed in the PowerPoint. There is no discussion of how Maple Main relates to an even larger planned land use within a stone’s throw away, Lincoln Landing. The two projects have the ability to coordinate with each other and provide for complete streets and a shuttle.

## Policy M-7.11 Shuttle Service

The City shall evaluate the need for **shuttle service** citywide and support public and private efforts and activities to bridge **gaps in existing transit** service.

This project and Lincoln Landing provide an opportunity to get a BART shuttle, yet the City has not required the project to contribute to a shuttle. The project provides an opportunity to fill the gap from Lincoln Landing to BART, as proposed in detail in the PowerPoint. The proposed BART Shuttle is worth considering for itself and as a step toward some citywide system.

## Policy M-7.13 Taxi Service

The City shall promote the continued operation of **taxi services**, including the provision of a dedicated taxi stand at the Downtown Hayward BART Station, on-street loading spaces (where appropriate), incremental improvements in gas mileage, and improved access for passengers with disabilities.

The project lacks a dedicated street-level spaces for shared ride services, which it should have on-site. The Maple Main Project PowerPoint shows how to do it.

## GOAL M-8

Encourage **transportation demand management** strategies and programs to reduce vehicular travel, traffic congestion, and parking demand.

## Policy M-8.2: Citywide TDM Plan

The City shall maintain and implement a citywide **Travel Demand Management Program [TDM]**, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city.

The City does not have a TDM Program, but the General Plan has some bare bones concepts. TDM reduces parking demand and the need for parking. The staff report on **Lincoln Landing** has some ideas that should also be applied to Maple Main: “participation in a BART shuttle, provision of commuter transit passes to residents and workers among others. …shared commercial/residential parking potential, unbundling the residential parking, shared car services.”

The IS **does not report** on these important mitigations to impacts otherwise created by the project, which could reduce traffic to the Medical Office Building and retail. Similarly, requiring offices provide for some of the cost of using ehail for client access could substantially reduce the need for office parking and make it easier for clients to access services.

## Policy M-8.7 Public-Private Transportation Partnerships

The City shall encourage public-private transportation partnerships (e.g., car sharing companies) to establish programs and operations within the city to reduce single-occupant vehicle

The General Plan should be applied to this project, by having it provide an on-site street-level facility for shared ride, and make arrangements for use of the spaces with providers. (Shared ride: carshare/rental, taxi, ehail ride share.) The policy also applies to a partnership for a shuttle.

## Policy M-9.3 Parking Off-Sets

The City shall encourage developers and employers to offer programs (e.g., transit passes or other transit enhancements) to reduce parking demand and shall consider reducing parking requirements where programs are in place or planned.

The project does not do this. Employees of retail, Medical Office Building, and apartment management should be **cashed out** and barred from parking for free at work. Developers and employers could also support the BART shuttle through eco-pass. These can be made conditions for project approval and recorded against the property.

## Policy M-9.7 Residential Permit Parking

The City shall maintain and implement the Residential Permit Parking Program to minimize the adverse effects of spillover parking into residential areas.

The project does not do this. Such a program is needed, especially if unbundling causes **spillover** into the Prospect Hill neighborhood. Wood Rogers has a good discussion on traffic calming in Prospect Hill but really nothing on parking management. It describes unbundling (p. 3) but fails to discuss what the unbundling rate would be for residential, retail, and commercial,, how that would reduce vehicle trips, how it relates to other Green Mobility, and how it would cause spillover problems. Wood Rogers seems to know what it is, but not **what it means**.

Similarly, they refer to the need for permits as a future possibility, rather than as a necessity to make unbundling work for the neighborhood and as integral to the mutually reinforcing policies of the General Plan. I don’t mean to pick on Wood Rodgers in particular; they are part of a culture of conventional thinking reinforced by the failure of their clients, in this case the City, to ask the right questions. The IS needs to discuss how unbundling causes spillover and the need for the project to **mitigate the impact** with a permit program.

# Population and Housing

The Guidelines require evaluation of substantial population growth in an area without **defining “area.”** The IS is correct in saying the project would be a very small increase in city population. It would be even smaller for the county and the Bay Area. Since very few people live on the site and surrounding blocks, it would be a very large increase in that area. The appropriate area would seem to be downtown.

The IS tries to avoid the need for evaluation by pointing to consistency with the General Plan EIR. That would be a fair point if the project conformed to the General Plan and the population for the site is consistent with that assumed in the EIR. The assumption in the EIR, however, is not reported. The issue is best discussed as a cumulative impact, which is discussed below.

# Transportation

The Guidelines ask,

“Would the project conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?”

The IS claims less than significant impact based on existing and near term future traffic as they affect intersection LOS or control delay at 15 intersections. LOS E and control delay under 5 seconds are acceptable.

The detail on traffic distracts from noticing there is **no discussion whatsoever** of all modes, mass transit, and non-motorized travel, and no discussion of the circulation system for pedestrians, bicycles, and mass transit. The project has multiple conflicts with the applicable plan, the General Plan.

The IS does not report trip generation rates from actual comparable land uses, only the **ITE Manual rates**, which are considered inaccurate by researchers for non-residential uses. They have a suburban and pro-parking bias and include too many land use types in single categories, hiding a large variation within broadly defined types.

The corrected residential trip generation rates per unit and per bedroom seem reasonable. What is harder to understand is that in the AM Peak only 98 trips are leaving 440 apartments, a rate of .24 trips per bedroom. Put another way, 76 percent of bedrooms have no one leaving.

The large number of parking spaces for the Medical Office Building is the major reason that **no tenants can live on their level**; they must all drive up one or even two levels higher than the floor they live on and then walk down by ramp, stairs, or elevator.

The Wood Rogers reports exclude the **Medical Office Building**, but its traffic is part of the impacts of the project and needs to be discussed. It Is planned for far more parking than it had before, with more traffic as a result.

# Cumulative Effects

18. MANDATORY FINDINGS OF SIGNIFICANCE – The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur.:…

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, **the effects of other current projects, and the effects of past, present and probable future projects**)? (IS, p. 116)

The Initial Study is inadequate concerning cumulative impacts of greenhouse gases, land use, population, and transportation. The guidelines require consideration of other current projects.

If a current project, Lincoln Landing, adds to the impacts of Maple Main, and Lincoln Landing is required to have an EIR, then it is **logically inescapable** that Maple Main must also have an EIR. While Lincoln Landing is a larger project, it is not very different from Maple Main concerning the four issues of these comments. Clearly, if one deserves an EIR, the cumulative effects of the two projects deserve an EIR.

## Cumulative Greenhouse Gases

The Greenhouse case section states “As the impact from a project’s GHG emissions is essentially a cumulative impact, the analysis presented above provides an adequate analysis of the proposed project’s cumulative impacts related to GHG emissions.” The IS ignores other current and probable future projects, the most notable and obvious of which is Lincoln Landing, which is subject to an EIR.

## Cumulative Land Use

The Land Use section states, “Anticipated future development in the City of Hayward would be reviewed for consistency with adopted land use plans and policies by the City.” True, but irrelevant. This IS needs to do this, not pass the buck to future Initial Studies.

*For this reason, pending and approved projects are anticipated to be consistent with the General Plan and zoning requirements, or be subject to an allowable exception, and further, would be subject to review under CEQA, mitigation requirements, and design review.*

There is, in fact, no reason to assume consistency, and, indeed, this IS fails to discuss **inconsistencies** between the General Plan and the project. And, of course, projects are subject to review, which is irrelevant to the need for this IS to do so.

As the proposed project would be consistent with the general plan and zoning designations for the project site with the approval of a conditional-use permit, the cumulative impact of the proposed project and future development would be less than significant.

This statement is hard to understand. The IS has no references to specific future development like Lincoln Landing. It assumes that the general plan and zonings have no significant impact, which is hardly the case. In the case of Hayward, the zoning mandates parking and the General Plan mandates parking reductions, so they **can’t both be presumed** to have no significant impact. Even if the General Plan and the zoning were consistent, that does not mean they have no significant impact. The purpose of CEQA is to disclose impacts, not sweep them under the rug. The IS confuses cumulative impacts with General Plan consistency and ignores related current future projects.

## Cumulative Population

The population section states “Anticipated future development in Hayward would result in an increase in population throughout the City. However, according to the City of Hayward 2040 General Plan EIR, with the implementation of goals, policies, and implementation programs listed in the City’s General Plan, impacts related to population and housing within the City due to future growth would be less than significant (City of Hayward 2014c). As discussed above, the increase in population associated with the proposed project would not be substantial. Therefore, the proposed project’s cumulative impact with respect to population and housing would be less than significant.”

The IS avoids the clear meaning of the Guidelines by using an **unreasonable area**, the whole city. The frame of reference for the guidelines includes “Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses)…” The impact in the area of this project, downtown Hayward, would clearly be substantial. Combined with Lincoln Landing, it would be even bigger. Consistency with the General Plan for the city does not allow ignoring the area impact, which was not considered in the General Plan EIR, which has no estimate of the increase in population specifically for the two properties, let alone a discussion of specific local impacts.

CEQA can be frustrating in this case because it is not clear how to mitigate a substantial increase in population that is not covered in other parts of the guidelines. Population section a) is not as useful as the two other population–related guidelines, sections b) and c), dealing with displacement of housing and people. Nevertheless, the **guidelines are crystal clear** that substantial population growth in an area has potentially significant impacts and requires an EIR, especially in the context of cumulative impacts with Lincoln Landing. If Lincoln Landing justifies an EIR, then a larger combined projects deserves one.

## Cumulative Transportation

The cumulative section refers to unavoidable impacts from future development based on the General Plan EIR of 2014. The IS refers to a “project-specific cumulative traffic analysis” where “project-specific” seems to mean looking at the intersections closest to the project rather than the whole city. The IS does not discuss what the EIR assumed to be future development near the project.

There seems to be an error in the column headings of Table 18, which has “Background Conditions” and “Background Conditions plus Project Conditions.” Evidently, the Table 18 headings are typos and should say “Cumulative..” instead of “Background…” I will consider this a typo.

As for the project itself, cumulative impacts are reported in terms of intersection LOS or stop sign delay. The report **does not include** any information about Lincoln Landing, which is integral to the cumulative impacts and is new information since the GP EIR was certified. Equally problematic, there is no evidence that the traffic modeling for the Draft EIR considered unbundling and other Green Mobility. There is, in fact, no reference to “unbundling” in the traffic modeling in the draft or final EIRs for the General Plan.

The IS does not consider **link LOS** in the CMP network.

The IS does not consider **cumulative traffic increases** as such to be a negative impact, independent of impact on intersection LOS. The traffic may not cause LOS F but it does increase traffic. Most people are not traffic engineers and have perceptions and feeling about traffic that deserve some respect and recognition by discussing general traffic levels in lay terms. The cumulative effect of this and other projects is going to increase traffic downtown, where already most people feel there is too much traffic.

The IS **does not discuss** transit, bicycles, pedestrians, and streets, only traffic at intersections. The IS is clearly, even painfully, inadequate for cumulative transportation impacts.

Cumulative traffic increases are, in reality, **a substantial impact** and conflict with the General Plan policies to decrease auto use and increase alternative modes. The plethora of tables and statistics ignore conflicts with the plans and policies. The IS repeats a mantra of “less than significant” for six LOS F intersections. Reasons: the projects do not increase delay enough to cross the City’s threshold of significance.

This is relevant but not enough. The IS should discuss that **traffic is getting worse** and whether those thresholds are meaningful given how many people are being inconvenienced and how much traffic would be reduced in the General Plan were implemented. The lack of a clear honest discussion is a reason why people don’t trust government. The increase in traffic and delays all over the area is a significant impact that conflict with applicable General Plan policies and that can and should be mitigated using those policies. An EIR would discuss these significant impacts and mitigations.

Also a significant transportation impact is **overflow parking** that probably would result from unbundling. A neighborhood parking permit program, a General Plan policy, would be necessary to deal with overflow into Prospect Hill and how it could be mitigated. HAPA has drafted a report on City Preferential Permit Parking to evaluate if it would work for Prospect Hill. For details, see <https://www.dropbox.com/s/q25e79hk9lr3k7m/HAPA%20on%20Parking%20Permits%20for%20Prospect%20Hill.pdf?dl=0>.

# Conclusion

Why has the City failed so completely to manage planning for the Maple Main and Lincoln Landing projects? One answer is that the City lacks the **capacity** to do the research necessary to support a good project, i.e., something like Walkable Maple Main or Walkable Lincoln Landing. It would help, for example, to do market research to estimate the market for unbundling and the Green Mobility in general. It would help to have a proforma to show the return on a sustainable three to four story project. It would help to estimate the amount of business lost to downtown due to more car traffic and less walkability. It would help to have an estimate of greenhouse gases for the car-based versus a green-based project. The City answered the capacity question by committing $75,000 to Cal State to talk about litter and art and by not committing anything to implementing its own General Plan. The City has the capacity.

Therefore, I believe, the **cultural** problem is much bigger any capacity problem. By cultural, I mean that the deepest patterns of thinking are so grounded in the auto lifestyle that the City cannot think outside that frame of reference. The General plan was approved as an idealized concept outside the realm of practical reality. Green Mobility ideas are seen as utopian, too idealistic, impractical, not fundable by developers. The car system is seen as acceptable, the one people want. There is an assumption that less car dependency is not possible, even in downtown Hayward. The developer will bring development, which is good, because the City has little real awareness about the Crisis of the Anthropocene and does not see how the progressive changes in nearby cities can work in Hayward as well.

# Requests

If HAPA were able to make requests for this project as a basis for withdrawing our concerns about the inadequacy of the Initial Study, they would be

1. Unbundling of parking for residential, retail, and Medical Office Building tenants based on the **economic cost** of land, all-in construction, and operating costs of parking relative to the corresponding residential, retail, and Medical Office Building costs per se. The charge is likely to be between 15% and 20% of bundled rent.
2. Repeal of zoning requirements for parking in the downtown area on time for the Maple Main application. This could be coordinated with downtown parking management. Such management needs to have performance criteria for parking vacancies.
3. A good-faith effort by the City to use the Go Berkeley process to get enough support from at least one block on B St. for easy-pay market parking charges, signage for free parking, local benefit use of 85 % of funds collected, and merchant participation in prioritizing use of the funds.
4. Implementation of neighborhood permits on Main St. north of McKeever, payment of fees by the Maple Main and Lincoln Landing projects for ten years, participation by the neighborhood in defining permit areas for home and time restriction areas for commerce, criteria for extending the permit area if needed, and criteria for success of enforcement.
5. Revision of the Maple Main project to move the retail to Maple Court, designate two ground level parking spaces for ehail/taxi pick up, and designate three ground level spaces for carshare/rental. The City should use a CCTV to monitor parking pressure on the city lot with, for example, parking counts at 11 am, 2 pm and 6 pm.
6. Construction by Maple Main and/or the City of two safe crossings of A St. including a safety median and bulb-outs for a maximum of 22 feet of travel lanes curb to curb. This is especially important considering the senior housing being built across A Street from Lucky.
7. Allocation of developer funds intended for a private shuttle to a public shuttle run by the City using a RFP for an operator, to be part of a rapid shuttle service at least from Lincoln Landing to Hayward BART and using Maple Court both ways for part of the route. Rapid shuttle is defined in more detail in the Maple Main Project PowerPoint. The headway can be initially based on to a study of rider demand and there should be some way to adjust service to meet demand.
8. If the developer wants zero parking, the City would not object and would move forward with the same policies now being considered for managing parking downtown. The Green Shutter is expected to cause no parking problems despite having no parking.

HAPA’s concerns are less with the parking structure as such and more with the economics of Green Mobility, increasing pedestrian-accessed retail downtown, and the quality and sustainability of life downtown. We object to parking subsidized by bundling.