



Chief Correspondent Reports on Lincoln Landing

Amber Collins reporting:

Otis and I arrived at City Council chambers around 7:15 to find so many people spilling out of the assembly hall that the entire landing area was a sea of people! This was for an awards ceremony for a poetry contest sponsored by the Friends of the Hayward Library.

The discussion on Lincoln Landing began around 8:30 with a brief explanation of the appeal and reading of the staff report. Then, Council asked staff a series of questions.

Next, members of the audience were given the chance to speak, starting with a representative of the law firm hired to make the appeal. The actual appellant was not present. Instead, the lawyer was there with an entourage of grocery clerks and two representatives of a labor union.

The lawyer's appeal was based in the unfounded belief that a grocery store at LL would cause the Safeway across the street to go out of business. The lawyer also was trying to argue that if the grocer across the way went out of business, it would cause urban blight. He said the EIR should have taken this into account.

The night before, he had presented Council and staff with a report that was supposed to prove the financial impacts of the new grocery store on the existing store. Sarah Lamnin pointed out that the information provided actually showed revenues going up for the grocer. She asked if she was reading the report wrong. The lawyer said, "No." He said that revenue would go up but profit would go down. Sarah then asked how that could be. Would another grocer across the street actually make operating costs go up? The lawyer had no substantive explanation. He just kept repeating he was sure it would be bad for business and cause urban blight.

The next two people to speak were the two labor union representatives. One of them echoed the sentiments of the lawyer. The woman who spoke next gave a moving speech on the hardships of grocery workers who may lose their jobs. Her speech ended with the large entourage of workers in the audience standing to back up her point about how many local community members may be negatively impacted by the development. It really was a dramatic moment. Curiously, after her speech, she and the other labor union head, the lawyer, and all the grocery clerks left. No one stayed to answer questions or to see the outcome of the appeal.

The Mayor Halliday then gave the developer the option to speak now or wait until after all the public comments were made. He chose the latter option.

The community comments that came next were from a diverse group of locals and leaders of special interest groups. Mainly, anyone who was a part of a steel workers union supported the project because of the boon to their industry. Many locals were excited for the new shopping opportunities and kept expressing hope for a Whole Foods. A few present were against the project, primarily because they were concerned about traffic impacts to their neighborhood.

I expressed HAPA's concern that staff was not requiring the developer to come up with an actual plan for TDM and was instead "kicking the can down the road." I also explained that we want to see an intermodal center because we want to see TDM strategies succeed. The intermodal center connects diverse TDM strategies in a cohesive space that are easily accessible to users of alternative transit.

Our suggestion of establishing an intermodal center on the City Center Drive side of the project gives the developer a suitable space to accomplish this. However, if staff and the developer can find a better location, we are open to it. Wherever they choose to place it, we want to see an intermodal center that minimizes pedestrian and auto conflict (not on a main road), is covered, is conveniently connected to housing and commercial development, is connected to the shuttle, and is pleasant so people will want to use it. We see the location we proposed as an easy place to do all of this, requiring little effort on the part of the developer.

I started on the topic of a Creekside Café established, but ran out of time. Unfortunately for my argument, a later speaker, a former Council woman, specifically mentioned that she believed a Creekside Cafe wouldn't work because the developer even attached a special letter against it. She advocated in favor of a coffee cart and the council agreed with her. In the end, that seems like what we will get as an attempt to enliven the Creekwalk.

Otis spoke after me and devoted his three minutes to unbundling. I am glad we decided to split our topics this way since unbundling was the issue we were most likely to succeed in gaining Council support for. Earlier, Councilmembers Mendall and Marquez had spoken about wanting to see it included in the project. Otis was able to present arguments countering the developer's and staff's beliefs that unbundling will cause overflow parking, is financially nonviable, and can't be done because there is too much parking planned for the project. Otis explained that even cities that don't have any unbundled projects still have spillover parking and that the city needs to come up for a solution to this, that unbundling can make the project more financially feasible by creating two markets (for housing and for parking) instead of one, and that if the developer is truly concerned about too much parking than he has the power to reduce parking.

After a few more members of the community spoke, the developer got up to speak. He spoke on the benefits of his project and of the countless hours he has spent reaching out to the community to get input from locals about what they want to see LL become. Next, his lawyer explained that the developer had not chosen any retail for the project yet and the large store may not be a grocery. He defended the EIR as sufficient.

After they both spoke, Council had the chance to ask the developer specific questions. This was very interesting because it amounted to the developer agreeing to abide by a number of amendments. Mendall asked about both unbundling and a lack of art on the north side of the

building. The developer agreed to implement what he called "partial unbundling" in the project. Each unit will come with one parking space included in rent and any additional parking spots will come at a cost to the tenants. He also agreed to place a statue on the north side of the building as added civic art.

Councilmember Salinas spoke about the mid-block crosswalk that Council was hoping to see included in the project. Unfortunately, staff had not done a full traffic analysis for this issue. They realized this type of crosswalk would require a signal and their analysis neglected to analyze a traffic signal. Staff also said that, legally, they thought the cross-walk had no nexus to the development.

Mendall spoke out against the decision regarding the nexus. He referenced Maple and Main's crosswalk improvements being included as part of a nexus and couldn't understand why staff would decide differently in this case. He called staff's remarks "poor decision making." Schmidt was obviously upset by Mendall's remark. The tension in the air between them was almost palpable.

In the end, the developer decided to give a paltry (and almost laughable) \$5,000 towards future road improvements should future analysis allow for a mid-block crosswalk to be constructed. The most direct pressure on the developer was Salinas' insistence on the crosswalk. We understand he did not "need" to do this, as a requirement, but we really would have hoped to see him offer more, as a magnanimous gesture.

Marquez spoke on her desire to see affordable housing included, but acknowledged that this project was never presented as including affordable housing. She said she hopes to see the city offer stricter enforcement of its affordable housing policy and possibly revise the policy in the near future. Not only did this project not include any affordable housing, but she expressed concern that the city did not receive any money, as a fine, in compensation for the lack of affordable housing being included. She called it a "missed opportunity for the City of Hayward."

The mayor was the last to speak on the project. She said that she liked a lot of what the developer is doing, but she really wants to see more be done about the TDM policy. When the time comes for city staff and the developer to button down an actual TDM plan, she would like Council to be a part of it. She called for a future council meeting on the topic. HAPA plans on being present for this future meeting.

Councilmember Peixoto made the motion to approve the project, lamenting "the special interest groups present" and his personal desire to not see his peers add any more "amendments." He seemed to support the developer and just see the discussion come to a close. His motion was seconded by Councilmember Zermeno.

As expected, the appeal was rejected and Lincoln Landing passed unanimously. The two amendments to the project were: 1) partial unbundling (1 space included per unit) and 2) a statue installed on the north side. Less formally, the developer has agreed to pledge \$5,000 to a future crosswalk or pedestrian improvements.

All of this was over around 11:30pm and though we went home, Council still had other items to cover that evening!

We were happy to see some progress be made in the final decision and amendments, but we do wish that Council could have put a little more pressure on the developer to include more unbundling, the café, and the intermodal. For now, we will celebrate the small victories.



Cal State East Bay plans to build parking structures it's not planning to build

We reported to you on April 20 that the Cal State administration was planning to build five parking structures which, informally, it says it is not planning to build. The campus has never responded to HAPA reports on this contradiction. In fact, the campus has never responded to any input from HAPA in spite of years of advocacy against subsidized parking structures and in favor of significant upgrades to the shuttle. Cal State administrators seem to be under orders from the CSU attorney to not talk to us. The CSU attorney said she would communicate something to the CSU but so far we have heard nothing for a couple of months. If the campus has any real commitment to sustainable access to the campus, it has not been made public. However, if you know of any such commitment please let me know.



Thank all of you who paid dues!

We now have 35 paid members for 2017.
The Sierra Club has 3 million members.

Sherman Lewis, President, Hayward Area Planning Association
510-538-3692 sherman@csuhayward.us