



CITY OF
HAYWARD
HEART OF THE BAY

9

DATE: November 27, 2007
TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Route 238 Corridor Improvement Project: Final Environmental Impact Report and Project Adoption

RECOMMENDATION

That Council adopts the attached resolution:

1. Certifying the Final Environmental Impact Report (FEIR) as being prepared in accordance with the California Environmental Quality Act (CEQA); adopting the Statement of Overriding Considerations; and approving the Mitigation Monitoring and Reporting Plan; and
2. Approving the Route 238 Corridor Improvement Project.

BACKGROUND

Council has previously received the Final Environmental Impact Report (FEIR) under separate cover. The attached October 23, 2007, Work Session Agenda Report (see Exhibit A) outlines the background and summary of findings included in the FEIR.

As Council is aware, the City contracted with the firm of Mark Thomas and Company for preparation of the Environmental Impact Report (EIR) for the Route 238 Corridor Improvement Project. Jones and Stokes, a sub-consultant to Mark Thomas and Company, has been responsible for most of the FEIR preparation, which is consistent with CEQA requirements.

During the course of the environmental documentation, the project was revised several times, primarily in response to comments received during the public comment period. The changes to the project were outlined at the July 17 and October 23 work sessions and at the public information meeting of November 7, 2007.

As Council is aware, the City sought a solution to the issue of the projected increased traffic congestion in Hayward. Each of the approaches evaluated had some benefits, but also some drawbacks that were of great concern to Council and to the public. With each iteration of the project, those concerns have been reduced to the point where most have been eliminated.

It is recognized that the mini-loop concept has raised several concerns from the downtown business community relative to its impact on business. However, it is the only solution developed to date that addresses future traffic congestion without adding more pavement and without taking significant amounts of right-of-way, which would have been the case with the other project iterations. Additionally, the project allows the City to accomplish what the public has requested – make the downtown more pedestrian-friendly by constructing wider sidewalks and provide more walk time at the traffic signals as well as improving the overall streetscape. These improvements would not be possible without the project. Moreover, the project allows the City to address the critical intersection of Foothill-Mission-Jackson without the costs and impact of constructing a grade separation.

It is also noteworthy that with the most recent changes to the project, the recommended magnitude of relinquishment of state highways within the City has been reduced to minimize the ongoing maintenance obligations assumed by the City. The original project contemplated total relinquishment of Rts 238, 92 and 185 within the City limits. However, the City is not in the fiscal position of being able to support the operation and maintenance of the entirety of these roadways. Staff will need to continue conversation with Caltrans staff on this particular issue if this project is approved.

DISCUSSION

There will continue to be increased traffic in the downtown, mainly because Hayward will continue to be used as a “short-cut” between the I-880/92 interchange and Interstate 580. The difference in distance between staying on the freeway and cutting through Hayward is about 75 percent longer. With the housing increase in both the Tri-Valley and the Central Valley, as well as with the construction of the I-580/Redwood Road interchange, this traffic will be expected to increase.

The concerns raised by downtown interests are significant, as City staff has found during efforts to explain the project. Some of the downtown merchants have recognized the need to address future congestion and have worked to develop a compromise. Nevertheless, the trade-off is whether to accept future congestion and recognize there will be an increase in traffic, creating an inconvenience and a barrier for Hayward residents to shop downtown, or whether to make improvements that will improve mobility for many Hayward residents, customers and other visitors, as well as improve the walkability and attractiveness of the corridor.

The FEIR has identified two impacts that are significant and unavoidable:

Impact N-2: Contribute to Significant Cumulative increase in noise at sensitive land uses - The DEIR states that under future cumulative conditions, significant traffic noise impact is considered to occur along two roadway segments – Mission/Carlos Bee Boulevard to Torrano Avenue and Mission/Jefferson/Calhoun to Hancock Street. Because implementation of the proposed project is predicted to contribute to an increase in traffic noise of one decibel (db) or more along the roadway segments, the project’s contribution to significant cumulative traffic noise impact is cumulatively considerable.

The monitor will have the following responsibilities.

- Compile all mitigation status forms into a report of compliance on a quarterly basis. Convey the status and any recommendations to the PM. Recommendations may include updating the frequency of monitoring, changing the type of monitoring, and suggesting better ways to implement mitigation.
- Assist the PM in reviewing the contractor's implementation of mitigation requirements, detailing corrective action and time of completion to resolve issues raised by the monitor and/or PM. If the monitor deems mitigation is unsatisfactorily addressed, the monitor will document this in report format. The PM will submit the reports to the City of Hayward's City Council.
- Submit all completed reports and statements to the PM for submittal to the City of Hayward's City Council.

The DEIR also notes that a potential mitigation measure to reduce exterior traffic noise along these two segments would be the construction of sound walls. However, it is anticipated that sound walls cannot be implemented due to the locations of driveways, commercial building frontages etc. For this reason, the cumulative impact is considered to be significant and unavoidable.

Impact TR-2: Degradation of Level of Service (LOS) Due to Roadway Reconfigurations - The proposed project is forecast to significantly reduce the number of intersections operating at LOS F in the AM and PM peak hours by 2025, compared to the no-project. The project is forecasted to result in nine fewer LOS F intersections in either the AM or PM peak hours and four fewer LOS F intersections during both peak hours. However, the following four intersections would operate under greater delays than under the no-project alternative.

- Foothill Boulevard/Mattox Road -- This intersection is predicted to experience LOS F conditions by 2025 with and without the project. Project conditions would cause a further increase in delay during the peak AM hour by 2 seconds and an increase of 15 seconds during the peak PM hour over the no project condition.
- Foothill Boulevard/Grove Way -- This intersection is predicted to experience peak hour LOS E conditions by 2025 without the project. The morning conditions remained at LOS E but delay increases by eight seconds. However, the project would add 24 seconds during the PM peak, thus, decreasing afternoon conditions to F at this intersection.
- Mission Boulevard/A Street -- This intersection is predicted to experience LOS F at the PM peak with and without the project. PM delay will be increased by nine seconds. However, the project would add 64 seconds of delay during the AM peak, thus decreasing the AM LOS condition to F at this intersection.
- Mission Boulevard/D Street -- This intersection is predicted to experience PM LOS F conditions by 2025 with and without the project. However, the project would add a 30-second delay at this intersection during the PM.

Although the overall effect of the proposed project would act to reduce travel times experienced by drivers through the corridor, certain intersections will experience impacts that are considered significant under CEQA. Since further improvements to these intersections would require the taking of additional right-of-way, there are no feasible mitigation measures to reduce this impact to less than significant without causing other impacts; therefore, it is considered significant and unavoidable. As the aforementioned two impacts are considered to be significant and unavoidable, Council needs to adopt a statement of overriding considerations as part of the project approval (see draft resolution).

Project impacts for which feasible mitigations have been identified are included as Exhibit B - Mitigation Monitoring and Reporting Plan. This plan outlines the specific mitigations, the timing of implementation, the implementing party, and the monitoring party. The Public Works Department will be responsible for implementing and monitoring the majority of the mitigation measures.

As noted during the 23 October work session presentation, one Master Response in the FEIR that required some clarification was MR-2 Local Versus Regional Traffic. Attached as Exhibit C is an errata prepared by Jones & Stokes which documents that clarification.

FISCAL IMPACT

Project Cost - As noted in the July 17 work session report, the anticipated project cost for the original project was \$138 million. Removal of the grade separations from the project reduces the cost to \$111 million. Of that total, \$80 million will be from Measure B funds with another \$11 million from the City as the required local match. As noted in the past, the only source for this local match is the Route 238 Trust Fund, which was established to fund Consent Decree requirements for the Route 238 Bypass project and now also includes contributions from Walpert Ridge developers toward improvements at Mission/Carlos Bee Boulevards. Part of this money may or may not be available to meet this matching requirement, depending on how the issues surrounding the Consent Decree are resolved.

Even with the identified \$91 million, there is still a shortfall of approximately \$20 million. Staff is currently working with Senator Corbett's office on legislation that would enable the project to receive first priority from the Local Alternative Transportation Improvement Program (LATIP), the financially unconstrained version of which Council approved in July. The Route 238 Corridor Improvement Project is not on the financially unconstrained list, since under existing State law, funds raised from the sale of surplus right-of-way for the 238 Bypass must be used on State Highways. Since streets affected by the Route 238 Corridor Improvement project will eventually become City streets, the project is not currently eligible; hence the need for a change in State legislation.

As noted above, considering issues related to the Consent Decree, there is also some question as to the source of the City's \$11 million in local match as required by Measure B. To address this staff has also been working with ACTA to confirm that the local match would be eligible for funding from the LATIP program. Thus, staff fully anticipates that a total of \$30 million will be included in the Financially Constrained Local Alternative Transportation Improvement Program (LATIP) program of projects, which will be brought to Council for approval early next year.

Also as noted in the 23 October worksession report the reduced limits proposed for relinquishment the City still needs to go through the formal process with Caltrans and the legislature to effect the proposed relinquishment. It should be noted that Caltrans would prefer that the city not limit the amount of relinquishment as now proposed. One of the reasons for limiting the relinquishment to only those portions affected by the project is because the project will repave all roadway segments, as well as add sidewalks where missing, and replace most existing sidewalks in the corridor. This will reduce the immediate maintenance funding impact caused by adding these roadways to our city street system. In total, 5.4 miles of roadway would be added to our future workload. Some state highway costs are already borne by the City, since it owns and maintains all street lights and shares the costs for traffic signals by paying for the electricity used, while Caltrans provides the maintenance. Staff has estimated the added costs for future pavement, traffic signal, and landscape maintenance at approximately \$600,000 annually. While this is a significant operational expense,

there will be other benefits in being able to better control what happens in the corridor without Caltrans involvement. This is one of the factors that has lead many California cities to seek relinquishment of state highways that run through the middle of their cities. However it is also clear that long range financial planning will be required to ensure adequate funding of maintenance obligations.

PUBLIC CONTACT

The October 23, 2007, Work Session Agenda report described the extensive public contact that had taken place up to that date.

Copies of the FEIR were provided to all public agencies that had commented on the document, as required by CEQA. Others who had expressed an interest were given either the hard copy of the document or a CD copy. The FEIR was displayed for public review at City Hall, the two libraries, and was also posted on the City's website.

A public information meeting was held on November 7, 2007, at Centennial Hall with approximately 50 people in attendance. Most of the comments made were consistent with the comments previously received during the public review process. Responses to these comments are included in the FEIR.

Two issues did arise that had not been addressed in the FEIR:

- Enforcement of the prohibited peak-hour parking. The City will need to contract with a towing company for enforcement, similar to what is done in San Francisco and other cities with peak-hour parking prohibitions.
- Use of curbside for deliveries affected by the implementation of no parking along Foothill. The City will work with affected business to see how parking for deliveries can be accommodated.

SCHEDULE

Should Council certify the FEIR and approve the project, as recommended, detailed design work and right-of-way acquisition may begin immediately. This phase of the project will take approximately two years to complete with potential construction commencing in spring 2010; the goal is to complete the project by the end of 2012.

Staff would also immediately begin discussions with Caltrans staff regarding the relinquishment of portions of Routes 238, 92, and 185 included within the project boundaries as indicated in the FEIR.

Prepared by:



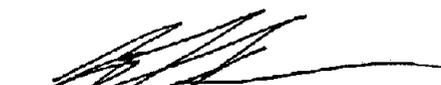
Morad Fakhrai, Deputy Director of Public Works/City Engineer

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:



Gregory T. Jones, City Manager

Attachments: Exhibit A: October 23, 2007 Council Work Session Agenda Report
Exhibit B: Mitigation Monitoring and Reporting Plan
Exhibit C: Errata to the FEIR, Route 238 Corridor Improvement Project



CITY OF
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DATE: October 23, 2007
TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Work Session Item: Route 238 Corridor Improvement Project Final Environmental Impact Report

RECOMMENDATION

That Council reviews and comments on this report. Staff will return to Council November 20, 2007 for Final Environmental Impact Report (FEIR) certification and project approval.

SUMMARY

The Route 238 Corridor Improvement project is located along Foothill Boulevard and Mission Boulevard between the city limits and Industrial Parkway. Major features of the project include a downtown one-way loop street system, added peak hour travel lanes on Foothill Boulevard north of A Street and on Mission Boulevard from Foothill to Carlos Bee Boulevard, other roadway improvements along Foothill Boulevard and Mission Boulevard, and improvements at major intersections, such as Foothill/Mission/Jackson and Mission/Carlos Bee, among others. In addition, the project includes pedestrian and bicycle improvements, and landscaping enhancements along the entire Route 238 Corridor.

The Draft EIR was circulated to the public and to regulatory agencies for a 45-day review and comment period between March 21 and May 4, 2007. A public hearing was held at the Planning Commission meeting on April 26, 2007.

The Final Environmental Impact Report (FEIR), which has been distributed separately, includes the following chapters:

- Summary of Impacts (see Exhibit A)
- Chapter 1 - Introduction, which includes revisions to the project in response to the Draft EIR comments, the Environmental Impacts of the Proposed Revisions, and a summary of commenters
- Chapter 2 - Revised Project Description
- Chapter 3 - Master Responses (see Exhibit B)
- Chapter 4 - DEIR Comment Letters and Responses to Comments
- Chapter 5 - Revisions to the Draft EIR
- Chapter 6 - City Council DEIR Comments and Responses
- Chapter 7 - References

BACKGROUND

On July 17, 2007, staff presented proposed revisions to the project description, developed in response to several comments received during the public comment period (see Exhibit C). The revisions are expected to reduce costs and significantly minimize construction impacts. Most notably, the two partial grade separations were removed from the design, saving approximately \$27 million and reducing the duration of construction by about 18 months. The peak-hour parking restrictions have been significantly reduced to minimize PM peak-hour parking impacts to the auto dealers. Staff has met with the auto dealers in regards to this and received positive feedback on the changes. Furthermore, the peak-hour parking restrictions from Carlos Bee south to Industrial Parkway have been eliminated, and some permanent parking restrictions at major intersections, such as Carlos Bee/Mission and Harder/Mission, will be implemented. In addition, the alignment of D Street at Foothill was modified to eliminate the proposed impact to the Bay Cities Credit Union building

As requested during the July 17, 2007 work session, staff has expanded its efforts to meet with several of the interested and potentially affected parties. Staff met with the auto dealers, Chamber of Commerce representatives, and some downtown merchants. Two presentations were made to the Chamber of Commerce Governmental Relations Committee and one to the Council's Downtown Committee, in order to ensure all possible ideas had been explored and to help better explain the benefits of the proposed project. No new viable alternatives emerged from these activities.

DISCUSSION

As noted above, the FEIR includes responses to the individual comments, as well as master responses. Because the master responses address many of the most significant issues raised, a copy is attached as Exhibit B and is summarized below, along with other significant issues:

Project Objectives - In its early stages, the project objectives were presented to Council, and the DEIR was prepared with this direction. One of the most critical objectives was that the project remain eligible for Measure B funding, since without this funding the project could not be completed. The determination as to whether the City's intended use of the funds is eligible for Measure B funding is made by the Alameda County Transportation Authority (ACTA). The City has no discretion to re-program these funds on its own volition.

The project evaluated in the DEIR is the same project approved by the Measure B Expenditure Plan Amendment in September 2005. The implementation guidelines approved by ACTA with the Amendment included the following:

Should an added project become infeasible or unfundable in whole or part, due to circumstances unforeseen at the time of the Amendment, funding may be applied to other projects in the original Expenditure Plan by the Authority.

Under no circumstance may Measure B funds in the Amendment be applied to any purpose other than direct transportation improvements in Alameda County. The funds may not be used for any projects or studies other than those specified in the Amendment and the original Expenditure Plan, without an additional specific amendment to the Expenditure Plan.

Some comments suggested improving the downtown or directing the funds to improve I-238. While these purposes are certainly worthwhile, neither is consistent with the intended purposes of the Measure B funds.

Alternatives - The City held a public scoping meeting on December 8, 2005 to receive public comments on the alternatives to be analyzed in the DEIR. The alternatives studied are based upon these comments.

Other alternatives were suggested; however, it is important to note that the alternatives need to meet the project objectives. Since most of the alternatives to the project do not address the project objectives, they were not analyzed in the DEIR.

Local vs. Regional Traffic - Concern was expressed that the project was designed to mostly accommodate commute traffic and would not benefit Hayward residents. The traffic analysis from the model indicates that in the future, about 70 percent of the traffic along the corridor is expected to either originate or end in Hayward. The remaining 30 percent are projected to be regional trips.

Travel Time through the Downtown Area - A comment was made that the project would not improve travel times through the downtown area. The DEIR shows that travel times do improve for most of the likely point-to-point trips. On two potential links, Mission-Grove to Mission-Jackson and Mission-A to Foothill-A, travel time does increase during the AM peak hour when compared to the no-project alternative. However, travel times for the other point-to-point trips and for the PM peak hour links improve.

Effect of One-Way Streets on Downtown Business - [It should be noted that the purpose of an EIR is to analyze environmental impacts of physical changes to the environment. Economic impacts alone are not considered to be environmental impacts.]

Some comments expressed the viewpoint that one-way streets hurt business. There is no established consensus on this issue, as many cities with one-way couplets are succeeding while others are not. Lack of convenience for the motorist was stated as a concern. However, the blocks in Hayward are relatively short and there is ample free parking; thus, it would not appear that the circulation pattern would have a major impact on downtown businesses or their customers. In addition, the conversion to one-way streets allows for more time to be provided to the pedestrian to cross intersections, thus making the downtown more amenable (walkable) to pedestrians. This would be consistent with General Plan and Downtown Redevelopment Plan strategies, such as Circulation Strategy 8.2: Increase consideration of pedestrian needs, including appropriate improvements to crosswalks, signal timing, signage, and curb ramps.

The dynamics of a downtown are based upon several factors, of which circulation is only one. The DEIR concludes that, although speculative, it is reasonable to expect that the reduction of congestion downtown would mean that motorists would be more likely to drive downtown to conduct business.

Auto Row Parking along Mission Boulevard - Concerns were expressed, primarily by the Auto Row dealers, that the loss of parking on Mission Boulevard would hurt their businesses. In response, the project was modified, mostly to eliminate the proposed peak-hour parking prohibitions along

Mission from south of Carlos Bee to Industrial Parkway. However, at two major intersections (Carlos Bee/Mission, Harder/Mission), some permanent parking prohibitions have been added. Therefore, the perceived impact to Mission Boulevard auto dealers has largely been eliminated.

Bay Cities Credit Union - As noted above, the impact to the Credit Union has been eliminated.

Right-of-Way Acquisition - With respect to the other projected right-of-way takes, the City, over time, has considered and analyzed many options to address the projected 2025 traffic volumes in the City. Where possible, the City has worked to minimize right-of-way impacts. In order to achieve one of the stated goals of the project, some right-of-way will be needed.

Traffic Management Plan during Construction - Some comments addressed concerns pertaining to the duration of the construction and the potential impact on the City, particularly on the downtown and on Auto Row. The original construction duration was about four years, and much of that time involved construction of the grade separations.

The grade separations have been eliminated from the project, reducing the construction time by about 18 months and greatly reducing the impact (originally identified as significant and unavoidable). Removal of the grade separations will also mean that major detours will not be necessary and that most traffic movements may be kept open. From time to time, lanes will need to be closed, particularly in those areas where the circulation is changing (such as in the downtown); this should not cause major delays as had been expected with the grade separations.

As stated in the DEIR, a traffic management plan will be prepared at the time the project plans are specific enough to go to construction. This is standard practice with most major construction projects. Affected businesses will be advised of the traffic management plan when it is developed.

Growth Impacts in Traffic Model - Some comments centered on how growth in other parts of the County affects traffic in Hayward. The traffic model analysis indicates that between 2000 and 2025, growth in housing in Hayward is expected to be 17 percent and 27 percent for employment. The comparable data for Alameda County reveals a 19 percent growth in housing and 42 percent growth for employment. Thus, there are traffic contributions from growth in Hayward, as well as elsewhere in the County. However, it is not possible to separate the specific effects of each.

Relinquishment - A critical element of this project is the relinquishment by Caltrans of State right-of-way sections affected by the project. From the start of the project development process, it was clear that certain aspects of the project would not meet Caltrans' design criteria, and there are certain benefits to the City in having control of major thoroughfares through the City. The DEIR identified that the following State right-of-way was to be relinquished: State Route 238, i.e., Foothill Boulevard from Mattox Road to Mission Boulevard and Mission Boulevard to Industrial Parkway; State Route 185, from Foothill Boulevard/Jackson Street to the northern city limit; and State Route 92, from Mission Boulevard to Santa Clara Street.

The City has decided to revise the proposed relinquishment to include only those portions of state highway affected by the project; specifically, for SR 238 that would be Foothill Boulevard from the I-580 on-ramps to Mission Boulevard, and Mission Boulevard south to Industrial Parkway. The portion within the County area from the ramps to Mattox Road is not needed for the project and will

remain under Caltrans jurisdiction. The SR 92 relinquishment will be from Watkins Street to SR-185 (Mission Boulevard). The SR-185 (Mission Boulevard) relinquishment limits will terminate at A Street on the north end. Any work to be conducted in the Caltrans right-of-way outside of these limits will be done by encroachment permit.

The City would still need to go through the formal process with Caltrans and the legislature to effect the proposed relinquishment. One of the reasons for limiting the relinquishment to only those portions affected by the project is because the project will repave all roadway segments, as well as add sidewalks where missing, and replace most existing sidewalks in the corridor. This will reduce the immediate maintenance funding impact caused by adding these roadways to our city street system. In total, 5.4 miles of roadway would be added to our future workload. Some state highway costs are already borne by the City, since it owns and maintains all street lights and shares the costs for traffic signals by paying for the electricity used, while Caltrans provides the maintenance. Staff has estimated the added costs for future pavement, traffic signal, and landscape maintenance at approximately \$600,000 annually. While this is a significant operational expense, there will be other benefits in being able to better control what happens in the corridor without Caltrans involvement. This is one of the factors that has led many California cities to seek relinquishment of state highways that run through the middle of their cities.

Conclusion – As Council is aware, the City has sought a solution to the issue of the projected increased traffic congestion in Hayward for many years. Each of the approaches evaluated had some benefit, but also had some negatives that were of great concern to Council and to the public. With each iteration of the project, those concerns have been reduced to the point where most have been eliminated.

It is recognized that the mini-loop concept has raised several concerns from the downtown business community relative to its impact on business. However, the proposed project addresses future traffic congestion without adding more pavement and without taking significant amounts of right-of-way, both required with previous project iterations. Additionally, the proposed project allows the City to accomplish what the public has requested - making downtown Hayward more pedestrian-friendly - by constructing wider sidewalks and providing more walk-time at the traffic signals, as well as improving the overall streetscape. Exhibit D includes updated visual renderings of the streetscape improvement. Most of these improvements, particularly on Foothill Boulevard, would not be possible without the one-way street system. In addition, the proposed project (i.e., the one-way loop system) allows the City to address the critical intersection of Foothill-Mission-Jackson without the costs and the impacts of constructing a grade separation.

There will continue to be increased traffic in the downtown, partly because Hayward will continue to be a "short-cut" between the I-880/92 interchange and I-580. The difference in actual distance between remaining on the freeway and "cutting through" Hayward is about 2.7 miles or 75 percent longer. Even with better speeds on the freeway, many drivers will continue to use the arterial streets through Hayward. With increased housing in the Tri-Valley and the Central Valley, as well as the construction of the I-580/Redwood Road interchange, traffic is expected to increase.

The concerns raised by downtown interests are significant, as City staff has found during efforts to explain the project. Some of the downtown merchants have recognized the need to address future congestion and have worked to develop a compromise. Nevertheless, the trade-off is whether to

accept future congestion and recognize there will be an increase in traffic, creating an inconvenience and a barrier for Hayward residents to shop downtown, or whether to make improvements that will improve mobility for many Hayward residents, customers and other visitors, as well as improve the walkability and attractiveness of the corridor.

FISCAL IMPACT

Project Cost - As noted in the July 17 work session report, the anticipated project cost for the original project was \$138 million. Removal of the grade separations from the project reduces the cost to \$111 million. Of that total, \$80 million will be from Measure B funds with another \$11 million from the City as the required local match. As noted in the past, the only source for this local match is the Route 238 Trust Fund, which was established to fund Consent Decree requirements for the Route 238 Bypass project and now also includes contributions from Walpert Ridge developers toward improvements at Mission/Carlos Bee Boulevards. All or part of this money may or may not be available to meet this matching requirement, depending on how the issues surrounding the Consent Decree are resolved.

Even with these funds, there is still a shortfall of approximately \$20 million. The City is currently working with Senator Corbett's office on legislation that would enable the project to receive first priority from the Local Alternative Transportation Improvement Program (LATIP), the financially unconstrained version of which Council approved in July. The Route 238 Corridor Improvement Project is not on the financially unconstrained list, since under existing State law, funds raised from the sale of surplus right-of-way for the 238 Bypass must be used on State Highways. Since streets affected by the Route 238 Corridor Improvement project will eventually become City streets, the project is not currently eligible; hence the need for a change in State legislation.

Additional Maintenance Burden - As noted above, staff has estimated the added costs for future pavement maintenance, traffic signal maintenance and landscape maintenance due to relinquishment will be approximately \$600,000 annually.

PUBLIC CONTACT

As Council is aware, there have been numerous opportunities for public involvement during the long 30-year process of proposing various traffic solutions for traffic in the Hayward area. The DEIR and FEIR summarize the formal review meetings and comments opportunities provided. In addition, as noted above and requested during the July 17 work session, significant revisions have been proposed to the project as a result of comments. Also noted above is the continued effort to meet with interested parties and evaluate all possible suggestions. Most recently, suggestions were aired at the September 24 Council Downtown Committee meeting. Although there is no legal requirement, staff has placed a notice in the Daily Review about this worksession and has also notified the Chamber of Commerce. In addition, post card notices regarding the November 7 information meeting will be mailed to all interested parties, as well as anyone within 500-feet of the corridor streets.

SCHEDULE

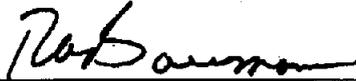
A public information meeting is scheduled for November 7. A hearing on the FEIR is scheduled for November 20, at which time Council will be asked to certify the FEIR and approve the project. Once the project is approved, detailed design work and right-of-way acquisition may begin. This phase of the project will take approximately two years to complete with potential construction commencing in spring 2010.

Prepared by:



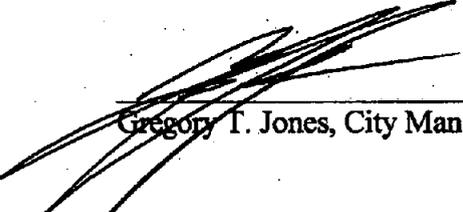
Morad Fakhrai, Deputy Director of Public Works/City Engineer

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:



Gregory T. Jones, City Manager

Attachments:

- Attachment A: Summary of Impacts
- Attachment B: Master Responses
- Attachment C: July 17, 2007 Work Session
- Attachment D: Proposed Streetscape Renderings

Table ES-1. Summary of Potential Impacts and Mitigation Measures

Potential Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
3.1 AESTHETICS			
Short Term			
AE-1: Degrade existing visual character or quality	Less than Significant	No Mitigation Required	-
Long Term			
AE-2: Degrade existing visual character or quality	Less than Significant	No Mitigation Required	-
AE-3: Damage Visual or Scenic Resources within a Scenic Highway	No Impact	No Mitigation Required	-
AE-4: Adversely Affect or Obstruct a Scenic Vista	No Impact	No Mitigation Required	-
AE-5: Create a New Source of Artificial Light or Glare	Potentially Significant Less than Significant	Mitigation Measure AE-MM-1: Incorporate Lighting Standards into Project Design No Mitigation Required	Less than Significant =
3.2 AIR QUALITY			
Short Term			
AQ-1: Conflict with or Obstruct Implementation of Air Quality Attainment Plan	Less than Significant	No Mitigation Required	-
AQ-2: Generation of Significant Levels of Emissions from Project Construction	Potentially Significant	AQ-MM-1: Implement Required BAAQMD Control Measures for Construction Emissions of Fugitive Dust AQ-MM-2: Implement Construction Emissions Control Technology	Less than Significant
AQ-3: Elevate Health Risk from Exposure to Construction-Related Diesel Particulate Matter	Less than Significant	Recommended: AQ-MM2	Less than Significant

Table ES-1. Continued

Potential Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
AQ-4: Temporary Increase in Construction-Related Odor Emissions	Less than Significant	No Mitigation Required	-
Long Term			
AQ-5: Generation of Significant Levels of ROG, NO _x , CO, and PM10 Emissions from Project Operations	Less than significant	No Mitigation Required	-
AQ-6: Exposure of Sensitive Receptors to Substantial Concentrations of Carbon Monoxide	Less than Significant	No Mitigation Required	-
AQ-7: Potential Increase in Odor Emissions from Mobile Sources during Project Operation	Less than Significant	No Mitigation Required	-
AQ-8: Cumulative Effect on Air Quality	Less than Significant	No Mitigation Required	-
3.3 BIOLOGICAL RESOURCES			
Short Term			
BIO-1: Tree Removal	Less than Significant	No Mitigation Required	-
BIO-2: Migratory Birds	Potentially Significant	BIO-MM-1: Preconstruction nest survey	Less than Significant
3.4 CULTURAL RESOURCES			
CR-1: Substantial Adverse Change to the Significance of Historical Resources	Less than Significant	No Mitigation Required	-
CR-2: Inadvertent Discovery of Buried Cultural Resources during Project Construction	Potentially Significant	CR-MM-1: Prepare Cultural Resources Monitoring Plan for the Proposed Project and Monitor Areas Sensitive for the Presence of Buried Cultural Resources CR-MM-2: Stop Work If Cultural Resources Are Discovered during Ground-Disturbing Activities	Less than Significant
CR-3: Potential to Damage Unique Paleontological Resources	No Impact	No Mitigation Required	-
CR-4: Potential to Damage Previously Unidentified Human Remains	Potentially Significant	CR-MM-3: Comply with State Laws Pertaining to the Discovery of Human Remains	Less than Significant

Potential Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
3.5 GEOLOGY, MINERALS, AND SOILS			
Short-Term			
GEO-1: Potential for Construction Activities to Increase Slope Failure Hazard	Less than Significant	No Mitigation Required	-
GEO-2: Risks to New or Expanded Infrastructure as a Result of Construction on Expansive Soils	Less than Significant	No Mitigation Required	-
GEO-3: Potential for Accelerated Soil Erosion as a Result of Construction-related Ground Disturbance or Removal of Topsoil	Less than Significant	No Mitigation Required	-
Long-Term			
GEO-4: Potential for damage to new or upgraded facilities as a result of slope failure	Potentially Significant Less than Significant	Mitigation Measure GEO-MM 1: Employ Stable Cut Slopes or Retaining Walls No Mitigation Required	Less than Significant -
GEO-5: Potential for Damage to New or Upgraded Facilities as a result of Fault Creep (Less Than Significant with Mitigation)	Potentially Significant Less than Significant	Mitigation Measure GEO-MM 2: Install Foundation Reinforcements of Grade Separation Structures No Mitigation Required	Less than Significant -
GEO-6: Potential for Increased Exposure of People or Structures to Hazards Related to Rupture of a Known Earthquake Fault	Less than Significant	No Mitigation Required	-
GEO-7: Potential for Damage to Infrastructure as a Result of Seismic Groundshaking	Less than Significant	No Mitigation Required	-
GEO-8: Potential for Damage to New or Upgraded Facilities as a result of Seismically Induced Liquefaction or Other Seismically Induced Ground Failure	Less than Significant	No Mitigation Required	-

Potential Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
3.6 HAZARDS AND HAZARDOUS MATERIALS			
Short-Term			
HAZ-1: Routine Transport, Use, or Disposal of Hazardous Materials	Potentially Significant	HAZ-MM-1: Conduct an Asbestos Survey HAZ-MM-2: Conduct a Lead-Based Paint Survey HAZ-MM-3: Conduct a Soil Contamination Investigation	Less than Significant
HAZ-2: Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment	Potentially Significant	HAZ-MM-4: Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Dispose at Approved Facility HAZ-MM-5: Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions during Construction Activities	Less than Significant
HAZ-3: Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan	Potentially Significant	HAZ-MM-6: Notify Emergency Response Providers of Project Construction	Less than Significant
Long-Term			
HAZ-4: Routine Transport, Use, or Disposal of Hazardous Materials	Less than Significant	No Mitigation Required	-
3.7 HYDROLOGY AND WATER QUALITY			
HYD-1: Potential for Water Quality Degradation During Construction	Potentially Significant	HYD-MM-1: Implement Best Management Practices to Control Discharge of Construction-Related Pollutants to Surface Waters HYD-MM-2: Implement a Hazardous Spill Prevention and Control Program HYD-MM-3: Implement Measures to Protect Water Quality during Construction Dewatering	Less than Significant
HYD-2: Potential for Water Quality Violation or Substantial Increase in Surface Water Runoff During Operation	Potentially Significant	HYD-MM-4: Implement Measures to Manage Water Quality Impacts on Local Creeks	Less than Significant

Potential Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
HYD-3: Potential Impacts on Groundwater	Potentially Significant	HYD-MM-5: Investigate Groundwater Conditions and Appropriately Design Grade Separations	Less than Significant
HYD4: Potential to Increase Flooding Hazards	Less than Significant	No Mitigation Required	-
HYD-5: Potential Risk Due to Dam Failure, Seiche, Tsunami, and Mudflow Hazards	Less than Significant	No Mitigation Required	-
3.8 LAND USE AND HOUSING			
A. Division of an Established Community			
LUH-1: Physically Divide a Community	Less than Significant	No Mitigation Required	-
B. Plan/Policy Consistency			
LUH-2: Conflict with Land Use Plans, Policies, or Regulations	Less than Significant	No Mitigation Required	-
LUH-3: Conflict with Habitat Conservation Plans	No Impact	No Mitigation Required	-
C. Agriculture			
LUH-4: Conversion of Farmland	No Impact	No Mitigation Required	-
LUH-5: Conflict with Agricultural Zoning or Williamson Act Contracts	No Impact	No Mitigation Required	-
D. Population and Housing			
LUH-6: Induce Substantial Population Growth	Less than Significant	No Mitigation Required	-
LUH-7: Displace Existing Housing or Population	Less than Significant	No Mitigation Required	-

Potential Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
3.9 NOISE			
Construction			
N-1: Exposure of Noise-Sensitive Land Uses to Vibration and Noise During Construction Activities	Potentially Significant	N-MM-1: Employ Measures to Limit Groundborne Vibration from Pile Driving and Other Highly Dynamic Construction Equipment. N-MM-2: Employ Noise-Reducing Construction Practices. N-MM-3: Prepare a Noise Control Plan. N-MM-4: Disseminate Essential Information to Residences and Implement a Complaint/Response-Tracking Program.	Less than Significant
Operational			
N-2: Exposure of Existing Noise-Sensitive Land Uses to Increased Traffic Noise Resulting from Operation of the Improved Route 238 corridor	Less than Significant	No Mitigation Required	—
Cumulative			
N-2: Contribute to Significant Cumulative Increase in Traffic Noise at Sensitive Land Uses	Potentially Significant	No Feasible Mitigation Available	Significant and Unavoidable
3.10 PUBLIC SERVICES, RECREATION, AND UTILITIES			
A. Public Services			
PSU-1: Increased Response Times for Fire and First-Responder Emergency Medical Services	Less than Significant	No Mitigation Required	—
PSU-2: Impacts on Local Schools	Less than Significant	No Mitigation Required	—
B. Parks and Recreational Facilities			
PSU-3: Impacts to Local Parks and Community Facilities	No Impact	No Mitigation Required	—
PSU-4: Diminished Quality and Quantity of Open Space Used for Recreation	No Impact	No Mitigation Required	—

Potential Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
C. Wastewater			
PSU-5: Increased Wastewater Treatment Demand	No Impact	No Mitigation Required	-
D. Treatment Facilities and Infrastructure			
PSU-6: Demand for New or Expanded Water or Wastewater Treatment Facilities	Less than Significant	No Mitigation Required	-
PSU-7: Construction-Related Service Disruptions	Potentially Significant	PSU-MM-1: Coordinate with the Appropriate Utility Service Providers and Related Agencies to Reduce Service Interruptions.	Less than Significant
E. Water Supply			
PSU-8: Increased Water Demand	No Impact	No Mitigation Required	-
F. Refuse and Recycling			
PSU-9: Increased Demand for Solid Waste, Green Waste, and Recycling Disposal Needs	Less than Significant	No Mitigation Required	-
3.11 TRANSPORTATION			
Short-Term			
TR-1: Changes to Traffic Patterns, Including Either an Increase in Traffic Levels or Changes in Location that Results in Substantial Safety Risks During Construction	Potentially Significant	TR-MM-1: Develop and Implement a Traffic Control Plan	Less than Significant
Long-Term			
TR-2: Degradation of LOS Due to Roadway Reconfigurations	Potentially Significant	No Mitigation Available	Significant and Unavoidable
TR-3: Increased Parking Demand	Less than Significant	No Mitigation Required	-
TR-4: Changes in Transit Service Times Resulting from Proposed Roadway Configurations	Beneficial	No Mitigation Required	-

Potential Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
TR-5: Disruption of Transit Services Resulting from Proposed Roadway Configurations	Potentially Significant	Mitigation Measure TR-MM-2: Post Guide Signs for Bus Passengers Directing them to the Rerouted Bus Service and Relocated Bus Stop	Less than Significant
TR-6: Conflicts with Adopted Policies, Plans, or Programs Supporting Bicycle Circulation	Potentially Significant	TR-MM-3: Install an Additional Bike Route and Signs to Guide Future Eastbound Bicycle Movements from A Street	Less than Significant
TR-7: Creation of Potentially Unsafe Conditions for Existing Bicycle Movements	Less than Significant	No Mitigation Required	-
TR-8: Creation of a Barrier to Existing Bicycle Movements	Less than Significant	TR-MM-4: No Mitigation Required	Less than Significant
TR-9: Creation of Potentially Unsafe Conditions for Pedestrian Circulation	Less than Significant	No Mitigation Required	-
TR-10: Conflict with Adopted Policies, Plans, or Programs Supporting Pedestrian Circulation, or Create a Barrier to Pedestrian Movements	Less than Significant	No Mitigation Required	-
3.12 ENERGY USE			
EN-1: Encourage Activities That Would Result in the Use of Large Amounts of Fuel or Energy, or Use These in a Wasteful Manner	Less than Significant	No Mitigation Required	-

Chapter 3

Master Responses

Introduction

This chapter of the FEIR for the Route 238 Corridor Improvement Project (proposed project) contains Master Responses intended to consolidate in one discussion, the responses to key issues on a single subject raised in multiple comments. Responses to issues that fall outside of the Master Responses are addressed in the FEIR Chapter 4. Revisions made to the DEIR pursuant to Master Responses are included in the FEIR Chapter 5. Where an individual response to a comment is covered by a Master Response, this is noted in the FEIR Chapter 4.

The Master Responses are listed below.

MR-1a—Project Objectives

Several comments on the DEIR advocate for changes to the project or different projects to address traffic, downtown improvements and other purposes. A number of different alternatives were also suggested.

This project has defined objectives and does not seek to resolve all traffic, transit, or other planning challenges within the City of Hayward. Thus, the project and the alternatives studies in the EIR are bounded within the limits of the objectives articulated. Further, CEQA only requires analysis of alternatives that meet most of the project objectives and alternatives that do not meet most of the project objectives need not be analyzed.

As described on page 2-1 in the DEIR, the primary objectives of the project are as follows:

- Reduce traffic congestion in downtown Hayward and on Foothill Boulevard/Mission Boulevard;
- Improve traffic operations at the Mission Boulevard/Foothill Boulevard/Jackson Street intersection;
- Construct a facility that will accommodate current and future traffic demands as permitted by funding constraints;

- Improve access to the California State University campus in Hayward; and
- Be eligible for Measure B funding.

The project objectives do not distinguish between benefits to local versus through traffic. Review of the traffic model data indicates that forecasted corridor travel is dominated by trips that either originate or end within Hayward. While not based on surveying license plates, which is very difficult to do in a reliable manner, use of the model to define origins and destinations of future corridor trips is an accepted analysis method. Based on this analysis, approximately 70% of trips along the SR-238 corridor originate or end in Hayward with the other 30% of trips neither originating nor ending in Hayward. Thus, while the project's congestion reduction would primarily benefit local-related trips it would also benefit the 30% of traffic that is only using the corridor for transit to and from non-Hayward locations. While the project does not have a regional project objective per se, it has both local and regional traffic benefits. The provision of tangible regional benefits is also a key consideration in qualifying for Measure B funding and thus alternatives that would only benefit local-related trips are unlikely to be eligible for Measure B funding.

Thus, alternatives that do not meet most of these objectives do not require further consideration in the EIR. While other projects may further other City or regional priorities for managing traffic congestion, transit, or land use planning, if they do not meet most of these objectives they are outside the scope of this traffic effort.

For example, if an alternative is posed that would improve traffic congestion regionally, but would not improve traffic operations at the Mission Boulevard/Foothill Boulevard/Jackson Street intersection and would not be eligible for Measure B funding, it would not meet most of the project objectives.

A critical factor for feasibility is eligibility for Measure B funding. While a number of commenters suggest that Hayward use the Measure B funds for other improvements, the City is not at liberty to reprogram the Measure B funds at its own discretion. The Measure B funds that would be utilized for the Route 238 Corridor Improvement Project were reprogrammed from the original funds for the Hayward Bypass, which had regional traffic benefits as well as localized benefits. The City of Hayward sought and received approval from ACTA for the use of Measure B funds for a Route 238 Corridor Improvement Project through the amendment of the 1986 Measure B Expenditure Plan process.

MR-1b—Alternatives

Several comments on the DEIR advocate for changes to the project or different projects to address traffic, downtown improvements, and other purposes. The following alternatives or sub-alternatives were mentioned in comments on the DEIR. An "*" symbol indicates that the alternative was considered in the DEIR. The consideration of the comments follows a summary of the suggested alternative.

- **No-Mini-Loop Alternative***—Various commenters note their opposition to the mini-loop component of the project, including the one-way portions of Foothill Boulevard, A Street, and Mission Boulevard and suggested alternatives without the mini-loop. The DEIR analyzed Alternative 4, which does not include the mini-loop.
- **Two-Way Grade Separation (*, in part)**—Gebel (#23) suggested a two-way grade separation underpass that would extend from Watkins Street to north of A Street. DEIR Alternative 4 included a two-way grade separation at Watkins Street/Jackson Street and Foothill Boulevard/Jackson Street/Mission Boulevard. The suggested alternative would require more extensive construction by creating a two-way grade separation all the way to north of A Street with a local street on top of the grade separation. Given that this alternative would create a grade separation, the cost is likely substantially greater and thus this alternative is considered economically infeasible.
- **Foothill Boulevard/Mission Boulevard Left Turn Restrictions**—Forrest and Sprague (#21) suggest an alternative to restrict left turns to and from Foothill and Mission Boulevards. While this alternative might reduce delays along Foothill and Mission Boulevards to some extent, it would also result in substantial circulation changes as drivers would be forced into looping routes where they would be prohibited from otherwise accessing their desired direction directly. Further, such an alternative would not address delays at major intersections such as Foothill Boulevard/Jackson Street/Mission Boulevard and Foothill Boulevard/A Street where turns would still need to be provided to allow for proper circulation. Moreover, it would inhibit access into the downtown. Thus, this alternative is unlikely to meet the project objectives of reducing congestion overall or at the least would produce only minor traffic gains compared to the proposed project.
- **I-238/I-880 Intersection Improvement**—Doyle-Pasion (#15) suggested that the focus of funding should be on improving the I-238/I-880 intersection. ACTIA's I-238 Widening Project which commenced construction in fall 2006 is the primary vehicle for improvements to I-238. Improvements to the I-238/I-880 intersection would not meet this project's objective of improving traffic along the SR-238 corridor, particularly when taking into account that 70% of traffic along the corridor starts or ends in Hayward.
- **I-238 Widening Alternative**—Ferry (#19) stated that there should be at least four (4) lanes in each direction on I-238. ACTIA's I-238 Widening Project which commenced construction in fall 2006 is the primary vehicle for improvements to I-238, and currently proposes three (3) lanes in each direction. Addition of further lanes to I-238 would not meet this project's objective of improving traffic along the SR-238 corridor, particularly when taking into account that 70% of traffic along the corridor starts or ends in Hayward.
- **Synchronize/Improve Signals Alternative***—Gonzales (#24) and Peyton/Earp (#39) suggest improved signals or their synchronization. The DEIR considered this alternative but dismissed it from further consideration because signal coordination is already occurring and further optimization

would only provide marginal traffic benefits considering future traffic volumes in the corridor.

- **Hayward Chamber Alternative**—The Chamber of Commerce (#4) suggest an alternative that includes no grade separation and no Mini Loop and includes dedicated Truck Lanes to link I-580 and I-880, expanded I-238 Connector, and I-880 improvements between SR 92 and Marina Boulevard. The DEIR analyzed Alternative 4, which includes no mini-loop. ACTIA's I-238 Widening Project which commenced construction in fall 2006 is the primary vehicle for improvements to I-238, and currently proposes three lanes in each direction. Addition of further lanes to I-238, an improved I-238 Connector, and I-880 improvements would not meet this project's objectives of improving traffic along the SR-238 Corridor, particularly when taking into account that 70% of traffic along the corridor starts or ends in Hayward. In addition, the proposed project has been revised to omit the grade separation.
- **No Right of Way Take Alternative***—CATS (#9) suggested that an alternative should be advanced that has no or very little right-of-way take. The primary right-of-way takes proposed lie along D Street and along east side of Mission Boulevard near Carlos Bee Boulevard. Avoidance of right-of-way takes would reduce the available lanes along D Street which would reduce overall functioning of the mini-loop resulting in inferior traffic level of service outcomes. Avoidance of right-of-way takes would eliminate the ability to add additional lanes to the Mission Boulevard/Carlos Bee Boulevard intersection thus reducing the level of service at this intersection as well as the segment operations along Mission Boulevard nearby and would make access to the University more difficult, which is in conflict with the project objectives. Thus, while it is feasible to consider alternatives with lesser right-of-way takes, such alternatives do not meet the project objectives as well as the proposed project in terms of reducing congestion. It should be noted that early in feasibility planning, an alternative including downtown widening was considered that would have resulted in far more extensive right-of-way takes than the proposed project.
- **Improved Transit Alternative**—AC Transit (#1) suggests improved service frequencies on the various lines serving Hayward and increased parking costs in downtown Hayward, at Cal State University East Bay, at BART stations, and elsewhere and should be added to this alternative. A Transit Alternative was considered in the DEIR that would improve service on Line 83, Line 99, and Line M and would improve traffic conditions relative to No Project conditions, but only on a limited basis. While further transit improvements would likely result in some improved traffic conditions, it is considered unrealistic to project dramatically increased transit ridership sufficient to result in traffic improvements equivalent to that of the proposed project. Additionally, some of the proposed suggestions are outside of the City's authority to implement, which makes them infeasible.
- **Transit Alternative Including Land Use/Pricing***—Lewis (#32) noted that the transit alternative should include considerations of changes to land use planning and pricing. Comment did not identify what land use changes should be included though it is presumed that increased density/transit-oriented development may be what the commenter envisioned. Such land use

changes are the purview of the General Plan and periodic updates; this project takes the buildout of the adopted General Plan as a given and the resultant traffic. Traffic pricing was considered as an alternative in the DEIR, but was dismissed from further consideration as beyond the ability of the City of Hayward to feasibly implement this alternative in isolation from broader regional, state, and federal initiatives on transportation pricing.

- **Hayward Bypass***—Strohmeyer (#42) suggested the Bypass as an alternative. This alternative was analyzed in the DEIR but dismissed from further consideration due to prior lawsuits and court rulings and because it is no longer eligible for Measure B funding.

Road Extension/Connector Sub-Alternatives

- **A Street Extension**—Bogue (#12) suggests extension of A Street, but provides no details of what this alternative consists of, thus no analysis can be provided.
- **D Street Extension**—Simpson (#41) suggests that D Street could be extended to Jackson Street. The comment does not articulate how this alternative would be achieved. A direct extension would require the taking of property and the residences between Magna Avenue and Park Street. While such an extension might allow a secondary east-west route, this would not address north-south congestion along the corridor.
- **4th Street Extension**—CATS (#9) suggested a 4th Street extension from A Street south to D Street. 4th Street already connects these two streets, so presumably this suggestion would be to widen 4th street. While this might facilitate some north-south movement to and from A Street to D Street (and perhaps Cal State University commutes to avoid use of the main corridor), no substantiation is provided as to how this overall would help meet the project objectives of reducing congestion in the main corridor. Further, such a widening would be directly adjacent to residential areas and thus impacts to residences would be higher than impacts along the predominantly commercial main corridor.
- **Hayward Boulevard to Harder Road Connector**—Lewis (#32) and Simpson (#41) suggest connecting Hayward Boulevard to Harder Road. Lewis (#32) also suggested a trench under the pedestrian crossing at Pioneer Heights as a better way to improve conditions at Mission Boulevard/Carlos Bee Boulevard (presumably in lieu of the proposed widening). While connecting these roads may improve circulation around the CSU campus, it is unlikely that this improvement would substantially reduce traffic levels along the main corridor since commuters would still need to access the campus from off-site. This alternative might distribute campus traffic more evenly between Harder Road and Carlos Bee Boulevard, but as shown in the DEIR Table 3.11-7, both intersections face deficient operations without the project. Due to the increased volume, redistribution alone will only move the problem, not address it, for which increased capacity is needed.
- **Whitman Avenue and Huntwood Avenue Connectors**—Simpson (#41) suggests constructing connectors along Whitman Avenue and Huntwood

Avenue, presumably as an alternative to peak hour parking restrictions along Mission Boulevard. Both avenues are adjacent to schools and houses and any widening would involve extensive right-of-way take and residential use incompatibilities that would result in far greater impacts than the proposed project.

- **Roadway Along Railroad Tracks along Whitman Avenue**—Simpson (#41) suggests potential use of the railroad tracks along Whitman Avenue. This right-of-way is owned by Union Pacific Railroad (UPRR). Any roadway expansion into this right-of-way is likely infeasible.

Street Circulation Sub-Alternatives

- **D Street Alternative**—The Bay Cities Credit Union (#5) (and others) and their supporters suggest alternatives that would avoid the take of a portion of the BCCU building on D Street. Modifications to the proposed design have been made that eliminate the partial take of the BCCU building.
- **No Central Boulevard or Berry Avenue Closure**—CATS (#9) suggests avoiding the closure of these roads, but does not articulate what significant impact is avoided by doing so. The project proposes more efficient east-west movements by proving through movements on Berry Avenue without having to transit north or south on Mission Boulevard.
- **WB Torrano Avenue Left Turn to SB Mission Boulevard**—Ewigleben (#16, #17) suggests that instead of a left turn on NB Mission Boulevard at Torrano Avenue that this area should provide a pocket acceleration lane for left turns from WB Torrano Avenue to SB Mission Boulevard. The provision of a NB Mission Boulevard left turn lane is to avoid potential backup along Mission Boulevard for vehicles accessing the auto dealer location. The proposed project will still allow for left turns from WB Torrano Avenue to SB Mission Boulevard. While the proposed project will change turning movements at this location, these changes are not expected to result in significant traffic impacts at this location overall.
- **Sunset Boulevard One-Way and Speed Humps/Lumps in Prospect Hill**—Goulart (#25) suggests making Sunset Boulevard one-way westbound between just west of Prospect Street to Mission Boulevard. While the project includes making Simon Street and Hotel Street one-way westbound to discourage the use of the Prospect Hill neighborhood as a cut-through area, overall access requires maintenance of some two-way streets to allow for adequate circulation and to avoid extensive looping within the neighborhood. Other strategies, such as speed lumps, will be considered according to the City's established process.
- **Two-Way on Simon Street**—CATS (#9) and Pasion (#38) suggest leaving Simon Street as two-way. The project includes making Simon Street and Hotel Street one-way westbound to discourage the use of the Prospect Hill neighborhood as a cut-through area.
- **Two-Way on Hotel Avenue**—CATS (#9) suggests leaving Hotel Street two-way. The project includes making Simon Street and Hotel Street one-way

westbound to discourage the use of the Prospect Hill neighborhood as a cut-through area.

Other Alternatives

- **Smaller Grade Separation**—CATS (# 9) suggests a smaller grade separation, presumably to reduce the amount of associated right-of-way take. While the original project description included a partial grade separation feature at the intersections of Foothill Boulevard/Mission Boulevard/Jackson Street and Jackson Street/Watkins Street, in response to comments the project design has since been changed such that no grade separations are proposed. Please refer to the specific revisions to the Project Description in Chapter 2, *Revised Project Description*, and to the revised Figures 2-6 through 2-12 therein. Also refer to the revised Geometric Layout Plans and revised Preliminary Construction Staging Plans in Appendix B of this FEIR.

Project Variations Suggested by the Public after Close of DEIR Comment Period

As noted at the September 24, 2007, presentation to Council's Downtown Committee, staff received two project variations from the public. These two suggested project variations and an additional variation developed by City Staff are discussed below.

- **No-Loop**—This suggestion was to eliminate the mini-loop and attempt to increase capacity by removing all parking on Foothill Blvd but still not take right of way. However, in effect this variation is essentially the same as the no project condition in the downtown since there is insufficient right of way to provide additional lanes even without parking without eliminating the only left turn access to the downtown as was achieved with the recent left turn at B Street. This variation did not warrant further consideration because it created a significant bottleneck in the downtown and would not be able to address the inadequate, future traffic levels-of-service particularly at Foothill Boulevard /A Street and Foothill Boulevard /Mission Boulevard/Jackson St intersections.
- **Modified Mini-Loop**—This concept is a variation on the proposed project but eliminates the one way street system north of C Street. C Street is converted to two-way traffic between Foothill Boulevard and Mission Boulevard, with four westbound lanes and one eastbound lane. Foothill Boulevard would be converted to one-way traffic, including five lanes northbound only to C Street. North of C Street, Foothill Boulevard reverts to two-way traffic with four northbound and three southbound lanes. This variation does not address the proposed pedestrian improvements in the downtown north of C Street and does not address the future level-of-service at Foothill Boulevard and A Street. Additionally, because of the need to convert back to two-way traffic, the northbound left turn at B Street would need to be removed, thereby reducing access to the downtown, in particular to the Cinema Place development. The proponent of this concept felt that the conversion of C Street would eliminate the need for right-of-way takes along

the south side of D Street; however, right-of-way at this location would still be needed to accommodate the additional left turn movements from westbound D Street to southbound Mission Boulevard. This variation also did not warrant further consideration.

- Two-way A Street—In response to public concerns regarding the increased time to travel eastbound on A Street from Mission Boulevard to Foothill Boulevard, staff evaluated the option of preserving A Street as a two-way street with four westbound lanes, two eastbound lanes, and one center left-turn lane. This proposal would result in inadequate levels of service at the intersection of Mission Boulevard /A Street and Foothill Boulevard /A Street, and would require significant right-of-way take along the entire north side of A Street, seriously affecting businesses on A Street which is inconsistent with the previous direction from Council to minimize right-of-way take. It would also significantly increase costs and therefore also did not warrant further consideration.

MR-2—Local Versus Regional Traffic

The City received several comments stating that the DEIR did not adequately address project effects on local traffic and travel times. Additionally, many of these comments expressed concern that the project is designed to address and accommodate regional traffic through Hayward instead of local traffic. Further comments expressed concern about cut-through traffic in several Hayward neighborhoods.

The reduction of regional through traffic is not one of the project objectives (DEIR page 2-1). Please see Master Response 1 for a more thorough discussion of project objectives and alternatives.

People who either live or work in Hayward are the predominant users of Hayward streets, and especially Foothill and Mission Boulevards. Traffic forecasts for the project and alternatives were not separated into regional (through) traffic and local traffic because the travel demand model forecasts the behavior of both, and because local traffic is a very large component of traffic on Foothill and Mission Boulevards. However, review of the data has indicated that local trips originating or ending in Hayward constitute approximately 70% of corridor trips with the other 30% consisting of through traffic.

Congestion on major arterial roadways encourages drivers to take alternative routes, often cutting through residential neighborhoods, to avoid the congestion. By reducing future congestion on Mission and Foothill Boulevards, the proposed project would also reduce the likelihood of regional and local through traffic from cutting through nearby residential neighborhoods.

Existing and future traffic flows in the Prospect Hill neighborhood and Montgomery Street neighborhood were not analyzed for the proposed project and its alternatives because, by reducing future congestion on Mission and Foothill

Boulevards, the proposed project is expected to reduce neighborhood shortcutting traffic rather than increase it, compared to the No Project conditions.

Several measures stated on page 8 of DEIR Appendix D, such as making Simon Street and Hotel Avenue one-way streets, have been recommended as part of the proposed project to reduce the potential for eastbound traffic on A Street from cutting through the Prospect Hill neighborhood.

The measures outlined in DEIR Appendix D should be sufficient; however, additional measures, such as speed humps, diverters, and short one-way segments of streets like Sunset Boulevard, can be implemented by the City should the need for them be demonstrated.

MR-3—Travel Time through the Downtown Area

Several comments were received expressing concern that the project would not improve travel times in the downtown area.

The improved travel times with the proposed project are shown in Table 3.11-6, page 3.11-26, of the DEIR. These travel times include all of the out-of-direction travel required to negotiate the mini-loop through the downtown. Travel times through downtown for the other project alternatives are provided in Exhibit 9, page 26 of Appendix D, *Transportation Impact Analysis*, of the DEIR. The travel time increases and decreases associated with the proposed project and its alternatives are provided on a segment-by-segment basis in Exhibits 2 and 3 and Exhibits 10 and 11 of Appendix D, *Transportation Impact Analysis*, of the DEIR (the downtown sections of Foothill and Mission Boulevards can be found here).

Table 3-1 at the end of this Chapter shows the comparative travel times for specific routes within the downtown area that takes into account the project revisions noted in Chapter 1. All entries are in seconds or minutes (as noted). Travel time includes travel from the starting point (when the signal turns green at the starting point) through the downstream signal at each checkpoint (including delay at that signal for the specific movement on the route). Additional checkpoint information has been provided here for the with-project routes that involve detours around the downtown one-way mini-loop. As shown in Table 3-1, downtown travel times are improved with the project except for two of the AM peak movements. From Mission/Grove to Mission/Jackson, the AM travel time would increase by about 62 seconds with the project compared to without project conditions, primarily due an increased delay at the Mission/A intersection. From Mission/A Street to Foothill/A Street, the AM peak travel time would increase by about 2 minutes (123 seconds) with the project compared to without project conditions due to the travel time around the mini-loop. Other AM peak travel times (Foothill/A to Mission/Jackson, Mission/Jackson to Foothill/A, and Foothill/A to Mission/A) are all reduced substantially (3–8 minutes) with the project. All PM peak travel times along the major routes through the downtown are reduced substantially (2–14 minutes) with the project compared to without project conditions.

These are the major routes through downtown and are indicative of the travel time differences that would be experienced by other routes through downtown. It is not feasible to show the comparative travel times for all possible routes from all possible starting points to all possible ending points.

MR-4—Effect of One-way Streets on Downtown Businesses

Many comments express concern that the project's proposal to convert parts of Foothill Boulevard, A Street, and Mission Boulevard in downtown Hayward from two-way streets to one-way streets would adversely affect businesses and the economy in downtown Hayward. Economic impacts alone are not considered environmental impacts and are not required for consideration under CEQA unless they result in a related physical impact on the environment. Nevertheless, the DEIR does address business and economic impacts of the proposed project on DEIR pages 5-9 to 5-10. Chapter 5, of Appendix D, *Transportation Impact Analysis*, describes the access changes for downtown businesses that would be caused by the project.

The City of Hayward has spent decades investigating alternatives to improve the accessibility of downtown. Over this time the City has investigated freeway bypasses, grade separations, one-way streets, traffic management, and many other options, all of which (excepting the freeway bypass which is no longer feasible) are documented alternatives in the DEIR.

One-way streets are actually a typical feature of many existing, vibrant downtown circulation networks, such as the downtown areas of Livermore, Sacramento, Oakland, and San Francisco. By reducing traffic congestion on the approaches to the downtown, the proposed project improves auto accessibility to downtown Hayward. One-way streets enable the downtown intersections to operate at shorter cycle lengths, with better progression, thus reducing delays for traffic and waiting times to cross the street for pedestrians and traffic on the side streets. In addition, it should be noted that the dynamics of a downtown area are based on many factors, of which circulation is only one.

A recent study of one-way street conversions in Denver, Colorado found that "On just about any ground imaginable—safety, congestion, pollution, and effects on most businesses—one-way grids and one-way couplets are superior to two-way streets for moving people and vehicles." (Cunneen, Michael and Randal O'Toole 2005)

While the changes to people's driving habits and actions as a result of the project are somewhat speculative, it is reasonable to expect that reducing gridlock in the downtown area would actually increase visits to downtown businesses. Motorists are likely to be more inclined to drive downtown to do business in a less-congested and more free-flowing traffic condition than there would be in the future without the project.

MR-5—Effect of Changed Traffic Patterns, Pedestrian Access, and Parking on Downtown Businesses

A variety of comments were received expressing concern that the proposed project would ruin downtown Hayward. Reasons include that increased traffic would render the downtown streets inconvenient to navigate, reduce pedestrian comfort, and cause businesses to close due to reduced patron traffic. Concern about parking availability and convenience were also made. Other comments urge the City to make downtown a vibrant, revitalized area of Hayward.

As discussed on DEIR page 5-9, CEQA does not require the analysis of social or economic impacts that do not result in physical changes to the environment. Effects analyzed under CEQA must be related to physical change in the environment (Guidelines Sec 15358(b)), therefore the focus of CEQA analysis on economic effects is to determine whether the project would result in urban decay or blight. Blight is a condition of property or the uses of property in parts of a city, town, or neighborhood that are detrimental to the physical, social, and/or economic well-being of a community.

Two project-related effects that could influence business patronage in downtown Hayward are automobile accessibility and parking availability. The proposed project would reduce traffic congestion on the approaches to the downtown, thus improving auto accessibility to downtown Hayward. It is anticipated that making downtown more easily accessible would draw people and patrons to the area. It is reasonable to expect that reducing gridlock in the downtown area would actually increase visits to downtown businesses. Motorists would be more inclined to drive downtown to do business in a less-congested and more free-flowing traffic condition than is expected in the future without the project.

Parking availability is discussed in Chapter 3.11 of the DEIR. According to the analysis presented in the DEIR, the project would result in the removal of 54 parking spaces; however, the two parking garages that have been constructed in the downtown area, not associated with the proposed project, assure an adequate supply of parking for the foreseeable future.

It is reasonable to assume that the mix of businesses and services occupying the downtown may change over time, but it is difficult to conclude that this would be a result of the proposed project. Moreover, even as business turnover occurs, the downtown area is not expected to turn into a blighted area as a result of the project. The downtown area would remain an accessible, desirable place to do business.

MR-6—Auto Row Parking Along Mission Boulevard

Comments were received regarding parking impacts on auto row, specifically related to the proposed project's temporary restriction of 651 on-street parking spots during peak-hour traffic periods (refer to DEIR page 3.11-31). Due to

comments received on the DEIR, the proposed project has been modified to reduce the peak hour parking prohibition from south of Carlos Bee Boulevard to Industrial Boulevard, although, at some major intersections (Carlos Bee/Mission and Harder/Mission), some permanent parking prohibitions have been added. Please refer to the specific changes in the project description in Chapter 2, *Revised Project Description*. A summary of the parking impacts that would result with the proposed project as revised are shown below in Table 3-2.

The reduction in parking prohibitions would assure an adequate supply of on-street parking to meet current demand from south of Carlos Bee Boulevard to Industrial Boulevard. Between Jackson Street and Carlos Bee Boulevard, there would be no change in the parking prohibitions from those identified in the DEIR. Currently there are approximately 17 on-street parking spaces on this segment of Mission Boulevard during the PM peak hour and these spaces are fully utilized. Eight of these spaces would be eliminated with the proposed project, however, there appears to be adequate on-site parking and parking on nearby cross streets to accommodate any displaced vehicles.

Table 3-2. Parking Impacts of Proposed Project

Segment			AM/PM Peak Hours (Worst Case)				Rest of Day			
From	To		Existing Spaces	Max % Occupied	Max Spaces Occupied	Added by Project	Remaining Spaces	Existing Spaces	Added by Project	Remaining Spaces
Foothill Blvd.	Grove Way	A Street	132	44%	58	-132	0	146	-20	126
Foothill Blvd.	A Street	Jackson St.	23	74%	17	5	28	23	5	28
A Street	Foothill Blvd.	Mission Blvd.	21	86%	18	-14	7	21	-14	7
Mission Blvd.	A Street	Jackson St.	45	62%	28	-45	0	45	-45	0
Mission Blvd.	Jackson St.	Carlos Bee Blvd.	17	100%	17	-8	9	67	-1	66
Mission Blvd.	Carlos Bee Blvd.	Harder Road	189	43%	81	-50	139	189	-50	139
Mission Blvd.	Harder Rd	Industrial Blvd.	395	16%	64	-53	342	395	-41	354

Note: This table does not include Foothill from Mattox to Grove.

Source: Dowling Associates, Inc. June 2007

MR-7—Bay Cities Credit Union and Other Right-of-Way Acquisition

Comments were received regarding the project's design as it relates to acquisition of approximately 12 feet of property on D Street that is owned and occupied by the Bay Cities Credit Union (BCCU) (refer to DEIR Figure 2-10 in Chapter 2, *Project Description*). In response to these comments the project design has been modified to eliminate the partial take of the BCCU building.

Please refer to the specific revisions to the Project Description in Chapter 2, *Revised Project Description*, and to the revised Figures 2-6 through 2-12 therein. Also refer to the revised Geometric Layout Plans and revised Preliminary Construction Staging Plans in Appendix B of this FEIR.

Comments also express dismay over other right-of-way takes required by the proposed project. Please refer to Master Response 1 and the alternatives analyzed in the DEIR (Chapter 4, *Alternatives Analysis*). The City has considered many options over more than a decade to develop a project design that reduces right-of-way impacts while achieving project objectives for improved traffic flow and level of service at intersections. For example, the original proposal for full grade separation with downtown widening would have impacted 133 parcels, with 70 full takes. The results of various project designs conclude that ultimately the desired traffic results cannot be achieved without some right-of-way acquisitions.

MR-8—Traffic Management Plan During Construction

Comments expressed concern regarding disrupted traffic operations during project construction. Short-term traffic impacts that would occur during construction of the proposed project are discussed under Impact TR-1 on pages 3.11-22 to 3.11-25 of the DEIR. However, the revised proposed project, which has eliminated the two grade separations, has significantly reduced both the estimated construction duration, as well as the need for traffic detours. At this time, project plans are not developed specifically enough to prepare an accurate Traffic Management Plan (TMP) for the proposed project. It is not feasible to prepare a detailed construction traffic management plan at the DEIR stage, because the plan depends upon the specific approach that the City and the contractor(s) would use to build the project. A specific construction plan and TMP at the DEIR stage would preclude innovative approaches for project construction. Often, the staging of construction can reduce or avoid many construction-related impacts.

Rather than attempt to develop a hard and fast construction TMP, the DEIR lays out objectives and criteria, which the contractor's proposed TMP must meet. For example, the first three bulleted points on page 3.11-25 state that the construction traffic plan must coordinate with transit and emergency services, provide an emergency access plan, and maintain access to businesses. **Mitigation Measure TR-1: Implement Traffic Management Plan** requires the City and its construction contractor to mitigate the proposed project's construction-related traffic impacts by developing a TMP prior to the commencement of construction activities and implementing it throughout the course of project construction. This plan will describe how traffic would be handled during the separate stages of construction and include greater detail describing specific dates, times, and responsible parties for implementing and monitoring each aspect of the TMP. Additionally, adoption of the Final EIR would include adoption of a Mitigation Monitoring and Reporting Plan, which obligates the City to implement and carry out all mitigation measures included in the FEIR, including Mitigation Measure

TR-1. This type of mitigation is an industry standard used for the mitigation of traffic impacts as a result of project construction.

MR-9—Growth Assumptions in Traffic Model

Some commenters expressed concern regarding the significant traffic growth in the County and how it relates to development in Hayward and elsewhere. The City of Hayward Travel Demand model land use assumptions are based on ABAG Projections 2003, which, in turn, flows from the General Plan of the City and other municipalities. Specifically, the model indicates the 2000 to 2025 growth in housing in Hayward is projected to be 17% and projected to be 27% for employment. As noted in Table 3-3 below, the comparable data for Alameda County is projected as 19% for housing and 42% for employment. Thus, it can be seen that there are contributions from growth in Hayward, as well as elsewhere in the County. However, it is not possible to separate the specific effects of each.

Table 3-3: Comparison of Hayward Socio-Demographic Growth

	2000	2025	Growth	Percent
City of Hayward				
Households	49,270	57,775	8,505	17%
Employment	91,754	116,454	24,700	27%
Rest of Alameda County				
Households	465,355	553,903	88,548	19%
Employment	634,041	897,738	263,697	42%

MR-10—Public Review

An environmental scoping meeting was held in December 2005. A discussion of the scoping process is included as Appendix A in the DEIR. The comments received at the scoping meeting have been considered in the preparation of the DEIR.

Staff conducted a targeted outreach to several groups and individuals who may be most affected by the project. In late February 2007, staff made a presentation to the Castro Valley Municipal Advisory Council to solicit its comments on one of the project alternatives, the Expanded Loop Alternative, which would significantly affect County residents. An earlier meeting on the same subject was held with County Planning and Public Works Agency staff. In March 2007, staff made a presentation to the new automobile dealers on Mission Boulevard who may be affected by the removal of the peak-hour parking. Staff has also had individual meetings with a few of the property and business owners whose

properties could be acquired, including the owner of the building on the north side of D Street to the west of Foothill Boulevard and with representatives of the Bay Cities Credit Union. These properties would be affected by the implementation of the revised intersection design at Foothill Boulevard and D Street, which was presented to Council at the February 13, 2007, work session. About 4,000 copies of the Notice of Availability of the DEIR were mailed to residents and/or property owners living in the corridor, those whose properties will be impacted by the project, and those individuals who have requested to be kept informed and who have attended meetings. Finally, a copy of the Notice of Availability was published in the *Daily Review* on March 24, 2007, and copies of the DEIR were posted on the City's website and placed for review in the City libraries and in City Hall.

City Council Work Sessions were held on April 10 and April 17, 2007, to solicit review and comment from Council members. A public hearing was held on April 26, 2007. Notice of said hearing was included as a part of the Notice of Availability of the draft EIR and was distributed as above:

MR-11—Impacts Related to Project Revisions since DEIR

The revisions made to the proposed project in response to comments received on the Draft EIR have resulted in changes to the impact discussion presented in the Draft EIR. The following is a discussion of those changes for each of the resource areas in the Draft EIR.

Section 3.1—Aesthetics

The elimination of the grade separation would result in considerably less change to the visual character of the Jackson Street/Watkins Street intersection and to the Jackson Street/Mission Boulevard/Foothill Boulevard intersection. This altered visual change is depicted in revised Figures 3.1-9 and 3.1-10 in Chapter 5, *Revisions*. As shown, the future condition would be similar to the existing condition; however, the roads would be wider and new landscaping/streetscaping would be consistent with what is proposed along the remainder of the project corridor. Because the subterranean retaining walls and associated lighting required for the grade separation would not be implemented, Impact AES-5 is no longer considered potentially significant. Under the new project description, the proposed project would have a less-than-significant impact on lighting and glare in the project area. Furthermore, the preservation of the Bay Cities Credit Union building would also result in less change to the existing visual character of D Street and Mission Boulevard.

Section 3.2—Air Quality

As shown in the revised traffic tables within Section 3.11, the omission of the grade separation at the Mission/Jackson intersection would result in a slight increase in vehicle hours traveled (VHT) due to increased travel times and additional stops. These changes may lead to slightly increased CO emissions (increased stopping) and slightly lowered NO_x emissions (decreased speeds). However, the slight increase in CO emissions may be partially offset with the slightly decreased vehicle miles traveled (VMT) anticipated without the grade separation and peak hour lanes south of Carlos Bee Blvd. Therefore, the revisions made to the project would not result in any additional significant impacts on air quality.

Section 3.3—Biological Resources

The revisions made to the project description would not result in any changes to the assessment contained within Section 3.3, *Biological Resources*.

Section 3.4—Cultural Resources

Overall, the revised project would have no additional significant impacts on cultural resources within the project area. However, because the exclusion of the grade separation would eliminate the need for extensive excavation, the revised project would result in a reduced likelihood of discovery of buried archaeological resources.

Section 3.5—Geology, Minerals, and Soils

Overall, impacts related to soils and geology would be greatly reduced with the revised project since the retaining walls associated with the grade separation would no longer be constructed. In addition, the mitigation measures included for Impacts GEO 4 and 5 are no longer applicable since the revised project would result in less-than-significant impacts on slope failures and fault creep.

Section 3.6—Hazards and Hazardous Materials

During the construction period, the revised project would require less excavation, demolition, and grading due to the omission of the grade separation and the retention of the Bay Cities Credit Union building. As such, impacts related to hazards during these activities (Impact HAZ-1) would be greatly reduced. However, the mitigation proposed for Impact HAZ-1 would still be applicable to the revised project as it addresses standard protocol for the treatment of hazardous materials that may be encountered during construction activities.

Section 3.7—Hydrology and Water Quality

Overall, impacts related to Hydrology and Water Quality would be substantially reduced under the revised project. The omission of the grade separation would result in less excavation and grading during construction, and decreased impervious surfaces and flood hazards from a permanent structure. As such, impacts related to water quality degradation during construction (HYD-1), impervious surfaces (HYD-2) and flooding (HYD-4) would be reduced. Furthermore, since the revised project would not require construction below the water table, Impact HYD-3 on groundwater is no longer applicable.

Section 3.8—Land Use and Housing

The project has been revised to avoid acquisition of any part of the Bay Cities Credit Union building. The remainder of the project revisions would not result in any further changes to the land use and housing assessment contained within Section 3.8.

Section 3.9—Noise

The revisions made to the project description would not result in any changes to the assessment contained within Section 3.9, *Noise*.

Section 3.10—Public Services, Recreation, and Utilities

No substantial changes to the impacts related to parks, wastewater, solid waste, water supply, and schools would result from the project revisions. However, because the grade separation would no longer be constructed, the project would have substantially reduced impacts on utility infrastructure disruption and emergency service provider access during the construction period.

Section 3.11—Transportation and Circulation

See Chapter 5, *Revisions to the DEIR*, for detailed discussion of changes to the traffic analysis resulting from project revisions. The revised project would result in increased delay at the intersection of Jackson and Mission of 16 to 30 seconds per vehicle during the AM and PM peak hours, as compared to the previously proposed grade separation. However, the level of service at the intersection would still be LOS "D" or better during the peak hours.

The average delay at the intersection of Watkins and Jackson would be higher with the revised project than with the DEIR proposed project. However, the level of service would still be "D" or better during both the AM and PM peak hours.

Despite these changes, relative to the impacts disclosed in the DEIR, the revised project would not result in new locations where intersection level of service drops to an unacceptable level (e.g. LOS of F), nor would it increase the overall number of intersections with unacceptable operations. Thus, no new significant traffic impacts or substantially more severe impacts were identified.

The elimination of the grade separations would also eliminate barriers to existing bicycle movements at the affected intersections. Therefore, Impact TR-8: Creation of a Barrier to Existing Bicycle Movements would be less than significant and Mitigation Measure TR-MM-4: Create Bike Routes Intended to Allow Bicyclists to Navigate the Grade Separation, would not be required.

Additionally, elimination of the grade separation has resulted in changes in construction phasing as described in Chapter 2, *Revised Project Description*. These changes would reduce traffic impacts during construction such that the proposed Traffic Management Plan would reduce short-term traffic impacts related to construction to a less-than-significant level. Therefore Impact TR-1: Changes to Traffic Patterns, Including Either an Increase in Traffic Levels or Changes in Location that Results in Substantial Safety Risks During Construction, is considered less-than-significant with implementation of Mitigation Measure TR-1: Implement Traffic Management Plan.

Section 3.12—Energy Use

As discussed above for Section 3.11, *Transportation*, and Section 3.2, *Air Quality*, the revised project may lead to an increased intersection delay and slightly lowered speeds. However, this slightly increased VHT is offset by the slightly decreased VMT anticipated in the corridor without the grade separation and peak hour lanes south of Carlos Bee Blvd. Furthermore, because the revised project would not require the excavation and construction for large retaining walls and structures associated with the grade separation, less energy would be consumed during construction. Therefore, the revisions made to the project description would not result in any additional significant impacts on energy use.

Chapter 4—Alternatives Analysis

The revisions made to the project description would not result in any changes to the assessment contained within Chapter 4, *Alternatives Analysis*.

Chapter 5—Other CEQA Findings

The revisions made to the project description would not result in any changes to the assessment contained within Chapter 5, *Other CEQA Findings*.

Table 3-1. Downtown Travel Times

Downtown Travel Time Comparisons				
Time Dir. From/To	No Project		Project	
	Check Points	secs	Check Points	secs
AM SB Foothill & A St to Mission & Jackson	Foothill & B	53	A & Main	23
	Foothill & C	24	Mission & A	118
	Foothill & D	275	Mission & B	41
	Mission & Jackson	138	Mission & C	14
			Mission & D	82
			Mission & Jackson	32
	Total (min)	8.17	Total (min)	5.13
PM SB Foothill & A St to Mission & Jackson	Foothill & B	46	A & Main	21
	Foothill & C	65	Mission & A	81
	Foothill & D	280	Mission & B	28
	Mission & Jackson	55	Mission & C	18
			Mission & D	165
			Mission & Jackson	53
	Total (min)	7.42	Total (min)	6.08
AM NB Mission & Jackson to Foothill & A St.	Foothill & D	374	Foothill & D	148
	Foothill & C	41	Foothill & C	19
	Foothill & B	89	Foothill & B	66
	Foothill & A	236	Foothill & A	30
		Total (min)	12.34	Total (min)
PM NB Mission & Jackson to Foothill & A St.	Foothill & D	307	Foothill & D	229
	Foothill & C	312	Foothill & C	35
	Foothill & B	78	Foothill & B	32
	Foothill & A	475	Foothill & A	27
		Total (min)	19.53	Total (min)
AM SB Mission & Grove to Mission & Jackson	Mission & A St	136	Mission & A St	223
	Mission & B St	23	Mission & B St	41
	Mission & C St	22	Mission & C St	14
	Mission & D St	29	Mission & D St	82
	Mission/Foothill/Jackson	120	Mission/Foothill/Jackson	32
		Total (min)	5.48	Total (min)
PM SB Mission & Grove to Mission & Jackson	Mission & A St	299	Mission & A St	290
	Mission & B St	23	Mission & B St	28
	Mission & C St	204	Mission & C St	18
	Mission & D St	44	Mission & D St	165
	Mission/Foothill/Jackson	423	Mission/Foothill/Jackson	67
		Total (min)	16.53	Total (min)

Table 3-1. Downtown Travel Times (Continued)

Downtown Travel Time Comparisons

Time	Dir.	From/To	No Project		Project	
			Check Points	secs	Check Points	secs
AM	EB	Mission & A Street To Foothill & A Street	Mission & A St	29	Mission & A St	128
			Main & A St	19	Mission & B St	43
			Foothill & A St	200	Mission & C St	17
					Main & C St	27
					Foothill & C St	56
					Foothill & B St	68
					Foothill & A St	32
					Total (min)	4.12
PM	EB	Mission & A Street To Foothill & A Street	Mission & A St	34	Mission & A St	72
			Main & A St	20	Mission & B St	30
			Foothill & A St	513	Mission & C St	21
					Main & C St	27
					Foothill & C St	68
					Foothill & B St	34
					Foothill & A St	29
					Total (min)	9.45
AM	WB	Foothill & A Street To Mission & A Street	Foothill & A St	308	Foothill & A St	48
			Main & A St	26	Main & A St	24
			Mission & A St	72	Mission & A St	157
					Total (min)	6.77
PM	WB	Foothill & A Street To Mission & A Street	Foothill & A St	212	Foothill & A St	48
			Main & A St	25	Main & A St	22
			Mission & A St	254	Mission & A St	233
					Total (min)	8.18

Note that the individual intersection times are recorded in seconds, while totals are in hundredths of minutes.

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- Bay Cities Credit Union (BCCU)..... 12
- Traffic Management Plan (TMP) 13
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CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/17/07
AGENDA ITEM _____
WORK SESSION ITEM WS #2

TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Route 238 Corridor Improvement Project – Proposed Revisions in Response to Comments

RECOMMENDATION:

That the City Council review and comment on this report.

BACKGROUND:

The public comment period for the Draft Environmental Impact Report (DEIR) prepared for the Route 238 Corridor Improvement Project ended on May 5, 2007. Council work sessions were held on April 10 and April 17, and a public hearing was held by the Planning Commission on April 26, 2007. About 40 written comments were received; many who provided written comments also provided oral comments at the public hearing.

Staff and the consultants have prepared responses to these comments, as well as those presented at the two Council work sessions. Additionally, staff has continued to refine the project design to accomplish two purposes: (1) to reduce, where possible, impacts that were of concern to the public; and (2) to reduce the project cost while retaining overall project benefits. After analyzing the proposed revisions, it is believed that there is an opportunity to construct a project that will still provide significant benefits, at a reduced cost, and eliminate some of the concerns expressed by the public. This additional work has resulted in significant revisions to the project, which are discussed below.

Staff proposes to defer action with regard to certification of the Final Environmental Impact Report (FEIR) (and project approval) until this fall, in order to provide an opportunity to complete a revised design. Since the project will not produce new impacts but will, in fact, eliminate some of the negative impacts disclosed in the DEIR, the City's EIR consultants indicated that a recirculation of the DEIR will be unnecessary. However, responses to all comments received will be included in the FEIR.

DISCUSSION:

Staff is proposing three major project revisions: elimination of the grade separations, elimination of some of the peak hour travel lanes, and reduction of right-of-way takes from the Bay Cities Credit Union. Each of these items is discussed below.

Elimination of Grade Separations

One of the most often-stated concerns expressed by the public about the project was the total duration of the construction, approximately four years, even though no one area would be disrupted for that length of time. Many of the comments received state that a construction time period of this duration would negatively impact businesses on Mission Boulevard and in the downtown. Construction of the grade separations is a major factor in the duration of the project. Additionally, the grade separations at Mission Boulevard/Foothill Boulevard/Jackson Street and at Jackson Street/Watkins Street are the single most expensive components of the project. Thus, staff looked at whether the grade separations could be eliminated.

As previously reported, one of the major advantages of the grade separations is the removal of the Mission Boulevard/Foothill Boulevard/Jackson Street traffic signal, which is one of the City's most congested bottlenecks. One of the key factors in deciding whether to eliminate the grade separation is to ensure that continued use of the traffic signals at this location result in a Level of Service (LOS) better than with the no-project. Additionally, since the traffic signal at Jackson Street/Watkins Street is heavily influenced by the Mission Boulevard/Foothill Boulevard/Jackson Street signal operations, it too, would need to operate at an acceptable level of service. Another key consideration in the redesign is to ensure adequate and safe pedestrian movements. Consequently, staff and the consultants have worked on a redesign of this intersection that includes a new Mission/Foothill/Jackson traffic signal, with no grade separation.

As shown in Exhibit A, it is possible to provide four southbound lanes on Mission Boulevard and two southbound to westbound Jackson Street lanes. At Watkins Street, westbound left turns from Jackson Street to Watkins Street will be eliminated, since this is not a critical movement. (This left turn movement was also prohibited with the grade separation.) There will be no change in the other turning movements from what was previously identified. The result is that the Mission Boulevard/Foothill Boulevard/Jackson Street intersection will operate at LOS C in the AM and LOS D in the PM, compared to LOS F in the no-project. The Watkins Street/Jackson Street intersection will operate at LOS D in both the AM and the PM, again as compared to LOS F in the no-project (See Exhibit C).

One reason why the grade separation can be eliminated is that the one-way street configuration (the mini-loop) results in a greatly simplified intersection operation for the Mission Boulevard/Foothill Boulevard/Jackson Street intersection, similar to the other intersections that will be affected by one-way travel. Consequently, it is possible to develop an at-grade solution with very minimal degradation of travel times from those in the original project. The addition of a traffic signal at this location adds about 19 seconds of travel time in the southbound direction in the AM and 40 seconds of travel time in the southbound direction in the PM. Travel time in the AM was always slightly more with the project than with the no-project, but in the PM, travel time with the project remains substantially less than with the no-project, about 7.5 minutes. Addition of the traffic signal can be done without resulting in additional LOS F intersections, as well as saving considerable costs, approximately \$27 million. Additionally, elimination of the grade separations will reduce the length of construction by approximately 18 months.

Elimination of the peak hour travel lanes on Mission Boulevard (except as indicated)

The purpose of the peak hour travel lanes is to provide additional capacity in the corridor in order to improve traffic operations. Of course, this will result in the elimination of on-street parking during the AM and PM peak hours in most segments of the corridor. The new car dealers along Auto Row, primarily north of Harder Road, would experience the loss of some on-street customer parking with the implementation of the peak hour travel lanes.

In response, staff and the consultants have modified the location of the peak hour lanes. The peak hour lanes in the northbound and southbound directions will end at Palisades Street. However, since additional capacity is needed at Mission Boulevard and Harder Road in the AM peak hour, an AM only peak hour parking restriction will be installed on the west side of Mission Boulevard to 600 feet north of the intersection. The peak hour lane will end about 200 feet north of Harder Road and will become a right turn lane with no parking permitted at any time.

In addition to the restriction noted above, at the Mission Boulevard/Harder Road intersection, parking will be permanently restricted 800 feet north of the intersection on the east side of the intersection and 600 feet south of the intersection on both sides. North of the Mission Boulevard/Tennyson Road intersection, parking will, also, be permanently restricted for 200 feet along the west side and for 500 feet along the east side of Mission Boulevard.

The result of this revision will, therefore, be to retain most of the existing on-street parking all day on Mission Boulevard with very little loss of parking, thereby significantly reducing this impact. See Exhibit B for the changes to the peak hour parking restrictions on Mission Boulevard.

The intersections along Mission Boulevard will still be able to operate at acceptable levels of service during the AM and PM peak hours (See Exhibit C).

As a result of the revisions to the parking, the existing curb-to-curb cross section will remain as will the 10-foot sidewalks south of Palisades Street. As previously noted, the project will complete gaps in the sidewalk system. Consequently, there will be some opportunities for additional landscaping and street trees in the sidewalk, which were not possible with the 7 foot sidewalks identified in the DEIR.

Reduction of right-of-way impacts

Representatives of the Bay Cities Credit Union had expressed concerns about the proposed partial take of the building frontage that resulted from the selected design of the Foothill Boulevard/D Street intersection. In response, staff and the consultants refined the design to reduce the sidewalk to six feet and still retain the 5 foot bicycle lane, resulting in no need to take any portion of the Bay Cities Credit Union building (See Exhibit D).

Funding

The most recent updated cost of the project escalated to the year 2010 is estimated at about \$138 million. The City's consultants estimate that removal of the grade separations would result in about a \$27 million savings, or a total cost of about \$111 million in 2010 dollars. The Alameda County Transportation Authority (ACTA) has programmed \$80 million for this project, with another \$11.5 million coming from the City. Consequently, even with a reduced scope project, at least another \$20 million is still needed. Possible sources of funding to address this gap include the federal and state funding that will be identified in the next update of the Countywide Transportation Plan, which is just underway; and the Local Alternative Transportation Improvement Program (LATIP) process, which is discussed in more detail in a separate work session report this evening.

Schedule

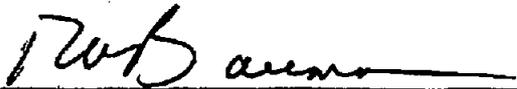
Assuming consensus from Council to proceed with the revised project approach, staff will continue to refine the project concept plans and will return in early October with a recommendation regarding certification of the Final EIR, including the Mitigation Monitoring Program, and project approval. As noted above, since the project revisions will not add any new impacts and will, in fact, eliminate some of the impacts identified in the DEIR, recirculation of the DEIR is deemed unnecessary.

Prepared by:



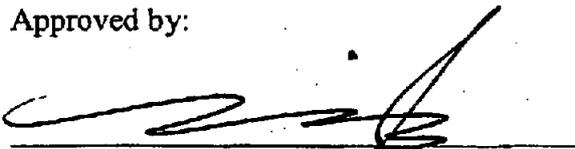
Morad Fakhrai, Deputy Director of Public Works

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:



Fran David, Acting City Manager

- Attachments: Exhibit A: Revised Mission/Foothill/Jackson and Jackson/Watkins intersections
Exhibit B: Mission Boulevard Peak Hour Parking
Exhibit C: Revised Level of Service for Corridor Intersections
Exhibit D: Foothill Boulevard/D Street – Proposed Project

DUE TO THE COLOR OF THE
ATTACHMENTS, THEY HAVE BEEN
INCLUDED AS SEPARATE LINKS

**Route 238 Corridor Improvement Project
Mitigation Monitoring and Reporting Plan**

Prepared for:

City of Hayward
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November 2007

Exhibit B

Mitigation Monitoring and Reporting Plan Introduction

Purpose of and Need for Monitoring

In compliance with the California Environmental Quality Act (CEQA), a final environmental impact report (FEIR) was prepared for the Route 238 Corridor Improvement Project (proposed project). The FEIR identified significant impacts in the following environmental resource or subject areas. The FEIR also identified mitigation measures to reduce these impacts to less-than-significant levels, where feasible.

- Air quality
- Biological resources
- Cultural resources
- Hazards and hazardous materials
- Hydrology and water quality
- Noise
- Public services, recreation, and utilities
- Transportation

CEQA requires that a lead agency adopt a mitigation monitoring and reporting plan (MMRP) for the measures it has proposed to avoid or mitigate significant environmental effects and for the revisions the agency has required for a project. The purpose of the MMRP is to ensure that the mitigation measures and the project revisions identified in the FEIR are implemented.

Table 1 of this MMRP, which follows this introductory section, identifies the mitigation measures for the proposed project and identifies the parties responsible for implementing and monitoring the mitigation measures, as well as the timing of the mitigation.

Project Description

The Route 238 Corridor Improvement Project is located along Foothill Boulevard and Mission Boulevard between Mattox Road and Industrial Parkway in the City of Hayward. The project includes changes in circulation, changes in lane

directions and controls, a downtown one-way loop street system, improvements to the Jackson Street/Watkins Street intersection, improvements to the Foothill Boulevard/Mission Boulevard/Jackson Street intersection, improvements to the Mission Boulevard/Carlos Bee Boulevard intersection, improvements to the Foothill Boulevard/D Street intersection, improvements to the Jackson Street/Grand Street intersection, and other roadway improvements along Foothill Boulevard and Mission Boulevard.

Mitigation Monitoring Program

This MMRP has been prepared for the proposed project in accordance with Public Resources Code 21081.6, which specifies that when a public agency makes findings required by paragraph (1) of subdivision (a) of Section 21081, it "...shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." Public Resources Code 21081.6 further specifies that the MMRP will "...ensure compliance during project implementation." This MMRP is intended to ensure the effective implementation of mitigation measures that are within the City of Hayward's authority to implement, including monitoring where identified, throughout all phases of construction, development, and operation of the proposed project.

Procedures for Monitoring and Reporting

Monitoring and reporting procedures prior to and during project construction and operation will conform to the following steps.

Step 1. Monitoring

This step will be executed by a monitor designated by the City of Hayward's project manager (PM). The monitor will investigate noncompliance allegations and identify how the City of Hayward's staff or its contractors should correct implementation of the mitigation measure to ensure compliance. If a mitigation measure identified in the MMRP is under the control of another agency, the monitor will inform the agency of the determination and request remedial action.

The monitor will have the following responsibilities:

- Prepare an implementation plan prior to execution of contracts and prior to advertisement of construction bid documents to detail the monitoring actions and compliance requirements listed in this MMRP.
- Be knowledgeable in the mitigation that is to be monitored, and exceed the expertise of the lead agency pertaining to specific resources (i.e., biological or cultural resources).

- Verify implementation of mitigation by:
 - verifying, prior to advertisement of construction contract bids, that bid documents, contracts, plan, and specifications include requirements to implement identified mitigation measures;
 - verifying in the field that required implementation has been properly executed during and after construction; and
 - contacting the City of Hayward's PM and requesting that the situation be remedied if mitigation is not being implemented or executed properly.
- Prepare mitigation status reports and submit to the PM, as identified in Step 3 of this MMRP.

Step 2. Action

This step will be executed by the PM. The City of Hayward's PM will document monthly all actions taken as part of this MMRP and report periodically to the City of Hayward's City Council. City of Hayward staff or contractors will immediately commence the correction of measures being inadequately implemented.

The PM will have the following responsibilities.

- Review the mitigation status reports and any other information presented by the monitor as monitoring occurs, as detailed below in Step 3.
- Oversee amendments to the MMRP, if changes in monitoring activities are deemed necessary, to implement the mitigation measures.
- Ensure that the mitigation measures in the MMRP are undertaken, by staff, contractors, or consultants.
- Ensure that penalties to contractors for noncompliance are incorporated into contracts.
- Verify and document monthly that mitigation actions are properly undertaken. This may include designating a City of Hayward employee or consultant to enforce effective and timely compliance with regard to specific mitigation measures outlined in this MMRP or in required permits.
- Ensure that procedures and assignments to implement the MMRP are in place if the City of Hayward staff structure is reorganized prior to completion of the MMRP actions.

Step 3. Reporting

This step will be executed by the monitor.

The monitor will have the following responsibilities.

- Compile all mitigation status forms into a report of compliance on a quarterly basis. Convey the status and any recommendations to the PM. Recommendations may include updating the frequency of monitoring, changing the type of monitoring, and suggesting better ways to implement mitigation.
- Assist the PM in reviewing the contractor's implementation of mitigation requirements, detailing corrective action and time of completion to resolve issues raised by the monitor and/or PM. If the monitor deems mitigation is unsatisfactorily addressed, the monitor will document this in report format. The PM will submit the reports to the City of Hayward's City Council.
- Submit all completed reports and statements to the PM for submittal to the City of Hayward's City Council.

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
AIR QUALITY					
<p>Mitigation Measure AQ-MM-1: Implement Required BAAQMD Control Measures for Construction Emissions of Fugitive Dust. To control the generation of construction-related fugitive dust emissions, the City of Hayward shall require the construction contractor to implement all applicable and feasible control measures required by the BAAQMD, as summarized in Table 3.2-6 in the Draft EIR.</p>	During construction	Department of Public Works	Department of Public Works		
<p>Mitigation Measure AQ-MM-2: Implement Construction Emissions Control Technology. The City of Hayward will provide a plan, for approval by the BAAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used during construction, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent ARB fleet average at time of construction. Control measures available to achieve emissions reductions include, but are not limited to use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology (e.g., diesel particulate matter filters and lean-NOX or diesel oxidation catalysts), after-treatment products, and/or other options as they become available..</p>	Prior to beginning construction	City of Hayward Department of Public Works	City of Hayward Department of Public Works		
BIOLOGY					
<p>Mitigation Measure BIO-MM-1: Preconstruction Survey for Migratory Bird Nests. Any vegetation clearing, including tree removal, shrub or grass clearing, or limb trimming will be done outside of the typical migratory bird breeding season (April 15–July 31) when feasible. If vegetation clearing must occur during the migratory bird nesting season, the City of Hayward will contract with an agency approved biological monitor to conduct a preconstruction survey for migratory bird nests in all vegetation that is scheduled to be cleared. This survey will be done within 48 hours of commencement of vegetation clearing activity. If an active migratory bird nest is located, a 50-foot “no activity” buffer will be established around the nest for as long as it is active.</p>	Spring/summer prior to any vegetation clearing	City of Hayward Department of Public Works in consultation with DFG	City of Hayward Department of Public Works and a qualified wildlife biologist		
CULTURAL RESOURCES					
<p>Mitigation Measure CR-MM-1: Prepare Cultural Resources Monitoring Plan for the Proposed Project and Monitor Areas Sensitive</p>	Prior to	City of Hayward	City of Hayward		

Table 1. Mitigation Monitoring Plan for the Route 238 Corridor Improvement Project (Continued)

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<p>for the Presence of Buried Cultural Resources. Based on the research conducted for this document, specific areas have been determined sensitive for the presence of prehistoric deposits. In addition, there is always the potential for unearthing previously undetectable archaeological resources while conducting ground-disturbing activities. Before project construction, a cultural resources treatment plan (CRTP) will be prepared. The CRTP shall outline the monitoring methods and protocols for treating cultural resources that may be discovered during implementation of the proposed project. The methods described in the CRTP shall include monitoring by qualified archaeologists and Native Americans, stop work conditions, notification procedures if cultural resources are discovered during project implementation, and documentation standards. The CRTP shall be prepared to comply with the cultural resources requirements of CEQA, as well as the laws governing discoveries and treatment of human remains. Figure 3.4-1 identifies portions of the proposed project that are considered sensitive for the presence of buried cultural resources. Ground disturbing activities shall be monitored by a qualified archaeologist and a Native American, in accordance with the procedures outlined in the CRTP.</p>	construction	Department of Public Works and a qualified archaeologist	Department of Public Works and a qualified archaeologist		
<p>Mitigation Measure CR-MM-2: Stop Work If Cultural Resources Are Discovered during Ground-Disturbing Activities. In those portions of the project area that will not be monitored by an archaeologist and a Native American monitor, if buried cultural resources, such as chipped stone, ground stone, historic debris, building foundations, or non-human bone are inadvertently discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Hayward, the State Historic Preservation Office, and other appropriate agencies. Treatment measures may include detailed documentation, excavation, and interpretation.</p> <p>If cultural resources are discovered during construction activities, the construction contractor and lead contractor compliance inspector will verify that work is halted until appropriate treatment measures are implemented. Concurrence from the City of Hayward on any measures to be implemented before resuming construction activities in the area of the find will be obtained.</p>	During construction	City of Hayward Department of Public Works and a qualified archaeologist	City of Hayward Department of Public Works and a qualified archaeologist		
<p>Mitigation Measure CR-MM-3: Comply with State Laws Pertaining to</p>	During	City of	City of		

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<p>the Discovery of Human Remains. If human remains of Native American origin are discovered during ground-disturbing activities, it is necessary to comply with state laws relating to the disposition of Native American burials, which falls within the jurisdiction of the NAHC (PRC Section 5097). If human remains are discovered or recognized in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ul style="list-style-type: none"> o the coroner of the county has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native American origin: <ul style="list-style-type: none"> o The most likely descendent (MLD) of the deceased Native American(s) have made a recommendation to the landowner or the person responsible for the excavation work, the means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code 5097.98, or in the event that: or o the Native American Heritage Commission was unable to identify a descendent or the descendent failed to make a recommendation within 24 hours after being notified by the commission, and the NAHC has either provided a recommendation or failed to make a recommendation within 48 hours after being notified. 	construction	Hayward Department of Public Works; County Coroner; and a qualified archaeologist	Hayward Department of Public Works		
<p>According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.</p>					
<p>HAZARDOUS MATERIALS</p>					
<p>Mitigation Measure HAZ-MM-1: Conduct an Asbestos Survey. Prior to demolition of any site building or structure, an asbestos survey will be conducted (with the appropriate sampling and analysis) in accordance with applicable regulations as controlled by Cal-OSHA, DOT, DTSC, EPA, HFD, the Hazardous Waste Control Act, and the City. As necessary, ACM</p>	Prior to demolition of any site building or structure	City of Hayward Department of Public Works and its	City of Hayward Department of Public Works		

Table 1. Mitigation Monitoring Plan for the Route 238 Corridor Improvement Project (Continued)

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<p>abatement will be conducted by an appropriately licensed asbestos abatement contractor in accordance with applicable regulations, as controlled by the agencies listed above.</p>		contractors			
<p>Mitigation Measure HAZ-MM-2: Conduct a Lead-Based Paint Survey. Prior to demolition of any site building or structure, a lead-based paint survey will be conducted (with the appropriate sampling and analysis) in accordance with applicable regulations. Abatement of all painted materials identified as lead-based paint, or painted surfaces that are not sampled, should be conducted by an appropriately licensed contractor in accordance with applicable regulations.</p>	<p>Prior to demolition of any site building or structure</p>	<p>City of Hayward Department of Public Works and its contractors</p>	<p>City of Hayward Department of Public Works</p>		
<p>Mitigation Measure HAZ-MM-3: Conduct a Soil Contamination Investigation. Prior to the commencement of grading and construction activities, a limited soil investigation will be performed by a qualified professional to determine whether aerially deposited lead is present in shallow soils that could be disturbed during construction activities. If contaminated soils are discovered, soil generated by construction activities will be stockpiled on the site in a secure and safe manner and proper safety standards will be implemented for the protection of construction personnel. Contaminated soils will be sampled prior to reuse or disposal at an appropriate facility. If no contaminated soils are discovered, stockpiling and sampling will not be required prior to reuse or disposal.</p>	<p>Prior to commencement of grading and construction activities</p>	<p>City of Hayward Department of Public Works and its contractors</p>	<p>City of Hayward Department of Public Works</p>		
<p>Additionally, runoff from excavation and construction areas could contain soil and other pollutants with the potential to reduce water quality in San Lorenzo or Ward Creek. Project grading, stockpiling of spoil materials, and other construction-related ground-disturbing activities could cause soil erosion and sedimentation to local waterways. Hazardous materials, such as gasoline, oils, grease, lubricants, and other petroleum-based products from construction equipment could be accidentally released during construction. If discharged to adjacent surface waters, such materials could adversely impact water quality, endanger aquatic life, and/or result in a violation of water quality standards.</p>					
<p>Release of construction-related hazardous materials to the surface and ground water bodies described above would result in a significant impact on water quality. However, implementation of Mitigation Measures HYD-MM-1 and HYD-MM-2 (refer to Section 3-7, Hydrology and Water Quality), which requires implementation of a project SWPPP and Hazardous Spill Prevention and Control Plan, as required by the NPDES</p>					

Table 1. Mitigation Monitoring Plan for the Route 238 Corridor Improvement Project (Continued)

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<p>General Construction Permit under Section 402 of the CWA and enforced by the RWQCB, would reduce the hazardous materials impacts on water quality to a less-than-significant level.</p> <p>Based on a review of aerial photographs, most of the site parcels south of the downtown area along Mission Boulevard appear to have been used for agriculture since at least 1947. Some or all of the site parcels may have been subject to the application of pesticides and herbicides that potentially contained arsenic and other toxic materials. However, these parcels have since been converted to commercial and light industrial uses. As such, soils that may have been impacted by pesticides and herbicides have been paved over and/or removed to accommodate sidewalks and driveways along this portion of the project corridor. The likelihood of exposure to these contaminants by construction workers during construction activities is therefore considered negligible.</p>					
<p>Mitigation Measure HAZ-MM-4: Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Dispose at Approved Facility. In the event of a spill of hazardous materials in an amount reportable to the Hayward Fire Department (as established by fire department guidelines), the contractor will immediately control the source of the leak and contain the spill. If required by the Fire Department or other regulatory agencies, contaminated soils will be excavated and disposed of off site at a facility approved to accept such soils.</p>	<p>Prior to commencement of grading and construction activities</p>	<p>City of Hayward Department of Public Works and its contractors</p>	<p>City of Hayward Department of Public Works</p>		
<p>Mitigation Measure HAZ-MM-5: Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions during Construction Activities. Prior to the commencement of grading and construction activities, the construction contractor will develop plans to prevent the pollution of surface water and groundwater and to promote the health and safety of workers and other people in the project vicinity. These programs will include a Construction, Operations, and Maintenance (COM) Plan, a site-specific safety plan, and a fire prevention plan, in addition to the Storm Water Pollution Prevention Plan (SWPPP) required for hydrology impacts. The programs are required by law and will require approval by several responsible agencies as follows: the SWPPP will be approved by the San Francisco RWQCB; the site-specific safety plan and the COM Plan will be approved by Cal-OSHA; and the fire safety plan will be approved by the Hayward Fire Department.</p>	<p>Prior to commencement of grading and construction activities</p>	<p>City of Hayward Department of Public Works and its contractors</p>	<p>City of Hayward Department of Public Works</p>		
<p>The City will also require the construction contractor to develop and</p>					

Table 1. Mitigation Monitoring Plan for the Route 238 Corridor Improvement Project (Continued)

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<p>implement a hazardous materials management plan that addresses public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and clean-up procedures.</p> <p>Finally, the City will require the construction contractor to comply with Cal-OSHA, as well as federal standards, for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal-OSHA requirements are specified in the California Labor Code, Division 5, Chapter 2.5. Federal standards are specified in Cal-OSHA Regulations, Standards-29 CFR.</p>	<p>Prior to and during construction activities</p>	<p>City of Hayward Department of Public Works and its contractors</p>	<p>City of Hayward Department of Public Works</p>		
HYDROLOGY AND WATER QUALITY					
<p>Mitigation Measure HYD-MM-1: Implement Best Management Practices to Control Discharge of Construction-Related Pollutants to Surface Waters. Because project construction will cover an area greater than 1 acre, the City of Hayward or its contractors will prepare a Storm Water Pollution Prevention Plan (SWPPP), as required by the SWRCB under the NPDES General Construction Permit. The SWPPP shall meet the requirements of the SWRCB, as well as any requirements of the City and Alameda County.</p> <p>The SWPPP will identify best management practices (BMPs) to maintain water quality. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater and other non-point source runoff. Measures range from source control, such as reduced surface disturbance, to treatment of polluted runoff, such as detention or retention basins. BMPs to be implemented as part General Construction Permit may include, but are not limited to, the following measures.</p>	<p>Prior to and during construction activities</p>	<p>City of Hayward Department of Public Works and its contractors</p>	<p>City of Hayward Department of Public Works</p>		
<ul style="list-style-type: none"> o Temporary erosion control measures (such as silt fences, staked straw 					

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<p>bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) will be employed to control erosion from disturbed areas.</p> <ul style="list-style-type: none"> ○ Drainage facilities in downstream offsite areas will be protected from sediment using BMPs acceptable to the RWQCB. ○ Grass or other vegetative cover will be established on the construction site as soon as possible after disturbance. <p>Final selection of BMPs will be subject to approval by the RWQCB. The City will verify that an NOI has been filed with the State Water Resources Control Board and a SWPPP has been developed and initiated before allowing construction to begin. The City or its contractors shall perform inspections of the construction area, to verify that the BMPs specified in the SWPPP are properly implemented and maintained. Additionally, the City or its contractors shall implement a monitoring program to verify BMP effectiveness. The monitoring program shall begin at the outset of construction and terminate upon completion of the project.</p>	<p>Prior to commencing construction activities</p>	<p>City of Hayward Department of Public Works and its contractors</p>	<p>City of Hayward Department of Public Works</p>		
<p>Mitigation Measure HYD- MM-2: Implement a Hazardous Spill Prevention and Control Program. As part of requiring compliance with the NPDES General Construction Permit, the City or its contractors shall develop and implement a spill prevention and control program to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during construction activities. The plan shall be completed before any construction activities begin, and shall include provisions for preventing, containing, and reporting spills of hazardous materials. The City or its contractors shall be responsible for training workers regarding the sensitivity of creeks in the project area. Fueling and equipment maintenance will be prohibited in these areas.</p> <p>The City shall review and approve the spill prevention and control program before onset of construction activities. The City will routinely inspect the construction area to verify that the measures specified in the spill prevention and control program are properly implemented and maintained. The City will notify contractors immediately if there is a noncompliance issue and will require compliance.</p> <p>The federal reportable spill quantity for petroleum products, as defined in 40 CFR 110, is any oil spill that does the following.</p>					

Table 1. Mitigation Monitoring Plan for the Route 238 Corridor Improvement Project (Continued)

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<ul style="list-style-type: none"> o Violates applicable water quality standards. o Causes a film or sheen on, or discoloration of, the water surface or adjoining shoreline. o Causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines. 					
<p>If a spill is reportable, the project site’s superintendent will notify the City, and the City will take action to contact the appropriate safety and clean-up crews to ensure the spill prevention and control program is followed. A written description of reportable releases must be submitted to the RWQCB and the Department of Toxics and Substance Control (DTSC). This submittal must contain a description of the release, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases. The releases would be documented on a spill report form.</p>					
<p>If an appreciable spill has occurred and results determine that project activities have adversely affected surface water or groundwater quality, a detailed analysis will be performed to the specifications of DTSC to identify the likely cause of contamination. This analysis will include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, the City will select and implement measures to control contamination, with a performance standard that surface and/or groundwater quality must be returned to baseline conditions. These measures will be subject to approval by the City.</p>					
<p>Mitigation Measure HYD- MM-3: Implement Measures to Protect Water Quality during Construction Dewatering: If discharge to surface waters is unavoidable, prior to engaging in construction-related dewatering activities, the City or its contractors shall obtain an NPDES General Construction Permit and Waste Discharge Requirements (WDRs) from the RWQCB. Depending on the volume and characteristics of the discharge, coverage under the General Construction Permit is possible. If the RWQCB determines that dewatering discharges are of a nature such that coverage under the general construction permit is insufficient, an individual dewatering permit would be implemented. Both permits would contain numerical and narrative limits that are sufficiently protective of water quality such that impacts on surface water or groundwater as a result of</p>	<p>Prior to and during any dewatering activities</p>	<p>City of Hayward Department of Public Works and its contractors</p>	<p>City of Hayward Department of Public Works</p>		

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<p>dewatering effluent would be below significance thresholds.</p> <p>During dewatering activities, all permit conditions would be followed. This would include the design and implementation of measures to meet permit conditions, such as retention of dewatering effluent until particulate matter has adequately settled before it is discharged, use of infiltration areas, and other best management practices. Final selection of water quality control measures would be subject to approval by RWQCB.</p> <p>The City will file an NOI, as part of the NPDES process, before allowing dewatering to begin. The City or its contractor will routinely inspect the dewatering site to verify that measures specified in the permit are properly implemented, and perform visual inspections of effluent to verify quality before the effluent is discharged. Inspections will include verification that the effluent is not discolored and does not exhibit sheens or films. If, during the dewatering permitting process, it is determined that there is reasonable potential for contaminants other than sediment to be found in dewatered effluent, the City and/or its contractor will collect samples and conduct laboratory analyses for these constituents as part of the monitoring regime. For ongoing dewatering activities, monitoring will be performed at least biweekly. The City will immediately notify the contractor if there is a noncompliance issue and require compliance.</p>	<p>During project design</p>	<p>City of Hayward Department of Public Works and its contractors</p>	<p>City of Hayward Department of Public Works</p>		
<p>Mitigation Measure HYD- MM-4: Implement Measures to Manage Water Quality Impacts on Local Creeks. As part of requiring compliance with the ACCWP NPDES municipal stormwater permit, the City will incorporate stormwater source control measures, site design principals, and treatment control measures into the design of the project. As such, the ACCWP's Stormwater Quality Management Plan (Alameda Countywide Clean Water Program 2003) includes guidance for implementation of BMPs to maximize stormwater quality and meet conditions of the joint permit. The BMPs will include a combination of source control, structural improvements, and treatment systems.</p> <p>BMPs may include but not be limited to the following:</p> <ul style="list-style-type: none"> o Grass strips: Most of the existing median is paved. Where the median is reconstructed as part of the project, and where it is wide enough, the project will include replacement of the paved median with a vegetated median. Median landscaping will be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and 					

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<p>minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Based on Integrated Pest Management (IPM) principles and techniques, plants will be selected appropriate to site soils, slopes, climate, weather conditions, land use, air movement, ecological consistency, and plant interaction. A vegetated median serves to reduce runoff and provides initial stormwater treatment through biofiltration.</p> <ul style="list-style-type: none"> ○ Use of pervious/porous pavement shall be considered in low-traffic areas (such as parking lots and maintenance pull-outs) to reduce runoff when economically feasible. The pavement is a unique cement-based concrete product that has a porous structure that allows rainwater to pass directly through the pavement and into the soil. ○ On-site drain inlets that could be accessed from sidewalks and driveways will be marked with a “No Dumping! Flows to Bay,” or equivalent signage, using methods approved by the City of Hayward. <p>The City or its contractors shall select a combination of BMPs that are expected to minimize runoff flows and remove contaminants from storm water discharges. The final selection and design of BMPs shall provide maximum contaminant removal, represent the best available technology that is economically achievable, and shall explicitly identify the expected level of effectiveness at contaminant removal.</p> <p>The City and/or its contractors shall conduct inspections following construction to ensure that all identified BMPs have been properly installed. The project shall adopt a regular maintenance and monitoring schedule to ensure that these BMPs function properly during project operations. If necessary, the City shall require that additional BMPs be designed and implemented if those originally constructed do not achieve the identified performance standard.</p>					
NOISE					
<p>Mitigation Measure N-MM-1: Employ Measures to Limit Groundborne Vibration from Highly Dynamic Construction Equipment. During project construction the City shall employ measures to limit groundborne vibration from highly dynamic construction equipment such as pavement breakers to a peak particle velocity level of no more than 0.2 inches/second at the nearest structures.</p>	During construction	City of Hayward Department of Public Works and its contractors	City of Hayward Department of Public Works		

Table 1. Mitigation Monitoring Plan for the Route 238 Corridor Improvement Project (Continued)

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<p>Mitigation Measure N-MM-2: Employ Noise-Reducing Construction Practices. The construction contractor shall employ noise-reducing construction practices such that the City's construction noise standard is not exceeded. Measures that shall be used to limit noise include, but are not limited to the following.</p> <ul style="list-style-type: none"> ○ Locating equipment as far a practical from noise sensitive uses. ○ Using equipment that is quieter than standard equipment. ○ Selecting haul routes that affect the fewest number of people. ○ Using noise-reducing enclosures around noise-generating equipment. ○ Constructing barriers between noise sources and noise sensitive land uses or taking advantage of existing barrier features (terrain, structures) to block sound transmission. <p>In the event that the construction contractor is unable to mitigate construction-related noise to levels in compliance with the noise ordinance, the construction contractor shall cease construction activities and employ additional mitigation measures sufficient to meet the noise levels above, or offer to temporarily relocate residents during noisiest periods (i.e., providing hotel vouchers).</p>	During construction	City of Hayward Department of Public Works and its contractors	City of Hayward Department of Public Works		
<p>Mitigation Measure N-MM-3: Prepare a Noise Control Plan. The construction contractor shall prepare a detailed noise control plan based on the construction methods proposed. This plan will identify specific measures that will be taken to ensure compliance with the City noise ordinance. The noise control plan shall be reviewed and approved by City staff before any noise-generating construction activity begins.</p>	Prior to construction	City of Hayward Department of Public Works and its contractors	City of Hayward Department of Public Works		
<p>Mitigation Measure N-MM-4: Disseminate Essential Information to Residences and Implement a Complaint/Response-Tracking Program. The construction contractor shall notify residences within 500 feet of the construction areas of the construction schedule in writing, prior to construction. The construction contractor will designate a noise disturbance coordinator who will be responsible for responding to complaints regarding construction noise. The coordinator will determine the cause of the complaint and will ensure that reasonable measures are implemented to correct the problem. A contact telephone number for the noise disturbance coordinator will be conspicuously posted on construction site fences and</p>	Prior to construction	City of Hayward Department of Public Works and its contractors	City of Hayward Department of Public Works		

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
will be included in the written notification of the construction schedule sent to nearby residents.					
PUBLIC SERVICES AND UTILITIES					
<p>Mitigation Measure PSU-MM-1: Coordinate with the appropriate utility service providers and related agencies to reduce service interruptions. The City will coordinate with the appropriate utility service providers and related agencies to reduce service interruptions. This coordination will include the following:</p>	Prior to and during construction	City of Hayward Department of Public Works and its contractors	City of Hayward Department of Public Works		
<ul style="list-style-type: none"> o The City will require its contractors to contact the Underground Service Alert (800/642-2444) at least 48 hours before excavation work begins to verify the nature and location of existing underground utilities. The contractor will also be required to notify all public and private utility owners at least 48 hours prior to the commencement of work adjacent to any existing utility, unless the excavation permit specifies otherwise. 					
<ul style="list-style-type: none"> o The City will ensure that its contractor alerts the Fire and Police Dispatch Communication Center prior to anticipated disruption in water flows. A ten-day written notice of water service interruption shall be sent to the Director of Public Works in order to comply with Municipal Code 11.2-26. 					
<ul style="list-style-type: none"> o The construction contractor shall not remove any public service facilities or property or relocate them without proper coordination with the authorities charged with their control and maintenance. 					
TRAFFIC					
<p>Mitigation Measure TR-1: Implement Traffic Management Plan</p> <p>The City and its construction contractor will mitigate the proposed project's construction-related traffic impacts by developing and implementing a Traffic Management Plan (TMP). This plan will describe how traffic will be handled during the separate stages of construction and include greater detail describing specific dates, times, and responsible parties for implementing and monitoring each aspect of the TMP. The TMP will be implemented throughout the course of project construction and will include the following elements:</p>	During project design and construction	City of Hayward Department of Public Works and its contractors	City of Hayward Department of Public Works		

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<ul style="list-style-type: none"> ○ Detours. All movements and potential detours shall be adequately planned and described in addition to the following: <ul style="list-style-type: none"> ○ During Stage 2D, eastbound Jackson Street to southbound Mission Boulevard traffic will be detoured along Jackson Street to Watkins Street to Fletcher Lane to Mission Boulevard. ○ Contain a plan for communicating construction plans with transit providers, emergency service providers, residents, businesses located in the project vicinity, and any other individual or party who may be affected by project construction. This plan should include various communication means and periodic updates on the City's and other websites. ○ Contain an access and circulation plan for use by emergency vehicles when lane closures or detours are in effect. If lane closures occur, provide advance notice to City fire and police departments to ensure that alternative evacuation and emergency routes are designed to maintain response times. ○ Maintain access to businesses that have frontage along Foothill Boulevard, Mission Boulevard, and Jackson Street. This will include the construction of temporary improvements to provide access to business entrances and driveways during the construction period, as well as a public information program to ensure that businesses are properly notified of any temporary or permanent access changes. ○ Maintain access to existing residences in the area. ○ Maintain pedestrian and bicycle access and circulation during project construction where safe to do so. If construction encroaches on a pedestrian path, a safe detour will be provided for pedestrians. If construction encroaches on a bike facility, requiring bicycles and vehicles to share the roadway where they normally do not, warning signs will be posted. ○ Temporary lane closures would be necessary at times during construction (Stages 1 and 3). These closures shall be limited to off-peak hours and restricted to the immediate areas of construction. ○ For Stages 2 through 4, temporarily re-time traffic signals on Grand Street between Jackson Street and D Street, and on D Street between 					

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Signature	Date
<p>Grand Street and Foothill Boulevard to accommodate the increased left turning and through traffic.</p> <ul style="list-style-type: none"> ○ For Stages 2 though 3, temporarily re-time traffic signals on Watkins Street at Jackson Street, and on Mission Boulevard at Fletcher Lane to accommodate the increased left turning and through traffic. ○ For Stage 4 (in addition to those listed above), temporarily re-time traffic signals on Soto Road at Orchard Avenue and at Jackson Street, and on Mission Boulevard at Orchard Avenue to accommodate the increased left turning and through traffic. 					
<p>Mitigation Measure TR-MM-2: Post Guide Signs for Bus Passengers Directing them to the Rerouted Bus Service and Relocated Bus Stop. In order to ease the transition to the rerouting of buses on the Downtown mini-loop, the City shall post guide signs for bus passengers at the existing bus stop on B Street and Mission Boulevard, directing them to the relocated bus stop for Route 82 at A Street and Mission Boulevard. The signs may be posted temporarily and made of cardboard or other non-permanent materials..</p>	During project construction	City of Hayward Department of Public Works	City of Hayward Department of Public Works		
<p>Mitigation Measure TR-MM-3: Install an Additional Bike Route and Signs to Guide Future Eastbound Bicycle Movements from A Street. Counter flow bike lanes or routes are not recommended on A Street due to difficulties and safety issues for eastbound bicyclists entering at Mission Boulevard and exiting at Foothill Boulevard. The westbound bike route can be maintained. To assure a continuous bike route the City shall implement the following actions to safely guide eastbound bicyclists normally headed on A Street between Foothill Boulevard and Mission Boulevard along an alternate route following Mission Boulevard, C Street, and Foothill Boulevard.</p> <ul style="list-style-type: none"> ○ Install Class III Bike Route on Mission Boulevard between A Street and D Street and on C Street between Mission Boulevard and Foothill Boulevard. ○ Install Bike Route Guide Signs on A Street before Mission Boulevard, guiding through bicycles to the Mission Boulevard and C Street routes. 	During project design and construction	City of Hayward Department of Public Works	City of Hayward Department of Public Works		



Jones & Stokes

ERRATA

TO: Robert Bauman, City of Hayward

FROM: Rich Walter, Jones & Stokes

CC: Bill Kasson, Jones & Stokes

DATE: November 20, 2007

RE: **Errata to the FEIR, Route 238 Corridor Improvement Project**

This memorandum provides a clarification to the Final Environmental Impact Report for the Route 238 Corridor Improvement Project. The information provided in this memorandum does not change the conclusions of the EIR regarding significant environmental impacts of the proposed project. As such, CEQA requirements concerning circulation and noticing do not apply.

The FEIR, p. 3-8, text has been revised as shown below to reflect further evaluation of the portion of traffic through the project corridor now and in the future with and without the project.

MR-2—Local Versus Regional Traffic

The City received several comments stating that the DEIR did not adequately address project effects on local traffic and travel times. Additionally, many of these comments expressed concern that the project is designed to address and accommodate regional traffic through Hayward instead of local traffic. Further comments expressed concern about cut-through traffic in several Hayward neighborhoods.

The reduction of regional through traffic is not one of the project objectives (DEIR page 2-1). Please see Master Response 1 for a more thorough discussion of project objectives and alternatives.

People who either live or work in Hayward are the predominant users of Hayward streets, including Foothill and Mission Boulevards. Traffic forecasts for the project and alternatives were not separated into regional (through) traffic and local traffic because the travel demand model forecasts the behavior of both, and because local traffic, i.e. that which originates and/or ends in Hayward, is a very large component of traffic on Foothill and Mission Boulevards.

Because of the concern expressed in some of the public comments, the City reviewed and analyzed the data further with the EIR traffic consultant. The analysis method used is called a "select link analysis." Since the model is a forecasting tool which projects future traffic volumes using land use and jobs data, it actually has to determine a presumed start and end point for every trip. The analysis was run for the AM and PM peak hours for years 2000 and 2025 for a link on Foothill between Mission/Foothill/Jackson and D Street, which would pick up the majority of both east/west and north/south "through" trips. For the No-Project condition, the analysis showed that the regional traffic portion in 2000 was 35-37% and in 2025 was 42-44%. What this indicated is that through-traffic would increase by approximately 7% above the 2000 baseline conditions without the project. With the proposed project, the analysis for 2025 showed that regional traffic would account for 38-42%, or a decline of 2 to 4% in the regional share compared to the 2025 No-Project conditions. The analysis shows that although overall volumes increase, so does the percentage of Hayward trips. The data also indicated that, in general, local trips originating or ending in Hayward will constitute approximately 60% of corridor trips and the other approximately 40% will consist of through traffic.

Congestion on major arterial roadways encourages drivers to take alternative routes, often cutting through residential neighborhoods, to avoid the congestion. By reducing future congestion on Mission and Foothill Boulevards, the proposed project would also reduce the likelihood of regional and local through traffic from cutting through nearby residential neighborhoods.

Existing and future traffic flows in the Prospect Hill neighborhood and Montgomery Street neighborhood were not analyzed for the proposed project and its alternatives because, by reducing future congestion on Mission and Foothill Boulevards, the proposed project is expected to reduce neighborhood shortcutting traffic rather than increase it, compared to the No Project conditions.

Several measures stated on page 8 of DEIR Appendix D, such as making Simon Street and Hotel Avenue one-way streets, have been recommended as part of the proposed project to reduce the potential for eastbound traffic on A Street from cutting through the Prospect Hill neighborhood.

The measures outlined in DEIR Appendix D should be sufficient; however, additional measures, such as speed humps, diverters, and short one-way segments of streets like Sunset Boulevard, can be implemented by the City should the need for them be demonstrated and should they be supported by the residents.

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 07-

Introduced by Council Member _____

me
11/20/07

RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING THE ROUTE 238 CORRIDOR IMPROVEMENT PROJECT

WHEREAS, the Route 238 Corridor Improvement Project is located along Foothill Boulevard and Mission Boulevard between the City limits and Industrial Parkway and, among other improvements, includes a downtown one-way loop street system, added peak hour travel lanes on Foothill Boulevard, improvements at major intersections along the route, pedestrian and bicycle improvements and landscaping; and

WHEREAS, a Draft Environmental Impact Report ("DEIR") was prepared to assess the potential environmental impacts of the Route 238 Corridor Improvement Project, describing alternatives and potential mitigation measures; and

WHEREAS, the DEIR was circulated among the public and regulatory agencies as required by law, the City Council reviewed and commented on the DEIR at work sessions held on April 10 and 17, 2007, and the Planning Commission reviewed and commented on the DEIR at a public hearing held on April 26, 2007; and

WHEREAS, in response to comments received during the public comment period, staff revised the Route 238 Corridor Improvement Project, which revisions include, most notably, the elimination of the two partial grade separations, the reduction and/or elimination of peak-hour parking restrictions, and the modification of the alignment of D Street and Foothill Boulevard, which revisions were reviewed and commented on by the City Council at a work session held on July 17, 2007; and

WHEREAS, the comments to the DEIR and responses thereto have been incorporated into the Final Environmental Impact Report (the "FEIR"), which the City Council reviewed at a work session on October 23, 2007; and

WHEREAS, notice of the hearing on the FEIR and the Route 238 Corridor Improvement Project was published in the manner required by law and the hearing was duly held by the City Council on November 27, 2007.

NOW, THEREFORE, the City Council hereby adopts the following findings and actions:

I. FEIR CERTIFICATION. The City Council has reviewed the documents comprising the DEIR and FEIR and hereby finds that such FEIR reflects the independent judgment of the City Council and its staff, and is an adequate and extensive assessment of the environmental impacts of the Route 238 Corridor Improvement Project. Accordingly, the City Council hereby certifies such FEIR as having been prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA"). The City Council also incorporates by this reference the findings contained in the FEIR as to the environmental effects of the Route 238 Corridor Improvement Project, together with the additional findings contained in this Resolution.

II. CONSIDERATION OF PROJECT ALTERNATIVES. The FEIR evaluated the potential impacts of the 238 Route Corridor Improvement Project, including project alternatives, as follows:

Alternative No. 2: No-Project Alternative. The No-Project Alternative would consist of some planned intersection improvements at Mattox Road and Foothill Boulevard and Carlos Bee Boulevard and Mission Boulevard, and the construction of the Tennyson Road extension.

Alternative No. 3: Expanded Loop. The Expanded Loop Alternative would consist of all the originally proposed project improvements (except A Street one-way) in addition to the following improvements: Foothill Boulevard would be one-way northbound from A Street to Mattox Road, with on-street parking retained; Mission Boulevard would be one-way southbound from Mattox Road to A Street, with on-street parking prohibited on Mission Boulevard between Rose Street and A Street; Mattox Road would be one-way westbound from Mission Boulevard to Foothill Boulevard; and A Street would be two-way from Mission Boulevard to Foothill Boulevard (same as existing condition).

Alternative No. 4: Full Grade Separation with No Downtown Widening Alternative. The Full Grade Separation with No Downtown Widening Alternative would consist of the original proposed project improvements on Foothill Boulevard north of A Street; a two-directional grade separation of through traffic at Jackson Street/Foothill Boulevard under Mission Boulevard; a grade separation of through traffic on Jackson Street under Watkins Street; the original proposed project improvements on Mission Boulevard south of Jackson Street/Foothill Boulevard; and the No-Project conditions on Foothill Boulevard south of A Street to D Street.

Alternative No. 5: Transit Alternative. The Transit Alternative would consist of the No-Project geometric improvements in addition to the following transit improvements: Shuttles from BART stations to CSUEB, operating on 10-minute peak period headways, with signal priority to speed service and some bus rapid transit features such as low floors and proof of

payment; increased service on the cross-Bay Alameda-Contra Costa Transit (AC Transit) Line M Express Bus; and increased service on AC Transit Line 83, Line 92 and Line 99.

The Route 238 Corridor Improvement Project, is the environmentally superior alternative because the majority of the impacts related to the project are traffic impacts and the proposed project has the fewest traffic impacts. Impacts on other resources are generally similar among the alternatives, with the exception of the Transit Alternative. The Transit Alternative avoids the physical impacts associated with the construction of the proposed project; however, it does not improve traffic conditions in the corridor as well as the proposed project. In addition, the revisions to the Route 238 Corridor Improvement Project incorporated after review of the DEIR reduce the potential impacts related to the D Street alignment; the elimination of the grade separation reduces impacts on traffic and local businesses during construction; and the revisions to the peak-hour parking restrictions reduces and/or avoids potential impacts to local businesses along Mission Boulevard.

III. FINDINGS ON POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS.

The City Council also finds that the proposed mitigations set forth in the FEIR and incorporated into the accompanying Mitigation Monitoring and Reporting Plan will avoid the significant environmental impacts of implementing the Route 238 Corridor Improvement Project or reduce those impacts to a less-than-significant level. The potentially significant impacts identified in the DEIR and FEIR are as follows.

- A. Air Quality. The FEIR discusses Air Quality impacts at Section 3.2. According to the FEIR, the slightly decreased vehicle miles traveled as a result of the elimination of the grade separation and peak hour lanes south of Carlos Bee Boulevard, along with the implementation of BAAMQD Control measures for construction emissions of fugitive dust and the implementation of construction emissions control technology should reduce these impacts to a less-than-significant level, and the City Council so finds.
- B. Biological Resources. The FEIR discusses Biological Resources impacts at Section 3.3. According to the FEIR, the potentially significant impact to migratory birds can be offset by a preconstruction nest survey, as required by the Mitigation Monitoring and Reporting Plan. The City Council finds that this measure will mitigate the impact on biological resources to a less-than-significant level.
- C. Cultural Resources. The FEIR discusses Cultural Resources impacts at Section 3.4. According to the FEIR, the elimination of the grade separation will eliminate the need for extensive excavation. The recommended measures in the Mitigation Monitoring and Reporting Plan, as more fully set forth therein, include the preparation of a cultural resources monitoring plan; a cessation of ground-disturbing work if cultural resources are discovered and compliance with

state laws pertaining to the discovery of human remains. The City Council finds that these measures will mitigate the impact on cultural resources to a less-than-significant level.

- D. Hazards and Hazardous Materials. The FEIR discusses potential hazards and hazardous materials impacts at Section 3.6. According to the FEIR, construction activities, such as excavation, demolition and grading activities have been greatly reduced as a result of the elimination of the grade separation and the retention of the Bay Cities Credit Union building. The recommended measures in the Mitigation Monitoring and Reporting Plan, as more fully set forth therein, include an asbestos survey; a lead-based paint survey and a soil contamination investigation; immediate spill containment and disposal at an approved facility; the development and implementation of plans to reduce exposure to hazardous materials; and the notification of emergency response providers of project construction. The City Council finds that these measures will mitigate the impact of hazards and hazardous materials to a less-than-significant level.
- E. Geology, Minerals and Soils. The FEIR discusses Geology, Mineral and Soils impacts at Section 3.5. According to the FEIR, the elimination of the grade separation will eliminate the need for retaining walls and result in less-than-significant impacts relative to slope failures and fault creep, eliminating the need for mitigation measures related to these impacts. The City Council finds that the proposed revisions to the Route 238 Corridor Improvement Project will reduce the impacts to geology, minerals and soils to a less-than-significant level.
- F. Hydrology and Water Quality. The FEIR discusses Hydrology and Water Quality impacts at Section 3.7. According to the FEIR, the elimination of the grade separation would result in less excavation and grading during construction and decreased impervious structures and flood hazards from a permanent structure. The mitigations measures set forth in the Mitigation Monitoring and Reporting Plan include the implementation of Best Management Practices to control discharge of construction-related pollutants to surface waters; the implementation of a Hazardous Spill Prevention and Control Program; the implementation of measures to protect water quality during construction dewatering; and the implementation of measures to manage water quality impacts on local creeks. The City Council finds that these measures will mitigate the impacts on hydrology and water quality to a less-than-significant level.
- G. Noise. The FEIR discusses Noise impacts at Section 3.9. According to the FEIR, exposure of noise-sensitive land-uses to vibration and noise during construction activities is a potentially significant impact. The mitigations

measures set forth in the Mitigation Monitoring and Reporting Plan include implementing measures to limit ground-borne vibration from highly dynamic construction activities; employing noise-reducing construction practices; preparation of a Noise Control Plan and the dissemination of essential information to residents and the implementation of a complaint/response tracking program. The City Council finds that these measures will mitigate the impacts of noise to a less-than-significant level, except as described in Section IV below.

- H. Public Services. The FEIR discusses Public Services impacts at section 3.10. According to the FEIR, the elimination of the grade separation would substantially reduce impacts on utility infrastructure disruption and emergency service provider access during the construction period. The proposed mitigation of this impact is the coordination with the appropriate utility service providers and related agencies to reduce service interruptions. The City Council finds that this measure will mitigate the impacts on public services to a less-than-significant level.
- I. Transportation. The FEIR discusses Transportation impacts at Section 3.11. According to the FEIR, the number of intersections operating at LOS F in the AM and PM peak hours will be significantly reduced. The elimination of the grade separation will also eliminate barriers to existing bicycle movements and reduce traffic impacts during construction. The mitigations measures set forth in the Mitigation Monitoring and Reporting Plan include the development and implementation of a Traffic Management Plan; the posting of guide sign for bus passengers directing them to the rerouted bus service and the relocated bus stop on B Street and Mission Boulevard and the installation of an additional bike route and signs to guide future eastbound bicycle movements from A Street. The City Council finds that these measures will mitigate the impacts on transportation to a less-than-significant level, except as described in Section IV below.

IV. POTENTIALLY UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL IMPACTS.

The FEIR indicates two impacts that are significant and unavoidable:

- Impact N-2: Contribute to Significant Cumulative Increase in Noise at Sensitive Land Uses. The DEIR states that under future cumulative conditions significant traffic noise impact is considered to occur along two roadway segments - Mission/Carlos Bee to Torrano Avenue and Mission/Jefferson/Calhoun to Hancock Street. Because implementation of the Route 238 Corridor Improvement Project is predicted to contribute to an increase in traffic noise of one decibel (db) or more along the roadway segments, the project's contribution to significant cumulative traffic noise is cumulatively considerable.

- **Impact TR-2: Degradation of Level of Service (LOS) Due to Roadway Configurations.** The proposed project is forecast to significantly reduce the number of intersections operating at LOS F in the AM and PM peak hours by 2025, compared to the No Project alternative. The proposed project is forecasted to result in nine fewer LOS F intersections in either the AM or PM peak hours and four fewer LOS F intersections during both peak hours. However, the following four intersections would operate under greater delays than under the No-Project alternative during either the AM or PM peak hours or both: Foothill Boulevard/Mattox Road; Foothill Boulevard/Grove Way; Mission Boulevard/A Street; and Mission Boulevard/D Street.

Although the overall effect of the Route 238 Corridor Improvement Project would act to reduce travel times experienced by drivers throughout the corridor, certain intersections will experience impacts that are considered significant under CEQA. Since further improvements to these intersections would require the taking of additional right-of-way, there are no feasible mitigation measures to reduce this impact to less than significant without causing other impacts therefore it is considered significant and unavoidable.

V. STATEMENT OF OVERRIDING CONSIDERATIONS. The City of Hayward adopts and makes this Statement of Overriding Considerations related to the adoption of the project and the resulting unavoidable and significant impacts relating to noise and regional traffic, in order to explain why the benefits of implementing the Route 238 Corridor Improvement Project override and outweigh such impacts.

POTENTIALLY UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL IMPACTS.

The FEIR indicates that all potential significant impacts can be eliminated to less-than-significant levels, with the exception of impacts associated with intersection Level of Service (LOS) at four intersections along the project corridor and cumulative traffic noise resulting from overall increases in traffic due to regional growth.

Existing conditions indicate that two intersections along the project corridor currently operate at LOS F. As shown in the FEIR, cumulative conditions in 2025 without the project (future baseline conditions) indicate that 15 intersections out of 31 along the project corridor would have an LOS of F in either the AM or PM peak hour (seven of which would have LOS F conditions at both peaks). Future conditions with the proposed project show a substantial reduction in substandard LOS operations in the project area. In the proposed project scenario, six intersections would operate at LOS F in either the AM or PM peak hour (of which three would have LOS F conditions at both peaks). Compared to the no project conditions, the Route 238 Corridor Improvement Project would result in nine fewer intersections with LOS F conditions at either the AM or PM peak hour and four fewer intersections with LOS F conditions at both peaks. Although the overall effect of the proposed project would act to improve travel times experienced by drivers through the corridor, certain intersections will experience impacts that are considered significant under CEQA. Specifically, four intersections would operate with worse delay than under the no-project alternative, including Foothill Boulevard/Mattox Road, Foothill Boulevard/Grove Way, Mission Boulevard/A Street,

and Mission Boulevard/D Street. For these four intersections further improvements to accommodate the additional traffic volumes would cause unacceptable right-of-way impacts. Thus, further mitigation of these intersections to achieve more acceptable LOS is considered to be infeasible; therefore, this impact is significant and unavoidable.

The traffic noise modeling results presented in the DEIR indicate that traffic noise under future cumulative conditions would exceed City noise compatibility standards and would increase by 3 dB, or more, compared to existing conditions along some roadway segments. Significant cumulative traffic noise impacts are therefore considered to occur along these roadway segments. Because implementation of the proposed project is predicted to contribute to an increase in traffic noise along these roadway segments of 1dB or more, the project's contribution to significant cumulative traffic noise impacts is cumulatively considerable. A potential mitigation measure to reduce exterior traffic noise along these two segments would be the construction of sound walls. However, it is anticipated that the sound walls cannot be implemented due to the locations of driveways, commercial buildings, etc. For this reason, the cumulative impact is considered to be significant and unavoidable, and the Route 238 Corridor Improvement Project makes a considerable contribution.

The City has sought a solution to the issue of the projected increased traffic congestion in Hayward for many years. Each of the approaches evaluated has some benefit but also had some negative aspects. With each iteration of the project, those concerns have been reduced to the point where most have been eliminated. Adoption and implementation of the Route 238 Corridor Improvement Project will provide substantial benefits for the City by addressing future traffic congestion without adding more pavement and without taking significant amount of right-of-way.

Adoption of the Route 238 Corridor Improvement Project would reduce traffic congestion in downtown Hayward and on Foothill Boulevard/Mission Boulevard; improve traffic operations at the Mission Boulevard/Foothill Boulevard/Jackson Street intersection; construct a facility that will accommodate current and future traffic demands as permitted by funding constraints; improve access to the California State University campus in Hayward; provide for bicycle access along Mission Boulevard and Foothill Boulevard; and improve pedestrian access in the downtown area.

Although some intersections would operate at greater delay in the future with the project, the project would result in beneficial improvements to travel times through the corridor overall and would improve far more intersections that it would adversely affect.

Additionally, the Route 238 Corridor Improvement Project allows the City to make downtown Hayward more pedestrian-friendly by constructing wider sidewalks and providing more walk time at traffic signals, as well as improving the overall street scape. In addition, the proposed project allows the City to address the critical intersection of Foothill/Mission/Jackson without the costs and the impacts of constructing a grade separation.

