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DATE: March 24, 2009
TO: Mayor and City Council
FROM: Director of Development Services Department
SUBJECT: Route 238 Bypass Land Use Study Draft Environmental Impact Report

RECOMMENDATION

That Council reads and comments on the proposed Draft EIR for the Route 238 Bypass Land Use Study

BACKGROUND

The Route 238 Bypass Land Use Study analyzes appropriate land use designations for the land previously obtained by Caltrans for the purposes of constructing a bypass freeway in the 1970s. That project is no longer being pursued and Caltrans will be disposing of such property in the near future. In June 2008, staff prepared three land use alternatives: one based on the market potential; one based on community input; and one based on existing policies, plans, and interests of the local public agencies. The potential environmental impacts of the three land use alternatives have been analyzed in a Draft EIR, which was released for public comment on March 3, 2009. This document has a required minimum 45-day public review period, ends on April 16, 2009.

DISCUSSION

Staff forwarded to all Council members a copy of the Draft EIR prepared for the Route 238 Bypass Land Use Study on March 3, 2009. This document has been prepared in accordance with the California Environmental Quality Act (CEQA) and analyzes the potential environmental impacts and identifies mitigation measures to reduce or eliminate potentially identified significant impacts associated with the three land use alternatives. More specifically, the DEIR details the impacts associated with Alternative A as this alternative proposes the most intensive land uses. Any impacts associated with Alternatives B and C would be considered less than those identified for Alternative A, since the land use densities and associated traffic proposed are lower.

In summary, the land use alternatives have impacts in the following topic areas: aesthetics, biological resources, cultural resources, geology and soils, hazards, hydrology, noise, population and housing, transportation and circulation, and public services. For the majority of the potential impacts, mitigation measures have been proposed that will reduce any potential impacts to a less than significant level. There is, however, one impact area that cannot be mitigated. The

Cumulative Traffic Impacts associated with Alternative A will result in a significant and unavoidable impact at the D Street and Foothill Boulevard intersection in the AM peak hour. This intersection is already operating at a Level of Service (LOS) F, and the assumed traffic at build out causes an additional four-second delay at this intersection. The DEIR determined that, in order to make improvements at this intersection to reduce impacts to a less-than-significant level, unacceptable right-of-way impacts would be required making mitigation infeasible. The DEIR concludes that the additional impacts to LOS at the intersection of Foothill Boulevard and D Street would be considered significant and unavoidable. In order to certify an Environmental Impact Report that includes significant and unavoidable impacts, the decision maker must adopt a Statement of Overriding Considerations, which means a finding must be made that the project's benefits would outweigh the significant and unavoidable impacts.

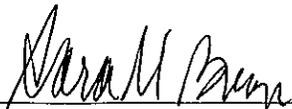
PUBLIC CONTACT

Interested parties, including members of the Hayward community requesting such notices, were sent notice that the DEIR was available for public review and comment. In addition, members of the Agency Executive Committee, and the Technical Advisory Committee, which includes members from the Hayward Area Recreation and Park District, Hayward Unified School District, Caltrans, California State University East Bay, and Alameda County Planning were notified of the DEIR availability. The Notice of Availability was also sent to the State Clearinghouse for distribution to state agencies including Caltrans, Fish and Game and the Regional Water Quality Control Board. All noticed parties were invited to the Planning Commission meeting that will be held on Thursday, March 26, to offer testimony on the DEIR.

SCHEDULE

The Planning Commission will hold a meeting on Thursday March 26, 2009 to take testimony on the Draft EIR. Following the close of the public comment period on April 16, any comments received about the DEIR will be addressed. The response to comments, along with the DEIR and any revisions to it, will constitute the Final EIR. Staff is planning on separate work sessions with the City Council and the Planning Commission in April to discuss the staff recommended land use designations. Staff is also planning on a final community meeting in late April to discuss the staff-recommended land use designations with the community. It is anticipated that the Final EIR, along with the Preferred Alternative, will be before the Planning Commission for consideration at a noticed public hearing in May. The Planning Commission recommendation will be forwarded to the City Council for consideration and a final decision at a noticed public hearing in early June.

Prepared by:



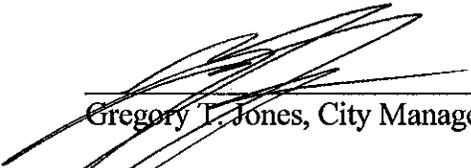
Sara Buizer, AICP, Senior Planner

Recommended by:



David Rizk, AICP, Development Services Director

Approved by:



Gregory T. Jones, City Manager

Attachment: Route 238 Bypass Land Use Study Draft Environmental Impact Report (distributed previously to Council)