
FINAL ENVIRONMENTAL IMPACT REPORT

Route 238 Bypass Land Use Study

SCH No. 2008072066

Lead Agency
City of Hayward

Prepared by City of Hayward

May 2009

Table of Contents

<u>Topic</u>	<u>Page No.</u>
Introduction	1
List of Comment Letters	3
Annotated Comment Letters and Responses	5
Master Response 1-Purpose and Intent of a Program EIR	7
Master Response 2-Traffic and Circulation Impact at Foothill Blvd./D St.	7
Clarifications and Modifications to the DEIR	95
Attachment 1-Updated Alternative A Figures	96
Attachment 2-Updated Alternative B Figures	97
Attachment 3-Updated Alternative C Figures	92

Introduction

A Draft Program Environmental Impact Report (DEIR) for the proposed project was prepared and distributed in March 2009. The Project area comprises a large number of vacant and developed parcels totaling approximately 355 acres of land extending from the east side of Foothill Boulevard just south of I-580 freeway in the north, to Industrial Boulevard in the south. Some, but not all properties are contiguous to each other. Properties in the Project area have been acquired by Caltrans as right-of-way for the planned Route 238 Bypass Freeway. This freeway project is no longer being pursued. A majority of properties (over 90 percent) are within the City of Hayward, although some properties in the northerly portion of the Project area are in the unincorporated portion of Alameda County.

The proposed project includes three land use alternatives to guide the long-term, future potential development and redevelopment for properties within the Project area. An overall circulation pattern for the Project area is also provided, linked to the various alternative scenarios. Each of the Alternatives includes a different land use pattern, including various types and densities of residential uses, commercial and office uses, open spaces and public/quasi-public uses. No specific development projects have been filed within the Project area.

A full description of the proposed project is contained in the DEIR document.

Under the California Environmental Quality Act (CEQA) and implementing CEQA Guidelines, after completion of the Draft EIR, lead agencies are required to consult with and obtain comments from public agencies and organizations having jurisdiction by law over elements of the project and to provide the general public with an opportunity to comment on the Draft EIR. Lead agencies are also required to respond to substantive comments on environmental issues raised during the EIR review period.

As the lead agency for this project, the City of Hayward held a 45-day public review period between March 3 and April 16, 2009. In addition, the Hayward City Council held a workshop on the DEIR on March 24, 2009 and the Planning Commission held a noticed public hearing on the DEIR on March 26, 2009.

This document contains two sections. The first section contains all public comments received during the 45-day public review period regarding the DEIR and responses to those comments. Included within the section is an annotated copy of each comment letter, identifying specific comments, followed by a response to those comments. The second section contains clarifications and minor corrections to information presented in the DEIR, including revisions to language in impact statements and mitigation measures and revised figures.

This page intentionally left blank.

List of Comment letters

Comment letters were received by the City of Hayward during the 45-day public comment period on the DEIR from the following agencies, organizations and other interested parties.

Commenter		Date	Page Number
Public Meetings			
1.1	Hayward City Council Work Session	3/24/09	9
1.2	Hayward Planning Commission Public Hearing	3/26/09	17
State Agencies			
2.1	California Department of Transportation (Caltrans)	4/15/09	27
Regional Agencies			
3.1	Hayward Area Recreation and Park District	4/15/09	35
3.2	AC Transit	4/16/09	39
County Agencies			
4.1	Alameda County Congestion Management Agency	4/15/09	43
4.2	Alameda County Planning Department	4/15/09	47
4.3	Alameda County, General Services Agency, Child Care Department	4/15/09	55
Project Area Owners/Representatives			
	None		
Other Parties			
6.1	Charlie Cameron	4/07/09	59
6.2	Linda Bennett	4/12/09	63
6.3	Hayward Area Planning Association	4/16/09	83

This page intentionally left blank.

Annotated Comment Letters and Responses to Comments

This page intentionally left blank.

Master Response No. 1—Purpose and Intent of this Program EIR

As explained in Section 2.3 of the DEIR (page 2), this EIR is considered a Program EIR, not a Project EIR. As such, it describes and assesses potential significant impacts at a general level, as opposed to a project-specific level. The purpose of including the three land use alternatives in the DEIR is to provide a range of development scenarios for environmental analysis purposes, not to select or advocate a particular alternative. The ultimate land use designations will likely involve a “hybrid” of the various alternatives and will be determined by the City Council based on public input.

Also, a number of comments include expression of opinion regarding the preference of one alternative or another, or expressing other opinions on the merits of the underlying project and not on an environmental topic. For these comments, the City acknowledges these comments and opinions and decision makers will consider them in reviewing the whole of the project record. However, this Final EIR does not respond to such opinions regarding the project.

Master Response 2—Potential Traffic and Circulation impact (Impact 4.11-1) at the Foothill Boulevard & D Street intersection

The DEIR noted that there would be a significant impact at this intersection for Alternative A. Per the 238 Corridor Improvement Project FEIR analysis, when compared to future conditions associated with implementation of the 238 Corridor Improvement Project, the intersection delay would be increased by more than 4 seconds for Alternative A. However, such delay would still be an improvement over future conditions without the 238 Corridor Improvement Project implementation.

This page intentionally left blank.

Comment 1.1

City of Hayward

Route 238 Bypass Land EIR

Notes from City Council Workshop March 24, 2009

- Councilperson Halliday-Spectrum Kitchen is a good use for the northern portion of the Project area. 1.1.1
- Senior Planner Buizer- the northern most part of the Project area is designated for public-semi-public use and will likely be part of the future roadway.
- Councilperson Halliday-not supportive of housing in this area
- Councilperson Zermeno-desires to keep Spectrum Kitchen in the City
- Councilperson Henson-wants to keep the northern area of the Project area open for Spectrum Kitchen. Also, the northern area should include a future gateway feature for Hayward.
- Councilperson Quirk-questions the location of a "Station Area Residential" land use designation in the northern area. This does not seem appropriate in the absence of any station. 1.1.2
- Senior Planner Buizer clarified that the Station Area Residential designation is in the southern portion of the Project area, not the northern
- Councilperson May-concerned about noise impacts for existing and future residential land uses in the Project area. How do noise levels for traffic compare to airport noise levels? 1.1.3
- Councilperson Henson asked how this land use study dovetails with Alameda County redevelopment plans? 1.1.4
- Senior Planner Buizer stated that City of Hayward staff has been coordinating with County staff in developing the alternatives. The two jurisdictions are also working on a joint powers agreement for future funding of public services and gateway improvements.
- Councilperson Halliday-the DEIR has a typographic error on page 126 in the population table 1.1.5

- Councilperson Quirk-he will have a difficult time to make a finding of significant and unavoidable impacts to support Alternative A. Alternative A does not seem to have many community benefits. The City should provide for smart growth in Alternative B. Supports Alternative B as the environmentally superior Alternative. He is concerned about traffic and lack of open space in Alternative A. He is also concerned about the potential development of steeper hillsides under Alternative , since future development could lead to aesthetic impacts **1.1.6**
- Councilperson Quirk also concerned about Mitigation Measure 4,2-1, light and glare mitigation measure. He would like to explore use of LED streetlights and automatic shut off switches if this is compatible with safety standards. The intent is to reduce the amount of lighting. **1.1.7**
- Councilperson Quirk is concerned about creeks in the project area. Creeks should not be paved over, but should have riparian corridors around them. Future developments should be coordinated with Friends of San Lorenzo Creek. A related concern is stormwater runoff from local creeks and associated flooding. How can the City correct existing flooding issues? **1.1.8**
- Councilman Quirk reiterated his earlier comment about unacceptable traffic impacts of Alternative A. **1.1.9**
- Councilperson Zermeno expressed his opinion to open up creeks and to keep creeks clean. He also has concerns about the identified traffic impact at the Foothill and D Street intersection—can this impact be mitigated? Also, can the Quarry Lane development proposal be included in other alternatives? **1.1.10**
- Councilperson Zermeno does not want to see houses extending over the ridgelines of local hills. **1.1.11**
- Councilperson Henson stated the proposed Alternatives are not the only ones that could be considered. He would like to see more office and commercial uses in this area, which would be beneficial to the community. **1.1.12**
- Senior Planner Buizer stated that staff will preparing a preferred alternative based on comments received. However, the overall intensity of the preferred alternative would not be higher than Alternative A and no significantly new land uses would be introduced.
- Councilperson Henson asked for more explanation about traffic impacts and especially how the impact at Foothill and D Street was determined and how was traffic considered in light of the Corridor Improvement Program. **1.1.13**
- Public Works Director Bauman explained that traffic impacts are based on expected traffic from the traffic model used in the Corridor Improvement Program. Even though the Foothill/D Street intersection is already significantly impacted, the traffic analysis used for this project calculated increases in vehicle delay during peak hours.

Councilperson Halliday stated she favors Alternative B, however, she has concerns about creating two districts in Hayward that would be caused by forming a special district to fund city services in this part of Hayward. **1.1.14**

Councilperson Halliday also expressed concerns about the overall jobs-housing balance in Hayward and is also concerned about extensive development on steeper hillsides. Her preference is to build in the flatter portions of Hayward while maintaining buffers adjacent to creeks. She also likes the “preservation park” concept. **1.1.15**

Councilperson Dowling stated his support for Alternative C with the proposed Quarry Village proposed development. He noted this Alternative would assist the City in meeting new state laws like AB 32 and SB 375 as well as the City’s Climate Action Plan. **1.1.16**

Councilperson May stated her support for Alternative A and asked if City staff has coordinated the Alternatives with public transit providers? **1.1.17**

This page intentionally left blank.

Comment (Notes) 1.1: Hayward City Council Work Session, March 24, 2009

- Comment 1.1.1: The Spectrum Kitchen is a good use for the northern portion of the Project area and this area is not appropriate for housing. The northern area should also include a gateway feature.

Response: This comment is noted. See Master Response 1.

- Comment 1.1.2: The applicability of the “Station Area Residential” land use designation does not seem appropriate in the northern portion of the Project area since there is no station.

Response: Although this not a comment related to environmental impacts of the Project, the Station Area Residential land use designation is only proposed in the southerly portion of the Project area, near the South Hayward BART station.

- Comment 1.1.3: There is a concern regarding noise impacts for existing and future residential land uses and how do noise levels for traffic compare to aircraft noise?

Response: Noise impacts related to the proposed Project are analyzed in Section 4.9, page 113 of the DEIR. A number of potentially significant noise impacts are identified, including noise compatibility impacts, traffic noise impacts, operational noise impacts and short-term noise impacts. With adherence to mitigation measures contained in the DEIR, all of these impacts can be reduced to a less-than-significant level. No significant noise impacts from aircraft operations were identified.

- Comment 1.1.4: How does this land use study dovetail with Alameda County redevelopment plans?

Response: Land use Alternative C reflects a composite of plans and programs adopted by various affected local agencies in the Project area. City staff coordinated with Alameda County staff in the development of this Alternative. Also See Comment and Response 4.2 and Master Response 1.

- Comment 1.1.5: A typographical error is noted on Table 4.10-1 on page 126.

Response: Table 4.10-1 is hereby modified as follows. This correction is incorporated by reference into the DEIR.

**Table 4.10-1. Regional, County and Hayward Total
Population (Pop) & Household (HH) Projections (Revised)**

	2010		2020		2030	
	Pop.	HHs	Pop.	HHs	Pop.	HHs
Region	7,412,500	2,696,580	7,914,600 8,069,700	2,941,760	8,554,800 8,712,800	3,177,440
Alameda Co.	1,517,400	564,880	1,700,700	614,790	1,858,800 1,824,600	671,700
Hayward	152,000	48,150	161,100	51,310	249,300 172,600	54,960

Source: ABAG Projections 2007

- Comment 1.1.6: The commenter will have a difficult time making findings of overriding concerns for significant and unavoidable impacts associated with Alternative A. Also, Alternative A does not seem to offer many community benefits. Alternative B seems to be the environmentally superior Alternative. There are also concerns about future development on hillside areas as shown in Alternative A.

Response: See the Master Response 2.

- Comment 1.1.7: A concern was raised regarding Mitigation Measure 4.2-1 that is intended to reduce light and glare impacts to a less-than-significant level. The City should explore the use of LED streetlights and automatic shut-off switches if such features are compatible with safety standards. The intent is to reduce the amount of lighting.

Response: Although the potential placement of LED-powered streetlights is being investigated by the Hayward Public Works Department, this is a topic outside the scope of the current DEIR. See Master Response 1.

- Comment 1.1.8: The commenter raises concerns about future development near creeks in the Project area. Creeks should not be paved over and should have riparian corridors adjacent to them. Future development proposals should be coordinated with Friends of Lorenzo Creek. A related issue is localized flooding and can the City correct existing flooding.

Response: The commenter's opinion is noted. Each of the Land Use Alternatives provide for generalized buffer areas around creeks that flow through the Project area.

Mitigation Measure 4.3-3 shown on page 79 of the DEIR requires a follow-up amendment to the Hayward General Plan to provide for a policy or policies to protect riparian and wildlife corridors. It is also anticipated that future site-specific development proposals will be reviewed for possible impacts on creeks and these projects will be required to comply with appropriate mitigation measures and/or conditions of approval to protect creeks, riparian vegetation and wildlife in creeks.

In regard to remediation of existing flooding, this would be beyond the scope of the Route 238 Bypass Land Use Study and associated EIR.

- Comment 1.1.9: The commenter reiterated an early comment regarding the unacceptable impact of traffic associated with Alternative A.

Response: See Response to Comment 1.1.6.

- Comment 1.1.10: The commenter expressed an opinion to “open up” creeks and keep them clean. Also, can anticipated traffic impacts at the Foothill and D Street intersection be mitigated. Can the Quarry Village proposal be included in other Alternatives.

Response: The comment about opening up of local creeks is beyond the scope of this project, but could be addressed as part of Mitigation Measure 4.4-3.

Regarding future traffic impacts at the Foothill and D Street intersection, See Master Response 2.

- Comment 1.1.11: The commenter states that houses should not extend over ridgelines.

Response: This comment is noted. The commenter is directed to the Regulatory Framework section of the Aesthetics and Light and Glare section of the DEIR, page 20, that summarizes a number of General Plan policies regulating future development on and adjacent to hillsides as well as a number of other regulations and guidelines limiting hillside development. These include the 1993 Design Guidelines, the Hillside Design and Urban/Wildland Interface Guidelines and a number of Neighborhood Plans that encompass hillside properties. Future individual development projects will be reviewed in light of applicable standards and guidelines to ensure full compliance with applicable regulations.

- Comment 1.1.12: The commenter noted that other Alternatives may be considered in addition to the three Alternatives analyzed in the DEIR. He would like to see more office and commercial development in one or more of the Alternatives.

Response: Refer to Master Response 1. Also, City staff will prepare a hybrid land use Alternative that could also be considered by the Planning Commission and City Council for adoption.

- Comment 1.1.13: The commenter requested more detail with respect to the impact at Foothill and D Street, specifically, how was this considered to be a significant and unavoidable impact. How does this relate to the City's Capital Improvement Program.

Response: See Response to Comment 1.1.10. Also, as noted in Response 1.1.10, due to lack of land near the Foothill and D Street intersection to widen or improve this intersection, there are no capital improvement projects for this intersection.

- Comment 1.1.14: The commenter favors Alternative B, but has concerns about creating special funding districts for public safety departments in part of Hayward.

Response: See Master Response. Although creating differential funding mechanisms for portions of the City may be an issue, this is not an environmental issue under CEQA and no additional response is required.

- Comment 1.1.15: The commenter is concerned about the overall jobs-housing balance in Hayward as well as the potential for future development on steeper hillsides. Development should be concentrated on the flatter portions of the Project area while maintaining buffers adjacent to creeks. The Preservation Park concept is also favored.

Response: This comment is noted. The issue of jobs-housing balance is generally beyond the scope of CEQA, however, the indirect impacts of a jobs and housing balance with respect to additional vehicle trips has been addressed in the following DEIR sections: Air Quality/Greenhouse Gas Emissions (Section 4.2), Noise (Section 4.9) and Transportation and Circulation (Section 4.11). Comments regarding potential development on steeper hillsides have been addressed in the Response to Comment 1.1.11. Concerns about development adjacent to Creeks are addressed in the Response to Comment 1.1.8. The comment regarding the Preservation Park concept is noted.

- Comment 1.1.16: The commenter speaks in favor of Alternative C, with the addition of the Quarry Village concept. Implementation of this concept will assist the City in meeting the mandates of AB 32 and SB 375.

Response: See Master Response 1.

- Comment 1.1.17: The commenter favors Alternative A and asks if the Alternatives have been coordinated with public transit providers.

Response: See Master Response with regard to the commenter's opinion of the merits of the Alternative. In response to concerns about public transit providers, Section 4.11, Transportation and Circulation, of the DEIR provided an extensive discussion of bus, BART, bicycle and pedestrian modes of transportation. Also see Comment Letter 3.2 from the AC Transit District.

Comment 1.2

City of Hayward

Route 238 Bypass Land EIR

Notes from Planning Commission Hearing Workshop March 26, 2009

- Commissioner Peixoto-Concerned about community service demand and methodology used to analyze impact to police service on page 195 of DEIR. Specifically, the overall police officer per population ratio of 1 officer per 1,000 residents is more appropriate for a suburban community; however, Hayward is changing with more high-density housing. The police per population ratio may need to be revisited. 1.2.1
- He is also concerned about providing sufficient revenue to support proposed residential densities. He would like to see an analysis comparing expected revenues vs. cost to provide services. 1.2.2
- Commissioner Mendall-Asked how the land use Alternatives comply with the City's Hillside standards and guidelines, 1.2.3
- Commissioner Thnay-Asked if a form-based code will be prepared for this area? This would be an opportunity for synergy for land use connectivity and to avoid piecemeal land use decisions. 1.2.4
- Commissioner Marquez noted that only one of the Alternatives provide for a school designation. 1.2.5
- Commissioner Loche asked about land use designations in unincorporated areas. 1.2.6
- Commissioner Mendall asked about future development on sites above 200 feet above sea level. Can a map be provided of these areas? 1.2.7
- Commissioner Lavelle-pleased that most impacts can be mitigated to less-than-significant level. What about mitigations for public services. Also noted proposed pedestrian and bicycle connections on page 145. Also noted similar efforts with Urban Ecology. 1.2.8
- Commissioner Lavelle asked how would the proposed Preservation Park concept work 1.2.9
- Commissioner Lavelle also asked what role the South Hayward BART station play in this planning effort? 1.2.10
- The public hearing was opened.

- Charles Cameron stated the DEIR contains incorrect and misleading information on mass transit topics. He will submit a letter documenting the misleading information. 1.2.11
- Gail Lundholm asked for Commission support of the Quarry Village concept. Her preference is for Alternative B if this will accommodate Quarry Village. This would put Hayward “on the map” in terms of smart growth developments. The school should be rebuilt and not moved to the Quarry Village site. 1.2.12
- Sherman Lewis stated his opinion that he favors Alternative B but with modifications. He has concerns about displacement of residents. Quarry Village has 8 occupied dwellings that are included in the Quarry Village plan. 1.2.13
- He is also concerned about access to Quarry Village in terms of general access and fire/emergency access. 1.2.14
- Another concern is the range of densities allowed in the SMU designation, 1.2.15
- He asks if the City will be a master developer for this project, 1.2.16
- He stated that service costs for Quarry Village will be low. 1.2.17
- Audrey Lepell expressed concerns about the project including transportation specifically the idea of converting A Street to a two-way street. 1.2.18
- Another concern is historic preservation, to protect historic homes, especially in the upper B Street area. 1.2.19
- A final concern is providing open space and landscaping while reducing the amount of paving. 1.2.20
- She favors the Quarry Village concept. 1.2.21
- Commissioner Loche favors Alternative B since this has the least impact with respect for seismic hazards. 1.2.22
- Commissioner Thanay also favors Alternative B. Although Quarry Village is an interesting concept it will require more investigation. Alternative B offers more integrated access. The City may need more north-south connector roads to avoid Mission. Also, Mission Boulevard needs more landscaping in a center median to improve the corridor. 1.2.23
- Commissioner Mendall also favors Alternative B, but densities should be concentrated at lower elevations, Supports trails through the project area and the trail should focus on serving residential, parks and open space areas. The final alternative should also be consistent with City’s Hillside Design Guidelines. The City should explore using Form Based Codes in some of the areas. The need for adequate schools is acknowledged, but also favors moving forward with the Quarry Village plan or any related back up plan. 1.2.24

Commissioned Lavelle indicated no favorite yet, all three Alternatives are an improvement over a freeway. Efforts should be made to keep residents in their current dwellings. **1.2.25**

Commissioner Mendall noted that it will likely be difficult to downzone properties in the future. **1.2.26**

This page intentionally left blank.

Comment 1.2 (notes): March 26, 2009 Hayward Planning Commission Public Hearing

- Comment 1.2.1: Commissioner Peixoto expressed a concern about the discussion of public service impacts contained in the DEIR, specifically about the methods to assess impacts related to police protection. It appears the City may be using a suburban police officer ratio to population, whereas portions of Hayward are transitioning to a more urban area. Therefore, the police per population ratio may need to be revisited.

Response: The DEIR relies on police officers per population ratios as provided by the Hayward Police Department. The City of Hayward may elect to devote more resources to the Police Department based on additional funding that could be realized as a result of any special funding mechanisms that may be approved. However, this would be a City policy decision beyond the scope of the EIR.

- Comment 1.2.2: Commissioner Pexioto asked about the issue of providing sufficient revenue to support proposed residential land uses. He would like to see an analysis of expected costs versus revenues of the proposed Project.

Response: A Fiscal Analysis of the Alternatives has been prepared by the Firm of Strategic Economics in October 2008 and will be provided to City decision makers prior to any public hearings on this Project.

- Comment 1.2.3: Commissioner Thnay asked about consistency of the Alternatives with City Hillside standards and guidelines.

Response: The commenter is directed to the Response to Comment 1.1.11.

- Comment 1.2.4: Commissioner Thnay asked if a form-based land use code would be prepared for this area.

Response: This question is beyond the scope of the DEIR and will be addressed in future public hearings regarding this Project.

- Comment 1.2.5: Commissioner Marquez stated that only one of the Alternatives provide for a school designation.

Response: Alternative C provides for a school site as part of the proposed land use pattern. Alternative C is based on significant consultation with affected service providers, including the Hayward Unified School District. The Planning Commission and City Council may choose a hybrid land use plan that includes no school sites or multiple school sites, if it is believed additional land for schools are needed.

- Comment 1.2.6: Commissioner Loche also asked about land use designations in the unincorporated portions of the Project area.

Response: City staff undertook a significant amount of coordination with other affected public agencies, including the Alameda County Planning Department. The result of this coordination is reflected in Alternative C, a compilation of public agency plans and programs.

- Comment 1.2.7: Commissioner Mendall asked about development on properties lying about 200 feet above sea level. Can a map be provided of these areas?

Response: These maps were provided to the Commission at the April 23, 2009 workshop and additional copies are available at the Development Services Department.

- Comment 1.2.8: Commissioner Lavelle indicated her pleasure that almost all impacts can be fully mitigated as well as the inclusion of pedestrian and bicycle access. The group Urban Ecology is also undertaking similar efforts.

Response: These comments are noted.

- Comment 1.2.9: Commissioner Lavelle asked how the Preservation Park concept would work.

Response: Specific details regarding land use Alternatives, including the Preservation Park designation, will be provided at future public hearings by City staff.

- Comment 1.2.10: Commissioner Lavelle asked what role the South Hayward BART station plan played in this effort.

Response: Specific details regarding land use Alternatives will be provided at future public hearings by City staff.

- Comment 1.2.11: Charles Cameron stated that the DEIR contains incorrect and misleading information regarding mass transit. A letter on this topic will follow.

Response: This comment is noted. See Comment letter 6.1 from the same commenter.

- Comment 1.2.12: Gail Lundhom asked the Commission for support of the Quarry Village concept. She also favors Alternative B, if this Alternative will accommodate Quarry Village. Her opinion also is that the existing school should be rebuilt and not moved to the Quarry Village site.

Response: These opinions regarding the project are noted. Also, see the Master Response 1.

- Comment 1.2.13: Sherman Lewis stated he favors Alternative B with modifications, specifically displacement of residents. The Quarry Village site has 8 dwellings that would be retained on the site and included in the plan.

Response: The commenter's opinion on the land use Alternatives are noted. In regard to displacement of residents, the commenter is directed to the second full paragraph on page 8 of the Project Description. This paragraph states that the Project does not include condemnation of any existing residents. Existing dwellings will remain unless voluntarily removed by the respective property owners. If future displacement occurs due to future development projects, such actions will be assessed at that time.

- Comment 1.2.14: The commenter is concerned about access to the Quarry Village site in terms of general access and fire and emergency access.

Response: This comment is noted. Future access to individual parcels of land in the Project area will be reviewed by the City of Hayward at the time they are submitted. Prior to any future development approvals, the City will ensure that adequate standard and emergency access is provided.

- Comment 1.2.15: The commenter is concerned about the range of densities allowed in the Sustainable Mixed Use land use category.

Response: This comment is noted and will be discussed at future public hearings where the various Alternatives are discussed by the Planning Commission and City Council.

- Comment 1.2.16: The commenter asks if the City will be a master developer of the Project area.

Response: This comment is noted but this topic is beyond the scope of this study.

- Comment 1.2.17: The commenter stated that service costs for Quarry Village will be low.

Response: This comment is noted. Since it is not a CEQA comment, no further response is required. Also, see the Master Response 1.

- Comment 1.2.18: Audrey Lepell expressed concerns with traffic and transportation impacts and asked if A Street could be converted to a two-way street.

Response: Transportation and circulation impacts of the proposed Project have been analyzed in Section 4.11 of the DEIR. The previous analysis for the 238 Corridor Improvement Project FEIR included an analysis of converting A Street to two-way traffic but was rejected, and the final recommended configuration was with a one-way A Street. Therefore this DEIR is consistent with the findings of the 238 Corridor Improvement Project FEIR and included A Street as a one-way roadway.

- Comment 1.2.19: The commenter is concerned about the protection of historic structures, especially in the upper B Street area.

Response: Potential impacts of approving and implementing the Project on historic resources are analyzed in Section 4.4 of the DEIR, Cultural Resources. The DEIR identifies a potential impact to historic houses and Mitigation Measure 4.4-2 is included to reduce this impact to a less-than-significant level. This Measure would apply to the Upper B Street area.

- Comment 1.2.20: The commenter is concerned about providing open space and landscaping, while reducing the amount of paving.

Response: This comment is noted and no further action is required. Also, see Master Response 1.

- Comment 1.2.21: The commenter favors the Quarry Village concept.

Response: This comment is noted. Also, see Master Response 1.

- Comment 1.2.22: Commissioner Loche favors Alternative B, since this Alternative has fewer impacts with respect to seismic hazards.

Response: This opinion is noted. Also, see the Master Response 1.

- Comment 1.2.23: Commissioner Thnay also favors Alternative B, although the Quarry Village concept is an interesting concept and will require more investigation. The City may need additional north-south access routes to avoid Mission Boulevard. Mission Boulevard also needs more landscaping to improve this corridor.

Response: This comment is noted. Circulation routes in this portion of the community will be analyzed by the Planning Commission and City Council as part of future public hearings on development proposals in the area.

- Comment 1.2.24: Commissioner Mendall also favors Alternative B, but densities should be limited to lower elevations. The trail should remain through the Project area. The final Alternative should be consistent with the City's Hillside Design Guidelines. A form-based code should also be used.

Response: This comment is noted. Future individual development projects will be reviewed to ensure consistency with all City standards and guidelines, including hillside standards. The issue of form-based codes will also be discussed further by the Planning Commission and City Council.

- Comment 1.2.25: Commissioner Lavelle expressed a need for adequate schools and also favors moving forward with the Quarry Village plan or any related back up plan.

Response: This comment is noted. See Master Response 1.

- Comment 1.2.26: Commissioner Mendall noted that it will likely be difficult to downzone downtown properties in the future.

Response: This comment is noted.

This page intentionally left blank.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
 P. O. BOX 23660
 OAKLAND, CA 94623-0660
 PHONE (510) 622-5491
 FAX (510) 286-5559
 TTY 711



*Flex your power!
 Be energy efficient!*

Letter 2.1

April 15, 2009

ALA238318
 ALA-238-VAR
 SCH#2008072066

Ms. Sara Buizer, AICP
 Planning Department
 City of Hayward
 777 B Street
 Hayward, CA 94541

Dear Ms. Buizer:

Route 238 Bypass Land Use Study – Draft Environmental Impact Report

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Route 238 Bypass Land Use Study. We have reviewed the Draft Environmental Impact Report (DEIR) and have the following comments:

Forecasting

Table 4-11.11 shows the daily, AM peak and PM peak trip generation rates of 3.3, 0.48 and 0.46 per 1,000 sq.ft. However, the *ITE Trip Generation 7th Edition Handbook* bases the measurement of these rates on the number of employees as opposed to the square footage of the commercial use. The correct rates are 11.01, 0.55 and 1.49 per 1000 sq. ft. Please revise accordingly. 2.1.1

Please provide an additional intersection traffic diagram showing the 23 study intersections under Existing, Alternative A only, Alternative B only, Alternative C only, Cumulative only, Cumulative plus Alternative A, Cumulative plus Alternative B, and Cumulative plus Alternative C in order to verify the appropriate assigned traffic. 2.1.2

Please provide additional Origin/Destination and distribution analysis for the corridor. Please demonstrate whether any AM and PM directional through traffic may cause significant traffic impacts to the Interstate (I) 580/State Route 238 interchange. 2.1.3

Highway Operations

The queue on westbound Tennyson Road is longer than the section length from Tennyson Road/Dixon Street (intersection #21) to Tennyson Road/Mission Boulevard (intersection #17). The Department is concerned that the queue will back up traffic into the intersection of Tennyson Road/Mission Boulevard. Please provide the mitigation plan for our review. 2.1.4

Ms. Sara Buizer/City of Hayward
 April 15, 2008
 Page 2

The DEIR indicates that the proposed project would impact the Foothill Boulevard/D Street intersection (intersection #16). The Department is also concerned with the section length from Foothill Boulevard/D Street to Mission Boulevard/D Street because of the eastbound queue at the Foothill Boulevard/D Street intersection. Please provide the intersection analysis at Mission Boulevard/D Street for our review. 2.1.5

Please indicate that the *Route 238 Corridor Improvement Project* includes the grade separation at Mission Boulevard/Foothill Boulevard/Jackson Street which will reduce the average delay at this intersection. 2.1.6

Community Planning

The Department has an interest in this study not only as owner of the right-of-way, but also as a supporter of the regional planning efforts to encourage future growth in areas near transit and within communities. We therefore support higher density, mixed-use development near transit, but also recognize the importance of planning complete communities and balancing this density with open spaces, such as plazas and neighborhood parks. 2.1.7

The Department notes that the City of Hayward applied for and received Priority Development Area (PDA) designation for three of its neighborhoods under the Association of Bay Area Government's (ABAG) FOCUS program. The purpose of the FOCUS program, which was partially funded through a Regional Blueprint Planning grant from the Department, is to create a plan to meet the region's future housing and transportation needs by focusing future housing development in infill locations within a one-half mile radius of transit nodes. These PDAs will use existing urban infrastructure while enabling residents to walk and bike to transit stations, thereby saving valuable farmland and sensitive habitats from development while helping to meet the regional goals of reducing vehicle miles traveled and greenhouse gas emissions.

One of Hayward's PDAs surrounds the South Hayward BART station and encompasses parcels included in the Route 238 Bypass Corridor Land Use Study. Several parcels in the study area are located within this PDA along Mission Boulevard and to the southwest at Dixon and Industrial Streets.

The Congestion Management Program (CMP) segment analysis in Tables 4.11-16 through 4.11-19 of the DEIR shows that the project will add trips to segments of I-880 and I-580 that are already operating below Level-of-Service (LOS) D. The Department considers a LOS below D to be an unacceptable condition. The addition of any trips where conditions are already unacceptable is a significant impact. 2.1.8

In order to reduce these impacts on I-880 and I-580, the Department encourages you to place a high proportion of your future housing and commercial growth as higher-density, mixed-use development within the PDA zone surrounding the South Hayward BART station. This will lead to increased transit use and reduce vehicle trips and impacts on the state highways. Specifically, we encourage you to zone study parcels along Mission Boulevard within ½ mile of the South Hayward BART station under your Mission Boulevard Density Residential and Commercial/High Density Residential development designations. We also ask that parcels

Ms. Sara Buizer/City of Hayward
April 15, 2008
Page 3

northwest of Dixon Street and Industrial Parkway be zoned for high-density residential development, according to the market demand, while allowing for a trail connection easement.

In addition to coordinating your planning with the above-described PDA designation, we encourage you to plan for the long-range development of future transit corridors along Mission Boulevard and Foothill Street. Parcels located along Foothill Street in the northern part of Hayward (from Apple Street to south of Grove Way) and Mission Boulevard present an opportunity to provide higher-density, mixed-use development coordinated with future high-capacity transit corridor enhancements. If carefully planned, this could meet the retail and housing needs of the community while minimizing vehicle trip generation on the state highways compared to locating this development away from transit services.

2.1.9

Finally, we commend the inclusion of open space trail connections within your land use alternatives as a means of providing bicycle and pedestrian connections through your city. We encourage you to further consider how these can be connected to bike lanes and pedestrian links to your BART stations and major destinations in order to further reduce vehicle trip generation and impacts on the state highways.

2.1.10

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,



LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

This page intentionally left blank.

Letter 2.1: California Department of Transportation (Caltrans)

- Comment 2.1.1: The commenter raises questions regarding Table 4-11.11, specifically that trip generation for the Project is based on anticipated square footage of commercial uses, rather than the number of employees as is shown in the ITE Trip generation 7th Edition Handbook. The commenter requests Table 4.11-11 be revised accordingly.

Response: Table 4.11-11 is hereby modified as follows. This correction is incorporated by reference into the DEIR. Trip rates for office use have been revised in table below. The change to the overall trips is a small percentage. It should be noted that the traffic analysis used the city model to generate trips. As noted in the DEIR on page 165; “While the ITE rates were not used directly in this application, general ITE rates are useful to show the differences between the No Project and each project alternative.” Therefore no new analysis is required.

Type	Use	Size	Units	ITE Code	Daily Rate	Daily Trips	AM Peak Hour Traffic				PM Peak Hour Traffic					
							Rate	% In	% Out	In	Out	Rate	% In	% Out	In	Out
Cumulative (2025) - No Project																
Housing	Single Family	1336	DU	210	9.57	12,788	0.75	0.25	0.75	251	752	1.01	0.63	0.37	850	499
Housing	Apartments	1336	DU	220	6.72	8,980	0.55	0.29	0.71	213	522	0.67	0.61	0.39	546	349
Commercial	Office	129	ksf	710	11.01	1,420	1.55	0.88	0.12	176	24	1.49	0.17	0.83	33	160
Commercial	Market	129	ksf	850	102.24	13,174	3.59	0.61	0.39	282	180	10.50	0.51	0.49	690	663
Totals						36,362				922	1,478				2,119	1,671
Cumulative (2025) + Project Alternative A (Market Potential)																
Housing	Single Family	1610	DU	210	9.57	15,409	0.75	0.25	0.75	302	906	1.01	0.63	0.37	1,025	602
Housing	Apartments	1610	DU	220	6.72	10,820	0.55	0.29	0.71	257	629	0.67	0.61	0.39	658	421
Commercial	Office	117	ksf	710	11.01	1,288	1.55	0.88	0.12	160	22	1.49	0.17	0.83	30	145
Commercial	Market	117	ksf	850	102.24	12,007	3.59	0.61	0.39	257	164	10.50	0.51	0.49	629	604
Totals						39,524				976	1,721				2,342	1,772
Difference from No Project						3,162				54	243				223	101
Cumulative (2025) + Project Alternative B (Community Meetings)																
Housing	Single Family	583	DU	210	9.57	5,577	0.75	0.25	0.75	109	328	1.01	0.63	0.37	371	218
Housing	Apartments	583	DU	220	6.72	3,916	0.55	0.29	0.71	93	228	0.67	0.61	0.39	238	152
Commercial	Office	110	ksf	710	11.01	1,211	1.55	0.88	0.12	150	20	1.49	0.17	0.83	28	136
Commercial	Market	110	ksf	850	102.24	11,242	3.59	0.61	0.39	241	154	10.50	0.51	0.49	589	566
Totals						21,946				593	730				1,226	1,072
Difference from No Project						-14,416				-329	-748				-893	-598
Cumulative (2025) + Project Alternative C (Policies and Public Agencies)																
Housing	Single Family	1081	DU	210	9.57	10,348	0.75	0.25	0.75	203	608	1.01	0.63	0.37	688	404
Housing	Apartments	1081	DU	220	6.72	7,266	0.55	0.29	0.71	172	422	0.67	0.61	0.39	442	283
Commercial	Office	120	ksf	710	11.01	1,321	1.55	0.88	0.12	164	22	1.49	0.17	0.83	30	148
Commercial	Market	120	ksf	850	102.24	12,287	3.59	0.61	0.39	263	168	10.50	0.51	0.49	644	618
Totals						31,222				802	1,220				1,804	1,453
Difference from No Project						-5,140				-120	-258				-314	-217

DU = Dwelling Units; ksf = 1,000 square feet

Source: *Trip Generation, 8th Edition*, Institute of Transportation Engineers, 2008, Washington, DC
Dowling Associates, Inc, 2009

Comment 2.1.2: The commenter requests an additional intersection diagram showing the 23 study intersections under Existing, Alternative A only, Alternative B only, Alternative C only, Cumulative only, Cumulative plus Alternative A, Cumulative plus Alternative B and Cumulative plus Alternative C in order to verify appropriate assigned traffic.

Response: The intersection volumes for am and pm peak hour conditions for Existing, Cumulative only and Cumulative plus Alternative A are shown in the Technical Appendix LOS calculation sheets. Although Alternatives B and C were implemented in the traffic model, they were not analyzed for level of service since their impacts were considered less than Alternative A and, in some cases, less than the No-Project. However, the model difference plots provided in the Appendix display the change between the no-project and each alternative. As stated in the DEIR, since the traffic analysis utilized the City traffic model to generate, distribute and assign no-Project and Project trips, it is not practical to split out the proportion of no-Project and Project trips at each intersection and to graphically display them.

- Comment 2.1.3: Please provide additional Origin/Destination and distribution analysis for the corridor. Also, demonstrate whether any AM or PM directional through traffic may cause significant traffic impacts to the I-580/SR 238 interchange.

Response: As stated in the DEIR, the traffic model was used to develop the Project trip distribution. And since the Project study area covers an approximate 4.5-mile long corridor, it is not feasible to display the Project Origin/Destination distribution. The commenter is directed to the model difference plots in the Technical Appendix that show traffic changes between the Cumulative no-Project and each alternative Project run (for am and pm peak hour conditions). Furthermore, impacts to I-580 and I-238 have been analyzed in the CMP section, and based on the proposed significance criteria, the impacts are not considered significant.

- Comment 2.1.4: The commenter notes that the vehicle queue on westbound Tennyson Road is longer than the section length from the Tennyson Road/Dixon Street intersection (intersection #21) to the Tennyson Road/Mission Boulevard intersection (#17). The commenter is concerned that this queue will back up traffic into the intersection of Tennyson Road/Mission Boulevard. A mitigation plan is requested.

Response: The LOS calculations in the Technical Appendix indicate under Cumulative without Project conditions, the Tennyson Road/Dixon Street intersection (intersection #21) operates at LOS D with the westbound queues extending by 29 cars per lane. The Cumulative plus Alternative A Project would extend the queue to 30 cars per lane, which is an increase of 1 car. This is not considered significant. Furthermore, the Traffix software does not account for traffic signal timings and queues are generated based on random arrivals and are therefore considered conservative. More detailed operational analysis will be conducted using more precise techniques for future site-specific development applications.

- Comment 2.1.5: The commenter notes that the Project would impact the Foothill Blvd./D St. intersection (#16). The commenter is concerned with the roadway section from Foothill Blvd./D St. to the Mission Blvd./D Street intersection because of the eastbound queue at the Foothill Blvd./D St. intersection. Additional information for the Mission Blvd./D St. intersection is requested for the commenter's review.

Response: According to the LOS calculations in the Technical Appendix, at Foothill/D Street during the pm peak hour, the eastbound queue in the Cumulative no-Project condition is 26 vehicles long. This is considered significant given the available storage is 17 vehicles. But with the Cumulative plus Alternative A Project, the queue is also 26 vehicles long and thus the Project would not contribute to the operational impacts at the eastbound approach of this intersection.

- Comment 2.1.6: The commenter asks if the Route 238 Corridor Improvement Project includes a grade separation at Mission Boulevard and Foothill Boulevard. This facility would reduce the average delay at this intersection.

Response: The approved Route 238 Corridor Improvement Project does not include the grade separation at Mission Boulevard and Foothill Boulevard. This DEIR therefore did not assume the grade separation in the transportation analysis.

- Comment 2.1.7: The commenter supports the concept of higher density, mixed-use development near transit and also recognizes the importance of balancing these uses with open spaces and parks. The City of Hayward has received a Priority Development Area designation for three of its neighborhoods. The purpose of this designation is to create plans that meet future housing needs within a one-half mile radius of transit nodes. One of the PDAs surrounds the South Hayward BART station and encompasses parcels of land in the Route 238 Bypass Corridor Land Use Study. Several of the parcels are located in the PDA along Mission Boulevard and to the southwest at Dixon and Industrial Streets.

Response: These comments are noted. Since no environmental topics are raised in the comment, no additional response is required.

- Comment 2.1.8: The commenter notes that information shown on Tables 4.11-16 through 4.11-19 contained in the DEIR shows the proposed Project would add trips to I-880 and I-580 that are currently operating at below LOS D, which is considered an unacceptable condition. The addition of any trips where conditions are already unacceptable is a significant impact. The commenter therefore requests that a high proportion of future housing should be placed in the PDA zone surrounding the South Hayward BART station. The City of Hayward is urged to re-zone parcels along Mission Boulevard within one-half mile of the BART station to the Mission Boulevard Density Residential and the Commercial/High Density Residential development designations. It is also requested that parcels of land northwest of Dixon

Street and Industrial Parkway be re-zoned for high density residential, while allowing trail connections.

Response: According to the 2007 CMP, the ACCMA does not have a threshold of significance for impacted locations and therefore the EIR establishes a 5 percent increase in traffic as being significant enough to measure with the Countywide Traffic Model. The Cumulative plus Alternative A Project would add 16 trips in the AM to I-238 (0.2%) and 10 trips in the PM (0.1%). These percent increases are below the proposed threshold, and furthermore are considered significantly less than normal daily fluctuations and are therefore not considered significant. The City also notes this standard of significance was used in the Route 238 Corridor Improvement Project EIR as well.

- Comment 2.1.9: The commenter encourages the City of Hayward to plan for the long-range development of future transit corridors along Mission Boulevard and Foothill Street. Portions of these streets allow for the opportunity for high-density, mixed use developments coordinated with future high-capacity transit corridor enhancements. If appropriately planned, this could meet the retail and housing needs of the community while minimizing vehicle trip generation on state highways compared to locating such development away from transit services.

Response: This comment is noted, see Master Response 1.

- Comment 2.1.10: The commenter commends the inclusion of open space trail connections in the land use Alternatives to provide pedestrian and bicycle connections through the study area. The City is encouraged to make connections to other bike and pedestrian links to BART stations and major destinations to further reduce vehicle trip generation and impacts to state highways.

Response: This comment is noted, see Master Response 1.



HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

Letter 3.1

April 15, 2009

Ms. Sara Buizer
Senior Planner
Department of Community and
Economic Development
City of Hayward
777 B Street
Hayward, CA 94541

RECEIVED

APR 15 2009

PLANNING DIVISION

Dear Ms. Buizer:

The Hayward Area Recreation and Park District (HARD) has reviewed the Route 238 Bypass Land Use Study Draft Environmental Impact Report. HARD staff has been involved in the entire process to date and acknowledges the City's leadership roll in the process.

All three of the Land Use Alternatives provide for the additional park and recreation needs for the future developments. All of the alternatives include a good mixture of opportunities for new parks, open space, trails and community structures. The DEIR incorporates the priorities of the District's Master Plan. The identified Land Use Designations are appropriate. **3.1.1**

HARD is currently operating under financial constraints due to the State Education Revenue Augmentation Fund (ERAF) on Special Districts. While the Land Use Designations will be in place, the acquisition and development of the properties will be problematical. **3.1.2**

In addition, large Limited Open Space parcels south of Harder Road, north of Tennyson Road, and east of Mission Boulevard are not suitable for HARD. The parcels are better suited to be part of the East Bay Regional Park District and linked to the existing Garin Park. **3.1.3**

Thank you for the opportunity to make comments.

Sincerely,

Larry Lepore
Superintendent of Parks

BOARD OF
DIRECTORS

Louis M. Andrade
Paul W. Hodges Jr.
Minane Jameson
Carol A. Pereira
Dennis M. Waespi

GENERAL MANAGER

Rita Bedoya Shue

This page intentionally left blank.

Letter 3.1: Hayward Area Recreation and Park District

- Comment 3.1.1: The commenter notes that all three of the Alternatives provide for the additional park and recreation needs of future developments and all include a good mixture of opportunities for new parks, trails and community structures. The DEIR incorporates the priorities of the District's Master Plan and land use designations are appropriate.

Response: This comment is noted and no further response is required.

- Comment 3.1.2: The commenter notes that HARD is presently operating under financial constraints due to State actions and actual acquisition and development of parks and other facilities will be problematical.

Response: This comment is noted and no further response is required.

- Comment 3.1.3: The large Limited Open Space parcels located south of Harder Road, north of Tennyson Road and east of Mission Boulevard are not suitable for HARD, but may be more suitable for purchase by the East Bay Regional Park District and linked to existing Garin Park.

Response: This comment is noted and no further response is required.

This page intentionally left blank.



1600 Franklin Street, Oakland, CA 94612 - Ph. 510/891-4716 - Fax. 510/891-7157

Nancy Skowbo
Deputy General Manager - Service Development

April 16, 2009

Letter 3.2

Sara Buizer, AICP
Senior Planner
Planning Division
City of Hayward
777 B Street
Hayward, Ca. 94541

Subject: Route 238 Bypass Land Use Study Draft Environmental Report

Dear Ms. Buizer:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Route 238 Bypass Land Use Study.

Project Description: The purpose of the study is to determine appropriate planning and zoning designations for a swath of properties east of Mission Boulevard. These properties were acquired by Caltrans for the Route 238 freeway bypass project, a project which Caltrans no longer plans to build. There are some 355 acres of property in the study area, in a long arc from Interstate 580 south to Industrial Boulevard.

We have comments on two elements of the EIR, the land use alternatives and the transit section (pp. 137-141). After a citizen stated that there were inaccuracies in the transit section, City staff asked AC Transit to review that section for inaccuracies.

Land Use Alternatives: The Study considers three land use alternatives. Alternative A - Market Potential - would allow the addition of some 3,200 housing units and 230,000 square feet of employment space (at the midpoint of estimated development ranges). Approximately 1,000 of these units are projected for a "Sustainable Mixed Use" community known as Quarry Village. Alternative B - Community Meetings - would support development of approximately 1,200 units (and 220,000 square feet of employment space). Alternative C - Existing Policies and Public Agencies - would provide for some 2,100 units and 250,000 square feet of employment space.

3.2.1

Route 238 Bypass Land Use Study Draft Environmental Report (cont.)

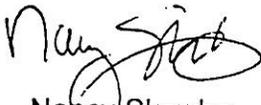
AC Transit urges the City to focus on Alternative A, and realize the market potential. This Alternative would build on the successful transit-oriented development which Hayward has created around its downtown BART station. This Alternative would also support the city's Mission Boulevard/South Hayward Plan. That Plan calls for increased transit service, especially on Mission Boulevard. Adding such service would be facilitated by the more compact, concentrated development anticipated by Alternative A. Not only would this type of development bring more people to transit, it would also bring a greater proportion of people who are likely to use transit.

Planning the Route 238 Corridor: In planning for this windfall of land, the City has an unusual opportunity to shape a new transit-oriented corridor to complement Mission Boulevard. AC Transit would be pleased to work with the City as plans are developed, to assure the maximum degree of transit-oriented development. Transit orientation can be strengthened through provision of service, fare and Transportation Demand Management (TDM) Programs, appropriate parking requirements and physical design of the area. The latter issue in particular is discussed in AC Transit's handbook, **Designing With Transit**. 3.2.2

Accuracy of Information about Existing Transit: As noted above, AC Transit was requested to review the accuracy of the information about existing transit. The information which is in the EIR is accurate, however the inventory of bus service in the EIR is incomplete. Lines 81 and 85 are omitted, as is line 93. Line 386, which provides weekend service to Southland Mall and along Winton Avenue, was also omitted. All four of these lines serve Hayward BART. 3.2.3

We look forward to continuing to work with the City on this important area. If you have questions about this letter, please contact Nathan Landau, Senior Transportation Planner at 891-4792.

Yours Truly,



Nancy Skowbo
Deputy General Manager for Service Development

Cc: Tina Spencer
Cory Lavingne
Tony Divito
Nathan Landau

Letter 3.2: AC Transit

- Comment 3.2.1: The commenter summarizes the three Alternatives analyzed in the DEIR, Alternatives A, B and C. AC Transit urges the City to focus on Alternative A. This Alternative would allow the City to build on the transit-oriented development around the South Hayward BART station. Alternative A would also support the City's Mission Boulevard/South Hayward Plan.

Response: This comment is noted and will be considered by the Hayward Planning Commission and City Council during their respective deliberations on this Project.

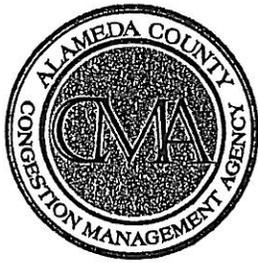
- Comment 3.2.2: The commenter notes that the City has an opportunity to shape a new transit-oriented community to complement Mission Boulevard. AC Transit offers to work with the City as plans are developed to assure the maximum degree of transit-oriented development. Such strategies could include provision of service, fares, Transportation Demand Management strategies and others.

Response: This comment is noted and no further response is required.

- Comment 3.2.3: The commenter notes that the inventory of AC Transit service in the area is incomplete. Lines 81, 85 and 93 are not included. Line 386 which provides weekend service to the Southland Mall along Winton Avenue is also not listed. All other lines also serve Hayward BART.

Response: The transit lines (81, 85, 93 & 386) were not included in the analysis because they do not directly serve the Project land use corridor. Although these transit lines do access the Hayward BART station, they have destinations to the west, and thus do not enter the immediate project study area. However, these omissions are noted and are included by reference into the EIR. The omission of the AC Transit lines do not change the conclusion of the DEIR that approval and implementation of the Project would result in a less-than-significant impact on public transit providers.

This page intentionally left blank.



ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

April 15, 2009

Letter 4.1

AC Transit
Director
Greg Harper

Alameda County
Supervisors
Nate Milley
Scott Haggerty

City of Alameda
Mayor
Beverly Johnson
Vice Chair

City of Albany
Councilmember
Faid Javandel

BART
Director
Thomas Blalock

City of Berkeley
Councilmember
Kris Worthington

City of Dublin
Mayor
Tim Sbrantl

City of Emeryville
Vice-Mayor
Ruth Atkin

City of Fremont
Councilmember
Robert Wiecekowsk

City of Hayward
Councilmember
Olden Henson

City of Livermore
Mayor
Marshall Kamena

City of Newark
Councilmember
Luis Freitas

City of Oakland
Councilmember
Larry Reid

City of Piedmont
Councilmember
John Chiang

City of Pleasanton
Mayor
Jennifer Hosterman

City of San Leandro
Councilmember
Joyce R. Starosciak

City of Union City
Mayor
Mark Green
Chair

Executive Director
Dennis R. Fay

Ms. Sara Buizer
Senior Planner
City of Hayward Planning Division
777 B Street
Hayward, CA 94541
Sara.Buizer@hayward-ca.gov

SUBJECT: Comments on the Draft Program Environmental Impact Report (EIR) for the Route 238 Bypass land Use Study

Dear Ms. Buizer:

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report (EIR) for the Route 238 Bypass land Use Study. The Land Use Study is an analysis of the opportunities and constraints for future redevelopment of 355 acres of several former Caltrans right-of-way parcels. The site is the location of previously planned Foothill Bypass Freeway (Route 238), which will not be constructed. The study will result in development of a Concept Design Plan that could result in amendments to the City of Hayward General Plan and Zoning Ordinance.

The ACCMA respectfully submits the following comments:

- Transportation Analysis Significance Criteria, Page 174: Please provide a justification for why five percent of the total traffic was used as a significance criteria for roads that are currently operating at LOS F. Since the project will contribute to MTS roadways already operating at LOS F conditions, the City should consider collecting a fair share of funding from the project sponsor and holding it in escrow until is it needed to help correct future deficiencies on MTS roadways in the project vicinity. 4.1.1
- Please include whether the project proposes to use demand-related strategies, which are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2007 Congestion Management Program, Chapter 5). Whenever possible, mechanisms that encourage ridesharing, flexitime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. 4.1.2

Ms. Sara Buizer
April 15, 2009
Page 2

Thank you for the opportunity to comment on this Draft EIR. Please do not hesitate to contact me at 510/836-2560 if you require additional information.

Sincerely,

A handwritten signature in black ink that reads "Diane Stark". The signature is written in a cursive, flowing style.

Diane Stark
Senior Transportation Planner

cc: Beth Walukas, Manager of Planning, ACCMA
Roxy Carmichael-Hart, City of Hayward
file: CMP - Environmental Review Opinions - Responses - 2009

Letter 4.1: Alameda County Congestion Management Agency (ACCMA)

- Comment 4.1.1: The commenter asks to provide a justification for why five percent of the total traffic was used as a significance criteria for roads that are currently operating at LOS F. Since the Project would contribute to MTS roadways already operating at LOS F, the City should consider collecting a fair share of funding from the Project sponsor and holding it in escrow until it is needed to help correct future deficiencies of MTS roadways in the Project vicinity.

Response: The Project would contribute trips to MTS roadways already operating at LOS F. But according to the Alameda County Congestion Management Agency 2007 Congestion Management Program (CMP), the ACCMA does not have a policy for determining a threshold of significance for LOS, and recommends professional judgment be used to determine significance of project impacts. According to the DEIR, the following criterion was adopted:

The volume-to-capacity (V/C) ratio increases by more than five (5%) percent on an MTS roadway that is already operating at LOS F. Based on professional judgment and in consultation with the local agency, this is considered a reasonable threshold given the fluctuations in the travel demand model and the long range estimates for land use and traffic in Year 2035.

The issue of regional fees may be considered by the City in the future. However, based on the analysis, there would be no significant regional transportation impacts with this Project.

- Comment 4.1.2: The commenter asks if the Project will include demand-related strategies to reduce the need for new roadway facilities in the long term and make the most of existing facilities. Whenever possible, mechanisms should encourage ridesharing, flextime, transit, bicycling and other means of reducing peak hour traffic trips.

Response: This is a program level EIR, and demand related strategies would be required for future individual development proposals within the Project area. However, the DEIR describes transit, bicycling and trails as part of the program. On a City-wide basis, Hayward is committed to developing and implementing a variety of strategies to reduce auto trips. These strategies are summarized on page 153 of the DEIR under the heading of “Regulatory framework.”

This page intentionally left blank.

From: Sara Buizer <Sara.Buizer@hayward-ca.gov>
Subject: FW: Comments on Draft EIR for 238 Project
Date: April 16, 2009 4:28:29 PM PDT
To: Jerry Haag <jphaag@pacbell.net>

Comments from Alameda County Planning

Letter 4.2

Sara

Sara Buizer, AICP
Senior Planner
City of Hayward - Planning Division
777 B Street
Hayward, CA 94541
www.hayward-ca.gov

-----Original Message-----

From: Lopez, Albert, CDA [<mailto:Albert.Lopez@acgov.org>]
Sent: Thursday, April 16, 2009 4:26 PM
To: Sara Buizer
Cc: McElligott, Elizabeth, CDA; Horvath, Cindy, CDA
Subject: Comments on Draft EIR for 238 Project

Sent Via Email

April 16, 2009

Sara Buizer, AICP
Senior Planner
Planning Division
City of Hayward
777 B Street
Hayward, CA 94541

Dear Ms. Buizer:

Thank you for this opportunity to comment on the City of Hayward's Route 238 Bypass Land Use Study Draft Environmental Impact Report (DEIR). The County looks forward to continuing to work cooperatively with the City of Hayward in planning for future development of the northern "gateway" portion of the 238 bypass corridor. As stated on page i-1 of the DEIR, a small area (a total of approximately 47 acres) of the northern portion of the project area lies within the Unincorporated County. Approximately 21 acres of the 47-acre total are not likely to be suitable for development due to their proximity to the 238 and 580 on- and off-ramps. The County's proposed land use designations for the unincorporated properties also include nearly 11 acres of land for parks, leaving less than 15 acres that are either already developed or may be developable. 4.2.1

In general, the DEIR does not clearly state the roles of the County and the City with regard to land use authority over the 238 corridor parcels. Several statements throughout the document seem to be conflicting and potentially confusing to users of the document. 4.2.2

For example, as noted above, page i-1 states that "a majority of properties (over 90 percent) are within the City of Hayward, although some properties in the northerly portion of the Project area are in the unincorporated portion of Alameda County." Page 2 states "This DEIR describes existing environmental conditions within and adjacent to the proposed Project area within the City of Hayward." These two statements seem to contradict each other as to whether the DEIR analysis includes the project area parcels that are in the County's jurisdiction.

The "Phasing of Development" section on page 8 states that "... individual property owners within the Project area, would subsequently submit applications for development entitlements to the City of Hayward." It should be clarified here that owners of property within the County's jurisdiction would submit applications to the County. 4.2.3

The last paragraph on page 111 states that "Prior to final approval and construction of individual development projects within the project area, additional land use entitlements would need to be obtained from the City of Hayward and Alameda County." This sentence seems to suggest that property owners would need to obtain approval from both jurisdictions. Again, the jurisdictional responsibilities of the City and County should be clarified. 4.2.4

The lack of clarity on the distinction between City and County territory also affects the discussion of alternatives in the project summary and alternatives section. At the March 26, 2009 public hearing on the DEIR, city staff appeared to indicate that Alternatives A and B were adequately described, in part, because the City and the County were discussing a memorandum of understanding to cooperatively plan development in the 238 'gateway." While the County does wish to continue cooperative planning efforts with Hayward in this area, a key principle of that cooperative planning effort is confirming that the City and the County will maintain exclusive land use control over property within their respective jurisdictions. The DEIR should clearly reflect that Alternatives A and B are not consistent with either the current or proposed Eden and Castro Valley Area General Plans, and that implementing Alternatives A and B in the unincorporated area of the study would require a general plan amendment approved by the Alameda County Board of Supervisors. 4.2.5

While the County desires to coordinate planning efforts with the City in the northern gateway area, the DEIR should clearly state that the County and the City will retain land use authority over the parcels within their respective jurisdictions and should recognize the County's role as set forth in CEQA. As you know, Section 15381 of the CEQA Guidelines defines a "responsible agency": For the purposes of CEQA, the term "responsible agency" includes all public agencies other than the lead agency which have discretionary approval power over the project. " Since the County has land use decision-making authority over a portion of the properties identified as the project area by this DEIR, the County should be designated as a responsible agency for the purposes of this CEQA process.

Mitigation Measures:

Some mitigation measures, specifically Mitigation Measure 4.1-1 regarding aesthetics/views, scenic resources, landforms, and visual character; Mitigation Measure 4.1-2 regarding light and glare; Mitigation Measure 4.3-4 regarding biological resources/impacts to tree resources; and Mitigation Measures 4.12-1 regarding public services; apply to both the City and the County, and obligate the County to take certain actions in reviewing development applications. Other mitigation measures refer only to city ordinances and general plan policies, or require a determination by only the City. If these mitigation measures apply only to the properties within the City's jurisdiction and not to properties within the County's jurisdiction, the DEIR should clearly state that this is the case and why. 4.2.6

Some of the mitigation measures seem to require review by both the City and the County. For example, Mitigation Measure 4.1-2 states that "Lighting Plans shall be submitted to the Alameda County Planning Department and the City of Hayward Development Services Department as part of all future development projects." It should be clarified that the City and County are each responsible for reviewing applications within their own jurisdictions. 4.2.7

Police and Fire Services

Impact 4.12-1 and Impact 4.12-2 state that approval of the proposed Project with any of the proposed alternative concept plans would represent significant impacts to police and fire services for both the City and County. The DEIR lacks any detailed analysis that would demonstrate the need for additional staffing or expansion of facilities for the Alameda County Fire Department or Sheriff's Department. Mitigation Measure 4.12-1 requires that the City of Hayward and Alameda County prepare and adopt a mechanism, such as a Community Services District, to finance public safety staffing and improvements within the Project area prior to the construction of the first dwelling unit within the Project area. Given the relatively small amount of development proposed in the unincorporated area, and given that the DEIRs for the Eden and Castro Valley General Plan (issued on March 26, 2007 and January 2007 respectively) concluded that there was no significant impacts to police and fire services in the unincorporated area, this Mitigation Measure would seem to apply to the entire corridor development, and not specifically to the County or City. Resolving this inconsistency is necessary given our CEQA process determined that a financing mechanism is not necessary to mitigate any impacts in the unincorporated area. 4.2.8

Additional Comments:

On page 107, the County suggests the following description of the Eden Area Plan: "The Eden Area Plan was adopted in 1983 and amended in June 1995 to guide land use in the unincorporated communities of Ashland, Cherryland, and San Lorenzo. Properties within the 238 bypass corridor that are located generally east of Foothill Boulevard and north of Apple Avenue, and north of Mattox Road and adjacent to the west side of the freeway off-ramps are within the Eden Plan area. The Eden Plan designates these properties for General Commercial and Low and Medium Density Residential uses." **4.2.9**

Also on page 107, the description of the Castro Valley Plan states that the plan governs land uses "...within the unincorporated portion of Castro Valley..." All of Castro Valley is unincorporated. Also, the community of Castro Valley is generally located northeast of the project area, not to the northwest, as stated in the DEIR. **4.2.10**

The paragraph below the Castro Valley Plan description states that Alternative A reflects proposed County General Plan land use designations for the 238 corridor properties. It is actually Alternative C that reflects the County's proposed designations. **4.2.11**

This section should also note that both the Castro Valley Plan and the Eden Plan are currently undergoing revisions and the revised plans, which will include the proposed land use designations for the unincorporated 238 corridor properties, are expected to be adopted later this year. **4.2.12**

Again, thank you for the opportunity to comment on this DEIR.

Sincerely,

Albert V. Lopez, M.C.P.

Planning Director

County of Alameda

Letter 4.2: Alameda County Planning Department

Comment 4.2.1: The commenter notes that a small area, approximately 47 acres of the Project area, lies within the unincorporated portion of Alameda County. Of these, approximately 21 of these acres are likely not suitable for development due to their proximity to the 238 and 580 access ramps. The County's proposed land use designations for approximately 11 acres remaining unincorporated parcels are for parks, leaving approximately 15 acres that could be developed.

Response: This comment is noted.

- Comment 4.2.2: In general, the DEIR does not clearly state the roles of the County and the City with regard to land use authority over 238 corridor parcels. Several statements in the DEIR seem to be conflicting and potentially confusing to users of the document. Specifically, a statement on page i-1 appears to conflict with Page 2 that does not reference Alameda County.

Response: Based on this comment, the text of Page 2 is hereby modified and incorporated by reference into the DEIR "This DEIR describes existing environmental conditions within and adjacent to the proposed Project area within the City of Hayward and adjacent unincorporated portions of Alameda County."

- Comment 4.2.3: The commenter notes that page 8 of the DEIR does not list Alameda County as the land use authority for unincorporated lands within the Project area.

Response: Based on this comment, the text of Page 8 of the DEIR, Phasing of Development, is hereby modified and included by reference into the DEIR: "It is anticipated that, should this Project receive necessary approvals, individual property owners within the Project area would subsequently submit applications for development entitlements to the City of Hayward and the County of Alameda for unincorporated properties."

- Comment 4.2.4: The comment requests clarification of the text on page 111 of the DEIR that states that individual property owners within the Project area would need to submit development applications to the City of Hayward and Alameda County. It should be clarified that property owners within the County jurisdiction will need to submit development applications to the County.

Response: Nothing in the text of the DEIR was intended to change existing basic jurisdictional responsibilities. Land use regulations for properties within the City of Hayward are now and will continue to be the responsibility of the City. Properties within the unincorporated portion of Alameda County will be subject to land use regulations of Alameda County.

- Comment 4.2.5: The commenter raises concerns regarding the discussion of land use control authority with respect to City and County cooperation regarding future gateways. The DEIR should clarify that Alternatives A and B are not consistent with either existing or future County plans, including the Eden and Castro Valley Plans. Implementing Alternatives A and B for the unincorporated properties in the study area would require a general plan amendment by the County Board of Supervisors. Also, the DEIR should clearly state that the City and County will retain their respective land use authority. Pursuant to CEQA Guidelines section 15381, the Alameda County should be identified as a Responsible Agency for the purposes of the CEQA process.

Response: As indicated at the March 26 public hearing, the City of Hayward strongly desires to continue cooperation with the County regarding future gateway plans and other related issues.

The intent of Alternative C was to address existing and proposed (to the extent known) jurisdictional plans from all affected public agencies. Alternatives A and B have been prepared to explore other potential development scenarios for the study area. Since the City of Hayward has no land use authority over properties within the unincorporated portion of Alameda County, future land use decisions for these areas will be up to action taken by the Board of Supervisors.

In terms of acknowledging the land use authority of the two jurisdictions, please see the Response to Comment 4.2.4.

Also, as requested by the commenter, Section 2.2 (Lead Agency) is amended to read as follows, this change is incorporated by reference into the DEIR.

“2.2 Lead and Responsible Agency Agencies

The City of Hayward is the lead agency for preparation of the EIR, as defined by Section 21067 of CEQA. This means that the City of Hayward is designated as the public agency which has the principal responsibility for approving or carrying out the proposed Project and for assessing likely environmental effects of the proposal.

Alameda County is a Responsible Agency for this Project, since future actions will likely be required to implement land use changes for properties within the unincorporated properties and also within the Project area.”

- Comment 4.2.6: The commenter raises a point that Mitigation Measures contained in the DEIR are confusing in terms of which jurisdictional applicability. Some mitigation measures reference City and County actions, and obligate the County to take certain actions in reviewing future development applications. Other mitigation measures refer only to City ordinances and/or general plan policies and require a determination only by the City. If mitigation measures apply only to properties within the City, the DEIR should clearly state that this is the case and why.

Response: At this point in time, only the City of Hayward has scheduled action to certify the EIR; so any mitigation measures would only apply to properties lying within the City and to future development applications submitted to the City. Until and unless the DEIR is certified by the County Board of Supervisors, mitigation measures included in the DEIR will have no force and effect for unincorporated properties.

- Comment 4.2.7: The commenter notes that some of the mitigation measures seem to require review by both the City and the County. For example, Mitigation Measure 4.1-2 states that Lighting Plans shall be submitted to the Alameda County Planning Department and the City of Hayward Development Services Department as part of all future development projects. It should be clarified that the City and County are each responsible for reviewing applications within their own jurisdictions.

Response: As indicated in the Response to Comment 4.2.4, land use jurisdiction for properties within the City of Hayward is the responsibility of the City of Hayward; land use jurisdiction for unincorporated properties is the responsibility of Alameda County. Therefore, it is hereby clarified that future lighting plans associated with development proposals within the City would be the responsibility of the City of Hayward and, separately, lighting plans for applications within the County would just be reviewed by the County. This assumes that the DEIR is certified by the County Board of Supervisors so that applicable mitigation measures would be in force.

- Comment 4.2.8: Regarding Impacts 4.12-1 (impacts to fire service) and 4.12-2 (impacts to police service), these impacts were determined to be potentially significant. The DEIR lacks a detailed analysis that would demonstrate the need for additional staffing or expansion of facilities for Mitigation Measures 4.12-1 and 4.12-2 require a mechanism to fund future public safety staffing and improvements within the Project area. Given the relatively small amount of future development proposed in the unincorporated area and previous finding of less-than-significant impacts identified in CEQA documents for the Eden and Castro Valley General Plans (2007), this measure would seem to apply to the entire corridor area and not just specifically to the City or County. Resolving this inconsistency is necessary since the County CEQA process did not determine the need for such a mechanism in the unincorporated portions of the Project area.

Response: Regarding Impacts 4.12-1 (impacts to fire service) and 4.12-2 (impacts to police service), these impacts were determined to be potentially significant based on

interviews with appropriate service providers as identified in the text of the DEIR. This included both City and County staff Mitigation Measures 4.12-1 and 4.12-2 are included in the DEIR to reduce these impacts to less-than-significant levels by requiring a mechanism to fund needed future staffing and related improvements. The intent of the Mitigation Measures was that is would be jointly adopted by both the City and County for their respective jurisdictions. Resolution of any CEQA inconsistency could be resolved by County certification of the DEIR by the County Board of Supervisors.

- Comment 4.2.9: The commenter suggests the following description of the Eden Area Plan as set forth on page 107 of the DEIR: "The Eden Area Plan was adopted in 1983 and amended in June 1995 to guide land use in the unincorporated communities of Ashland, Cherryland, and San Lorenzo. Properties within the 238 bypass corridor that are located generally east of Foothill Boulevard and north of Apple Avenue, and north of Mattox Road and adjacent to the west side of the freeway off-ramps are within the Eden Plan area. The Eden Plan designates these properties for General Commercial and Low and Medium Density Residential uses."

Response: The revised text on page 107, as requested by the commenter, is hereby incorporated by reference into the DEIR.

- Comment 4.2.10: The commenter notes that the description of the Castro Valley plan on page 107 of the DEIR states that the Plan governs land uses within the unincorporated portions of Castro Valley. The commenter notes that all of the Castro Valley area is located within the unincorporated portion of the County. Also, Castro Valley is generally located northeast of the Project area, not northwest as stated in the DEIR.

Response: These comments are noted and the DEIR is corrected by reference.

- Comment 4.2.11: The commenter states that the paragraph in the DEIR below the description of the Castro Valley Plan states that Alternative A reflects proposed County General Plan land use designations and, in actuality, it s Alternative C.

Response: These comments are noted and the DEIR is corrected by reference.

- Comment 4.2.12: The commenter requests that the Land Use section of the DEIR include a note that both the Castro Valley Plan and the Eden Plan are currently undergoing revisions and the revised plans, which will include the proposed land use designations for the unincorporated parcels in the Project area are expected later this year.

Response: Page 107 of the DEIR notes that both plans are currently undergoing revision.

From: Sara Buizer <Sara.Buizer@hayward-ca.gov>
Subject: FW: Comments on Caltrans/Route 238 Property
Date: April 15, 2009 2:32:17 PM PDT
To: Jerry Haag <jphaag@pacbell.net>

Formal comment letter on the DEIR.

Letter 4.3

sara

Sara Buizer, AICP
Senior Planner
City of Hayward - Planning Division
777 B Street
Hayward, CA 94541
www.hayward-ca.gov

From: Dektar, Ellen GSA - Child Care Department [<mailto:ellen.dektar@acgov.org>]
Sent: Wednesday, April 15, 2009 1:12 PM
To: Sara Buizer
Cc: Garling, Angie , GSA - Child Care Department; Rosemary Obeid
Subject: Comments on Caltrans/Route 238 Property

Dear Ms.Buizer,

Per Mr. Rizk's suggestions, I am writing to ask you to consider child care planning in conjunction with Hayward's plans for the Caltrans/Route 238 property. As Hayward recognized in the Community Facilities and Amenities Element of the General Plan, "Child care is a vital resource for Hayward residents and employers." With 1,000-4,000 residential units being considered in the Caltrans/Route 238 plan, and an estimated 577-1,600 school age students forecast in the school projections in the EIR, it's safe to say there would be a significant increase in young children who would need child care options, including part day and full day programs in a variety of settings, such as parks, schools, family child care homes and centers. 4.3.1

Addressing child care in the planning policies and processes now would increase chances that: a thorough review of child care needs could be done; a quality child care provider could be identified; a center could be developed in a logical location for traffic circulation, proximity to transit and other related issues; and public or private financial backing could be obtained. Child care programs have unique financing structures and frequently need public and other support to develop and lease buildings. 4.3.2

I've reviewed the EIR, in particular, the Parks and the Schools sections which are coupled with the Regulatory Framework established by the General Plan Community Facilities and Amenities Element and excerpts from neighborhood plans. At a minimum, I would suggest that the relevant child care sections from the Community Facilities and Amenities element are also included in the Parks and/or Schools sections. 4.3.3

The General Plan section that directs the City to "work with the school districts and park district to examine the feasibility of implementing additional after school or summer child care services and 4.3.4

recreational activities” has the most explicit references to both agencies, but the policy section 3.1 “to evaluate ways to make child care more affordable and geographically available to working parents and low-income families” could be even more relevant.

It would be great to meet to discuss the potential linkages with child care and planning for this project and I’d be happy to invite key people from the child care field such as Rosemary Obeid with the Child Care Coordinating Council (4Cs) if and when you think it’s appropriate. Please let me know if you’d like to arrange a meeting. **4.3.5**

Thank you for your consideration.

Sincerely,
Ellen

Ellen Dektar
Coordinator
Alameda County Local Investment in Child Care (LINCC) Project
Alameda County Child Care Planning Council
1401 Lakeside Drive, 11th Floor
Oakland, CA 94612
(510) 208-9578 (phone)
(510) 208-9579 (fax)
www.lincc-childcare.com
<http://www.acgov.org/childcare/linking.shtml>

Letter 4.3: Alameda County General Services Agency, Child Care Department

- Comment 4.3.1: The commenter is writing to ask the City to consider child care in planning for the Route 238 Project. The commenter cites a policy from General Plan stating that child care is a vital resource for Hayward residents and employers. With a potentially significant increase in local population, it is safe to assume that there would be a significant increase in children who will need child care options, including part day and full day programs in a variety of settings, such as parks, schools, family child care homes and centers.

Response: This comment is noted, including the assumption that approval and implementation of one of the Alternatives would likely increase the number of school-aged children. However, none of the Alternatives analyzed in the DEIR would preclude future establishment of a variety of child care facilities in the Project area. The Hayward Zoning Ordinance allows a range of large and small family day care facilities in residential districts and larger facilities in commercial districts. The proposed Project will not change current City regulations regarding the provision of child care facilities.

- Comment 4.3.2: The commenter requests that child care planning begin now to increase the chances that child care needs can be recognized and a quality child care provider could be identified in an appropriate location.

Response: This comment is noted but the actual identification of a specific land use, such as a childcare facility, is beyond the scope and purpose of the Route 238 Bypass Land Use Study. The DEIR is a Program EIR, as stated on page 3 of the DEIR, and, as such, it is anticipated that there will be future applications for specific land use developments in the Project area, which could include child care facilities.

Also, as noted in the response to Comment 4.3.1, the Hayward Zoning Ordinance makes provision for the establishment of a variety of child care facilities.

- Comment 4.3.3: The commenter suggests that relevant child care sections from the Community Facilities and Amenities element of the Hayward General Plan be included under the Parks and Schools sections of the DEIR.

Response: The comment is noted; however, discussions of child care facilities are typically not included in environmental documents. The purpose of the DEIR is to analyze physical impacts to the environment as a result of implementing the three Alternatives discussed in the DEIR. Since the Hayward General Plan and Zoning Ordinance make provision for a variety of child care facilities, a specific discussion of child care facilities in the DEIR is not necessary.

- Comment 4.3.4: The General Plan section directs the City to work with school districts and park district to examine the feasibility of implementing after school or summer child care services and recreational activities, but policy section 3.1 that directs an evaluation of ways to make child care more affordable and geographically available to working parents and low income families could be even more relevant.

Response: The comment is noted. Approval and implementation of the proposed Project will not interfere with achieving General Plan goals and policies relating to child care provision.

- Comment 4.3.5: The commenter offers to meet with the City to discuss potential linkages with child care and this Project.

Response: The comment is noted.

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT HAYWARD PLANNING COMMISSION

The Planning Commission of the City of Hayward has scheduled a public hearing on **Thursday, March 26, 2009, at 7:30 p.m.**, Council Chambers, 2nd floor, City Hall, 777 B Street, Hayward, to obtain citizen input on the following proposal:

Route 238 Bypass Land Use Study Draft Environmental Impact Report.

The City has prepared a DEIR in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended and analyzes the potential environmental impacts associated with the three land use alternatives. Copies of the (DEIR) may be reviewed at the Main City Library, 835 C Street, or the Weekes Branch, 27300 Patrick Avenue, or at the Hayward Planning Division, 777 B Street, Hayward and on the City's website at www.hayward-ca.gov. From the home page, go to *City Services*, then to *Planning and Zoning*, then to *Projects under Environmental Review*. The period during which comments will be received is from **March 3, 2009 through April 16, 2009**. Please direct your comments to Sara Buizer no later than 5:00 p.m., April 16, 2009.

You are invited to attend the public hearing before the Planning Commission to speak or offer written evidence for or against this proposal in advance of the hearing. A copy of the staff report can be viewed on the City's website at www.hayward-ca.gov after March 20, 2009.

For more information contact:

Sara Buizer, AICP, Senior Planner
 City of Hayward, Planning Division
 777 "B" Street, Hayward, CA 94541
 Phone: (510) 583-4191
 e-mail: sara.buizer@hayward-ca.gov



Letter 6.1

APR 3/2/2009
Charlie Cameron
 Charlie Cameron
 P.O. Box 55
 Hayward, CA 94543
4/7/2009

objections
Not
6.1.1

DEAR MS. BUIZER: MY COMMENTS FOR THIS PROJECT
1 ON pg 137 AM TRAK'S CAPITAL EXPENDITURE IS SPREAD THIS WAY.
2 ON pg 140 FOR RT. 86 PERIOD BETWEEN WORD ONLY, AS NOT THIS RT, RUNS EVERY TIME ONLY 4 - IF ONLY RT TO S/HAY, CA AND 1/2 HOURS.
2A WHEN RT THAT THIS RT. 86 SAVES NOT A RT HERE. IT THEN UNDO HAY. CA AND ON 1/2 WEEKS THE RT. 86 ON. DON'T TAKE THE RT. 86 ON SAYS AND TO DO THE RT. RUNS 20/30 MIN PER HOUR ONLY. 1/2 HOUR
2C ON pg 140 PERIOD RT. 386 FOR S/SUNDAY HAY. IS AND ONLY 1/2 TO A/C.T. US VIA SOUTH LANE UNDO - IT DOES NOT SAVE NOW SUNDAY HAY. IS AND S/A.

32) pg 36 FIG 4.1-8 UNCONZED SIMULATED LOW
FRAME 3-A (IT IS MISSING A/2 TRANSIT
BUS STOP POLE + POLE ON BUS STOP
STREET CORNER
BUS ON ALBA, (AS TURNING THERE IS
A NORTH BOUND A/2 TRANSIT BUS STOP
AT MISSION & VALLE VISTA FOR RT. 99, RT. 80)
KY

6.1.3

3A) pg 37 FIG 4.1-9 SAME INFO AS ABOVE
FOR FRAME # 3B
(3C) ALL INFORMATION FROM
MISSING A/2 TRANSIT
BUS STOP POLE

6.1.4

3B) ON PG 38 FIG. 4.1-10 SAME INFO AS KY
ABOVE FOR FRAME # 3C.

6.1.5

3C) PUT ON PROPOSED OR SIMULATED CONCEPT
FOR THESE FRAMES (3A), (3B), (3C)
BUS STOP LOCATION (ARROW)

6.1.6

4) ON PG 141 TABLE 4.11-3 A/2 TRANSIT RT 94-
THROUGH OTHER PARTS AREA HOW & WHERE CAN
SIDEWAYS A/2 TRANSIT 386 BE LISTED?
CROSS

6.1.7

5) ON PG 144 ON BUS RT. 82 (IT WAS CAMP
OUT IN JUNE 2007) LABEL IT!

6.1.8

6) ON PG 11 FIG 3.1-1 (ADDITIONAL LOCATION
EXTEND WEST WIND TO THE
LEFT PAST CLAWSON RD (TAKE ONLY ONE
TWO WAY CLAWSON RD WEST HERE)

6.1.9

4A) ON TABLE 3+3 MAPS (HLS & TABLE 100
I HAVE SEEN ON TO THIS TABLE 3-3

6.1.10

7) ON PG 185 TABLE 4.11-20 THERE IS NO
BRAC DOWN NEW SIDERS FOR TURNING SIDERS
FOR A/2 TRANSIT USUAL S/HAP + HATS SAITS
BUT THEY HAVE FIG FOR MAP???

6.1.11

Letter 6.1: Charlie Cameron

- Comment 6.1.1: The commenter notes that on page 137, the appropriate spelling of the Amtrak train is the “Capitol Corridor Line,” not the “Capital Corridor Line.”

Response: This comment is noted and corrected by reference into the DEIR.

- Comment 6.2.2: The commenter notes corrections with respect to AC Transit Line 86 and other lines in Table 4.11-2 on page 140.

Response: These comments are noted. Also reference Comment 3.2 from AC Transit District staff.

- Comment 6.2.3: The commenter notes the absence of an AC Transit bus stop sign on Figure 4.1-8, the simulation showing Mission Boulevard near Valle Vista Avenue looking north.

Response: This comment is noted. The bus stop sign may have been installed after the picture of this site was taken. However, the absence of the small sign does not affect the conceptual simulation information incorporated in the Figure.

- Comment 6.2.4: The commenter notes that an AC Transit bus stop sign is missing in Figure 4.1-9 as well.

Response: See Response to Comment 6.2.3.

- Comment 6.2.5: The commenter notes that an AC Transit bus stop sign is missing in Figure 4.1-10 as well.

Response: See Response to Comment 6.2.3.

- Comment 6.2.6: This comment is not readable.

Response: No response is possible.

- Comment 6.2.7: Table 4.11-3 does not include AC Transit Route 386.

Response: This comment is noted. See Response to Comment 3.2.3.

- Comment 6.2.8: A comment is raised regarding AC Transit Route 82, but the intent of the comment is unreadable.

Response: No response is possible.

- Comment 6.2.9: A comment is raised regarding Figure 3.1-1 on page 11; however, this comment is not readable.

Response: No response is possible.

Comment 6.2.10: A comment is raised regarding “Table 3 & 3” and how this related to “Table 3-3.”

Response: No such Tables 3 & 3 or 3-3 exists in the DEIR.

- Comment 6.2.11: It appears the commenter desires additional breakdown of AC Transit daily ridership statistics that could include ridership to the South Hayward BART station.

Response: Information provided in Table 4.11-20 is intended to provide an overview of general ridership for AC Transit busses. The DEIR concludes on page 178 that approval of the proposed Project would not have a significant impact on AC ridership, so there is no need for additional analysis on this topic.

ROUTE 238 BYPASS LAND USE STUDY
Response to DEIR

April 12, 2009

Letter 6.2

From: Linda Bennett
P.O. Box 582
Hayward, CA 94543-0582

RECEIVED

APR 16 2009

PLANNING DIVISION

To: Sara Buizer, AICP
Senior Planner
Planning Division
City of Hayward
777 B Street
Hayward, CA 94541

The following comments are in response to the Route 238 Bypass Land Use Study DEIR.

In general the DEIR seems to address the main concerns of the public and the sensitivity of the environment. Alternative B appears to be the most sensitive alternative addressing many concerns of the public in relation to the environment. 6.2.1

Alternative B: follows most closely the neighborhood task force recommendations, takes into consideration the Upper B Streets idea of an Historical Preservation area that would protect the existing Victorians as well as encourage the addition of relocated Victorians for residential as well as for commercial use along B Street not at A Street as is mentioned in the DEIR on page 7. There would be too much of an impact to the San Lorenzo Creek in the A Street location. 6.2.2

Alternative C: with the medium density designation along B Street would create an undue burden on existing neighbors and businesses as parking is at a premium currently (see attached pictures as examples of existing conditions). Petitions are attached that were signed at the community meetings and distributed throughout the upper B Street neighborhood around the CALTRANS property encouraging single family residential and discouraging Planned Development which can have a negative impact on the quality of life in existing neighborhoods. Medium density would also impact the Tennyson Road and A Street neighborhoods as well increasing Green House Gases in all of these areas with insufficient mitigation. 6.2.3

Page 73 states "The city of Hayward has adopted the Alameda County Flood Control and Water Conservation District's 20-foot setback from top of bank for development in stream corridors" Alameda County's setback is defined as: from the toe of the creek a 2 to 1 plus 20-foot setback is used. This then would not be in conformance with the counties setback. (See the Watercourse Protection Ordinance 13.12.320, attached) 6.2.4

Page 73: Alameda County is working to improve the steelhead and salmon population in the San Lorenzo Creek. It would be recommended that the City of Hayward and Alameda County work together to improve the water quality and preserve San Lorenzo Creek. 6.2.5

While mitigation is mentioned to avoid sedimentation in San Lorenzo Creek and the creeks tributaries, the creek is ever changing and due to excessive development in the upper creek area sedimentation is already an existing problem. The only measure to insure removal and maintenance of sedimentation is active maintenance as done previously in the creek to protect residents from potential flood danger. 6.2.6

Pageii-6: Maintaining a riparian corridor is important. Riparian corridor is not defined and needs to be defined specifically and not be left up to the determination of out side sources. It would be important for the City of Hayward to work with Alameda County on programs to protect and preserve the creeks natural habitat. The San Lorenzo Creek as well as much of Hayward is within a 100 year flood plain and many properties are currently at risk for flooding because of lack of maintenance of the creek ('98 Flood). 6.2.7
6.2.8

Pageii-7-8: No mitigation measure can be made to protect property from flooding if it decreases water flow or produces additional runoff into the San Lorenzo Creek or its tributaries. 6.2.9

Page 105: Mitigation measure 4.7-2: This needs to include that there would be no impacts downstream that would affect property owner's riparian rights. 6.2.10

Circulation: While certain road improvements are mentioned that seem to be addressing what is considered the Loop there seems to be no specific address of circulation if the Loop is built. The Loop could potentially have a significant negative impact on A, B, C, and D Streets. 6.2.11

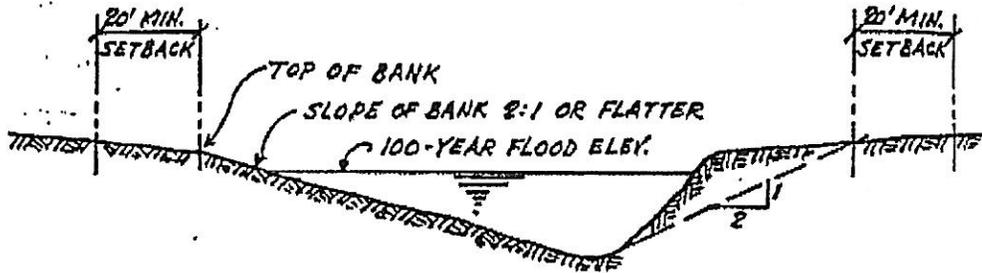
Road widening near creeks have the potential for negative impacts on the creeks and don't seem to be addressed except partially in relation to construction. 6.2.12

Additionally, the County of Alameda has in place the San Lorenzo Creek Watershed Task Force that is currently looking at important concerns within the San Lorenzo Creek Watershed and would serve as a good resource for the City of Hayward. Many of these concerns in relation to the creek serve the purpose of concerns that the Friends of San Lorenzo Creek also share. 6.2.13

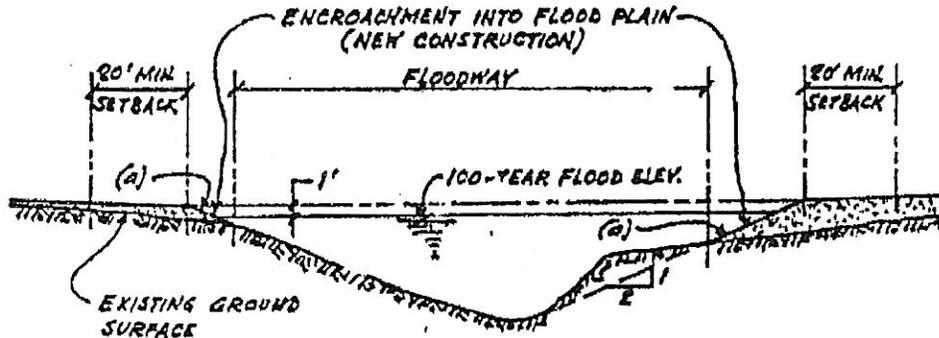
Thank you for the opportunity to share my concerns with the 238 Bypass Land Use DEIR.

**Alameda County Ordinances
Section 13.12.320: Setback Criteria**

Section A — Typical where 100-year storm flow is contained within banks of existing watercourse.

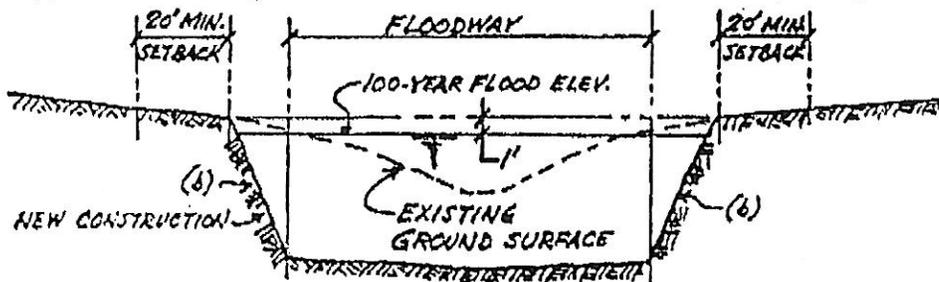


Section B — Typical where existing channel is sufficiently large to allow side encroachment.



(a) = Slope of bank shall be 2 horizontal to 1 vertical or flatter, as determined by director of public works.

Section C — Typical for a flood plain where the watercourse must be enlarged to permit development.



(b) = Sides of channel shall be structurally stable. If sides are of earth, they shall have a maximum slope of 2 horizontal to 1 vertical.

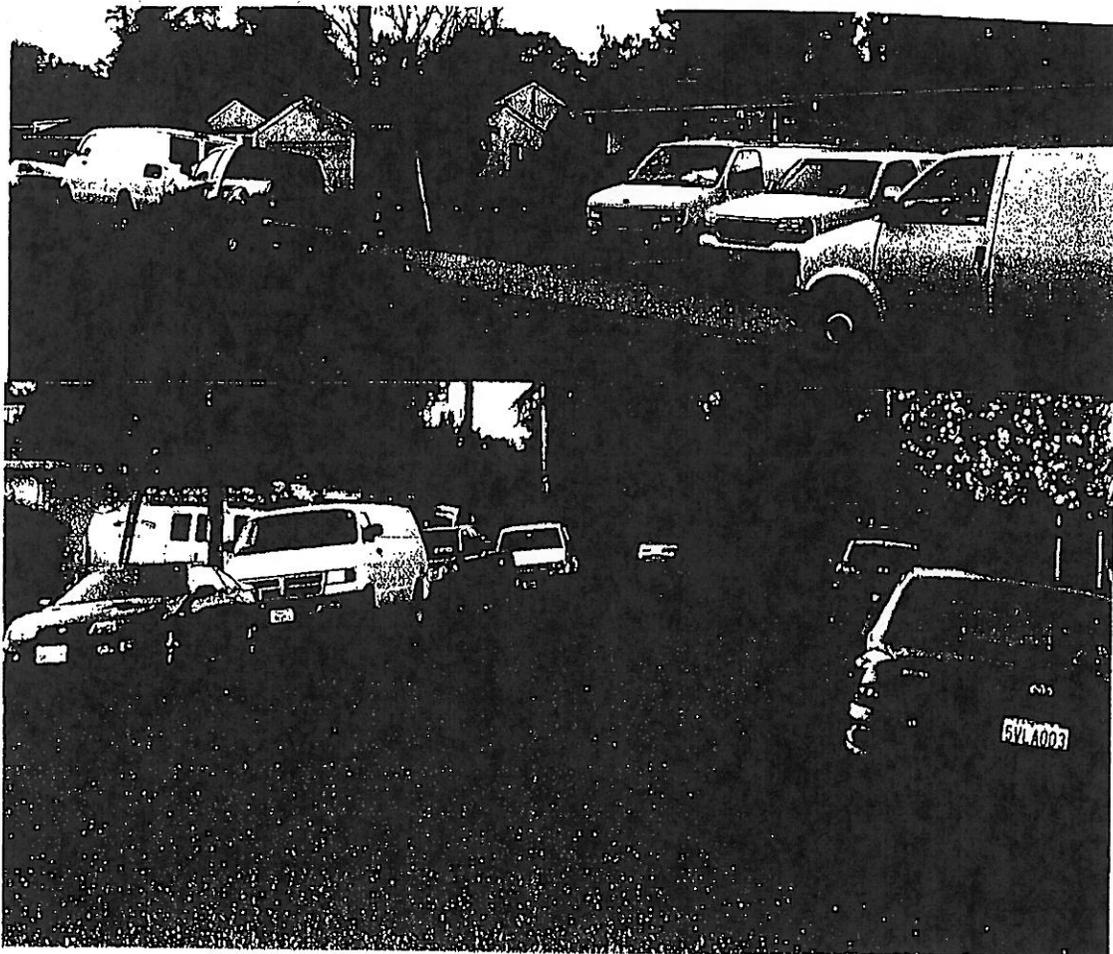
NOTES:

1. Sections B and C shall be based on maximum development under existing General Plan.
2. Sections A, B, and C are not applicable to developed areas where provisions of Sec. 7-200.6 (Not retroactive) apply.

Sec. 7-200.6 Not Retroactive: This chapter shall be prospective in operation only. The provisions of this chapter shall not apply to existing construction for which all previously necessary permits were obtained. Said provisions shall also not apply to a project or development not yet constructed provided that an appropriate permit has been obtained and said permit bears a date prior to the effective date of this chapter.

Examples of overcrowding impacts on Neighborhoods

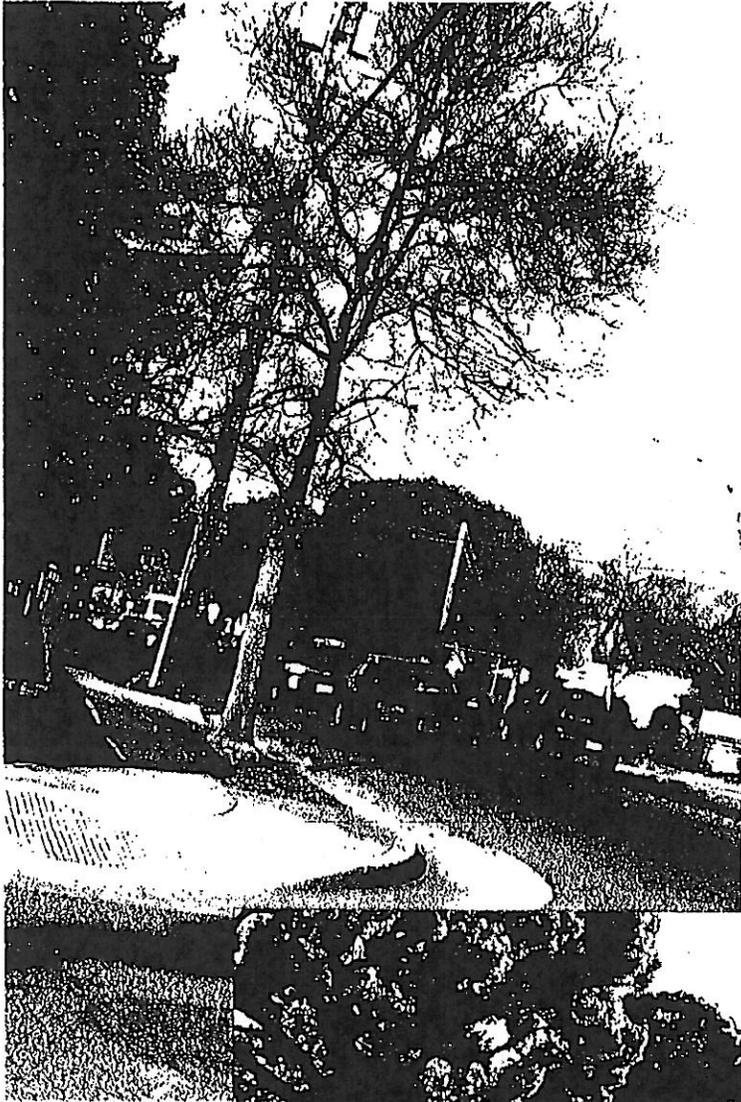
This is a home on B St.



This is a home on a side street off B St.
- cars are parked in front of several neighbor homes



B Street Traffic
— 6 pm in the evening



← looking
East from 6th St.

Looking West
from 6th Street



To: Hayward City Council Members, Planning Commissioners, CALTRANS

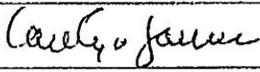
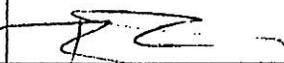
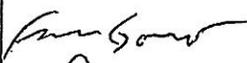
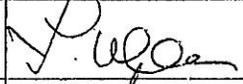
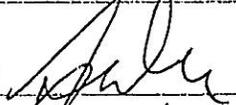
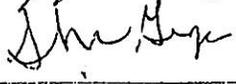
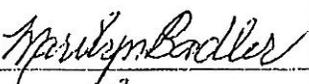
From: Citizens of the Upper B Street Area

RE: Route 238 Surplus Land Use

6.2.14

We the undersigned citizens and business owners of the Upper B Street area hereby petition the City of Hayward to maintain the land currently owned by CALTRANS as single family residential minimum 6000 sq. ft. lots (RSB6). Neighborhood Commercial use is allowed on the B Street fronted property as long as the units conform to the zoning.

We the undersigned do not want any Planned Developments that will create negative parking impacts on our neighborhoods. Lack of parking and excessive traffic are already creating a negative impact on the quality of life in our neighborhood

PRINTED NAME	SIGNATURE	STREET ADDRESS	CITY, ZIP CODE, PHONE NUMBER
MARY CAGLEY JAMES		22597 CHESTNUT	HAYWARD 94541 581-9536
KEBECCA MARIANNE		1607 WARD ST.	510/755-0603 HAYWARD, CA, 94541
FRANK GONLART		22248 Main St	Hayward 94541 570 581 9667
LARRY WILLIAMS		21770 SUNDYSPRING RD	C.V. 94546 888-1302
MATT MARTEL		2404 CLAY STREET	HAYWARD CA 94541
BRUCE COBLEY		516 P/HAIR ST	HAYWARD 94541
SHAUN AYUS		1349 E St	Hayward CA, 94541
MARILYN BADLER		1335 EST.	Hayward 94541
LAWRENCE C. GONARD		1528 STAFFORD	HAYWARD 94541

Signatures collected by:

Print Name

Linda Bennett

Signature



Date collected

Feb 2008

Address

To: Hayward City Council Members, Planning Commissioners, CALTRANS

From: Citizens of the Upper B Street Area

RE: Route 238 Surplus Land Use

We the undersigned citizens and business owners of the Upper B Street area hereby petition the City of Hayward to maintain the land currently owned by CALTRANS as single family residential minimum 6000 sq. ft. lots (RSB6). Neighborhood Commercial use is allowed on the B Street fronted property as long as the units conform to the zoning.

We the undersigned do not want any Planned Developments that will create negative parking impacts on our neighborhoods. Lack of parking and excessive traffic are already creating a negative impact on the quality of life in our neighborhood

PRINTED NAME	SIGNATURE	STREET ADDRESS	CITY, ZIP CODE, PHONE NUMBER
KARL BAPA FIELDS	<i>[Signature]</i>	2766 Markham Hayward CA	94541 (576) 538-0776
PAUL FETON	<i>[Signature]</i>	21756 Foothill Blvd Hayward 94541	510-333-2603
Erica Hall	<i>[Signature]</i>	1055 Redstone Hay. CA 94542	510-247-1847
Donna Venezia	<i>[Signature]</i>	21673 Knollwood CV	510-520-1513
Chris Freschi	<i>[Signature]</i>	26435 Chatham Hay.	cfreschi@sbcc 910691.net
RJ Hall	<i>[Signature]</i>	1055 Redstone PL Hayward, CA 94542	Hayward, Ca 94542 510-247-1847
WALTER LOBY	<i>[Signature]</i>	25729 WESTVIEW WAY	HAYWARD 94542 408 968 8139
CONSTANCE BOSTIC	<i>[Signature]</i>	1086 PALISADE HAYWARD 94542	(510) 690-0000
Louis Johnson	<i>[Signature]</i>	" "	" " "
Mary Anne Reno	<i>[Signature]</i>	15865 Via Granada San Lorenzo	(510) 481-1784
Evelyn M. Cormier	<i>[Signature]</i>	31020 Clifton Ave Hayward 94541	510-471-0475

Signatures collected by:

Print Name Linda Bennett Signature *[Signature]*
 Date collected Jan 2008 Address _____

To: Hayward City Council Members, Planning Commissioners, CALTRANS

From: Citizens of the Upper B Street Area

RE: Route 238 Surplus Land Use

We the undersigned citizens and business owners of the Upper B Street area hereby petition the City of Hayward to maintain the land currently owned by CALTRANS as single family residential minimum 6000 sq. ft. lots (RSB6). Neighborhood Commercial use is allowed on the B Street fronted property as long as the units conform to the zoning.

We the undersigned do not want any Planned Developments that will create negative parking impacts on our neighborhoods. Lack of parking and excessive traffic are already creating a negative impact on the quality of life in our neighborhood

PRINTED NAME	SIGNATURE	STREET ADDRESS	CITY, ZIP CODE, PHONE NUMBER
Sterling Cusk	<i>[Signature]</i>	21537 Knoll way Castro Valley, CA 94546	Castro Valley, CA 94546 510-750-6753
Kim Andrade	<i>[Signature]</i>	1456 B St Hayward, CA 94541	510 690-9309
Charlotte Irwin	<i>[Signature]</i>	22589 Chestnut	HAYWARD 94541 510 581-8290
CHRISTINE VINCENT	<i>[Signature]</i>	22581 CHESTNUT	HAYWARD 510 690-1896
Michael J. O'Donnell	<i>[Signature]</i>	1436 B St.	Hayward, CA 94541 510-889-9972
Matthew Johnson	<i>[Signature]</i>	1422 B St	Hayward, CA (510) 881-7009
Veronica Casillas	<i>[Signature]</i>	1405 B St.	Hayward, CA 510-581-1525 94541
Scott Lue	<i>[Signature]</i>	1485 B St	Hayward CA
REXA MILLER	<i>[Signature]</i>	22590 6th St.	HAYWARD CA 94541
Shondue	<i>[Signature]</i>	22574 6th St	Hayward CA 94541
Don Due	<i>[Signature]</i>	22574 6th St	Hayward CA 94541

Signatures collected by:

Print Name Linda Bennett Signature *[Signature]*
 Date collected Jan 2008 Address W. Kelley Bremner

To: Hayward City Council Members, Planning Commissioners, CALTRANS

From: Citizens of the Upper B Street Area

RE: Route 238 Surplus Land Use

We the undersigned citizens and business owners of the Upper B Street area hereby petition the City of Hayward to maintain the land currently owned by CALTRANS as single family residential minimum 6000 sq. ft. lots (RSB6). Neighborhood Commercial use is allowed on the B Street fronted property as long as the units conform to the zoning.

We the undersigned do not want any Planned Developments that will create negative parking impacts on our neighborhoods. Lack of parking and excessive traffic are already creating a negative impact on the quality of life in our neighborhood

PRINTED NAME	SIGNATURE	STREET ADDRESS	CITY, ZIP CODE, PHONE NUMBER
Anna Bessey	Anna Bessey	2250 Fifth	Hayward 94544
Robyn Stovall	Robyn Stovall	22544 Second St	Hayward, CA 94512
Robyn Stovall	Robyn Stovall	22544 Second St 28320 Forth	Hayward, CA 94512
Adrian Stovall	A. Stovall	22544 Second St 28320 Forth	Hayward, CA

881-4433

Signatures collected by:

Print Name Linda Bennett Signature Linda Bennett
Date collected Dec 2007 Address _____

To: Hayward City Council Members, Planning Commissioners, CALTRANS

From: Citizens of the Upper B Street Area

RE: Route 238 Surplus Land Use

We the undersigned citizens and business owners of the Upper B Street area hereby petition the City of Hayward to maintain the land currently owned by CALTRANS as single family residential minimum 6000 sq. ft. lots (RSB6). Neighborhood Commercial use is allowed on the B Street fronted property as long as the units conform to the zoning.

We the undersigned do not want any Planned Developments that will create negative parking impacts on our neighborhoods. Lack of parking and excessive traffic are already creating a negative impact on the quality of life in our neighborhood

PRINTED NAME	SIGNATURE	STREET ADDRESS	CITY, ZIP CODE, PHONE NUMBER
Robert Ahe	<i>Robert Ahe</i>	1331 B St	94541 510-886-6434
John Spedding	<i>John Spedding</i>	1410 B St	(510) 581-6980
Cheri Spain	<i>Cheri Spain</i>	1410 B St.	(510) 581-6980
John Ellertson	<i>John Ellertson</i>	22646 4 th St	94541 510-537-5158
Jamie Paxman	<i>Jamie Paxman</i>	1110 Tamalpais ^{o.}	510-582-8891
EVELYN BROWNELL	<i>Evelyn Brownell</i>	C.V. 94546 21480 Orange	510-582-9050
Margaret Morgan	MARGARET MORGAN	1118 TAMALPAIS PL	510 582-4398
Tom Tuck	<i>Tom Tuck</i>	25584 Marley	510, 909, 1808
Donna Venzian	<i>Donna Venzian</i>	21673 Knoll Way	CV 94546
DIANE DUNN	<i>Diane Dunn</i>	21685 KNOLL WAY	CV, CA 94546
TIOFILO R. VIDAL	<i>Tiofilo Vidal</i>	21771 Shady Spring CAV	C.V. CA 94546

Signatures collected by:

Print Name Wanda Bennett Signature *Wanda Bennett*
 Date collected 10/3/07 Address 22516 SIXTH ST 94541

To: Hayward City Council Members, Planning Commissioners, CALTRANS

From: Citizens of the Upper B Street Area

RE: Route 238 Surplus Land Use

We the undersigned citizens and business owners of the Upper B Street area hereby petition the City of Hayward to maintain the land currently owned by CALTRANS as single family residential minimum 6000 sq. ft. lots (RSB6). Neighborhood Commercial use is allowed on the B Street fronted property as long as the units conform to the zoning.

We the undersigned do not want any Planned Developments that will create negative parking impacts on our neighborhoods. Lack of parking and excessive traffic are already creating a negative impact on the quality of life in our neighborhood

PRINTED NAME	SIGNATURE	STREET ADDRESS	CITY, ZIP CODE, PHONE NUMBER
Ken Birchfield		1325 B St,	(510) 581-2521 Hayward CA
Arthur Anderson		1325 B St	510-535-9511 Hayward CA.
Kathleen Huston	Kathleen Huston	1345 B St	Hayward 94541 510 880-4225
Fred Morrison		1345 B St.	Hayward 94541 510-435-5326
KATHY MORRIS		27928 Posada Setena	Hayward 94541 (510) 793-6172
FLOVINE	BENKS	1771 Gazelle Way,	Hayward
ANN BESSEY	ARBESSEY	22595 FIFTH ST	HAYWARD 94541 510 881-4433
BOB SWANSON		21472 GARY DR.	538-3473 CV. 94546
Virginia Martin	Virginia Martin	1350 Highland Bldg	Hayward ca 94542- 510 5374645
KIMBERLY MOORE	Kimberly Moore		KIMMOORE & CONCRETE
Barbara Yudd	Barbara Yudd	240664 Madelon Hay 94541	Bfields & Co @SBC global.net

Signatures collected by:

Print Name

Signature

Date collected

10/3/07

Address

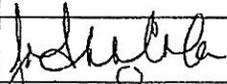
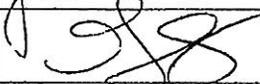
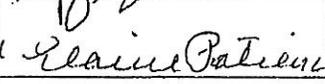
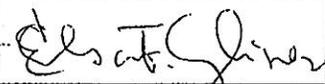
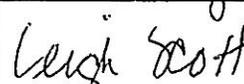
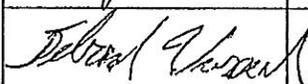
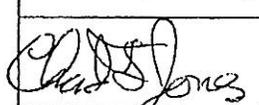
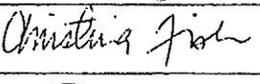
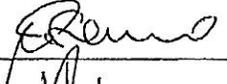
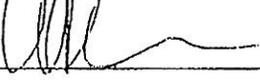
To: Hayward City Council Members, Planning Commissioners, CALTRANS

From: Citizens of the Upper B Street Area

RE: Route 238 Surplus Land Use

We the undersigned citizens and business owners of the Upper B Street area hereby petition the City of Hayward to maintain the land currently owned by CALTRANS as single family residential minimum 6000 sq. ft. lots (RSB6). Neighborhood Commercial use is allowed on the B Street fronted property as long as the units conform to the zoning.

We the undersigned do not want any Planned Developments that will create negative parking impacts on our neighborhoods. Lack of parking and excessive traffic are already creating a negative impact on the quality of life in our neighborhood

PRINTED NAME	SIGNATURE	STREET ADDRESS	CITY, ZIP CODE, PHONE NUMBER
JoAnna Cola		1536 Stafford Ave	Hayward 94541 537 9692
Gina Swartz		1536 Stafford Ave	Hayward 94541 909-1716
Grey Swartz		1536 Stafford Ave	Hayward CA 94541 909-7339
Elaine Patena Elaine Patena		22549 Fifth St	Hayward CA 94541
Elsa F. Gliner		22566 Fifth St	(510) 522-2076 Hayward CA 94541
Leigh Scott		22565 5th	Hayward CA 94541
	DEBORAH WASSEKLEN	22580 5th St.	Hayward CA 94541
	Chad Jones	22580 5th St.	Hayward CA 94541
Christina Fisher		22574 5th St.	Hayward CA 94541
Shoshana Franco		22585 5th St	Hayward CA 94541
VICKI CRANE		22594 5th Street	Hayward CA 94541

Signatures collected by:

Print Name Linda Bennett Signature 

Date collected 10/1/07 - 5/2008 Address _____

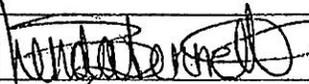
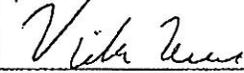
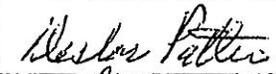
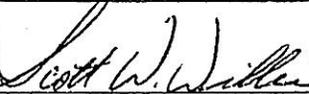
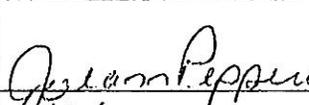
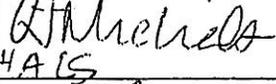
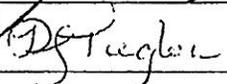
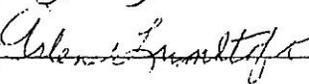
To: Hayward City Council Members, Planning Commissioners, CALTRANS

From: Citizens of the Upper B Street Area

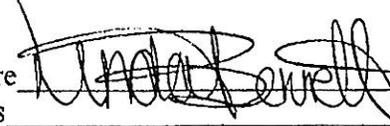
RE: Route 238 Surplus Land Use

We the undersigned citizens and business owners of the Upper B Street area hereby petition the City of Hayward to maintain the land currently owned by CALTRANS as single family residential minimum 6000 sq. ft. lots (RSB6). Neighborhood Commercial use is allowed on the B Street fronted property as long as the units conform to the zoning.

We the undersigned do not want any Planned Developments that will create negative parking impacts on our neighborhoods. Lack of parking and excessive traffic are already creating a negative impact on the quality of life in our neighborhood

PRINTED NAME	SIGNATURE	STREET ADDRESS	CITY, ZIP CODE, PHONE NUMBER
Linda Bennett		22516 5th St	Hayward 94541 881-5805
Vicki Lewis		21685 Knoll Ct	Castro Valley 94546
Sherman Lewis		2787 Hillcrest Ave	Hayward CA 94542
DESLAR PATTEN		22516 6th St	HAYWARD 94541 881-5305
SCOTT WILLIE		22541 6th St	HAYWARD 94541 909-7214
Juan Pepperc		22511 6th St	Hayward CA 94541 401-2003
JENNIFER McHAIS		22538 6th St	Hayward CA 94541
JOSEPH LOPEZ		1570 STAFFORD	HAYWARD CA 94541
POURIA TREGLOAN		1570 STAFFORD	HAYWARD, 94541
Adeve LINDSEY		1563 STAFFORD	94541 Hayward
JEAN GROTH		1553 Stafford Ave	Hayward CA 94541

Signatures collected by:

Print Name Linda Bennett Signature 
 Date collected 10/3/07 - 2/20/08 Address _____

This page intentionally left blank.

Letter 6.2: Linda Bennett

- Comment 6.2.1: The commenter notes that the DEIR seems to address the main concerns of the public and the sensitivity to the environment. Alternative B appears to be the most sensitive alternative addressing many of the concerns of the public in relation to the environment.

Response: This comment is noted. See Master Response 1.

- Comment 6.2.2: The commenter notes that Alternative B follows most closely the neighborhood task force recommendations, takes into account the upper B Street idea of a historic preservation area and includes commercial uses along B Street, not as mentioned in the DEIR on page 7. There would be too much of an impact to San Lorenzo Creek in the A Street location.

Response: The commenter's opinion on the historic preservation features of the Alternatives are noted. In terms of impacts to San Lorenzo Creek, future development under this Alternative and any of the other Alternatives, would be subject to Mitigation Measure 4.3-2a to protect red-legged frogs in San Lorenzo Creek, Mitigation Measure 4.3-1d to protect steelhead trout in San Lorenzo Creek and Mitigation Measure 4.3-3 to provide protection to all creeks in the Project area and the remainder of the City.

Also, Alternatives and the associated DEIR are considered conceptual. There are anticipated to be future individual projects submitted to the City and Alameda County (as appropriate). At that time, more detailed CEQA analyses can be undertaken for such projects to determine any impacts to creeks. Additional mitigation measures can be developed at that time, if needed.

- Comment 6.2.3: Alternative C would create an undue burden on neighbors and businesses since parking would be at a premium. The commenter has attached petitions that encourage single family residential use on Caltrans properties and discouraging Planned Development that can have a negative impact on the quality of life. Medium density development would also impact the Tennyson Road and A Street neighborhoods as well as increasing greenhouse gasses in all of these areas with insufficient mitigation.

Response: The commenter's opinion and the opinion of the individuals signing the attached petitions are noted. See Master Response 1.

- Comment 6.2.4: The commenter notes that the City of Hayward has adopted the Alameda County Flood Control and Water Conservation District's 20-foot setback from the top of bank for stream corridors. This item then would not be in conformance with this setback ordinance.

Response: Each of the Alternatives have been drawn at a very large scale and the actual development areas on each parcel is conceptual. All future development applications will be subject to future review and will be required to comply with all applicable City ordinances and standards, including the creek setback ordinance.

- Comment 6.2.5: The commenter notes that Alameda County is working to improve the steelhead and salmon population in San Lorenzo Creek. It is recommended that the City of Hayward and County of Alameda work together to improve the water quality and preserve Lorenzo Creek.

Response: The commenter's issues are noted. Refer to the Response to Comment 6.2.2 for a summary of mitigation measures included in the DEIR to protect sensitive fish species. In response to water quality issues, the commenter is directed to page 102 of the DEIR that includes a summary of water quality regulations currently enforced by the City of Hayward on a project-by-project basis.

- Comment 6.2.6: The commenter notes that mitigation to avoid sedimentation in San Lorenzo Creek and its tributaries is ever changing due to excessive development, the only measure to insure removal and maintenance of sedimentation is active maintenance as done previously to protect residents from flood danger.

Response: Any specific program maintained by the City, County or other service provider to maintain San Lorenzo Creek and other creeks is beyond the scope of this Project. However, page 102 of the DEIR notes that the City of Hayward is subject to NPDES surface water quality standards. Each specific development project in Hayward is reviewed to ensure that runoff of increased sediments are kept to a less-than-significant level.

- Comment 6.2.7: Maintaining a riparian corridor is important. The term riparian corridor is not defined and need to be defined specifically and left to outside sources. It would be important for Hayward to work with Alameda County on protection of natural habitats within creeks.

Response: The commenter is directed to Mitigation Measure 4.4-3 on page 79 of the DEIR. This measure requires the City to amend the General Plan to include a policy or policies to retain appropriate riparian corridors. This will likely include a definition of riparian corridors.

- Comment 6.2.8: The commenter notes that San Lorenzo Creek as well as much of Hayward lies within a 100-year flood plain and many properties are at risk for flooding because of lack of maintenance to protect residents from flood danger.

Response: As noted in the Hydrology and Drainage section of the DEIR (page 102), the commenter is not correct about the extent of the 100-year flood hazard zone in Hayward,. The Flood Insurance Rate Maps prepared for Hayward identify that many of the major creeks, including San Lorenzo Creek, are within a 100-year flood hazard

area. However only certain other upland properties lying east of the BART tracks and along Dixon Avenue south of Valle Vista Avenue and north of Industrial Parkway are within a 100-year flood hazard area.

- Comment 6.2.9: No mitigation measures can be made to protect property from flooding if it decreases water flow or produces additional runoff into San Lorenzo Creek or its tributaries.

Response: The commenter's opinions regarding flood mitigation are noted. The Route 238 DEIR contains Mitigation Measure 4-7-2 to reduce the hazards of flooding on certain properties within the Project area.

- Comment 6.3.10: The commenter recommends that Mitigation Measure 4.7-2 be expanded to include that there would be no impacts downstream that would affect property owner riparian rights.

Response: The intent of the commenter is unclear. However, subsection "a" of this mitigation measure requires that floodwaters not be increased or redirected to off-site and/or downstream properties when properties within the 100-year flood hazard area are taken out of the 100-year flood hazard designation.

- Comment 6.2.11: The commenter notes that certain road improvements are mentioned that seem to be addressing a Loop Road and there seems to be no addressing of circulation of the Loop is built. The Loop could have potentially significant negative impacts on A, B, C and D Streets.

Response: The reference to a "Loop Road" refers to the 238 Corridor Improvement Project; specifically the one way street circulation in the downtown, which is a one way loop circulation around downtown. This includes northbound Foothill Boulevard, westbound A Street and southbound Mission Boulevard. The concept was described in detail in the Route 238 Corridor Improvement Project FEIR. The Route 238 Corridor Improvement Project is a baseline assumption for the 238 Bypass Land Use Study EIR. Furthermore, the FEIR for the Route 238 Corridor Improvement Project concludes that impacts to A, B, C and D streets would be worse without that project. Since this DEIR assumes completion of the Route 238 Corridor Improvement Project Alternative project would not adversely impact these streets.

- Comment 6.2.12: The commenter states that road widening near creeks has the potential for negative impacts on the creeks and don't seem to be addressed except partially in relation to construction.

Response: The commenter is incorrect with respect to the above statement. The Biological Resources section of the DEIR describes generalized impacts to creeks, wetlands and other waters of the US on page 78. Since no specific development proposals exist at the present time, impacts related to development are taken to mean any disturbance of ground for any type of construction, whether for residential,

commercial, roadways or other activities that could have an impact on creeks or associated special-status species or their habitats. The DEIR also contains mitigation measures for impacts on a range of biological resources, including creeks. These include Mitigation Measure 4.3-1, to reduce impacts on special-status plants, Mitigation Measure 4.3-2a and 4.3-2d, to reduce impacts to special-status wildlife species, Mitigation Measure 4.3-3 to reduce impacts to wetlands and other waters. Therefore, with adherence to all of these mitigation measures, impacts to creeks and other sensitive biological resources as a result of all types of development activities, will be less-than-significant.

- Comment 6.2.13: Alameda County has in place the San Lorenzo Creek Watershed Task Force that is looking at important concerns within the San Lorenzo Creek watershed. This would serve as a good resource for the City. Many of these concerns in relation to the creek serve the purpose of concerns that the Friends of San Lorenzo also share.

Response: This comment is noted. Future watershed planning efforts by the City and County are outside the scope of this Project.

- Comment 6.2.14: A number of individuals have signed a petition requesting the City of Hayward to maintain Caltrans land as single family residential, 6,000 sq. ft. minimum lot size. Neighborhood commercial uses would be allowed on properties fronting B Street as long as the units conform to zoning. No Planned Developments should be allowed that will create negative parking impacts on existing neighborhoods and will create a negative impact on the quality of life in neighborhoods.

Response: These petitions are noted and the desires expressed in the petition will be considered by the Planning Commission and City Council during public hearings on the Project.

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

Letter 6.3

Sara Buizer, Senior Planner
City of Hayward
777 B Street
Hayward CA 94541

April 16, 2009

RE: Comments on Route 238 Bypass Land Use Study project and DPEIR

Dear Ms. Buizer:

HAPA makes the following comments on these documents. I congratulate Hayward City staff and the consultants on the huge amount of work to produce them, and on their basic soundness. These comments attempt to improve them where possible.

Housing impacts, 4.10-1

The summary does not deal with the Initial Study p. 18 section XII on housing, which points out a problem, unless mitigated, of substantial numbers seeking housing. The EIR needs to discuss at the program level the potentially adverse impacts on housing of the project and how to mitigate them. The project clearly could lead to substantial dislocation, especially if no Housing Program is agreed to under Government Code 54235 to 54238.7 and Government code 14528.6.

6.3.1

The project is intended to lead to new designations and zonings and sale by Caltrans. The EIR needs to include mitigation measures for possible displacement, and could easily quote section 14528.6 key language. The best mitigation would provide for relocation assistance for tenants who cannot afford to buy housing, and purchase assistance for those who can and wish to buy. Where new designations are consistent with existing occupied housing, the program can keep tenants in their houses; where inconsistent, the program can help them buy comparable houses elsewhere.

6.3.2

The SMU area (Quarry Village) has eight tenants who should be given, if they wish and can afford it, a chance to buy a comparable house. Other inconsistencies between existing use and land use designation should be based on the public interest, not just a chance to make more money off the property.

6.3.3

The housing program does not need to give tenants a big break; only a reasonable amount of help to be fair to them, to reduce the risks of an open sale and deterioration of vacated units, and to obtain savings from not having to relocate tenants, bring a structure up to code, and sell an empty house in today's market.

The market value of a house should be based on deducting the costs of bringing it up to code. For empty houses, the City should require new buyers to demolish houses that the City deems cannot be economically rehabilitated. Such a requirement will be especially important for the large apartments on Rockaway Lane. Otherwise, eyesores could persist for years.

The housing section is the most deficient in the EIR. While there is ample coverage of existing condition for other topics, there is no information on existing housing in the project area. The paragraph near the top of p. 8 avoids the issue.

6.3.4

Transportation impacts, 4.11-1

The EIR should discuss at a generic level how designations like SMU and those in South Hayward can reduce traffic and support ped bike transit compared to traditional car-based development, especially if the City adopts form code and related pricing reforms as per Director Rizk memo to Council of Dec. 2, 2008. Compared to COD (Car Oriented Development), TOD (Transit Oriented Development) also increases local spending, helping City sales tax revenue. The EIR should discuss how the develop of the South Hayward EIR area is integrally connected to station area development.

6.3.5

The reason for a road extension from Carlos Bee Blvd. to Highland Blvd. is never discussed. If the SMU designation is preferred for this area (old quarry plus frontage on Overlook and upper Palisade), the road extension should be eliminated. It is fundamentally incompatible with the underlying purpose of the SMU designation to support a sustainable lifestyle. The SMU concept is not just a land use; it requires economies of scale to support a viable store and rapid shuttle. The extension creates more auto dependency and preempts space needed for direct social use and market viability. The design of QV in that area calls for direct social uses and walking mode with access limited to service vehicles. General traffic is inconsistent with this design. HAPA will abandon Quarry Village if the extension is required.

6.3.6

The extension does not seem desirable from a circulation point of view. It will attract more traffic to Highland even with the improvement of the Bee-Mission intersection. Highland is a narrow, curving neighborhood street with parking, and should minimize traffic. There is no reason to put through traffic on Highland. If there is a need, reopening the barricade would solve the problem — and recreate the problems that led to the barricade. The extension would create problems similar to the barricade. There is no demand from Highland neighbors for an extension; I suspect most would oppose it. It is an example of something that looks good on a map but not on the ground.

6.3.7

The design of Quarry Village has ample provision for interior circulation and connection to City streets.

6.3.8

Congestion at Foothill and D can probably be mitigated without widening by using pricing reforms, most of which are beyond the reach of Hayward's legal powers. Some City policies, however, like charging for parking and providing free rapid shuttles in major corridors, could help.

6.3.9

Fire Services, 4.12-1

The road extension does not help fire service cost-effectively. HAPA recommends that the barrier on Highland Blvd. be replaced by a fire gate. Such a gate would be less expensive and more effective than a bridge across Dobbel Creek. The bridge would be more difficult for fire vehicles to navigate to reach the south side of the creek. QV is planned for affordability, and a fire bridge would add to the cost of the homes if imposed as a public works condition.

6.3.10

If the bridge is intended for fire access to the SMU area, Highland Blvd. would not work as well as using Palisade or Carlos Bee and Overlook, or Carlos Bee and the busway (Palisade extension). If fire in the creek area is a concern, it is likely to be in the grass near the houses on the north side. It can be fought from the existing road going from the water tanks up to the PG&E property on Highland. It could also be fought from the QV trail and openings between buildings. Fire hydrants can be placed as needed and reached from QV walkways, which are wide enough for fire trucks.

Other issues

We hope the plan designation density range will be wide enough to include QV and the Italia Village fall-back plan. There are various ways to define unit density — lot density, large lot density, gross density, gross neighborhood density, and large area density. Italia Village would have about 464 units on 12.3 acres for a lot density of 38 units per acre. With a street, alley, and bike lane area of 4.2 acres, the gross density would be 28 units per acre.

6.3.11

We believe a new school on the quarry site, while desirable in the abstract, is not practical in terms of HUSD plans and resources. The idea has been promoted by a school official, not by the Board of Education. The schools have large capital needs that have been carefully studied and are defined by a capital improvement plan. All the middle schools need work, and the plan for Bret Harte is to improve it where it is, at far lower cost than building a new school, even if the land were free. HUSD has had one bond approved and needs two more. If Bret Harte needs expanding, it can use the HARD corporation yard area, which is well away from the earthquake zone, which does not affect most of the school buildings.

6.3.12

3.1 Project Objectives should include “To achieve the goals of the City Climate Action Plan and sustainability, discourage auto dependency, and encourage walking, bicycling, and transit.”

6.3.13

The trail is a great idea, and the Quarry Village plan includes it, including building a pedestrian bridge across the creek.

6.3.14

The EIR includes county area, and east of Foothill should not have any housing except on Grove Way, in order to have a more attractive trail and hill top park. If there were no trail, the some housing would be more acceptable.

6.3.15

The Preservation Park idea is good but needs more detailed development, which could include not only historic structures moved to the site, but also townhouses with historic architectural design.

6.3.16

The B to Fourth to C block also needs more detail work especially for the inside of the block, whether for commercial parking or housing.

6.3.17

Fourth Street needs to be extended to E Street.

For mix and match, a starting point could be Alternative B plus SMU, which equals almost the same unit count as current zoning, but with more sustainability and less traffic. However, each segment of ROW has its own situation requiring policy tailored to it.

Implementation process: First, it seems sensible to process housing — relocation, replacement, tenant purchase in situ or comparable, recording and selling small housing properties where consistent with new designations.

Second, the City could be the master developer for undeveloped and major redevelopment properties based on a low-cost option to buy from Caltrans and on a schedule of future purchase prices for each lot, Caltrans appraisals permitting.

Technical complaints:

6.3.18

Appendix 8.7 maps do not have readable numbers in hard copy or pdf, even at 350% enlargement.

The pdf page and the hard copy pages do not correspond; for example, p. 225 pdf is p. 198 hard copy, a difference of 27. Then page 342 pdf is p. 231 hard copy, a difference of 111 because of documents with their own page numbers that do not count in the main pagination.

The Appendix pdf was not searchable, making it difficult to find key terms.

After Appendix Table C9 the DEIR wastes a lot of paper with over-sized pages and content that could go on normal pages. Many pages have no heading to see what larger table they are a continuation of.

Letter 6.3: Hayward Area Planning Association

- Comment 6.3.1: The commenter notes that the Housing Impacts section of the DEIR does not deal with housing, specifically a substantial number of people seeking housing. The DEIR needs to discuss on a program level the potentially adverse impacts on housing and how to mitigate them. The Project could clearly lead to dislocation especially if no Housing Program is agreed to.

Response: The Project studied in the DEIR is limited to land use alternatives for existing Caltrans properties. No specific developments are proposed on any parcels of land at this time. Page 8 of the DEIR clearly states that the Project does not include “take” or condemnation of properties and existing dwellings will remain unless voluntarily removed by future individual owners. If substantial numbers of dwellings are proposed for removal at a later date this impact will be properly analyzed and mitigated (if necessary) at the time such development proposals are submitted to the City and/or Alameda County.

- Comment 6.3.2: The commenter notes that the Project is intended to lead to new land use designations, zoning and sale by Caltrans. The EIR needs to include mitigation measures for possible displacement. The best mitigation would provide for relocation assistance for tenants who cannot afford to buy housing, and purchase assistance for those wishing to buy. Where new designations are consistent with occupied housing, the program can keep tenants in housing and where inconsistent, the program can buy comparable housing elsewhere.

Response: See Response to Comment 6.3.1.

- Comment 6.3.3: The SMU area (Quarry Village) has eight tenants who should be given and, if they wish, a chance to buy a comparable house. Other inconsistencies between the existing use and a land use designation should be based on public interest, not just a chance to make money. A Housing program should provide a reasonable amount of help to tenants, reduce the risk of an open sale, avoid deterioration of existing units and to obtain savings from not having to relocate tenants. The market value of a house should be based on deducting the costs of code compliance. The City should require new buyers to demolish houses that are uneconomically infeasible of rehabilitation.

Response: The commenter’s opinion regarding existing dwellings on the Quarry Village site and a housing program in general is noted. Approval of the Route 238 Bypass Land Use Study will not change the status of these eight dwellings.

- Comment 6.3.4: The housing section is the most deficient of the EIR. There is ample coverage of existing conditions for other topics, but there is no information on

existing housing in the Project area. The paragraph at the top of page 8 avoids the issue.

Response: Refer to the Response to Comment 6.3.1.

- Comment 6.3.5: The commenter notes that the DEIR should discuss at a generic level how land use designations like the SMU designation can reduce traffic and support bicycle and pedestrian circulation compared to traditional car based development, especially if the City adopts form-based codes and related pricing reforms. The EIR should discuss how the development of the South Hayward EIR area is integrally connected to station area development.

Response: This comment is noted. The purpose of the DEIR is to analyze physical impacts on the environment as a result of Project approval and implementation. Section 4.11 of the EIR adequately assesses traffic, transportation and circulation impacts of the proposed Project. Trip generation rates used to analyze vehicle trips are discussed on page 162 of the DEIR. The DEIR also includes an extensive discussion of public transit, bicycle and pedestrian systems in and around the Project area, as well as a listing of City plans and programs to encourage non-auto usage.

Although the City may be considering use of form based code and alternative pricing systems, these elements have not been adopted prior to preparation of the DEIR so they are not reflected in the document.

- Comment 6.3.6: The commenter states that a road extension from Carlos Bee Boulevard to Highland Boulevard is not discussed. If the SMU land use designation is preferred for this area (old quarry plus frontage on Overlook), the road extension should be eliminated. The road extension would be incompatible with the underlying purpose of the SMU designation to support sustainable lifestyles. The SMU concept is not just a land use; it requires economies of scale to support a viable store and shuttle service. The road extension creates more auto dependency and preempts space needed for direct social use and market viability.

Response: This comment is noted, but is not an environmental topic under CEQA, This comment will be considered by the Planning Commission and City Council at upcoming public hearings.

- Comment 6.3.7: The road extension referenced in Comment 6.3.6 does not seem desirable from a circulation point of view. It will attract more traffic to Highland even with the improvement of the Carlos Bee/Mission Boulevard extension. Highland is a narrow curving neighborhood street with parking and should minimize traffic. There is no reason to put through traffic on Highland. If needed, the existing barrier would solve this problem. There is no demand from Highland neighbors for an extension.

Response: Refer to the Response to Comment 6.3.6. This is a program level EIR and shows a proposed roadway for fire access and potential vehicular access that may be

needed. Future applications for developments would analyze the need for such a road connection at the project level at the time such development proposals may be submitted to the City.

- Comment 6.3.8: The design of Quarry Village has ample provision for interior circulation and connection to City streets.

Response: This comment is noted and no further response is required.

- Comment 6.3.9: Anticipated congestion at Foothill and D can probably be mitigated without widening by using pricing reforms, most of which are beyond Hayward's legal powers. Some City policies, such as charging for parking and providing free rapid shuttles, could help.

Response: This comment is noted. In the Route 238 Corridor Improvement Project EIR, Foothill/D Street intersection was found to operate at LOS F under the no project scenario. Although implementation of the Route 238 Corridor Improvement Project substantially improved the LOS, it remained at F. Although the analysis for the 238 Bypass Land Use Study shows that implementation of Alternative A would result in some additional delay, the delay would still be better than the delay without the Route 238 Corridor Improvement Project. Additionally, in order for the delay to be improved any more, additional right-of-way would be required and this would be an unacceptable impact. Hence there is a need to adopt a Statement of Overriding Considerations for this intersection.

- Comment 6.3.10: The commenter notes that the road extension does not help fire service in a cost-effective manner. HAPA recommends the existing barrier on Highland be replaced with a fire gate. Such a gate would be less expensive than a bridge over Dobbel Creek. The bridge would be more difficult for fire trucks. Quarry Village is planned for affordability and a fire bridge would add to the cost of future construction.

Response: This comment is noted. The DEIR has been prepared on a programmatic level and does not analyze the impacts of the proposed site-specific Quarry Village development proposal. As is normally and customarily done, the provision of fire access and related improvements to a specific development on the quarry site will be completed by the Hayward Fire Department at that time.

- Comment 6.3.11: The commenter hopes that the planned density ranges will be wide enough to accommodate the Quarry Village plan and the Italia Village back up plan. There are various ways to define density. The Italia Village concept would have about 464 dwellings on 12.3 acres of land.

Response: This comment is noted. Discussion of density ranges will occur at Planning Commission and City Council public hearings on the proposed Plan.

- Comment 6.3.12: The commenter states his belief that a new public school is not practical in terms of HUSD plans and resources. This idea has been promoted by a local school official not the HUSD Board. The commenter states that it would be more cost-effective for Bret Harte Middle School to be refurbished at a lower cost, rather than having a new school built. If Bret Harte School needs expanding, it can use the HARD corporation yard area, which is well away from the earthquake zone.

Response: This comment is noted. Any decision regarding Bret Harte Middle School will be made by the HUSD Board of Education in consultation with the City of Hayward. The disposition of this school is beyond the scope of this DEIR, except that Alternative C includes a Public/Quasi Public land use designation on the proposed quarry site

- Comment 6.3.13: The commenter requests the DEIR Project Objective should include the text: “To achieve the goals of the City Climate Action Plan and sustainability, discourage auto dependency and encourage walking, bicycling and transit.”

Response: This comment is noted, however, the City believes the listing of Project Objectives as contained in the DEIR is complete and accurately states the objectives of the Project.

- Comment 6.3.14: The commenter notes that the proposed trail is a good idea and the Quarry Village plan includes it, as well as building a pedestrian trail across the creek.

Response: This comment is noted. See Master Response 1.

- Comment 6.3.15: The EIR includes County area. The area east of Foothill should not have any housing except on Grove Way in order to have a more attractive trail and hilltop park. If there were no trail, some housing would be more acceptable.

Response: This comment is noted. See Master Response 1.

- Comment 6.3.16: The Preservation Park idea is good but needs more detailed development. This area could include not only historic structures moved to the site, but also townhouses with historic architectural design.

Response: This comment is noted. The Preservation Park concept will likely be discussed by the Planning Commission and City Council at upcoming public hearings.

- Comment 6.3.17: The commenter offers the following comments on the Alternatives:
 - a) The B Street to Fourth Street block needs more detail work, especially for the inside of the block, whether for commercial parking or housing.
 - b) Fourth Street needs to be extended to E Street.

- c) For mix and match, a starting point could be Alternative B plus the SMU land use designation, which would include almost the same unit count, but with more sustainability and less traffic.
- d) Regarding an implementation process, it seems sensible to process housing, including relocation, replacement, purchase, recoding and selling small properties where consistent with new land use designations.
- e) The City could be the master developer for undeveloped and major redevelopment properties based on a low-cost option to buy from Caltrans and on a schedule of future purchase prices for each lot depending on Caltrans appraisals.

Response: All of the above comments are noted. They will likely be discussed by the Planning Commission and City Council at upcoming public hearings on this Project. Also see Master Response 1.

- Comment 6.3.18: The commenter offers the following technical complaints:
 - a) Appendix 8.7 does not have readable numbers in hard copy of pdf, even with enlargements.
 - b) The pdf pages and hard copy pages do not correspond.
 - d) The Appendix pdf was not searchable, making it difficult to find key terms.
 - e) Appendix Table C9 wastes a lot of paper with oversize pages and content that could go on normal pages. Many pages have no heading to see what larger table they area a continuation of.

Response: The City has made every effort to provide all information to the public in a timely manner. City staff and the various technical subconsultants can arrange meetings to review any information desired by the commenter.

Clarifications and Modifications to the DEIR

The following minor corrections are made below and included by reference into the DEIR. The changes are minor in nature and do not result in new or more significant impacts than identified in the DEIR, so no recirculation is required.

1) Table 4.10-1 is modified as follows:

Table 4.10-1. Regional, County and Hayward Total Population (Pop) & Household (HH) Projections (Revised)

	2010		2020		2030	
	Pop.	HHs	Pop.	HHs	Pop.	HHs
Region	7,412,500	2,696,580	7,914,600 8,069,700	2,941,760	8,554,800 8,712,800	3,177,440
Alameda Co.	1,517,400	564,880	1,700,700	614,790	1,8586,800 1,824,600	671,700
Hayward	152,000	48,150	161,100	51,310	249,300 172,600	54,960

Source: ABAG Projections 2007

2) Table 4.11-11 is hereby modified as follows.

Type	Use	Size	Units	ITE Code	Daily Rate	Daily Trips	AM Peak Hour Traffic				PM Peak Hour Traffic					
							Rate	% In	% Out	In	Out	Rate	% In	% Out	In	Out
Cumulative (2025) - No Project																
Housing	Single Family	1336	DU	210	9.57	12,788	0.75	0.25	0.75	251	752	1.01	0.63	0.37	850	499
Housing	Apartments	1336	DU	220	6.72	8,980	0.55	0.29	0.71	213	522	0.67	0.61	0.39	546	349
Commercial	Office	129	ksf	710	11.01	1,420	1.55	0.88	0.12	176	24	1.49	0.17	0.83	33	160
Commercial	Market	129	ksf	850	102.24	13,174	3.59	0.61	0.39	282	180	10.50	0.51	0.49	690	663
Totals						36,362					922	1,478				
Cumulative (2025) + Project Alternative A (Market Potential)																
Housing	Single Family	1610	DU	210	9.57	15,409	0.75	0.25	0.75	302	906	1.01	0.63	0.37	1,025	602
Housing	Apartments	1610	DU	220	6.72	10,820	0.55	0.29	0.71	257	629	0.67	0.61	0.39	658	421
Commercial	Office	117	ksf	710	11.01	1,288	1.55	0.88	0.12	160	22	1.49	0.17	0.83	30	145
Commercial	Market	117	ksf	850	102.24	12,007	3.59	0.61	0.39	257	164	10.50	0.51	0.49	629	604
Totals						39,524					976	1,721				
Difference from No Project						3,162					54	243				
Cumulative (2025) + Project Alternative B (Community Meetings)																
Housing	Single Family	583	DU	210	9.57	5,577	0.75	0.25	0.75	109	328	1.01	0.63	0.37	371	218
Housing	Apartments	583	DU	220	6.72	3,916	0.55	0.29	0.71	93	228	0.67	0.61	0.39	238	152
Commercial	Office	110	ksf	710	11.01	1,321	1.55	0.88	0.12	150	20	1.49	0.17	0.83	28	136
Commercial	Market	110	ksf	850	102.24	11,242	3.59	0.61	0.39	241	154	10.50	0.51	0.49	589	566
Totals						21,946					593	730				
Difference from No Project						-14,416					-329	-748				
Cumulative (2025) + Project Alternative C (Policies and Public Agencies)																
Housing	Single Family	1081	DU	210	9.57	10,348	0.75	0.25	0.75	203	608	1.01	0.63	0.37	688	404
Housing	Apartments	1081	DU	220	6.72	7,266	0.55	0.29	0.71	172	422	0.67	0.61	0.39	442	283
Commercial	Office	120	ksf	710	11.01	1,321	1.55	0.88	0.12	164	22	1.49	0.17	0.83	30	148
Commercial	Market	120	ksf	850	102.24	12,287	3.59	0.61	0.39	263	168	10.50	0.51	0.49	644	618
Totals						31,222					802	1,220				
Difference from No Project						-5,140					-120	-258				

DU = Dwelling Units; ksf = 1,000 square feet

Source: *Trip Generation, 8th Edition*, Institute of Transportation Engineers, 2008, Washington, DC
Dowling Associates, Inc, 2009

- 3) Page 2 is hereby modified to read as follows: “This DEIR describes existing environmental conditions within and adjacent to the proposed Project area within the City of Hayward and adjacent unincorporated portions of Alameda County.”
- 4) Page 8 of the DEIR, Phasing of Development, is hereby modified to read as follows: “It is anticipated that, should this Project receive necessary approvals, individual property owners within the Project area would subsequently submit applications for development entitlements to the City of Hayward and the County of Alameda for unincorporated properties.”

- 5) Section 2.2 (Lead Agency) on page 2 is amended to read as follows:

“2.2 Lead and Responsible Agency Agencies

The City of Hayward is the lead agency for preparation of the EIR, as defined by Section 21067 of CEQA. This means that the City of Hayward is designated as the public agency which has the principal responsibility for approving or carrying out the proposed Project and for assessing likely environmental effects of the proposal.

Alameda County is a Responsible Agency for this Project, since future actions will likely be required to implement land use changes for properties within the unincorporated properties and also within the Project area.”

- 6) Page 107 of the DEIR is modified to read as follows: "The Eden Area Plan was adopted in 1983 and amended in June 1995 to guide land use in the unincorporated communities of Ashland, Cherryland, and San Lorenzo. Properties within the 238 bypass corridor that are located generally east of Foothill Boulevard and north of Apple Avenue, and north of Mattox Road and adjacent to the west side of the freeway off-ramps are within the Eden Plan area. The Eden Plan designates these properties for General Commercial and Low and Medium Density Residential uses."
- 7) Page 107 of the DEIR is modified to note that the Castro Valley Plan governs land uses within the unincorporated portions of Castro Valley. All of the Castro Valley area is located within the unincorporated portion of the County and is generally located northeast of the Project area, not northwest as stated in the DEIR.
- 8) Page 107, Regulatory Framework, fifth paragraph, is modified to read as follows: "Land Use designations shown in Alternative A C reflect proposed County General Plan land use designations."
- 9) Page 137, wording is changed from "Capital" to "Capitol."

Attachment 1

Updated Alternative A Figures

Attachment 2

Updated Alternative B Figures

Attachment 3

Updated Alternative C Figures