

CITY OF HAYWARD  
LINCOLN LANDING  
FINAL ENVIRONMENTAL IMPACT REPORT  
SCH# 2016072018

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*Prepared for:*

CITY OF HAYWARD  
777 B STREET  
HAYWARD, CA 94541

*Prepared by:*

**Michael Baker**

**INTERNATIONAL**

2729 PROSPECT PARK DRIVE, SUITE 220  
RANCHO CORDOVA, CA 95670

**JANUARY 2017**



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LINCOLN LANDING  
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MICHAEL BAKER INTERNATIONAL  
2729 PROSPECT PARK DRIVE, SUITE 220  
RANCHO CORDOVA, CA 95670

**JANUARY 2017**



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# **1.0 INTRODUCTION**

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This Final Environmental Impact Report (Final EIR; FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Hayward (City) is the lead agency for the environmental review of the proposed Lincoln Landing project (proposed project; project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval and implementation of the proposed project, as well as responds to comments received on the Draft EIR (DEIR).

### 1.1 BACKGROUND AND PURPOSE OF THE EIR

#### OVERVIEW OF CEQA REQUIREMENTS FOR PREPARATION OF AN EIR

The City, acting as the lead agency, has prepared this EIR to provide the public and responsible/trustee agencies with information about the potential environmental effects of the proposed project. As described in the State CEQA Guidelines Section 15121(a), an EIR is a public informational document that assesses potential environmental effects of the proposed project and identifies alternatives and mitigation measures to the proposed project that could reduce or avoid its adverse environmental impacts.

CEQA requires the preparation of an environmental impact report prior to approving any "project" which may have a significant effect on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (State CEQA Guidelines Section 15378[a]). With respect to the proposed project, the City has determined that the proposed action is a project within the definition of CEQA.

#### PROJECT SUMMARY

The proposed project consists of the development of a large-scale mixed-used development consisting of 476 multi-family residential units above 80,500 square feet of commercial uses with a combination of surface and structured parking. The existing 335,000-square-foot office building and 5,310-square-foot commercial building would be demolished to accommodate the project. The existing four-story parking structure at the southwestern corner of the site would be retained and rehabilitated to provide parking for the proposed development.

The 11.3-acre project site would be subdivided into four parcels as shown on the proposed tentative subdivision map (see DEIR **Figure 2.0-2**) and summarized in DEIR **Table 2.0-1**. The buildings on the site would be divided into two separate residential towers on the northern and southern portions of the site, joined by a central smaller-scale commercial structure with no residential development above (see DEIR **Figures 2.0-3** and **2.0-4**).

Refer to Draft EIR Section 2.0, Project Description, for a detailed discussion of the proposed project.

#### BACKGROUND OF ENVIRONMENTAL REVIEW PROCESS OF THE PROJECT

The following is an overview of the environmental review process for the proposed project that has led to the preparation of this FEIR.

## **1.0 INTRODUCTION**

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### **Notice of Preparation and Initial Study**

The City of Hayward was identified as the lead agency for the proposed project and in accordance with Section 15082 of the State CEQA Guidelines, the City prepared and released a Notice of Preparation (NOP) of this EIR. The NOP was circulated to the public, local, state and federal agencies, and other interested parties for 30 days to solicit comments on the proposed project (SCH No. 2016072018). The NOP and full text of responses to the NOP are presented in Appendix NOP of the Draft EIR. After releasing the NOP, a public scoping session was held, to receive additional comments. Concerns raised in response to the NOP were considered during preparation of the Draft EIR.

### **Draft EIR**

The Draft EIR was released for a 45-day public and agency review on September 23, 2016, with the review period ending on November 7, 2016. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives. The Draft EIR was made available for review at City offices and on the City's website and provided to interested public agencies and the public.

### **Final EIR**

The City received comment letters from public agencies, interest groups, and the public regarding the Draft EIR. This document responds to the written comments received as required by CEQA. This document also contains minor edits to the Draft EIR, which are included in Section 3.0, Minor Revisions to the Draft EIR. This document, in conjunction with the Draft EIR, constitutes the Final EIR.

### **Certification of the Final EIR/Project Consideration**

The City of Hayward will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete," the City may certify the FEIR. Upon review and consideration of the Final EIR, the City may act upon the proposed project. A decision to approve the project would be accompanied by written findings in accordance with State CEQA Guidelines Section 15091 and, if applicable, Section 15093. The City would also adopt a Mitigation Monitoring and Reporting Program (MMRP) for mitigation measures that have been incorporated into or imposed on the project to reduce or avoid significant effects on the environment. The MMRP will be designed to ensure that these measures are carried out during project implementation.

## **1.2 INTENDED USES OF THE EIR**

The EIR is intended to evaluate the environmental impacts of adoption and implementation of the proposed project. This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to evaluate all subsequent actions taken by the City with regard to the proposed project.

### **KNOWN RESPONSIBLE AND TRUSTEE AGENCIES**

In CEQA, the term "responsible agency" includes all public agencies other than the lead agency that may have discretionary actions associated with the implementation of the proposed project or an aspect of the project. Known responsible agencies for the proposed project include, but are not limited to, the following:

- Bay Area Air Quality Management District
- San Francisco Bay Regional Water Quality Control Board
- East Bay Municipal Utility District
- Oro Loma Sanitary District
- Alameda County Flood Control and Water Conservation District

For the purpose of CEQA, the term “trustee agency” means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California. The proposed project would have no effect on natural resources held in trust for the people of the State of California; therefore, no trustee agencies have been identified for the project.

### **1.3 ORGANIZATION AND SCOPE OF THE FINAL EIR**

This document is organized in the following manner:

#### **SECTION 1.0 – INTRODUCTION**

Section 1.0 provides an overview of the EIR process to date and what the FEIR is required to contain.

#### **Section 2.0 – COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

Section 2.0 provides a list of commenters, copies of written comments (coded for reference), and the responses to those written comments made on the Draft EIR.

#### **Section 3.0 – MINOR REVISIONS TO THE DRAFT EIR**

Section 3.0 provides a list of minor edits made to the Draft EIR initiated by City staff or as a result of comments received.

## **1.0 INTRODUCTION**

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## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

### 2.1 LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted written comments on the Draft EIR.

Letter	Individual or Signatory	Affiliation	Date
A	David J. Rehnstrom	East Bay Municipal Utility District (EBMUD)	November 4, 2016
B	Patricia Maurice	California Department of Transportation (Caltrans)	November 7, 2016
C	Saravana Suthanthira	Alameda County Transportation Commission	November 7, 2016
1	Jewell Spalding	Sierra Club, San Francisco Bay Chapter	November 7, 2016
2	Joanne Young, Aiwi Zelinski	League of Women Voters–Eden Area	November 2, 2016
3	Sherman Lewis	Hayward Area Planning Association (HAPA)	November 7, 2016
4	Lawrence Arend	Resident, City of Hayward	October 28, 2016
5	Julie Machado	Resident, City of Hayward	November 6, 2016
6	Chris Higgins	Resident, City of Hayward	November 6, 2016
7	Cheryl Kojina	Resident, City of Hayward	November 7, 2016
8	Donna Conwell & Alejandro Sahagun	Residents, City of Hayward	November 7, 2016
9	Benjamin Goulart	President, Prospect Hill Neighborhood Association	November 7, 2016
10	Steven Dunbar	Resident, City of Hayward	November 7, 2016
11	Mark R. Wolfe on behalf of Desirae Schmidt	Resident, City of Hayward	November 7, 2016
12	Frank Goulart	Attorney/Resident, City of Hayward	November 7, 2016

### 2.2 COMMENTS AND RESPONSES

#### REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

State CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response to each. The written response must address the significant environmental issue raised and must be detailed, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, there must be a good faith and reasoned analysis in the written response. However, lead agencies need only respond to significant environmental issues associated with the project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (State CEQA Guidelines Section 15204).

State CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to State CEQA Guidelines Section 15064, an

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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effect shall not be considered significant in the absence of substantial evidence supporting such a conclusion.

State CEQA Guidelines Section 15088 also recommends that where a response to comments results in revisions to the Draft EIR, those revisions be incorporated as a revision to the Draft EIR or as a separate section of the Final EIR.

### **RESPONSES TO COMMENT LETTERS**

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Agency and service provider comment letters are coded by letters and each issue raised in the comment letter is assigned a number (e.g., Comment Letter A, comment 1 is referred to as A-1).
- Individual and interest group comment letters are coded by numbers and each issue raised in the comment letter is assigned a number (e.g., Comment Letter 1, comment 1 is referred to as 1-1).

Where changes to the Draft EIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (underline for new text, ~~strikeout~~ for deleted text).



# Letter A



November 4, 2016

Leigha Schmidt, Senior Planner  
City of Hayward  
Development Services Department Planning Division  
777 B Street  
Hayward, CA 94541

Re: Notice of Availability of a Draft Environmental Impact Report for the  
Lincoln Landing Project, Hayward

Dear Ms. Schmidt:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Lincoln Landing Project located at 22301 Foothill Boulevard in the City of Hayward (City). EBMUD has the following comments.

### GENERAL

EBMUD owns and operates an emergency water intertie connection between EBMUD and the City located within the boundary of the project off of Foothill Boulevard. Any proposed construction activity within the area of the intertie would need to be coordinated with EBMUD and may require relocation of the intertie, at the project sponsor's expense. No buildings or structures shall be constructed on top of the intertie.

A-1

On page 3.0-53, under Section 3.0 Impact Found Not Significant, subsection 3.5 Environmental Analysis, Utilities and Service Systems, Impact UTL – 2, please revise the following text shown in bold italics to reflect that the water utilities will be installed in accordance with EBMUD’s standards:

“The proposed project would also be subject to the City’s Municipal Code, which contains several regulations related to water supply intended to reduce overall water demand. HMC Chapter 10, Article 12, Bay-Friendly Water Efficient Landscape Ordinance, establishes a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction. HMC Chapter 10, Article 20, Bay-Friendly Landscaping Ordinance, requires all new development with landscapes to meet the most recent minimum Bay-Friendly Landscape Scorecard points as recommended by StopWaste.org. HMC Chapter 10, Article 23, Indoor Water Use

A-2

375 ELEVENTH STREET . OAKLAND . CA 94607-4240 . TOLL FREE 1-866-40-EBMUD

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## Letter A Continued

Leigha Schmidt, Senior Planner  
November 4, 2016  
Page 2

Efficiency Ordinance, includes standards for new construction and remodels mandating the installation of water-conserving fixtures. ~~Chapter 11, Article 2, Hayward Municipal Water System, establishes a system for service connections, meter maintenance and testing, and fire service connections, and sets standards and installation costs for service connections. Compliance with these existing regulations would further reduce project water demand.~~ *Water utilities under the control of EBMUD shall be designed by EBMUD and installed in accordance with EBMUD's standard drawings and specifications.* Therefore, this impact would be **less than significant.**"

A-2  
cont.

### WATER SERVICE

The project site currently receives water service from EBMUD's Central Pressure Zone (service elevation between 0 and 100 feet). However, due to anticipated elevation of the proposed mixed-use development, EBMUD's Bayview Pressure Zone, with a service elevation between 100 and 200 feet, will serve the proposed project. Water main extensions, at the project sponsor's expense, from EBMUD's Bayview Pressure Zone will be required to serve the proposed development. The nearest water main in the Bayview Pressure Zone is located in Foothill Boulevard at the northern boundary of the proposed development. In addition, off-site pipeline improvements, also at the project sponsor's expense, may also be required to serve the proposed project depending on fire flow requirements set by the local fire agency. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains near the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions for providing water service to the proposed project. Engineering and installation of water mains, off-site pipeline improvements, and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

A-3

The Draft EIR indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

A-4

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information

## Letter A Continued

Leigha Schmidt, Senior Planner  
November 4, 2016  
Page 3

supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

A-4  
cont.

### WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

A-5

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:AMM:dks  
sb16\_205

cc: Mark Butler  
Integral Communities  
675 Hartz Avenue, Suite 202  
Danville, CA 94526

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

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**Letter A**      **David J. Rehnstrom, Manager of Water Distribution Planning, East Bay Municipal Utilities District**

### Response A-1

The commenter refers to an emergency water intertie connection between EBMUD and the City of Hayward located within the project boundary. The project does not include relocation of the intertie; however, if any construction activity would affect or require the relocation of the intertie, the project proponent would be required to consult with EBMUD to ensure that district facilities are not negatively affected. No further response is required.

### Response A-2

The commenter requests that text on page 3.0-53, under Section 3.0, Impacts Found Not Significant, be revised to show that water utilities would be installed in accordance with EBMUD's standards. The text in the third paragraph under the Water subheading on page 3.0-53 is revised as follows:

The proposed project would also be subject to the City's Municipal Code, which contains several regulations related to water supply intended to reduce overall water demand. HMC Chapter 10, Article 12, Bay-Friendly Water Efficient Landscape Ordinance, establishes a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction. HMC Chapter 10, Article 20, Bay-Friendly Landscaping Ordinance, requires all new development with landscapes to meet the most recent minimum Bay-Friendly Landscape Scorecard points as recommended by StopWaste.org. HMC Chapter 10, Article 23, Indoor Water Use Efficiency Ordinance, includes standards for new construction and remodels mandating the installation of water-conserving fixtures. ~~Chapter 11, Article 2, Hayward Municipal Water System, establishes a system for service connections, meter maintenance and testing, and fire service connections, and sets standards and installation costs for service connections. Compliance with these existing regulations would further reduce project water demand.~~ Water utilities under the control of EBMUD shall be designed by EBMUD and installed in accordance with EBMUD's standard drawings and specifications. Therefore, this impact would be **less than significant**.

### Response A-3

Because engineering and installation of water mains, off-site improvements, and services require substantial lead time, the commenter requests that the project sponsor contact EBMUD and request a water service estimate once the development plans of the project have been finalized. The comment is noted. This is not a comment on the adequacy of the EIR, and no further response is required.

### Response A-4

The commenter expresses concern with regard to contaminated soils or groundwater present in the project area due to the presence of an underground tank and states that EBMUD will not install facilities in contaminated soils. As discussed on page 3.0-28 of the Draft EIR, soil samples were collected from the area of the now removed underground tank. These samples were "non-detect" for the analyzed components and very low concentrations of petroleum hydrocarbons were detected. Nonetheless, the soil has already been removed from the site and clean fill was imported to backfill the excavation. In addition, to ensure no exposure to currently unknown

hazardous materials occurs, mitigation measure MM HAZ-2a requires a qualified environmental professional to be present to observe the building demolition and soil excavation and grading to oversee the removal of the impacted soil and in the event additional impacted areas are encountered. With implementation of this measure, risks associated with encountering any unknown contaminants would be reduced to a less than significant level. No further response is required.

### **Response A-5**

The commenter states that the Lincoln Landing project presents opportunities to incorporate water conservation measures and that water service will not be provided until all applicable water-efficiency measures outlined in EBMUD's Water Service Regulations are installed at the sponsor's expense. The comment is noted. This is not a comment on the adequacy of the EIR, and no further response is required.

# Letter B

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 4  
OFFICE OF TRANSIT AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5528  
FAX (510) 286-5559  
TTY 711  
www.dot.ca.gov



*Serious Drought.  
Help save water!*

November 7, 2016

SCH # 2016072018  
GTS # 04-ALA-2016-00052  
ALA238357  
ALA-238-PM 13.96

Ms. Leigha Schmidt  
Planning Division  
City of Hayward  
777 B Street  
Hayward, CA 94541

### **Lincoln Landing Project – Draft Environmental Impact Report**

Dear Ms. Schmidt:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Lincoln Landing Project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the new Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). We aim to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Environmental Impact Report (EIR).

#### ***Project Understanding***

The proposed project would demolish approximately 335,000 square feet of existing office building and 2,310 square feet of existing commercial space and construct a six-story mixed-use development with 80,500 square feet of commercial uses and 476 apartment units, with a combination of surface and structured parking. The structures on the site would be broken into two separate residential towers on the northern and southern portions of the site joined by a central smaller scale commercial structure with no residential development above. The existing parking structure would be retained.

The project site is located on Foothill Boulevard, on a relinquished segment of State Route (SR) 238. Access to the regional highway system is to Interstate (I-) 580 and SR 92, both via Foothill Boulevard, and I-880 and SR 185, both via A Street. The project site is less than a mile from the Hayward Bay Area Rapid Transit (BART) Station. There are no AC Transit routes that run adjacent to the project site. Characterized by its proximity to the downtown Hayward and to commuter transit, the project site can be described as Smart Mobility Place Type 2, Close-In Compact Communities, according to the Caltrans Smart Mobility Framework (SMF). This project is considered an urban infill project in the Downtown Priority Development Area (PDA).

**B-1**

*"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"*

## Letter B Continued

Ms. Leigha Schmidt, City of Hayward  
November 7, 2016  
Page 2

### *Vehicle Trip Reduction*

With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure that development projects align with State policies through the use of efficient development patterns, innovative travel demand reduction strategies, and necessary multimodal roadway improvements. Caltrans commends the City for achieving a projected 9% reduction in projected vehicle trips through a robust Transportation Demand Management (TDM) package that includes shuttles to/from transit nodes and unbundled parking.

B-2

In addition to these TDM measures, Caltrans supports reductions in parking supply to encourage active transportation and transit, thereby reducing VMT and impacts to state highways. Given the SMF Place Type and proximity to the Hayward BART Station, we recommend parking ratios which reflect the urban infill project type. Please refer to *Reforming Parking Policies to Support Smart Growth*—a Caltrans-funded MTC study—for sample parking ratios and strategies that support compact growth. Reducing parking supply can encourage alternate forms of transportation, reduce regional VMT, and lessen future impacts. This handbook is available online at: <http://mtc.ca.gov/sites/default/files/Toolbox-Handbook.pdf>

B-3

### *Transportation Permit*

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a Transportation Permit that is issued by Caltrans. To apply, a completed Transportation Permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to:

B-4

Caltrans Transportation Permits Office  
1823 14th Street  
Sacramento, CA 95811-7119.

See the following website for more information about Transportation Permits:  
<http://www.dot.ca.gov/trafficops/permits/index.html>

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jesse Schofield at 510-286-5562 or [jesse.schofield@dot.ca.gov](mailto:jesse.schofield@dot.ca.gov).

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

*"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"*

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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**Letter B**      **Patricia Maurice, District Branch Chief, California Department of Transportation (Caltrans)**

### **Response B-1**

The commenter correctly summarizes the proposed project description. The comment is noted.

### **Response B-2**

The commenter describes Senate Bill (SB) 743 and how Caltrans complies with its requirements by encouraging the use of Transportation Demand Management (TDM) measures and parking supply reductions to reduce vehicle miles traveled (VMT). The commenter also commends the City for achieving reductions in projected vehicle trips through the implementation of TDM measures. The comment is noted. Text on page 3.1-16 of Draft EIR Section 3.1, Transportation and Circulation, discusses SB 743 and quantitatively analyzes the project's estimated VMT.

### **Response B-3**

Caltrans seeks to reduce VMT and encourage active transportation and transit by supporting parking supply reductions. The commenter directs the City to a Caltrans-funded study that provides recommended parking ratios based on an areas density and proximity to transit facilities. The proposed project would incorporate a mix of TDM measures including, but not limited to, shuttle service, transit passes car sharing programs, unbundled parking costs, parking cash out programs, bicycle racks and lockers, on-site bicycle and pedestrian amenities, shared parking, bike share and identification of on-site Transportation Demand Management coordinators to ensure the project meets the trip reductions assumed in the traffic impact analysis (see Appendix TRA pages 81-84 and Draft EIR page 3.1-22). One option for meeting these reductions is unbundling the proposed parking, as suggested by the commenter, thus reducing demand for parking and vehicle trips. In addition, Draft EIR Section 4.0, Alternatives (see Draft EIR page 4.0-2), analyzes the Reduction in Residential Parking Alternative, which includes a reduction of parking from the proposed 845 spaces to 589 spaces.

### **Response B-4**

The commenter describes the requirements of Caltrans' Transportation Permit and provides direction on obtaining a permit for the project, if necessary. The comment is noted. The project applicant will obtain all necessary permits and approvals from Caltrans prior to commencing construction that requires movement of oversized or excessive loads on any state roadway.



# Letter C



1111 Broadway, Suite 800, Oakland, CA 94607 • 510.208.7400 • www.AlamedaCTC.org

November 7, 2016

Leigha Schmidt  
Senior Planner  
City of Hayward  
777 B Street  
Hayward, CA 94541

SUBJECT: Comments on Draft Environmental Impact Report (DEIR) for the Lincoln Landing Project

Dear Ms. Schmidt,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Lincoln Landing Project. The proposed project consists of approximately 476 residential units and 80,500 square feet of commercial space. The project site is bounded by Foothill Road to the north and east, City Center Drive to the south, San Lorenzo Creek to the south and west, and Hazel Avenue to the north and west.

As you are aware, the Notice of Preparation for the DEIR was not sent to Alameda County Transportation Commission (Alameda CTC). In this regard, please see Alameda CTC's most recent 2015 Congestion Management Program (CMP) Chapter 6 - Land Use Analysis Program (LUAP), Page 87 that lists the type of projects subject to CMP LUAP analysis. Any land use projects that are consistent with the adopted General Plan, but generates over 100 p.m. peak hour trips, are subject to this requirements and this project falls under that category.

The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

Comments on the DEIR

- The DEIR analyses intersection level impacts on the following Metropolitan Transportation System (MTS) network roadways within the study area:
    - State Route 185 (Mission Boulevard)
    - State Route 238 (Foothill Boulevard)
    - A Street
- However, since the traffic generated by this project would likely impact the following MTS network roadways, they should be included as part of the traffic impact analysis:
- Interstate 580
  - State Route 92 (Jackson Street)
  - Interstate 238
- These roadways are part of the CMP and MTS roadway network in Alameda County.
  - Alameda CTC has reviewed and supports the Transportation Demand Measures proposed for the project outlined in section 3.1-22. We request that the DEIR include additional details regarding the long-term sustainability of these measures, such as funding, operations and who will be responsible for overall long-term administration of these measures.

C-1

C-2

Leigha Schmidt  
November 7, 2016  
Page 2

## Letter C Continued

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7426 or Chris Van Alstyne, Assistant Transportation Planner at (510) 208-7479 if you have any questions.

Sincerely,



Saravana Suthanthira  
Principal Transportation Planner

cc: Chris Van Alstyne, Assistant Transportation Planner

file: R:\Planning\_Policy\_Public\_Affairs\Planning\CMP\LUAP\2016\Novemeber

**Letter C**      **Saravana Suthanthira, Principal Transportation Planner, Alameda County Transportation Commission**

### Response C-1

The commenter states the Draft EIR needs to address all six Metropolitan Transportation System (MTS) roadways in the area, including I-580, SR 92 (Jackson Street) and I-238, not just Mission Boulevard, Foothill Boulevard, and A Street. Impacts on Mission Boulevard, Foothill Boulevard, and A Street are addressed in the Draft EIR as part of the intersection analysis done for the Draft EIR study intersections. As noted on Draft EIR page 3.1-23, 25 percent of the project's daily trips (1,818 vehicles per day) will be added to Jackson Street. This equates to about 1.5 percent of the 120,000 vehicles per day on the busiest part of Jackson Street. The proposed project would add an estimated 1,090 vehicles per day to I-238, which currently carries about 145,000 vehicles per day. This constitutes an approximately 0.8 percent increase in traffic on this roadway. As noted on page 35 of the traffic study, the project would have "...a minimal impact on I-880 and I-580. For example, it is estimated that the full project will add 80 trips, less than 0.2 percent, to the approximately 277,000 vehicles per day on I-880 and 318 trips, less than 0.8 percent, to the 201,000 vehicles per day on I-580." It should also be noted that the proposed project is consistent with the land uses assumed for the project site in the General plan, thus project-related traffic was already considered on these regional roadways in the General Plan EIR. Because project contributions to these roadways would be considered insignificant increases in daily traffic, additional analysis was not conducted.

### Response C-2

The commenter expresses support for the Transportation Demand Management Measures proposed for the project outlined in Draft EIR page 3.1-22 and asks that the Draft EIR be expanded to include additional details related to the long-term sustainability of these measures such as funding, operations and who will be responsible for overall long-term administration of these measures. While the TDM Measures are included as part of the Project Description, the City acknowledges that incorporation of such measures and documentation of their implementation and long term tracking and reporting to the City will ensure that the measures are implemented on an ongoing basis. Therefore, Mitigation Measure 3.1.2 is added on page 3.1-38 of the Draft EIR to ensure that the project would achieve trip reductions of 9 percent:

MM 3.1.2      The applicant shall submit a detailed Transportation Demand Management Plan (TDM Plan) to the City's Public Works – Engineering and Transportation Division with planned measures such as shuttle service, transit passes, on-site car sharing programs, unbundled parking costs, bicycle racks and lockers, on-site bicycle and pedestrian amenities, shared parking, on-site bike share program and identification of an on-site Transportation Demand Management Coordinator.

The TDM Plan shall describe each measure in detail and identify how it pertains to the residential and/or commercial uses of the development; include operational details of the individual measure; identify a funding source; and specify the individual and/or entity responsible for implementation and ongoing operation of the measure. The TDM Plan shall be submitted to and approved by the City prior to issuance of a Certificate of Occupancy for the development.

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

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The property managers shall submit a memorandum on the status of each measure included in the TDM Plan to the City's Public Works – Engineering and Transportation Division on an annual basis for the first five years of operation and then on a modified schedule, as determined by the Planning Director and City Engineer. The TDM Plan may also include goals and/or limits to each measure, provided the overall Plan achieves a minimum nine percent reduction in projected vehicle trips as demonstrated in the annual memo on TDM Measure status. Prior to any modifications to the approved TDM Plan, the property manager(s) shall submit a revised Plan to the City's Public Works Engineering and Transportation Division for review and approval.

Timing/Implementation: TDM due prior to issuance of a Certificate of Occupancy; status reports submitted annually during project operation for the first five years of operation and then on a modified schedule as determined by the Development Services Director and City Engineer.

Enforcement/Monitoring: City of Hayward Public Works – Engineering and Transportation Department: Planning Division

Mitigation Measure MM 3.1.2 would ensure that TDM Measures are thoroughly described, funded, tracked and reviewed by the City on an annual basis to ensure that the commercial/residential property managers ensure long term implementation of the measures.

# Letter 1



Serving Alameda, Contra Costa, Marin and San Francisco counties

1

Reply to: [jewellspalding@mac.com](mailto:jewellspalding@mac.com)

[mwillia@mac.com](mailto:mwillia@mac.com)

November 7, 2016

via [leigha.schmidt@hayward-ca.gov](mailto:leigha.schmidt@hayward-ca.gov)  
Ms. Leigha Schmidt, Senior Planner  
City of Hayward  
777 B Street  
Hayward CA 94541

Re: Comments on the proposed Lincoln Landing  
Development; Draft Environmental Impact Report

Dear Ms. Schmidt:

Thank you for the opportunity to comment on this large, proposed property development. The Sierra Club offers the following for your consideration.

One of the primary problems with the EIR is that it fails to provide any examination of the cumulative impacts of Lincoln Landing together with the Maple and Main Mixed use development located within a block of each other. In this regard, we were glad to learn that the City is recirculating a revised draft Initial Study/Mitigated Negative Declaration for Maple and Main to include impacts of the Lincoln Landing project in the cumulative impacts analyses for that project. This EIR likewise needs to have that same cumulative impact examination.

1-1

The Lincoln Landing project is sited entirely within the Downtown Priority Development Area (PDA), established by the City of Hayward. As such, the project should be supportive of the success of the PDA. Plan Bay Area introduces PDAs in its [Introduction, on page 2](#):

PDAs are areas where new development will support the day-to-day needs of residents and workers in a pedestrian-friendly environment served by transit.

1-2

To support the success of the Downtown PDA, the Lincoln Landing project should result in reduced vehicle miles traveled (VMT). Unfortunately, the project—best case and without Maple and Main, with proposed mitigations—still results in 10.6 million additional vehicle miles traveled per year!<sup>1</sup> This is inconsistent with Plan Bay Area's Sustainable

<sup>1</sup> \* Shown both in Appendix GHG, page 44 and in the Transportation and Circulation  
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## Letter 1 Continued



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Communities Strategy pursuant to SB 375, "The California Sustainable Communities and Climate Protection Act of 2008." VMT, just like greenhouse gases (GHG), in the Downtown PDA must not be significantly increased!

We would submit that any EIR or environmental document by definition is inadequate unless it provides the necessary analysis of reducing VMT to support the Sustainable Communities Strategy, which is critical to meet both local and State GHG reductions, as well as assuring compliance with the federal Clean Air Act. This is particularly necessary for the City of Hayward, which includes neighborhoods identified by the Bay Area Air Quality Management District as too polluted. As stated by the State Air Resources Board, "**strategies to reduce VMT are essential to ensuring both environmental quality and a high quality of life for the future of California.**"<sup>2</sup>

1-2  
cont.

The proposed project is located along several busy streets. Foothill Boulevard, one of the streets, is described as "a six-lane, north-south roadway with occasional raised medians. Posted speed limits vary from 25 miles per hour (mph) to 35 mph in the project vicinity." The EIR needs to examine reducing the speed limits, such as to 25 mph, and study the conversion of one lane in each direction to make the road more

1-3

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chapter, page 3.1-16.

<sup>2</sup> Original emphasis. Specifically, in a discussion by the ARB entitled "**Potential State-Level Strategies to Advance Sustainable, Equitable Communities and Reduce Vehicle Miles of Travel (VMT)**", the ARB concluded the following:

California must reduce vehicle miles of travel (VMT) – alongside improvements in vehicle and fuel technology – in order to meet our ambitious greenhouse gas (GHG) reduction goals for the transportation sector. Additionally, research and experience demonstrate that **VMT-reducing strategies that increase clean, affordable transportation options such as transit, biking, walking and ride sharing, and promote equitable and efficient land uses including infill development, also provide numerous co-benefits, including improved public health outcomes, household cost savings, reduced energy and water consumption, reduced consumption of natural and working lands, and increased access to economic opportunity, as well as the many benefits of cleaner air due to reduced pollution from vehicles. Therefore, strategies to reduce VMT are essential to ensuring both environmental quality and a high quality of life for the future of California.**

<https://www.arb.ca.gov/cc/scopingplan/meetings/091316/Potential%20VMT%20Measures%20For%20Discussion%209.13.16.pdf> Emphasis added and original.

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# Letter 1 Continued



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accommodating to pedestrians and bicycle riders. Further, the City should consider working with the local transit operator, AC Transit, to make its bus service more attractive in the area near the proposed project. Examples in Alameda County of what can be done to make a busy street more attractive to modes other than cars, such as walking, cycling and public transit also needs to be examined. This includes addressing the need to improve unsafe and unattractive walking routes for project residents. The EIR needs to require off-site pedestrian improvements to mitigate adverse effects on project residents from existing and project traffic, just as it does for roadway improvements. In making that examination, the EIR should review strategies adopted by other jurisdictions, such as those adopted in both Oakland and Berkeley.

1-3  
cont.

Lastly, the EIR's language over the Clipper Card is vague. On page 3.1-22, transit passes are presented as a part of proposed Transportation Demand Management actions: "Universal transit passes, such as Clipper cards, would allow residents and employees alike to have subsidized services for AC Transit and BART." The EIR fails to disclose and needs to identify who is eligible to have a transit pass and the extent to which it will be subsidized.

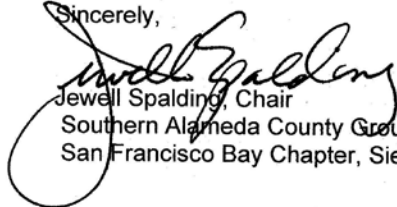
1-4

In conclusion, the Sierra Club urges the City to re-examine and recirculate a new DEIR taking into consideration the cumulative impacts with Maple and Main, and address the issues discussed above on reducing the VMT, and therefore GHG, to achieve the quality of life intended from the Downtown PDA.

1-5

Thank you for your consideration.

Sincerely,

  
Jewell Spalding, Chair  
Southern Alameda County Group  
San Francisco Bay Chapter, Sierra Club

cc: Via Email Only  
Chair, Chapter Executive Committee  
Association of Bay Area Governments  
Metropolitan Transportation Commission  
Alameda County Transportation Commission  
Chair, Assembly Select Committee on Regional Planning in the San Francisco Bay Area  
Member J. Gioia, Air Resources Board

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## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

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### Letter 1      Jewell Spalding, Chair, Sierra Club, San Francisco Bay Chapter

#### Response 1-1

The commenter states that the EIR fails to provide analysis on cumulative impacts in addition to any impacts the project may have with the Maple and Main mixed-use development. The traffic analysis for the project included both near-term and long-term scenarios, using the Alameda County Transportation Authority's traffic forecasting model updated to reflect future conditions in Hayward. The model forecast a greater increase in the number of auto trips in the traffic analysis zone (TAZ) in which the proposed project and the Maple and Main project are located than the number of trips expected to be generated by the Maple and Main project.<sup>1</sup>

Therefore, traffic from the Maple and Main site was considered under background conditions for both near-term and long-term scenarios for the Draft EIR. No additional analysis is required.

#### Response 1-2

The commenter states that the proposed project does not support the success of the Downtown Priority Development Area (PDA) and does not reduce vehicle miles travelled (VMT). The commenter adds that this project is therefore not consistent with Plan Bay Area's Sustainable Communities Strategy and Senate Bill (SB) 375. The commenter requests further reductions in VMT to support Plan Bay Area's Sustainable Communities Strategy to achieve local and state GHG emissions reduction goals. As discussed in Response B-3 and C-2, the proposed project would incorporate a mix of TDM measures that would reduce project-related VMT (see Draft EIR Section 3.1, Transportation and Circulation, page 3.1-22). In addition, as discussed on Draft EIR page 3.0-24 (see Section 3.0, Impacts Found Not Significant), the City approved a Climate Action Plan (CAP) for achieving a measurable reduction in GHG emissions. The Hayward CAP includes GHG emissions reduction targets that align with those of the State of California, and thus AB 32 and other legislation aimed at GHG reduction. The CAP also presents a number of strategies that will make it possible for the City to meet the recommended targets, suggests best practices for implementing the plan, and makes recommendations for measuring progress. Such practices include developing high-density transit-oriented development, reducing automobile use, and incorporating green building practices aimed at reducing GHG emissions. The Hayward CAP was incorporated into the City's General Plan in 2014.

The project is consistent with the City of Hayward's General Plan. The project includes a mixed-use, transit-oriented development in the vicinity of BART and AC Transit stops. The project would incorporate green building techniques per City Climate Action Plan requirements including but not limited to installation of a green roof over the major commercial building, installation of highly efficient appliances and fixtures, use of low volatile organic compound (VOC) finishes and materials, and incorporation of Transportation Demand Management strategies such as transit passes for employees and residents, car-sharing programs, bicycle parking and maintenance areas, and unbundling parking costs from housing costs (see also Appendix TRA). Incorporation of these measures to reduce GHGs would ensure the proposed project would not conflict with the City's Climate Action Plan. With regard to standards for VMT for individual projects, neither the State, the City of Hayward, nor the Alameda County Transportation Commission has set forth VMT thresholds. However, because the proposed project includes measures to reduce VMT and

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<sup>1</sup> A traffic analysis zone is the basic geographic unit for inventorying demographic data and land use within a traffic study area and is most commonly used in conventional transportation planning models.



GHGs, and the project would not exceed established standards for GHG emissions, there would be no new impact from the project. No further analysis is required.

### Response 1-3

The commenter states that the Draft EIR needs to examine reducing the speed limits on streets surrounding the proposed project and convert vehicle travel lanes to pedestrian lanes. The Draft EIR identified the following three significant and unavoidable impacts: under Background plus Phase 1 conditions, two intersections (Foothill Boulevard/Hazel Avenue and Foothill Boulevard/City Center Drive) would operate at level of service (LOS) F during the PM peak hour (Impact 3.1.2); the project would increase delays during the PM peak hour by more than 5.0 seconds at two intersections (Foothill Boulevard/Hazel Avenue and Foothill Boulevard/City Center Drive) that are projected to operate at LOS F under Background conditions (Impact 3.1.3); and the project would result in delays that exceed the 5.0-second threshold at Foothill Boulevard/Hazel Avenue during the AM and PM peak hours, Foothill Boulevard/City Center Drive during the PM peak hour, and Mission Boulevard/Sunset Boulevard during the AM and PM peak hours. The recommendation by the commenter to eliminate vehicle travel lanes on Foothill Boulevard would not reduce any significant impacts identified for the project and would only exacerbate those significant impacts. With regard to the comment that the project needs to improve unsafe and unattractive walking routes for pedestrians, the conditions described by the commenter are the existing conditions in the project vicinity and not a condition caused by the project. Mitigation under CEQA must be "roughly proportional" to the impacts caused by the project (CEQA Guidelines, Section 15126.4, subd. (a)(4)(B); *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 360). Because these conditions are not caused by the project, the proposed project cannot be required to mitigate the perceived conditions described by the commenter. No further response is required.

### Response 1-4

The commenter states that the EIR does not provide clear information on Clipper Cards as part of the proposed Transportation Demand Management, such as who is eligible and the amount of subsidy. The details pertaining to the Clipper Cards have not been determined at this time. See Response B-3 and Response C-2, regarding the incorporation of TDM measures.

### Response 1-5

The commenter requests that the City of Hayward recirculate the Draft EIR. Based on the commenter's comments, no new significant impacts have been identified and the City is not required to recirculate the Draft EIR.

## Letter 2



### League of Women Voters—Eden Area

Representing Hayward, San Leandro, and surrounding unincorporated areas of  
Ashland, Castro Valley, Cherryland, Fairview, & San Lorenzo

*Political Responsibility Through Informed and Active Participation*

November 2, 2016

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Aiwi Zelinsky

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Jewell Spalding

**PAST PRESIDENT**

Nancy Van Huffel

Dr. Sherman Lewis, President, HAPA

*Via Email*

Re: Response Request for League's Support on HAPA's Position on the DEIR for the  
Hayward Lincoln Landing Project

Dr. Lewis:

The League of Women Voters – Eden Area (LWVEA) is in receipt of your November 1, 2016 email (with attached comments) asking the League to comment on the DEIR for the Hayward Lincoln Landing Project. The following is our response.

On September 20, 2016, the LWVEA Board sent a letter to both you and Director David Rizk of the City in response to presentations from both of you on the Hayward Maple and Main Proposed Project. Some of the points contained in that letter apply to this request as well. In particular, we referred to our Bay Area League position regarding CEQA Mitigation, which is again provided here in pertinent part:

**Support guidelines and criteria for governmental decision-making on mitigation of the negative environmental impacts of a project under California Environmental Quality Act (CEQA) that take into account whether: 1) the decision to proceed or not is environmentally sound and gives particular attention to cumulative impacts; 2) the mitigation plan is properly implemented under an acceptable process for meeting legal requirements and public need.**

In addition, we strongly urged you (and HAPA) and the City to work together to ensure that the final project is environmentally sound, provides a strong and appropriate amenity to the community, gives particular attention to cumulative impacts, and that the mitigation plan for the project meets all pertinent legal requirements, addresses major community concerns, and is a positive addition to the community. This request and its desired outcomes remain an imperative and unwavering position of the LWVEA Board for any major project planned in Hayward or any other community within our League.

2-1

2-2

P.O. Box 2234 • CASTRO VALLEY • CA 94546

WEB SITE: [LWVEA.org](http://LWVEA.org) • E-Mail: [lwvea@aol.com](mailto:lwvea@aol.com)

## Letter 2 Continued

With the above in mind, the following are some additional LWVEA comments specific to this large, complex project at this point in time, keeping in mind your comments as presented in your November email referenced above.

2-2  
cont.

In our experience, no DEIR is ever complete enough or extensive enough to satisfy all parties; nor does it ever contain all possible mitigations for any and all alternatives. It is our understanding that the City, the community, and the project proponents have spent extensive time and resources in getting to and preparing this DEIR. You note in your email that "...the DEIR understands much of the issue...", which speaks to our point that most parties are largely on the same page.

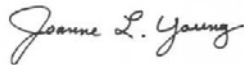
In that context, the LWVEA clearly supports your general point that creative transportation alternatives need to be strongly evaluated and implemented where practical and feasible for any large project, not just Lincoln Landing. What those alternatives might be will differ between parties over time. Hence the need to work together in compromise and market reality. While some alternatives may not be feasible as the project is implemented, they may well be feasible as the project matures and is fully occupied.

2-3

In addition, when a project has gone through an extensive development review process, been presented multiple times to the community, and has completed its required DEIR, there has to come a point when that project is either approved or denied by the pertinent policy body. The LWVEA sees no reason at this point in time that this vast and complicated project with many community amenities should be denied or further delayed.

Sincerely,

EDEN AREA LEAGUE OF WOMEN VOTERS



Joanne Young  
Co-President



Aiwa Zelinsky  
Co-President

Cc: David Rizk, Hayward Director of Development Services

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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### **Letter 2      Joanne Young and Aiwi Zelinski, Co-Presidents, League of Women Voters–Eden Area (LWVEA)**

#### **Response 2-1**

This comment letter is not a comment on the adequacy of the Draft EIR, but was addressed to Dr. Sherman Lewis, President of the Hayward Area Planning Association (HAPA); however, it outlines what the commenters would like to see in a Draft EIR.

#### **Response 2-2**

The commenters note that LWVEA urged the Hayward Area Planning Association to work with the City to ensure appropriate mitigation is identified and carried out through the project process. Mitigation measures have been identified throughout the Draft EIR, and further elaborated in Response C-2. No further response is required.

#### **Response 2-3**

The commenters acknowledge that this project has undergone a long and complicated process and that the City has worked with the public and other parties to address any concerns. They express support for approval of this project. The comment is noted.

## Letter 3

### HAPA Comments on the Draft EIR on Lincoln Landing

Sherman Lewis, President  
Hayward Area Planning Association  
[Sherman@csu Hayward.us](mailto:Sherman@csu Hayward.us)  
12/16/2016

HAPA disagrees with the DEIR statement that “The proposed project, in combination with other approved, planned, and reasonably foreseeable development in the project area, would generate vehicle trips that could contribute to significant traffic operational impacts to intersections as compared to cumulative conditions. ... Mitigation Measure... None Feasible. Resulting Level of Significance...SU [Significant and Unavoidable]” (Executive Summary, p. 18)

The DEIR has no mitigations using non-private auto modes which are feasible and thus are required. ‘Non-private auto modes’ include carshare/rental, taxis, walking, bicycling, transit, and pedestrian centers. “Should make every effort” (App TRA p. 13) is ineffective; CEQA requires feasible mitigations.

3-1

Our disagreement is based on the Hayward General Plan, the Hayward Climate Action Plan, Department of Transportation comments in the NOP, HAPA’s alternative, the TDM discussion in the DEIR, and the inadequate analysis in the DEIR.

#### The General Plan

GP GM stands for **General Plan Green Mobility**, 21 or more policies that decrease personal car use and support other modes. They include unbundling, overflow parking management, safe and attractive pedestrian pathways, designated spaces for carshare/rental, designated space for taxi and e-hail services, a rapid shuttle, and pedestrian activity centers. These policies singly will not work; coordinated implementation of all of them has synergistic effects supporting ample mobility without a personal car next to the dwelling.

The DEIR states “LAN-2 The project would not conflict with the City’s General Plan or other land use plan, policy, or regulation intended to reduce environmental effects.” (Executive Summary p. 14) The DEIR does not document its opinion. The project, in fact, conflicts with 21 or more General Plan Policies, as documented in the accompanying report, “The General Plan and Lincoln Landing” (General Plan and LL.pdf attached).

3-2

General Plan policies, having been assessed in a Program EIR and approved by the City, can be presumed to be feasible.

#### The Climate Action Plan

Hayward’s Climate Action Plan similarly supports the feasibility of GP GM. The DEIR states the project should have “...per City Climate Action Plan requirements ... incorporation of transportation demand management strategies such as transit passes for employees and residents, car sharing programs, bicycle parking and maintenance areas and unbundling parking costs from housing costs (see also Appendix TRA).” (3.0 Impact Found Not Significant p. 27-28). The project does not, in fact, do this; the DEIR does not require TDMs as mitigations, and site-specific implementation has not been studied.

3-3

## Letter 3 Continued

### California State Department of Transportation

HAPA agrees with DOT when it says “We support projects and measures to reduce VMT and increase sustainable mode shares.” In its letter of August 2, 2016, the DOT states its goal to reduce VMT by 15 percent by 2010. The DEIR does not discuss this issue. We speculate that project VMT would be less than suburban development and more than an alternative with GP GM. The DEIR ignores DOT’s request for discussion of transportation impact fees and fair share contribution. The DEIR does not refer or use the guide DOT recommends, the Guide for the Preparation of Traffic Impact Studies. The DEIR ignores the DOT the statement that GP GM policies should be used to mitigate VMT. “Mitigation for increasing VMT should be identified. Mitigation...should support the use of transit and active transportation modes.”

3-4

The DOT letter says that “the project should include a robust Transportation Demand Management Program (TDM) to reduce VMT and greenhouse gas emissions.” The letter reiterates a number of GP GM and DEIR TDM policies. The letter includes references to two documents with more detailed policies. It is not enough to have density and mixed use and be close to BART. The DEIR has to require mitigation by TDM.

The DEIR does not deal with state agency issues in the regulatory framework intended by CEQA, to reveal impacts and require mitigations.

### The HAPA Alternative

The HAPA Alternative has site-specific implementation of GP GM, both design and functionality. Only the functionality needs to be considered to estimate mode split and VMT (vehicle miles traveled). Not just traffic engineering but planning and economic expertise concerning elasticities and household travel budgets is required. Generic, percentage-based “industry standards” and staff opinion lack the expertise necessary, particularly on the issue of economic parking charges vis-a-vis the package of non-private auto alternatives for the demographics of the tenants most likely to respond to savings from unbundling, which are the four major markets. The usual DIR writers and traffic engineers lack the expertise needed.

3-5

### DEIR on TDM

The TDM discussed in the report for the project further supports the feasibility of GP GM policies. In summary, the TDMs are “shuttle services, transit passes, car sharing, bike sharing, unbundled parking, on site bike and ped lockers and amenities, shared parking, and on-site TDM coordinators.” (App TRA p. 89 ff)

Selected passages: “The items below represent some options for the City and the project applicant to consider:

Shuttle Services: Provide a shuttle service for residents and employees to connect with the Hayward BART station.... This project maybe large enough, perhaps by combining with adjacent downtown developments to have its own peak hour shuttle service to and from BART and/or Amtrak.

3-6

Transit Passes: Universal transit passes such as Clipper cards, would allow residents and employees alike to have subsidized services...

Car Sharing Programs: ... Car sharing such as Zipcar allows some residents to not own personal autos, or at least second family cars...

## Letter 3 Continued

Unbundled Parking Costs: [Bundled parking] means that tenants or owners are not able to purchase only as much parking as they need, and are not given the opportunity to save money by using fewer parking spaces. [Unbundling] is not only more equitable, but can also reduce the total amount of parking required for the building. ...[W]hen people can save money by having fewer cars, they may make different choices about investing in vehicles. The inflated supply of parking spaces means that the landlord would not be able to charge enough for a parking space to recover the cost if it was to be paid for separately. ...Correcting this requires that minimum parking requirements are relaxed or removed for unbundled parking to allow developers to provide only the spaces that residents will pay for if given the option....

Parking Cash Out Programs:

Bicycle racks and lockers for residents, employees and shoppers.

On-site bike/ped amenities:

Promote Shared Parking: ... shared parking between the residential and non-residential uses, combined with unbundling the residential uses, should result in a substantial reduction of on-site parking for the overall Lincoln Landing development.

Bike Share Program: ... This system has the potential for success in downtown Hayward...

On-site TDM coordinators: ... provide ride share matching, information on shuttle services, car sharing, bike sharing and transit passes. ...bus and shuttle services and passes would be coordinated along with information on car and bike sharing.”

Clearly, the DEIR consider these feasible for mitigating traffic impacts.

### Inadequate analysis in the DEIR

The DEIR makes no effort to propose specific mitigations using non-private auto modes based on the General Plan and other documents.

The DEIR has detailed estimates for future auto traffic and levels of service, but no estimates for pedestrians, shuttles, or any other GP GM policy. The DEIR has no trip generation rates for GP GM to indicate potential for mitigation and no project specific information about how GP GM would reduce traffic. Appendix TRA refers to level of service 736 times without once referring to pedestrian level of service, transit level of service, or any other level of service. We found no discussion of how pedestrian or transit or other GP GM improvements could mitigate traffic, or how a package of GP GM would compete with non-private auto modes. As explained in other HAPA reports, the crucial analysis revolves around dual elasticities relating to acceptable travel times for frequent anchor and local trips to meet household travel needs for the for the four major markets for this project.

Unlike off-site analysis for autos, which includes projections, capacity, and signal warrants, there is no consideration of off-site improvements for transit or pedestrians or other GP GM, let alone how they could reduce auto traffic. There is no consideration of the need to mitigate off-site impacts of project auto traffic on project and other pedestrians.

The report relies on undocumented “industry standards” and “consultation with city staff” without any substantive information for the base case and no estimates for mitigation by GP GM. Quantifying TDM and GP GM is not as advanced as traffic analysis, but reasonable estimates can be made for feasible application of a package of synergetic policies that can compete quite well

3-6  
cont.

3-7

3-8

3-9

## Letter 3 Continued

with parking a personal car next to a residence. We have ample experience with all of the policies to know how they work.

The DEIR understands much of the issue: “It should be noted that this project has opportunities for on-site shared parking in which stalls primarily intended for employee and customer parking in the daytime and also serve residential needs on an overnight basis. This, coupled with a planned aggressive transportation demand management program, along with the potential for unbundling the residential parking, suggest that an overabundance of supplied parking could be counter-productive to reducing this project’s contribution of single-occupant vehicular usage.” (p. 85 App TRA ). HAPA believes that a formulaic reference to a percentage reduction (p. 89 App TRA) based on unsubstantiated “industry standards used in Bay Area cities” without any study of GP GM designed specifically the project itself is too vague to be adequate. HAPA believes that CEQA requires the DEIR to take the next steps: make project and policy specific estimates of reduced auto usage and require them for mitigation.

3-9  
cont.

Despite this understanding, the DEIR only gets as far as vague, generic recommendations, not site specific mitigations. The DEIR recommends “provision of... direct connections off-site facilities, and efficient linkages with existing and potential future transit stops external to the site.” (Sic. The DEIR may intend to say “direct connections to offsite...” ) (App TRA p. 84). This vagueness contrasts sharply with HAPA proposals for a multi-modal center on City Center Drive for a BART shuttle turn around, a rapid shuttle, spaces for carshare/rental and taxis, and an attractive food service business located to create a pedestrian social hub.

3-10

The DEIR indicates it expects people to walk 3,500 feet to BART without discussing the need to improve unsafe and unattractive walking routes for project residents. The EIR needs to require off-site pedestrian improvements to mitigate adverse effects on project residents from existing and project traffic, just as it does for roadway improvements. It needs to consider this as part of GP GM to reduce traffic.

3-11

To reach transit service, pedestrian must reach the BART station. The DEIR discusses Loop street conditions and facilities without mentioning their widths and traffic speeds that make them barriers to walking (TRA p. 23-26). The DEIR discusses pedestrian and bicycle access without discussing relevant off-site conditions and the adverse quality of the paths to BART (App TRA pp. 87-88).

The DEIR is inadequate.

### Alternatives

HAPA submitted an Environmentally Superior Alternative in our comments on the Notice of Preparation. The DEIR is inaccurate in what it says about this Alternative by omitting crucial features of the Alternative and claiming they are not there, or making statements about the Alternative that are not true.

3-12

HAPA’s Alternative to the project meets the requirement for detailed study. The singular fact about the Alternative is that it is almost the same as the project itself. Still, the Alternative can be taken as a whole or its components can be considered as mitigations to project impacts.



## Letter 3 Continued

### Massing of development, street character

DEIR *Chapter 4.0 Alternatives* discusses the HAPA Alternative. It claims, correctly, that the height was consistent with zoning and that the photo simulations showed integration into the setting. The HAPA Alternative, however, was not concerned with overall height, but only on Hazel, where General Plan policy calls for not massing next to single family and a staff report refers to “massing of development” by the project. When a building 285 feet long and 55 feet high on one side of a street faces single family houses on the other side, and has a street façade with no windows or doors, it is not consistent with GP LU-3.6, LU-3-7, LU-4.3, and LU-4.5. The photo simulation of Hazel (App AES p. 6) is angled away from the houses on the right and hides them behind a tree. The Hazel street view (App AES p. 15) shows two stories of blank wall (no doors or window, metal bars, nice brick work). The DEIR is inaccurate by omission of material facts. It failed to identify the visual impacts and then claimed that lowering the building would not reduce “identified significant visual impacts.” The DEIR turns a blind eye to the blazingly obvious.

3-13

### Parking spaces and traffic

The DEIR claims that the HAPA Alternative would reduce traffic by reducing parking spaces. This is incorrect. The Alternative reduces traffic by GP GM, as is clear in the PowerPoint. (GP GM: General Plan Green Mobility, explained elsewhere.) We expect that many parking spaces would not be used, which is far more important and does have a significant impact. Narrowing the focus to the parking reduction, the DEIR claims that a 30 percent reduction in residential parking would have less than significant impact. 30 percent not significant? It would have a significant impact. More importantly, the reduction in parking is not a cause of traffic reduction; GP GM causes a reduction in parking demand so the parking is not needed. DEIR claims are not substantiated.

3-14

### Car ownership and traffic

The DEIR says “the ability to achieve a proportionate reduction in traffic depends on the extent to which tenants who claim to have no cars actually are not car owners.” This statement makes no sense. Reduction in traffic does not depend on honesty of tenants, or whether they own cars. Perhaps what the DEIR is trying to say is that the reduction in traffic will not occur if residents’ cars are parked nearby off-site. The DEIR assumes the HAPA Alternative would require tenants to claim to not own a car. This is not true. It also assumes that a tenant owning a car and not parking on site would park nearby—spillover parking—also not necessarily true. Tenants could park their cars in a paid lot instead. Car ownership is not necessarily correlated with a fixed amount of car use, which declines with density and attractiveness of alternative modes. The conflating of car ownership with a fixed amount of traffic is false.

3-15

### Parking management, not tenant car ownership

The DEIR claims that HAPA “acknowledges the potential for noncompliance” when that is not the case at all. We would not ask tenants if they own a car or not. Any spillover is managed by parking management downtown and in the neighborhood.

3-16

### Reduce traffic, not units

The DEIR claims that the project would have to be reduced to reduce traffic impacts. This is false. The DEIR ignores how GP GM and walkable destinations would reduce traffic by shifting

3-17

## Letter 3 Continued

modes away from having a private car next to the dwelling. The DEIR fails to evaluate the ability of GP GM and, for that matter, its own TDM, to reduce traffic based on a combination of project-specific mitigations. The immense detail of the traffic analysis is missing for non-private auto modes. **3-17 cont.**

### Theory and practice

The DEIR assumes that implementation of GP GM would not work: “Although this Alternative could theoretically result in a reduction of traffic impacts and potential air quality emissions related to mobile sources, it would not eliminate any significant and unavoidable impacts identified for the project because the unit count and the square footage of commercial uses would remain unchanged from the proposed project.” This statement assumes that the traffic from a given amount of development cannot be reduced. All the evidence available supports the opposite conclusion, that is, that GP GM would reduce traffic. There is nothing theoretical about it. The DEIR makes claims contrary to fact. **3-18**

### The fallacy of certainty

The DEIR states, “it is not possible to measure the extent to which traffic impacts would be reduced at this particular site with any certainty, even if enforcement programs are adopted, such as a parking permit program and other time-restricted on-street parking regulations.” Certainty is not required. The statement diverts attention from the responsibility of a DEIR to analyze traffic. **3-19**

Also, the statement is not true. Concerning certainty, the App TRA from p. 108 to 522 has thousands of projections to four significant figures for traffic in 2020. On p. 50, for example, we learn that in 2020, 101 cars in the AM peak in the right lane going west on A St. will go straight or turn right up Mission Blvd. Everyone accepts that the fact that it is not possible to estimate future traffic with this degree of certainty. The DEIR has a double standard, pretended certainty for traffic projections, and an unnecessary requirement for certainty for GP GM. **3-20**

### The usefulness of facts

Concerning traffic impacts, all of the GP GM and TDM measures needed to mitigate traffic have been implemented in many cities. The implementation of GP GM policies has generated ample data to support meaningful projections, often more meaningful those for traffic. A major example is parking permit programs. They work in Hayward today. We are certain that spillover parking can be controlled. HAPA has written a report documenting that the Hayward programs are successful with results more certain than traffic projections. The DEIR itself presents TDM as feasible and able to reduce traffic, so, logically, it should be able to make some estimate. **3-21**

The DEIR, however, is inadequate in discussing neighborhood spillover, in contrast to its detailed analysis of cut-through traffic and traffic calming. The few lines on the issue (App TRA p. 90) fail to mention that spillover parking can occur even with adequate onsite parking and that hour limits are needed for business properties, not just permits for residents. **3-22**

### Green mobility and two projects increase transit potential

Concerning transit, the DEIR (pp TRA p. 13, p. 88) “The proposed project would be generating approximately 37 transit trips in the AM peak hour and 72 transit trips in the PM peak **3-23**

## Letter 3 Continued

hour.” The estimate is based on current service, which is slow and infrequent, and charges fares. The DEIR does not make an estimate for transit trips for the rapid shuttle in the Alternative, which would be fast, frequent, and free. The two projects combined, Maple Main and Lincoln Landing, would have a unit count of 670 and about 1,500 people. The ridership for rapid shuttle is likely to be considerably higher. An estimate of ridership should consider the special travel characteristics of the four major markets as presented in the Alternative.

3-23  
cont.

### DEIR: it won't work; it will work

The DEIR claims that lack of certainty in projecting the transportation results of the Alternative is a reason not to make estimates, thus implying that the projections of the DEIR have certainty. The DEIR then goes on to recommend the same policies, in less detail, as TDM. Developer claims about marketability, used as an unsubstantiated objection to the Alternative, is not mentioned in the DEIR's later discussion of the same policies. The Green Shutter Hotel, also in downtown, provides no parking at all and has no marketing issues according to its developer.

3-24

The DEIR implies that the HAPA Alternative would reduce parking for retail. The project proposes 279 spaces for retail; the HAPA Alternative proposes 279 spaces for retail.

### DEIR: Developer can veto mitigations

The DEIR claims that developers can veto mitigations they think are infeasible. The DEIR states, “The developer has indicated that it is necessary to provide this level of parking (slightly more than one parking space per unit) in the same building as the residential units the parking would serve to ensure marketability of those units. [sic] Specifically, people would be less inclined to rent a unit in a building where the allocated parking for that unit is approximately 800 feet away from the residential building.”

3-25

CEQA is premised on requiring mitigations. To make this work, evidence, not developer claims, must be used to determine if a mitigation is not feasible. The developer presents no evidence. There are many places where people walk some distance to reach a car, or don't have a car at all, or use a nearby carshare instead. HAPA proposes some surface parking at Foothill and Hazel that the DEIR did not mention. We think the issue is worth studying, because of the marketability to four major markets as explained in the Alternative.

### Risk reduction by phasing

It is possible that people would not walk 800 feet to save \$450 a month. HAPA discusses that issue in the phasing part of the Alternative. The DEIR does not deal with the issue and simply makes claims without evidence. The DEIR does not discuss the role of phasing in risk reduction in balancing parking and units and its role increasing profitability.

3-26

The DEIR does assume, however, that people will walk 3,500 feet to the BART station (App TRA p. 88). This distance is actually quite realistic. See “Walk Access to BART and Residential Density” at

<https://www.dropbox.com/s/cevf1xewmowg7dc/BART%20Walk%20paper%20for%20Int%27I%20J%20of%20Sust.%20Trans%20rev.pdf?dl=0>. (Allow time for slow download.) Unfortunately,

3-27

while the DEIR recommends sidewalks on the project, it does not discuss improving the safety and attractiveness of the walk to BART.

## Letter 3 Continued

For reasons stated above, the HAPA Alternative could reasonably mitigate significant traffic impacts, would not result in spillover problems, and may not affect viability. It should be studied. More than that, the availability of lower cost, unbundled units saving about \$5,000 per year could attract stronger demand and increase profitability.

3-28

The DEIR does not discuss how CEQA guidelines for achieving project purposes apply to the HAPA Alternative. The Alternative accomplishes the seven bullet points describing the purpose of the project and should be studied.

3-29

### How to study the HAPA Alternative

The analysis is functionally the same as studying GP GM. The difference is that the HAPA Alternative has some features not part of GP GM and perhaps too difficult to measure for VMT: eliminating the truck road, improving the amenity of the Creek Walk, access from retail parking to the Creek Walk, adding two stories over the middle retail, reducing parking, and lowering the towers, all of which would improve the quality of the project. While reduced parking is part of the Alternative, it alone does not affect VMT; it only saves developer funds. The major factors affecting VMT would be the disincentive of the parking charge and the incentives of rest of the policies.

The parking charge needs to have the same economic basis as the unit rent, so that the costs and returns on both investments are the same. One HAPA estimate for a parking charge is \$450 per month. Further research is needed, and for Lincoln Landing the charge would probably be less because the cost of rehabilitating the parking structure would be less than building a new one. The analysis can be based on the bundled rent and splitting it into two charges based on construction and operating costs.

The parking charge cannot be the market rate for the first year or two. The problem is the developer will want to semi-bundle to reduce risk, that is, have a low parking charge and a high unit rent that includes some parking cost. Any artificially low parking charge penalizes those who don't need a space, reduces marketability to those who use alternative modes, and reduces the incentive to use a personal auto less. A low charge reduces the incentive of the developer and city to build less, and require less, parking. A low charge reduces the incentive to use non-private auto modes, wasting the money used to make them work.

3-30

Features worthy of study for both GP GM and the HAPA Alternative are the multi-modal center for parking spaces for carshare/rental, taxis, the turnaround for the rapid shuttle to BART, and some food service or social space, the rapid shuttle, and improved crossings on A St. Other ideas from the DEIR and DOT should also be considered.

The unit absorption rate is not an issue. The project is premised on absorption at the bundled rate, which continues as the unbundled rent plus parking rent. The problem for the developer would be reduced absorption of the parking. This could be alleviated to some extent by other tenants renting the spaces, which works as long as a tenant with two or more space can drive only one vehicle at a time. However, if one tenant without parking is replaced by one who parks, there might be no reliable VMT reduction.

Who rents the units is also an issue. There would be less VMT if the four major low VMT markets were tenants, so marketing to them (and related ideas in the Alternative) would help. Traditional traffic engineering does not make these kinds of estimates, but there are planners

## Letter 3 Continued

and analysts who do, and could make projections as respectable as traffic projections, which also produce precise numbers from speculative assumptions.

3-30  
cont.

Since traffic engineers don't make projections based on GP GM, any study of the HAPA Alternative/GP GM would need to bring in other specialists who are familiar with how the policies work in other places.

### GHG

The DEIR uses the CalEEMod model to estimate GHG and VMT reductions from GP GM, as shown in App GHG at p. 94 Table 4.2, right columns, indicating VMT reductions from "Increase Diversity; Improve Pedestrian Network." CalEEMod is unsophisticated on some critical inputs and has been superseded by new CARB methodology. The CARB GHG methodology has many steps beyond CalEEMod, whose VMT calculation is considerably adjusted. This more advanced modeling was developed in conjunction with the Strategic Growth Council and its Sustainable Communities and Affordable Housing Program. See details at [http://sgc.ca.gov/pdf/QuantificationVersion2\\_1516.pdf](http://sgc.ca.gov/pdf/QuantificationVersion2_1516.pdf).

Even the new methodology is far too simplistic regarding unbundling. The three relevant inputs are PDT-1 Limit Parking Supply, PDT-2 Unbundle Parking Costs, and PDT-3 On-Street Market Pricing. The concepts are excellent but the inputs are so limited and rigid as to be useless. The calibration is based on a large sample, but the variation is so great that a fixed quantification does not work. The outputs are probably even less accurate than traffic projections. It makes more sense—and it is simpler and easier—to look at comparable existing projects with economic unbundling and comparable nearby land uses.

3-31

The needed new analysis also depends on studying functionality rather than design. The design of the multi-modal center is not as important as its functions, and the same is true for the BART rapid shuttle, whose functionality for fast, frequent, and free is important, not the specific equipment, route, stops, or schedule. Travel diaries, focus groups, and mobility education are desirable, but the time and expense involved are not necessary. The analysis should focus on the performance of similar policies elsewhere and apply them to the project.

HAPA is not trying to stop this project; we support its basic features. We are disappointed that a number of ideas that would improve the project have been rejected. We are now focused on the need to require feasible mitigations relating to access and site specific analysis of GP GM and related policies supported by the General Plan, the Climate Action Plan, the Department of Transportation, the HAPA Alternative, and the TDMs in the DEIR.

3-32

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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### **Letter 3      Sherman Lewis, Hayward Area Planning Association (HAPA)**

#### **Response 3-1**

The commenter disagrees with the conclusions on the Draft EIR related to traffic impacts and the feasibility of mitigation measures, and states that the analysis in the Draft EIR is inadequate. As noted in Response C-2, while the TDM Measures described in the Draft EIR (pages 3.1-22 and 3.1-23) and in Appendix TRA (pages 81-84) were included as part of the Project Description, the City acknowledges that incorporation of such measures in a TDM Plan requiring documentation of their implementation and long term tracking and reporting to the City on a regular basis will ensure that the measures are implemented and effective. Therefore, Mitigation Measure 3.1.2 is added in this Final EIR. Refer to Response C-2 for additional information.

#### **Response 3-2**

The commenter states that the project is not consistent with General Plan policies and states that the Draft EIR does not document the conclusion related to the finding that the project would not conflict with the City's General Plan or other land use plan, policy, or regulation intended to reduce environmental effects. The commenter refers to the Executive Summary, which is not intended to provide the documentation but is only intended to summarize the impacts discussed in detail in the Draft EIR. As discussed on Draft EIR pages 3.0-37 and -38 (see Section 3.0, Impacts Found Not Significant), the proposed development is consistent with the applicable zoning standards and is consistent with the intent and purpose of the General Plan land use designation and related Goals and Policies.

It is essential to note that the policies found in the City's General Plan serve as guiding principles that are intended to implement a vision for the City's future. These policies are not intended to provide specific standards and limitations on development; that role is reserved for the zoning ordinance and other applicable plans. Each development is unique and must be evaluated on its merits as to whether it meets the overall vision of the site, the surrounding neighborhood context, and the city as a whole. A certain development may meet some, but not all, General Plan policies, and yet still be found consistent with the overall vision and intent of the General Plan. The ultimate determination of the project's consistency with policies found in the City's General Plan rests with City's legislative body or their designees.

The comment also introduces General Plan Green Mobility ("GP GM"), including a number of policies intended to decrease personal car use and support other travel modes (the policies are provided by the commenter as an attachment to the comment letter). Please refer to Responses C-2 and 3-1 above for additional information regarding TDM measures documentation and reporting.

#### **Response 3-3**

The commenter states that the project should include Transportation Demand Management (TDM) strategies per the City's Climate Action Plan and that TDM strategies are not included as mitigation in the Draft EIR. The reader is referred to Draft EIR Section 3.1, Transportation and Circulation, page 3.1-22, which states that TDM measures will be incorporated into the project. While the TDM Measures are included as part of the Project Description, the City acknowledges that incorporation of such measures and documentation of their implementation and long term tracking and reporting to the City will ensure that the measures are implemented on an ongoing basis. Therefore, Mitigation Measure 3.1.2 is added in this Final EIR. Please also refer to Responses C-2 and 3-1.

### Response 3-4

The commenter expresses agreement with Caltrans' desire to incorporate TDM to reduce vehicle miles traveled (VMT). See Response C-2 and 3-3 regarding incorporation of TDM measures into the project.

### Response 3-5

The commenter recommends an alternative to the project and disagrees with the "industry standard" for determining project-related traffic impacts, opining that staff, EIR writers, and traffic engineers lack the expertise to determine impacts of the project. The City respectfully disagrees. The traffic analysis prepared for the project is consistent with and relies upon methodologies and data from the Institute of Traffic Engineers (ITE), which is considered an industry standard for transportation analysis. ITE is an international educational and scientific association of transportation professionals who facilitate the application of technology and scientific principles to research, planning, functional design, implementation, operation, policy development, and management for all modes of ground transportation. The commenter's opinion notwithstanding, the analysis in the Draft EIR adequately addresses the project's traffic impacts and the traffic analysis is not inadequate or unsupported. No further analysis is required.

### Response 3-6

The commenter suggests TDM measures and states that the Draft EIR considers these feasible for mitigating impacts. See Response C-2 and 3-3 regarding incorporation of TDM measures into the project. No further response is required.

### Response 3-7

The commenter states that the Draft EIR discusses automobile level of service, but contains no discussion of level of service for other transportation modes, such as pedestrians or transit. The City has no adopted levels of service for pedestrians or transit. Despite the fact that there are not adopted standards with regard to these facilities, the Draft EIR does contain a discussion related to pedestrian, bicycle and transit facilities on Draft EIR pages 3.1-44 through 3.1-46, and includes MM 3.1.5 requiring installation of continuous, ADA-accessible sidewalks along all project frontages.

As noted on Draft EIR page 3.1-19, TDM measure reductions of 9 percent were applied to the project, which is consistent with industry standards used in Bay Area cities with development patterns similar to Hayward's. With regard to the potential for GP GM improvements to mitigate traffic, as discussed in Responses C-2 and 3-2 regarding incorporation of TDM measures into the project.

### Response 3-8

The commenter states that the Draft EIR does not consider off-site improvements for pedestrians or transit. As noted above, the City has no adopted standards for pedestrian or transit level of service. See Response 3-7 for further information related to pedestrian, bicycle and transit analysis, impact and related mitigation.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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### **Response 3-9**

The commenter again states that industry standards are not adequate to review project impacts and further states “quantifying TDM and GP GM is not as advanced as traffic analysis, but reasonable estimates can be made...” This industry standard is widely accepted and utilized in environmental analysis. It was recommended as appropriate by the City’s Traffic consultant and accepted by the City’s Public Works – Engineering and Transportation Division. The commenter does not, however, provide any estimates that substantiate his claims that the review in the Draft EIR is not adequate.

### **Response 3-10**

The commenter refers to a statement from the traffic report prepared for the project and states that components of the alternative advocated by the commenter provide more specific options for connections to off-site facilities and efficient linkages with existing and potential future transit stops external to the site. The comment is related to the project itself and is not a comment on the adequacy of the EIR. No response is required.

### **Response 3-11**

The commenter states that the 3,500-foot route to the BART station is an unsafe and unattractive walking route for project residents and that the EIR needs to require off-site improvements to these facilities to encourage use by project residents. See Response 1-3 related to existing conditions and proportional mitigation related to a proposed development.

### **Response 3-12**

The commenter states that the Draft EIR omits crucial features of the alternative recommended by the commenter and makes untrue statements about the alternative. Specific instances of these claims are addressed in the responses that follow. The commenter also notes that this alternative “meets the requirement for detailed study.” CEQA Guidelines Section 15126.6(f) states that the alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. As noted above, the Draft EIR identified the following three significant and unavoidable impacts: under Background plus Phase 1 conditions, two intersections (Foothill Boulevard/Hazel Avenue and Foothill Boulevard/City Center Drive) would operate at LOS F during the PM peak hour (Impact 3.1.2); the project would increase delays during the PM peak hour by more than 5.0 seconds at two intersections (Foothill Boulevard/Hazel Avenue and Foothill Boulevard/City Center Drive) that are projected to operate at LOS F under Background conditions (Impact 3.1.3); and the project would result in delays that exceed the 5.0-second threshold at Foothill Boulevard/Hazel Avenue during the AM and PM peak hours, Foothill Boulevard/City Center Drive during the PM peak hour, and Mission Boulevard/Sunset Boulevard during the AM and PM peak hours. It is these significant and unavoidable impacts that were considered when determining the alternatives to consider for the proposed project. While the commenter asserts in other comments that the project would result in other significant impacts that would be reduced by the suggested alternative (see following responses), the City stands by the conclusions in the Draft EIR that these impacts do not rise to the level of significance and do not need to be addressed as the focus of the alternatives analysis.



As stated on Draft EIR page 4.0-2 (see Section 4.0, Alternatives), the alternative submitted by the commenter “proposes a reconfiguration of land uses on the site, but would result in the same intensity of land uses (i.e., same residential count and retail square footage) as the proposed project...” This information is reiterated in this comment (“The singular fact about the Alternative is that it is almost the same as the project itself.”) Because there is no substantial difference in the intensity of this alternative, it cannot be determined that it would reduce the significant and unavoidable impacts beyond the “reasonable estimates” to which the commenter refers in Comment 3-9, though the comment does not include those estimates. The Draft EIR determined that the extent to which traffic impacts would be reduced under this alternative could not be effectively measured.

Further, as demonstrated in the reduced density alternatives analyzed in the Draft EIR, it would take a substantial reduction automobile trips to reduce the significant and unavoidable impacts identified for the project, including an approximately 40 percent reduction in retail-associated trips and a more than 50 percent reduction in residential trips, to eliminate significant impacts at the intersections of Foothill Boulevard/Hazel Avenue and Foothill Boulevard/City Center Drive under Background plus Project conditions. It is unlikely that the commenter’s alternative could achieve this level of reduction due to the fact that it contains the same residential unit count and commercial square footage as proposed in the project, and the commenter provides no evidence to the contrary. Nonetheless, the alternatives analysis does acknowledge on Draft EIR page 4.0-2 that this alternative could result in a reduction of traffic impacts and potential air quality emissions related to mobile sources. For these reasons, the Draft EIR adequately considered the effects of this alternative, and no further analysis is required.

### **Response 3-13**

The commenter disagrees with the conclusion in the Draft EIR that the proposed project would not result in significant visual impacts. As discussed on Draft EIR page 3.0-2, the project site is not located within a designated scenic vista and it does not include views of City-designated scenic vistas. The project would not change the nature of scenic resources in the city or the project area, so no change to the Draft EIR is required.

### **Response 3-14**

The commenter disagrees with the statement in the Draft EIR that this alternative would reduce traffic by reducing parking spaces. The comment is noted; however, it does not change the conclusions in the EIR. See Response C-2 and 3-3 regarding incorporation of a mitigation measure related to TDM measures into the project. No further response is required.

### **Response 3-15**

The commenter is correct in stating that the intent of the referenced text in the Draft EIR is that there may not be a reduction in traffic if residents opt out of on-site parking, only to park nearby off-site. The Draft EIR states on page 4.0-2 that this alternative would reduce the amount of traffic on project driveways, but the extent to which residents would use unpaid nearby parking (either on-street in neighborhoods or in nearby commercial lots) versus in paid lots, as noted in the comment, is unknown. The suggestion in the comment that residents would opt out of on-site parking only to pay for parking off-site seems contrary to the concept of unbundling that is included in the suggested alternative. No further response is required.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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### **Response 3-16**

The commenter states that spillover parking can be managed downtown and in the neighborhood. As demonstrated by comments in other letters submitted on this Draft EIR, spillover parking is a concern for other area residents. The project as proposed is intended to accommodate the parking demands of the project in accordance with the standards set forth in the Hayward Municipal Code and to prevent the need for parking to be accommodated in the neighborhoods. In addition, similar to the concept that future residents of the project would opt out of on-site parking and pay for off-site parking (as discussed in Response 3-15), the assumption that residents will have cars that they park off-site, either in paid lots or on-street in the neighborhoods, but choose not to drive them, seems contrary to the concept of reduced auto usage intended by the HAPA Alternative.

### **Response 3-17**

The commenter states that the Draft EIR fails to evaluate the ability of GP GM and TDM to reduce traffic. As discussed in Response 3-7, the traffic analysis accounts for traffic reductions attributed to the implementation of TDM measures included in the project. However, for additional analysis requested by the commenter, in comment 3-9, the commenter acknowledges that “quantifying TDM and GP GM is not as advanced as traffic analysis, but reasonable estimates can be made...” but provides no information on different methods for analysis and provides no data to suggest that the review in the Draft EIR is inadequate. See Response C-2 and 3-3 regarding incorporation of a mitigation measure related to TDM measures into the project. No further analysis is required.

### **Response 3-18**

The commenter states that the Draft EIR assumes that the traffic from a given amount of development cannot be reduced and that evidence supports the fact that GP GM would reduce traffic. As discussed above, the traffic analysis does account for traffic reductions attributed to implementation of TDM measures included in the project. The Draft EIR does not assume that traffic cannot be reduced without reducing development. To the contrary, the Draft EIR acknowledges that the commenter’s alternative (the “HAPA Alternative”) could reduce traffic, but determined that the extent to which traffic impacts would be reduced under this alternative could not be effectively measured. The commenter only suggests that “reasonable estimates” can be made regarding the extent of reductions. The Draft EIR provides adequate discussion of the HAPA Alternative, and additional analysis is not required.

### **Response 3-19**

The commenter states the statement from the Draft EIR that “it is not possible to measure the extent to which traffic impacts would be reduced at this particular site with any certainty” (Draft EIR page 4.0-3) diverts attention from the responsibility of a DEIR to analyze traffic. The Draft EIR does analyze traffic. As noted above, however, the commenter disagrees with the methodology used in the traffic analysis, but does not suggest alternate methods, beyond “reasonable estimates” (see Responses 3-9 and 3-12). No further analysis is required.

### **Response 3-20**

The commenter states that there is a contradiction in that the alternatives discussion states “it is not possible to measure the extent to which traffic impacts would be reduced at this particular site with any certainty,” but the traffic modeling results include data with four significant figures.

This is not a contradiction. The data to which the comment refers is located in the modeling results contained in the appendix to the traffic study, which contain calculations on two significant figures (not four). Those figures are mathematical calculations from the traffic model, and one cannot reasonably expect those results to be only whole numbers. Nonetheless, the Draft EIR (Section 3.1, Transportation and Circulation) includes rounded figures and neither states nor implies that such precision is possible in predicting future traffic. No further traffic analysis is required.

### **Response 3-21**

The commenter states that GP GM and TDM measures are effective at reducing traffic and that the Draft EIR could be able to make some estimate regarding reductions from their implementation. As discussed in Response 3-7, the Draft EIR does estimate reductions related to implementation of TDM measures included in the project. No further analysis is required.

### **Response 3-22**

The commenter states that the Draft EIR is inadequate in discussing neighborhood spillover as it relates to parking. While spillover parking is a concern for local residents, there is no standard for spillover parking. The commenter does not state that spillover parking would result in a significant impact. No further analysis is required.

### **Response 3-23**

The commenter states that the Draft EIR does not make an estimate for the trips that would be accommodated by the rapid shuttle service included in the HAPA Alternative. The shuttle service referenced in the comment does not currently exist and it is not part of the project. Consequently, the number of trips on this service was not predicted. No further analysis is required.

### **Response 3-24**

The commenter states that the Draft EIR does not make estimates for the reductions for transportation policies in the HAPA Alternative but then recommends the same policies as TDM. As noted in previous responses, the proposed project includes TDM measures to reduce the number of project-related automobile trips. See Response C-2 and 3-3. No further analysis is required.

### **Response 3-25**

The statement by the commenter that the applicant can veto mitigations is incorrect. The commenter claims that the developer provides no evidence to support a statement that providing parking would ensure marketability of the units. While the commenter states that there are many places where people walk some distance to reach a car, the commenter provides no evidence that the marketability of these units would not be affected by limiting or eliminating parking for some units. Further, the parking demand assumptions were based on a parking demand analysis prepared by Retail West, which determined the parking provided for the retail portion of the site is "barely adequate to service retailers' needs." Thus, the feasibility of any mitigation measures was not based on the whim of the project applicant, as inferred in the comment.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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### **Response 3-26**

The commenter states that the Draft EIR does not address whether people will walk 800 feet to save \$450 a month and states that phasing is included as part of the HAPA Alternative in case demand for the unbundled units does not meet expectations in the alternative. It is not clear where the commenter determined the reduction in rent or the location of the off-site parking area. It is also not clear whether the commenter's assumption regarding savings includes the cost of off-site parking. Nonetheless, the Draft EIR does not speculate as to the costs associated with the unbundled parking or the location for parking that would be chosen by prospective project residents who choose unbundled parking. The inclusion of phasing in the alternative appears to demonstrate the commenter's uncertainty regarding the success of the alternative and is similar to that expressed in the Draft EIR, as well as questioned by the commenter in previous comments. No change to the EIR is required related to the extent to which residents would be willing to opt out of on-site parking only to pay to park in an off-site lot.

### **Response 3-27**

The commenter states that the Draft EIR assumes people will walk 3,500 feet to the BART Station; however, that is not an assumption of the Draft EIR. The Draft EIR points out that the proposed development is located within the Downtown Hayward Priority Development Area (PDA) and within approximately half a mile of BART, which is a conclusion supported by regional planning documents such as the One Bay Area Plan.

The Draft EIR does not address improving sidewalks between the project site and BART. The conditions to which the comment refers are existing conditions and thus are not a result of the project. The CEQA Guidelines require that mitigation measures have an "essential nexus" to a legitimate government interest and that those measures bear a "rough proportionality" to the project's adverse impacts (CEQA Guidelines Section 15126.4). As the proposed project is not responsible for the conditions of the route between the project site and the BART station, such a requirement in the EIR cannot be legally imposed.

### **Response 3-28**

The commenter states that, based on previous comments, the HAPA Alternative could reasonably reduce traffic impacts, would not result in spillover problems, and may not affect viability. However, as discussed in the above responses, the commenter provides no evidence to support these conclusions. No further analysis is required.

### **Response 3-29**

The commenter states that the Draft EIR "does not discuss how CEQA guidelines for achieving project purposes apply to the HAPA Alternative." As discussed in the above responses, further study of the HAPA Alternative and assessment of its ability to meet project objectives is not required.

### **Response 3-30**

The commenter provides suggestions on how to study the HAPA Alternative. As discussed in the above responses, further study of the HAPA Alternative is not required.

### **Response 3-31**

The commenter states that the modeling used in the Draft EIR for greenhouse gas emissions (CalEEMod) is unsophisticated and suggests that newer methodology developed by the California Air Resources Board is also not adequate to evaluate the project's greenhouse gas emissions. The analysis in the Draft EIR is based on accepted methodology and provides a conservative estimate of the emissions from the project. CEQA does not require technical perfection in an EIR (CEQA Guidelines Section 15003(i)). The modeling is only intended to determine whether the project would exceed thresholds. While alternative methodologies are possible for analysis of the project, because the methodology suggested by the commenter provides for further input related to project components, such as the TDM measures, it is likely that the predicted emissions would only be reduced compared to the project and there would be no change in the significance conclusion.

### **Response 3-32**

The commenter summarizes the intent of previous comments. Refer to previous responses. No further response is required.

## Letter 4

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

From: Lawrence Arend [<mailto:larend@comcast.net>]  
Sent: Friday, October 28, 2016 5:57 PM  
To: Leigha Schmidt <[Leigha.Schmidt@hayward-ca.gov](mailto:Leigha.Schmidt@hayward-ca.gov)>  
Subject: Comment--Lincoln Landing EIR

The traffic impact of the project, as proposed, will likely significantly increase the traffic cutting through the Prospect Hill neighborhood, in both rush hours, but especially the evening. Measurements of Prospect Hill traffic before and after the adoption of the one-way on A Street showed a substantial increase in traffic feeding through Simon and Hotel to Hazel and McKeever. Adding this many households to our local traffic will further increase delays and noise in the neighborhood. The delays already contribute to very poor compliance at stop signs at the major Prospect Hill intersections.

To mitigate the impact on the existing residential neighborhoods the proposers should, at the very least, include in their plan a cooperative effort with the city to develop a coherent professional plan for movement of traffic through the Prospect Hill and Montgomery residential neighborhoods in the East/West directions. This should include consideration of possible one-way streets (including reconsideration of the one-way on A between Mission and Foothill) and other traffic mitigation measures.

Thank you for your attention.

Lawrence Arend  
22100 Main St.  
Hayward

4-1

### **Letter 4      Lawrence Arend, Resident, City of Hayward**

#### **Response 4-1**

The commenter states that the project will likely increase traffic traveling through the Prospect Hill neighborhood. Streets surrounding the project area were analyzed in the Draft EIR. As shown in Table 3.1-13, Intersection Level of Service Analysis – Background plus Project Phases 1 and 2 Conditions, on pages 3.1-39 and -40 of the Draft EIR (see Section 3.1, Transportation and Circulation), six intersections in the Prospect Hill neighborhood were evaluated. Of those intersections, the Draft EIR determined that all are expected to continue to operate within the applicable standard of level of service (LOS) E, except that the intersection of Mission Boulevard and Hotel Avenue would change from LOS E to LOS F. However, the increase in delay at this intersection would be 2.1 seconds, which is less than the 5.0-second increase threshold. While the intersection of Mission Boulevard/Simon Street (#15) would operate at LOS F, as discussed on page 3.1-32 of the Draft EIR, the traffic impact at the intersection of Mission Boulevard/Simon Street (#15) is not considered significant because it does not exceed the 5.0-second traffic delay threshold.

While cut-through traffic is not considered an environmental impact, several residents have commented about the potential for cut-through traffic in comments on the Notice of Preparation and on the Draft EIR. The traffic impact analysis discusses the cut-through traffic concerns of the adjacent neighborhood (Appendix TRA pages 84-86). The study provides recommendations for neighborhood traffic calming issues to reduce neighborhood concerns including options such as the installation of bulb-outs/traffic circles at key intersections, the installation of radar speed feedback signs, and turn restrictions to limit project-related traffic in the neighborhood. Because cut-through traffic is not an environmental impact under CEQA, these measures are not included as mitigation in the Draft EIR, but the City will include conditions of approval related to traffic calming to reduce project traffic in the adjacent neighborhood as determined appropriate by the City Engineer.

The commenter states that the amount of traffic-related noise will increase due to traffic increases from the proposed project. As shown in Table NOISE-6, Predicted Increases in Traffic Noise Levels Existing Plus Project Conditions, in Subsection 3.5, Environmental Analysis (see Draft EIR Section 3.0), the increase in traffic-related noise generated by the project would not exceed the noise thresholds. Because noise levels with the project would not exceed thresholds, the Draft EIR determined this impact would be less than significant.

## Letter 5

Julie Machado, J.D., M.S., LMFT 27937

The Historic Linekin Building  
22248 Main Street  
Hayward, CA 94541  
510-581-7850  
[juliemac@pacbell.net](mailto:juliemac@pacbell.net)

November 6, 2016

Leigha Schmidt, AICP  
Senior Planner  
City of Hayward  
777 B Street  
Hayward, CA 94541

Dear Ms. Schmidt,

This letter is to let you know that I have serious concerns about the proposed "Lincoln Landing" development for the following reasons.

My biggest objection to this project is PARKING. **The parking management plan in this EIR does not address commercial parking needs on Main Street.** The block between McKeever and Hazel is mixed use, with both commercial and residential buildings. We own a commercial building on Main Street in that area. There are at least 5 doctors and dentist offices on Main and McKeever, most without any of their own off-street parking. **If you allow for a parking plan that does not address commercial uses, you will be putting these offices out of business.**

5-1

You know that the current city standards of requiring less than one parking space per unit is inadequate. Haven't you already heard of the complaints from people who live in the Cannery area projects about this?

**There is insufficient parking provided for this project** – let's be real: every unit will have at least 2 cars. Actually, every adult living here will have a car. No one in my nearby neighborhood walks to BART – **even if they did, they would still own a car.**

5-2

Sherman Lewis, who is lobbying for unbundled parking, has unreasonable expectations for Hayward. For one thing, most people in Hayward don't know what unbundling is. When it is explained, they uniformly state that Hayward is not ready for this, that we don't have the infrastructure, that BART is already overcrowded, that buses are terrible, and that even if people will ride BART and buses and bikes *they will still have their cars to go to the grocery store or longer trips.*

5-3

Unbundling might work in San Francisco or parts of Oakland, but Hayward is not ready for it. Don't be fooled by Sherman's pie-in-the-sky arguments: he himself lives in the hills and drives a car. In fact he and his wife have two cars, just as each person in these new developments will have. Studies and statistics that Sherman cites do not capture the totality and reality of what people live through.



## Letter 5 Continued

Developers would love to reduce parking because that means they make more money. If you allow this, you will be sacrificing multiple existing commercial interests for this developer's pocketbook and Sherman's wishes about how everyone else should live.

Sherman argues that bundled parking makes low income people pay for parking they don't need, but it is exactly the low income people who are harmed by being required to buy parking permits for the cars they will have anyway, having to constantly move their cars to accommodate street parking rules, paying for inevitable parking tickets, and being forced to either pay a lot for BART (a relatively expensive form of transportation) or waste a lot of time using buses.

Sherman thinks a "parking management plan" will fix any parking problems created by unbundling. But such a plan based on permits will not work for COMMERCIAL properties in the Main Street area. There are doctors, dentists and counseling offices on our block of Main Street that depends on customers being able to park on the street. Customers cannot be expected to buy permits designed for residential areas.

And if parking management is based on "2 hour" or "4 hour" parking restrictions, we all know that this won't work either, as there has been virtually no parking enforcement in Hayward for years.

The Main Street area is a unique combination of commercial and residential, which makes the kinds of parking management plans that Sherman cites not-applicable.

I have talked with neighbors and friends and heard nothing but complaints about parking in Hayward and incredulity that the city is even considering reducing parking.

Sample comments include this one: "The new complex should have parking space for each bedroom plus one extra for each unit. There are condos near the cannery water tower which have 6 people with 6 cars living in a 3 bedroom unit - so 4 cars must find parking every night - must search for parking in the neighborhood."

This one: "Years ago when I was an undergrad in Santa Cruz I worked retail in the downtown area. The city really wanted all workers and residents in the area to buy permits at around \$100 a month. There was 2 hr parking, metered parking, and paid lots. It was really a burden for those of us working minimum wage jobs part time. If I was lucky and working early in the day I'd snag a space in a cheaper paid lot. When those were full I'd run around moving my car every few hours or get a coworker to move my car on their break (something we'd do for one another)."

This one: "I lived in two seven story buildings in downtown Oakland for several years each - one bundled, one not. I do not think it is in the best interest of local residents or businesses to have unbundled. Many new tenants try to see if they can get away with street parking and the local community businesses suffer the consequence. It also discourages outsiders from visiting those new and existing businesses if they can not conveniently find parking. Hayward residents are not used to the parking crunch of larger metros and I think that would play negatively on consumer traffic to the area. I'd

5-3  
cont.

## Letter 5 Continued

love to see consumers from outside the immediate community flock to these businesses."

5-3  
cont.

And this one: "The parking in Berkeley is deplorable in many ways...I wouldn't use it as a role model!"

Please consider INCREASING the parking on this project.

Other concerns that I have about this project:

- The **5-6 story height across the street from single story residences on Hazel Avenue is unreasonable**, even with step-backs. | 5-4
- **Hayward has a larger percentage of rental units than any other Bay Area city. Our schools are bad in part due to transiency of renters.** According to a recent article in the Castro Valley Forum, **property values go down 13.8% when there is a high percentage of rentals in the area. We don't need more rentals!** | 5-5
- The development plan is not consistent with City's General Plan, which provides for this site to be commercial on the ground floor. | 5-6
- We need jobs more than housing – and not short-term construction jobs, but jobs that allow ongoing stability, like commercial or office jobs. It would be in the best interest of citizens and Hayward to be patient and wait for a commercial project. | 5-7
- The City has an obligation to see that developers follow the City Plans and that development will not cost the City. Housing costs the City in infrastructure and does not bring in income such as sales taxes, hotel taxes, etc. | 5-8
- Planning Commissioners and City Council Members should stand firm to protect our plans and visions, rather than "sell out" to developers who are making campaign contributions in order to pursue inappropriate projects. | 5-9
- Recent housing developments such as City Walk have not proved successful in either bringing people to shop downtown or in having quality housing – City Council people themselves have informed me of lots of problems regarding Section 8 rentals in these developments. We do not need more of these in downtown! | 5-10

If you approve this project, let's be clear that you will not be making a decision based on what would be best for Hayward long-term, based on planning, zoning, or quality of life.

I will not be voting for any council member who votes to approve this project.

Sincerely,

Julie Machado

### **Letter 5 Julie Machado, Resident, City of Hayward**

#### **Response 5-1**

The commenter expresses concern regarding the need for commercial parking on Main Street and states that without parking for commercial uses, the commercial uses on Main Street will go out of business. Main Street is not part of the project area, and it is not the project applicant's responsibility to provide parking off-site for commercial uses where parking deficiencies currently exist. The proposed project includes adequate parking for the commercial uses in the project and no additional off-site parking is required.

#### **Response 5-2**

The commenter states that the project does not provide sufficient parking as required for this project. According to the most recent project submittal dated November 29, 2016, the proposed project includes 1,151 parking spaces, which is 181 more parking spaces than the 970 required by the City of Hayward Zoning Ordinance. Therefore, a sufficient number of off-street parking spaces are provided and no additional parking is required for the project.

#### **Response 5-3**

The commenter refers to another commenter's recommendations for reduced parking and states that even with unbundled parking, residents will have cars. The commenter suggests the project include more parking. The commenter is referred to Responses 5-1 and 5-2 regarding the parking proposed for the project.

#### **Response 5-4**

The commenter states that the proposed building height is unreasonable. The proposed project's building height is discussed in Impact AES-3 on Draft EIR page 3.0-3. The project's 86-foot height is within the 104-foot maximum height allowed by the Downtown Hayward Design Plan; the impact discussion found the impact less than significant. No further response is required.

#### **Response 5-5**

The commenter expresses that the City of Hayward does not need additional rental properties. Whether the units are rentals or owner-occupied does not alter the physical effects disclosed for the project. The comment does not relate to the adequacy of the Draft EIR, but it has been noted for the decision-makers.

#### **Response 5-6**

The commenter states that the project is not consistent with the City's General Plan which calls for commercial uses located on the ground floor. However, the proposed development does meet the intent of the Central City – Retail and Office Commercial General Plan land use designation which specifically calls for "mixed-use buildings that contain commercial uses on the ground floor and residential uses or office on upper floors" (City of Hayward General Plan page 3-20). The proposed development includes 80,500 square feet of ground floor commercial uses with residential units located on the second and higher stories. While the proposed project includes parking on the ground floor of the residential building along Hazel Avenue, Hayward Municipal Code (HMC) Section 10-1.3510 considers ground floor parking for on-site uses a permitted, accessory use to the primary mixed-use development on the site. The physical effects

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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of the project configuration have been addressed in the Draft EIR, and no further analysis is required.

### **Response 5-7**

The commenter states that the City needs jobs rather than more housing options. This is a comment on the merits of the project and not a comment on the adequacy of the Draft EIR. No response is required. The comment has been noted for the decision-makers.

### **Response 5-8**

The commenter states that development should come at no cost to the City. This is a comment on the merits of the project and not on the adequacy of the Draft EIR. It should be noted that the project applicant will be required to pay all applicable fees for the provision of infrastructure to support the project.

### **Response 5-9**

The commenter states that Planning Commissioners and City Council Members should back the City of Hayward's plans and visions. As discussed in the Draft EIR, the proposed project is consistent with the type and scale of development envisioned in the General Plan for this site (see Draft EIR pages 3.0-3, -5, -25, -37, and -47). This is not a comment on the adequacy of the Draft EIR. The comment has been noted for the decision-makers.

### **Response 5-10**

The commenter states that past housing developments have not proven successful and states there are problems related to Section 8 housing. The commenter does not provide details on the problems from such projects. This comment is not a comment directed toward the adequacy of the Draft EIR, but it has been noted for the decision-makers.

## Letter 6

Chris Higgins  
23964 Madeiros Ave  
Hayward, Ca 94541  
November 6, 2016

Leigha Schmidt, Senior Planner  
City Of Hayward  
777 B street  
Hayward, Ca 94541  
Sent via email to [leigha.schmidt@hayward-ca.gov](mailto:leigha.schmidt@hayward-ca.gov)

Regarding Lincoln Landing Development

Dear Leigha Schmidt, Senior Planner:

Parking

It seems like there is not enough parking for this site. Given the current price of housing I think we need to recognize that each housing unit today has more licensed drivers than has historically been true. The study makes a lot of assumptions about the impact of alternatives to driving, like shuttle, shared car services etc. Are we sure these alternative/incentives work? I know that lack of adequate parking is causing friction with residents of the dense housing in the Cannery area. Friction that generates law enforcement activity. Bad assumptions on parking has a large impact on quality of life in the community. Granted I have only anecdotal evidence that historic bad assumptions are degrading community of life, but I think this needs to be probed further

6-1

Traffic

Like parking my personal observations in the community show much worse traffic grades than are found in the study. Peak morning northbound traffic At the Foothill/Grove intersection is often backed up all the way to the Foothill/Civic-Hazel signal. This piece seems to be tied with pedestrian crossings across Foothill at Grove. I believe this is a school crossing so the signal needs to remain long enough for student's safety.

6-2

I did not see a place in the report where the cumulative impact of Maple/Main and Lincoln Landing are shown. I suspect if we saw them layered on each other we would see worse traffic grades

6-3

## Letter 6 Continued

Leigha Schmidt, Senior Planner  
November 6, 2016  
Page 2

Someone needs to pay for the infrastructure upgrades needed for this development. Who is going to pay for it? I don't think it is fair for us taxpayers to pay for these upgrades just so the development company can make money.

6-4

Coordination with other agencies

Have you asked for input from Alameda County planning and Cal Trans about these impacts? Seems like their opinions should be included in the analysis

6-5

Conclusion

Has anyone studied the results of all the traffic assumptions that were based on mitigations like proximity to BART and transit passes. Seems like there have been a lot of recent developments built. It would be healthy to review all these and apply lessons learned to this development

6-6

Sincerely,

Chris Higgins

### **Letter 6      Chris Higgins, Resident, City of Hayward**

#### **Response 6-1**

The commenter states that there is not enough parking for the project site. The commenter is referred to Response 5-2 regarding the parking proposed for the project.

#### **Response 6-2**

The commenter states that, through personal observation, traffic is worse than identified in the Draft EIR. The Draft Traffic Impact Analysis Report, prepared by TJKM, studied 15 intersections within the project area. Table 3.1-13 on page 3.1-39 of the Draft EIR (see Section 3.1, Transportation and Circulation) identifies that while several intersections will increase traffic delay, the increase is not considered significant because it does not exceed the 5.0-second threshold.

The commenter specifically discusses traffic at the Foothill Boulevard/Grove Way intersection and the Foothill Boulevard/Civic Center Drive/Hazel Avenue intersection, suggesting lengthened signal timing for pedestrian safety. The level of service at the intersection of Foothill Boulevard and Grove Way does not change as a result of increased traffic delay. Text on page 3.1-42 of the Draft EIR concludes that the project would increase the queue by a maximum of one vehicle per cycle during the peak 15 minutes during the peak hours, a minor change, which is not considered significant. As stated on page 3.1-40 of the Draft EIR, the increase in average delay at the intersection of Foothill Boulevard and Hazel Avenue would be 10.0 seconds during the PM peak hour, which would exceed the 5.0-second threshold for intersections already operating at a deficient level of service. Because there is no feasible mitigation, the impact of traffic delay at this intersection was found to be significant and unavoidable.

#### **Response 6-3**

The commenter states they did not find analysis of the cumulative impacts that the project may have with the development on Maple and Main Street. As discussed in Response 1-1, the traffic model used to analyze project impacts assumed more trips on the Maple and Main site than would be generated by that project.

#### **Response 6-4**

The commenter states that there needs to be funding for the project's infrastructure upgrades. See Response 5-8.

#### **Response 6-5**

The commenter asks if the Alameda County Planning Commission and Caltrans have been notified of project impacts. This is not a comment on the adequacy of the Draft EIR; however, both agencies have been notified of this project and commenter is referred to Letters B (from Caltrans) and C (Alameda County Transportation Commission) and responses to those letters.

#### **Response 6-6**

The commenter questions whether anyone has studied the results of all the traffic assumptions that were based on mitigations like proximity to BART and transit passes. As discussed on Draft EIR page 3.1-19, trip discounts for TDM measures were based on industry standards used in Bay Area cities with similar development patterns as Hayward in consultation with City of Hayward staff. Additional study is not required.

## Letter 7

**From:** Leigha Schmidt  
**To:** [Hindmarsh, Patrick](#)  
**Subject:** FW: Lincoln Landing Draft EIR comments  
**Date:** Monday, November 07, 2016 7:41:31 AM

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Comment on Lincoln Landing

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**From:** Cheryl Kojina [mailto:ckojina@yahoo.com]  
**Sent:** Friday, November 04, 2016 9:05 PM  
**To:** Leigha Schmidt <Leigha.Schmidt@hayward-ca.gov>  
**Subject:** Lincoln Landing Draft EIR comments

Hi Ms. Schmidt,

I live in the Prospect Hill neighborhood on Main Street and am concerned about the traffic impacts of the Lincoln Landing project to the neighborhood. Since the loop was implemented, we have seen a large increase of cross through traffic. There is also a very long wait at the Foothill/Hazel intersection because of the increased traffic and very long light. Perhaps the timing of that light can be adjusted. The EIR lists traffic impacts from this new project to be significant. I hope that every effort will be made to prevent Lincoln Landing residents from cutting through the neighborhood. If we do end up seeing increased traffic from the development, I would ask that the City be open to exploring solutions that will help us maintain our quality of life. I love living on Prospect Hill and look forward to many more years here.

7-1

7-2

Thank you,  
Cheryl Kojina



**Letter 7 Cheryl Kojina, Resident, City of Hayward**

**Response 7-1**

The commenter expresses concern with traffic in the neighborhood surrounding the project, which the commenter attributes to the Hayward Loop. The Draft EIR takes into consideration the traffic patterns associated with the Loop. However, the traffic conditions related to the Loop are an existing condition and are not attributable to the project.

**Response 7-2**

The commenter requests that efforts be made to prevent project-related traffic from cutting through the Prospect Hill neighborhood. See Response 4-1.

## Letter 8

**From:** Leigha Schmidt  
**To:** [Hindmarsh, Patrick](#)  
**Subject:** FW: Environmental impact report of Lincoln Landing Project  
**Date:** Monday, November 07, 2016 7:42:23 AM

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Comments on Lincoln Landing

**From:** Donna Conwell [mailto:dconwell@gmail.com]  
**Sent:** Sunday, November 06, 2016 6:42 PM  
**To:** Leigha Schmidt <Leigha.Schmidt@hayward-ca.gov>  
**Subject:** Environmental impact report of Lincoln Landing Project

Dear Leigha Schmidt,

We are writing to you to submit our comments regarding the draft environmental impact report for the proposed Lincoln Landing Project.

We live at 22198 Prospect Street on the corner of Prospect and Simon Street. We are extremely concerned about the negative impacts of increased traffic that the Lincoln Landing project will have on our community and pedestrian safety. Traffic has already increased significantly since the implementation of the Loop. Cars often cut through our community using Simon and Hazel as a cut through to Foothill to avoid going around the Loop. Drivers often speed and frequently do not stop at stop signs. Prospect Hill is a close knit and diverse community with many families with small children as well as seniors. We are concerned that it is only a matter of time before a serious accident happens on the corner of Prospect and Simon or on Hazel because of this increased traffic flow and speeding. The Lincoln Landing will add significantly to this existing traffic problem. We strongly feel this proposal needs to include pedestrian safety and circulation measures - traffic lights, cross walks, new circulation routes, speed bumps, increased parking capability, etc.

8-1

We are also concerned about the traffic flow on A street and Foothill. A street's traffic has increased to almost freeway levels since the implementation of the Loop and Foothill likewise is now a busy expressway. The Lincoln Landing project will make all of this much worse. All this increased traffic is dramatically changing the nature and character of downtown Hayward in such a way that is likely to deter visitors from other areas from visiting rather than encourage them to stop by and make use of our local shops and facilities. This is in addition to the negative impacts on the existing community. Most of this seems to be a problem of managing traffic flow and taking the experience of pedestrians into consideration.

8-2

We sincerely hope you will take our concerns into consideration and work to mitigate these negative impacts on our community.

Yours sincerely,

Donna Conwell and Alejandro Sahagun  
22198 Prospect Street  
Hayward, CA 94541  
T. 323 828 9835

**Letter 8 Donna Conwell and Alejandro Sahagun, Residents, City of Hayward**

**Response 8-1**

The commenters express concern with the increased traffic in the Prospect Hill neighborhood and note pedestrian safety concerns. See Response 4-1 regarding measures to reduce project-related traffic in the Prospect Hill neighborhood. Pedestrian safety is addressed in Impact 3.1.5 on Draft EIR pages 3.1-44 and -45. The only potential pedestrian impacts identified were at project driveways. The Draft EIR identified mitigation measure MM 3.1.5, which requires continuous sidewalks consistent with City of Hayward standards and ADA [Americans with Disabilities Act] requirements along the project frontage, as well as high-visibility treatments, corner bulb-outs, and signage for the proposed pedestrian crossings at parking lot drive aisles. With these improvements, the project was found to have a less than significant impact on pedestrian safety.

**Response 8-2**

The commenters express concern with the traffic flow on A Street and Foothill Boulevard related to implementation of the Hayward Loop. See Response 7-1.

## Letter 9

Scott Ahearn with Dollinger Properties has been very generous with his time, and has met many times over the past year and a half. They have changed the design to keep some views for us. They have created a more attractive veneer to buildings and stepped the heights. We really like the public park, and the creek walk aspect. This was a major plus for us. They are also looking into murals which will be a nice addition. They created multiple exits/entrances to help traffic flow. Even though they never came down on the size of the project, we do feel that they have done many other things. Based on the E.I.R report on the Lincoln Landing project, the biggest problem is going to be the traffic created by this large development. We really feel that a light is necessary on Foothill Blvd. between Hazel and City Center Drive. This would be a large access point to the project, and I think would help to alleviate the traffic on Hazel and City Center.

9-1

Now if we compare what we are getting from Lincoln Landing with what we receive from Maple/Main, the differences are huge. Blake with Miramonte has met with us about 3-4 times, and is a really nice guy, with decent intentions. However, he hasn't changed anything for us, and continues to "hear what he wants to hear" from us. We have been consistent with our concerns that it is too tall and blocky, and will not fit with surrounding environments. It will also cut out a great view of the Hayward Hills, All Saints church, and some skyline. Many residents around Maple/Main are not happy at all with this design. There is also only one way in, and one way out. This is completely crazy and will create a traffic nightmare on Main street. Our solution was, and has been, to have multiple exits, and shrink the project down to 3 stories, like the rest of the neighborhood. We are also losing opportunity for office space/retail/commercial on the ground floor which would help the economy. We are not in favor of this project, until we can see some changes made. If the city would require practices implemented by Lincoln Landing, like multiple exits, changes in building height, more retail/office and parks etc., then we could also support Maple/Main.

9-2

We are tired of being Nay-sayers, and would like to come to an agreement suitable for everyone. We understand that projects like Lincoln Landing are good for Hayward and help it grow. Unfortunately we get most of the problems associated with it, because of our proximity to the project. So maybe we can help our neighborhood accept these projects by fixing our crumbling streets / sidewalks, and underground the power lines. I think this would really help our group to be happy about these projects, and we could stay out of the way of "progress".

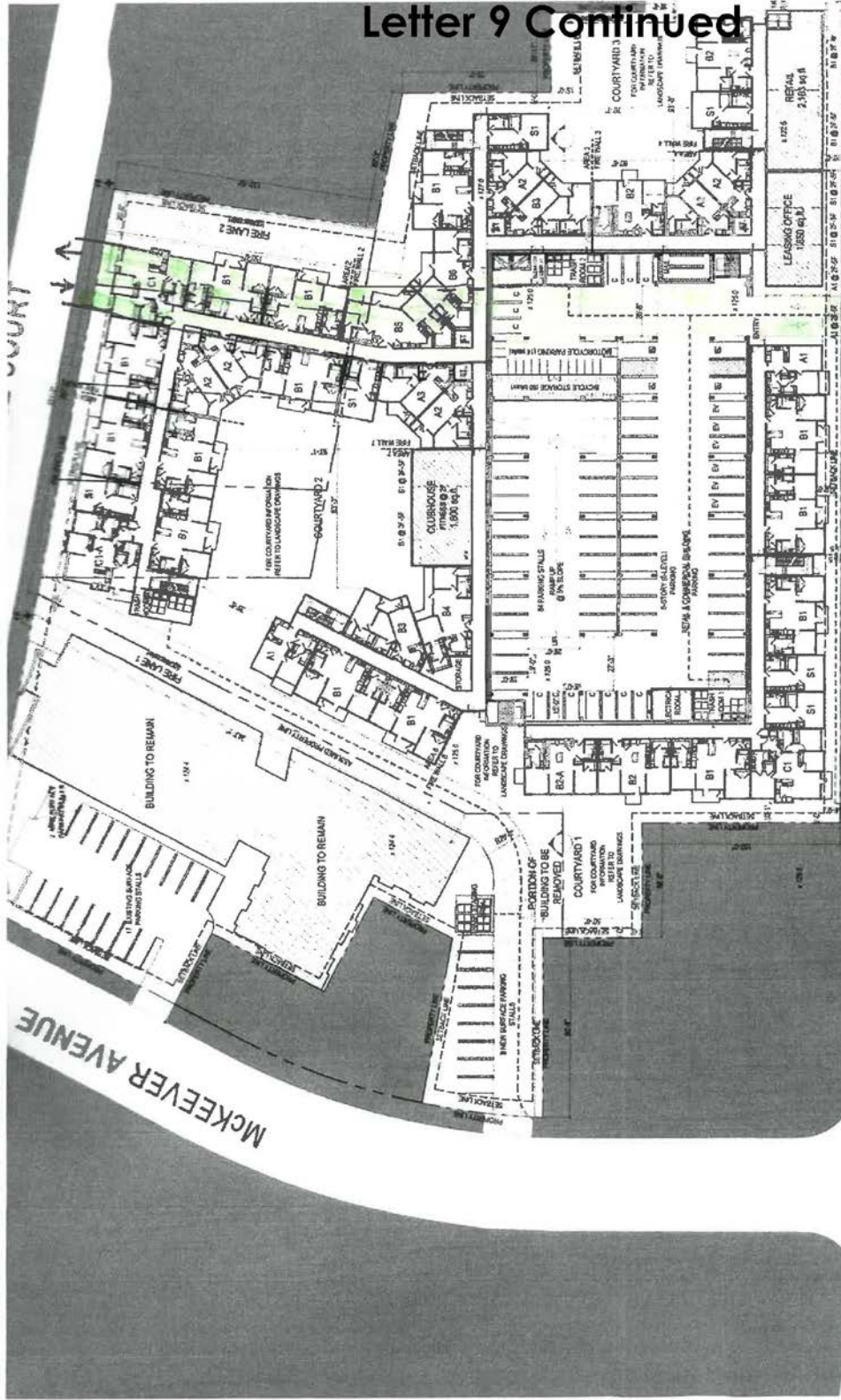
9-3

Thanks,

Benjamin Goulart

President, Prospect Hill Neighborhood Association

(510) 410-0445



Ⓢ A TUNNEL COULD BE BUILT UNDER APARTMENTS, CREATING ACCESS TO MAPLE COURT.

Ⓢ HEIGHT COULD DROP FOR 5-6 STORIES (55'), DOWN TO 3-4 STORIES (35') AND OUR GROUP WOULD BE IN FAVOR.

- E-DEPARTMENT CONNECTION
- E-HYDRANT
- E-TOP TERRACE
- E-WHOLE ROUTE OF TRAVEL

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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### **Letter 9 Benjamin Goulart, President, Prospect Hill Neighborhood Association**

#### **Response 9-1**

The commenter acknowledges the project applicant's cooperation and willingness to modify the project to address residents' concerns and states that a signal on Foothill Boulevard between Hazel Avenue and City Center Drive would alleviate traffic on Hazel Avenue and City Center Drive. Based on an analysis of a mid-block signal on Foothill Boulevard conducted by TJKM to determine effects on traffic operations, the level of service at the adjacent failing intersections (Hazel/Foothill and City Center/Foothill) would not improve to less than significant levels. This conclusion can be attributed to the fact that all project traffic still has to travel through these two intersections to get to the new signalized intersection. While some left and right turn movements at the outer intersections would be replaced with through volumes, the improvements would not be meaningful. In addition, new left turn lanes for the new signal and left turn queuing issues could be introduced in both the northbound and southbound left turn lanes at the outlying intersections. Lastly, coordination of Foothill Boulevard signals in both the northbound and southbound directions would likely degrade travel speeds and increase the number of stops for vehicles, which could affect both noise and air quality. For these reasons, a signal on Foothill Boulevard between Hazel Avenue and City Center Drive was not considered further.

#### **Response 9-2**

The commenter compares the proposed project to the Maple and Main project. This is not a comment on the adequacy of the Draft EIR, and no response is required.

#### **Response 9-3**

The commenter describes various potential benefits and detriments of the proposed project and expresses support for public infrastructure improvements in the project area, including fixing streets and sidewalks and undergrounding utility lines. The comment is noted for the decision-makers. Because the comment does not address the adequacy of the EIR, no response is required.

# Letter 10

**From:** Leigha Schmidt  
**To:** [Hindmarsh, Patrick](#)  
**Subject:** FW: Comments Regarding Lincoln Landing  
**Date:** Monday, November 07, 2016 1:00:54 PM

Comments regarding Lincoln Landing

**From:** Steven Dunbar [mailto:steven.james.dunbar@gmail.com]  
**Sent:** Monday, November 07, 2016 12:59 PM  
**To:** Leigha Schmidt <Leigha.Schmidt@hayward-ca.gov>  
**Subject:** Comments Regarding Lincoln Landing

Hello Leigha,

A few thoughts regarding Lincoln Landing:

1) I support the full project. The sightlines are very much in keeping with the units the surrounding the Japanese gardens across foothill, and those work great. Housing is desperately needed. Although there are traffic impacts and the full changeover to VMT away from LOS is still in progress, those displaced by lack of development will simply move farther away in another section of the bay. We should be thinking regionally. | 10-1  
| 10-2

The sight lines are already similar given that the existing building is quite tall. It only affects a few sight lines significantly. | 10-3

2) Bike pathing. It's nice to see the path along the creek, but there are different views on appendix AES page A2 and A6. One shows a connecting path to the trail from the area while another does not. Why is that? The trail will be less useful if it does not connect. | 10-4

It does not look like there is a planned sidewalk on the north side of City Center to Foothill. Why? That means no connection to the planned creek trail exists from Foothill via City Center. This seems silly. People will walk that path even if no ped facility exists and will disturb the plants. | 10-5

3) Please push to implement the traffic mitigation strategies outlined in 3.1-22 to the best of your ability. This would be an interesting case for unbundled parking and seeing how residents above a major retail and in close proximity to other grocers would react. | 10-6

Thanks!  
Steven Dunbar

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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### **Letter 10 Steven Dunbar, Resident, City of Hayward**

#### **Response 10-1**

The commenter expresses support for the proposed project. The commenter states that area sight lines with the addition of the project would be similar to existing sight lines and that new housing is needed in the area. The commenter's support is noted for the decision-makers.

#### **Response 10-2**

The commenter acknowledges the potential traffic impacts associated with the proposed project and discusses potential regional effects of the vehicle miles traveled (VMT) approach to traffic analysis. Potential traffic impacts associated with the proposed project are discussed in Draft EIR Section 3.1, Transportation and Circulation. The comment does not address the adequacy of the analysis in the Draft EIR. The comment is noted for the decision-makers.

#### **Response 10-3**

The commenter states that the addition of the proposed development would result in sight lines that are similar to the existing sight lines in the area, given that the project site is currently developed with tall buildings. The commenter opines that the proposed development would affect a few sight lines significantly. The commenter's opinion is noted. However, as discussed on Draft EIR pages 3.0-2 and -3 (see Section 3.0), the project would have no impact on scenic vistas and scenic highways (Impacts AES-1 and AES-2) and a less than significant impact on the existing visual character and quality of the project site and its surroundings (Impact AES-3). No further analysis is required.

#### **Response 10-4**

The commenter expresses support for the proposed path along San Lorenzo Creek along the project site's southern boundary and asks why the path is shown on Appendix AES page A2 but not on page A6. The commenter's support for the proposed creek path is noted. Appendix AES page A6 provides a detailed plan for the sixth levels of the proposed buildings and lacks detail in other areas of the site plan, such as the proposed creek path. Regardless, the creek path is proposed as part of the project, as shown on page A2 of Appendix AES.

#### **Response 10-5**

The commenter questions whether a sidewalk will be provided along the north side of City Center Drive east to Foothill Boulevard and expresses support for such a sidewalk to provide better public access. The commenter's support for a sidewalk at this location is noted. As shown on Draft EIR Figure 2.0-2 (see Section 2.0, Project Description), the proposed project would provide a 9.5-foot public access easement along the north side of City Center Drive extending from the existing sidewalk along Foothill Boulevard west to the San Lorenzo Creek corridor. This easement would allow for the construction of a sidewalk or pathway to provide public access from Foothill Boulevard to the proposed creek pathway. Further, according to Sheet TM-8 of the project plans, a sidewalk and landscape strip is planned along the property frontage.

#### **Response 10-6**

The commenter expresses support for the incorporation of the transportation demand management (TDM) measures on Draft EIR page 3.1-22. See Response B-3 and C-2.



# Letter 11



November 7, 2016

**By E-Mail**

Leigha Schmidt, Senior Planner;  
City of Hayward  
777 B Street  
Hayward, CA 94541  
leigha.schmidt@hayward-ca.gov

Re: Comments on Draft EIR- Lincoln Landing Project

Dear Ms. Schmidt:

Please accept the following comments on the above-referenced Draft EIR, submitted on behalf of Hayward resident Desirae Schmidt. Based on our review of the Draft EIR for the Lincoln Landing Project (“Project”), we would respectfully ask the City of Hayward (“City”) to undertake additional environmental review before considering whether to approve the Project. Specifically, the current Draft EIR appears deficient in its analyses of the Project’s potential to or contribute to urban decay, its analysis of alternatives, and its evaluation and mitigation of traffic impacts. We elaborate upon these points below.

11-1

I. Summary of Project Description and Objectives.

The Project would demolish an office tower and commercial building, replacing them with two residential towers and commercial structures. The residential towers would rise nearly ninety feet, representing six stories of housing, retail, and parking.

11-2

As you know, a clear statement of objectives in a Draft EIR is critical to the formulation and analysis of Project alternatives. If there is an environmentally superior alternative that attains all or most of the proposed Project’s objectives, then the City would likely have a duty to approve that alternative in lieu of the applicant’s. As presented in the Draft EIR, the Project’s objectives are: (1) development of retail, commercial and residential uses that are consistent with existing General Plan land use designations; (2) foster economic employment, and residential opportunities; (3) create a mixed-use development that provides a combination of retail and residential

11-3

## Letter 11 Continued

November 7, 2016  
Page 2

uses in close proximity to BART, Amtrak, and downtown; (4) create a development that is financially feasible and that will contribute to Hayward's economic base without negatively existing City resources; (5) create a regional destination that will enhance Hayward's reputation; (6) create a development that is consistent with and promotes the City's Economic Development Strategic Plan.

11-3  
cont.

### II. Project Alternatives

CEQA requires that feasible alternatives be discussed in detail in an EIR. Bare opinions or conclusions are not sufficient. Here, the Draft EIR's analysis of Project alternatives should discuss the reduced intensity options with more detail, with particular attention to Alternative 2, Reduced Development. The current discussion is inadequate because it fails to discuss the potential for an environmentally superior means of achieving General Plan goals, and does not incorporate any economic impact analysis (see below).

11-4

The Draft EIR's analysis of Alternative 2 contemplates only two hundred apartments and 45,500 square feet of retail space, a reduction of 276 residential units and 35,00 square feet. These changes would entail reductions in building height, parking stalls, and therefore traffic, as well as knock-on effects on aesthetic impacts and water usage. The discussion of Alternative 2 acknowledges that there are superior results for environmental impacts in regards to aesthetics, water usage, and traffic, even though the impacts are still significant.

However, the rationale for rejection of Alternative 2 in the Draft EIR consists of only a few sentences. While pointing out that this alternative is "consistent with the General Plan designation," it is dismissed for two primary reasons: first, because it would "provide less retail and residential activity on the site," a finding that does not itself support rejection of the alternative without more, and because it would provide "less" of a financial advantage because there would be fewer residents "patronizing downtown and other local commercial businesses." This discussion of Alternative 2 is represents little more than a "bare opinion" and conclusory statement that, moreover, is circular. It is therefore inadequate under CEQA.

11-5

That a "reduced development" alternative would result in less of the development is obvious on its face. There is no reduced development alternative that would not result in less of the development. The proper analysis is whether the reduced development alternative would not only result in less significant impacts, but would also satisfy the project objectives. As presently constituted, the Draft EIR does not provide this analysis. Instead, the conclusory statement that there would be "less" of a financial advantage stands alone. This is despite the fact that: (a) there has been no economic impact analysis which can determine whether there are net economic detriments that may result from the development; and (b) there is no

11-6

## Letter 11 Continued

November 7, 2016  
Page 3

objective quantifier against which the “less financial advantage,” nor is financial advantage properly defined (e.g., is it a financial advantage to the project proponent? To the City? A combination of both based on some formula?). There are a number of factors that could actually result in a net gain in financial advantage with a reduced development footprint; less strain on public services such as police and various utilities or less impact on existing business.

11-6  
cont.

Whatever the case, the discussion itself is inadequate without more objective, substantive evidence upon which the City can base findings and a decision. Such a discussion would require at a minimum some level of quantifiable economic impact (see urban decay section, below) and some definition of key terms, most importantly “financial advantage.”

### III. Urban Decay Impacts.

The Draft EIR’s failure to properly study the economic impact of the proposal is of particular concern. Economic impact studies are appropriate because urban decay, in the form of persistent “dark” lots or persistent unused properties, are considered adverse environmental impacts. Where there is or could be urban decay in the form of unused and persistently vacant buildings, the “built environment” surrounding and impacted by the project is a necessary subject of study in an EIR. The urban decay analysis is an essential part of a CEQA analysis where there is any potential for significant impacts on the built environment. No analysis of this type was undertaken in the Draft EIR, representing a fatal omission that must be corrected prior to final certification of the EIR.

According to a retail properties search on LoopNet.com, there are currently a dozen or more commercial properties of significant size (between 2,500 and 90,000 square feet) available for lease or sale in Hayward, totaling as much as 160,000 square feet of available retail space within the City. Adding 80,000 square feet of retail space on Foothills Boulevard risks exacerbating a glut of available retail. The addition of so much retail square footage--essentially a 50% increase in the available square footage of retail--could leave “dark” stores that retailers persistently eschew, leaving empty buildings that may physically deteriorate and thus infect the city with environmental degradation and environmental decay.

11-7

What’s more, the current Draft EIR does not inform the public or the City of the character of the prospective tenants. As a result, not only is there no substantial evidence that there will be no aggravation of the current retail glut and therefore resultant urban decay, there is also no evidence in the record indicating whether existing business will be cannibalized and thus bringing even more “dark” retail spaces into being. This is inappropriate under CEQA, which requires agencies to disclose, analyze, and mitigate any adverse physical impacts on the environment that

## Letter 11 Continued

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Page 4

might result from long term retail vacancies caused by a Project. To fulfill this mandate, an economic impact study, or at a minimum some analysis of the potential for urban decay to result, is necessary for the City to make a decision based on substantial evidence. Currently there is *no* evidence or analysis whatsoever addressing urban decay in the Draft EIR.

11-7  
cont.

Please note this omission is material, in that the potential for urban decay implicates one of the stated Project objectives identified in the Draft EIR, namely the objective of creating a development that will broaden the City's economic base without adversely impacting the city's existing resources. Without a proper economic impact study, the City cannot make a factual finding in support of this objective.

#### IV. Transportation and Circulation.

The Draft EIR should widen the scope of its traffic analysis and include closer study on the impact of long-term bikeability and sustainability plans for the City and region. Multimodal transit, including walkability, bikeability, and public transit are key to the mobility element of the City's General Plan. *See* Mobility Element, Goals M-1, M-3, M-4, M-5, M-6, and M-9. Despite this emphasis in the General Plan, and the linking of the Project's objectives to the General Plan, the traffic and transportation study in the Draft EIR fails to adequately analyze the impact of the Project on these specific General Plan goals.

This is relevant because the development of so many housing units and potentially car-dependent retail development could directly frustrate the policies of the General Plan. This has implications for the Draft EIR's alternatives analysis (see above), and also suggests that the traffic and circulation analysis is insufficient by itself. The final EIR for the City's adopted General Plan makes assumptions about the reduction of greenhouse gas emissions by reducing automobile traffic and increasing mobility through biking and walking in particular. However, the Draft EIR for the current Project does not adequately address how adding so many apartments, and potentially automobile-dependent retail uses may create *more* automobile dependency, and potentially frustrate the ability of the city to meet its mobility goals by integrating bike and pedestrian pathways and shifting the city's development away from more automobile independence.

11-8

While the Draft EIR addresses the potential greenhouse gases to result directly from, i.e., car trips generated by the Project, it does not contain an analysis of the cumulative effect of future development specifically on the ability of the city to develop integrated mobility systems in the City, and thus meet the mobility goals of the General Plan (and the assumptions of the General Plan's Final EIR).

11-9

## Letter 11 Continued

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V. Conclusion.

For the reasons stated above, we believe the Draft EIR for the Project is inadequate. We would urge the City to make the necessary corrections before taking any action on to approve the Project.

Thank you for your consideration of these comments.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



Mark R. Wolfe  
on behalf of Desirae Schmidt

MRW:sa

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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**Letter 11**      **Mark R. Wolfe, Attorney, M. R. Wolfe & Associates (on behalf of Desirae Schmidt, Resident, City of Hayward)**

### **Response 11-1**

The commenter requests that the City complete further environmental review for the project and summarizes perceived deficiencies in the analysis in the EIR. The comment is noted but does not provide any specific comments on the EIR. See Responses 11-2 through 11-9.

### **Response 11-2**

The commenter accurately summarizes the proposed project description. No response is required.

### **Response 11-3**

The commenter states that the objectives of the proposed project serve as the basis for the project alternatives analysis and that if the environmentally superior alternative meets the stated objectives, the City must approve that alternative. The commenter further summarizes the proposed project's objectives. The commenter accurately describes the importance of a project's objectives in the formulation and analysis of project alternatives and correctly summarizes the project's objectives. However, the commenter incorrectly states that the City must adopt the environmentally superior alternative if it meets most or all of the project's objectives. In fact, the City Council may choose to approve the proposed project or any of the selected project alternatives and, if necessary, would adopt a statement of overriding considerations for any associated significant and unavoidable impacts.

### **Response 11-4**

The commenter states that the Draft EIR fails to discuss in sufficient detail the reduced intensity alternatives, in particular Alternative 2. The commenter specifically states that the analysis is inadequate because it fails to address the alternative's consistency with the General Plan and economic impacts. Per CEQA Guidelines Section 15126.6(b), the purpose of the alternatives analysis is to discuss alternatives to a project that would reduce one or more of the project's identified significant impacts. Consistency with a general plan is not a criterion for selecting project alternatives or selecting the environmentally superior alternative. Furthermore, per CEQA Guidelines Sections 21080(e)(2) and 21082.2(c), economic impacts which do not contribute to physical impacts on the environment do not constitute substantial evidence and are not addressed in the EIR.

### **Response 11-5**

The commenter disagrees with the Draft EIR conclusions related to Alternative 2 (see Draft EIR pages 4.0-5 through -7). The commenter indicates that Alternative 2 would lessen multiple project impacts and would meet the project objectives and should not be dismissed from consideration. Draft EIR Section 4.0 does not dismiss Alternative 2 from consideration, but provides an analysis of Alternative 2 that is consistent with CEQA with adequate information for the consideration of the decision-makers. As discussed on Draft EIR pages 4.0-5 and -6, Alternative 2 would lessen project impacts related to aesthetics, water demand, and traffic; however, it would not reduce the project's significant and unavoidable traffic impacts under cumulative conditions to less than significant levels. The Draft EIR goes on to discuss the level to which Alternative 2 would meet the project's objectives compared to the proposed project and

determined that the alternative would meet the objectives, but to a lesser degree than the proposed project. The Draft EIR does not dismiss the alternative from consideration; the City of Hayward may choose to approve any of the project alternatives at its discretion.

### **Response 11-6**

The commenter states that the Draft EIR's discussion and conclusions related to Alternative 2 should examine whether the alternative would reduce impacts and whether it would satisfy the project objectives. The commenter believes that the Draft EIR provides only a conclusory statement as to whether the alternative would meet the project objectives. The analysis of Alternative 2 on Draft EIR pages 4.0-5 through -7 provides both a discussion of how the alternative would lessen multiple project impacts and a discussion of the alternative's ability to meet the project objectives compared to the proposed project. The Draft EIR does not conclude that the alternative does not meet the project objectives. Rather, the alternative is found to be less than optimal in that it would result in a missed opportunity to construct additional residential units on the site compared to allowable density under the applicable CC-C (Central City-Commercial) District, which allows for development up to 65 residential units per acre in a prime location within the City's identified Downtown Priority Development Area (PDA), within walking distance to Downtown Hayward and within one-half mile to BART. Furthermore, the legislative body or its designee may choose to approve this or any of the other project alternative discussed in the EIR at its discretion.

### **Response 11-7**

The commenter states the Draft EIR should include an economic impact analysis and a discussion of the project's potential to contribute to urban decay. The commenter states that the City currently has as much as 160,000 square feet of vacant retail space and that the addition of the proposed retail space could lead to more vacant space, thus contributing to urban decay. The commenter states there is no evidence whatsoever that the project would not lead to urban decay, yet the commenter provides no evidence that the project would result in urban decay. The reader is referred to Response 11-4 regarding economic impacts.

The commenter does not provide information regarding the location and condition of the vacant retail space referenced in the comment. However, based on a recent vacancy report conducted for the Downtown Specific Plan Area, there are approximately 1.25 million square feet of retail space in the Downtown Specific Plan Area, of which approximately 24,000 square feet (or approximately 2%) are vacant. In addition, there are approximately 1.25 million square feet of office space in the Downtown Specific Plan Area, of which approximately 566,000 square feet are vacant. The existing former Mervyns building on the project site and the building across Foothill Boulevard in the vacant City Center building, which was deemed seismically unsafe, represent a majority of the vacant office square footage in the Downtown area. Given the actual amount of vacant retail square footage in the downtown area is quite small, and given the condition of the existing, vacant office building on the project site, the proposed project would result in a net benefit in the city as relates to issues of blight and urban decay.

### **Response 11-8**

The commenter states that the Draft EIR and associated traffic impact analysis should consider multimodal transit as well as the project's effects on the policies of the City's General Plan Mobility Element. The City has no standards for bikeability or sustainability plans related to a project's traffic and transportation impacts. Further, the proposed project lists a host of Transportation Demand Management measures that will be included as attributes of the project

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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and which are being incorporated as Mitigation Measures 3.1.2 to ensure the measures are implemented and reported back to the City on a regular basis. Refer to Response C-2 regarding transportation demand management; refer to Response 3-2 regarding consistency with General Plan policies.

### **Response 11-9**

The commenter states that the Draft EIR fails to address the cumulative effect of future development on the City's ability to develop an integrated mobility system in Hayward and meet the mobility goals in the General Plan. The analysis of greenhouse gas emissions is inherently cumulative. The reader is referred to Draft EIR Impact GHG-2 on pages 3.0-24 through -25 in which the EIR considers cumulative greenhouse gas emissions and determines that the proposed project would be consistent with the City's Climate Action Plan and the requirements of Assembly Bill 32. Further, as discussed in Draft EIR Impact LAN-2 (pages 3.0-37 and -38), the proposed project is consistent with the General Plan and would not exceed the development potential assumed for the site in the General Plan EIR. Thus, the greenhouse gas emissions associated with the development of the project site were accounted for in the greenhouse gas analysis in the General Plan EIR. Implementation of the proposed project would not change cumulative greenhouse gas emissions from previous projections.



# Letter 12

**From:** Leigha Schmidt  
**To:** [Hindmarsh, Patrick](#)  
**Subject:** FW: comments on the DEIR for LL  
**Date:** Monday, November 07, 2016 3:50:40 PM

Comments on Lincoln Landing

**From:** Frank Goulart [mailto:fgoulart@pacbell.net]  
**Sent:** Monday, November 07, 2016 3:46 PM  
**To:** Leigha Schmidt <Leigha.Schmidt@hayward-ca.gov>  
**Cc:** Mariam Lens <mariam.lens@hayward-ca.gov>; Kelly McAdoo <Kelly.McAdoo@hayward-ca.gov>; Barbara Halliday <Barbara.Halliday@hayward-ca.gov>; Marvin Peixoto <Marvin.Peixoto@hayward-ca.gov>; Al Mendall <Al.Mendall@hayward-ca.gov>; Mark Salinas <Mark.Salinas@hayward-ca.gov>; Francisco C. Zermeno <machetez@sbcglobal.net>; Sara Lamnin <Sara.Lamnin@hayward-ca.gov>; Elisa Marquez <Elisa.Marquez@hayward-ca.gov>  
**Subject:** comments on the DEIR for LL

Please consider these comments on the draft Environmental Impact Report for Lincoln Landing.

The project provides residential parking rather than retail and office uses on the ground floor. On Hazel St., the tower is massive and not compatible with the surrounding neighborhood, the sidewalk level façade is sterile, new traffic will overwhelm the street, and the neighborhood is not protected from spillover parking. Each of these items is contrary to the following Goals of the General Plan which were not adequately studied and considered in the DEIR on the Lincoln Landing project:

- LU-2.5: The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to: ...
- Promote lifestyles that are less dependent on automobiles.

The project ignores the call and does exactly the opposite. It precludes ground floor retail and office uses. Parking on the ground floor for residential units is contrary to the call of this Goal. More ground floor retail and office uses have not been studied as alternatives and no mitigations have been discussed.

GOAL LU-3: Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities.

- LU-3.6: The City shall encourage residential developments to incorporate design features that **encourage walking within neighborhoods** by: ...
- Orienting ... apartment ...buildings toward streets or public spaces.

12-1

12-2

## Letter 12 Continued

- Locating garages for homes and townhomes along rear alleys (if available) or **behind or to the side** of the front facade of the home.
- Enhancing the front facade of homes, townhomes, and apartment and condominium buildings with **porches, stoops, balconies, and/or front patios**.
- Ensuring that **windows** are provided on **facades that front streets** or public spaces.

The Hazel Tower is not oriented to the street; it has two stories of parking structure with no doors, let alone porches, stoops, balconies, front patios, or windows. This was not discussed in the DEIR, no alternatives were discussed, and no mitigation measures have been discussed.

- LU-3.7: The City shall **protect the pattern and character of existing neighborhoods** by requiring new infill developments to have complimentary building forms and site features.

The Hazel Tower is not complementary; it overwhelms the character of the existing neighborhood. There is no discussion about alternatives, like moving the tower to the Foothill Blvd frontage and stepping down to three stories across the street from the single story single family housing and the two story apartments. No mitigation measures have been discussed.

GOAL LU-4: Create attractive commercial and mixed-use corridors that serve people traveling through the city, while creating more pedestrian-oriented developments that foster commercial and social activity for nearby residents and businesses.

- LU-4.3: The City shall allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains **compatibility with adjacent residential uses**.

The Hazel Tower design is too big to be compatible with the neighborhood. The neighborhood can best be protected by preventing new traffic on Hazel, an important access street. The project would be more compatible with the neighborhood if there were no driveways and roads off the street, which can be done easily.

- LU-4.5: The City shall require corridor developments to **transition the massing**, height, and scale of buildings when located adjacent to residential properties. New development shall transition from a higher massing and scale along the corridor to a lower massing and a more articulated scale toward the adjoining residential properties.

The attempt to transition the Hazel Tower façade does not reduce the massing enough to provide a meaningful transition. The Hazel Tower is 285 feet wide and 54 ½ feet high. The

12-2  
cont.

## Letter 12 Continued

developer reduced the impact on the street by moving 3 floors back, leaving 54 ½ feet on the street, a five story building height. The drawing shows a ground floor 22 feet high because it is two levels of parking. The ground floor shown in the application at zero feet is about 5 feet above the street at the west end because of the downward slope. If the north tower were moved to the Foothill Blvd frontage, the tower can transition down to three stories, about 33 feet, which is still high for the area, across from the single story single family homes and two story apartments on Hazel. But this was not studied as an alternative and no mitigation measures have been offered beyond the set back described above.

12-2  
cont.

Impact on Schools is not addressed. No alternatives or mitigations studied.

12-3

Impact on Parking in the neighborhoods is not addressed as to commercial/office parcels needing on street parking. No alternatives or mitigations studied.

12-4

Please indicate where in the DEIR there is a discussion for each of the following comments, and where in the DEIR there is a discussion for each of the comments considering the cumulative impacts with other developments going on at the same time and implications for future decisions, including, but not limited to the Maple/Main Apartment Project.

12-5

1. Consider the General Plan designation of the site for commercial/retail/office on the ground floor of the entire site. How does this project comply with the General Plan designation of the site for commercial/retail/office on the ground floor of the entire site?

12-6

2. What is the impact of this project on the scenic vistas enjoyed by the surrounding neighborhoods?

12-7

3. How does this project serve as an attractive area for business and a destination for shopping, dining, arts, entertainment and college-town culture as called for in Guiding Principle #5 of the General Plan?

4. How does this project serve to encourage walking, sidewalk dining, window shopping and social interaction called for in LU-2.3 of the General Plan?

5. How does this project serve to encourage including housing units above ground floor retail and office uses called for in LU-2.5 of the General Plan?

6. How does this project protect the pattern and character of existing neighborhoods, especially along Hazel Avenue, as called for in LU-3.7 of the General Plan?

12-8

7. What complimentary building forms and site features are included in this project to comply with LU-3.7 of the General Plan?

8. What transition of the massing, height, and scale of buildings of this project adjacent to adjoining residential properties complies with LU-4.5 of the General Plan?

9. How does this project ensure adequate parking is provided as called for in M-9.1 of the

## Letter 12 Continued

General Plan?

- |   |       |
|---|-------|
| 10. How does this project ensure adequate parking is provided for neighboring commercial uses?  | 12-9  |
| 11. How will this project impact traffic in the surrounding neighborhoods?  | 12-10 |
| 12. What would be the impact of a traffic light on Foothill Boulevard (mid-block, to line up with the pedestrian way on the other side of Foothill, which was an entrance to the old Hayward High School)?  | 12-11 |
| 13. What would be the impact of a pedestrian overpass mid-block on Foothill Boulevard?  | 12-12 |
| 14. Given the several discoveries of native American remains in the downtown during previous excavating, Andy Galvan's comments that the Ohlone would bury their dead on the western side of seasonal wetlands and lakes, and the fact that what is now the parking lot was probably a lake and seasonal wetlands at times in the past, how will this project serve to protect disturbances of native American remains, and what steps will be taken to ensure that protection? | 12-13 |
| 15. How will this project provide public services to the community?   | 12-14 |
| 16. How will this project deal with the fact that the San Lorenzo Creek has jumped out and flooded what is now the parking lot on at least two occasions since the flood control channel was installed in 1962, according to Alameda County Flood Control?  | 12-15 |
| 17. The existing building on the site was originally constructed in 1959 as Capwell's. Although its exterior was changed and an additional floor added in the early 1980's, the interior of the building still looks much like it did in its Capwell's days. Being over 50 years old, what is the historic significance of the existing building and what alternatives to demolition are being considered in this EIR?  | 12-16 |
| 18. How will this project affect air quality during the time of construction and what mitigation measures could be introduced to minimize the adverse effects?  | 12-17 |
| 19. How will construction of this project affect the ambient noise level in the existing neighborhoods, and what mitigation measures could be introduced to minimize the adverse effects?   | 12-18 |
| 20. How will this project impact the need for parks in a neighborhood that has no parks nearby?   | 12-19 |
| 21. How will this project impact the need for classroom space in a neighborhood whose schools are at or over capacity?  | 12-20 |
| 22. What will this project provide in the way of private security to lessen the negative impact that apartment houses throughout the city have on our police force?   | 12-21 |
| 23. What will be the impact of this project on the use of water?  | 12-22 |
| 24. How much water would be used by this project annually?  | 12-23 |
| 25. What will be the impact of the use of EBMUD water on the city residents who will occupy the project in comparison to use of the higher quality City of Hayward water (which comes from Hetch Hetchy)?   | 12-24 |

Frank Goulart

## Letter 12 Continued

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## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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### **Letter 12 Frank Goulart, Attorney/Resident, City of Hayward**

#### **Response 12-1**

The commenter states that the project provides only parking rather than retail and office uses on the ground floor of the proposed development. The commenter is directed to page 2.0-2 of Draft EIR Section 2.0, Project Description, where text in Subsection 2.3, Project Characteristics, acknowledges that the development includes residential units above approximately 80,500 square feet of commercial uses with a combination of surface and structured parking. Table 2.0-1, Land Use Summary, on page 2.0-2 of the Draft EIR reiterates this information, displaying the project's total acreage, residential units, commercial square footage, and parking spaces.

According to the applicable Central City-Retail and Office Commercial General Plan land use designation, typical building types include "mixed-use buildings that contain commercial uses on the ground floor and residential uses or office space on upper floors" (General Plan page 3-20). The proposed mixed-use development is consistent with this description. In addition, pursuant to applicable zoning provisions related to the property, HMC Section 10-1.1522, multi-family residential uses are permitted in the CC-C (Central City-Commercial) district above first-floor uses only, and with an approved conditional use permit on the ground floor. According to the proposed project plans, no residential units are located on the ground floor. Rather, ground-floor uses include approximately 80,500 square feet of commercial development, surface and structured parking and drive aisles, and landscaping and open space uses.

According to Municipal Code Section 10-1.3510, off-street parking for commercial and residential uses is defined as an accessory use, or a use which is subordinate to the lawfully permitted principal use on the site and which does not alter the essential characteristics of the principal use and other uses permitted in the same district. The proposed off-street parking that will serve the mixed commercial and residential uses on the site is thus considered accessory to the principal use on the site. Further, accessory uses are permitted in the CC-C district according to HMC Section 10-1.1522(b)(1).

#### **Response 12-2**

The commenter expresses opinions regarding the tower on Hazel Street, sidewalks, new traffic, and spillover parking. The commenter refers to the proposed step backs of the building along Hazel Avenue from 10 feet back at the first two stories; 18 feet back from the property line at the third and fourth stories and up to 41 feet back at the upper stories as not being adequate. These comments are opinions and do not reflect the adequacy of the Draft EIR. See Response 3-2 regarding the project's consistency with the General Plan. No further analysis is required.

#### **Response 12-3**

The commenter states that impacts on schools are not addressed. As discussed on page 3.0-49 of Draft EIR Section 3.0, the project would generate approximately 116 elementary students, 30 middle school students, and 57 high school students, which would represent approximately 1 percent of the total district enrollment for either elementary, middle, or high school. Therefore, the Draft EIR determined the project would not trigger the need for additional school facilities. Further, according to California Government Code Section 65995 (h), payment of school fees would mitigate any potential impacts to a level of less than significant.

### Response 12-4

The commenter states that neighborhood and street parking is not addressed in the Draft EIR or the alternatives section. As noted in the Project Description, the proposed project exceeds the minimum parking requirements for all on-site commercial and residential uses. See also Responses 5-1 and 5-2.

### Response 12-5

The commenter requests that comments considering the cumulative impacts of the project be identified. The commenter is directed to page 5.0-9 of Draft EIR Section 5.0, Other CEQA Analysis, where the project's cumulative effects are discussed. See also the following responses to specific topics raised by the commenter.

### Response 12-6

The commenter questions how the project complies with the City of Hayward General Plan in regard to commercial, retail, and office uses on the ground floor. The commenter is directed to Response 12-1.

### Response 12-7

The commenter would like to know the impact of this project on scenic vistas. As stated in Impact AES-1 on page 3.0-2 of the Draft EIR, the project site is not located within a designated scenic vista. No impact would occur.

### Response 12-8

The commenter questions how the project complies with Guiding Principle #5 in addition to several General Plan goals and policies. The commenter is directed to Subsection 2.2, Project Objectives, starting on page 2.0-1 of the Draft EIR. This subsection lists the project objectives including but not limited to downtown revitalization, economic and social viability, and transit-oriented development. Additionally, the commenter is referred to Responses C-2, 3-2 and 12-1.

### Response 12-9

The commenter questions how the project will provide parking for neighboring commercial uses. It is not the project applicant's responsibility to provide parking for other, neighboring uses. The project includes more parking spaces on-site than required by code, as shown in Table LAN-1, Zoning Consistency Matrix Lincoln Landing Development, on page 3.0-36 of the Draft EIR, and subsequent project plan submittals dated November 29, 2016. See also Responses 5-1 and 5-2.

### Response 12-10

The commenter questions how the project will impact traffic in surrounding neighborhoods. The project's impacts on the circulation system in the project vicinity is addressed in Draft EIR Section 3.1, Transportation and Circulation.

### Response 12-11

The commenter questions what impacts a new traffic light on Foothill Boulevard would have. A traffic light on Foothill Boulevard was not considered as part of the Lincoln Landing project, nor as an alternative or mitigation measure. See Response 9-1.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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### **Response 12-12**

The commenter inquires about the impact of a pedestrian overpass mid-block on Foothill Boulevard. A pedestrian overpass is not included in the proposed project thus no analysis is required.

### **Response 12-13**

The commenter speculates that Native American remains could be present in the project area. As discussed on page 3.0-16 of the Draft EIR, In the event that human remains are discovered during construction, the construction contractors would be required to comply with Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and CEQA in California Code of Regulations Section 15064(e). These provisions require all work in the immediate vicinity of the burial to cease, and any necessary steps to ensure the integrity of the immediate area must be taken. The remains are required to be left in place and free from disturbance until a final decision as to their treatment and disposition has been made. No further analysis or mitigation is required.

### **Response 12-14**

The commenter questions how the project will provide public services to the community. The proposed project will be required to install frontage improvements and pay requisite impact and permit fees such as Fire Department fees, Utility Connection Fees, Park Dedication Fees, School District fees, Building Construction and Improvement Tax and Supplemental Building Construction and Improvement Tax, which in part funds public services and improvements that will be utilized by residents and visitors to the site. In addition, the site will generate property tax and sales tax revenue that will be utilized to provide public services and amenities throughout the City. The commenter is directed to Subsection 2.2, Project Objectives, starting on page 2.0-1 of the Draft EIR, listing the proposed project's goals and amenities that will be offered in regard to housing, commercial, and retail uses in Hayward.

### **Response 12-15**

The commenter expresses concern with potential flooding of San Lorenzo Creek onto the project parking lot. As stated in Impact HYDRO-4, on page 3.0-34 of the Draft EIR, the project site is designated by the Federal Emergency Management Agency (FEMA) as Zone X, or areas of minimal flood hazard. The adjacent San Lorenzo Creek corridor is designated as Zone A, or areas subject to inundation by the 1-percent-annual-chance flood event. No development is proposed within the creek corridor.

### **Response 12-16**

The commenter expresses concern regarding the historic significance of the existing buildings present on the project site. Impact CUL-1, discussed starting on page 3.0-12 of the Draft EIR, analyzes the two existing buildings and their potential to be historically significant under the California Register of Historical Resources and the Hayward Register. As stated on Draft EIR page 3.0-15, the two resources are not eligible for listing in the California Register or the Hayward Register; therefore, the project was determined to have a less than significant impact on historical resources. Further, based on recent site inspections by Hayward Fire and Police Departments as well as the City's Code Enforcement Division, the interior of the building is, in fact, thoroughly compromised and covered in graffiti that can be attributed to illegal squatting in the building.



### Response 12-17

The commenter questions what effects the project may have on air quality and what mitigation will be in place to minimize any effects. The project would be required to implement standard regulatory requirements and best management practices as included in the Bay Area Air Quality Management District (BAAQMD) May 2012 Air Quality Guidelines. Measures in Tables 8-1 and 8-2 of the BAAQMD guidelines include minimizing idling time for diesel-powered construction equipment, watering exposed surfaces to minimize fugitive dust emissions, and requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of nitrogen oxides and particulate matter (Draft EIR page 3.0-6). As shown in Tables AQ-1 through AQ-3, on pages 3.0-6 and -7 of the Draft EIR, the project would not exceed established BAAQMD thresholds during project construction or operation, so no additional mitigation would be required.

### Response 12-18

The commenter inquires as to how construction of the project will affect ambient noise levels and asks what mitigation will be introduced to minimize impacts. Page 3.0-42 of the Draft EIR lists the best management practices (BMPs) that will be implemented during project construction pursuant to the City's Municipal Code to reduce noise impacts to a less than significant level. The measures include but are not limited to limiting hours of construction, limiting noise from individual pieces of equipment, installing mufflers on equipment, prohibiting unnecessary idling, locating stationary noise-generating equipment as far as possible from sensitive receptors, and using noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. According to the City of Hayward, adherence to these best management practices reduces construction noise to a less than significant level and no further mitigation is required.

### Response 12-19

The commenter inquires how the project will impact the need for parks in the surrounding neighborhoods. The commenter is directed to page 3.0-50 of the Draft EIR, which states that the project proposes development of a 2,000-square-foot pocket park with a play structure in the northwestern portion of the site. Development of the proposed pocket park and payment of the required park dedication fee, in conjunction with credits for park or recreation improvements, would ensure the project's impacts on parks would be less than significant.

### Response 12-20

The commenter questions how the project will impact the need for classroom space in neighborhood schools that are currently over capacity. The commenter provides no evidence that schools are over capacity. See Response 12-3.

### Response 12-21

The commenter questions what type of private security the project will provide as a way to lessen any impacts on the City's police force. The commenter is directed to Draft EIR page 3.0-49, on which impacts to the Hayward Police Department are discussed. Because the urbanized area of the proposed project is routinely patrolled by the Hayward Police Department, the proposed development is consistent with the City's General Plan and its expected growth, and property tax revenue collected from the proposed development would help fund expansion of services, potentially increasing the number of officers and patrol cars

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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required to accommodate city growth, impacts to law enforcement facilities would be less than significant.

### **Response 12-22**

The commenter questions the proposed project's impacts on water use. As stated in Impact UTL-2 on page 3.0-52 of the Draft EIR, the proposed project would be adequately served by existing water infrastructure and, as discussed on page 3.0-53, according to the water supply assessment prepared for the project by the East Bay Municipal Utility District (EBMUD), there are sufficient water supplies to serve the project. Impacts related to water systems and supply would be less than significant.

### **Response 12-23**

The commenter questions how much water would be used annually by the project. EBMUD estimated the project's water demand to be approximately 99,000 gallons per day (gpd) at buildout, as noted on page 3.0-53 of the Draft EIR. This amount would translate to approximately 36,135,000 gallons or approximately 111 acre-feet annually.

### **Response 12-24**

The commenter inquires about the proposed project's impact on the use of water from EBMUD in comparison to City of Hayward water. The commenter provides no data regarding the quality of EBMUD water versus Hetch Hetchy water or how the use of EBMUD water could negatively affect users. All water delivered by EBMUD meets state and federal regulations for drinking water. The project would not result in any adverse impacts related to water use from EBMUD.

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## **3.0 MINOR REVISIONS TO THE DRAFT EIR**

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### 3.1 INTRODUCTION

This section includes minor edits to the Draft EIR. These modifications resulted from responses to comments received during the Draft EIR public review period as well as staff-initiated changes.

Revisions herein do not result in new significant environmental impacts and do not constitute significant new information, nor do they alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strikeout~~ for deleted text).

### 3.2 MINOR CHANGES AND EDITS TO THE DRAFT EIR

#### ES EXECUTIVE SUMMARY

The significance conclusion after mitigation for Impact CUL-2 was listed as significant and unavoidable in error. Therefore, the text in the last column for Impact CUL-2 on page ES-7 is corrected as follows:

~~SU~~ LS

#### 1.0 INTRODUCTION

No changes were made to this section.

#### 2.0 PROJECT DESCRIPTION

No changes were made to this section.

#### 3.0 ENVIRONMENTAL ANALYSIS

##### Utilities and Service Systems

The text on page 3.0-53, under section 3.0, Impacts Found Not Significant, is amended as follows:

The proposed project would also be subject to the City's Municipal Code, which contains several regulations related to water supply intended to reduce overall water demand. HMC Chapter 10, Article 12, Bay-Friendly Water Efficient Landscape Ordinance, establishes a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction. HMC Chapter 10, Article 20, Bay-Friendly Landscaping Ordinance, requires all new development with landscapes to meet the most recent minimum Bay-Friendly Landscape Scorecard points as recommended by StopWaste.org. HMC Chapter 10, Article 23, Indoor Water Use Efficiency Ordinance, includes standards for new construction and remodels mandating the installation of water-conserving fixtures. ~~Chapter 11, Article 2, Hayward Municipal Water System, establishes a system for service connections, meter maintenance and testing, and fire service connections, and sets standards and installation costs for service connections. Compliance with these existing regulations would further reduce project water demand.~~ Water utilities under the control of EBMUD shall be designed by EBMUD and installed in accordance with EBMUD's standard drawings and specifications. Therefore, this impact would be **less than significant**.

### 3.0 MINOR REVISIONS TO THE DRAFT EIR

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#### 3.1 TRANSPORTATION AND CIRCULATION

The text in the on page 3.1-6 of the Draft EIR is amended as follows:

Currently, AC Transit offers local bus transit service on the following routes in the vicinity of the project site:

- Line 48 provides weekday service at one-hour headways between 5:13 AM and 10:30 PM. The route runs a loop from the Hayward BART station and stops along Hazel Avenue/City Center Drive in the project vicinity. This route is hourly with service from 635a to 927p. Line 48 operates a loop rate from Hayward BART to Castro Valley.
- Line 93 provides weekday and weekend service at one-hour headways between 4:58 AM and 8:25 PM and one-hour headways between 5:25 AM and 8:52 PM on weekends. The route runs a loop from the Hayward BART station and stops along Mission Boulevard in the project vicinity. This route is hourly with approximately the hours listed. Line 93 operates between Hayward BART and Bayfair BART.
- Line 99 provides weekday service at 20-minute ~~one-hour~~ headways between 5:00 ~~4:58~~ AM and 1:00 AM ~~8:25 PM~~ and 20-minute ~~one-hour~~ headways between 6:00 ~~5:25~~ AM and 1:00 AM ~~8:52 PM~~ on weekends. The route runs a loop from the Hayward BART station and stops along Mission Boulevard in the project vicinity. Line 99 operates from Hayward BART to Fremont BART.
- Line 801 provides allnighter ~~weekday~~ service at one-hour headways, weekdays and weekends between 11:40 PM ~~4:58 AM~~ and 6:20 AM ~~8:25 PM~~ and one-hour headways ~~between 5:25 AM and 8:52 PM on weekends.~~ The route runs a loop from the Hayward BART station and stops along Mission Boulevard in the project vicinity. Line 801 operates from 14<sup>th</sup> & Broadway, Oakland to Fremont BART.
- Line 95, Line 94, Line 60, and Line 32 provide weekday and weekend service. The lines run a loop from the Hayward BART station and stop along B Street and C Street in the project vicinity. Line 94 operates between Hayward Bart and the Fairview district; line 95 operates between Hayward BART and the Kelly Hill district, Line 60 operates between Hayward BART and California State University East Bay, and Line 32 operates between Hayward BART, Bayfair BART, and Castro Valley.

Mitigation Measure 3.1.2 is added on page 3.1-38 of the Draft EIR to ensure that the project would achieve minimum trip reductions of nine percent. The impact would still remain significant and unavoidable.

#### Mitigation Measures

~~No feasible mitigation measures were identified.~~

MM 3.1.2 The applicant shall submit a detailed Transportation Demand Management Plan (TDM Plan) to the City's Public Works – Engineering and Transportation Division with planned measures such as shuttle service, transit passes, on-site car sharing programs, unbundled parking costs, bicycle racks and lockers, on-site bicycle and pedestrian amenities, shared parking, on-site bike share program and identification of an on-site Transportation Demand Management Coordinator.

The TDM Plan shall describe each measure in detail and identify how it pertains to the residential and/or commercial uses of the development; include operational details of the individual measure; identify a funding source; and specify the individual and/or entity responsible for implementation and ongoing operation of the measure. The TDM Plan shall be submitted to and approved by the City prior to issuance of a Certificate of Occupancy for the development.

The property managers shall submit a memorandum on the status of each measure included in the TDM Plan to the City's Public Works – Engineering and Transportation Division on an annual basis for the first five years of operation and then on a modified schedule, as determined by the Planning Director and City Engineer. The TDM Plan may also include goals and/or limits to each measure, provided the overall Plan achieves a minimum nine percent reduction in projected vehicle trips as demonstrated in the annual memo on TDM Measure status. Prior to any modifications to the approved TDM Plan, the property manager(s) shall submit a revised Plan to the City's Public Works Engineering and Transportation Division for review and approval.

Timing/Implementation: TDM due prior to issuance of a Certificate of Occupancy; status reports submitted annually during project operation for the first five years of operation and then on a modified schedule as determined by the Development Services Director and City Engineer.

Enforcement/Monitoring: City of Hayward Public Works – Engineering and Transportation Department: Planning Division

Mitigation Measure MM 3.1.2 would ensure that TDM measures are thoroughly described, funded, tracked and reviewed by the City on an annual basis to ensure that the commercial/residential property managers ensure long term implementation of the measures.

#### 4.0 CUMULATIVE IMPACTS

No changes were made to this section.

#### 5.0 ALTERNATIVES

No changes were made to this section.

#### 6.0 CEQA-MANDATED SECTIONS

No changes were made to this section.

### **3.0 MINOR REVISIONS TO THE DRAFT EIR**

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