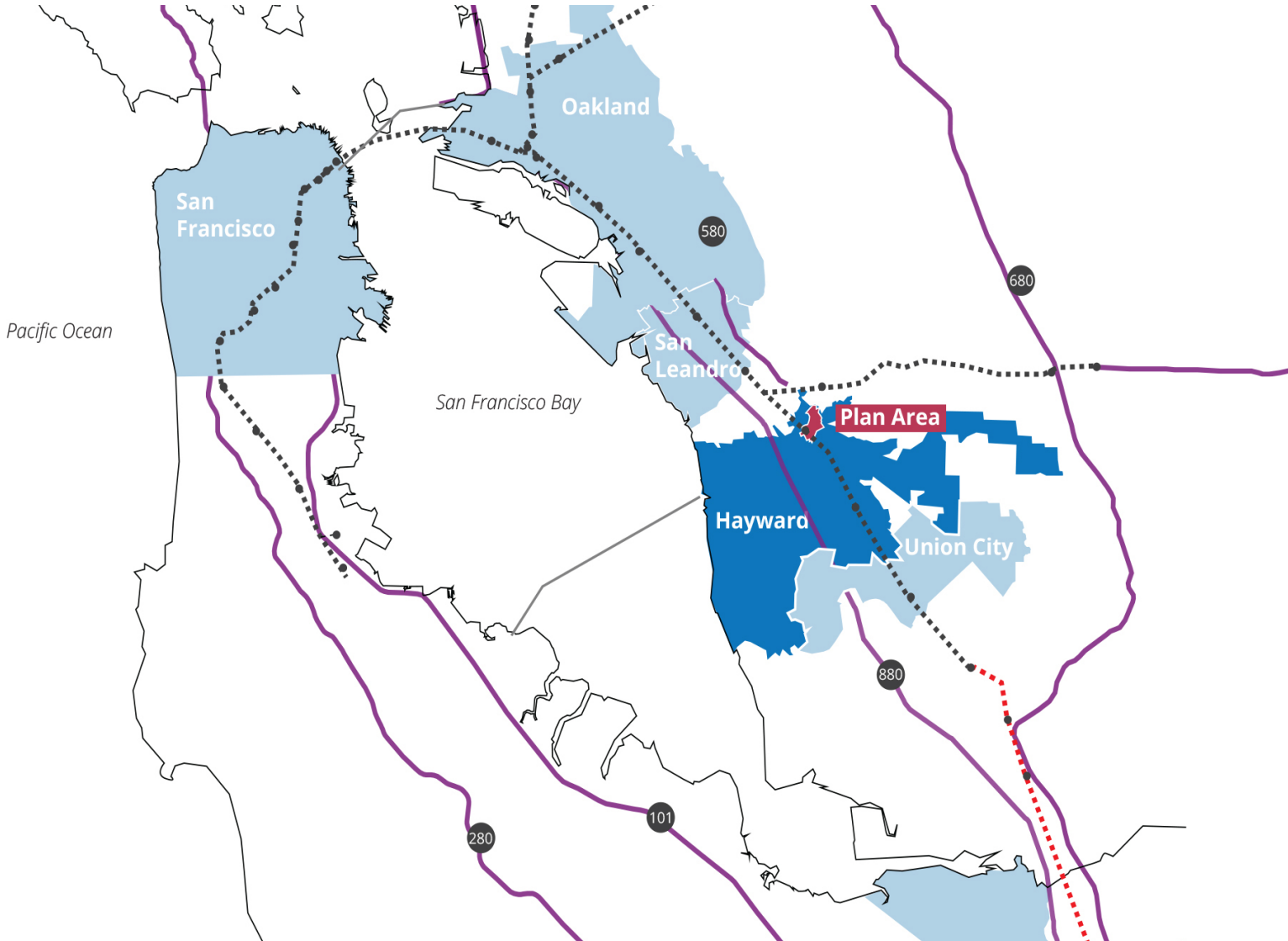
PLACEWORKS

March 22, 2019 | Final EIR

HAYWARD DOWNTOWN SPECIFIC PLAN AND ASSOCIATED ZONING CODE UPDATE FINAL EIR

CITY OF HAYWARD

State Clearinghouse # 2018022054



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1. Introduction

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Final Environmental Impact Report (Final EIR), which has been prepared in compliance with the California Environmental Quality Act (CEQA), provides responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the adoption and implementation of the proposed Hayward Downtown Specific Plan and associated Zoning Code Update project, herein referred to as "proposed project." The Draft EIR identifies significant impacts associated with the proposed project, identifies and considers alternatives to the proposed project, and identifies mitigation measures to avoid or reduce potential environmental impacts.

This Final EIR also contains text revisions to the Draft EIR. This Final EIR, together with the Draft EIR, constitutes the complete EIR for the proposed project.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to comments received on the Draft EIR. A Notice of Preparation of an EIR was issued by the City on Friday, February 23, 2018 for a 30-day-review period. A Notice of Availability was issued on Monday, January 7, 2019 and the Draft EIR was made available for public review for a 45-day public review period through Wednesday, February 20, 2019. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft EIR. Copies of the Draft EIR were made available for review to interested parties at the Hayward Public Library at 835 C Street in Downtown Hayward; City Hall at 777 B Street in Downtown Hayward; and on the City's website at: https://www.hayward-ca.gov/content/downtown-specific-plan.

Written comments received on the Draft EIR are included in their original format as Appendix A, Comments Letters, of this Final EIR. These comments are also reproduced in Chapter 5, Comments and Responses, of this document, and responses to comments on environmental issues are provided.

This Final EIR will be presented at a Planning Commission hearing at which the Commission will advise the City Council on certification of the EIR. However, the Planning Commission will not take final action on the EIR or the proposed project. Instead, the City Council will consider the Planning Commission's recommendations on the Final EIR and the proposed project during a noticed public hearing, and will make the final action with regard to certification of the Final EIR. The City Council is currently scheduled to consider certification of the Final EIR at a public hearing in April 2019. Official noticing of these meetings will occur separately.

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2. Executive Summary

This Final Environmental Impact Report (EIR) has been prepared to provide an assessment of the potential environmental consequences of approving and implementing the proposed Hayward Downtown Specific Plan and associated Zoning Code Update project, herein referred to as "proposed project." The Final EIR contains responses to comments received on the Draft EIR. The Final EIR also contains corrections, clarifications, and changes to the text and analysis of the Draft EIR, where warranted.

Table 2-1 summarizes the conclusions of the environmental analysis contained in the Draft EIR and presents a summary of impacts and mitigation measures identified. It has been reprinted from the Draft EIR. The impacts and mitigations have not been revised or changed since the publication of the Draft EIR.

Table 2-1 is organized to correspond with the environmental issues discussed in Chapters 4.1 through 4.14 of the Draft EIR. The table is arranged in 4 columns: 1) impact; 2) significance without mitigation; 3) mitigation measures; and 4) significance with mitigation.

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
AIR QUALITY			
Impact AQ-2.1: Construction activities associated with implementation of the proposed Specific Plan could potentially violate an air quality standard or contribute substantially to an existing or projected air quality violation.	S	**Mitigation Measure AQ-2.1a:** As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for fugitive dust control, including: ▪ Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. ▪ Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). ▪ Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust. ▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material. ▪ Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. ▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). ▪ Limit vehicle traffic speeds on unpaved roads to 15 miles per hour. ▪ Replant vegetation in disturbed areas as quickly as possible. **Mitigation Measure AQ-2.1b:** Applicants for new development	SU

LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		projects within the Specific Plan Area shall require the construction contractor to use equipment that meets the United States Environmental Protection Agency (USEPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to the City of Hayward that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations. ▪ Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for USEPA Tier 4 or higher emissions standards for construction equipment over 50 horsepower. ▪ During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City of Hayward. ▪ The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. ▪ Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. ▪ Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9	
Impact AQ-2.2: Operation of development projects accommodated under the proposed Specific Plan could contribute to an existing or projected air quality violation.	S	Mitigation Measure AQ-2.2a: Prior to the issuance of building permits for new residential development project in the Specific Plan Area, future project applicants shall implement the Tier 1/Tier 2 standards identified in the California Green Building Standards Code where 17 or more multifamily dwelling units are constructed on a building site, 5 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Electric Vehicle Supply Equipment. The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy.	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		Mitigation Measure AQ-2.2b: Prior to the issuance of building permits for new non-residential development project in the Specific Plan Area, future project applicants shall implement the Tier 2 standards identified in Table A5.106.5.3.2 of the California Green Building Standards Code or the equivalent as standards may be updated overtime. The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy. **Mitigation Measure AQ-2.2c:** Prior to the issuance of building permits for new non-residential development project in the Specific Plan Area, future project applicants shall implement the Tier 1 standards identified in the California Green Building Standards Code to provide 10 percent of total designated parking spaces for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as identified in Table A5.106.5.1.1 (Tier 1). The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy. **Mitigation Measure AQ-2.2d:** Prior to the issuance of building permits for nonresidential development projects in the Specific Plan Area, future project applicants shall indicate on the building plans for buildings with more than ten tenant-occupants that changing/shower facilities shall be provided based on the guidelines specified in Table A5.106.4.3 (Nonresidential Voluntary Measures) of the California Green Building Standards Code have been incorporated into the design of the building(s). The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy.	
Impact AQ-3: Future potential development projects associated with the proposed Specific Plan could cumulatively contribute to the non-attainment designations of the San Francisco Bay Area Air Basin (SFBAAB).	S	**Mitigation Measure AQ-3**: Implement Mitigation Measures AQ-2.1, AQ-2.2a, and AQ-2.2b.	SU
Impact AQ-4.1: Construction activities associated with	S	**Mitigation Measure AQ-4.1a:** Applicants for construction within	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
potential future development projects accommodated under the proposed Specific Plan could expose nearby receptors to substantial concentrations of Toxic Air Contaminants (TACs).		1,000 feet of residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in the City of Hayward, as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Hayward prior to future discretionary project approval. The HRA shall be prepared in accordance with policies and procedures of the Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), $PM_{2.5}$ concentrations exceed 0.3 µg/m^3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include, but are not limited to (See Table 7.9 of the Hayward 2040 General Plan Draft EIR for further details. This table has been included in Appendix C of the Draft for the Specific Plan): ▪ During construction, use of construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) for all equipment of 50 horsepower or more. ▪ Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. ▪ The construction contractor shall ensure that all non-essential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. ▪ Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed Specific Plan. Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the City of Hayward Planning Division and/or	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		Building Division clearly show incorporation of all applicable mitigation measures. **Mitigation Measure AQ-4.1b:** Implement Mitigation Measure AQ-2.1b.	
GREENHOUSE GAS EMISSIONS			
Impact GHG-1.1: Construction of future projects resulting from implementation of the proposed Specific Plan would generate greenhouse gas emissions, either directly or indirectly, that exceed the forecast year-2040 GHG emissions efficiency metric (2,811 metric tons of carbon dioxide-equivalent per year [$MTCO_2e$/year] compared to 1,100 $MTCO_2e$/year).	S	No individual measure and no set of feasible or practical mitigation measures are available to reduce project-generated construction emissions to less-than-significant levels in all cases. Refer to chapter 4.6, Greenhouse Gas Emissions, for further discussion.	SU
Impact GHG-1.2: The operation of future projects resulting from implementation of the proposed Specific Plan would generate greenhouse gas emissions, either directly or indirectly, that would exceed the forecast year-2040 GHG emissions efficiency metric.	S	**Mitigation Measure GHG -1.2a:** Prior to the issuance of building permits for new development projects in the Specific Plan Area, the applicant shall show the following on the building plans submitted: ▪ **Non-Residential:** All major appliances (e.g., dishwashers, refrigerators, clothes washers, and dryers) provided/installed are Energy Star certified or of equivalent energy efficiency. Installation of Energy Star or equivalent appliances shall be verified by the City of Hayward prior to the issuance of a Certificate of Occupancy. ▪ **Multifamily Residential:** All buildings will be all electric, meaning that electricity is the only permanent source of energy for water-heating, mechanical and heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling), cooking, and clothes-drying and there is no gas meter connection. All major appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) provided/installed are electric powered Energy Star certified or of equivalent energy efficiency where applicable. Installation of the electric-powered Energy Star or equivalent appliances shall be verified by the City of Hayward prior to the issuance of a Certificate of Occupancy.	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		Mitigation Measure GHG -1.2b: Prior to the issuance of building permits for new high-rise (four story or higher) residential development projects and nonresidential projects in the Specific Plan Area, the applicant shall implement the Tier 1 standards identified in the California Green Building Standards Code listed below. Buildings complying with the first level of advanced energy efficiency shall have an Energy Budget that is no greater than indicated below, depending on the type of energy systems included in the building project. ▪ **For building projects that include indoor lighting or mechanical systems, but not both:** No greater than 95 percent of the Title 24, Part 6, Energy Budget for the Standard Design Building as calculated by compliance software certified by the Energy Commission. ▪ **For building projects that include indoor lighting and mechanical systems:** No greater than 90 percent of the Title 24, Part 6 Energy Budget for the Standard Design Building as calculated by compliance software certified by the Energy Commission. **Mitigation Measure GHG -1.2c:** Implement Mitigation Measure AQ-2.2a. **Mitigation Measure GHG -1.2d:** Implement Mitigation Measure AQ-2.2b. **Mitigation Measure GHG -1.2e:** Implement Mitigation Measure AQ-2.2c. **Mitigation Measure GHG -1.2f:** Implement Mitigation Measure AQ-2.2d.	
NOISE			
Impact NOISE-1: The construction of future projects in the Specific Plan Area could expose sensitive receptors to noise that exceeds the City's noise limits.	S	**Mitigation Measure NOISE-1:** Prior to issuance of demolition, grading and/or building permits, the project applicant shall incorporate the following practices into the construction contract agreement to be implemented by the construction contractor during the entire	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		construction phase: ▪ Construction activity is limited to the daytime hours between 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 7:00 p.m. on other days. ▪ During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible. ▪ Require the contractor to use impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools. ▪ Stationary equipment such as generators, air compressors shall be located as far as feasible from nearby noise-sensitive uses. ▪ Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors. ▪ Construction traffic shall be limited—to the extent feasible—to haul routes approved by the City. ▪ At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City. ▪ Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		▪ During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws. ▪ Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the City noise standards and when the anticipated construction duration is greater than is typical (e.g., two years or greater).	
Impact NOISE-3: Implementation of the Specific Plan would result in a permanent substantial increase in ambient noise levels.	S	No individual measure and no set of feasible or practical mitigation measures are available to reduce project-generated traffic noise to less-than-significant levels in all cases. Refer to Chapter 4.10, Noise, for further discussion.	SU
Impact NOISE-4: The construction of future projects in the Specific Plan Area could expose sensitive receptors to a substantial temporary increase in ambient noise levels.	S	Mitigation Measure NOISE-4: Implement Mitigation Measure NOISE-1.	SU
TRANSPORTATION AND CIRCULATION			
Impact TRANS-1: Implementation of the proposed project would cause or contribute to impacts at the following intersections: ▪ Foothill Boulevard & City Center Drive (South) (#1) ▪ PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ Foothill Boulevard & B Street (#3) ▪ AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS B to unacceptable LOS F. ▪ Main Street & A Street (#6) ▪ AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F.	S	Mitigation Measure TRANS-1: Each implementing development project shall participate in the phased construction of off-site traffic signals and improvement of intersections through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees established through the proposed Specific Plan which includes DIF (Development Impact Fee). The fees shall be collected and utilized as needed by the City of Hayward to construct the improvements necessary to maintain the required level of service and build or improve roads to their build-out level. The following mitigating improvements would be required: ▪ Mission Boulevard & C Street (Intersection #11): Install a traffic signal at the intersection per City requirements. ▪ Second Street and City Center Drive (Intersection #12): Optimize signal timing and install an eastbound right turn	LTS at Intersection #11 SU at all other listed intersections

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
▪ Mission Boulevard & A Street (#9) ▪ AM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F. ▪ Mission Boulevard & B Street (#10) ▪ AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F. ▪ Mission Boulevard & C Street (#11) ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ Mission Boulevard & D Street (#12) ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F. ▪ Mission Boulevard & Foothill Boulevard/Jackson Street (#13) ▪ AM peak hour: Operations degrade from acceptable LOS B at the intersection level to unacceptable LOS F for all approaches. ▪ PM peak hour: Operations degrade from acceptable LOS D at the intersection level to unacceptable LOS F for all approaches. ▪ Mission Boulevard & Fletcher Lane (#14) ▪ AM peak hour: The intersection operates at LOS F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater. ▪ PM peak hour: Operations degrade from		overlap phase per City requirements. ▪ Montgomery Street & B Street (Intersection #18): Install a traffic signal per City requirements. Other improvements listed in Chapter 4.13, Transportation and Circulation, were identified to reduce impacts; however, were deemed infeasible to reduce impacts to less-than-significant levels. Refer to Chapter 4.13 for additional discussion.	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation

acceptable LOS E to unacceptable LOS F.
▪ Watkins Street & Jackson Street (#17)
  ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
  ▪ PM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F.
▪ Montgomery Street & B Street (#18)
  ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
  ▪ PM peak hour: The intersection operates at LOS F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater.
  ▪ Peak hour signal warrant is met during both peak hours.
▪ 2nd Street & City Center Drive (#21)
  ▪ AM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F.
  ▪ PM peak hour: Operations degrade from acceptable LOS C to unacceptable LOS F.
▪ 2nd Street & A Street (#22)
  ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
  ▪ PM peak hour: The intersection operates at LOS F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater.
▪ 2nd Street & B Street (#23)
  ▪ AM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
  ▪ PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.
▪ 2nd Street & D Street (#25)
  ▪ AM peak hour: The intersection operates at LOS			

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
F without the project, and the addition of the project results in an increase in delay of 5.0 seconds or greater. ▪ Foothill Boulevard & Hazel Avenue/City Center Drive (North) (#26) ▪ AM peak hour: Operations degrade from acceptable LOS E to unacceptable LOS F. ▪ PM peak hour: Operations degrade from acceptable LOS D to unacceptable LOS F.			
Impact TRANS-2.1: Implementation of the proposed project would cause or contribute to impacts at the following MTS arterial and freeway segments: ▪ I-880 Northbound (Hesperian Boulevard to A Street) ▪ I-880 Northbound (A Street to Winton Avenue) ▪ I-880 Northbound (Winton Avenue to Jackson Street) ▪ I-880 Northbound (South of Jackson) ▪ I-880 Southbound (Hesperian Boulevard to A Street) ▪ I-238 Eastbound (I-880 to SR-185) ▪ I-580 Northbound (Strobridge Avenue to Redwood Road) ▪ Southbound Mission Boulevard (North of D Street) ▪ Southbound Mission Boulevard (South of Jackson Street/Foothill Boulevard) ▪ Westbound A Street (North of Mission Boulevard) ▪ Northbound Mission Boulevard (North of A Street) ▪ Northbound Mission Boulevard (North of D Street) ▪ Eastbound A Street (North of Foothill Boulevard) ▪ Eastbound A Street (North of Mission Boulevard)	S	No individual measure and no set of feasible or practical mitigation measures are available to reduce project-generated intersection impacts to less-than-significant levels in all cases. Refer to Chapter 4.13, Transportation and Circulation, for further discussion.	SU
Impact TRANS-2.2: Implementation of the proposed project would cause or contribute to impacts on 14 AC Transit bus lines in the area.	S	No individual measure and no set of feasible or practical mitigation measures are available to reduce project-generated transportation impacts to less-than-significant levels in all cases. Refer to Chapter 4.13, Transportation and Circulation, for further discussion.	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
UTILITIES AND SERVICE SYSTEMS			
Impact UTIL--1: With implementation of the proposed Specific Plan there would not be sufficient water supplies available to serve the proposed future development from existing entitlements and resources during multiple dry years.	S	Mitigation Measure UTIL-1: Prior to approving future applications for development in the Specific Plan Area, the City shall require future project applicants to prepare and submit a written statement to the satisfaction of the City of Hayward Community Development Department that clearly demonstrates how the project complies with the water conservation and water efficiency ordinances adopted by the City, including the Indoor Water Efficiency Ordinance (Municipal Code Chapter 10, Article 23), the CALGreen building code requirements (Municipal Code Chapter 10, Article 22 and Article 23), and the Bay-Friendly Water Efficient Landscape and Landscaping Ordinances (Municipal Code Chapter 10, Article 12 and 20) and any other water conservation strategies that would be implemented by the project applicant.	SU

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3. *Revisions to the Draft EIR*

This chapter includes text revisions to the Draft EIR that were made in response to public, agency, and organization comments, as well as staff-directed changes. These text revisions include typographical corrections, insignificant modifications, amplifications and clarifications of the Draft EIR. In each case, the revised page and location on the page is presented, followed by the textual, tabular, or graphical revision. Underlined text represents language that has been added to the EIR; text with ~~strikethrough~~ represents language that has been deleted from the Draft EIR. None of the revisions to the Draft EIR constitutes significant new information as defined in CEQA Guidelines Section 15088.5; therefore, the Draft EIR does not need to be recirculated.

CHAPTER 3, PROJECT DESCRIPTION

The text in the second sentence of the first paragraph in Section 3.4.2, Guiding Principles, on page 3-17 of the Draft EIR is hereby amended as follows:

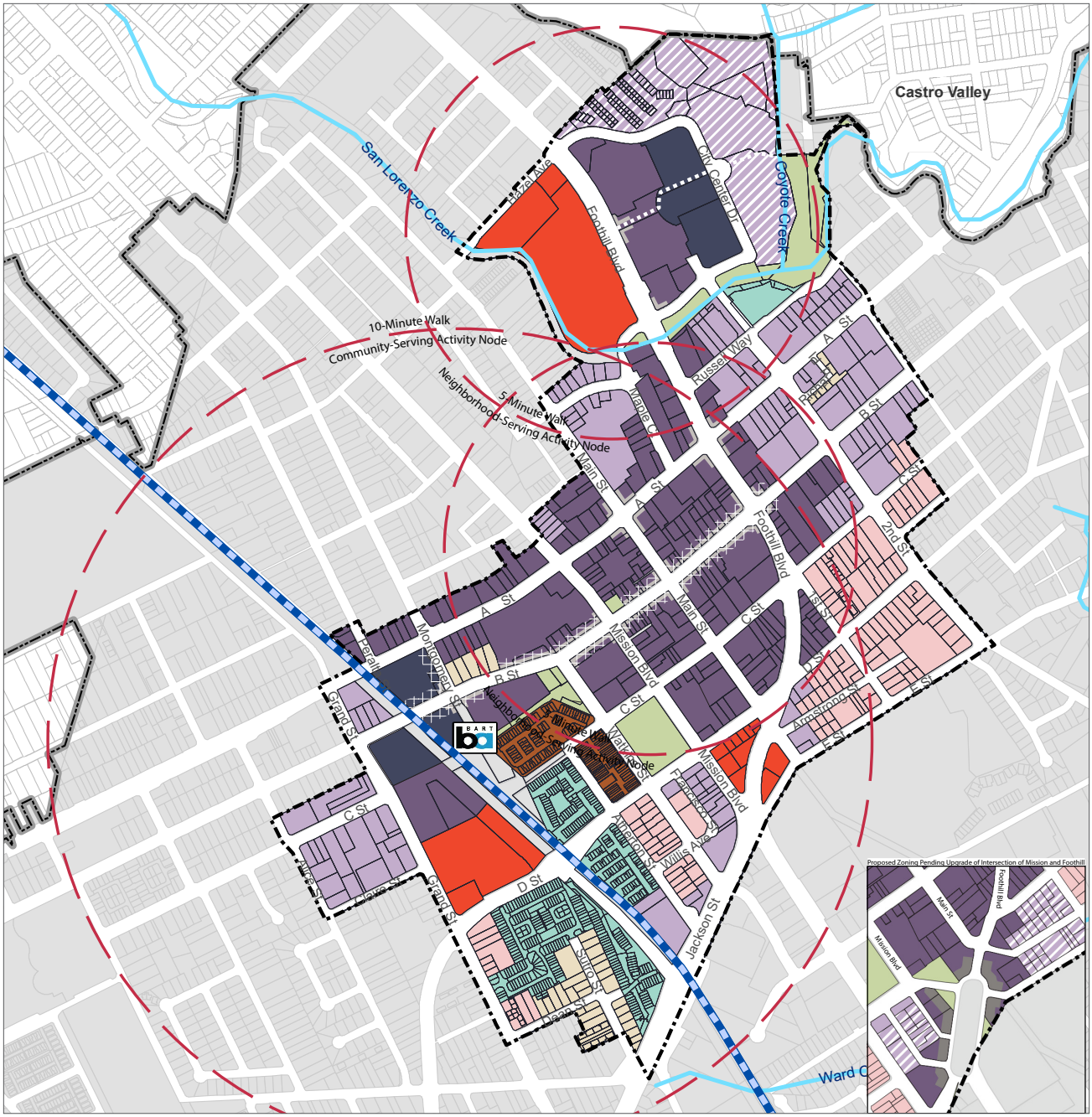
The Guiding Principles were generated through the community engagement effort, and convey overarching priorities for future growth and development in Downtown Hayward. The Guiding Principles represent shared values that provide the foundation for the long-term vision to establish Downtown Hayward as a regional destination, celebrated for its distinct history, culture, and diversity; providing shopping, entertainment, employment, and housing options for residents and visitors of all ages and backgrounds; that is accessible by bike, foot, public transit, and car~~, and public transit~~. Building upon this long-term vision, the following guiding principles were established through a collaborative process:

- Promote Downtown as safe, lively, and business friendly.
- Improve the circulation network to better serve Downtown businesses, residents, and visitors.
- Preserve the history, arts, and culture of Downtown.
- Build on and enhance natural features and open spaces.
- Establish Downtown as a regional destination.

Program Land Use (LU) 7 listed in Section 3.5.1, Goals, Policies, and Programs, on page 3-37 of the Draft EIR is hereby amended as follows:

- **Program LU 7:** Amend General Plan Land Use Designation City Center-Retail, ~~and~~ Office Commercial, and City Center – High Density Residential, to allow for density up to 210 dwelling units per acre.

The proposed Zoning Districts have been amended to reduce the application of the shopfront overlay as shown on Figure 3-11 of the Draft EIR as follows:



Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

0 1,500
Scale (Feet)

- Neighborhood Edge
- Neighborhood General
- Urban Neighborhood
- Urban Neighborhood Limited
- Downtown Main Street
- Urban Center
- Central City Residential
- Central City Commercial
- Planned Development
- Open Space
- Pedestrian Easement
- Required Shopfront Frontage (see 3.4.110)
- 10' Stepback
- BART Line
- Hayward DTSP Boundary
- Hayward City Limits
- Creeks

Figure 3-11
Proposed Zoning Districts

The text in the third bullet point on page 3-42, of Section 3.6, Development Code, of the Draft EIR is hereby amended as follows:

- Urban Center (UC): The desired form would be block-scale buildings, attached buildings, narrow to large lot width, medium to large footprint, small to no front setbacks, small to no side setbacks, up to 11 stories (with stepback above five stories) (124 feet) tall, elevated ground floor or flush with sidewalks, stoop, forecourts, dooryards, shopfronts, and terraces. The existing maximum 173-foot height limit on the property assigned Assessor Parcel Number (APN) 415-0250-112-00 would continue to apply to this parcel only. The general use would be ground floor commercial where required and primarily office and/or residential. The intent would be a walkable, urban neighborhood environment with medium to large footprint, moderate intensity housing choices, from rowhouse and multiplex large buildings to stacked flats and lined buildings, supporting and within short walking distance of neighborhood-serving retail and services.

CHAPTER 4.1, AESTHETICS

The text on the last page of impact discussion AES-1 on page 4.1-12 and in Table 4.1-1 on page 4.1-13 of the Draft EIR is hereby amended as follows:

Proposed height limits in the Specific Plan Area are shown in Table 4.1-1; organized by the proposed new Zoning District for context. As shown in Table 4.1-1, heights in the Specific Plan Area would generally range from 35 to 124 feet tall with the exception of the property assigned Assessor Parcel Number (APN) 415-0250-112-00 in the proposed Urban Center Zoning District, which would maintain the existing maximum 173-foot height limit, and would be dependent on the type of future development being proposed and the surrounding land uses. However, because the topography in the Specific Plan Area is essentially flat, the views from street-level public viewing to the scenic resources surrounding Hayward are currently inhibited by existing conditions such as buildings, structures, overhead utilities, and mature trees/vegetation. As such the existing building heights currently limit the opportunity for views of scenic vistas from street-level public viewing. Therefore, the height limits under the proposed project, which are limited to certain parcels in the Specific Plan Area, would not cause any further substantial obstruction from the public street-level views to any scenic resource.

Table 4.1-1 Approximate Building Height Limits in the Specific Plan Area

Proposed Zoning District	Maximum Building Height
Neighborhood Edge (NE)	Up to 2.5 stories (approximately 35 feet)
Neighborhood General (NG):	Up to 3.5 stories (approximately 45 feet)
Urban Neighborhood (UN)	Up to 5 stories (approximately 80 feet)
Downtown Main Street (DT-MS)	Up to 7 stories (with setback above 5 stories) (approximately 85 feet)
Urban Center (UC):	Up to 11 stories (with stepback above 5 stories) (approximately 124 feet) The existing maximum 173-foot height limit on the property assigned Assessor Parcel Number (APN) 415-0250-112-00 would continue to apply to this parcel only.

Source: City of Hayward, Downtown Specific Plan, Public Review Draft, 2019.

The text in the second paragraph of impact discussion AES-3 on page 4.1-15 of the Draft EIR is hereby amended as follows:

Implementation of the proposed project would allow continued development, redevelopment, and more intense development in the Specific Plan Area under new zoning regulations within the Specific Plan Area. As discussed under AES-1 above, while more intense development could occur in the Specific Plan Area, the future development in the Specific Plan Area would not result in a substantial change to the existing visual character of the Specific Plan Area or its surroundings. Potential future development under the proposed project would create a shift in uses to include more mixed-use with multi-family residential and commercial, and involve increased building intensity and heights from 35 feet to 124 feet, with the exception of the existing maximum 173-foot height limit on the property assigned Assessor Parcel Number (APN) 415-0250-112-00, which would continue to apply to this parcel only. However, given the existing commercial and residential uses surrounding the areas of potential new growth, the gradual development of future projects would continue to be compatible with the existing visual character and quality of the Specific Plan Area and its surroundings. The proposed zoning includes average numbers of stories and development standards to maintain overall compatibly with the adjacent land uses.

CHAPTER 4.2, AIR QUALITY

The following Circulation (C) and Travel Demand Management (TDM) and Parking (TP) programs listed in impact discussion AQ-2 on page 4.2-41, 4.42-42, and 4.2-43 of the Draft EIR are hereby amended as follows:

- Program C 10: Continue to work with ACTC, BART, and AC Transit to implement the following measures to improve bus access to BART as identified in the concept for Opportunity Site 5:
  1. Integrating bus stops on existing streets adjacent to the station, where feasible, to avoid the delays and congestion of using a bus intermodal;
  2. Relocating bus bays to the west side of the BART station to improve pedestrian access to Downtown;
  3. Designating bus, shuttle, and passenger pickup/drop-off on both sides of the BART station and both sides of the nearby streets; and
  4. Maintaining adequate designated curb space for nontransit passenger loading (e.g., for taxis, ride hailing services, and kiss-and-ride).

- Program TP 6: Partner with carsharing operators to establish a carsharing service with shared vehicle "pods" strategically located within the Plan Area ~~with the following requirements~~ subject to the following:
  1. Require that large development projects offer carsharing operators a limited number of parking spaces free of charge;
  2. Require new development projects to pay into a carshare startup fund.
  3. Allow carshare dedicated curb space subject to pricing agreement with the City.

- Program TP 19: Encourage new residential and commercial development projects with common parking areas to unbundle the full cost of parking from the cost of the property itself.
  1. *Residential*: For rental and for-sale housing, unbundle the full cost of parking from housing cost and create a separate parking charge. Unbundling requirements shall not adversely impact lower income households. Verifiable affordable housing projects may request modification of this program.

2. *Commercial Leases*: Unbundle parking costs from commercial space cost by identifying parking costs as a separate line item in the lease and allow tenants to lease as few parking spaces as they wish.

The following TP program listed in impact discussion AQ-4 on page 4.2-49 of the Draft EIR is hereby amended as follows:

- Program TP 6: Partner with carsharing operators to establish a carsharing service with shared vehicle "pods" strategically located within the Plan Area ~~with the following requirements~~ subject to the following:
  1. Require that large development projects offer carsharing operators a limited number of parking spaces free of charge;
  2. Require new development projects to pay into a carshare startup fund.
  3. Allow carshare dedicated curb space subject to pricing agreement with the City.

CHAPTER 4.4, CULTURAL AND TRIBAL CULTURAL RESOURCES

The text in the seventh sentence of the impact discussion CULT-4 on page 4.4-21 of the Draft EIR is hereby amended as follows:

As described in Section 4.4.1.2, Existing Conditions, archival research revealed that there are several archeological sites in Hayward that have been identified, and based on the historic setting previously described, there is potential for human remains associated with pre-contact archaeological deposits that could exist in the Specific Plan Area and could be encountered at the time potential future development occurs. However, any human remains encountered during ground-disturbing activities associated with future development under implementation of the proposed Specific Plan would be subject to federal, State, and local regulations, such as the California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the MLD of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following ~~notification from the NAHC of the discovery~~ the MLD being allowed access to the site. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC. In addition, the General Plan Land Use (LU) Element includes goals, policies to protect cultural resources, including unknown human remains. Specifically, Policy LU-8.3 requires the City to maintain and implement its Historic Preservation Ordinance to safeguard the heritage of the City and to preserve historic resources. Implementation of this policy would ensure that archaeological sites and resources will be protected. The

Historic Preservation Ordinance of the HMC includes archaeological sites and resources, including undocumented human remains and those resources specifically of significance to Native Americans, within its purview. Additionally, Policy LU-8.4 requires the City to maintain and expand its records of reconnaissance surveys, evaluations, and historic reports completed for properties located within the city. Implementation of this policy would ensure that archaeological resources are professionally documented to enable their protection. The City Historic Preservation Ordinance of the HMC details these requirements for archaeological sites and resources, including undocumented human remains and those resources specifically of significance to Native Americans.

CHAPTER 4.6, GREENHOUSE GAS EMISSIONS

The following C and TP programs listed in impact discussion GHG-1 on pages 4.6-37 and 4.6-38 of the Draft EIR are hereby amended as follows:

- Program C 10: Continue to work with ACTC, BART, and AC Transit to implement the following measures to improve bus access to BART as identified in the concept for Opportunity Site 5:
  1. Integrating bus stops on existing streets adjacent to the station, where feasible, to avoid the delays and congestion of using a bus intermodal;
  2. Relocating bus bays to the west side of the BART station to improve pedestrian access to Downtown;
  3. Designating bus, shuttle, and passenger pickup/drop-off on both sides of the BART station and both sides of the nearby streets; and
  4. Maintaining adequate designated curb space for nontransit passenger loading (e.g., for taxis, ride hailing services, and kiss-and-ride).

- Program TP 6: Partner with carsharing operators to establish a carsharing service with shared vehicle "pods" strategically located within the Plan Area ~~with the following requirements~~ subject to the following:
  1. Require that large development projects offer carsharing operators a limited number of parking spaces free of charge;
  2. Require new development projects to pay into a carshare startup fund.
  3. Allow carshare dedicated curb space subject to pricing agreement with the City.

- Program TP 19: Encourage new residential and commercial development projects with common parking areas to unbundle the full cost of parking from the cost of the property itself.
  1. *Residential*: For rental and for-sale housing, unbundle the full cost of parking from housing cost and create a separate parking charge. Unbundling requirements shall not adversely impact lower income households. Verifiable affordable housing projects may request modification of this program.
  2. *Commercial Leases*: Unbundle parking costs from commercial space cost by identifying parking costs as a separate line item in the lease and allow tenants to lease as few parking spaces as they wish.

CHAPTER 4.8, HYDROLOGY AND WATER QUALITY

The text in the fourth sentence of the first paragraph under the subheading "Storm Drain System" on page 4.8-10 of the Draft EIR is hereby amended as follows:

The larger storm drainage facilities in the Downtown Specific Plan Area are owned and maintained by Alameda County Flood Control and Water Conservation District (ACFCWCD), while storm drain pipes smaller than 30 inches are typically owned by the City of Hayward. In general, the storm drain system consists of gravity pipe lines, predominantly made of reinforced concrete, which discharge to underground storm drain lines or manmade open channels owned by the ACFCWCD (see Figure 4.8-2). Collected stormwater from the north portion of the Specific Plan Area, near the former City Hall on City Center Drive, drains to San Lorenzo Creek. Stormwater along A Street is collected in 24-inch lines that connect to an ACFCWCD line north of the plan area. ~~Sulfur~~ Sulphur Creek Culvert is an underground 2-foot by 6-foot reinforced concrete box culvert that drains the parcels adjacent to B Street. This line meanders underground beneath a number of parcels, and passes under the new City Hall property. The south portion of the Specific Plan Area drains to Ward Creek. Ward Creek in turn drains to Old Alameda Creek before entering the bay.

The text in the second sentence of the second paragraph under the subheading "Flood Zones" on page 4.8-14 of the Draft EIR is hereby amended as follows:

The second mapped FEMA flood zone is a flood area subject to inundation by the 0.2 percent annual chance flood (500 year storm), and possibly the 1 percent annual chance flood with average depths of less than 1 foot. This area is within C Street east of Mission, and then follows the alignment of the ~~Sulfur~~ Sulphur Creek through the City Hall parcel. The remainder of the Specific Plan Area is located outside of FEMA flood zones. Furthermore, a review of Cal OES dam inundation maps indicates that the Specific Plan Area is not located within a dam inundation zone.

CHAPTER 4.9, LAND USE AND PLANNING

Program LU 7 listed in impact discussion LU-2 on page 4.9-8 of the Draft EIR is hereby amended as follows:

- **Program LU 7:** Amend General Plan Land Use Designation City Center-Retail, ~~and~~ Office Commercial, and City Center – High Density Residential, to allow for density up to 210 dwelling units per acre.

CHAPTER 4.11, POPULATION AND HOUSING

The following LU and TP programs listed in impact discussion POP-2 on page 4.11-17 and 4.11-19 of the Draft EIR are hereby amended as follows:

- **Program LU 7:** Amend General Plan Land Use Designation City Center-Retail, ~~and~~ Office Commercial, and City Center – High Density Residential, to allow for density up to 210 dwelling units per acre.

- **Policy H 4 Special Needs Housing:** Provide housing that supports persons with special needs, including seniors, persons with disabilities, and ~~the homeless~~ persons who are homeless.
- **Program TP 19:** Encourage new residential and commercial development projects with common parking areas to unbundle the full cost of parking from the cost of the property itself.
  1. *Residential*: For rental and for-sale housing, unbundle the full cost of parking from housing cost and create a separate parking charge. Unbundling requirements shall not adversely impact lower income households. Verifiable affordable housing projects may request modification of this program.
  2. *Commercial Leases*: Unbundle parking costs from commercial space cost by identifying parking costs as a separate line item in the lease and allow tenants to lease as few parking spaces as they wish.

CHAPTER 4.13, TRANSPORTATION AND CIRCULATION

The following Circulation (C) programs listed in impact discussion TRANS-1 on page 4.13-34 of the Draft EIR are hereby amended as follows:

- **Program C 6:** Continue to ensure that street network design includes measures to manage automobile speed, safety, and comfort, such as a reduction in lane width and on street parking.
- **Program C 10:** Continue to work with ACTC, BART, and AC Transit to implement the following measures to improve bus access to BART as identified in the concept for Opportunity Site 5:
  1. Integrating bus stops on existing streets adjacent to the station, where feasible, to avoid the delays and congestion of using a bus intermodal;
  2. Relocating bus bays to the west side of the BART station to improve pedestrian access to Downtown;
  3. Designating bus, shuttle, and passenger pickup/drop-off on both sides of the BART station and both sides of the nearby streets; and
  4. Maintaining adequate designated curb space for nontransit passenger loading (e.g., for taxis, ride hailing services, and kiss-and-ride).
- **Program C 13:** Design and convert the following street segments in the Plan Area from one-way to two-way streets (see Chapter 3 of the Specific Plan for illustrations and discussions):
  ~~1. A Street (between Mission Boulevard and Foothill Boulevard);~~
  ~~2. B Street (between Watkins Street and Foothill Boulevard);~~
  ~~3. 1st Street 2-way conversion (between C Street and D Street)~~
  ~~3. C Street (between Mission Boulevard and Second Street); and~~
  ~~4. Mission Boulevard (between A Street and Foothill Boulevard).~~
  1. A Street (between Mission Boulevard and Foothill Boulevard);
  2. C Street (between Mission Boulevard and Second Street);
  3. 1st Street 2-way conversion (between C Street and D Street);
  4. B Street (between Watkins Street and Foothill Boulevard);
  5. Mission Boulevard (between A Street and the "Five Flags Intersection"); and
  6. Foothill Boulevard (between A Street and the "Five Flags Intersection").

The following TP programs listed in impact discussion TRANS-1 on pages 4.13-36 and 4.13-37 of the Draft EIR are hereby amended as follows:

- Program TP 6: Partner with carsharing operators to establish a carsharing service with shared vehicle "pods" strategically located within the Plan Area ~~with the following requirements~~ subject to the following:
  1. Require that large development projects offer carsharing operators a limited number of parking spaces free of charge;
  2. Require new development projects to pay into a carshare startup fund.
  3. Allow carshare dedicated curb space subject to pricing agreement with the City.
- Program TP 19: Encourage new residential and commercial development projects with common parking areas to unbundle the full cost of parking from the cost of the property itself.
  1. *Residential*: For rental and for-sale housing, unbundle the full cost of parking from housing cost and create a separate parking charge. Unbundling requirements shall not adversely impact lower income households. Verifiable affordable housing projects may request modification of this program.
  2. *Commercial Leases*: Unbundle parking costs from commercial space cost by identifying parking costs as a separate line item in the lease and allow tenants to lease as few parking spaces as they wish.

Program LU 7 listed in impact discussion TRANS-6 on page 4.13-55 of the Draft EIR is hereby amended as follows:

- Program LU 7: Amend General Plan Land Use Designation City Center-Retail, ~~and~~ Office Commercial, and City Center – High Density Residential, to allow for density up to 210 dwelling units per acre.

CHAPTER 5, ALTERNATIVES TO THE PROPOSED PROJECT

The text in the first sentence of the first paragraph in the impact discussion of the No Project Alternative on page 5-9 of the Draft EIR is hereby amended as follows:

The Specific Plan Area has a 100-year flood zone near San Lorenzo Creek and a 500-year flood zone along ~~Sulfur~~ Sulphur Creek. Any potential future development that may occur within these flood zones would be required to stay in compliance with existing local regulations, and compliance with the Federal Emergency Management Agency's (FEMAs) flood regulations, which would minimize potential flood impacts, under both scenarios. Thus, impacts related to flooding would be *similar*.

The text in the first sentence of the second paragraph in the impact discussion of the General Plan with Circulation Changes Alternative on page 5-18 of the Draft EIR is hereby amended as follows:

The Specific Plan Area has a 100-year flood zone near San Lorenzo Creek and a 500-year flood zone along ~~Sulfur~~ Sulphur Creek. Any potential future development that may occur within these flood zones would be required to stay in compliance with existing local regulations, and compliance with the Federal Emergency Management Agency's (FEMAs) flood regulations, which would minimize potential flood impacts, under both scenarios. Thus, impacts related to flooding would be *similar*.

The text in the first sentence of the second paragraph in the impact discussion of the Specific Plan without Circulation Changes Alternative on page 5-27 of the Draft EIR is hereby amended as follows:

The Specific Plan Area has a 100-year flood zone near San Lorenzo Creek and a 500-year flood zone along ~~Sulfur~~ Sulphur. Any potential future development that may occur within these flood zones would be required to stay in compliance with existing local regulations, and compliance with the Federal Emergency Management Agency's (FEMAs) flood regulations, which would minimize potential flood impacts, under both scenarios. Thus, impacts related to flooding would be *similar*.

The text in the first sentence of the fourth paragraph in the impact discussion of the Specific Plan with Lower Intensity Alternative on page 5-36 of the Draft EIR is hereby amended as follows:

The Specific Plan Area has a 100-year flood zone near San Lorenzo Creek and a 500-year flood zone along ~~Sulfur~~ Sulphur Creek. Any potential future development that may occur within these flood zones would be required to stay in compliance with existing local regulations, and compliance with the Federal Emergency Management Agency's (FEMAs) flood regulations, which would minimize potential flood impacts, under both scenarios. Thus, impacts related to flooding would be *similar*.

APPENDIX E, TRANSPORTATION AND CIRCULATION DATA

Appendix 7, Project Alternatives, of the Transportation Impact Analysis, which was included as Appendix E, Transportation and Circulation Data, of the Draft EIR, has been revised to include the missing pages that included the evaluation of the alternatives to the proposed project. (*Note that the analysis shown in Appendix 7 was included in Chapter 5, Alternatives of the Proposed Project, of the Draft EIR. See pages 5-10 to 5-11, 5-20, 5-29, and 5-38 to 5-39 of the Draft EIR.)* Appendix E is hereby amended as follows:

- No Project Alternative (General Plan 2040)

  Under this Alternative, the Specific Plan would not be adopted. Land use density in the Specific Plan area would be lower than under the Proposed Project, and circulation changes under the Specific Plan (including lane/capacity reductions on roads and conversions from one-way roads to two-way roads) would not occur. This Alternative would result in higher VMT per capita than the Proposed Project since the Specific Plan development (infill development and a mix of uses) and circulation changes would not be implemented.

  Impacts to vehicle operations at study area intersections and on CMP segments would be lower compared to the Proposed Project since reductions in roadway vehicular capacity would not be implemented under the Alternative. Impacts to AC Transit bus operations (specifically, effects of vehicle traffic on mixed flow transit operations) would be lower under this Alternative compared to the Proposed Project due to fewer intersection and roadway segment operational impacts. In addition, vehicle traffic would be lower compared to the Proposed Project. Impacts to bicycles and pedestrian would be greater than the Proposed Project since the Specific Plan's improvements to bicycle and pedestrian facilities would not be implemented.

- General Plan Buildout with Circulation Changes Alternative

  Under this Alternative, circulation changes proposed under the Specific Plan (including lane/capacity reductions on roads and conversions from one-way roads to two-way roads and other multimodal improvements) would occur, but land use densities would be consistent with Genera Plan Buildout and would be lower than under the Proposed Project. This Alternative would result in greater VMT per capita than the Proposed Project since the Specific Plan development (infill development and a mix of uses) would not be implemented.

  Impacts to vehicle operations at study area intersections and on CMP segments would be lower compared to the Proposed Project since while reductions in roadway vehicular capacity would be implemented under the Alternative, vehicle traffic would be lower compared to the Proposed Project due to lesser land use development. Impacts to AC Transit bus operations (specifically, effects of vehicle traffic on mixed flow transit operations) would be lower under this Alternative compared to the Proposed Project due to fewer intersection and roadway segment operational impacts. Impacts to bicycles and pedestrian would be lower than the Proposed Project since the Specific Plan's improvements to bicycle and pedestrian facilities would be implemented and vehicle traffic on Plan area roads would be lower compared to the Proposed Project.

- Specific Plan Buildout without Circulation Changes Alternative

  Under this Alternative, land use projections under the Specific Plan would be implemented, but circulation changes (including lane/capacity reductions on roads and conversions from one-way roads to two-way roads and other multimodal improvements) would not occur. Similar to the Proposed Project, this Alternative would result in reduced VMT per capita due to the increased infill development and mix of uses in the Specific Plan area; this Alternative would also result in the benefits of lower VMT per capita. However, this Alternative would result in higher VMT per capita than the Proposed Project since the reduced vehicle capacity on Specific Plan area roads (which would encourage other travel modes) would not be implemented.

  Impacts to vehicle operations at study area intersections and on CMP segments would be lower compared to the Proposed Project since reductions in roadway vehicular capacity would not be implemented under the Alternative. Impacts to AC Transit bus operations (specifically, effects of vehicle traffic on mixed flow transit operations) would be lower under this Alternative compared to the Proposed Project due to fewer intersection and roadway segment operational impacts. Impacts to bicycles and pedestrian would be greater than the Proposed Project since an increase in vehicle traffic in the area (due to increased development) would not be accompanied by the Specific Plan's improvements to bicycle and pedestrian facilities.

- Lower Intensity (30 Percent Reduction) Alternative

  Under this Alternative, the development potential proposed under the Specific Plan would be reduced by 30 percent. Circulation changes proposed under the Specific Plan (including lane/capacity reductions on roads and conversions from one-way roads to two-way roads and other multimodal improvements) would be implemented. Similar to the Proposed Project, this Alternative would result

in reduced VMT per capita due to the increased infill development and mix of uses in the Specific Plan area as well as the circulation changes; this Alternative would also result in the benefits of lower VMT per capita. However, this Alternative would result in higher VMT per capita than the Proposed Project due to lower infill development density.

Impacts to vehicle operations at study area intersections and on CMP segments would be lower compared to the Proposed Project since while reductions in roadway vehicular capacity would be implemented under the Alternative, vehicle traffic would be lower compared to the Proposed Project due to lower development intensity. Impacts to AC Transit bus operations (specifically, effects of vehicle traffic on mixed flow transit operations) would be lower under this Alternative compared to the Proposed Project due to fewer intersection and roadway segment operational impacts. Impacts to bicycles and pedestrian would be lower than the Proposed Project since the Specific Plan's improvements to bicycle and pedestrian facilities would be implemented and vehicle traffic on Plan area roads would be lower compared to the Proposed Project.

A comparison of the number of facilities exceeding LOS standards under cumulative conditions for each Alternative is shown in Table 1.

Table 1: Study Facilities Exceeding LOS Standards per Alternatives

Facility	Proposed Project	No Project Alternative (General Plan 2040)	General Plan Buildout with Circulation Changes Alternative[1]	Specific Plan Buildout without Circulation Changes Alternative	Lower Intensity (30 Percent Reduction) Alternative[1]
Intersections	16	5	9 - 12	9	12 - 16
CMP Freeway Segments	12	11	11	12	Less than 12
CMP Arterial Segments	11	10	10 - 11	10	10 - 11

Note: 1) The number of facilities below standard for these Alternatives are estimates based on a qualitative assessment.

The missing pages of Appendix 7 have also been added to the Transportation Impact Analysis (see the last three pages of the Transportation Impact Analysis), which is included as Revised Draft EIR Appendix E of this Final EIR.

4. List of Commenters

Comments on the Draft EIR were received from the following agencies, organizations, and private individuals. Each comment letter and comment has been assigned a letter and a number as indicated below. The comments are organized and categorized by:

- A = Agencies and Service Providers
- B = Private Individuals and Organizations

4.1 AGENCIES AND SERVICE PROVIDERS

A1 Gayle Totton, Native American Heritage Commission, January 14, 2019
A2 Chris G. Marks, Alameda County Transportation Commission, February 20, 2019

4.2 PRIVATE INDIVIDUALS ORGANIZATIONS

B1 Sasan Saadat, Earthjustice and Sierra Club, February 20, 2019
B2 Stuart Flashman, Hayward Area Planning Association, February 20, 2019
B3 Sherman Lewis, Hayward Area Planning Association, February 20, 2019
B4 Tim Frank and Andreas Culver, Alameda County Building and Construction Trades Council, February 21, 2019

LIST OF COMMENTERS

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5. Comments and Responses

This chapter includes a reproduction of, and responses to, each significant environmental issue raised during the public review period. Comments are presented in their original format in Appendix A, Comment Letters, of this Final EIR, along with annotations that identify each comment number. Comment letters in this chapter follow the same order as listed in Chapter 4, List of Commenters, of this Response to Comments Document. The comments are organized and categorized by:

- A = Agencies and Service Providers
- B = Private Individuals and Organizations

Responses to those individual comments are provided in this chapter alongside the text of each corresponding comment. Letters are identified by category and each comment is labeled with the comment reference number in the margin. Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to analysis presented in the Draft Environmental Impact Report (EIR), these revisions are explained and shown in Chapter 3, Revisions to the Draft EIR, of this Response to Comments Document.

All comments included in this document are formally acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project.

5.1 PROJECT MERITS

The potential environmental impacts of the adoption and implementation of the proposed Hayward Downtown Specific Plan and associated Zoning Code Update project (proposed project) was the subject of the Draft EIR. During the review of the Draft EIR, commenters raised issues that relate to qualities of the proposed project itself or the project's community consequences or benefits, personal wellbeing and quality of life, and economic or financial issues (referred to here as "project merits"), rather than the environmental analyses or impacts and mitigations raised in the EIR. Similarly, some comments provided in response to the Draft EIR express opinions for or against the project, or a project alternative. These comments also do not pertain to the adequacy of the analysis or conclusions in the Draft EIR, rather, these opinions also relate to the "project merits".

Per the California Environmental Quality Act (CEQA) Guidelines Section 15358(b), CEQA is an environmental protection statute that is concerned with physical changes in the environment. The environment includes land, air water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The project merits are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the proposed project's potentially significant physical impacts on the environment and does not include a discussion of the project merits.

Just as the focus of the Draft EIR is on the proposed project's physical impacts on the environment, the focus of the comments on the Draft EIR should also be on the physical environmental impacts. Section 15204(a) of the State CEQA Guidelines provides direction for parties reviewing and providing comment on a Draft EIR, as follows:

> *In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document 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. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

In the Final EIR, the lead agency must evaluate comments on the Draft EIR and prepare written responses to significant environmental issues raised by commenters (CEQA Guidelines Sections 15088(c), 15132(d) and 15204(a)). Comments that do not raise a significant environmental question do not necessitate a response (*Citizens for E. Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549). The lead agency also need not respond to general reference materials submitted in support of comments (*Environmental Protection Info. Ctr. v. Department of Forestry & Fire* Protection (2008) 44 Cal.4th 459, 483-484). Therefore, in accordance with Section 15204(a), the City is not required to respond to comments that express an opinion or concern about the project merits, but do not relate to environmental issues covered in the Draft EIR. Therefore, because comments regarding the project merits do not pertain to the potential for significant physical environmental impacts, they are not responded to in the Final EIR.

Lead agency review of environmental issues and project merits are both important in the decision of what action to take on a project, and both are considered in the decision-making process for a project. Although such opinions and comments on the project merits that were received during the EIR process do not require responses in the EIR, as previously noted, they do provide important input to the process of reviewing the project overall. Therefore, project merits and opinion-based comment letters are included in the EIR to be available for consideration by the decision-makers at the merits stage of the project. The Planning Commission and City Council will hold publicly-noticed hearings to consider action on the merits of the project for approval or disapproval. The Planning Commission and City Council will consider both the EIR and project merit issues that have been raised.

5.2 SPECULATION WITHOUT SUBSTANTIAL EVIDENCE

Various comments assert or request that impacts should be considered significant or that significance conclusions of the EIR should be revised, but do not provide substantial evidence in support of their

assertion. Predicting the project's physical impacts on the environment without firm evidence based on facts to support the analysis would require a level of speculation that is inappropriate for an EIR.

CEQA Section 21082.2(a) requires that the lead agency "shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record." CEQA Guidelines Section 15384(a) clarifies that " 'substantial evidence'… means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment, does not constitute substantial evidence." CEQA Guidelines Section 15384(b) goes on to state that "substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." Where there are no facts available to substantiate a commenter's assertion that the physical environment could ultimately be significantly impacted as a direct result of the project, the City acting as the lead agency is not required to analyze that effect, nor to mitigate for that effect. CEQA Guidelines Section 15204(c) advises reviewers that comments should be accompanied by factual support:

> *Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.*

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of the Draft EIR is based on scientific and factual data, which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the CEQA Guidelines states, even "[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts."

CEQA Guidelines Section 15145 provides that:

> *If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.*

5.3 ADDITIONAL ANALYSIS

During the review period for the Draft EIR, public comments requested additional analysis, mitigation measures, or revisions that are not provided in this Final EIR for reasons more specifically addressed in the individual comments. As described above, CEQA Guidelines Section 15204(a) provides that CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation

recommended or demanded by commenters. CEQA Guidelines Section 15003 also explains the emphasis of CEQA upon good-faith efforts at full disclosure rather than technical perfection:

> *(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692).*
>
> *(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553).*

Sections 15204(a) and 15003 reflect judicial interpretation of CEQA. Under CEQA, lead agencies need only respond to significant environmental issues, and do not need to provide all information requested by reviewers, so long as a good faith effort at full disclosure is made in the EIR.

5.4 FUTURE PROJECT-SPECIFIC DETAILS

The proposed project that is the subject of this EIR consists of long-term plans that will guide future development within the Hayward Downtown Area over a 20-year buildout horizon (to year 2040) consistent with the *Looking Forward Hayward 2040 General Plan* (General Plan). No specific development projects are included as part of the proposed General Plan Amendment and Rezoning Project.

As described in detail in Chapter 1, Introduction, of the Draft EIR, this EIR is a programmatic EIR; therefore, it does not serve as project-level environmental analysis for any specific development project. All future development, located within the Hayward Downtown Area requiring discretionary actions, would be subject to project-specific environmental review as required by CEQA. Project-specific environmental analyses may tier from this EIR. Under a program-level EIR approach, in order to identify whether additional analysis would be necessary when a future development project is proposed, the City, acting as the lead agency, would need to determine the following:

- Whether the planned characteristics of the future project would be substantially different from those defined in the programmatic EIR;
- Whether the future project would require additional mitigation measures; or
- Whether specific future project impacts were not evaluated in sufficient detail in the programmatic EIR.

If any of these conditions apply and the subsequent activity (i.e., future project) would have effects that are not within the scope of the program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, a Mitigated Negative Declaration, or an EIR unless the future project qualifies for an exemption from the CEQA process.

5.5 INDIVIDUAL RESPONSES ON THE DRAFT EIR

Responses to individual comments on the Draft EIR are presented in Table 5-1, below. Individual comments are reproduced from the original versions in Appendix A, along with the comment numbers shown in Appendix A, Revised Draft EIR Comment Letters, of this Final EIR followed by the response.

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
Agencies and Service Providers		
A1	Gayle Totton, Native American Heritage Commission	
A1-1	Attached is a comments letter for the environmental document on the project referenced above. The letter will also be sent via the postal service.	The comment serves as an introduction to the comment letter. No further response is required.
A1-2	The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration prepared for the above referenced project. The review included the Introduction and Project Description; the Executive Summary; and the Environmental Evaluation, section 4.4, Cultural and Tribal Cultural Resources prepared by PlaceWorks for the City of Hayward. We have the following concern(s):	The comment serves as an opening remark and introduces the specific concerns of the commenter. As a minor note of correction, the commenter states they have reviewed the Mitigated Negative Declaration; however, the document that was circulated was an Environmental Impact Report prepared pursuant CEQA section 21080(d) and CEQA Guidelines section 15063. No further response is required.
A1-3	1. There is no documentation of any contact or consultation with traditionally and culturally affiliated California Native American Tribes.	As discussed in Chapter 4.4, Cultural and Tribal Cultural Resources, of the Draft EIR, on page 4.4-4, in response to the Native American Historic Resource Protection Act (Assembly Bill 52), the City has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the City of Hayward. Therefore, no consultation pursuant to AB 52 has occurred as part of the environmental review process for the proposed Hayward Downtown Specific Plan and associated Zoning Code Update project that is the subject of this EIR. The Notice of Preparation was distributed to the Native American Heritage Association as part of the noticing for the Draft EIR that was conducted in February 2018.

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
		The proposed project that is the subject of this EIR consists of long-term plans that will guide future development within the Hayward Downtown Area over a 20-year buildout horizon (to year 2040) consistent with the *Looking Forward Hayward 2040 General Plan* (General Plan). No specific development projects are included as part of the proposed General Plan Amendment and Rezoning Project. All future development, located within the Hayward Downtown Area requiring discretionary actions, would be subject to project-specific environmental review as required by CEQA. (see Section 5.4, Future Project-Specific Details, at the beginning of this chapter). The City will continue to follow the appropriate notification and consultation protocol per Public Resources Code Sections 21092.2 and 21080.3.1 (California Environmental Quality Act) for future projects in Hayward, including those in the Downtown Area.
A1-4	2. The Most Likely Descendant (MLD) timeline in section CULT-4 is incorrect. Public Resources Code 5097.98 specifies that an MLD has 48 hours after being allowed access to the site to make recommendations for disposition of the remains and associated grave goods.	As shown in Chapter 3 of this Final EIR, Chapter 4.4, Cultural and Tribal Cultural Resources, of the Draft EIR has been revised to acknowledge the correction noted by the commenter as follows: *The MLD has 48 hours to make recommendations regarding the disposition of the remains following ~~notification from the NAHC of the discovery~~* the MLD *being allowed access to the site*. This revision does not affect any conclusions or significance determinations provided in the Draft EIR.
A1-5	3. Cultural Resources assessments are not required on future construction projects. These should be required to adequately assess the existence and significance of cultural resources/ tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts.	As discussed in Chapter 4.4 of the Draft EIR, the locations identified for future development in the Specific Plan Area are concentrated on sites either already developed, and/or in close proximity to existing development, where development will have a lesser impact on historical archeological resources, including those affiliated with Native Americans. The General Plan Land Use (LU) Element contains goals, policies, and programs that would require local planning and development decisions to consider impacts to archeological resources. Goal 8 specifically calls for the City to preserve Hayward's historic districts and resources to maintain a unique sense of place and to promote an understanding of the regional and community history. Policy LU-8.3 requires the City to maintain and implement its

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
		Historic Preservation Ordinance (HMC Section 10-11.010) to safeguard the heritage of the City and to preserve historic resources. Policy LU-8.4 requires the City to maintain and expand its records of reconnaissance surveys, evaluations, and historic reports completed for properties located within the City. Implementation of these policies would ensure that archaeological resources are professionally documented to enable their protection. The City Historic Preservation Ordinance of the Hayward Municipal Code (HMC) details these requirements for archaeological sites and resources, including those resources specifically of significance to Native Americans.[1] Policy LU-8.13 requires the City to consider historical and cultural resources when developing planning studies and documents. As described in impact discussion CULT-1, application of the *Historic Context Statement Update* for the Specific Plan Area would be used as a tool for understanding where the site of future development's significance lies within the larger municipal historical timeline. Furthermore, the proposed zoning regulations that would be adopted as part of the proposed project also require a Major Site Plan application for a future project impacting or adjacent to a historic, archaeological, or environmentally sensitive feature (e.g., creek). Implementation of this proposed regulation would ensure that archaeological sites and resources would be protected. No additional measures as suggested by the commenter are required in this EIR. The commenter's recommendation is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project.
A1-6	Agencies should be aware that AB 52 does not preclude them from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches	The comment serves as a closing remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required. The City will continue to follow the appropriate protocol per Assembly Bill 52 and Senate Bill 18 for future projects in Hayward, including those

[1] City of Hayward Municipal Code, Chapter 10, Planning, Zoning, and Subdivisions, Article 11, Historic Preservation Ordinance, Section 10-11-150, Conditions of Approval for Development Projects Located within Archaeologically Sensitive Areas, and/or within or Adjacent to Known Archaeological Sites.

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	from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices". The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached. If you have any questions, please contact me at my email address: gayle.totton@nahc.ca.gov.	in the Hayward Downtown Area.
Attachment A1-1	A brief summary of portions of Assembly Bill 52 and Senate Bill 18 as well as the NAHC's recommendations for conducting cultural resources assessments.	The attachment to the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project.
A2	Christopher Marks, Alameda County Transportation Commission	
A2-1	Please see the attachment containing Alameda CTC's response to the DEIR for the Downtown Hayward Specific Plan. Thank you for the opportunity to review and provide comments on the DEIR.	The comment serves as an opening remark. No further response is required.
A2-2	Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Downtown Hayward Specific Plan. The plan covers 320 acres at the north end of Hayward and encompasses the Downtown area. The proposed project would establish a planning framework and facilitate future development of new housing and retail; the maximum potential buildout of the plan is 3,427 new residential units and 1,900,000 square feet of non-residential development (either	The comment serves as an opening remark and introduces the specific concerns of the commenter. No further response is required.

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	commercial retail or office). The plan also facilitates linkages to other neighborhoods and destinations throughout the city, and aims to enhance the overall character and accessibility of Downtown Hayward. The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:	
A2-3	On page 4.13-18, the DEIR states that CMP and MTS roadway segments were analyzed using Alameda CTC's CMP protocol. However, no related information is included in the DEIR. Please clarify what this means and include the list of specific segments analyzed and the results of the analysis.	The list of specific segments analyzed is included on page 4.13-18 of Chapter 4.13, Transportation and Circulation of the Draft EIR. These segments were selected based on the letter from Alameda CTC dated March 26, 2018 that was submitted to the City during the 30-day comment period for the Notice of Preparation. This letter is included in Appendix A, Notice of Preparation and Scoping Comments, of the Draft EIR. The methodology for analyzing these segments is provided on page 4.13-27 of the Draft EIR. The results of the analysis are provided on pages 4.13-42 through 4.13-46 of the Draft EIR. In addition, information regarding the Congestion Management Plan (CMP) and Metropolitan Transportation System (MTS) facilities that were analyzed, including the methodology, and the results of the analysis are provided in the traffic study prepared by Kittelson & Associates, Inc. on October 2018. A complete copy of this traffic study is included in Appendix E, Transportation and Circulation Data, of the Draft EIR. The full list of freeway and arterial roadway segments that were analyzed during the PM (evening) peak hour under the Cumulative Scenario are included on pages 23 and 24 of the traffic study and again on pages 80 and 82 under the Item 2: Congestion Management Program section of the analysis. The methodology and thresholds for the segment analysis are provided on pages 59 and 60 of the traffic study. The results of the analysis, including which segments are significantly impacted, are provided on pages 80 through 88 of the traffic study. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.
A2-4	Page 4.13-6 of the DEIR states that the Alameda CTC Travel Demand Model was used to evaluate cumulative impacts. However, the DEIR	The discussions of the analysis scenarios and forecasting approach, included on page 4.13-28 of the Draft EIR and on pages 28, 60, 61, and 62 of the traffic study,

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	does not state the details of the model assumptions and how the model was modified for a cumulative-with-Specific Plan Conditions scenario.	describe the changes made to the model to reflect the proposed Specific Plan conditions. Specifically, the model was modified to incorporate land use and circulation changes proposed under the proposed Specific Plan. This includes road diets and one-way to two-way conversions on roads in the study area. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.
A2-5	Under Impact TRANS-1, page 4.13-28 of the DEIR states that at full buildout the specific plan will generate 46,500 new daily trips (cumulative plus specific plan scenario). The DEIR should also include a breakdown of how many of these occur during the PM-peak hour and on the Metropolitan Transportation System roads, identified in Alameda CTC's response to the Notice of Preparation of an EIR for this project, dated March 26, 2018.	The proposed Specific Plan's PM (evening) peak hour trip generation breakdown was not included in the Draft EIR and is as follows: Under Cumulative conditions (without the buildout of the Specific Plan), the model estimates the Specific Plan area would generate approximately 2,432 PM peak hour trips on a typical weekday. Under cumulative plus Specific Plan conditions, the Specific Plan Area would increase by about 2,325 PM peak hour trips to a total of approximately 4,756 PM peak hour trips on a typical weekday. The breakdown of PM (evening) peak hour trips (with and without the Specific Plan) on MTS roads is included in Table 4.13-7 and Table 4.13-8 on pages 4.13-43 and 4.13-44 of the Draft EIR. This information is also included in Table 10 and Table 11 on pages 81 through 83 of the traffic study. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.
A2-6	The DEIR states that impacts to transit as a result of additional congestion at intersections are significant and unavoidable because potential mitigation measures are infeasible. The DEIR should also include details on the mitigation measures that were considered to mitigate impacts to transit service and why those measures were considered infeasible.	Full details regarding impacts to transit operations and the infeasibility of intersection mitigation measures are provided in the traffic study, which as previously noted, was included in Appendix E of the Draft EIR. The list of intersections and CMP roadway segments that are used by AC Transit bus routes and that would undergo operational impacts are included on pages 88 and 89 of the traffic study. Details on the mitigation measures' infeasibility are also included in the traffic study: • Page 89 of the traffic study notes that Mitigation Measures #1 through

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		#16 were identified to reduce the intersection impacts to less than significant. However, mitigation measures were deemed generally infeasible at most intersections, and impacts could not be mitigated. Details regarding the infeasibility of these mitigation measures are provided on pages 73 through 79 of the traffic study. • Page 89 of the traffic study notes that Mitigation Measures #24, #25, and #27 were identified to reduce the CMP segment impacts to less than significant but were also deemed infeasible. Details regarding the infeasibility of these mitigation measures are provided on 86 and 87 of the traffic study. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.
A2-7	The DEIR does not include details regarding an analysis of impacts of the Specific Plan on bicycle and pedestrian movement. Please include this information in the DEIR.	The comment incorrectly states that the Draft EIR does not include an evaluation of bicycle and pedestrian impacts as a result of adoption and implementation of the proposed Specific Plan. Pages 4.13-49 through 4.13-50 of Chapter 4.13 of the Draft EIR (impact discussion TRANS-3), discusses hazards due to design features or incompatible uses. This analysis also discusses improvements for bicycle and pedestrian travel, including expanded facilities on roads in the Specific Plan Area. Pages 4.13-52 through 4.13-54 (impact discussion TRANS-5) specifically discuss potential impacts to public transit, bicycle, or pedestrian facilities. As shown in the Draft EIR, impacts would be less than significant. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.
A2-8	Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7426 or Chris G. Marks, Associate Transportation Planner at (510) 208-7453, if you have any questions.	The comment serves as a closing remark. No further response is required.
Private Individuals and Organizations		
B1	Sasan Saadat, Earthjustice and Sierra Club	
B1-1	Attached, please find comments from Earthjustice and Sierra Club on the Draft Environmental Impact Report for the Downtown Hayward Specific Plan.	The comment serves as an opening remark. No further response is required.

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Comment #	Comment	Response
	Please ensure these comments are included in the administrative record for this action.	
B1-2	Earthjustice and Sierra Club appreciate the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the Downtown Hayward Specific Plan ("the Plan"). Our initial comments focus on the importance of incorporating building electrification requirements into the Plan. The transition from gas to electric homes is critical to reaching a zero emissions future and will not occur at the scale or timing needed absent decisive leadership at all levels of government. Consistent with the City of Hayward's ("the City") own stated commitment to reduce greenhouse gas ("GHG") emissions and California Environmental Quality Act ("CEQA") requirements to adopt all feasible mitigation to reduce significant GHG and energy impacts, building electrification is an essential component of a defensible strategy to reduce the Plan's impacts and take meaningful action to address climate change. Building electrification will also provide economic, safety, and air quality benefits for the City of Hayward. We thus strongly support the DEIR's GHG mitigation measure requiring newly constructed multifamily residential buildings to be all-electric. We look forward to seeing this important and feasible mitigation measure retained in the Final EIR. We urge, however, that the City expand the all-electric requirement to include non-residential buildings as feasible mitigation for the Plan, or at a minimum, create a presumption that other building categories are also expected to be all-electric.	This comment expresses an opinion regarding the proposed mitigation measures for the reduction of Greenhouse Gas (GHG) emissions in Chapter 4.6, Greenhouse Gas Emissions, of the Draft EIR and requests that the proposed GHG mitigation be expanded to include non-residential development. No further response to this comment is required.
B1-3	I. The Plan Will Have Significant GHG and Energy Impacts. As the DEIR properly recognizes, "[the] Plan's cumulative contribution to the long-term GHG emissions in the state would be considered significant."[Footnote 1] The significance determination triggers the obligation under CEQA to adopt all feasible mitigation to reduce this impact. (*See, e.g.,* Pub. Res. Code § 21002; CEQA Guidelines § 15092). In addition to GHG emissions, a key purpose of the evaluation of project energy impacts under CEQA is "decreasing reliance on fossil fuels, such	This comment expands on the opinion described in Comment B1-2 and specifically references the proposed Mitigation Measure GHG-1.2a for the reduction of GHG emissions in the Draft EIR and requests that this mitigation measure be expanded to include non-residential development. Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the City, acting as the lead agency, based on substantial evidence in the record as a whole, including the views held by members of the public. An ironclad definition of significant effect is not

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	as coal, natural gas and oil."[Footnote 2] Addressing energy impacts of proposed projects requires more than mere compliance with Title 24 Building Energy Efficiency Standards. [Footnote 3] Including gas hook-ups in new projects, and thereby perpetuating reliance on fossil fuels, is contrary to California's energy objectives and should be considered a significant impact under CEQA. As noted by BAAQMD in its 2017 Clean Air Plan, "[b]ecause buildings are very long-lasting, failure to require best available measures today will mean a missed opportunity for years to come. One of the key strategies to achieve the 2050 GHG reduction targets recommended in the final report for the Bay Area consumption-based GHG emissions inventory is that all new buildings should be required to use electricity (or other non-carbon-based power) for space heating and water heating." [Footnote 4] The California Energy Commission ("CEC") has reached a similar conclusion, stating in its recent Integrated Energy Policy Report ("IEPR") that: New construction projects, retrofitting existing buildings, and replacing appliances and other energy-consuming equipment essentially lock in energy system infrastructure for many years. As a result, each new opportunity for truly impactful investment in energy efficiency and fuel choice is precious. If the decisions made for new buildings result in new and continued fossil fuel use, it will be that much more difficult for California to meet its GHG emission reduction goals. Parties planning new construction have the opportunity instead to lock in a zero- or low-carbon emission outcome that will persist for decades [footnote 5] Including gas hook-ups in new projects, and thereby perpetuating reliance on fossil fuels, is contrary to California's energy objectives and decarbonization trajectory and must be considered a significant impact. Notably, the Office of Planning of Research opined in a recent draft Technical Advisory of CEQA and Climate Change that "a building designed to use electricity as its sole energy source (e.g., is not powered	always possible because the significance of an activity may vary with the setting. The analysis in the Draft EIR is based on scientific and factual data, which has been reviewed by the lead agency and reflects its independent judgment and conclusions As required by CEQA Section 21002.1(b) and the CEQA Guideline Section 15126.4 the Draft EIR proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact whenever it is feasible to do so. The term "feasible" is defined in CEQA Section 21061.1 to mean, "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." The City has determined that further expansion of the all electrical requirement would be infeasible because it would place an unnecessary burden on some developers and further finds that such a requirement is not within the mission of the proposed Downtown Specific Plan, which is to streamline the project process for potential businesses and other non-residential projects to locate in Downtown Hayward. As documented throughout the proposed Downtown Specific Plan and the Draft EIR, the fundamental nature of the proposed Specific Plan is to improve the multimodal circulation network within the Specific Plan Area to promote walking, biking, and transit use, provide a mixture of land uses through infill and redevelopment, and make improvements to public and open spaces. Overall these measures fundamentally serve to reduce GHG emissions. As described in Chapter 4.6 of the Draft EIR, the implementation of the proposed mitigation measures would reduce impacts from GHG emissions, but would not render impacts to be less than significant because additional federal, State, and local measures would be necessary to reduce GHG emissions under the proposed Specific Plan to meet the long-term GHG reduction goals of Executive Order S-03-05 and SB 32. Accordingly, since no additional statewide measures are currently available, this impact would remain significant and unavoidable, even with the additional measures recommended by the commenter. No changes to the proposed Downtown Specific Plan or EIR would occur as a result of this comment. The comment is acknowledged for the record and comment will be forwarded to the decision-making body as part of this Final EIR for their understanding in

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	by natural gas), follows applicable Title 24 building standards codes, and uses only Energy Star-rated appliances for appliance types that are offered Energy Star ratings, may have a less-than-significant greenhouse gas impact with respect to energy use during building operations."[footnote 6] Accordingly, building electrification and appliance efficiency requirements would allow the City to mitigate the Plan's energy impacts to a less-than-significant level. The DEIR comes close to full mitigation of the Plan's energy impacts. For all new development, the DEIR requires all major appliances be Energy Star certified. Yet when it comes to requirements for all-electric buildings, the measure is limited only to multifamily residential developments: Multifamily Residential: All buildings will be all electric, meaning that electricity is the only permanent source of energy for water-heating, mechanical and heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling), cooking, and clothes-drying and there is no gas meter connection. [footnote 7] While we are encouraged to see that the DEIR has adopted all feasible mitigation for the energy impacts of multifamily residential developments, more can and should be done for other building categories. II. Building Electrification for Non-Residential New Construction is Feasible and Effective Mitigation to Reduce Project GHG and Energy Impacts. The DEIR should be modified to require all new construction to be all-electric. End-uses for commercial buildings can be readily electrified. A recent report by Redwood Energy, *Zero Carbon Commercial Construction: An Electrification Guide for Large Commercial Buildings and Campuses*, highlights how standard all electric designs allow large commercial developments to save money and create more comfortable	reviewing the project's potential GHG emission impacts.

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	spaces. [footnote 8] The University of California announced in August of 2018 that "[n]o new UC buildings or major renovations after June 2019, except in special circumstances, will use on-site fossil fuel combustion, such as natural gas, for space and water heating." [footnote 9] This policy is based in part on the results from a number of successful pilots in all-electric buildings throughout the UC system, many of which are non-residential, including a downtown office building at UC Merced and a Genomics Laboratory at Lawrence Berkeley National Laboratory. [footnote 10] All-electric restaurants are growing in popularity with both chefs and manufacturers, who express enthusiasm about the increased efficiency, precision, safety, and flexibility of induction cook stoves. [footnote 11] The City can and must demonstrate its commitment to clean, safe, and climate-friendly buildings by broadening the Plan's all electric requirement to non-residential buildings. Leaving out such a requirement because of concerns over potentially exceptional cases needlessly locks in fossil fuel infrastructure expansion and frustrates achievement of California's aggressive decarbonization objectives. To the extent the City is concerned with unforeseen and narrow circumstances, such as where a developer can credibly demonstrate that it cannot feasibly avoid a gas connection due to the needs of a particular non-residential project, the City should narrowly tailor the DEIR to address this concern. Notably, the City already requires development applications be reviewed to "ensure projects incorporate feasible measures that reduce construction and operational emission for reactive organic gases ROG), nitrogen oxide (NOx), and particulate matter (PM10 and $PM_{2.5}$) though project location and design."[footnote 12] This same type of review should occur to ensure all-electric buildings and electric appliances (which in addition to reducing GHGs, reduce indoor and outdoor air pollution), are incorporated into project design unless demonstrated to be infeasible. We recommend Mitigation Measure GHG-1.2a be revised using this or similar language: **Non-Residential:** All buildings will be all electric, meaning that	

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	electricity is the only permanent source of energy for water-heating, mechanical and heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling), cooking, and clothes-drying and there is no gas meter connection, except where the Applicant makes a demonstration, subject to City approval, that incorporation of electric appliances and/or all electric building design is infeasible. All major appliances (e.g., dishwashers, refrigerators, clothes washers, and dryers) provided/installed are Energy Star certified or of equivalent energy efficiency. Installation of Energy Star or equivalent appliances shall be verified by the City of Hayward prior to the issuance of a Certificate of Occupancy. The next one to five years will be a critical window of opportunity for the City to jump-start this transition away from gas to clean energy buildings. While the DEIR demonstrates the City's commitment to lead on creating zero-emission multifamily residential buildings, we know there is a critical need to do more. Land use plans present an essential platform for the City to take action on climate, and eliminating natural gas from buildings is indispensable to the City's hope of reaching its GHG reduction goals. In the process, the Plan will create a pathway to a more prosperous, safe, and healthy Downtown Hayward. Earthjustice and Sierra Club look forward to continuing to work with the City to ensure a robust and CEQA-compliant Plan. Footnotes: 1. City of Hayward, *Downtown Hayward Specific Plan DEIR*, at 4.6-39 (Jan. 7, 2019) 2. CEQA Guidelines, Appendix F, Sec. I. 3. *See California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 211. 4. BAAQMD, *Final 2017 Clean Air Plan* at 5/17 (Apr. 19, 2017), http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en.	

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	5. CEC, *2018 Integrated Energy Policy Report Update, Vol. II* at 18 (Jan. 2019), https://efiling.energy.ca.gov/getdocument.aspx?tn=226392 6. Office of Planning and Research, *CEQA and Climate Change Advisory, Discussion Draft* at 23 (Dec. 2018), http://opr.ca.gov/docs/20181228-Discussion_Draft_Climate_Change_Adivsory.pdf. 7. City of Hayward, *Downtown Hayward Specific Plan DEIR*, at 4.6-40 (Jan. 7, 2019) 8. *See, e.g.*, Redwood Energy, *Zero Carbon Commercial Construction: An Electrification Guide for Large Commercial Buildings and Campuses* (2019), https://drive.google.com/file/d/1J-DHuP5SfY1FUQr2o1ov2cqsgt_arWle/view. 9. University of California, *UC sets higher standards, greater goals for sustainability* (Sept. 4, 2018), https://www.universityofcalifornia.edu/press-room/uc-sets-higher-standards-greater-goals-sustainability. 10. *Id.* at 48. 11. Andrea Victory, *Why Induction Cooking is the Hottest Trend to Hit Restaurant Kitchens,* Food Service and Hospitality (May 31, 2017) https://www.foodserviceandhospitality.com/why-induction-cooking-is-the-hottest-trend-to-hit-restaurant-kitchens/ 12. DEIR at 4.6-18 (City Policy NR-2.2).	
B1-4	Please contact Matt Vespa at mvespa@earthjustice.org, Sasan Saadat at ssaadat@earthjustice.org, Rachel Golden at rachel.golden@sierraclub.org, and Jewell Spalding at jewellspalding@mac.com with any questions or concerns, and please include each of us in future notifications on the Plan's development.	The comment serves as a closing remark. No further response is required.
B2	Stuart Flashman, Hayward Area Planning Association	
B2-1	I am writing on behalf of my client, the Hayward Area Planning Association ("HAPA"), to comment on the above-referenced DEIR. These comments supplement the comments submitted by Mr. Sherman Lewis on behalf of HAPA.	The comment serves as an opening remark. No further response is required. Note that the comment letter provided by Mr. Sherman Lewis is included in this document as Comment Letter B3, which is addressed below.
B2-3	The focus of these comments is the DEIR's failure to address the potentially significant traffic impacts of the inclusion of parking	It is presumed the commenter's concern regarding a specific evaluation of a parking structure is based on the text on pages 2-12 through 2-15 of the proposed

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	structures in the specific plan, and more specifically the Plan's, and the DEIR's failure to consider the effect of adding a large number of parking spaces in parking structures in inducing a demand for parking spaces at the expense of other alternative transportation modes for people to access the Downtown Hayward area. The result of this induced demand will be to increase the amount of automotive traffic to and from the downtown area and increasing the traffic load and resulting congestion on arterials that access the downtown area. As has been abundantly documented, including references in Mr. Lewis' comment letter, there is a well-established relationship between the amount of transportation facilities provided, including roadway lanes and parking spaces, and the amount of automotive trips generated. This relationship can be summarized in one simple phrase, "If you build it, they will come." What this phrase expresses in a nutshell is that the number of auto trips expands as the available facilities are increased. Obviously, there are limits on such expansion, but it has been repeatedly shown that when added facilities make auto travel to/from a location easier/less expensive (in either time or money), the number of trips generated increase proportionately. This is particularly true when potential drivers can choose between alternative transportation modes, alternative routes, and alternative destinations. To take a specific example, a potential driver is more likely to take a bus than drive their car if parking spaces are unavailable, difficult to find, or expensive. Conversely, when parking spaces are plentiful, convenient, and available at no cost, drivers will choose their car rather than a bus, train, bicycle, etc. The DEIR does not consider the effect of this phenomenon on traffic associated with the specific plan. In particular, it does not consider whether reducing the incentives for auto access to the downtown, by providing less parking, less convenient parking, or higher priced parking,	Specific Plan, which includes a description of the "vision" for the proposed new placetype titled Downtown Core Area. This placetype is also described in Section 3.4.3.2, Downtown Core, in Chapter 3, Project Description, of the Draft EIR (see pages 3-20 through 3-21). The reference to "surface parking lots being replaced with consolidated space-efficient parking facilities and structures" is listed on the page 2-14 of the proposed Specific Plan and on page 3-21 of the Draft EIR, and is one of several potential land uses allowed in this placetype. Because the proposed Specific Plan includes multiple options for parking associated with future development, it would be speculative to evaluate the precise impacts associated with any given scenario. The proposed Specific Plan includes Program TP 21, which requires the City to continue to assess current and future parking supply and demand to thoughtfully plan for long-term parking and transportation needs in the Specific Plan Area. As described above in Section 5.4, Future Project-Specific Details, the proposed project that is the subject of this EIR consists of long-term plans that will guide future development within the Hayward Downtown Area over a buildout horizon through 2040 consistent with the Hayward General Plan. No specific development projects, including parking facilities or structures, are included as part of the proposed Specific Plan. While the Specific Plan identifies areas that could be suitable for parking, the vision is to "consolidate existing surface parking" and makes no direct reference to adding parking. As described in the Draft EIR and in Section 5.4 above, all future development, located within the Hayward Downtown Area requiring discretionary actions, including a parking facility or structure that would increase parking, would be subject to project-specific environmental review as required by CEQA. The comment speculates that the project would induce demand and increase the amount of automotive traffic to and from the downtown area, which would increase the traffic load and resulting congestion on arterials that access the downtown area, but provides no substantial evidence to support this conclusion. (see Section 5.2, Speculation without Substantial Evidence). The proposed Specific Plan's parking implementation strategy (see Goal 5, Travel Demand Management

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	would reduce auto trips associated with the specific plan and the associated congestion resulting from the plan's implementation. The DEIR needs to be revised to consider an alternative that reduces the incentives for private auto use – either by reducing the amount of parking or increasing its cost. Such an alternative would de-incentivize auto use and incentivize using other transportation modes. Not only would such an alternative reduce traffic and congestion, but, because alternative transportation modes are more energy-efficient, it would reduce the energy use and associated GHG emissions from the project. The net result would be to mitigate or avoid some of the project's otherwise significant environmental impacts.	(TCM) and Parking) includes updating minimum parking standards and transportation demand management (TDM) strategies such as unbundling parking, updating bike parking standards, requiring parking cash-out, a commuter benefits program, bikeshare, a TDM Program, and other strategies. These strategies aim to partly offset increase in travel demand due to increased development. In addition, the proposed Specific Plan promotes denser uses, increased multifamily development, and mixed-use development, creating an environment where driving and parking is not necessarily the most convenient travel mode. Finally, the Draft EIR assessed transportation impacts with vehicle volume forecasts developed with the Alameda CTC travel demand model. This model is not sensitive to the effects of parking supply, cost, and configuration to mode choice. But the travel demand model does possess sensitivity to the effects of more multifamily units and denser mixed use on the number of vehicle trips. The Draft EIR's transportation analysis presents a conservative (i.e., worst-case) approach to vehicle demand in the study area. Chapter 5, Alternatives to the Proposed Project, of the Draft EIR, includes a range of alternatives consistent with CEQA Guidelines Section 15126.6. Section 15126.6(a) of the CEQA Guidelines states, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." Section 15126.6(b) of the CEQA Guidelines states, "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project...." As discussed in Chapter 5, Alternatives to the Proposed Project, of the Draft EIR, four alternatives were prepared for the proposed project, including the CEQA-

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		required No Project Alternative. Each of the four alternatives would result in less future development than that of the proposed project, which would result in less vehicular trips generated from the proposed project. As such, no additional alternative as requested by the commenter is required.
B2-4	It should also be noted that both BART and AC Transit should be considered responsible agencies for this project, as the project will require modifications to their facilities that they will have to approve. However, the DEIR does not indicate that either of these agencies was consulted during the preparation of the DEIR. Both agencies need to be consulted and the DEIR reissued and recirculated after inclusion of the results of these consultations.	The commenter expresses an opinion about the agencies that should be identified as responsible agencies pursuant to CEQA. For the purposes of CEQA, the term "responsible agency" includes all public agencies other than the lead agency which have discretionary approval power over the project. The Notice of Preparation was distributed pursuant to CEQA Guidelines Section 15082(a). As shown in Appendix A, Notice of Preparation (NOP) and Scoping Comments, neither BART or AC Transit provided comments pursuant to CEQA Guidelines Section 15082(b). However, prior to the issuing the NOP, as described in Chapter 3, Project Description, of the Draft EIR, the City undertook a community-based planning process to receive community and stakeholder input, and review land use alternatives for the proposed Specific Plan starting in 2015. Representatives from BART and the Alameda – Contra Costa Transit District (AC Transit), and other agencies, were invited to participate in public events, including an agency meeting in March 2017. See Section 3.1.2, Planning Process, of Chapter 3 for a complete description of the public outreach process for the proposed Specific Plan. The City will continue its practice of working cooperatively with BART and AC Transit and other agencies as required. As identified in the proposed Specific Plan, the City should continue to work with private developers and AC Transit to explore additional service that supports recommendations from the City's shuttle feasibility study. (see page 3-15). Additionally, Policy C 6, Agency Coordination, of the proposed Specific Plan, requires the City to work with AC Transit, BART, and other transit providers to meet the travel needs of Downtown residents, businesses, and visitors and to prioritize improvements identified in this Plan, such as reconsidering BART Station access. Program LU 14 requires the City to partner with BART to facilitate Transit-Oriented Development on BART owned property located adjacent to the Downtown Hayward BART station. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment. The recirculation of the Draft EIR is not required.

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B2-5	Thank you for accepting ths [sic] comment. Please keep me informed about the progress of the environmental review of this project.	The comment serves as a closing remark. The commenter is included on the City's distribution list for future noticing of the proposed project. No further response is required.
B3	**Sherman Lewis, Hayward Area Planning Association**	
B3-1	My comments are in HAPA comments on LWC Dntn Specific Plan.docx The other two attachments are not comments; only repeat what is already in the administration record.	The comment serves as an opening remark. No further response is required.
B3-2	The Hayward Downtown Specific Plan (Plan) shows great expertise across a range of planning professions and is by far the most progressive plan ever presented to Council. Nevertheless, the Hayward Area Planning Association (HAPA) has some severe criticisms of specific ideas which should not be taken as a negative attitude toward the rest. One major criticism focuses on parking subsidies and the other on the oval roundabout, which is inconsistent with the Vision. 1.2 Vision and Plan Goals Our comment here is how to make the good better, by getting outside the self-imposed envelop of the Plan. It is hard to articulate this criticism as well as I, representing HAPA, would like. The Plan provides design detail for increased non-auto mode but does not discuss how all the policies taken together are a system that reduces auto dependency and car ownership while having high mobility. I would like to see a Vision statement of how a land plan for density over area, a transportation plan for non-auto modes, and pricing incentives can combine to achieve affordability, sustainability, mobility, health and safety, high design aesthetics, and community. Similarly, I did not find in one place a summary of the potential for shifting to non-auto modes combining, walk, bike, transit, and public cars and how these interact with density. I'd like to see the Plan say that a pedestrian neighborhood system could start closer to BART, prove itself, and grow from there.	This comment expresses opinions and preferences about the proposed Specific Plan and provides a historical correction to the setting described in the proposed Specific Plan. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. As described in Chapter 3, Project Description, of the Draft EIR, the City undertook a community-based planning process to receive community and stakeholder input, and review land use alternatives for the proposed Specific Plan. A Task Force with 14-members acting as a public voice for the community and representing a wide range of stakeholder interests was established. Between the time of the kick-off meeting and the release of the Specific Plan and Draft EIR for public review, the City held six Task Force meetings, conducted stakeholder interviews comprised of City staff, Task Force members, special interest groups, and business owners, held two joint study sessions with the City Council and Planning Commission, and hosted one public workshop and one five-day design charrette. Recommended improvements to the public realm, streets and connections, and buildings were generated from this public process and are provided in Chapter 2 of the proposed Specific Plan. With respect to the commenter's assertion regarding the potential for shifting to non-auto modes, Table 4.13-10 on page 4.13-55 of the Draft EIR provides vehicles-miles traveled (VMT) per capita for existing and projected (proposed Specific Plan). As shown in the Table 4.13-10, the Specific Plan Area's total service population (residents and employees) during the cumulative 2040 scenario would increase

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	The Plan generally fails to give a sense of the potential for non-auto modes to access to downtown and to travel within downtown. The vision is exciting but, in a way, seems static; it needs more sense of dynamic change as people learn how non-car mobility works in a pedestrian system and shifts the system away from private cars, reinforcing over time the non-auto mode system to grow even more. The common knowledge now is that a sustainable life style is possible in a few dense cities, but won't work in suburbia. In fact, it is a flexible system that can work in densifying centers and corridors and achieving mode shift in suburban areas. LWC is good at painting verbal pictures; I'd like to see one with people living an upbeat lifestyle with full mobility and better off without the expense and burden of a private car, healthier from walking, saving money and using public cars when needed. Your vision page 30 is good for what we want to see, as a place. I could not find a good place to put a vision about how it feels to live it. 1.3 Key Challenges and Recent Investments – good except on 238 Diagram of the Route 238 Bypass Alternative needs more detail and sharpness. References to the "Route 238 Bypass Alternative" (p. 16 etc.) need some fixing. "In the early 1960s, the Foothill Freeway, also known as the Bypass Alternative…" (p. 20) The Foothill Freeway was ended in 1979 and was never known as the Bypass Alternative. The Bypass, 1979 onwards, was never known as the Bypass Alternative; it was the Hayward Bypass. "The project ran directly through Downtown…" The freeway/Bypass never ran through downtown; part of it ran along Fourth Street from north of A St. to south of E Street on the east side of downtown. It was called the Bypass because it bypassed downtown.	from 15,894 to 35,746 with implementation of the proposed Specific Plan (an increase of 125 percent). However, total daily VMT would only increase by 94 percent and average trip length and VMT per capita would noticeably decrease. This decrease, which can partly be attributed to shorter trips, can also be partly attributed to internalization and a shift to other modes besides private automobiles, including walk, bike, and transit. Increases in transit ridership are also forecast on pages 4.13-48 and 4.13-49 of the Draft EIR. With respect to the error in the description of the history of mobility improvements Downtown, this paragraph will be removed from the final version of the proposed Specific Plan. This revision does not affect any conclusions or significance determinations provided in the Draft EIR. The comment incorrectly interprets that the Bypass Alternative description to return to two-way traffic on page 47 of the proposed Specific Plan is an error. On page 1-4 of the proposed Specific Plan, it states that the "Bypass Alternative" is the shorthand for the Route 238 Bypass Alternative, colloquially known as "the loop". The proposed Specific Plan proposes to return the Bypass Alternative to two-way operation. With respect to the commenter's request to see screenline analysis summarized by origin-destination, this was not included in the Draft EIR and is not provided as part of this Final EIR. However, the roadway circulation in the proposed Specific Plan did contribute to reducing regional traffic through the Hayward Downtown Area and routing some traffic back to the freeway system. This is demonstrated on MTS roads at key locations in the breakdown of PM (evening) peak hour trips (with and without the proposed Specific Plan), included in Table 4.13-7 and Table 4.13-8 on pages 4.13-43 and 4.13-44 of the Draft EIR. This information is also included in Table 10 and Table 11 on pages 81 through 83 of the traffic study (see Appendix E of the Draft EIR). No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.

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	"…was highly controversial as it destroyed historic buildings and disconnected the area." "Disconnect the area" has no meaning. The projects were not particularly controversial because of destruction of historic buildings. The projects were controversial for many reasons over decades because they would destroy peoples' homes, aggravated a housing shortage, condemned homes without housing replacement or relocation benefits thus violating a federal Housing Act, violated NEPA due to lack of an EIS, violated CEQA because of lack of an EIR, violated the 4(f) section of a federal Transportation Act by crossing a public park without adequate search for alternatives, violated the federal Endangered Species Act because of a lack of review of whipsnake impact south of Harder, destroyed open space, had not been reviewed for conformity under the federal Clean Air Act, were denied for state and local funding by MTC, used a sales tax to pay for what a gas tax should pay for, would divide the whole city over a distance of five miles, lacked logical termini, attempted to use funds voters had approved for another project on the Bypass alignment, and was not needed in the first place. I can supply documentation. "…was proposed to connect I-580 and I-680…" That was true of the Foothill Freeway from 1963 to 1979, but never of the Bypass which stopped at Industrial. "The Bypass Alternative returns to two-way traffic" (p. 47). This is an error. You mean "The Loop returns to two-way traffic…" "…rather than a bypass for motorists passing through." (p. 59) Your meaning is clear but the term bypass is incorrect because nothing is bypassed. Consider: "…rather than as a high-speed route for commuter traffic" or something similar that would be accurate.	

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	"The Bypass Alternative serves considerable regional pass-through traffic…such as commuters between the Tri-Valley and the San Francisco Peninsula or the South Bay." (p. 61) This is not true. The Usage Study quantified that about 90 percent of the traffic on Foothill downtown was Hayward-based regional traffic, that is, one end in Hayward and the other outside. If Kittleson has, in fact, run the mid-county model with screenlines on Mission below Tamarac and on Foothill above Apple with results that show differently, I would really like to see the model outputs. Your statement reflects the uniformed conventional wisdom.	
B3-3	1.5 Public Participation Public participation was good except there was no way for participants to choose among major alternatives, which were also excluded from the Plan, resulting in a take-it-or-leave it Plan. Extensive analyses and reports submitted by the Hayward Area Planning Association, mainly "Ideas for Downtown Hayward" and "Competing Visions for Downtown Hayward" were not referenced, only governmental documents. I submit them again with these comments for reference, for the record but not as a comment, along with my email list appended at the end of these comments. We are glad to see the Plan incorporates so many of the ideas we have long advocated.	The comment expresses an opinion about the public outreach for the preparation of the proposed Specific Plan. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required. Developing the Draft Plan included a significant amount of outreach, as outlined in Chapter 1 of the proposed Specific Plan and summarized in Chapter 3 of the Draft EIR. Outreach included two public workshops with over 150 attendees, a five-day design charrette with over 100 attendees, where options were considered and vetted in an iterative process, two joint Planning Commission and City Council work sessions which discussed the preferred vision, six Task Force meetings, and an online survey which sought input on the preferred vision. Furthermore, as acknowledged by the commenter, the proposed Specific Plan incorporated input from the HAPA.
B3-4	2.3 Downtown Land Use Plan MIXED-USE GATEWAY Some planner jargon abuses of the English language are worse than others. Seven story buildings cannot be "nestled" against San Lorenzo Creek (p. 36). Five to seven stories (p. 38) will be very dense for Hayward, are	This comment expresses opinions about the proposed Specific Plan and makes general assertions about development feasibility and density. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The proposed Specific Plan recognizes the need for further outreach and analysis as mobility improvements are designed in future phases. See Chapter 3 of the proposed Specific Plan.

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	not a short-term prospect, and are even less likely in this location so far from BART. They are probably not needed to reach the 50 person per neighborhood acre threshold needed for major mode shift. (See Lewis, Sherman. 2017. Neighborhood density and travel mode: new survey findings for high densities. *International Journal of Sustainable Development & World Ecology* 25:2, 152-165, https://doi.org/10.1080/13504509.2017.1321052 and Lewis, Sherman and Emilio Grande del Valle. 2018a. San Francisco's Neighborhoods; and Auto Dependency. *Cities* 86(2019) 11-24. https://doi.org/10.1016/j.cities.2018.12.017.)	The comment incorrectly interprets that the Bypass Alternative description to return to two-way traffic on page 47 of the proposed Specific Plan is an error. On page 1-4 of the proposed Specific Plan, it states that the "Bypass Alternative" is the shorthand for the Route 238 Bypass Alternative, colloquially known as "the loop". The proposed Specific Plan proposes to return the Bypass Alternative to two-way operation.
	"Slip lanes" (p. 38, 39), tuck-under parking and hidden parking garages reveal an auto-centric wolf under the pedestrian clothing.	The commenter identifies General Plan Policies (i.e., M-7.4, M-7.5, M-7.11, M-7.2 and M-2.4) that are incorporated into the Plan for reference. These are not policies associated with the proposed project.
	DOWNTOWN CORE Two way on the Loop will make getting around easier; two way on B and C probably will not. An operations analysis should look at Loop reform first and then see if B and C going to two way improves things, being sure to consider observed blockage on B St. by parking in the travel lane. Friction on B St. may already slow it to the design speed. Without some evidence to the contrary, B St. and C St. should remain a one-way pair. True, "the inherent design of one-way streets tends to encourage higher vehicular speeds…" (p. 61), but only "tends." Other factors can make a particular street as slow as two-way: narrowness and vehicles parked in the travel lane. To repeat my point, LWC needs to observe parking in the travel lane and actual speeds, because if actual speeds are the desired design speeds, two-way is not needed.	With respect to the portion of the comment regarding street labels, the diagram in the proposed Specific Plan on page 2-25 will be updated with accurate street labels. This revision does not affect any conclusions or significance determinations provided in the Draft EIR. The traffic study included in Appendix E, Transportation and Circulation Data, of the Draft EIR provides additional information on traffic flows around the oval roundabout. Figure 13 (page 67) of the traffic study provides AM (morning) and PM (evening) peak hour traffic volumes. As shown on Figure 13, each leg of the roundabout would function as an individual intersection around the roundabout, with the lanes along the roundabout serving through traffic. Appendix 4, Cumulative (2040) Plus Specific Plan Intersection Level of Service Worksheets, of the traffic study provides additional data on the assumptions used for this analysis. Intersections along the roundabout would have coordinated signal timing for optimal traffic flow.
	URBAN NEIGHBORHOODS "The Bypass Alternative returns to two-way traffic" (p. 47) is incorrect; the Plan means "the Plan returns the Loop to two-way traffic." STATION PLAZA	The Draft EIR and the accompanying traffic study includes an operational analysis of the oval roundabout with and without mitigation measures, with AM (morning) and PM (evening) peak hour level of service provided. In addition, the Draft EIR and its analysis examines the proposed Specific Plan at a programmatic level. The Draft EIR looks at the broad implications of the proposed Specific Plan. As described in the

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	Good, even great, concepts; some flawed implementation. BART Station Access should delete the first two bullet points. (p. 73). These proposals go contrary to Plan Vision. Wiping out BART access (p. 50, 51, 73) on the east side is nonsense; the bus intermodal, passenger lane, and handicapped access must remain and the taxi stand needs to be moved close the station exit. Policy M-7.13 should specify relocating the taxi stand to the station exit. The Plan should reference broader taxi deregulation to allow fair competition with ehail ride sharing and use of ehail technology, already approved by the State. There is no need to change the bus intermodal "…to avoid the delays and congestion of using a bus intermodal..." (p. 73, program C 10). I have observed this intermodal since it was built and have never observed any delays or congestion. It is well-designed and serves its purpose. The relocation of the intermodal to the west side makes transit access far more inconvenient and slower than the existing system, and would move a large pedestrian flow away from accessing downtown. The buildings proposed for the east side can work as well on the west side. The "bus stops on existing streets adjacent to the station" are not identified so it is not clear what might be relocated. What does "Integrating bus stops on existing streets adjacent to the station" mean, specifically? Changes in bus stop location cannot be ruled out but they have to save travel time. A bus stop on the west side for buses west bound on A St. could have a bus travel time savings greater than the extra walk time to get there. How many stories are probably needed for a hotel on the BART lot? The large lot size could be big enough for a small conventional hotel. A big one is not only unlikely for Hayward but actually undesirable; it would be out-of-scale for this town. Such a hotel would do more for	Draft EIR and in Section 5.4 above, all future development, located within the Hayward Downtown Area requiring discretionary actions, including the site-specific design of a roundabout, would be subject to project-specific design and environmental review as required by the City's project approval process and CEQA.

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	Hayward than an office building, if feasible. The City needs to confer with BART Real Estate. The Plan should discuss these issues. Policy M-7.4, M-7.5 and M-7.11 are so similar they should be combined into one. Policy M-7.2 should specify Greyhound. Policy M-2.4 (p. 74) should include Greyhound, to replace its miserable little building with a place with windows and seating out of the weather. Reducing BART parking must be done in tandem with growth in non-parking access, which the Plan does not cover and should. BART parking charges are already an incentive for riders to use transit to reach the station, but the needed park-and-ride lots and rapid bus are not in the Plan. BART would need to agree to how much replacement access is needed to allow building, and initial building should be the northwest lot (p. 50: 5 and 6). Building there will be vastly easier due to the small number of spaces compared to the parking structure. The Plan should have these ideas, both building first where it is easiest, and working with BART on an explicit swap of access that has a trigger for building. Eleven stories (p. 39) is not only unrealistic but unnecessary for growth and has much less sustainability and higher costs than three to seven stories. “Up to eleven stories” should be deleted from the Plan unless LWC has data showing it is viable. The Plan is deficient in discussing the sustainability, seismic, aesthetic, access and economic disamenities of high-rise buildings, as well as the fact that they are unnecessary for growth and out of character with Hayward. Three to seven story buildings will do the job. While some smaller activites are desirable for the BART plaza area, it is too small for the farmers market, which is already planned for	

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	a much bigger and better space in Heritage Park. DOWNTOWN SOUTHERN GATEWAY The oval roundabout (p. 53) is an expensive, dysfunctional, and unnecessary way to achieve the goals of Heritage Park, which is better located for park purposes. Heritage Park does not require crossing heavy traffic to get there, is more centrally located, and already exists. The big investment in Heritage Park should be honored, not ignored. The drawing has a clerical error lower right; "Foothill Blvd" is actually building frontage for the St. Regis. The label needs to be moved up to either side of the oval or to the top. Mission Blvd. southbound goes out of the frame at the bottom and lacks a label. The Plan does not explain how the traffic will flow around the oval (p. 53, 54) and looking at its movements indicates less functionality and a higher cost than a circle or signals at Jackson Mission Foothill. The oval has little effect on Jackson-Foothill traffic and some other movements, but Mission traffic is detoured. Eastbound D Street, which now flows across Foothill, would be blocked so badly it would lead to rat-runs similar to the Loop A Street problem. That traffic will likely go to Francisco St., a narrow street. If that is your intent, the Plan needs to explain it, or what LWC predicts will happen. The oval is too expensive, dysfunctional, and unnecessary to achieve Loop reform, comparable to the Loop in the magnitude of bungling. Frankly, the imaginations of the designers got way ahead of their common sense. Signals and two-way streets on the Loop are the best short-term, low-cost solution to Loop problems. Longer term, a circle is intriguing, and could be a circle similar	

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	to 4 in the drawing (p. 53). E St. would be extended to connect the circle to Second St. A circle has advantages over lights for handling five access roads and numerous left turns. Also, Foothill could be realigned towards Main St. to intersect Mission more squarely and head into Jackson more directly, freeing up enough land for building on the west side, probably creating more land for building than the existing split oval layout. All this can be done at a fraction of the cost and time for building the oval. If this oval remains in play, planning should not proceed without an operations analysis. An ordinary traffic study will not be sensitive to the operational issues. Even better would be to use some common sense on the three options. Just looking at the oval shows that it will increase VMT and point to point travel times.	
B3-5	3.2 Mobility Vision I believe Loop reform is urgent. The Plan is deficient in discussing Loop problems, such as how point to point traffic has become slower, one-way speeds have increased, reverse direction speeds have slowed, and vmt has increased. I incorporate here by reference HAPA's in-depth analysis. They are not for comment in the Final EIR as they are too long and many parts are out of date. The essential points are made here. The short-term improvement should be converting the Loop to two-way with signaled intersections using AB 1386 funds. Improvements 2, 3, 4, 5, and 7 (p. 65) on Foothill and Mission should not be done and then have to be redone later. I don't think we should wait til 2034 or later to fix the Loop. (p. 64) How does the Program CD 17 linear park (p. 19, 124) relate to the oval? Appendix C makes no reference to the oval roundabout. Why? Appendix C Program C 13 (p. 375) does not include making Foothill two-	This comment expresses a preference about the language and phrasing used in the proposed Specific Plan as well as the type and timing of proposed improvements. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue.

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	way. Why? Why does program C 13 start in 8 years while 3.2.1 (p. 64) it starts in 15 years? 3.2.3 Transit Network The City's shuttle feasibility study and the Plan have not considered a downtown smart shuttle. The City is studying, instead, shuttles that resemble AC Transit service with slow, long, infrequent runs and low ridership. Smart shuttles use smart bus technologies, short corridors, and fast/free/frequent service. They need direct routes, high speeds, and short distances to support low cost. In downtown, assuming Loop reform and a central block busway, one bus would be needed for a BART to Lincoln Landing shuttle. To achieve speed, a smart shuttle uses bus-only lanes, a smaller (p. 20-30 passenger) bus, and guiding docking for no-step entry with no fare collection. They need right-of-way that facilitates speed. Right-of-way improvements include right lane queue jumping, signal preemption, and elevated sidewalk stops at bus floor level for no-step entry. They have very short dwell times. They can use a hybrid diesel electric motor or comparable for torque, regenerative braking, and low carbon energy. Smart shuttles compete with established personal travel time budgets existing in the corridor; that is, they have to be as fast as existing modes, e.g., cars. Travel time has to consider all modes on a point-to-point trip, such as, from Lincoln Landing, walk/wait/in vehicle/walk to BART, in competition with walk to car/drive out of home parking structure/drive on street/hunt/park/walk to BART. Shuttles pay for themselves with land-based finance, some of which is possible for Maple Main and Lincoln Landing, which include developer capital contribution for equipment and way upgrades and	

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	rents or HOA dues for operating. Smart shuttles have to be understood within a larger system, not as an add-on that works on its own. They need high densities and incentives to reduce car use such as smart meters and unbundling. Smart shuttles achieve high ridership; they are not per se a social service for people with low incomes. The Plan needs to study such a system and its ridership.	
B3-6	3.3 Proposed Street Design and Appendix B Some cross sections (pp. 355-368) show no street parking while claiming "maintain curb parking." Generally, the potential for more diagonal parking is ignored in favor parallel parking with more space for other uses that seem unlikely to get used enough to justify the loss of parking. The amount of bike lanes is not related to behavioral analysis as to whether they will be used, or whether light traffic obviates the need for a bike lane. The Plan is excellent for design in support of bikes but lacks information on probable bike use, resulting in empty bike lanes and lost parking. I don't know how to estimate bike use, but some effort needs to be made to optimize between bike lanes and parking. We need performance criteria or warrants for bike lanes and parking. In time, we can hope increased biking and decreased car use can be the basis for shifting the balance. Separate buffers should not reduce parking; parking itself is a good buffer. The oval roundabout needs analysis; it is a concept in need of operations modeling in comparison to a traffic circle at Mission Foothill Jackson and to a regular intersection. Network modeling will not be sensitive to the problem. Any analysis must look at VMT and point to point travel times, not just speeds. The right-of-way takes and large size make the oval much more expensive than a regular intersection.	This comment expresses an opinion about the proposed project. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Note that street parking is shown on all proposed Specific Plan street cross sections except Mission Boulevard, where right-of-way widths vary. See Appendix B of the proposed Specific Plan, that was included in the Draft EIR as Appendix I.B of the proposed Specific Plan, that was included in the Draft EIR as Appendix I. With respect to the analysis on the oval roundabout, the Draft EIR and the accompanying traffic study includes an operational analysis of the oval with and without mitigation measures, with AM (morning) and PM (evening) peak hour level of service provided. In addition, the Draft EIR and its analysis examine the proposed Specific Plan at a programmatic level. The Draft EIR looks at the broad implications of the proposed Specific Plan. As described in the Draft EIR and in Section 5.4 above, all future development, located within the Hayward Downtown Area requiring discretionary actions, including the site-specific design of a roundabout, would be subject to project-specific design and environmental review as required by the City's project approval process and CEQA. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.

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	The Foothill cross-section (p. 368) does seems too wide. The thru lanes are designed for speed when the Plan calls for slowing cars down. The extra-wide widths preclude diagonal parking, which is easier and allows more spaces. The Plan needs to estimate the width of the "J" cross section and reduce other uses to get diagonal parking, as illustrated in detailed drawings that HAPA has previously submitted to the City. Comment on 3.3.1: Amen.	
B3-7	3.4 Parking and Transportation Demand Management Overview The problem is that the transportation environmental assessment does not meet CEQA requirements for evaluation of impacts. Kittleson assumes that use of the BAAQMD protocol based on CARB's CalEEMod (Draft EIR p. 4.2-27) is enough, but it is not. These comments and submissions by HAPA establish an administrative record for challenging the adequacy of the EIR. "The Plan" refers to the Plan as such and to the Draft EIR. SB 471 makes VMT an important impact to be evaluated because it is reduced by smart growth. SB 471 excludes LOS because it precludes smart growth and congestion is a factor supporting non-auto modes. The Plan does not evaluate the impact of Plan polices on VMT.	The comment express concerns about the transportation impact analysis and asserts the traffic impact analysis is based on standards of the Bay Area Air Quality Management District. The commenter cites page 4.2-27 in Chapter 4.2, Air Quality, of the Draft EIR. As shown on page 4.2-27, the trip generation and vehicle-miles traveled (VMT) data provided by Kittelson Associates, Inc. (see Appendix E of the Draft EIR) for the traffic study was applied to the air quality analysis. The commenter asserts the Draft EIR does not evaluate the impacts of the proposed Specific Plan policies yet provides no substantial evidence to support this assertion. See Section 5.2, Speculation without Substantial Evidence, presented at the beginning of this chapter. The commenter cites Senate Bill (SB) 471, which is related to planning for water, energy, and reduction of GHG emissions. SB 471 is directly related to the energy-water nexus and does not include any language related to vehicle-miles traveled or level-of-service standards as suggested by the commenter. If this is the case, no further response is necessary. However, if the commenter intended to refer to SB 743, which is directly related to vehicle-miles traveled and level-of-service standards, commonly referred to as VMT and LOS, as metrics for evaluating transportation impacts, then the following response is provided. SB 743 as it relates to the evaluation of transportation impacts is described in Chapter 4.13, Transportation and Circulation, of the Draft EIR, on pages 4.13-2 and 4.13-3, and again on pages 4.13-54 through 4.13-56. As stated in Chapter 4.13, SB

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		743 started a process that could fundamentally change transportation impact analysis as part of CEQA compliance for site-specific development projects. These changes will include the elimination of auto delay, level of service (commonly referred to as "LOS"), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts in many parts of California (if not statewide). Further, parking impacts will not be considered significant impacts on the environment for select development projects within infill areas with nearby frequent transit service. SB 743 includes amendments that revise the definition of "in-fill opportunity zones" to allow cities and counties to opt out of traditional level-of-service standards established by congestion management programs (CMPs) and requires OPR to update the CEQA Guidelines and establish "criteria for determining the significance of transportation impacts of projects within transit priority areas (commonly referred to as "TPAs"). As part of the new CEQA Guidelines, the new criteria "shall promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." While the updated CEQA Guidelines are now in effect, cities and other agencies have an opt-in period until July 1, 2020 before SB 743-compliant CEQA analysis becomes mandatory statewide. Accordingly, the discussion under impact TRANS-6 provides a VMT discussion for informational purposes only and not as part of the CEQA findings of significance discussion because the City has not yet adopted VMT standards per SB 743. Table 4.13-10 on page 4.13-55 of the Draft EIR provides VMT per capita for existing and projected (proposed Specific Plan). As shown in Table 4.13-10, the Specific Plan Area's total service population (residents and employees) during the cumulative 2040 scenario would increase from 15,894 to 35,746 with the implementation of the proposed Specific Plan (an increase of 125 percent). However, total daily VMT would only increase by 94 percent and average trip length and VMT per capita would noticeably decrease. Additionally, the proposed Specific Plan includes several goals, policies, and programs aimed at promoting density and using transit-oriented development to reduce average VMT for residents within the city. See the complete list of proposed goals, policies, and programs in impact discussions TRANS-1 and TRANS-6 of the

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		Draft EIR. The Draft EIR assessed transportation impacts with vehicle volume forecasts developed with the Alameda CTC travel demand model. The Alameda CTC countywide model was modified to reflect the proposed Specific Plan conditions by incorporating land use density increases and mixed use. In addition, the roadway network was modified to reflect the proposed Specific Plan's reductions or changes to vehicular capacity in the study area, such as road diets and one-way to two-way conversions on roads in the study area. The model is not sensitive to the effects of some policies, including programs and parking costs and configurations. However, the model does possess sensitivity to the effects of more multifamily units and denser mixed-use development on the number of vehicle trips. The Draft EIR's transportation analysis presents a conservative (i.e., worst-case) approach to vehicle demand in the study area. Chapter 4.13 includes a list of proposed Specific Plan goals, policies, and programs that, once adopted, would reduce vehicular traffic, and increase overall mobility in the Specific Plan Area, including reducing vehicle-miles traveled. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.
B3-8	The Draft EIR Appendix C is a technical document produced by Kittleson and not intended to be understood by the public. The opening table shows zero operational percent reduction with 12 columns for pollutants and 9 categories of sources, with all cells reporting 0.00%. The next table has operational mobile mitigation with many categories and policies, among which are four parking policy pricing policies, all reporting 0.00% reduction. The rest of the document of 314 pages has text reporting the policies without providing any quantitative data on their impact on air quality. Similar reporting without supporting data is found for a number of other policies which would reduce air pollution from vehicles.	As a minor point of correction, the comment incorrectly states that Appendix C, Air Quality and Greenhouse Gas Data, of the Draft EIR was prepared by Kittelson & Associates, Inc. However, Appendix C, is a detailed technical analysis prepared by PlaceWorks' air quality and GHG emissions technical experts to support the analysis presented in Chapters 4.2, Air Quality, and 4.6, Greenhouse Gas Emissions, of the Draft EIR. The data in the technical appendices of the Draft EIR, which was prepared by professionals, is explained to the general public in associated chapters of the Draft EIR. The commenter provides a description of the content of some of the tables shown in Appendix C. Specifically the commenter identifies "opening" tables located on page 257 and 258 of the 314-page technical appendix. In general, the tables referenced by the commenter are part of the California Emissions Estimator Model (CalEEMod) program output files, which are generated by the modeling program.

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		The CalEEMod program is the standard air emissions modeling program recommended by the air districts for CEQA-level air quality and GHG emissions analysis. The tables in the CalEEMod output files have a standardized format, structure, and layout. The Operational Mobile Mitigation table referenced by the commenter generally lists the standard measures available in CalEEMod in potentially reducing operation-related mobile-source emissions. In the table, the first column, "Mitigation" (full label is "Mitigation Implemented") indicates whether a particular measure is opted. A "No" indicates a measure is not opted while a "Yes" indicates a measure is opted. For this particular project, none of the measures under the Operational Mobile Mitigation table were opted. Thus, the Operational Percent Reduction Summary table (referred to by the commenter as the 'opening table') shows a zero percent reduction for the Mobile category. The commenter broadly and generally asserts that the entirety of the technical appendices show no quantitative data, yet provides no substantial evidence to support this assertion. See Section 5.2, Speculation without Substantial Evidence, presented at the beginning of this chapter. A complete description of the methodology applied to the evaluation of air quality impacts is described in Chapter 4.2 in Section 4.2.3.2 on pages 4.2-27 and 4.2-28 of the Draft EIR. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.
B3-9	Appendix E is a technical document of 341 pages produced by Kittelson listing 30 roadway mitigation measures and no other policies in the Plan which are expected to reduce traffic. It reports build-out totals for dwelling units, office square feet, "777,485 of retail uses" (presumably square feet), and "1,506,095 of other non-residential uses" (presumably square feet). We used numerous search terms looking for the effect of Plan policies on LOS and VMT without results. The rest of the document does not report on any of the numerous measures in the Plan that will affect traffic. The document reports numerous VMT and LOS results with no quantification of the many Plan policies that would	The commenter provides no substantial evidence to support their assertions. See Section 5.2, Speculation without Substantial Evidence, presented at the beginning of this chapter. As provided in Response to Comment B3-8 above, Appendix E of the Draft EIR, is a detailed technical analysis prepared by Kittelson Associates, Inc. technical experts to support the analysis presented in Chapters 4.13, Transportation and Circulation, of the Draft EIR. The data in the technical appendices of the Draft EIR, which was prepared by professionals, is explained to the non-professional in associated chapters of the Draft EIR.

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	affect them.	See Section 4.13.1.2 on pages 4.13-14 through 4.13-26 of Chapter 4.13 of the Draft EIR for a description of the setting and methodologies applied to the evaluation of transportation impacts resulting from adoption and implementation of the proposed Specific Plan. The level of service and VMT forecasts provided in the Draft EIR and accompanying traffic study (see Appendix E of the Draft EIR) were developed using the Alameda CTC travel demand model. To analyze the proposed Specific Plan conditions, the model was modified to incorporate land use and circulation changes proposed under the Specific Plan. This includes reductions or changes to vehicular capacity in the study area including road diets and one-way to two-way conversions on roads in the study area. The model is not sensitive to the effects of some policies, including parking costs and configurations. But the model does possess sensitivity to the effects of more multifamily units and denser mixed use on the number of vehicle trips. The Draft EIR's transportation analysis presents a conservative (i.e., worst-case) approach to vehicle demand in the study area. Also see Response to Comment B3-7 for additional discussion on this topic.
B3-10	The traffic volume forecasting approach (p. 67-68) states that the Alameda CTC countywide model is used and no adjustments for the results of plan policies are mentioned. Appendix 6 of Appendix E has travel demand model data that list only taz land uses and nothing on the many policies that affect vehicle trips.	The Alameda CTC countywide model was modified to reflect the proposed Specific Plan conditions by incorporating land use density increases and mixed use. In addition, the roadway network was modified to reflect the proposed Specific Plan's reductions or changes to vehicular capacity in the study area, such as road diets and one-way to two-way conversions on roads in the study area. The model is not sensitive to the effects of some policies, including programs and parking costs and configurations. But the model does possess sensitivity to the effects of more multifamily units and denser mixed use on the number of vehicle trips. The Draft EIR's transportation analysis presents a conservative (i.e., worst-case) approach to vehicle demand in the study area. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.
B3-11	Appendix 7 on Project Alternatives is blank.	As shown in Chapter 3 of this Final EIR, the contents for Appendix 7 of the Transportation Impact Analysis, which was provided in Appendix E of the Draft EIR, has been revised to include the alternatives discussion. Appendix E of the Draft EIR.

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		This revision does not affect any conclusions or significance determinations provided in the Draft EIR. The same descriptions provided in Appendix 7 were included in Chapter 5, Alternatives to the Proposed Project, of the Draft EIR under the "Transportation and Circulation" subheading of each alternative evaluated in the Draft EIR. See pages 5-10 to 5-11, 5-20, 5-29, and 5-38 to 5-39 of the Draft EIR. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.
B3-12	There is no report of the effect of unbundling, cash-out, parking supply, or parking charges. There is no information about how much parking would increase, how much it costs, or mode split.	The Draft EIR assessed transportation impacts with vehicle volume forecasts developed with the Alameda CTC travel demand model. This model is not sensitive to the effects of parking supply, cost, and configuration to mode choice. But the model does possess sensitivity to the effects of more multifamily units and denser mixed use on the number of vehicle trips. The Draft EIR's transportation analysis presents a conservative (i.e., worst-case) approach to vehicle demand in the study area. Table 4.13-10 on page 4.13-55 of the Draft EIR provides VMT per capita for existing and projected (proposed Specific Plan). As shown in the table, the plan area's total service population (residents and employees) during the cumulative 2040 scenario would increase from 15,894 to 35,746 with specific plan implementation (an increase of 125 percent). However, total daily VMT would only increase by 94 percent and average trip length and VMT per capita would noticeably decrease. This decrease, which can partly be attributed to shorter trips, can also be partly attributed to internalization and a shift to other modes besides private automobiles. Increases in transit ridership are also forecast on pages 4.13-48 and 4.13-49 of the Draft EIR. No changes to the analysis and findings presented in the Draft EIR have been made as a result of this comment.
B3-13	The Hayward Downtown Specific Plan and Associated Zoning Code Update Draft EIR depends on data flowing up from the technical air quality and transportation studies. The Draft EIR lists all plan policies but has no data on their effect on LOS or VMT.	The Draft EIR transportation analysis assessed level of service (LOS) and vehicles-miles traveled (VMT) utilizing vehicle volume forecasts developed with the Alameda CTC travel demand model. The model is not sensitive to the effects of some policies, including programs and parking costs and configurations, to LOS, VMT, and mode choice. But the model does possess sensitivity to the effects of more

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		multifamily units and denser mixed use on the number of vehicle trips. The Draft EIR's transportation analysis presents a conservative (i.e., worst-case) approach to vehicle demand in the study area.
B3-14	Demand for parking The need for parking in the Plan is culturally assumed, not analytically demonstrated. The amount of parking, pricing of parking, alternative modes, and mode split needs more attention and quantification. Alternative modes get a lot design discussion, but no analysis of how much they will actually be used, leaving no bases for knowing how much parking there should be and what it costs society and the user. The Plan needs to state how much parking is planned, why it is justified, and what are the environmental results.	The proposed Specific Plan's parking implementation strategy (see Goal 5, Travel Demand Management (TCM) and Parking) and includes updating minimum parking standards and transportation demand management (TDM) strategies such as unbundling parking, update bike parking standards, require parking cash-out, a commuter benefits program, bikeshare, a TDM Program, and other strategies. These strategies aim to partly offset increase in travel demand due to increased development. In addition, the proposed Specific Plan promotes denser uses, increased multifamily development, and mixed-use development, creating an environment where driving and parking is not necessarily the most convenient travel mode. The Draft EIR assessed transportation impacts with vehicle volume forecasts developed with the Alameda CTC travel demand model. This model is not sensitive to the effects of parking supply, cost, and configuration to mode choice. But the model does possess sensitivity to the effects of more multifamily units and denser mixed use on the number of vehicle trips. The Draft EIR's transportation analysis presents a conservative (i.e., worst-case) approach to vehicle demand in the study area. Table 4.13-10 on page 4.13-55 of Chapter 4.13 of the Draft EIR provides VMT per capita for existing and projected (proposed Specific Plan). As shown in Table 4.13-10, the Specific Plan Area's total service population (residents and employees) during the cumulative 2040 scenario would increase from 15,894 to 35,746 with implementation of the proposed Specific Plan (an increase of 125 percent). However, total daily VMT would only increase by 94 percent and average trip length and VMT per capita would noticeably decrease. This decrease, which can partly be attributed to shorter trips, can also be partly attributed to internalization and a shift to other modes besides private automobiles. Increases in transit ridership are also forecast on pages 4.13-48 and 4.13-49 of the Draft EIR. Also see Response to Comment B3-7 for additional discussion on this topic.

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B3-15	Market price, monetary cost, and economic cost Market price is what a driver will pay to park at an average of 85% occupancy of parking spaces, and is determined by the value of the destination and the number of spaces. It is based on the willingness to pay. Higher value and more fewer spaces drive up cost; alternative modes meeting travel time budget lower costs. Monetary cost is the value of the land, cost of construction, and cost of operation. Market price may be higher or lower; if market price is lower than monetary cost, the difference is a subsidy, which subsidizes more car travel and reduces use of alternative modes. Economic cost is monetary cost plus important non-monetary costs that have economic value, typically external costs of traffic, congestion, GHG, air and other pollution, health and safety costs, disamenity costs to pedestrians, costs to other modes, and reduction in total social welfare due to distorted prices. Monetary costs fail to measure value; economic costs require estimating approximations of value in money terms to reach total. Monetary costs are extremely inaccurate by omitting too much of value; economic costs are not precise but are at least more accurate. Surface vs structured parking The monetary costs of surface vs. structured parking are quite different, while the market cost and economic cost above the monetary component are similar or the same. From a driver's point of view, it does not matter if a space is surface or structured; only the charge matters. For non-monetized values, a trip is a trip regardless of where the car is parked. Surface parking is so inexpensive that moderate demand can cover the monetary cost while structured parking usually cannot. Structured parking has a time cost of driving up and down	This comment expresses an opinion about topics that are outside the scope of the Draft EIR. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Draft EIR is not meant to address personal well-being, economic or financial issues, or the market demand for a project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment. As such, the comment, in this regard, addresses concerns outside the scope of the Draft EIR. The comment is acknowledged for the record and comment will be forwarded to the decision-making body as part of this Final EIR for their understanding in reviewing the project's potential economic impacts. See Section 5.1, Project Merits, presented at the beginning of this chapter.

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	ramps and circling that surface parking does not have. It has much higher construction costs due to the expense of holding very heavy objects up in the air safely. Also, the space taken up by ramps and travel lanes reduces the number of spaces on upper levels. A number of spaces at ground level are also lost to support columns, travel lanes, and ramps. The cost per space needs to be assigned to the upper spaces and compared to surface parking with more spaces on the same footprint.	
B3-16	The downtown parking structure (p. 42) is unacceptable and unnecessary. It goes against Plan policies for non-auto modes and subsides traffic and greenhouse gases. It is anti-walkable. It preempts a travel lane needed by the most feasible rapid shuttle route or a housing site. Screening parking from street view does nothing to mitigate the adverse effects of more auto-dependency and the reduced the functionality and attractiveness of this central area.	The comment expresses an opinion and asserts assumptions about the future development in the Specific Plan Area, yet provides no substantial evidence to support the assertions. As described above in Section 5.4, Future Project-Specific Details, the proposed project that is the subject of this EIR consists of long-term plans that will guide future development within the Hayward Downtown Area over a buildout horizon through 2040 consistent with the Hayward General Plan. No specific development projects, including parking facilities, are included as part of the proposed Specific Plan. Because the proposed Specific Plan includes multiple options for parking associated with future development, it would be speculative to evaluate the precise impacts associated with any given scenario. The proposed Specific Plan includes Program TP 21, which requires the City to continue to assess current and future parking supply and demand to thoughtfully plan for long-term parking and transportation needs in the Specific Plan Area. The proposed Specific Plan's parking implementation strategy (see Goal 5, Travel Demand Management (TDM) and Parking) includes updating minimum parking standards and TDM strategies such as unbundling parking, update bike parking standards, require parking cash-out, a commuter benefits program, bikeshare, a TDM Program, and other strategies. These strategies aim to partly offset increase in travel demand due to increased development. In addition, the proposed Specific Plan promotes denser uses, increased multifamily development, and mixed-use development, creating an environment where driving and parking is not necessarily the most convenient travel mode. Also see Response to Comment B2-3 for additional discussion on this topic.

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Comment #	Comment	Response
B3-17	The Plan needs to estimate if the market charge for the upper spaces would cover the monetary costs and, if not, how much the subsidy would be. Silence on the economics may hide the City's intent to subsidize parking, as has happened already with the other two city parking structures. A monetary parking charge would probably be so high that few people would park there. The Plan does not discuss a monetary charge or subsidies. The monetary cost of structured parking is likely to be far higher than the market price, resulting in a subsidy which causes adverse external costs. People are unlikely to pay monetary cost because alternatives work better for them. The EIR must evaluate these issues.	See Response to Comment B3-15.
B3-18	Auto vs. non-auto modes The Plan needs to consider the mode split all policies considered together with particular attention to the role of subsidy. The Plan does not calculate the mode split of the Plan. The Plan has many features reducing auto use: density, mixed use, unbundling, cash-out, market parking charges/smart meters, pedestrian amenity, bicycle amenity, slower vehicle travel speeds, public cars, rapid bus, and transit. These policies can support competitive non-auto travel times in personal travel time budgets. They will reduce auto-ownership and VMT.	The Draft EIR assessed transportation impacts with vehicle volume forecasts developed with the Alameda CTC travel demand model. The Alameda CTC countywide model was modified to reflect the proposed Specific Plan conditions by incorporating land use density increases and mixed use. In addition, the roadway network was modified to reflect the proposed Specific Plan's reductions or changes to vehicular capacity in the study area, such as road diets and one-way to two-way conversions on roads in the study area. The model is not sensitive to the effects of some policies, including programs and parking costs and configurations. However, the model does possess sensitivity to the effects of more multifamily units and denser mixed-use development on the number of vehicle trips. The Draft EIR's transportation analysis presents a conservative (i.e., worst-case) approach to vehicle demand in the study area. Chapter 4.13 includes a list of proposed Specific Plan goals, policies, and programs that, once adopted, would reduce vehicular traffic, and increasing overall mobility in the Specific Plan Area, including reducing vehicle-miles traveled. Also see Response to Comment B3-15 for additional discussion on the evaluation of the cost of parking. In addition, Table 4.13-10 on page 4.13-55 of the Draft EIR provides VMT per capita

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
		for existing and projected conditions (proposed Specific Plan). As shown in Table 4.13-10, the Specific Plan Area's total service population (residents and employees) during the cumulative 2040 scenario would increase from 15,894 to 35,746 with implementation of the proposed Specific Plan (an increase of 125 percent). However, total daily VMT would only increase by 94 percent and average trip length and VMT per capita would noticeably decrease. This decrease, which can partly be attributed to shorter trips, can also be partly attributed to internalization and a shift to other modes besides private automobiles. Increases in transit ridership are also forecast on pages 4.13-48 and 4.13-49 of the Draft EIR.
B3-19	Unbundling, parking ratios, and minimum parking requirements The Plan calls for unbundling but fails to analyze its results. It calls for eliminating parking requirements but fails to estimate the results. The Plan fails to discuss how an unbundled parking rent below the monetary cost of providing the parking is a subsidy to parking, in this case from higher housing rents to pay for below-cost parking rents. A developer will build all housing with no parking if 1) the increase in units made possible by less parking, 2) the lower cost per unit from having no parking costs, and 3) non-auto modes meet travel needs all combine to be profitable. The Green Shutter did it.	The Draft EIR assessed transportation impacts with vehicle volume forecasts developed with the Alameda CTC travel demand model. This model is not sensitive to the effects of parking supply, cost, and configuration to mode choice. But the model does possess sensitivity to the effects of more multifamily units and denser mixed use on the number of vehicle trips. The Draft EIR's transportation analysis presents a conservative (i.e., worst-case) approach to vehicle demand in the study area. Chapter 4.13 includes a list of proposed Specific Plan goals, policies, and programs that, once adopted, would encourage alternative approaches to parking. As described above in Section 5.4, Future Project-Specific Details, the proposed project that is the subject of this EIR consists of long-term plans that will guide future development within the Hayward Downtown Area over a buildout horizon through 2040 consistent with the Hayward General Plan. No specific development projects, including parking facilities, are included as part of the proposed Specific Plan. Because the proposed Specific Plan includes multiple options for parking associated with future development, it would be speculative to evaluate the precise impacts associated with any given scenario. The proposed Specific Plan includes Program TP 21, which requires the City to continue to assess current and future parking supply and demand to thoughtfully plan for long-term parking and transportation needs in the Specific Plan Area. Additionally, Program TP 19 has been revised to clarify that any unbundling requirements shall not adversely impact lower income household and that verifiable affordable housing projects may request modification of this program. This revision is shown in Chapter 3 of this Draft EIR. This revision does not affect any conclusions or significance determinations provided in the Draft EIR.

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
B3-20	Parking spaces The Plan calls for "Reuse of underutilized surface parking lots as public plazas provides additional civic gathering space" based on CDM Smith occupancy analysis for peak hour parking. The Plan calls for increase parking in structures and on streets. The Plan has to estimate how many spaces are involved and the policies that would increase and decrease the number needed. What ratio does the Plan expect of housing units to parking spaces? The Plan has no estimates of losses in surface parking on B and C due to medians, buffers, travel lanes, and bike lanes and going from diagonal to parallel parking. There are no estimates of increased surface parking with Loop reform. The claim (p. 43, "provide opportunities for on-street parking") that the Plan would increase on-street parking is not quantified; sidewalks, bike lanes, medians, and travel lanes reduce parking. I incorporate by reference Todd Litman, Parking Management at www.vtpi.org/park_man_comp.pdf and Transportation Cost and Benefit Analysis at www.vtpi.org/tca/	The commenter expresses an opinion about the proposed Specific Plan and the discussion and evaluation of parking in the Draft EIR. The proposed project that is the subject of this EIR consists of long-term plans that will guide future development within the Hayward Downtown Area over a 20-year buildout horizon (to year 2040) consistent with the *Looking Forward Hayward 2040 General Plan* (General Plan). No specific development projects are included as part of the proposed General Plan Amendment and Rezoning Project. (see Section 5.4, Future Project-Specific Details, at the beginning of this chapter). As stated in Response to Comment B3-19, the proposed Specific Plan includes multiple options for parking associated with future development and it would be speculative to evaluate the precise impacts associated with any given scenario. Simply predicting the project's physical impacts on the environment (which is not within the purview of CEQA) without firm evidence based on facts to support the analysis would require a level of speculation that is inappropriate for an EIR (see Section 5.2, Speculation without Substantial Evidence, at the beginning of this chapter). The proposed Specific Plan includes Program TP 21, which requires the City to continue to assess current and future parking supply and demand to thoughtfully plan for long-term parking and transportation needs in the Specific Plan Area. See Response to Comment B2-3 for additional discussion on this topic. Note that street parking is shown on all proposed Specific Plan street cross sections except Mission Boulevard, where right-of-way widths vary. See Appendix B of the proposed Specific Plan, that was included in the Draft EIR as Appendix I.
B3-21	Public cars I did not find a discussion of how public cars are the final component needed to reduce car ownership by supporting those few trips that are best made by car. I did not find a discussion of public cars as a concept combining car share, car rental, taxi, and ride hail. I think some, maybe all of the idea is embodied in "shared rides," but I could not find a definition.	This comment expresses a preference regarding detail in the proposed Specific Plan and an opinion regarding public cars and minimum parking requirements. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. See Responses to Comments B3-19 and B3-20 for additional discussion on parking. With respect to the typographical error in the spelling of Sulphur Creek, this title

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	Carshare needs a description. You do a great job on unbundling; a paragraph on car share using street parking, web location, and card swipe operation would inform those unfamiliar with it. I found no reference to car rental. Please think twice about car share pods; I don't think they are the most competitive system. It should not just be part of an employer policy or new project; carshare can be done now dispersed now on the streets based on demand. You have a lot of pieces but are a bit short of the puzzle. You need to add to your streets policies the need for curb space needed by public cars, provided by them paying the rate or by reservation. Curb Parking; Smart meters The Plan is good but weak on market-based pricing and smart meters for street parking, which it calls performance-based parking for curb parking (p. 84). The Plan needs more detail. It does not explain smart meters and easy pay systems. The Plan must discuss a smart meter program like SFPark and compare it to time limits for efficiency in parking turnover and the benefits to merchants and drivers from the point of view of each. You get part way there but don't make the sale, unlike unbundling, with a detailed explanation. Does "set" performance-based pricing for curb parking mean "implement"? The Plan calls for implementation "long-term" (p. 77), which overlooks the need for implementation now in places that already are over-parked. It is not a problem that will develop "overtime" (p. 84) problem; it is a problem now. Nobody can park on B St. because it is always parked up. The Plan should recommend short term implementation involving public education, a pilot program that includes easy pay and	will be corrected in the final version of the proposed Specific Plan. This revision does not affect any conclusions or significance determinations provided in the Draft EIR.

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	business participation in use of funds for local improvements, and gradual implementation. Part 5.1 Implementation is too disjointed to be a clear presentation. You need to talk about a pilot program and explain the benefit of surplus funds for downtown improvement. People need to know there will be free parking nearby if they don't want to pay. You should mention the features that make Pasadena Old Town so successful. You need to propose how to make the sale. You should describe what the staff did in Berkeley that persuaded Shattuck merchants to support charges. Planning needs to discuss how people can be persuaded to support small steps that go against their initial prejudices. The popular perception of parking availability is that *sometimes parking is really hard to find and we need more.* That is the political reality Council lives with. The last proposal for parking meters was rejected by Council, which panicked when a few merchants showed up fearful of loosing customers and not understanding the opposite would occur. The Plan needs to include public education and gradual implementation to overcome popular prejudice. Planning should not succeed at design and fail at psychology. Minimum Parking Standards Update Minimum Parking Standards (p. 78) is internally inconsistent: Plan Discussion: "Once these two key policies (market pricing street parking and residential permits) have been implemented, imposing minimum parking requirements becomes unnecessary." I agree. Plan Recommendation: "reduce minimum parking requirements for projects in areas with high transit accessibility…" I disagree. The recommendation is inconsistent with the discussion and parking requirements should be eliminated. Council won't do it for political reasons, but that is another problem. For every one person that advocates for no parking requirements, there are a few hundred who don't want to have a parking problem. You quote Shoup and have a good discussion, (p. 78); so, follow through.	

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TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	4.1 Infrastructure and Services Introduction 4.2 Infrastructure Capacity and Improvements 4.2.5 Stormwater Watersheds (p. 96- 101) has some of the best work I've seen on local watersheds, superior to AC Flood Control new watershed map on downtown area detail, and comparable to Google Earth Pro. Let's hope for progress on daylighting. I would like to see it covered earlier, possibly p. 100, ahead of the C.3 issues. The topic is not reached til 150 and then buried in the middle of a paragraph. It pops up on 344 with no discussion, no suggestions of where it might work. The water now flows long parts of Second, Foothill, B, C, Jackson, etc. It should be mentioned in Vision and in 2.2.2 Public Realm. A possible project should be added to the bottom of 102. It's Sulphur, not Sulfur (p. 97, also 100), on Google Maps, the nature center, AC Flood Control map, and even in the blue heading above the problem. Upper Sulphur Creek gets no respect. AC Flood Control put it into the San Lorenzo Creek watershed and does not identify it, but it should be identified. Either "Floods Zibes" (p. 98) is a new concept or a great typo. 5.2 Potential Funding Sources In addition to sources cited by LWC, The LATIP AB 1386 Account managed by Caltrans in 2018 had about $44 million in unprogrammed funds applicable to street projects downtown.	
Attachment B3-1	This is document provided by the commenter titled "Competing Visions for Downtown."	The attachment to the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
		consideration in reviewing the project.
Attachment B3-2	This is a document provided by the commenter titled "HAPA Hayward Downtown Specific Plan."	The attachment to the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project.
B4	**Tim Frank and Andreas Cluver, Building and Construction Trades Council of Alameda County**	
B4-1	Please find attached a letter that I promised from the Alameda County Building and Construction Trades Council regarding recommended workforce development policy for the downtown plan. I have ccd Vince Sugrue from the Sheetmetal Workers, Andreas Cluver from the Building Trades Council and John Belperio from the Carpenters.	The comment serves as an introduction to the comment letter. No further response is required.
B4-2	The need for cities to balance their land use goals with a skilled construction workforce has never been more important. The goals of the long-range Downtown Hayward Specific Plan will not be realized if build-out of the desired 3,430 new homes and over 1. 9 million square feet of nonresidential building does not occur within the twenty-year timeframe or by 2040. The City of Hayward is not alone in planning for growth. Numerous neighboring cities, school districts, special districts and the state of California itself plan to increase production of housing, commercial buildings, and/or public facilities dramatically over the same time period. For build-out to occur concurrently in Hayward and throughout the State, the capacity of the development and construction industries to meet expansion demands will be tested. Current or looming shortages of skilled construction workers - particularly of residential trades workers - threaten to delay or derail these plans. Over the past three decades, the shortages have been attributable to a reduced utilization of state-approved apprenticeships; fewer young, non-college-educated labor force entrants; the existence of an unappealing career in construction due to dwindling contractor offerings of health and retirement benefit plans; and the related trend of lagging construction productivity growth. These realities have been	This comment requests the City adopt policies and programs related to the hiring of building contractors but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The proposed Specific Plan has been revised to include Economic Development (ED) Policy ED 5, which requires the City to contribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. Policy ED 16 of the proposed Specific Plan requires that contractor prequalification for projects 30,000 square feet or larger to ensure compliance with apprenticeship and health care policies. Additionally, Section 5.3.020(C) of the proposed Development Code includes additional requirements for projects 30,00 square feet or larger, which states that applications for projects 30,000 square feet or larger must comply with contractor prequalification requirements, demonstrating the contractor utilizes apprentices from state-approved, joint labor-management training programs, and offers employees employer-paid health insurance plans. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	making an impact on the land use goals of local jurisdictions. Apprenticeship not only acts to recruit and retain an adequate base of manual construction workers; the programs also serve as a pipeline for future supervisors and licensed independent contractors. The introduction of a requirement to employ apprentices on public works projects into California law in the 1960s dramatically increased the volume of apprentice training. Robust utilization of apprentices throughout the private sector helped California builders to produce over 4.1 million units of housing between 1970 and 1989. Over 96 percent of the nearly 21,000 apprentices from the greater San Francisco Bay Area who were active or completed their state-approved programs between 2013 and 2018 were affiliated with joint apprenticeship programs. Most [sic] Most apprentices, however, work on private or public nonresidential projects. The disconnect between many builders and subcontractors to apprenticeship and health insurance plans has constrained the industry's capacity to expand in response to the needs of the cities and the State of California. In San Francisco, many entitled projects with thousands of units awaiting construction are stalled due to skilled labor shortages, diminished contractor productivity, and construction costs that spiked. 1 [sic] It is in the City's economic interest as a land use regulator to support a pipeline of skilled workers to accomplish the objectives and policies of the Downtown Hayward Specific Plan. To increase the prospects for successful implementation and build-out goals of the Plan, the City is advised to adopt the following: Policy:	the project.

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	Contribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. Program: Require contractor prequalification for Plan Area projects of 30,000 square feet or more. Apprenticeship Each general contractor and each subcontractor (at every tier for the project) will sign a statement stipulating that it participates in a Joint Apprenticeship Program Approved by the State of California, Division of Apprenticeship Standards. For each apprenticeable craft a contractor or subcontractor employs on its workforce, the contractor will maintain the ratio of apprentices as required by California Labor Code section 1777.5 which apprentices are enrolled and participating in a Joint Apprenticeship Program approved by the State of California; Division of Apprenticeship Standards. Health Care Coverage Each general contractor and each subcontractor (at every tier for the project) shall sign a statement stipulating to and providing documented proof that the contractor provides full medical, dental and vision coverage for all of its construction craft employees and the employees' dependents and that the contractor has maintained such medical coverage in good standing for 180 consecutive days immediately prior to the submission of the pre-qualification documents (a copy of the Declaration of lnsurance Coverage showing the dates of continuous coverage or proof that the Contractor contributes to an Employee Benefit Plan shall qualify) OR documentary proof that the contractor has	

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	offered such medical coverage to its employees within 180 consecutive days immediately prior to the submission of the prequalification documents. Any change in coverage must be immediately provided to the City of Hayward. In sum, the City of Hayward can increase its prospects of meeting the land use goals included in the Downtown Hayward Specific Plan through a sound apprenticeship program. Generating an apprenticeship program will help address the much-needed skilled workforce by facilitating the direct transfer of knowledge to apprentices, and in turn pave the path for skilled craft workers to participate in accomplishing the city's land use goals.	

6. Mitigation Monitoring or Reporting Program

This Mitigation Monitoring or Reporting Program (MMRP) has been prepared for the proposed Hayward Downtown Specific Plan and associated Zoning Code Update project, herein referred to as the "proposed project." The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The mitigation measures in this MMRP shall be applied to all future development anywhere in the Downtown Specific Plan area unless otherwise specified in the specific mitigation measure. The City of Hayward must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AIR QUALITY					
Mitigation Measure AQ-2.1a: As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for fugitive dust control, including: ▪ Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. ▪ Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). ▪ Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust. ▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material. ▪ Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. ▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). ▪ Limit vehicle traffic speeds on unpaved roads to 15 miles per hour.	City of Hayward	Prior to Construction During Construction	City of Hayward Department of Public Works	Plan Review and Approval	During scheduled construction site inspections

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
▪ Replant vegetation in disturbed areas as quickly as possible.					
Mitigation Measure AQ-2.1b: Applicants for new development projects within the Specific Plan Area shall require the construction contractor to use equipment that meets the United States Environmental Protection Agency (USEPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to the City of Hayward that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations. ▪ Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for USEPA Tier 4 or higher emissions standards for construction equipment over 50 horsepower. ▪ During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City of Hayward. ▪ The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. ▪ Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. ▪ Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9	City of Hayward	Prior to Construction During Construction	City of Hayward Department of Public Works	Plan Review and Approval	During scheduled construction site inspections
Mitigation Measure AQ-2.2a: Prior to the issuance of building permits for new residential development project in the Specific Plan Area, future project applicants shall implement the Tier 1/Tier 2 standards identified in the California Green	City of Hayward	Prior to issuance of building permits	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
Building Standards Code where 17 or more multifamily dwelling units are constructed on a building site, 5 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Electric Vehicle Supply Equipment. The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy.					
Mitigation Measure AQ-2.2b: Prior to the issuance of building permits for new non-residential development project in the Specific Plan Area, future project applicants shall implement the Tier 2 standards identified in Table A5.106.5.3.2 of the California Green Building Standards Code or the equivalent as standards may be updated overtime. The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy.	City of Hayward	Prior to issuance of building permits	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits
Mitigation Measure AQ-2.2c: Prior to the issuance of building permits for new non-residential development project in the Specific Plan Area, future project applicants shall implement the Tier 1 standards identified in the California Green Building Standards Code to provide 10 percent of total designated parking spaces for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as identified in Table A5.106.5.1.1 (Tier 1). The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy.	City of Hayward	Prior to issuance of building permits	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits
Mitigation Measure AQ-2.2d: Prior to the issuance of building permits for nonresidential development projects in the Specific Plan Area, future project applicants shall indicate on the building plans for buildings with more than ten tenant-	City of Hayward	Prior to issuance of building permits	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
occupants that changing/shower facilities shall be provided based on the guidelines specified in Table A5.106.4.3 (Nonresidential Voluntary Measures) of the California Green Building Standards Code have been incorporated into the design of the building(s). The proper installation of these features shall be verified by the City of Hayward Building Division prior to the issuance of a Certificate of Occupancy.					
Mitigation Measure AQ-3: Implement Mitigation Measures AQ-2.1, AQ-2.2a, and AQ-2.2b.	City of Hayward	Prior to issuance of building permits Prior to Construction During Construction	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits During scheduled construction site inspections
Mitigation Measure AQ-4.1a: Applicants for construction within 1,000 feet of residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in the City of Hayward, as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Hayward prior to future discretionary project approval. The HRA shall be prepared in accordance with policies and procedures of the Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), $PM_{2.5}$ concentrations exceed 0.3 $\mu g/m^3$, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may	City of Hayward	Prior to future project approval	City of Hayward Department of Public Works	HRA Review and Approval	Once

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
include, but are not limited to (See Table 7.9 of the Hayward 2040 General Plan Draft EIR for further details. This table has been included in Appendix C of the Draft for the Specific Plan): ▪ During construction, use of construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) for all equipment of 50 horsepower or more. ▪ Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. ▪ The construction contractor shall ensure that all non-essential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. ▪ Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed Specific Plan. Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the City of Hayward Planning Division and/or Building Division clearly show incorporation of all applicable mitigation measures.					
Mitigation Measure AQ-4.1b: Implement Mitigation Measure AQ-2.1b.	City of Hayward	Prior to Construction During Construction	City of Hayward Department of Public Works	Plan Review and Approval	During scheduled construction site inspections
GREENHOUSE GAS EMISSIONS					
Mitigation Measure GHG -1.2a: Prior to the issuance of building permits for new development projects in the Specific Plan Area, the applicant shall show the following on the building plans submitted: ▪ **Non-Residential:** All major appliances (e.g., dishwashers, refrigerators, clothes washers, and dryers) provided/installed are Energy Star certified or of equivalent energy efficiency. Installation of Energy Star or	City of Hayward	Prior to issuance of building permits	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
equivalent appliances shall be verified by the City of Hayward prior to the issuance of a Certificate of Occupancy. ▪ **Multifamily Residential:** All buildings will be all electric, meaning that electricity is the only permanent source of energy for water-heating, mechanical and heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling), cooking, and clothes-drying and there is no gas meter connection. All major appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) provided/installed are electric powered Energy Star certified or of equivalent energy efficiency where applicable. Installation of the electric-powered Energy Star or equivalent appliances shall be verified by the City of Hayward prior to the issuance of a Certificate of Occupancy.					
Mitigation Measure GHG -1.2b: Prior to the issuance of building permits for new high-rise (four story or higher) residential development projects and nonresidential projects in the Specific Plan Area, the applicant shall implement the Tier 1 standards identified in the California Green Building Standards Code listed below. Buildings complying with the first level of advanced energy efficiency shall have an Energy Budget that is no greater than indicated below, depending on the type of energy systems included in the building project. ▪ **For building projects that include indoor lighting or mechanical systems, but not both:** No greater than 95 percent of the Title 24, Part 6, Energy Budget for the Standard Design Building as calculated by compliance software certified by the Energy Commission. ▪ **For building projects that include indoor lighting and mechanical systems:** No greater than 90 percent of the Title 24, Part 6 Energy Budget for the Standard Design Building as calculated by compliance software certified by the Energy Commission.	City of Hayward	Prior to issuance of building permits	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
Mitigation Measure GHG -1.2c: Implement Mitigation Measure AQ-2.2a.	City of Hayward	Prior to issuance of building permits	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits
Mitigation Measure GHG -1.2d: Implement Mitigation Measure AQ-2.2b.	City of Hayward	Prior to issuance of building permits	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits
Mitigation Measure GHG -1.2e: Implement Mitigation Measure AQ-2.2c.	City of Hayward	Prior to issuance of building permits	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits
Mitigation Measure GHG -1.2f: Implement Mitigation Measure AQ-2.2d.	City of Hayward	Prior to issuance of building permits	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits
NOISE					
Mitigation Measure NOISE-1: Prior to issuance of demolition, grading and/or building permits, the project applicant shall incorporate the following practices into the construction contract agreement to be implemented by the construction contractor during the entire construction phase: ▪ Construction activity is limited to the daytime hours between 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 7:00 a.m. and 7:00 p.m. on other days. ▪ During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible. ▪ Require the contractor to use impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.	City of Hayward	Prior to issuance of building permits Prior to Construction During Construction	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits During scheduled construction site inspections

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
▪ Stationary equipment such as generators, air compressors shall be located as far as feasible from nearby noise-sensitive uses. ▪ Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors. ▪ Construction traffic shall be limited—to the extent feasible—to haul routes approved by the City. ▪ At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City. ▪ Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes. ▪ During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws. ▪ Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the City noise standards and when the anticipated construction duration is greater than is typical (e.g., two years or					

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
greater).					
Mitigation Measure NOISE-4: Implement Mitigation Measure NOISE-1.	City of Hayward	Prior to issuance of building permits Prior to Construction During Construction	City of Hayward Department of Public Works	Plan Review and Approval	During review of building permits During scheduled construction site inspections
TRANSPORTATION AND CIRCULATION					
Mitigation Measure TRANS-1: Each implementing development project shall participate in the phased construction of off-site traffic signals and improvement of intersections through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees established through the proposed Specific Plan which includes DIF (Development Impact Fee). The fees shall be collected and utilized as needed by the City of Hayward to construct the improvements necessary to maintain the required level of service and build or improve roads to their build-out level. The following mitigating improvements would be required: ▪ Mission Boulevard & C Street (Intersection #11): Install a traffic signal at the intersection per City requirements. ▪ Second Street and City Center Drive (Intersection #12): Optimize signal timing and install an eastbound right turn overlap phase per City requirements. ▪ Montgomery Street & B Street (Intersection #18): Install a traffic signal per City requirements.	City of Hayward	Prior to issuance of building permits	City of Hayward Department of Public Works	Plan Review and Approval	Ongoing

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
UTILITIES AND SERVICE SYSTEMS					
Mitigation Measure UTIL-1: Prior to approving future applications for development in the Specific Plan Area, the City shall require future project applicants to prepare and submit a written statement to the satisfaction of the City of Hayward Community Development Department that clearly demonstrates how the project complies with the water conservation and water efficiency ordinances adopted by the City, including the Indoor Water Efficiency Ordinance (Municipal Code Chapter 10, Article 23), the CALGreen building code requirements (Municipal Code Chapter 10, Article 22 and Article 23), and the Bay-Friendly Water Efficient Landscape and Landscaping Ordinances (Municipal Code Chapter 10, Article 12 and 20) and any other water conservation strategies that would be implemented by the project applicant.	City of Hayward	Prior to future application approval	City of Hayward Department of Public Works	Plan Review and Approval	During review of development applications

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PLACEWORKS