

SOUTH HAYWARD BART / MISSION BLVD FORM-BASED CODE

FINAL SUPPLEMENTAL PROGRAM EIR

SCH# 2005092093



City of Hayward
Development Services Department
777 B Street, Hayward, CA 94541

June 2011



LAMPHIER-GREGORY

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INTRODUCTION TO THE FINAL EIR

PURPOSE OF THE FINAL SEIR

This document, combined with the Draft Supplemental Program Environmental Impact Report (Draft SEIR) published in April 2011, constitutes the Final Supplemental Program Environmental Impact Report (Final SEIR) prepared for the proposed South Hayward BART/Mission Boulevard Form-Based Code Project (the "Project") in the City of Hayward, California.

This EIR has been prepared pursuant to the California Environmental Quality Act (CEQA) as amended (commencing with Section 21000 of the California Public Resources Code), and the CEQA Guidelines. The Lead Agency for the Project is the City of Hayward. Lamphier-Gregory, Inc. and their subconsultant Dowling Associates, Inc. prepared the EIR for the Lead Agency.

The Project sponsor, the City of Hayward, is seeking the following approvals for this Project:

- General Plan Land Use Map and Text Amendment to revise all existing designations in the Project area to the Sustainable Mixed Use, Parks and Recreation and Public and Quasi-Public designations, with a Text Amendment to General Plan Appendix C to allow densities with a Sustainable Mixed Use designation up to 100.0 dwelling units per acre, versus the currently allowed range of 25.0 to 55.0 units per acre and to Appendix D, the Zoning Consistency Matrix;
- Zoning Regulations Text Amendment to include the South Hayward BART/Mission Boulevard Form-Based Code as a new Article 24 to Chapter 10 of the Hayward Municipal Code;
- Zoning Map Amendment to revise all existing designations in the Project area to those shown on the Regulating Plan (Figure 1-1 of the South Hayward BART/Mission Boulevard Form-Based Code; Figure 3-7 in this SEIR);
- Repeal the South Hayward BART/Mission Boulevard Special Design Overlay District (SD-6) (Section 10-1.2635 of the Hayward Municipal Code); and
- Repeal the 2006 South Hayward BART/Mission Boulevard Concept Design Plan.

EIR REVIEW PROCESS

DRAFT SEIR

A Draft EIR was made available for public review in April 2011 and distributed to local and state responsible and trustee agencies. The general public was advised of the availability of the Draft SEIR through public notice in the newspaper and by mail for those in the vicinity of the project area.

During the public review period for the Draft SEIR (starting Monday, April 4, 2011 and ending Friday, May 20, 2011), the City received four (4) written comments.

Publicly noticed meetings to receive comments on the Draft SEIR were conducted on April 26, 2011 before the Hayward City Council and April 28, 2011 before the Hayward Planning Commission. No written comments on the Draft SEIR were received at either of those meetings. Verbal comments were, however, received from members of the public, City Council members and Planning Commissioners. Responses to those comments are contained in Chapter 13.

FINAL SEIR

This Final EIR was issued on June 16, 2011. It contains all comments received by the City on the Draft SEIR and also includes responses to these comments, together with necessary changes or revisions to the text of the Draft SEIR document. Changes to the text of the Draft SEIR are included in this Final SEIR, shown in underline for new text or strikeout for deleted text.

This Final EIR will be presented to the Hayward Planning Commission at a public hearing on June 23, 2011. The Planning Commission will provide a recommendation as to the Final EIR's technical adequacy and provision of full disclosure to the City Council. The tentative hearing date for the City Council's consideration of the Final EIR is July 26, 2011.

Assuming that the City Council recommends certification of this EIR as complete and adequate under the guidelines of the California Environmental Quality Act (CEQA), this document together with the Draft EIR will constitute the EIR for this Project. The City Council may require additional changes or modifications to this Final EIR prior to certification.

Certification of the EIR does not constitute approval of the Project. The EIR will be used as an informational document by the Planning Commission and/or City Council when making decisions whether to grant project approvals.

REPORT ORGANIZATION

This Final SEIR consists of the following chapters, commencing after Chapter 10 of the Draft SEIR:

Chapter 11: Introduction to the Final SEIR. This chapter outlines the purpose, organization and scope of the Final SEIR document and important information regarding the public review and approval process.

Chapter 12: Revisions to the Draft SEIR. This chapter includes corrections, clarifications or additions to text contained in the Draft SEIR based on comments received during the public review period.

Chapter 13: Comments on the Draft SEIR and Responses. This chapter provides reproductions of letters received from public agencies and the public on the Draft SEIR. The comments are numbered in the margins. The responses to comments are also provided in this chapter immediately following each comment letter, and are keyed to the numbered comments.

Chapter 14: Mitigation Monitoring and Reporting Program. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with the requirements of State law (Public Resources Code, Section 21081.6) and CEQA Guidelines. A MMRP is required to be adopted when mitigation measures are required to avoid or reduce significant environmental effects of a proposed project.

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REVISIONS TO DRAFT SEIR

The following are minor text changes, additions or modifications made to the Draft SEIR for the South Hayward BART/Mission Boulevard Form-Based Code Project. An explanation of the changes made in response to comments can be found in Chapter 17. Deletions are noted by ~~strike through~~; additions are underlined.

CHANGES TO CHAPTER 7: TRANSPORTATION

- Page 7-28, Mitigation Measure Traf-4

(LOS at Mission Boulevard/Harder Road) Convert the signal phasing of this intersection to ~~split phasing with right-turn overlap phasing in the eastbound direction and westbound directions during the northbound and southbound protected left-turn phase. In conjunction with the signal phasing, changes, accomplish the following: (a) convert one eastbound exclusive left turn lane into a shared left and through; (b) convert one eastbound through lane into an exclusive right; and (c) provide overlap phasing for the westbound right turns and for the eastbound right turns, and (d) prohibit northbound U-turns to avoid conflicts with the right turn overlap phasing.~~

These changes to Mitigation Measure Traf-4 would still result in the same improvement (i.e., LOS D in the PM peak hour) identified under the corresponding impact in the Draft SEIR. As revised, the average delay would be 39.4 seconds which corresponds to a LOS D.

In reviewing the LOS analysis after circulation of the Draft SEIR, it was discovered that, in order for the Mitigation Measure to result in a LOS D, overlap phasing is only necessary for the eastbound direction and not the westbound.

Also, the split phasing and previous lane conversions were found to be unnecessary after further review of anticipated turn movement volumes. This was achieved by being slightly less conservative and allowing some eastbound right turning vehicles (about 50 vehicles per hour) to right-turn-on-red (RTOR) (the previous analysis in the Draft SEIR allowed for no RTOR). This is feasible given the southbound right turn volume is about 110 vehicles per hour which would create some gaps for the eastbound rights to turn on a red light. Plus the southbound through volume is less than the northbound through volume, indicating some additional green time is available in the southbound direction for eastbound RTOR gaps.

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RESPONSE TO COMMENTS

INTRODUCTION

This chapter contains responses to the written comments on the Draft Supplemental Program Environmental Impact Report (Draft SEIR). Responses below are provided for comments from the City Council, Planning Commission, and the following four (4) comment letters received from:

- Charlie Cameron, hand written notes received at the April 26, 2011 City Council meeting.
- Anthony B. Varni, letter dated May 10, 2011.
- Sherman Lewis, email dated April 26, 2011, 9:51 PM.
- Sherman Lewis, email dated April 26, 2011, 6:19 PM.

RESPONSES TO SPECIFIC COMMENTS

The following pages contain each submitted letter as well as the approved minutes of the April 26, 2011 City Council meeting and April 28, 2011 Planning Commission meeting. Substantive comments are numbered and responses are provided following each comment letter. Where revisions to the Draft SEIR have been made in response to comments, they are summarized below. All Draft SEIR text changes are also conveyed in Chapter 12 (Revisions to the Draft SEIR). In all other cases, the information provided in the responses is deemed adequate in itself, and modification of the Draft SEIR text was not necessary.

Responses presented in this document focus only on those comments which bear a direct relationship to environmental issues discussed in the Draft SEIR, as required under CEQA. Some comments provide opinion pertaining to matters not germane to the environmental analysis presented in the Draft SEIR. Where this occurs, such comments are acknowledged only and no responses to opinions are provided or required by CEQA

MINUTES OF THE APRIL 26, 2011 CITY COUNCIL MEETING

Mr. Benjamin Goulart, Main Street resident and Chabot College student, expressed concern about the new power plant being built in Hayward. Mayor Sweeney provided clarification about the actions that were taken by City Council and the California Energy Commission in prior years and informed Mr. Goulart that the Public Works Department could provide additional information.

Mr. Anthony Varni, representing the Felson family, spoke about the South Hayward BART/Mission Boulevard Form-Based Code staff report. Mr. Varni noted that the Felsons own apartment units that look over the 238 Bypass study area. Referring to the building configuration of the proposed project, he mentioned that the current building setback requirement is two feet from the sidewalk and expressed that because of traffic and vehicular speed on Mission Boulevard, there should be a greater setback and more property depth. He said if the project is not built correctly, it will negatively impact future projects.

Mr. Jim Drake, Franklin Avenue resident, expressed concern that Caltrans criterion was not being utilized during the construction of the mini-loop. Mr. Drake said the contractor on Harder Road, Top Grade, was not performing the work properly which could result in costly street maintenance. Mayor Sweeney requested Director of Public Works Bauman to look into Mr. Drake's concerns.

WORK SESSION (60-Minute Limit)

1. Draft Supplemental Environmental Impact Report for the South Hayward BART/Mission Boulevard Form-Based Code

Staff report submitted by Development Services Director Rizk, dated April 26, 2011, was filed.

Development Services Director Rizk introduced consultant Mr. Kevin Colin with Lamphier-Gregory, who provided a synopsis of the report.

Development Services Director Rizk noted Council was in receipt of an email from Dr. Sherman Lewis and that staff will address Dr. Lewis' comments as they prepare the final Supplement Environmental Impact Report (SEIR). Regarding Mr. Varni's concerns about setbacks and the proximity of buildings along Mission Boulevard, Mr. Rizk said these are addressed through plan aesthetics, the site plan mitigation review, and the air quality mitigation measures. Mr. Rizk mentioned that for the final Draft Environmental Impact Report (EIR) staff will be recommending an overall height limit in feet and if the developer chooses to build the maximum number of stories, each story will have a maximum height. He said staff will be coming back with revisions to the Form-Based Code.

Council Member Henson emphasized the need to address specific transportation need should the City move forward with the Sustainable Community Strategy (SCS). Mr. Colin confirmed for Mr. Henson that the California Environmental Quality Act (CEQA) guidelines for air quality mitigation measures are mandatory. In response to Mr. Henson's inquiry about traffic impact and mitigation recommendations, Director of Public Works Bauman noted that the Form-Based Code would cause four intersections to operate at E and F levels of service. He spoke about the four traffic mitigation



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777 B Street, Hayward, CA 94541
Tuesday, April 26, 2011, 7:00 p.m.**

measures to counterbalance and added that, as a result of an oversight, there will be a revision to the SEIR to reflect a mitigation change that is not going to include a right-of-way take for the Mission Boulevard/Harder Road intersection.

1-1

Council Member Zermefio suggested naming one of the proposed new streets after Cesar Chavez and said he hoped to have the Form-Based Code adopted prior to the Council’s August recess as it would create jobs and spur activity.

In response to Council Member Peixoto’s question if measuring building height in feet or stories to maximize density had been resolved, Mr. Colin said staff will be returning with a Code and Environmental Impact Report (EIR) with building height measured in both feet and stories to prevent further confusion.

Council Member Halliday stressed the importance of clarity for this process and the protection of views throughout as much as possible. Ms. Halliday was glad that the Mission Boulevard/Harder Road Intersection revision did not include a right-of-way take. She reiterated that the goal is to reduce greenhouse gas emissions through traffic signaling that will increase traffic flow and hoped that by creating a transit-oriented district, people will be encouraged to walk to neighborhood retail centers and use public transit.

Council Member Salinas inquired if community participation was achieved with neighborhoods that will be affected by the proposed developments. Development Services Director Rizk responded that community meetings were not held, but over 2300 notices were mailed regarding the work session. Mr. Salinas suggested utilizing the Neighborhood Partnership Program meetings to engage the community. Mr. Salinas commented that he would like to see a significant effort made in the area of alternative public transportation methods and suggested starting a shuttle service.

Mayor Sweeney asked staff and the consultant to be sure to taper down building height and scale, particularly for the areas south of the South Hayward BART station from Valle Vista to the other side of Tennyson Road. He suggested more T4 and fewer T5 zones. In response to Mayor Sweeney’s inquiry of whether the Draft EIR addressed the possible elimination of the Redevelopment Agency (RDA), Development Services Director Rizk reported that if the RDA was eliminated there would be a negative balance to the General Fund that could be offset by a community services district.

1-2

CONSENT

2. New Sidewalk - Bellina Street: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 26, 2011, was filed.

APRIL 26, 2011 CITY COUNCIL MINUTES

Response to Comment 1-1

Councilmember Henson asked the Bob Bauman, Hayward Public Works Director to summarize traffic impacts and mitigation measures identified in the Draft SEIR. The mitigation measure references by Mr. Bauman in the minutes is provided in Chapter 12 (Revisions to Draft SEIR).

Response to Comment 1-2

Mayor Sweeny questioned whether the Draft SEIR addressed possible elimination of the City of Hayward Redevelopment Agency.

The Draft SEIR does not address the possible elimination of the Hayward Redevelopment Agency. The elimination of Redevelopment Agencies is a component of the present State of California budget proposal by Governor Brown. It would be highly speculative to assume that Redevelopment Agencies, including the City of Hayward's, will be eliminated in the near future. Moreover, there is no identified direct or indirect physical impact would result from such elimination as it may pertain to the Project area.

CEQA Guidelines §15131 states that, "Economic and social information may be included in an EIR or may be presented in whatever form the agency desires." However, CEQA Guidelines §15131(a) provides, in part that, "economic or social effects of a project shall not be treated as significant effects on the environment."

As proposed, the SEIR would result in the application of the following mitigation measures related to the topic of public services:

Mitigation PS-1: (Fire Services) If the City determines new or replacement equipment is needed, future developers shall:

- a) Pay a fair share contribution to the City of Hayward to finance the acquisition of equipment to serve proposed developments, including those associated with mid to high rise structures (3 to 7 stories); and
- b) Pay a fair share contribution to the City of Hayward to finance the acquisition of traffic pre-emption devices along Mission Boulevard, as determined by the Hayward Fire Chief, to ensure emergency equipment can access new construction in the project area.

(Concept Design Plan EIR Mitigation Measure 4.8-1)

Mitigation PS-2: (Police Services) If the City determines new or replacement equipment is needed, future developers shall pay a fair share contribution to the City of Hayward to finance the acquisition of such equipment, including, but not limited to vehicles.

(Concept Design Plan EIR Mitigation Measure 4.8-2)

Mitigation PS-3: (Public Services/Fire Services) The City of Hayward shall prepare and adopt a mechanism to finance public safety staffing and improvements within the Project area prior to the construction of the first dwelling unit within the Project area. Such a mechanism may include a Community Facilities District or equivalent mechanism

that will provide for adequate funding to meet City and County staffing, facility and equipment standards, as determined by each respective jurisdiction.

(238 Land Use Study EIR Mitigation Measure 4.12-1)

Mitigation PS-4: (Public Services/Police Services) Approval of the proposed Project with any of the proposed Alternatives could represent a significant impact to the Hayward Police Department and Alameda County Sheriff Department, since the amount of future development and resulting calls for service may not be adequately served by existing department resources.

(238 Land Use Study EIR Mitigation Measure 4.12-2)



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CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 28, 2011, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Loché.

ROLL CALL

Present:	COMMISSIONERS:	Faria, Mendall, Lamnin, Lavelle
	CHAIRPERSON:	Loché
Absent:	COMMISSIONER:	Márquez, McDermott

Commissioner Lamnin led in the Pledge of Allegiance.

Staff Members Present: Conneely, Patenaude, Philis, Rizk

General Public Present: 7

PUBLIC COMMENTS

None

ACTION ITEMS

PUBLIC HEARING

1. Draft Supplemental Environmental Impact Report for the South Hayward BART/Mission Boulevard Form-Based Code

Development Services Director David Rizk provided background and context for the purpose of the hearing and then introduced consultant Kevin Colin, of Lamphier-Gregory, who gave the report.

Development Services Director Rizk explained that public comments on the Draft Supplemental EIR would be accepted through May 20, 2011. He then introduced traffic consultant Damian Stefanakis, with Dowling Associates, and Don Frascinella, the City's Transportation Manager, who were available to answer any technical questions about traffic mitigation.

Commission Mendall asked Mr. Colin to talk a little more about the screening required between major roads and housing to control emission impacts on residents. Mr. Colin explained that per the form-based code principle of keeping eyes on the street and basic aesthetics, screening would not include walls, berms, or mess screening but instead the building would provide the screening by keeping open spaces on the other side, away from busy streets like Mission Boulevard. He said that a developer seeking to put open space facing Mission would have to get a variance. Commissioner

2-1

Mendall asked about a café with sidewalk seating on Mission and Mr. Colin said the mitigation would only apply to land uses where the occupancy is dominated by children, the elderly, or a health facility. Mr. Colin clarified that an ice cream parlor would qualify as a retail use and the mitigation requirement would not apply. Development Services Director Rizk pointed out that form-based code envisions mixed-use which would include residential which would normally be a sensitive receptor. Mr. Rizk said another option is a developer could pay for a health risk assessment which may or may not show that such screening or buildings would be necessary in order to comply. He mentioned that the primary concern is automobile emissions and particulate matter kicked up by automobiles and that's why buildings can help mitigate the impact. Commissioner Mendall said he wanted to be sure the City wasn't making it harder for a developer to create a frontage use. Mr. Colin agreed saying how to not create a disincentive to investment was discussed. Mr. Colin also mentioned that the air quality model used from the Air Quality District is a coarse grain analysis; a refined analysis would have been too costly.

2-1

Regarding Attachment 3 (Regulating Plan of the Form-Based Code) of the staff report, Commissioner Mendall asked if he was interpreting the map correctly that showed the green belt along BART tracks being continuous from Industrial Boulevard to Harder Road with an interruption at Tennyson Road. Development Services Director Rizk said Mr. Mendall was correct and the City has the intent to create a beltway along BART through the entire project area. Commissioner Mendall said he was thrilled to see that, but asked why Attachment 2 (Proposed New Zoning Destinations) didn't also show it. Mr. Rizk said it was just a graphic production issue and the regulating plan will be the formal document regarding zoning.

Commissioner Mendall asked about changes to the South Hayward BART Mixed-Use and Mission Paradise projects and asked staff to provide an update. Development Services Director Rizk said the City Council considered a rephrasing/reconfiguring of the South Hayward project at a March 8th work session. Right now, he said, Wittek-Montana and Eden Housing are pursuing development of the property between Dixon Street and Mission Boulevard. The affordable housing units originally envisioned proximate to the BART station would be part of the new initial phase. Mr. Rizk said the City is still working with proponents of the development and will be recommending the formation of a Joint Powers Authority with BART to help manage land uses, fees, parking, etc. Mr. Rizk said the City is also working with the State Housing and Community Development Department on the Proposition 1C grants. Grant amounts will not meet the originally approved \$47 million, but most, if not all, of the \$17 million TOD Proposition 1C grant will be available because the number of affordable units is still quite high. Mr. Rizk said most of the \$30 million infill infrastructure grant was for the proposed BART parking structure, which is no longer being pursued in the initial phase. Right now, he said the City is working on formalizing agreements with BART and the developers.

Commissioner Mendall asked if the parking garage was on hold and what would replace the proposed grocery store with affordable senior housing above if the grocery store pulled out and the housing moved somewhere else. Development Services Director Rizk said they may not be affordable units, but the plan is still to have residential units over a grocer. He said that project is still entitled and the plans still applicable, but the developers and timing may change.

Planning Manager Richard Patenaude provided an update on the Mission Paradise project saying that the entitlement period is almost up, but the architect has indicated that they will go ahead with



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the project and will ask for an extension of time. Mr. Patenaude said that the design will remain the same, but the occupancy of the project may change.

Commissioner Lavelle said the report was a little overwhelming and asked for clarification regarding the proposed traffic mitigation at Mission Boulevard and Harder Road where the report discussed a conversion from signal phasing into split phasing. Mr. Colin apologized and said that particular mitigation was going to be revised and introduced Damien Stefanakis to explain what is going to be proposed in the final EIR (Environmental Impact Report). Mr. Stefanakis said that particular intersection is “tricky” and two mitigations are going to be proposed. Looking at the 2025 scenario of evening peak traffic (northbound being the commute direction), Mr. Stefanakis said their analysis revealed an “impacted” or “E” level of service, due to over 500 vehicles making right-hand turns onto Mission from Harder. Previous analysis didn’t take into consideration the form-based code overlays raising land uses in the area, he said. Signal phasing is now standard, Mr. Stefanakis explained, so to give more green time they proposed split phasing which allows all lanes travelling in one direction the right of way (for example, all westbound lanes, then all eastbound, then all southbound, etc.). Lane modifications could allow for both double left and double right-hand turns, he said, and to create even more turn time, a right turn overlap phasing would give green turn arrows to both traffic turning right onto Mission and traffic turning left onto Harder. He pointed out that this solution wasn’t ideal because it could create complications with pedestrians.

Chair Loché asked why this eastbound right is anticipated to be so heavy. Mr. Stefanakis said peak time volume is already high (208 cars) and 2025 volumes are anticipated to be higher. He said to have almost a 100% growth in 15 years is “incredible.”

Commissioner Lavelle said with the City’s emphasis on transit-orientated development, hopefully more people will live closer to where they work and not drive quite so much although she pointed out that incoming Cal-State East Bay students and visitors could raise volumes. Mr. Stefanakis agreed that land uses in the study area would contribute to the higher volumes.

Mr. Stefanakis then explained that because these mitigations would create lane offsets (or “jogs in the road” when turning) that were too dramatic, they went back to the drawing board and determined that the neither split phasing nor lane shuffling was necessary, and that only one right-hand turn lane was needed. He said they realized they were analyzing the intersection “conservatively” and determined that overlap phasing with right-hand turns allowed on a red to utilize gaps in the southbound traffic would allow 50 cars to move through the intersection and traffic flow to achieve standard service levels. Mr. Stefanakis said this alternative mitigation was a lot cleaner, less confusing, and Public Works has reviewed it and found it acceptable.

Director of Development Services Rizk explained that the alternative eliminates the need for any right-away takes and confirmed for Commissioner Lavelle that the alternate mitigation will be included in the final SEIR (Supplemental Environmental Impact Report).

2-2

<p>Commissioner Lamnin asked if trees and vegetation are helpful in screening for sensitive receptors. Mr. Colin said they are, but not to the degree of shielding a building would provide. He also pointed out that it takes a while for the trees to mature and depending on the species of tree they may shed leaves in the winter. Mr. Colin agreed that trees would look nicer but would not satisfy the requirements of the Air Quality District. Commissioner Lamnin pointed out there was a 14 year window until traffic mitigation measures are needed, but asked if any are being implemented now at busy intersections with the Route 238 Corridor Improvement Project currently underway. Mr. Colin said the mitigation at Mission/Tennyson is under construction, but the rest are not being completed at this time. He said Public Works will be responsible for monitoring conditions over time and noted that traffic counts on Mission have gone down.</p>	<p>2-3</p>
<p>Commissioner Lamnin asked if there was any impact to the historic properties in the project area and Mr. Colin said no and any proposed changes would be reviewed through the City's Historic Preservation Program.</p>	<p>2-4</p>
<p>Commissioner Lamnin asked if light industrial was included in the form-based code under T4 or T5 zoning. Director of Development Services Rizk said that zoning designation was applicable under the Mission Boulevard Specific Corridor Plan which is farther north, but remembered that light industrial fell under the T4-2 zoning.</p>	
<p>Commissioner Lamnin said she appreciated the updates on the Wittek-Montana and Mission Paradise projects and asked if any outreach had been conducted to Mandela Markets out of Oakland. She said she understood that they wanted to come to Hayward and their retail model seemed to match the Hayward community. Director of Development Service Rizk said he thought the City's economic development staffing had been promoting the site to grocers including ethnic markets.</p>	
<p>Commissioner Faria asked if the lane widths were going to change with the current corridor improvement or under form-based code and if a change would impact the proposed right-hand turns. Mr. Colin said the form-based code wouldn't impact the corridor project design, but he didn't know what the proposed lane widths were going to be and deferred to Mr. Stefanakis and City staff who indicated that traffic lanes would remain 12 feet. Mr. Colin clarified for Commissioner Faria that under the Mission Boulevard Specific Plan lane widths north of A Street on Mission Boulevard would change, but not on the southern portion of Mission where they would remain a little wider.</p>	
<p>Regarding mitigation measures for sensitive receptors, Chair Loché said the report's definition included residences, schools, day care centers, playgrounds, and medical facilities, and asked if there were any other uses not listed. Mr. Colin explained that sensitive receptors include uses that include young children, the elderly, and those whose respiratory systems might be vulnerable, and that the Development Director will determine how that definition is interpreted. Mr. Colin said the definition can be refined or clarified in the mitigation measure for the final SEIR. Chair Loché said he was concerned the definition could grow or become broader and that it might be impacted by the mitigation measures. Mr. Rizk said the City would use Bay Area Air Quality Management District (BAAQMD) guidelines when making those types of decisions.</p>	<p>2-5</p>
<p>Chair Loché asked for more information about the health risk assessment. He understood it was "not a free pass," and asked how the assessment would be conducted. Mr. Colin explained that the</p>	<p>2-6</p>



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<p>model used for the supplemental EIR did not identify specific locations, heights or designs of buildings, but an assessment would look at the specifics of a proposed development including those considerations as well as the building's interface with the roadway, weather, prevailing wind patterns and determine, using the Air District's methodology, if there is a health risk to a sensitive receptor. That report would be prepared in consultation with the BAAQMD and city staff in a CEQA review process for that particular project. Mr. Colin confirmed for Chair Loché that depending on the result of the assessment, different measures could be taken to mitigate any risk. Mr. Colin said Air District requirements are stricter, new, and evolving. Director of Development Services Rizk commented that standards today could be different in 10 to 15 year from now so while conducting a health risk assessment now may have some value it really depends on the timing and condition of the proposed future development.</p>	2-6
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<p>Commissioner Lamnin asked if a disclosure will be required for developers building in this sensitive receptor area. Director of Development Service Rizk said if the SEIR is adopted, a disclosure will be part of the form-based code, but Council will decide if the disclosure is explicit.</p> <p>Commissioner Mendall confirmed with Mr. Colin that a mixed use development with residential patios on the Mission Boulevard side would require a health risk assessment and that it may find that patios on the first floor are a risk, but not on the second and third floor. Commissioner Mendall said he agreed that a full health risk assessment didn't make sense at this time. Director of Development Services Rizk pointed out the City didn't have the money for it anyway.</p>	2-7
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Chair Loché opened the Public Hearing at 7:58 p.m.

<p>Charlie Cameron, Post Office Box 55, Hayward, said the report contained a number of errors, including the reference to "Industrial Parkway West." Mr. Cameron pointed out there is no "west" of Mission Boulevard on Industrial Parkway. He said he picked up a Fremont-Hayward map dated November 2002 at a Keep Hayward Clean and Green event at the Hayward BART station and it also referred to "Industrial Parkway West." Mr. Cameron also brought to the Commission's attention that AC Transit held a public hearing the day before and they are proposing to raise fares to close a \$21 million deficit. He said they will decide next month whether to raise fares 10 cents this year in August and another 15 cents in three years and in increments every three years after. He said by the time this project is done, the adult cash fare will be \$2.50. He pointed out that the Mission Paradise project is only three blocks from BART. He said there is almost no accessible public transit on Dixon Street. He concluded by saying that staff should review his comments.</p>	2-8
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Anthony Varni, attorney representing the Felson Family, said he will be submitting comments in writing.

Chair Loché closed the Public Hearing at 8:02 p.m.

Planning Manager Patenaude said all comments made by Commissioners will be incorporated into the Final SEIR.

Commissioner Mendall said he was pleased with the process and thinks the city is on the right track, moving in the right direction.

WORK SESSION

2. Telecommunications Facilities

Planning Manager Patenaude said at the request of Commissioners he was pleased to finally bring this topic to a Work Session. He said he would focus on pole aesthetics and notification to commissioners about proposed poles, but wouldn't talk too much about legalities as the City's ordinance regarding telecommunication poles was quite old, although he said he did include some sections for reference. He started by giving an overview of past and current projects and ended by asking for comments from the Commissioners. Mr. Patenaude suggested that Commissioners receive initial project notifications so they can contact him if they have a concern or question about a proposed telecommunications pole.

Commissioner Mendall said because paper notification cards were sent in the past by mail or via Planning Commission packets, they weren't timely. Now that notices are sent electronically, he encouraged staff to send more. Regarding the ability of a council member to be able to call an item up for review, he asked if Council can ask the Planning Commission to review an item. Planning Manager Patenaude said under City ordinance, if a council member asks to review a particular item it would go to Council, not the Planning Commission. Commissioner Mendall said it seemed logical for Council to be able to ask the Planning Commission to review an item. Mr. Patenaude pointed out that if enough members of the public have a concern, staff can request that Planning Commission review the project. He also noted that when receiving a notification, Commissioners can contact City staff with concerns during the review period. Commissioner Mendall said the role of Planning Commissioners is to also act as liaison between residents who may have concerns and City staff and to provide a check and balance by asking questions about proposed City projects. He concluded by saying extra notifications are only a good thing.

Commissioner Mendall said that, regarding facilities in general, he has no complaints regarding how rooftop antennae are currently installed, but said the City should never put up a monopole that does NOT look like a tree. He said a monopole, even in an industrial area, impacts the views of thousands of people and should be as attractive as possible. He pointed out that the City and PG&E are spending millions of dollars to underground utility poles because they are a visual blight and so are telecommunication poles.

Planning Manager Patenaude said his point is well taken and staff should look at poles from residential viewpoints. Commissioner Mendall reiterated that staff review should be from everyone's viewpoint unless the pole is completely shielded by buildings and that's not possible because they have to be above rooftops. Commissioner Mendall said he appreciated the opportunity to comment on the subject, saying it is great that existing poles were being utilized by several companies, but he insisted that all new poles should always be disguised as trees.

APRIL 28, 2011 PLANNING COMMISSION MEETING

Response to Comment 2-1

This series of comments at the Planning Commission meeting concerns an environmental issue (i.e., exposure of sensitive receptors to toxic air contaminants) that was adequately responded to at the subject meeting. No further response is necessary.

Response to Comment 2-2

This series of comments at the Planning Commission meeting concerns Impact Traf-4 and its corresponding Mitigation Measure Traf-4 on Page 7-28 of the Draft SEIR. The mentioned revision to Mitigation Measure Traf-4 is identified on Page 12-1 of this Final SEIR. Since these comments were adequately responded to at the subject meeting, no further response is necessary.

Response to Comment 2-3

This series of comments at the Planning Commission meeting concerns two environmental issues (i.e., exposure of sensitive receptors to toxic air contaminants and traffic impacts) that were adequately responded to at the subject meeting. No further response is necessary.

Response to Comment 2-4

This comment raises an environmental issue that was adequately responded to at the subject meeting. The topic of historic resources is addressed further in Pages 46 to 47 of the Initial Study prepared for this SEIR. No further response is necessary.

Response to Comment 2-5

This comment raises an environmental issue that was adequately responded to at the subject meeting. No further response is necessary.

Response to Comment 2-6

This comment raises an environmental issue that was adequately responded to at the subject meeting. No further response is necessary.

Response to Comment 2-7

This comment raises an environmental issue that was adequately responded to at the subject meeting. No further response is necessary.

Response to Comment 2-8

This comment raises an environmental issue that was adequately responded to at the subject meeting. No further response is necessary.

HANDWRITTEN NOTES FROM CHARLIE CAMERON



CITY OF HAYWARD
 777 B STREET, HAYWARD, CA 94541-5007
 (510) 583-4205 / www.hayward-ca.gov
 LIVE BROADCAST - LOCAL CABLE CHANNEL 15

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:
 Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, APRIL 28, 2011, AT 7:00 PM
COUNCIL CHAMBERS

*4/28/2011
 My 1032*

*DR. HAYWARD
 PLANNING*

item). Commission *my comments & corrections*

PUBLIC HEARINGS: For agenda item No. 2 the Planning Commission may make a recommendation to the City Council.

1. Draft Supplemental Environmental Impact Report for the South Hayward BART/Mission Boulevard Form-Based Code

NON-ACTION ITEMS: (Work Session items are non-action items. Although the Commission may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda).

WORK SESSION:

2. Telecommunications Facilities

Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Debbie Summers 48 hours in advance of the meeting at (510) 583-4205, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

ITEM 1 ON PG 2-3 THE WORDS IN 155102 BOULEVARD WAS RELINQUISHED TO THE CITY OF HAYWARD ONLY ADD & PUT IN THE WORDS PARCELS (WEST A'S & MISSION FOOTING JACKSON ST)

2) REMOVE THE WORD WEST FROM THE WORDS INDUSTRIAL PARKWAY FOR THESE PGS. 7-3, 7-5, 7-11, 7-12, 7-16, 7-17, 7-19, 7-21 7-22, 7-25, 7-29

3-1

2A) PLUS DONOR ON PG 29 ON THE DIVISION ST INDUSTRIAL PARKWAY ARE LISTED HIS WAY FOR THE CITY - SO WHY THE BOOF UP & UNP...???

3-2

	<p>ITEM 3) UN APPENDIX (A) THE LTR FROM THE GOV. OFFICE OF PLANNING & RES, STATE CLEARING HOUSE & PLANNING UNIT DTD, 12/22/2010 UN ON THE SECOND HAND UNDER PROXIMITY TO: RAILWAY SECT. THE UNION PACIFIC RAILROAD SHOULD HAVE BEEN ADDED TO THE TRACES CROSS INDUSTRIAL PARKWAY JUST WEST OF DIXON ST. (C) AS PER WALKWAY GATES & ACCESS AT THE AT PEAK COMMUTE TIMES TRUCKS COULD USE VERY BAD ALSO UNDER PROJECT LOCATION THEY ONLY HAVE THE WOOD INDUSTRIAL W/ INDUSTRIAL PARKWAY, (C) MAKES A DIFF UN W/ THE ROAD IS WHAT THE ROAD CAN HANDLE & WHAT IT WAS USED TO HANDLE & COULD (3B) ALSO A SAFETY ISSUE AS THE UP TRACES ARE RIGHT UNDER THE ST. THAT IS AT ST. (3A) THE DATE SHOULD BE JAN. 03, 2010 IS WRONG IT SHOULD HAVE BEEN JAN. 03, 2011 OR STAMPER WROTE SOMEBODY AS THE DEVELOPMENT SERVICES DEPT PUT A CROSSING UNIT IN THE WOOD (C) THAT WOULD BE THAT BUT NOW WE LOOK FOR STUPID & GREAT SOYNDI CENTS! (CITY OF HAYWARD)</p>	<p>3-3</p>
	<p>ITEM 4) UN THE INITIAL STUDY DETERMINATION DONE BY LANPACIA - GREGORY SEP, DEC, 2010 ON PAGE 14 REMOVE THE "W" UN INDUSTRIAL ON THE EASTERN SIDE ONLY. PLEASE NOTE THIS PART OF INDUSTRIAL PARKWAY TURNS EAST INDUSTRIAL PARKWAY SW (SOUTH WEST) TO HILBEEK UN UNION CITY CA.</p>	<p>3-4</p>
	<p>ITEM 5) ONLY 18 UNBA EXISTING PUBLIC TRANSIT NEW BATH IDEAS WHO COULD BE ACCOMMODATED BY EXISTING BATHS IS APPROXIMATELY 106 CAN YOU PLEASE, BRING TO MY ATTENTION THE 106 BATHS IN SAN JOSE TO WITH STANISLAV TOPPING AT ST. THAT IS AT ST. ARE THE W/ STAN IN SAN JOSE ON GUM UP AT ON THE BATHS (C) DURING THE</p>	<p>3-5</p>
<p>STANISLAV</p>	<p>ITEM 6) UN APPENDIX (A) THE LTR FROM THE GOV. OFFICE OF PLANNING & RES, STATE CLEARING HOUSE & PLANNING UNIT DTD, 12/22/2010 UN ON THE SECOND HAND UNDER PROXIMITY TO: RAILWAY SECT. THE UNION PACIFIC RAILROAD SHOULD HAVE BEEN ADDED TO THE TRACES CROSS INDUSTRIAL PARKWAY JUST WEST OF DIXON ST. (C) AS PER WALKWAY GATES & ACCESS AT THE AT PEAK COMMUTE TIMES TRUCKS COULD USE VERY BAD ALSO UNDER PROJECT LOCATION THEY ONLY HAVE THE WOOD INDUSTRIAL W/ INDUSTRIAL PARKWAY, (C) MAKES A DIFF UN W/ THE ROAD IS WHAT THE ROAD CAN HANDLE & WHAT IT WAS USED TO HANDLE & COULD (3B) ALSO A SAFETY ISSUE AS THE UP TRACES ARE RIGHT UNDER THE ST. THAT IS AT ST. (3A) THE DATE SHOULD BE JAN. 03, 2010 IS WRONG IT SHOULD HAVE BEEN JAN. 03, 2011 OR STAMPER WROTE SOMEBODY AS THE DEVELOPMENT SERVICES DEPT PUT A CROSSING UNIT IN THE WOOD (C) THAT WOULD BE THAT BUT NOW WE LOOK FOR STUPID & GREAT SOYNDI CENTS! (CITY OF HAYWARD)</p>	<p>3-6</p>

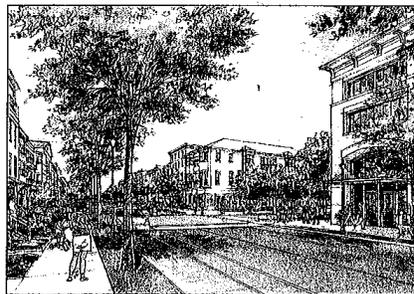
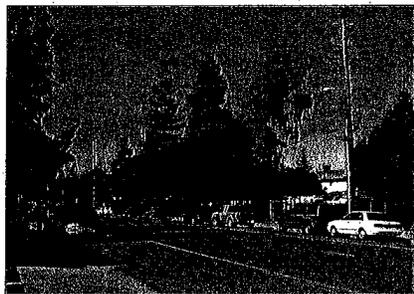
170 PLS DO NOT EAT TRANSIT HAD A PUBLIC HEARING ON
 ITS BUS FARE & DISCOUNTS ON WED, 4/27/2011
 BUS AT 12:45 PM, & WILL MAKE CHANGES MOSTLY
 BASED ON AUG, 2011 & THEN EVERY THREE YRS

3-7

OUT FOR NEPT TO PLS AS PER GUY IN END 11-053a
 THIS WOULD MOSTLY GO BACK TO KBY, AS 4/27/2011
 NEW BUS TRANSIT IDEA
 3) ALL BUS STOPS AWAY FROM THE SOUTH HAY
 WARD STATION BOTH S. ON MISSION BLVD, OR ON
 DIPSON ST. & A TRANSIT WILL MAKE THE FARE MAY
 DECISION / DECISIONS WERE MADE IN 2011
 SOUTH HAYWARD BART / MISSION BLVD FORM-BASED CODE

3-8

DRAFT SUPPLEMENTAL PROGRAM EIR
 SCH# 2005092093



2 from Form
 4/28/2011
 ebe led 4/28/2011

City of Hayward
 Development Services Department
 777 B Street, Hayward, CA 94541

April 2011

[Handwritten signatures and notes]
 CHARLIE ANGELO
 P.O. BOX 55
 HAYWARD, CA 94543
 4/26/2011



LAMPHIER-GREGORY

URBAN PLANNING, ENVIRONMENTAL ANALYSIS & PROJECT MANAGEMENT | www.lamphier-gregory.com

<p>ITEM 6) DOWLING ASSOCIATES INC, MEMO DTD, 4/1/2011 TO MR. DAVID RIZK PLANNING DIVISION FOR THE CITY OF HAYWARD, ON PG 3 & 25 WE MOVE THE WEST (THREE INDUSTRIAL PARKWAY SANFORD; ON PG 10 & 25, 11 & 25, 12 & 25, 13 & 25, 14 & 25, 15 & 25, 16 & 25, 18 & 25, 23 & 25, 24 & 25</p>	<p>3-9</p>
<p>7) ON PG 24 & 25 TABLE 12 - 2025 INTERSECTIONS LOS FOR PROJECT WITH & WITHOUT MITIGATIONS OK WITH PROJECT BUT FOR THE WORK MITIGATED PUT IN THE WORK/WORKS NOW - MITIGATED? OR DO YOU ALSO MEAN YOU DID SOME OTHER THINGS AT THE INTERSECTIONS # 15, 7+10 TO BE NOW CLASSIFIED AS MITIGATED?</p>	<p>3-10</p>
<p>8) FROM DOWLING ASSO, MEMO: ON TABLE 8, PG 18 & 25 TABLE 9, TABLE 10, WORDING PARTIALS, 8A) PUT IN THE WORD WEST "A" & WEST & DIPION RD > (STREET) OR REMOVE THE WORD WEST & PUT IN AT OR DOES WEST & DIPION RD (STREET) MEAN 8B) SAME AS ABOVE FOR TABLES > -8, 7-9 > 10? & 7-11 ALSO</p>	<p>3-11</p>
<p>9) ON PG 7-19 HOW WILL SEGWAYS, ROLLER SLABS SKATEBOARDING, & BIKES & PED, DECK W/ EA, OTTAR & CROSS STATE RT 238 & BOARDING BY ASSISTANTS ON MISSION BLVD > FOR THE GREATER FAIRWAY PARK GREATER MISSION - GAIN NEIGHBORHOOD PLAN/PLANS?</p>	<p>3-12</p>

Table 8: 2025 No Build CMP Volumes for the PM Peak-Hour

Link Location	Northbound		Southbound		V/C	LOS	Volume	Capacity	V/C	LOS	
	Volume	Capacity	Volume	Capacity							
Interstate/State Highways											
I-880 North of "A" St	9,017	8,400	1.07	4	F	8,939	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,142	6,300	1.13	3	F	6,676	6,300	1.06	3	F	Freeway
I-880 North of Whipple Rd	7,016	6,300	1.11	3	F	7,556	6,300	1.20	3	F	Freeway
I-238 East of I-880	3,609	6,300	0.57	3	C	5,805	6,300	0.92	3	E	Freeway
I-580 East of I-238	5,457	10,500	0.52	5	B	9,804	10,500	0.93	5	E	Freeway
I-580 East of Grove Wy	5,913	8,400	0.70	4	C	10,308	8,400	1.23	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,236	3,481	1.22	4	F	2,719	3,481	0.78	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,563	4,121	1.11	5	F	3,673	4,121	0.89	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,870	2,841	1.01	3	F	2,253	2,841	0.79	3	B	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,042	2,841	1.07	3	F	2,398	2,841	0.84	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,974	2,841	1.05	3	F	2,304	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,274	1,800	0.71	2	D	729	1,800	0.41	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,515	1,800	0.84	2	D	973	1,800	0.54	2	C	Class 1B
Industrial Pkwy West of Dixon Rd	1,343	1,800	0.75	2	D	650	1,800	0.36	2	C	Class 1B
Whipple Rd West of Mission Blvd	737	840	0.88	1	E	665	840	0.79	1	E	Class 2
Sum	60,708					65,452					

ITEM 8
Amended
4/28/2011

with 60' guard rail - ?
OK 15 ft w/stop - ?
DOWLING ASSOCIATES, INCORPORATED

V/C = Volume-to-capacity ratio
Dowling Associates, Inc. October 2010

Mr. David Rizk
South Hayward BART SEIR Traffic Study – Final Report
 April 1, 2011

Page 18 of 25

Table 9: 2025 + Project CMP Volumes for the PM Peak-Hour

Link Location	Northbound				Southbound				Freight		
	Volume	Capacity	V/C Ratio	LOS	Volume	Capacity	V/C Ratio	LOS			
Interstate/State Highways											
I-880 North of "A" St	9,007	8,400	1.07	4	F	8,928	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,203	6,300	1.14	3	F	6,714	6,300	1.07	3	F	Freeway
I-880 North of Whipple Rd	7,059	6,300	1.12	3	F	7,644	6,300	1.21	3	F	Freeway
I-238 East of I-880	3,662	6,300	0.58	3	C	5,950	6,300	0.94	3	E	Freeway
I-580 East of I-238	5,490	10,500	0.52	5	B	9,834	10,500	0.94	5	E	Freeway
I-580 East of Grove Wy	5,967	8,400	0.71	4	C	10,277	8,400	1.22	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,248	3,481	1.22	4	F	2,804	3,481	0.81	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,588	4,121	1.11	5	F	3,584	4,121	0.87	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,812	2,841	0.99	3	D	2,421	2,841	0.85	3	C	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,184	2,841	1.12	3	F	2,449	2,841	0.86	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,938	2,841	1.03	3	F	2,315	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,485	1,800	0.83	2	D	805	1,800	0.45	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,722	1,800	0.96	2	E	1,073	1,800	0.60	2	D	Class 1B
Industrial Pkwy West of Dixon Rd	1,475	1,800	0.82	2	D	713	1,800	0.40	2	C	Class 1B
Whipple Rd West of Mission Blvd	741	840	0.88	1	E	674	840	0.80	1	E	Class 2
Sum	61,531					66,185					

V/C = Volume-to-capacity ratio
 Dowling Associates, Inc. October 2010

Dowling Associates, Incorporated

HANDWRITTEN NOTES FROM CHARLIE CAMERON

Response to Comment 3-1

Mr. Cameron requests that the word "West" be deleted in reference to Industrial Parkway. That directional qualifier is consistent with the Hayward General Plan and Google Maps.

Response to Comment 3-2

This comment is not readable. No response possible.

Response to Comment 3-3

This comment is not readable. No response possible.

Response to Comment 3-4

This comment is not readable. No response possible.

Response to Comment 3-5

See response to Comment 2-1.

Response to Comment 3-6

This comment is not readable. No response possible.

Response to Comment 3-7

This comment mentions that AC Transit will have a public hearing in August 2011. Comment noted.

Response to Comment 3-8

This comment is not readable. No response possible.

Response to Comment 3-9

This comment appears to request clarification on which information in the Table 12 of the Appendix E (Traffic Study) is particular to the "mitigated" versus "not mitigated" scenarios. The column labeled "Project" is the "not mitigated scenario; the "Mitigated" column is the "mitigated" project scenario.

Response to Comment 3-10

See response to Comment 2-1.

Response to Comment 3-11

See response to Comment 2-1.

Response to Comment 3-12

This comment is not readable. No response possible.

Response to Comment 3-13

See response to Comment 2-1.

VARNI, FRASER, HARTWELL & RODGERS

ATTORNEYS AT LAW

650 A STREET

P.O. BOX 570

HAYWARD, CALIFORNIA 94543-0570

PHONE: (510) 886-5000 FAX (510) 538-8797

WEBSITE: VARNIFRASER.COM

OF COUNSEL:
MAURICE E. HUGUET, JR.
JONATHAN DANIEL ADAMS
P. CECILIA STORR

May 10, 2011

RECEIVED

MAY 10 2011

Development Services Department

HAND DELIVERED

David Rizk
Development Services Director
City of Hayward
777 "B" Street
Hayward, California 94541-5007

**Re: Draft Supplemental Environmental Impact Report
South Hayward BART / Mission Blvd. Form-Based Code**

Dear Mr. Rizk:

We represent the Felson Family. The family owns 427 apartment units approximately 300 hundred feet east of Mission Blvd. near its intersection with Tennyson Road. These units were built by the family, have good views and are close to public transportation. They are well maintained. The marketplace has accepted them as a good value.

Our clients' thoughts with regard to the Draft Supplemental Environmental Impact Report for the South Hayward BART / Mission Blvd. Form-Based Code (the "EIR") are as follows:

- | | |
|---|-----|
| 1. At prior hearings and at the Work Session of April 26, 2011, it was mentioned that the T-5 zoning designation starting at the intersection of Tennyson Road and Mission Blvd. should taper rapidly to a T-4 designation. | 4-1 |
| 2. The EIR does not adequately address the mitigation which should be imposed on any development that will result in air quality or traffic issues which impact the safety of residents in the existing units owned by the Felson Family. | 4-2 |

David Rizk
May 10, 2011
Page 2

3. Monolithic, multi-story residential units within 2 feet of the back of sidewalk on Mission Blvd. are an unproven product.	4-3
4. There is no information in the EIR to suggest that the air quality issues, which will affect the Felson units and "sensitive receptors" in such units, can be addressed by monolithic structures on Mission Blvd.	4-4
Development of parcels along Mission Blvd. contiguous to the Felson Family properties would be supportable, provided that the height and separation of these buildings does not affect the views, light and air amenities of the 427 units presently owned by the Felson Family. It may well be that this type of building, so close to Mission Blvd. and its fast moving truck traffic, without adequate view and air corridors, is not economically feasible or acceptable to Hayward residents.	4-5

Very truly yours,

VARNI, FRASER, HARTWELL & RODGERS

ANTHONY B. VARNI

ABV/I
Rizk,D.Ltr

cc: Clients

MAY 10, 2011 LETTER FROM ANTHONY B. VARNIResponse to Comment 4-1

This comment references statements by an unnamed person or organization at the April 26, 2011 City Council meeting. This comment does not speak to the Draft SEIR. No response is, therefore, required.

Response to Comment 4-2

This comment alleges the Draft SEIR does not provide adequate air quality and traffic mitigation measures for future developments which impact residents at an apartment complex located at the southwest corner of Mission Boulevard and Tennyson Road.

The subject apartment complex is located adjacent to the Wittek-Montana Eden Housing mixed-use project which was previously approved by the Hayward City Council and subject to a separate, project-specific CEQA document.

The commenter does not reference any particular impacts nor any mitigation measures included within the Draft SEIR. Chapter 2 (Executive Summary and Impact Overview) of the Draft EIR identifies all impacts and mitigation measures associated with the Project; including those particular to the topics of Air Quality and Traffic.

The scope of environmental analysis in this Draft SEIR is limited to those topics and issues that can be currently identified without being highly speculative. As was contemplated in the Previous CEQA Documents, it is anticipated that additional environmental review will occur as individual land use entitlements are requested in the future. It is further envisioned that this SEIR will be used as the basis for any further environmental analyses and documentation concerning those future land use entitlement requests.

Therefore, the mitigation measures provided in this SEIR are adequate, insofar as the potential environmental effects can be determined at this date in time without being highly speculative. The commenter is encouraged to participate in the City's evaluation of future development proposals; including their accompanying review under CEQA.

Response to Comment 4-3

This comment appears to speak to the commercial viability of future housing developments along Mission Boulevard. This comment does not raise an environmental issue and, therefore, no response is required. Comment noted.

Response to Comment 4-4

This comment alleges the provisions of Mitigation Measure Air-2 are inadequate for air quality impacts upon the subject apartment complex. More specifically, the comment alleges that, "monolithic structures on Mission Blvd." would be insufficient to address air quality impacts upon occupants of the subject apartment complex.

As discussed in the Draft SEIR, the primary source of emissions and associated health risks, leading to recommended Mitigation Measure Air-2, is Mission Boulevard. The commenter is correct that new buildings, on adjacent or abutting parcels, will not shield or buffer the subject apartment complex. It is not physically feasible.

The subject apartment complex is situated on a corner parcel at the intersection of Mission Boulevard and Tennyson Road. There are not private parcels of land between the emission source (i.e., Mission Boulevard) and subject apartment complex.

In accordance with guidance provided by the Bay Area Air Quality Management District (BAAQMD), the Draft SEIR proposes to apply an overlay zone applicable to future development proposals within the Project area. The overlay zone would not apply to existing development within the Project area, and the BAAQMD does not recommend that it apply. Rather the BAAQMD strives to address air quality improvement (such as that under question at Mission Boulevard) through the Bay Area Clean Air Plan and its many accompanying implementation programs.

One element of the Bay Area Clean Air Plan relevant to this comment and situation is use of Transportation Control Measures (TCMs) which are intended to reduce vehicle emissions. As discussed on Pages 5-14 through 5-16 of the Draft SEIR, the Project adheres to all applicable TCMs. Additionally, on those same pages, the Draft SEIR demonstrates, relative to the Bay Area Clean Air Plan, the Project is consistent with its primary goals, includes applicable control measures, and does not disrupt or hinder implementation of control measures.

Response to Comment 4-5

This comment speaks to the author's support or non-support for future developments contiguous to the subject apartment complex. This comment also speaks to the author's perception of economic feasibility of such future developments.

These comments do not raise environmental issues. Comments noted.

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

From: Sherman Lewis [<mailto:sherman.lewisiii@gmail.com>] On Behalf Of Sherman
 Sent: Tuesday, April 26, 2011 9:51 PM
 To: Bill Quirk; Barbara Halliday; Erik Pearson; Fran David; Francisco Zermeno - Forward; Michael Sweeney; CityClerk; Robert Bauman; Marvin Peixoto; Mark Salinas; Sara Buizer; David Rizk; Richard Patenaude; Olden Henson; John DeClercq
 Subject: South Hayward SEIR Traffic Study

<p>This traffic study was exactly what I expected.</p> <p>It is somehow still acceptable practice to study intersection expansion for public works departments instead of pricing, transportation and land use for planning departments. It explains why real Hayward policy undermines Hayward climate change policy.</p>	5-1
<p>The key information is on p. 4 of the April 1 traffic study. The ACCMA model is technically a good execution of UMTA 4 step modeling, but that model does not consider any of the policies needed for cost-effective, sustainable development. It necessarily predicts congestion based on historic patterns of traffic generation in suburbia with no regard for induced demand or alternative policies. The MTC model is more powerful and considers more policy than ACCMA, but is also quite limited in its policy reach.</p>	5-2
<p>The problem with the traffic study is different from the problem with the NN BART access study. NN used overly gross models that misanalysed the reality of the South Hayward BART situation, while the traffic study ignores alternatives altogether.</p>	5-3
<p>This is not just a technical issue; it is political. Council will not get better analysis unless it asks for it, from competent consultants.</p>	5-4

--
 Sherman Lewis
 Professor Emeritus, CSU Hayward
 President, Hayward Area Planning Association
www.quarryvillage.org
 510-538-3692 sherman@csuhayward.us
 2787 Hillcrest Ave. Hayward CA 94542

SHERMAN LEWIS, EMAIL DATED APRIL 26, 2011, 9:51 PM

Response to Comment 5-1

This comment appears to question the use of Level of Service (LOS) in the methodology of Chapter 7 (Transportation).

Relative to the question of circulation impacts, the CEQA Guidelines require utilization of the following statement to determine whether the Project would result in a significant impact, "Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit." The applicable plan in the case of the Project is the Hayward General Plan.

As indicated on Page 7-14 of the Hayward General Plan:

Level of service (LOS) is a qualitative indication of the level of delay and congestion experienced by motorists using an intersection. LOS levels are designated by the letters A through F, with A having the best operating conditions and F the worst (high delay and congestion). The City of Hayward General Plan identifies the following LOS goal: "Seek a minimum Level of Service D at intersections during the peak commute periods except when LOS E may be acceptable due to costs of mitigation or when there would be other unacceptable impacts."

Therefore, the Draft SEIR properly utilized LOS to determine whether the Project would result in a significant impact relative to intersection operation.

Response to Comment 5-2

This comment questions the traffic forecasting methodology used in the Draft SEIR. Page 7-13 of the Draft explains that:

The traffic forecasting methodology used for this Draft SEIR includes use of the following models: (1) City of Hayward Travel Demand Model for predicting intersection volumes; and (2) Alameda Countywide Congestion Management Agency's (ACCMA) travel demand model for Congestion Management Program (CMP) roadway volumes. These models were also utilized for the prior Concept Design Plan Program EIR.

Intersection turning volumes were incorporated into TRAFFIX© software to determine Levels of Service (LOS) using the Highway Capacity Manual methods. The City of Hayward Travel Demand Model was refined, in consultation with and under the direction of the City of Hayward, to accurately reflect existing and future vehicle intersection volumes in the Project's study area. The roadway link volumes from the ACCMA model were incorporated into a Highway Capacity Manual (HCM) analysis spreadsheet to evaluate level of service conditions on CMP roadways.

The travel demand models utilized in the Draft SEIR are consistent with those utilized in the Previous CEQA Documents and were determined by the Lead Agency as the appropriate means of determining the Project's potentially significant impacts upon intersection performance in accordance with applicable plans and policies. The use methodologies that rely upon "alternative policies" or "more policy" would be inconsistent with CEQA.

The City of Hayward has, as Lead Agency under CEQA, previously adopted policy which establishes a threshold of significance for intersection operation in accordance with CEQA Guidelines Section 15064.7. Consideration and utilization of "alternative policies" or "more policies," on an ad-hoc basis and within the context of this single Project, would be inconsistent with the procedural requirements of CEQA Guidelines Section 15064.7(b) and substantial evidence requirements of CEQA Guidelines Section 15064.7(c).

Response to Comment 5-3

This comment refers to the traffic study utilized in the Draft SEIR and a separate South Hayward BART access study (not particular to the Project). It is unclear what "alternatives" the commenter is referring to. Chapter 8 (Alternatives) describes six (6) alternatives considered in the Previous CEQA Documents. Comment noted.

Response to Comment 5-4

This comment does not raise an environmental issue. Comment noted.

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

From: Sherman Lewis [<mailto:sherman.lewisiii@gmail.com>] On Behalf Of Sherman
 Sent: Tuesday, April 26, 2011 6:19 PM
 To: Bill Quirk; Barbara Halliday; Erik Pearson; Fran David; Francisco Zermeno - Forward; Michael Sweeney; CityClerk; Robert Bauman; Marvin Peixoto; Mark Salinas; Sara Buizer; David Rizk; Richard Patenaude; Olden Henson; John DeClercq
 Subject: Comments on Staff Report on DSEIR for South Hayward Form Code

Comments on the staff report on the Draft Supplemental Environmental Impact Report for the South Hayward BART/Mission Boulevard Form-Based Code

Impact Air-2: ... "Development ...would bring additional uses involving sensitive receptors, which could include residences, schools, day care centers, playgrounds, and medical facilities, to sites exposed to increased health risks from vehicle emissions along Mission Boulevard (Highway 238)."

<p>Translation: Car-oriented development will increase air pollution for people nearby.</p> <p>Note: The sensitive receptors are oxygen-based life forms, not buildings.</p>	<p>6-1</p>
<p>Question: Is Mission still 238 or was the route designation rescinded by the CTC last summer?</p> <p>"To mitigate these impacts..., it is recommended that an overlay zone be established.... The mitigation measure would require: (a) shielded or buffered outdoor areas for sensitive receptors; (b) installation of compliant air filtration systems for buildings containing sensitive receptors; or (c) in lieu of items (a) and (b), demonstrate through a Health Risk Assessment that no threat to health exists...."</p>	<p>6-2</p>
<p>Shielded or buffered? Air filtration to remove ozone, carbon monoxide, and carbon dioxide? More pollution with no health threat?</p>	<p>6-3</p>
<p>This policy is using words to pretend to be doing something. It is of a piece with the BAAQMD PSD decision on the RCEC in the face of kids getting asthma from the existing pollution east of the plant along the 880 corridor-as documented by Alameda County Health and admitted by the BAAQMD.</p>	<p>6-4</p>
<p>The Form Based code assumes, even requires, an abundance of "free" parking and auto-dependency and ignores the opportunity for cost-effective and sustainable alternative policies as I have put forward for South Hayward (unbundling; transit-oriented public works requirements; eco-pass; parking benefit districts; an Access Authority; high-tech parking charges based on vacancy rates and willingness to pay; short-distance, dense corridor, RFP-based shuttle service; shared parking; parking charge-shuttle equilibrium; car-free lifestyle, pedestrian, mixed use design).</p>	<p>6-5</p>
<p>Impact Traf-1: Hayward, historically, has only built more pavement and more parking structures.</p> <p>Don't expand pavement. Get briefed on induced demand, peak oil and gas prices,</p>	<p>6-6</p>

<p>the limits on traffic modeling, and how to change urban systems incrementally. Develop policies that reduce auto trip generation. The US is in for a big surprise: too much pavement. The city that sees it coming and plans for a more efficient, productive economy, will be successful. Don't let form code also force car-dependency. Put the traffic into efficient vehicles. Ask staff how to make this happen. Your staff transportation tool kit is a hammer. No wonder they only recommend more nails.</p>	6-6
<p>Discussion of car traffic: abundant. Discussion of alternatives: missing. Search terms: unbundling no match eco pass no match transit, transit capital, transit operating no matches shared parking no match willingness to pay no match parking charges, parking management no matches shuttle no match corridor no match bus service no match ridership no match headways no match dwell time no match frequency no match door to door no match travel time, travel cost no matches elasticities no match car-free no match</p>	6-7
<p>I took a look at http://www.hayward-ca.gov/forums/SHBARTFBC/shbartfbcforum.shtm, where I found http://www.hayward-ca.gov/forums/SHBARTFBC/pdf/2011/Revised%203-15-2011%20S%20Hayward%20BART%20Form-Based%20Code.pdf, which seems to be the Form-Based Code, one of the documents before Council. I also looked at the PowerPoint at Item #1 - SH BART FBC Draft SEIR on the agenda website.</p>	
<p>However, I was unable to find any Draft Supplemental Environmental Impact Report or traffic analysis.</p>	6-8

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 April 26, 2011

SHERMAN LEWIS, EMAIL DATED APRIL 26, 2011, 6:19 PM

Response to Comment 6-1

Comment noted.

Response to Comment 6-2

This comment questions whether Mission Boulevard is still considered State Route 238 within the Project area. During preparation of the Draft SEIR, Caltrans rescinded ownership of Mission Boulevard to the City of Hayward.

Response to Comment 6-3

This comment is unclear and does not appear to raise an environmental issue. Comment noted.

Response to Comment 6-4

It is unclear which policy this comment refers to and whether this comment is particular to the Draft SEIR. Comment noted.

Response to Comment 6-5

This comment expresses an opinion about the Project's parking regulations. As described in Pages 7-36 through 7-39 of the Draft SEIR, the CEQA Guidelines no longer include parking as an environmental factor to be considered under CEQA. Comment noted.

Response to Comment 6-6

This comment suggests the consideration of alternative transportation policies and offers commentary on future transportation and development trends. As explained in Response to Comment 4-2, the Draft SEIR correctly relied upon applicable policy. Offered commentary is noted.

Response to Comment 6-7

This comment is unclear and does not appear to raise an environmental issue. Comment noted.

Response to Comment 6-8

This comment questions where a copy of the Draft SEIR may be obtained. The Draft SEIR was made available on Monday, April 4, 2011 and continues to be available at the following URL:

<http://www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm>

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

This Mitigation Monitoring and Reporting Program (MMRP) fulfills Public Resources Code Section 21081.6 which requires adoption of a mitigation monitoring program when mitigation measures are required to avoid or reduce a proposed projects significant environmental effects. The MMRP is only applicable if the City of Hayward decides to approve the proposed Project.

The MMRP is organized to correspond to environmental issues and significant impacts discussed in the EIR. It also incorporates applicable mitigation measures from the Previous CEQA Documents and consolidates them into a single MMRP for the Project area. This is done as a matter of convenience for Lead Agency staff charged with applying applicable mitigation measures to future development projects. However, the following mitigation measures from the Previous CEQA Documents have either been omitted or modified by this SEIR, as explained below:

- Mitigation Measure 4.3-2d in the prior 238 Bypass Land Use Study EIR pertains to San Lorenzo which is not located in the Project area. Therefore, it is not included in the MMRP.
- Mitigation Measure 4.6-1 in the prior Concept Design Plan EIR has been modified to remove references to the project alternatives considered in that Previous CEQA Document so that the measure remains applicable to the current Project.
- Mitigation Measure 4.7-3 in the prior Concept Design Plan EIR is not included in the MMRP and is deleted by this SEIR since CEQA no longer requires parking to be considered as an environmental factor when determining whether a project would result in significant environmental effects.

The table below is arranged in the following five columns:

- Recommended mitigation measures,

- Timing for implementation of the mitigation measures,
- Party responsible for implementation,
- Monitoring action,
- Party or parties responsible for monitoring the implementation of the mitigation measures, and
- A blank for entry of completion date as mitigation occurs.

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program					
Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>Mitigation Aes-1: (Visual Character) Development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that privacy impacts on surrounding properties and effects of shade and shadow are reduced to a less-than-significant impact. Design of future buildings shall include “stepping down” of taller buildings, appropriate siting of windows and balconies to maximize privacy and establishment of view corridors to nearby hills.</p> <p>(Mitigation Measure 4.1-1 in Concept Design Plan EIR).</p>	<p>During Site Plan Review, prior to building permit issuance</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	
<p>Mitigation Aes-2: (Views, Scenic Resources, Landforms and Visual Character) Development projects submitted to the City of Hayward within the Project area shall be subject to design review to ensure:</p> <p>a) Adherence to General Plan policies, Design Guidelines, Hillside Design Guidelines and applicable Neighborhood Plans to minimize the grading, appropriate siting of new roads and structures and planting of replacement vegetation to ensure that hillside development integrates into the existing appearance of hillside properties.</p> <p>b) Appropriate use of building material and colors to minimize reflection of windows and roofs to the community to the west.</p> <p>c) Design of future buildings within flatter portions of the</p>	<p>Prior to approval of development project in Project area</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program					
Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>Project area to include “stepping down” of taller buildings, appropriate siting of windows and balconies to maximize privacy and establishment of view corridors to nearby hills.</p> <p>(Mitigation Measure 4.1-1 in 238 Land Use Study EIR).</p>					
<p>Mitigation Aes-3: (Light and Glare Impacts) Lighting Plans shall be submitted as part of all future development projects. Lighting Plans shall include lighting fixtures to be employed and specific measures to be taken to ensure that lighting is directed downward so that light and glare will be minimized.</p> <p>(Mitigation Measure 4.1-3 in Concept Design Plan EIR).</p>	<p>During Site Plan Review, prior to building permit issuance</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	
<p>Mitigation Aes-4 (Light and Glare Impacts) Lighting Plans shall be submitted to the City of Hayward Development Services Department as part of all future development projects. Lighting Plans shall include specific measures to reduce future lighting to a less-than-significant level, including but not limited to limiting the number of intensity of lighting fixtures to the minimum required for safety and security purposes, directing lighting fixtures downward so that light and glare will be minimized, turning off unneeded lights and similar features</p> <p>(Mitigation Measure 4.1-2 in 238 Land Use Study EIR).</p>	<p>Prior to issuance of building permits for development project in Project area</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division and Public Works Department</p>	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program					
Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>Mitigation Air-1: (Inconsistency with Air Quality Plan) Mitigation Measure 4.6.1 contained in Section 4.6, Population and Housing, directs the City of Hayward to consult with the Association of Bay Area Governments to include the build-out population for the approved concept plan alternative for this project. However, even with current General Plan goals and strategies and adherence to Mitigation Measure 4.6.1, the project would be inconsistent with the Clean Air Plan and would be a significant and unavoidable impact.</p> <p>(Concept Design Plan EIR Mitigation Measure 4.2-1)</p>	<p>As part of next regional population update round</p>	<p>Hayward Planning Division</p>		<p>Hayward Planning Division</p>	
<p>Mitigation Air-2: Highway Overlay Zone. The Project shall include an overlay zone extending 500 feet from Mission Boulevard or a reduced distance if coordinated with BAAQMD. This overlay zone shall include the following considerations and mitigation:</p> <p>Indoor Air Quality:</p> <p>In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:</p>	<p>On-going; throughout life of Project</p>	<p>Hayward Planning Division for overlay zone application; individual project developers for indoor/external or air quality measures</p>		<p>Hayward Planning Division</p>	

**South Hayward BART/Mission Boulevard Form-Based Code Project:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>(a). Development project applicants shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Development Services Department for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.</p> <p>i. For sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) sited within the overlay zone from Mission Boulevard, the applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.</p> <p>Project applicants shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the</p>					

**South Hayward BART/Mission Boulevard Form-Based Code Project:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>HV system and the filters.</p> <p>(b) Alternative to (a) above, a project applicant proposing siting of sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) within the overlay zone around Mission Boulevard shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Development Services Department for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.</p> <p>Exterior Air Quality:</p> <p>(c) To the maximum extent practicable, individual and common exterior open space proposed as a part of developments in the Project area, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.</p> <p>(d) Alternative to (c) above, an HRA could be prepared and implemented to take into account the risk specifics of the site, as</p>					

**South Hayward BART/Mission Boulevard Form-Based Code Project:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
more fully described in item (b) above.					
<p>Mitigation Bio-1. The following steps shall be taken to protect special-status plant species within the Project area. These steps shall be added as conditions of approval for individual development proposals for vacant or substantially vacant properties within the Project area and for any development proposal adjacent to any wetland area, creek or other body of water:</p> <p>a) Rare plant surveys shall be undertaken by a qualified biologist (as approved by the City of Hayward) for all areas that are not mapped as developed or disturbed/ruderal, including riparian forest, oak woodland, non-native annual grassland, coastal scrub, and wetland areas. Surveys should focus on those species with a moderate potential to occur in the Project area, and should include protocol-level surveys in February and May of riparian areas and other suitable habitats for western leatherwood and Diablo helianthella. General protocol-level rare plant surveys are necessary in early spring (February-April), late spring (May- June), and late summer (July-September) to determine the presence or absence of any other plant species with potential to occur in undeveloped habitats of the Project area.</p> <p>b) If species are identified, development activities shall avoid these areas and appropriate buffer areas established around such species. The size and location of any buffer shall be determined by a qualified biologist.</p>	Prior to issuance of grading or building permits	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program					
Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>c) If avoidance is not feasible, as determined by the City of Hayward, rare plants or their seeds, shall be transplanted to a suitable alternative protected habitat. Such transplantation shall occur pursuant to permits and approvals from appropriate biologic regulatory agencies. A monitoring program shall be established to ensure that transplanted species will thrive.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.3-1)</p>					
<p>Mitigation Bio-2. The following steps shall be taken to protect California redlegged frog species within the Project area:</p> <p>a) Protocol-level surveys shall be performed in all perennial creeks, reservoirs, and deep pools of water before development occurs in or near these areas within the Project area.</p> <p>b) If red-legged frogs are found, development activities shall avoid these areas and appropriate buffer areas established around such species. The size and location of any buffer shall be determined by a qualified biologist.</p> <p>c) If avoidance is not feasible, as determined by the City of Hayward, red-legged frogs shall be relocated to a suitable alternative protected habitat. Such relocation shall occur pursuant to permits and approvals from appropriate biological regulatory agencies. A monitoring program shall be established to ensure that relocated</p>	<p>Prior to issuance of grading or building permits</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	

**South Hayward BART/Mission Boulevard Form-Based Code Project:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>species will thrive.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.3-2a)</p>					
<p>Mitigation Bio-3. Clearing of vegetation and the initiation of construction shall be restricted to the non-breeding season between September and January of each year. If these activities cannot be done in the non-breeding season, a qualified biologist (as approved by the City of Hayward) shall perform pre-construction bird surveys within 30 days of the onset of construction or clearing of vegetation. If nesting birds are discovered in the vicinity of a development site, a buffer area shall be established around the nest(s) until the nest is vacated. The size of the buffer would be dependent on the particular species of nesting bird and shall be determined by a qualified biologist.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.3-2b)</p>	<p>Prior to issuance of grading or building permits; and is stipulated by the measure.</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	
<p>Mitigation Bio-4. Preconstruction bat surveys shall be undertaken prior to grading, tree removal or other construction occurring between November 1 and August 31 of the year. Pre-construction bat surveys shall be undertaken by a qualified biologist (as approved by the City of Hayward) involve surveying trees, rock outcrops, bridges, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, the biologists shall conduct a minimum</p>	<p>Prior to issuance of grading or building permits</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program					
Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>of three acoustic surveys between April and September under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, they should be excluded from occupied roosts in the presence of a qualified biologist during the fall prior to construction.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.3-2c)</p>					
<p>Mitigation Bio-1: (Biological Resources/Impacts to Wetlands and Other Waters) The following steps shall be taken to protect wetlands and other waters of the U.S.</p> <p>a) The amendment to the Hayward General Plan shall include a policy or policies requiring retention of appropriate riparian and wildlife corridors adjacent to major creeks that flow through the Project area. The width of corridors shall be based on site-specific biological assessments of each creek.)</p> <p>b) In order to ensure that all jurisdictional wetlands and other waters are identified, formal jurisdictional delineations of wetlands and other waters shall be conducted on a project specific basis as part of the normal environmental review process for specific development projects. Jurisdictional delineations should follow the methodology set forth in the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and should be submitted to the Corps for verification prior to project development.</p>	<p>Prior to issuance of grading permits for development projects in Project area</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	

**South Hayward BART/Mission Boulevard Form-Based Code Project:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>c) Future development proposals within the Project area should avoid development on and impacts on identified wetlands and other waters.</p> <p>d) If avoidance of wetlands or other waters is not possible, then impacts should be minimized to the maximum extent that is practicable. If impacts to wetlands or other waters cannot be minimized and are unavoidable, these impacts should be compensated for by developing and implementing a comprehensive mitigation plan, acceptable to the Corps, CDFG, and RWQCB to offset these losses. It is recommended that mitigation be conducted within the Project area. If this is not possible, then an off-site mitigation area should be selected that is as close to the Project area as possible and acceptable to the resource agencies. Necessary state and federal permits shall be obtained prior to any work within or in close proximity to wetlands or other waters of the U.S.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.3-3)</p>					
<p>Mitigation Bio-2: (Biological Resources/Impacts to Tree Resources) Tree surveys shall be conducted by a certified arborist on all properties proposed for development and under the jurisdiction of the tree ordinances. Impacts to trees will require removal permits pursuant to the Hayward Tree Preservation Ordinance or the Alameda County Tree Ordinance in County rights-of-way. Replacement trees shall be provided based on the</p>	<p>Prior to issuance of grading permits for development projects, or removal of</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program					
Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
replacement value of protected trees that are removed. (238 Land Use Study EIR Mitigation Measure 4.3-4)	major trees				
Mitigation Cult-1: (Cultural Resources/Impacts to Historic Resources) a) Specific development proposals that involve any structure older than 45 years shall be reviewed by the Hayward Planning Division to ensure consistency with the City’s Historic Preservation Program and applicable CEQA Guideline provisions. If substantial changes to a historic resource is proposed, modifications may be required in the design of such project to ensure consistency with the Historic Preservation Program. b) Future construction adjacent to any identified historic structure shall be complementary to the historic structure in terms of providing appropriate setbacks, consistent design and use of colors, as determined by the Hayward Planning Division. (238 Land Use Study EIR Mitigation Measure 4.4-1)	Prior to issuance of demolition permits for any structure 45 years of age or older within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Geo-1: (Geology & Soils/Seismic Fault Rupture and Fault Creep) Site-specific geologic fault investigations shall be undertaken for all new individual development projects within the State-defined Earthquake Fault Zone. Each investigation shall include a confirmation that new habitable structures would not be placed on or within 50 feet of an active fault trace, as defined by state and local regulations. Additionally, all new dwellings, roads	Prior to issuance of grading permits for development projects within an	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program					
Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>and utility lines shall be subject to site-specific geotechnical evaluations with a requirement that all future utility lines that cross faults be fitted with shut-off valves. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.5-1)</p>	<p>identified Earthquake Fault Zone within Project area</p>				
<p>Mitigation Geo-2: (Geology & Soils/Seismic Ground Shaking) Site-specific geotechnical investigations shall be required for each building or group of buildings (such as in a subdivision), roads and utility lines constructed in the Project area. Investigations shall be completed by a geotechnical engineer registered in California or equivalent as approved by the City. Design and construction of structures shall be in accordance with the recommendations contained in the reports. Generally, such recommendations will address compaction of foundation soils, construction types of foundations and similar items. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.5-2)</p>	<p>Prior to issuance of grading permits for development projects within Project area</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	
<p>Mitigation Geo-3: (Geology & Soils/Ground Failure and Landslides) Site-specific geotechnical investigations required as</p>	<p>Prior to issuance of</p>	<p>Individual Project</p>		<p>Hayward Planning</p>	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program					
Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>part of Mitigation Measure 4.5-2 shall also address the potential for landslides, including seismically induced landslides and include specific design and construction recommendations to reduce landslides and other seismic ground failure hazards to less-than-significant levels. Recommendations included within site-specific geotechnical investigations shall be incorporated into individual grading and building plans for future development.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.5-3)</p>	<p>grading permits for development projects within Project area</p>	<p>Developers</p>		<p>Division</p>	
<p>Mitigation Haz-1: (Demolition and Hazardous Air Emissions) Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans.</p> <p>(Concept Design Plan EIR Mitigation Measure 4.3-1a)</p>	<p>Prior to issuance of demolition permits</p>	<p>Individual Project Developers</p>		<p>Alameda County Environmental Health Department, Bay Area Air Quality Management District, Hazardous Materials Division of the Hayward Fire Department, and Hayward Planning Division</p>	

**South Hayward BART/Mission Boulevard Form-Based Code Project:
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>Mitigation Haz-2: (Demolition and Hazardous Air Emissions) Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, remediation plans shall be prepared and implemented to remediate any hazards to acceptable levels and shall identify methods for removal and disposal of hazardous materials. Worker safety plans shall also be prepared and implemented. All required approvals and clearances shall be obtained from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, California Department of Toxic and Substances Control and Bay Area Air Quality Management District.</p> <p>(Concept Design Plan EIR Mitigation Measure 4.3-1b)</p>	Prior to issuance of grading or demolition permits	Individual Project Developers		Hayward Fire Department, Department of Toxic Substances Control, Bay Area Air Quality Management District, Hayward Planning Division	
<p>Mitigation Haz-3: (Potential Soil and Groundwater Contamination) Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials Office of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including</p>	Prior to issuance of grading permits	Individual Project Developers		Hayward Public Works Department and Alameda County Flood Control and Water Conservation District	

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grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies. (Concept Design Plan EIR Mitigation Measure 4.3-2)					
Mitigation Haz-4: (Hazards/Demolition and Hazardous Air Emissions) Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department, for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans. (238 Land Use Study EIR Mitigation Measure 4.6-1a)	Prior to issuance of demolition permits within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Haz-5: (Hazards/Demolition and Hazardous Air Emissions) Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable	Prior to issuance of demolition permits within Project area	Individual Project Developers		Hayward Planning Division	

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<p>regulatory agencies, a remediation plan shall be prepared to remediate any hazards to acceptable levels, including methods of removal and disposal of hazardous material, worker safety plans and obtaining necessary approvals and clearances from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, Department of Toxic and Substances Control and Bay Area Air Quality Management District.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.6-1b)</p>					
<p>Mitigation Haz-6: (Hazards/Potential Soil and Groundwater Contamination) Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials section of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.6-2)</p>	<p>Prior to issuance of demolition or building permits, as applicable within Project area</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	
<p>Mitigation Hyd-1: (Drainage Impacts) Site-specific drainage</p>	<p>Prior to</p>	<p>Individual</p>		<p>Hayward Public</p>	

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<p>plans shall be prepared for all future construction within the project area prior to project approval. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda Flood Control and Water Conservation District staff prior to approval of the proposed development project.</p> <p>(Concept Design Plan EIR Mitigation Measure 4.4-1)</p>	<p>issuance of grading permits</p>	<p>Project Developers</p>		<p>Works Department and Alameda County Flood Control and Water Conservation District</p>	
<p>Mitigation Hyd-2: (Hydrology/Drainage Impacts) Site-specific drainage plans shall be prepared for all future construction within the Project area prior to approval of a grading permit, or a building permit in the event a grading permit is not required. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda County Flood Control and Water Conservation District staff prior to approval of a grading</p>	<p>Prior to issuance of grading or building permits, as applicable, within Project area</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	

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<p>or building permit.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.7-1)</p>					
<p>Mitigation Hyd-3: (Flooding Impacts) Prior to construction within a 100-year flood plain area, project developers shall either:</p> <p>a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff.</p> <p>b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area.</p> <p>c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area.</p> <p>(Concept Design Plan EIR Mitigation Measure 4.4-2)</p>	<p>Prior to issuance of grading or building permits for any property within a 100-year flood plain</p>	<p>Individual Project Developers</p>		<p>Hayward Public Works Department and Hayward Planning Division</p>	

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<p>Mitigation Hyd-4: (Hydrology/Flooding Impacts) Prior to construction within a 100-year flood hazard area, developers of site-specific projects shall either:</p> <p>a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff.</p> <p>b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area.</p> <p>c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area.</p> <p>(238 Land Use Study EIR Mitigation Measure (4.7-2))</p>	<p>Prior to issuance of grading permits within Project area</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	
<p>Mitigation Noise-1: (Permanent Noise Impacts) Site-specific acoustic reports shall be prepared for future residential projects within the project area. Each report shall include a summary of existing noise levels, an analysis of potential noise exposure levels, consistency with City of Hayward noise exposure levels and specific measures to reduce exposure levels to City of Hayward noise</p>	<p>Prior to discretionary project approvals</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	

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standards. (Concept Design Plan EIR Mitigation Measure 4.5-2)					
<p>Mitigation Noise-2: (Noise/Land Use Noise Compatibility) A site-specific noise study shall be performed for future individual development proposals within the Project area adjacent to major roadways or other noise sources, as determined by the Development Services Director to determine compatibility with the existing and future noise environment and applicable noise regulations. If noise levels exceed applicable standards, then noise reduction measures shall be incorporated into the project design to ensure consistency with local and state noise standards. Noise reduction measures could include, but would not be limited to, noise barriers and site orientation for outdoor spaces and sound rated building constructions for indoor spaces. The analysis must consider the following criteria and guidelines:</p> <p>a) General Plan Policies for Noise including Appendix N of the General Plan which contains Noise Guidelines for Review of New Development)</p> <p>b) General Plan EIR Mitigation Measure 7.3: Project-Specific Noise Analysis/Abatement State Building Code, Chapter 1207 (insulation from exterior noise in new residential construction).</p> <p>(238 Land Use Study EIR Mitigation Measure 4.9-1)</p>	Prior to issuance of grading or building permits, as applicable, within Project area	Individual Project Developers		Hayward Planning Division	

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<p>Mitigation Noise-3: (Noise/Traffic Noise Impacts) Consistent with Mitigation Measure 7.4 of the City of Hayward General Plan Update EIR, an acoustical study shall be performed for each development proposal within the Project area that has potential to significantly increase existing noise levels. If it is determined that a proposed development would result in a substantial increase in ambient noise levels along nearby roadways, the study shall identify and implement noise abatement measures which will reduce project-related noise effects to a level consistent with City and State standards. Such measures could include the installation of noise barriers such as berms or sound walls).</p> <p>(238 Land Use Study EIR Mitigation Measure 4.9-2)</p>	<p>Prior to issuance of building permits within Project area</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	
<p>Mitigation Noise-4: (Noise/Operational Noise Impacts) Consistent with Mitigation Measure 7.2 of the City of Hayward General Plan Update EIR, the City of Hayward shall review individual projects using the City’s General Plan as guidance to determine whether or not an operational noise source would generate significant noise impacts. Noise reduction measures including but not limited to setbacks, site plan revisions, operational constraints, buffering, and sound insulation shall be incorporated into final development plans to reduce operational noise to a less than significant level.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.9-3)</p>	<p>Prior to issuance of building permits within Project area</p>	<p>Individual Project Developers</p>		<p>Hayward Planning Division</p>	

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<p>Mitigation Noise-5: (Construction Noise Impacts) Construction Noise Management Plans shall be prepared for all development projects within the project area, including public and private projects. Each plan shall specify measures to be taken to minimize construction noise on surrounding developed properties. Noise Management Plans shall be approved by City staff prior to issuance of grading or building permits and shall contain, at minimum, a listing of hours of construction operations, a requirement for the use of mufflers on construction equipment, limitation on on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor plans and specifications.</p> <p>(Concept Design Plan EIR Mitigation Measure 4.5-1)</p>	Prior to issuance of grading or building permits	Individual Project Developers		Hayward Public Works Department and Hayward Planning Division	
<p>Mitigation Noise-6: (Noise/Construction Noise Impacts) The City shall require reasonable construction practices for individual development projects within the Project area, consistent with Mitigation Measure 7.1 of the City of Hayward General Plan Update EIR. Measures should include but are not limited to the following:</p> <p>a) Requiring all equipment to have mufflers and be properly maintained;</p> <p>b) Limiting the amount of time that equipment is allowed to</p>	Prior to issuance of building permits within Project area	Individual Project Developers		Hayward Planning Division	

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<p>stand idle with a running engine;</p> <p>c) Shielding construction activity and equipment from nearby noise sensitive uses by appropriate construction phasing, using existing buildings and structures as noise shields, construction of temporary noise barriers and similar techniques; and</p> <p>d) Providing advance notice to nearby residents of major noise activities.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.9-4)</p>					
<p>Mitigation Pop-1. (Population & Housing/Population Increase) The City of Hayward shall consult with ABAG to ensure buildout populations for the project area are included in future regional projections.</p> <p>(Concept Design Plan EIR Mitigation Measure 4.6-1)</p>	During next regional population update	City of Hayward and ABAG		Hayward Planning Division	
<p>Mitigation Pop-2: (Population & Housing/Population Increase) The City of Hayward shall consult with ABAG to ensure that final build-out populations for the project area are included in future regional projections.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.10-1)</p>	During next regional population update	City of Hayward and Association of Bay Area Governments		Hayward Planning Division	

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<p>Mitigation PS-1: (Fire Services) If the City determines new or replacement equipment is needed, future developers shall:</p> <p>a) Pay a fair share contribution to the City of Hayward to finance the acquisition of equipment to serve proposed developments, including those associated with mid to high rise structures (3 to 7 stories); and</p> <p>b) Pay a fair share contribution to the City of Hayward to finance the acquisition of traffic pre-emption devices along Mission Boulevard, as determined by the Hayward Fire Chief, to ensure emergency equipment can access new construction in the project area.</p> <p>(Concept Design Plan EIR Mitigation Measure 4.8-1)</p>	Prior to finalization of development projects.	Individual Project Developers		Hayward Fire Department	
<p>Mitigation PS-2: (Police Services) If the City determines new or replacement equipment is needed, future developers shall pay a fair share contribution to the City of Hayward to finance the acquisition of such equipment, including, but not limited to vehicles.</p> <p>(Concept Design Plan EIR Mitigation Measure 4.8-2)</p>	Prior to finalization of development projects	Individual Project Developers		Hayward Police Department	
<p>Mitigation PS-3: (Public Services/Fire Services) The City of Hayward shall prepare and adopt a mechanism to finance public safety staffing and improvements within the Project area prior to the</p>	Prior to issuance of building	City of Hayward		Hayward Planning	

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<p>construction of the first dwelling unit within the Project area. Such a mechanism may include a Community Facilities District or equivalent mechanism that will provide for adequate funding to meet City and County staffing, facility and equipment standards, as determined by each respective jurisdiction.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.12-1)</p>	<p>permits within Project area</p>			<p>Division</p>	
<p>Mitigation PS-4: (Public Services/Police Services) Approval of the proposed Project with any of the proposed Alternatives could represent a significant impact to the Hayward Police Department and Alameda County Sheriff Department, since the amount of future development and resulting calls for service may not be adequately served by existing department resources.</p> <p>(238 Land Use Study EIR Mitigation Measure 4.12-2)</p>	<p>Prior to issuance of building permits within Project area</p>	<p>City of Hayward</p>		<p>Hayward Planning Division</p>	
<p>Traf-1: (LOS at Dixon Street/Tennyson Road) Create an exclusive right turn pocket and a shared through-left turn lane in the southbound direction (on the East 12th Street approach).</p> <p>Lane geometries in the northbound direction would include an exclusive left-turn pocket and a shared through-right turn lane.</p> <p>Signal phasing would be changed to split phasing in the northbound and southbound directions, with a southbound right-turn overlap</p>	<p>As dictated by traffic analyses of future development projects, as determined by the Hayward</p>	<p>Hayward Public Works Department</p>		<p>Hayward Public Works Department</p>	

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<p>during eastbound and westbound protected left turn phases.</p> <p>U-turns in the eastbound direction would be prohibited to minimize conflicts with southbound right-turning vehicles.</p>	Public Works Director				
<p>Traf-2: (LOS at Mission Boulevard/Industrial Parkway) For the westbound right turn lane, provide an overlapping signal with the southbound left protected phase.</p>	As dictated by traffic analyses of future development projects, as determined by the Hayward Public Works Director	Hayward Public Works Department		Hayward Public Works Department	
<p>Traf-3: (LOS at Mission Boulevard/Tennyson Road) Split phasing signal timing in the eastbound and westbound directions is already being constructed as part of the Route 238 Corridor Improvement Project. However, in addition to the split phasing, the following would need to be accomplished: (a) convert the eastbound through lane to an eastbound shared through-left lane, and (b) stripe the westbound approach to a shared left-through lane and an exclusive right turn lane, and (c) provide overlap phasing for westbound and eastbound right turns; and (d) prohibit northbound</p>	As dictated by traffic analyses of future development projects, as determined by the Hayward	Hayward Public Works Department		Hayward Public Works Department	

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and southbound U-turns to avoid conflicts with the right turn overlap phasing .	Public Works Director				
Traf-4: (LOS at Mission Boulevard/Harder Road) Convert the signal phasing of this intersection to right-turn overlap phasing in the eastbound direction during the northbound and southbound protected left-turn phase. In conjunction with the signal phasing prohibit northbound U-turns to avoid conflicts with the right turn overlap phasing	As dictated by traffic analyses of future development projects, as determined by the Hayward Public Works Director	Hayward Public Works Department		Hayward Public Works Department	

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