

APPENDIX NOP

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

FAX (510) 286-5559

TTY 711

www.dot.ca.gov



*Serious Drought.
Help save water!*

August 2, 2016

SCH # 2016072018

GTS # 04-ALA-2016-00009

ALA238357

ALA-238-PM 13.96

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

Lincoln Landing Project – Notice of Preparation

Dear Ms. Schmidt:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Lincoln Landing project. The new Caltrans mission, vision, and goals signal a modernization of our approach to California's transportation system, in which we seek to reduce statewide vehicle miles traveled (VMT) by 15 percent by 2020 and increase non-auto modes of active transportation. Caltrans aims to increase non-auto mode shares by 2020 through tripling bicycle, and doubling pedestrian and transit trips. These targets also support the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), which promotes the increase of non-auto mode shares by ten percentage points and a decrease in automobile VMT per capita by ten percent. The following comments are based on the Notice of Preparation for the project's Draft Environmental Impact Report (DEIR).

Project Understanding

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

The project site is located on Foothill Boulevard, on a relinquished segment of State Route (SR) 238. Access to the regional highway system is to Interstate (I-) 580 and SR 92, both via Foothill Boulevard, and I-880 and SR 185, both via A Street. The project site is less than a mile from the Hayward Bay Area Rapid Transit (BART) Station. There are no AC Transit routes that run adjacent to the project site.

Lead Agency

As the Lead Agency, the City of Hayward (the City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities, and Lead Agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan, a draft of which should be included in the draft EIR for our review.

Transportation Impact Fees

Please identify the project-generated traffic and estimate the costs of public transportation improvements necessitated by the proposed project. The project should estimate the costs of the needed improvements and identify viable funding sources such as development or transportation impact fees. We encourage a sufficient allocation of fair share contributions toward multi-modal improvements and regional transit projects in order to better mitigate and plan for the impact of future cumulative growth on the regional transportation system. We support projects and measures to reduce VMT and increase sustainable mode shares.

Traffic Impact Study

Please ensure that the DEIR analyzes the expected travel demand and its impact on I-580 and I-880. We recommend using the Caltrans *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for determining which scenarios and methodologies to use in the analysis, available at the following website:

http://dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

Please ensure that a TIS is prepared providing the information detailed below:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to nearby State roadways. Ingress and egress for all project components should be clearly identified. The State right-of-way (ROW) should be clearly identified. The maps should also include project driveways, local roads and intersections, car/bike parking, and transit facilities.
- Project-related trip generation, travel demand, distribution, and assignment including per capita use of transit, rideshare or active transportation modes such as existing bus service, new bus service, and VMT reduction factors. The assumptions and methodologies used to develop this information should be detailed in the study, utilize the latest place-based research, and be supported with appropriate documentation.
- 2035 Cumulative Conditions and 2035 Cumulative Plus Project Conditions. Caltrans recommends the TIS include turning movement traffic per study intersection under Existing, Project Only, Existing + Project, Background, 2035 Cumulative, 2035 Cumulative + Project Conditions.
- A schematic illustration of walking, biking, and auto conditions at the project site and study area roadways, trip distribution percentages and volumes, and intersection geometrics (i.e., lane configurations for AM and PM peak hour periods). Potential safety

issues for all road users should be identified and fully mitigated.

- The project site's building potential as identified in local and regional plans. The environmental document should evaluate the project's consistency with the Circulation Element of the City's General Plan, the Congestion Management Agency's Congestion Management Plan, as well as with MTC's SCS. In evaluating consistency with the SCS, specify if the project is in a Priority Development Area.
- Mitigation for increasing VMT should be identified. Mitigation may include contributions to the regional fee program as applicable, and should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- The project's primary and secondary effects on pedestrians, bicycles, disabled travelers, and transit performance should be evaluated; this includes countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrian, bicycle, and transit facilities must be maintained.

Vehicle Trip Reduction

Given the size of the project and its potential to generate trips to and from the project area, the project should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures will be critical in order to facilitate efficient transportation access to and from the site and reduce transportation impacts associated with the project. Please consider the following TDM strategies:

- Project design to encourage walking, bicycling, and convenient transit access;
- Parking cash out/parking pricing;
- Formation of a Transportation Management Association (TMA) in partnership with other developments in the area;
- Adoption of an aggressive trip reduction target with Lead Agency monitoring and an enforcement program;
- Transit fare incentives such as such as free or discounted transit passes on a continuing basis; and
- Public-private partnerships or employer contributions to provide improved transit or shuttle service in the project area.

Implementing these TDM measures will help the project become more consistent with MTC's and Caltrans Strategic Management Plan goals. Please refer to Chapter 8 of FHWA's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference*, regarding TDM at the local planning level. The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

Ms. Leigha Schmidt, City of Hayward

August 2, 2016

Page 4

Please also refer to *Reforming Parking Policies to Support Smart Growth*—a Caltrans-funded MTC study—for sample parking ratios and strategies that support compact growth. Reducing parking supply can encourage alternate forms of transportation, reduce regional vehicle miles traveled, and lessen future impacts. This handbook is available online at:

<http://mtc.ca.gov/sites/default/files/Toolbox-Handbook.pdf>

Should you have any questions regarding this letter, please contact Jesse Schofield at 510-286-5562 or jesse.schofield@dot.ca.gov.

Sincerely,



PATRICIA MAURICE

District Branch Chief

Local Development - Intergovernmental Review

c: State Clearinghouse

To: Leigha Schmidt, Planning Division, City of Hayward

HAPA Comments on the Notice of Preparation for the Lincoln Landing (LL) DEIR

August 26, 2016

Sherman Lewis, President

Hayward Area Planning Association

Sherman@csuhayward.us

Please consider these comments in writing the DEIR.

None of these comments affect the number of units, their sizes or floorplans, the amount of retail square feet, or the amount of retail parking. We propose a minor reduction in the parking ratio for the South Tower to be similar to the North Tower. These comments primarily explain how the project does not meet City General Plan (GP) requirements, but the project could do so and mitigate adverse impacts without affecting project financial feasibility.

Green Mobility refers to the policies listed on slides 8 and 9 of Lincoln Landing June 2016 PowerP.pptx and Walking Oriented Development.docx, attached to these comments. Walkable LL is a proposal which mitigates most impacts of the project and conforms to the GP.

EIRs are required to consider other developments going on at the same time and implications for future decisions. The Maple Main Apartments proposal has relevance for the green mobility aspects of LL, such as pedestrian improvements and shuttle service.

- **Aesthetics**

See North Tower and Creekside Walk below.

- **Air Quality**

See Transportation.

- **Greenhouse Gas Emissions**

See Transportation.

- **Land Use**

These comments assume that the project is in the downtown based on the General Plan and is within the PDA. This is important because so far the City has treated it as if it were not in the downtown. The project conflicts with the spirit and the letter of most of the GP policies relating to downtown, resulting in adverse environmental impacts.

As for the spirit of the GP, the project conflicts with "vibrant, transit-oriented" policies of the GP. Except for being close to BART, the project is 100% auto oriented. Even access to BART is questionable because of the distance combined with the A St. barrier along the walking route. Bolding added.

- "Future changes to Retail and Office Commercial areas are expected to include ...enhancements that create more **pedestrian-oriented** commercial centers and corridors." City of Hayward. General Plan Policy Document, July 2014, p. 3-16.

- “Future changes to Central City-Retail and Office Commercial areas are expected to include ...enhancements that help transform the Downtown into a vibrant, **transit-oriented**, and mixed-use city center.” GP p. 3-20.

- Guiding Principle #5: Hayward should have a **safe, walkable**, vibrant, and prosperous Downtown that serves as an attractive area for business and a destination for shopping and dining, arts and entertainment, and college-town culture.

- Guiding Principle #7: Hayward residents, workers, and students should have access to an interconnected network of **safe, affordable, dependable, and convenient transportation options**.

Transit-oriented” should not be defined narrowly as the proximity to BART. Defined more broadly, as the GP intends, it will have reduced environmental impacts.

As for the specific policies of the GP, the project does not conform to LU-1.5, LU-2.3, LU-2.5, LU-3.6, LU-3.7, LU-4.3, and LU-4.5, with negative effects on the environment.

- LU-1.5: The City shall support high-density transit-oriented development within the city’s Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions. *The project is not transit-oriented. It reduces transit ridership by subsidizing and increasing auto use. The most cost-effective mitigation is unbundling and related green mobility policies.*

- **A St. Pedestrian Crossings**

- LU-2.3: The City shall strive to create a safe, comfortable, and enjoyable pedestrian environment in the Downtown to encourage walking, sidewalk dining, window shopping, and social interaction.

The GP applies to the whole downtown. The GP does not intend to have small isolated islands of walkability. Walking across A St. does not feel safe, and it is not comfortable or enjoyable. Walking from the project is cut off from the downtown center by the excessive width (62 feet, 2 parking lanes and four travel lanes) and high speed of traffic on A St. The long crossing time leaves pedestrians exposed to high speed traffic coming west on A St.

The project has no off-site transportation improvements in support of walking, particularly for A St. and for Mission Blvd. To mitigate adverse impacts from LL traffic and to conform to the GP, safe, walkable routes are essential to connect LL to the downtown center. The City has to choose between high volumes of fast traffic and pedestrian safety and convenience. “A city can be friendly to people or it can be friendly to cars, but it can’t be both.” -Enrique Peñalosa.

The City can improve bikeways and pedestrian crossings using conditions of approval of projects for off-site improvements needed by the project. The cost is comparable to requirements for other projects of this size. For minimal walkability the project needs to improve crossings with slower traffic, bulb-outs and pedestrian safety medians.

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

The project promotes auto dependency and discourages non-auto modes. New parking, its access via local streets instead of Foothill, bundling, and lack of alternatives combine to subsidize owning cars and driving on City Center Dr., Hazel St., and other local streets. The most

serious adverse impacts of this project are caused by this failure to conform to the GP. The green mobility policies of the GP would mitigate major adverse impacts.

- **The North Tower**

Despite some revision, the North Tower has unnecessarily adverse impacts from massing on the neighborhood across the street. The building does not gradually step back from the street. It is 54.5' high and then sets back to eight stories. The building is massive because of the extra height of the parking structures and because of the downward slope toward the neighborhood. The design does not break up the massing of the structure; a five story facade a block long would loom over the one and two story neighborhood buildings on the other side of the street. The project can retain its unit count by building to three stories, as proposed in Walkable LL.

Several GP policies apply to the North Tower:

- LU-3.6: The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by: ... Orienting ... apartment ... buildings toward streets or public spaces. ... Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front facade of the home. ... Enhancing the front facade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios. ... Ensuring that windows are provided on facades that front streets or public spaces.

The North Tower is not oriented to the street; it has two stories of parking structure a block long with no doors, let alone porches, stoops, balconies, front patios, or windows. Pedestrians may be able to look through metal screens at parked cars. Implementing the GP by lowering the building to three stories and having front door and other design features for walking on Hazel would mitigate the impacts. As shown in Walkable LL, this can be done with no reduction in unit count and there is enough parking elsewhere on the site.

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

The North Tower is not complementary; it overwhelms the character of the existing neighborhood. See comment above.

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

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

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

The attempt to transition the North Tower façade does not reduce the massing enough to provide a meaningful transition. The developer reduced the impact on the street by moving 3

floors back, leaving 54 ½ feet on the street, a five story building height, with a width along the street of 285 feet. The drawing shows a ground floor 22 feet high because it is two levels of parking. The ground floor shown in the application at zero feet is about 5 feet above the street at the west end because of the downward slope. The tower can get down to three stories, about 33 feet, which is still high for the area.

- **Population and Housing**

The project will cause substantial population growth in order to meet housing goals, requiring mitigation or avoidance of impacts on the environment, which can be achieved by implementation of unbundling and related green mobility policies providing a viable and competitive alternative to dependency on private autos parked on site. Americans have a psychological, cultural problem. When we hear “housing” we assume it means “housing plus bundled parking.” It is hard to unbundle parking in reality when we can’t do it in our minds.

- **Transportation**

The four broad GP policies quoted under land use above also apply to transportation. The project will increase traffic on the Loop, which has 3 LOS (Level of Service) F links in the CMP network of 2002. See HAPA’s Report "ACTC's Missing Links" on Link LOS. The EIR must evaluate LOS on the Loop because LL traffic will be using it. That evaluation must include eastbound from Western Blvd. at A St. to Foothill Blvd. at A St., southbound from City Center Dr. at Foothill to Jackson St. /Mission Blvd., and northbound from Mission at Jackson/Foothill to Mission at A St.

The GP has specific transportation policies, and the project does not conform to M-1.2, M-1.3, M-3.7, M-3.10, M-5.1, M-5.2, M-5-6, M-7.11, M-7.13, M-8.2, M-8.7, M-9.1, M-9.2, M-9.3, M-9.7, and M-9.10, with negative effects on the environment.

- M-1.2: The City shall promote development of an **integrated, multi-modal transportation** system that offers desirable choices among modes including pedestrian ways, public transportation, roadways, bikeways, rail, and aviation.

The project does nothing of the kind. A number of feasible green mobility mitigations are presented in Walkable LL.

- M-1.3: The City shall implement a multimodal system that **connects residents to activity centers** throughout the city, such as commercial centers and corridors, employment centers, transit stops/stations, the airport, schools, parks, recreation areas, and other attractions.

Again, the project does nothing of the kind. By contrast, the Walkable LL Plan supports non-auto mode services and puts a major multimodal access on City Center Drive at the end of the BART Shuttle route, right next to a cafe/restaurant in the main residential building, all of which creates a hub of activity and mobility.

- M-3.7: The City shall consider the needs of all transportation users in the review of development proposals to ensure **on-site and off-site** transportation facility improvements complement existing and planned land uses.

See A St. Pedestrian Crossings above and below.

- M-3.10: The City shall develop **safe and convenient bikeways and pedestrian crossings that reduce conflicts** between pedestrians, bicyclists, and motor vehicles on streets, multi-use trails, and sidewalks.

See A St. Pedestrian Crossings above.

- M-5.1: The City shall consider pedestrian needs, including appropriate **improvements to crosswalks**, signal timing, signage, and curb ramps, in long-range planning and street design.

See A St. Pedestrian Crossings above.

- **Creekside Walk**

- M-5.2: The City shall strive to create and maintain a continuous system of connected sidewalks, pedestrian paths, **creekside walks**, and utility greenways throughout the city that facilitates convenient and safe pedestrian travel, connects neighborhoods and centers, and is free of major impediments and obstacles.

The proposed Creek Walk is desirable but could be enhanced to make it more attractive and thus, to a small extent at least, reduce traffic and increase health by attracting with more users. The path would be more peaceful without the unnecessary truck road next to it, especially by the old parking structure. The functions of the road can be met the way the Foothill Center across the street does it. Truck delivery to Major 1 and 2 stores could use a 26' x 90' truck ramp into the building like the Safeway does.

Along the flood control channel, the walkway should add flowing water, landscaping to shield view of the cement channel, tall native trees for shade and beauty, and a wading pool and kid's fountain for hot weather. It would use rain water from roofs and possibly greywater, and reservoir tanks for gradual flow.

The walk should provide for a sidewalk café with access from the walk and from a passageway from the main retail on Foothill.

The walkway needs to be gated and closed at low use periods at night. It should have CCTV monitored by the apartment management.

- M-5.6: The City shall strive to improve **pedestrian safety at intersections** and mid-block locations by providing **safe, well-marked pedestrian crossings, bulb-outs, or median refuges** that reduce crossing widths, and/or audio sound warnings.

See A St. Pedestrian Crossings above.

- **The BART Shuttle, TDM, and Car Sharing**

- M-7.11: The City shall evaluate the need for **shuttle service** citywide and support public and private efforts and activities to bridge **gaps in existing transit service**.

The City needs to follow its GP. The City is not supporting private efforts to support a BART shuttle to bridge the gap from LL to BART in order to mitigate project impacts and conform to the GP. The mitigation should be coordinated with Maple Main and implement the concepts in Walkable LL for the operating system and the right-of-way improvements needed. The city's current approach to shuttles is impractical and unfunded, but the EIR has the freedom to look at the practical and funded concept in Walkable LL.

- M-7.13: The City shall promote the continued operation of **taxi services**, including the provision of a dedicated taxi stand at the Downtown Hayward BART Station, on-street loading spaces (where appropriate), incremental improvements in gas mileage, and improved access for passengers with disabilities.

The project lacks dedicated loading spaces which it should do on-site. The Walkable LL Plan shows how to do it.

- M-8.2: The City shall maintain and implement a citywide **Travel Demand Management Program [TDM]**, which provides a menu of strategies and programs for developers and employers to reduce single-occupant vehicle travel in the city.

It would help if the City had a TDM Program. The project does not conform to the GP, and it is not clear how a citywide program would apply to LL. The City has asked the developer to consider TDM, discussed under M-9.10 below, which seems to conform to this policy. See also M-9.3 below.

- M-8.7: The City shall encourage **public-private transportation partnerships** (e.g., car sharing companies) to establish programs and operations within the city to reduce single-occupant vehicle

The General Plan should be applied to this project, by having it provide an on-site facility for shared ride and make arrangements for use with providers. (Shared ride: carshare/rental, taxi, ehail ride share)

- Concerning transit: M-9.3: The City shall encourage developers and employers to offer programs (e.g., **transit passes or other transit enhancements**) to reduce parking demand and shall consider reducing parking requirements where programs are in place or planned.

It is not clear what transit enhancements means but it seems to mean small improvements rather than the transit service itself. This policy is part of TDM. EIR mitigation should include the BART shuttle and, as part of that, transit passes and enhancements like the multi-modal center, all included in the Walkable LL proposal. Also, employees of retail, office, or apartment management should be cashed out, given shuttle passes, and barred from parking at work.

- **Parking**

- M-9.1: The City shall ensure that adequate **parking is provided appropriately** to all areas of the city, while **prioritizing alternative transportation modes** and **Transportation Demand Management** strategies that reduce parking demand.

How does the EIR define “adequate”? Adequate parking is entirely a function of the cost of the parking to the user. It does not make sense to bundle parking creating an incentive to drive and then to also promote green mobility. Unbundling is the single most important GP policy to reduce parking and mitigate impacts.

- M-9.2: The City shall consider **reduced parking requirements** for projects located near public transit, or new residential developments that fulfill senior, disabled, or other special housing needs.

Special housing needs should include those who need to save money by not paying for parking they don't need. The North Tower ratio is 1.27 spaces per unit; the South tower has 2.17 per unit, and the LL Walkable Plan has 1.24 per unit. The staff report does not report on the inconsistency of the parking ratio between the North Tower and the South Tower. Logically, the ratio of the North Tower could be applied to the South. The South Tower, in fact, increases parking over now antiquated city zoning requirements. As for retail, the project provides more parking, a space per 260 square feet of retail, where only one per 315 square feet is required. The project increases parking where the City is supposed to be reducing it. Retail West is a

competent firm, but the burden of evidence should be on the developer to show that the extra parking is needed. Also, some way could be found for shared retail parking to reduce residential demand.

- Concerning parking: M-9.3: The City shall encourage developers and employers to offer programs (e.g., transit passes or other transit enhancements) to **reduce parking demand** and shall consider **reducing parking requirements** where programs are in place **or planned**.

See M-9.10 below.

- M-9.7: The City shall maintain and implement the **Residential Permit Parking Program** to minimize the adverse effects of spillover parking into residential areas.

The project does not do this and it needs to if there is unbundling, which will cause spillover. To protect the neighborhood, the project needs to provide specific traffic calming and parking management based on discussion with the HOA.

- M-9.10: The City shall encourage multifamily development projects to separate (i.e., **unbundle**) the cost of parking from lease or rent payments.

The project does not unbundle. Unbundling is essential for environmental sustainability, economic efficiency and social justice, and is probably the single most important policy for reducing car use. It provides a market incentive to reduce construction costs and offers lower rent to people who don't need a car and who otherwise are forced to pay for parking they don't need. If the EIR is to mitigate traffic impacts, this is it.

The City has requested the developer to consider TDM to reduce parking. However, the meaning of TDM to the City is unclear. TDM in the GP is extremely limited in its ability to reduce parking, if at all. By contrast, the May 26, 2016 staff report for the Planning Commission workshop on LL was more expansive and potentially important, with ideas that should become part of the project to meet General Plan policies:

“Transportation demand management solutions might include participation in a BART shuttle, provision of commuter transit passes to residents and workers [ecopass] among others. ...shared commercial/residential parking potential, unbundling the residential parking, shared car services ...Reduction of parking on-site could result in increased areas for pedestrians and green space resulting in additional environmental benefits.”

Walkable LL uses the parking reduction to lower the height of the towers, along with adding two stories to the middle of the site and removing the truck road.

Also, in an email to me May 9, 2016,

“We have asked the developer to submit a study/letter with supporting data to support the parking that is proposed for the project. Once that document has been submitted, the City will likely engage a consulting firm familiar with parking demand management strategies such as Nelson Nygaard to peer review the developer's analysis and proposal and prepare recommendations that the City may require as conditions of approval of the project to reduce parking and transportation demand at the site based on conditions specific to Hayward and that site.”

- **Green Mobility and Parking Demand**

Green mobility would significantly reduce parking demand, which is the real issue, not parking supply. Building too much parking just wastes money on empty spaces—millions of dollars as documented by Transform’s Green Trip report. Reducing parking demand reduces trips, with real environmental and social gains, the problem being to get the economics right. With or without green mobility, developers have to guess how much parking to provide, and they rely on zoning and past ratios to guide them. Without green mobility, the mistakes go unnoticed because they are culturally acceptable.

Green mobility, if taken seriously in the EIR, will require the City and the developer to think: How much will parking be reduced? What happens if we reduce too much (more people want to lease parking at the unbundling rate)? What happens if we provide too much (empty spaces because people don’t want to pay)?

There are at least two policies that can be followed. First, as proposed in Walkable LL, phasing allows the market to be tested and, in fact, adjusted for subsequent phases. For example, the South Tower could be built first and charge an economic rate (based on cost) for parking. The middle phase of units over retail could be adjusted accordingly, and then the North Tower.

The second policy would be to study market absorption and elasticity of demand for unbundled units, which has not been done yet outside the urban core. The research should be paid for by the City, since it applies to all parking downtown and the City has \$75,000 available. Such a study may be beyond the scope of an EIR. The study should combine LL and Maple Main, as they pose the same issue. The study should include the proposals in Walkable LL, with more details below. The City would need to find consultants with expertise in parking elasticity, which will be difficult because of the preponderance of parking-think

The study would estimate the reduction in on-site parking demand as GP green mobility policies are implemented sequentially roughly in this order:

Residential parking demand

1. Unbundling based on economic cost of parking. My estimate is about \$370 per month per space, and would estimate the number of spaces not rented of those planned.

2. The increased marketability of units due to lower rents (about 15 % below market for the same type of unit) created by removing the high costs of structured parking so the project would appeal to a larger market. 1 and 2 are similar and probably have to be analyzed together. LL also has saving from not building the truck route next to the pedestrian path.

3. Improvements in amenity and safety crossing A St. and Mission to make it possible to walk across the street easily in logical places, requiring bulb outs, safety median, and speed humps, depending on the location, which would put many routine trips realistically within easy walking distance.

4. Designated shared ride parking and arrangements made (carshare/rental; taxi/ehail; car pools), with many options analyzed as a group for impact on parking demand, because people would have a car when they needed one.

5. The Rapid BART Shuttle and eco-pass impacts, which make fast, frequent transit free to the user and can thus compete with personal cars.

6. Deparking incentives: four policies that reduce parking demand with rewards to residents and developers.

7. Effects of Innovative marketing in increasing demand from renters who don't want parking.
8. The effects of the hub on Maple Court (shuttle stop, MM entry, MOB, retail, strip retail) in generating trips not based on cars.
9. Similarly, the effects of the hub on City Center Dr. and shopping at Lincoln Landing
10. The effects of a higher quality creek walk with a sidewalk café, attracting transit/walk mode access.
11. The effect of easier and faster walk access to units due to lower elevations and doors on the street.
12. The effect of performance-based phasing, more time to market to a non-parking market.
13. Effect of less convenient parking created by parking structure under the LL North Tower.

Office parking demand

14. Information on actual parking at MOB's in downtowns.
15. Reduction of parking demand based on existing available parking, employee programs, and innovative access as described in Walkable LL.

Retail parking demand

16. Effect of moving retail to Maple (no need for retail spaces in structure).
17. Effect of shared parking in Lincoln Landing as described in proposal

The study must measure and consider:

1. Economic costs and travel time for anchor trips and routine trips; walk times to grocery store, BART, drug store hardware store, and eating places.
2. How the BART parking charge and lack of parking in important downtown areas combines with parking lease cost to reduce the utility of leasing a parking space.
3. The travel patterns of the four primary markets

The study could also consider the increased patronage of downtown business and BART ridership due to easier walk access by residents and increased walk/transit access by non-residents to MM, strip, and LL retail.

Few of these issues lend themselves to quantification, but all can be estimated within some range. The consultant should have a wide knowledge of dense neighborhoods with low parking availability.

The issue of parking demand leads directly to the question, would these policies be consistent with the financial viability of development. Therefore, next, the City should consult with a progressive developer or a firm that specializes in development pro formas and knows the underwriting requirements to evaluate the reformed projects. Walkable LL is obviously financially viable because it has so much parking. The MM ideas are more ground breaking.

- **Mandatory Findings of Significance**

Unless revised, the project could degrade the quality of the environment by unnecessarily causing a large increase in auto traffic in a congested area by subsidizing

hundreds of parking space by bundling, and, for the same reason, reduce non-auto trips that would be more beneficial for the environment, downtown business, and city revenues. Unless revised, the project could have cumulative impacts as a precedent for the nearby Maple Main Apartment project, increasing adverse effects on people, e.g., increased traffic, air pollution, and risk of accidents.

- **Environmentally Superior Alternative**

HAPA submits Walkable LL as an Environmentally Superior Alternative under CEQA.

Walkable LL is described in three documents:

Lincoln Landing June 2016 spreadsheet.xlsx

Lincoln Landing June 2016 PowerP.pptx

Walking Oriented Development.docx

ACTC's Missing Links.docx

They are attached to this email comment and are available in a Dropbox at

<https://www.dropbox.com/sh/iu97agrbmcsefut/AAA6sWIG2esvktUsUQFZqvTYa?dl=0>

Craciun, Florentina

From: Christy Del Rio <vcdr_08@yahoo.com>
Sent: Sunday, July 10, 2016 12:27 PM
To: Leigha Schmidt
Subject: Re: Lincoln Landing Notice of Preparation for Environmental Impact Report, Hayward

Hi Leigha Schmidt,

Under parking, please consider providing numbers on how many spaces is being allocated to bicycle use.

Thank you for sending this draft out. Have a great weekend.

Christy D.

Sent from my iPhone

On Jul 8, 2016, at 11:44, Leigha Schmidt <Leigha.Schmidt@hayward-ca.gov> wrote:

Dear Interested Parties,

Attached please find a Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the proposed Lincoln Landing development on two parcels located at 22301 Foothill Boulevard and 1155 Hazel Avenue in Hayward. Please see the attached PDF for a thorough project description and site plan.

The City welcomes public input regarding the scope and content of the EIR during the NOP comment period which is slated to run from **July 8, 2016 through August 8, 2016**. Please feel free to send written comments to me via email or at Hayward City Hall using the address below. There will also be a **public scoping meeting** to accept comments on **Wednesday, July 27, 2016 at 7 p.m.** at Hayward City Hall, 777 B Street, Conference Room 2A, Hayward, CA 94541.

Sincerely,

Leigha Schmidt, AICP
Senior Planner
City of Hayward
777 B Street
Hayward, CA 94541
Tel. 510/583-4113
Fax. 510/583-3649

PERMIT CENTER HOURS: Our Permit Center will be closed on Fridays through June 30, 2015. We will also be open from 7am-5pm on Wednesdays. The closure will allow for additional staff training and process improvements to better serve our customers.

<Lincoln Landing NOPwFigures.pdf>

RECEIVED

AUG 01 2016

PLANNING DIVISION

July 28, 2016

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

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

Dear Ms. Schmidt:

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

GENERAL

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

WATER SERVICE

Pursuant to Section 15155 of the California Environmental Quality Act Guidelines and Sections 10910-10915 of the California Water Code, a Water Supply Assessment (WSA) was approved by EBMUD's Board of Directors on May 10, 2016. The project site currently receives water service from EBMUD's Central Pressure Zone (service elevation between 0 and 100 feet). However, due to anticipated elevation of the proposed mixed-use development, EBMUD's Bayview Pressure Zone, with a service elevation between 100 and 200 feet, will serve the proposed project. Water main extensions, at the project sponsor's expense, from EBMUD's Bayview Pressure Zone will be required to serve the proposed development. The nearest water main in the Bayview Pressure Zone is located in Foothill Boulevard at the northern boundary of the proposed development. In addition, off-site pipeline improvements, also at the project sponsor's expense, may also be required to serve the proposed project depending on fire flow requirements set by the local fire agency. Off-site pipeline improvements include, but are not

Leigha Schmidt, Senior Planner

July 28, 2016

Page 2

limited to, replacement of existing water mains near the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions for providing water service to the proposed project. Engineering and installation of water mains, off-site pipeline improvements, and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance" (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

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

Sincerely,



David J. Rehnstrom

Manager of Water Distribution Planning

DJR:SHJ:dks

sb16_140

cc: Mark Butler

Integral Communities

675 Hartz Avenue, Suite 202

Danville, CA 94526

Craciun, Florentina

From: Leigha Schmidt <Leigha.Schmidt@hayward-ca.gov>
Sent: Monday, August 08, 2016 12:01 PM
To: Hindmarsh, Patrick
Subject: FW: Comments on Scoping of EIR for Lincoln Landing

Patrick,

Additional comments on Lincoln Landing NOP below. I haven't thoroughly reviewed yet – I am planning to review later today. Let me know if you see anything that we haven't already discussed.

Leigha

From: Frank Goulart [mailto:fgoulart@pacbell.net]
Sent: Monday, August 08, 2016 11:44 AM
To: Leigha Schmidt
Cc: Kelly McAdoo; Mariam Lens
Subject: Comments on Scoping of EIR for Lincoln Landing

Comments on Scoping of EIR for Lincoln Landing Project

Please consider these comments in writing the DEIR.

For each of the following comments, please consider the other developments going on at the same time and implications for future decisions, including, but not limited to the Maple/Main Apartment Project as a separate response to each of the following comments.

Consider the General Plan designation of the site for commercial/retail/office on the ground floor of the entire site.

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

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

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

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

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

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

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

How does this project ensure adequate parking is provided as called for in M-9.1 of the General Plan?

How does this project ensure adequate parking is provided for neighboring commercial uses?

How will this project impact traffic in the surrounding neighborhoods?

Given the several discoveries of native American remains in the downtown during previous excavating, Andy Galvan's comments that the Ohlones would bury their dead on the western side of seasonal wetlands and lakes, and the fact that what is now the parking lot was probably a lake and seasonal wetlands at times in the past, how will this project serve to protect disturbances of native American remains, and what steps will be taken to ensure that protection?

How will this project provide public services to the community?

How will this project deal with the fact that the San Lorenzo Creek has jumped out and flooded what is now the parking lot on at least two occasions since the flood control channel was installed in 1962, according to Alameda County Flood Control?

The existing building on the site was originally constructed in 1959 as Capwell's. Although its exterior was changed and an additional floor added in the early 1980's, the interior of the building still looks much like it did in its Capwell's days. Being over 50 years old, what is the historic significance of the existing building and what alternatives to demolition are being considered in this EIR?

How will this project affect air quality during the time of construction and what mitigation measures could be introduced to minimize the adverse effects?

How will construction of this project affect the ambient noise level of the existing neighborhoods, and what mitigation measures could be introduced to minimized the adverse effects?

How will this project impact the need for parks in a neighborhood that has no parks nearby?

How will this project impact the need for classroom in a neighborhood whose schools are at or over capacity?

What will this project provide in the way of private security to lessen the negative impact that apartment houses throughout the city have on our police force?

What will be the impact of this project on the use of water?

What will be the impact of the use of EBMUD water on the city residents who will occupy the project in comparison to use of the higher quality City of Hayward water (which comes from Hetch Hetchy)?

Frank Goulart

Frank Goulart, Attorney & Mediator

Living Trusts & Mediation Services

The Historic Linekin Building

22248 Main Street

Hayward, CA 94541

510-581-9667

fgoulart@pacbell.net

<http://www.haywardbayarealivingtrusts.com/>

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



July 29, 2016

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

RECEIVED

AUG 04 2016

PLANNING DIVISION

RE: SCH#2016072018, Lincoln Landing Project, Alameda County

Dear Ms. Schmidt:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public

agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at:
<http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

Craciun, Florentina

From: Leigha Schmidt <Leigha.Schmidt@hayward-ca.gov>
Sent: Monday, August 08, 2016 9:25 AM
To: Hindmarsh, Patrick
Subject: FW: Lincoln Landing Project

FYI – comment letter for Lincoln Landing.

From: Raymond Baker [mailto:baklaw51@gmail.com]
Sent: Thursday, August 04, 2016 3:13 PM
To: Leigha Schmidt
Subject: Lincoln Landing Project

Dear Ms. Schmidt:

The following is a list of questions I have regarding the Lincoln Landing project, namely:

One, I would like to have a study made concerning the impact of additional vehicular traffic as well as pedestrian movement on Foothill Boulevard by reason of the Lincoln Landing project. This fast moving traffic endangers not only people in their vehicles but also pedestrians desirous of trying to cross Foothill Boulevard as well as A Street. I would like to know what impact the Lincoln Landing development will have on increased vehicular traffic as well as additional pedestrians trying to cross Foothill Boulevard as well as A Street. I also would like to know what the impact of additional traffic from the Lincoln Landing development will have on neighboring residential neighborhoods such as Prospect and Main Streets.

Secondly, I have questions concerning the feasibility of the City of Hayward utilizing the County of Alameda's maintenance road for a pedestrian walkway. I need more information concerning the feasibility of erecting additional retaining walls along the County maintenance road. San Lorenzo Creek, at the point of the Lincoln Landing walkway development, is a concrete-lined flood control channel so the number one priority is the security of the existing flood control channel.

I also would like to have an investigation made concerning the feasibility of this new development being served by Hayward City Water. Such an investigation should determine the benefits accruing to the City Water Department by reason of serving the residents of this new development. Thank you for your consideration of the above questions.

Sincerely yours,

Raymond N. Baker.

--
Law Offices of
Raymond N. Baker
770 A Street, Ste. 304
Hayward, CA 94541
(510) 537-2100 FAX (510) 537-4406

▪