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1.0 INTRODUCTION

1.1 PURPOSE OF THE FINAL ENVIRONMENTAL IMPACT REPORT

Under the California Environmental Quality Act (CEQA) and California State University (CSU) procedures for implementing CEQA, the University is required to consult with and obtain comments from public agencies that have jurisdiction by law or discretionary approval power with respect to the proposed project prior to preparation of a Draft Environmental Impact Report (EIR), and to provide the general public with an opportunity to comment on the Draft EIR following its completion.

On March 28, 2017, CSU, as the Lead Agency under CEQA, issued a Partial Recirculated Draft EIR for the California State University East Bay (CSUEB) Hayward Master Plan. The Partial Recirculated Draft EIR was circulated for a 45-day public comment period that ended on May 11, 2017.

The Partial Recirculated Final EIR is an informational document prepared by the Lead Agency that must be considered by decision makers before approving or denying the proposed project. CEQA Section 15132 specifies that the Final EIR shall consist of the following:

1. The Draft EIR or a revision to the draft.
2. Comments and recommendations received on the Draft EIR either verbatim or in summary form.
3. A list of the persons, organizations, and public agencies commenting on the Draft EIR.
4. The response of the Lead Agency to significant environmental points raised in review and consultation process.
5. Any other information added by the Lead Agency.

The Partial Recirculated Draft EIR, which is incorporated by reference, and this document (including comments, and responses to comments, constitute the Partial Recirculated Final EIR. Copies of the Partial Recirculated Final EIR are available for review during normal business hours at CSUEB at the following address and the Campus Web site:

Jim Zavagno
Associate Vice President
Facilities Corporation Yard
25800 Carlos Bee Blvd.
Hayward, California 94542
This document has been prepared pursuant to the State CEQA Guidelines. The Partial Recirculated Final EIR incorporates comments from public agencies and the general public, and contains responses by the Lead Agency to those comments that are relevant to the Partial Recirculated Draft EIR analysis.

The CSU Board of the Trustees is responsible for reviewing and certifying the adequacy of this Partial Recirculated Final EIR and making a decision with respect to the CSUEB Hayward Campus Master Plan and Pioneer Heights Phase IV project.

1.2 ORGANIZATION OF THIS RESPONSES TO COMMENTS DOCUMENT

This document is organized into three sections. Following this introduction (Section 1.0), Section 2.0, Comments on the Draft EIR and Responses to Comments, contains a list of individuals, agencies, and organizations that submitted written comments on the Draft EIR; reproductions of the written comments; and responses to those comments; and Section 3.0, Report Preparation, lists persons involved in the preparation of the Final EIR.
2.0 COMMENTS ON THE DRAFT EIR AND RESPONSES TO COMMENTS

2.1 INDEX TO COMMENTS

As described in Section 1.0, Introduction, all comments on the Partial Recirculated Draft EIR received in writing have been numbered, and the numbers assigned to each comment are indicated on the responses that follow. All agencies, organizations, and individuals who commented on the Partially Recirculated Draft EIR are listed in Table 2.0-1, Index to Comments, below.

Table 2.0-1
Index to Comments

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<td>9</td>
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2.2 RESPONSES TO INDIVIDUAL COMMENTS

This section presents all comments received on the Partial Recirculated Draft EIR and responses to individual comments. The State CEQA Guidelines require that a lead agency give detailed responses to only those comments that identify an important new matter not discussed in the draft environmental impact report or raise questions about a significant environmental issue (City of Irvine vs. County of Orange, No. G049527 [4th Dist. 3rd Div., July 6, 2015). The written responses that follow were prepared pursuant to State CEQA Guidelines Section 15088, and provide the University’s good faith reasoned responses to significant environmental issues raised in the comments.
May 11, 2017

VIA ELECTRONIC MAIL

Mr. Jim Zavagno
Associate Vice President
25800 Carlos Bee Blvd.
Hayward, CA 94542
Jim.zavagno@csueastbay.edu

Re: Partial Recirculated Draft Environmental Impact Report for the Cal State East Bay Hayward Campus Master Plan (SCH #2008042100)

Dear Mr. Zavagno:

This firm represents the City of Hayward ("City") as special counsel related to the California State University East Bay Hayward Campus Master Plan ("Project"). The City has been following the campus’s Master Plan process since its inception and previously provided comments in response to the Notice of Preparation in 2008 and to the Environmental Impact Report ("EIR") in September 2009. The City remains interested in the Master Plan and reviewed the Partial Recirculated Draft Environmental Impact Report ("PRDEIR") for the Cal State East Bay Hayward Campus Master Plan.

We write to address two issues related to the environmental review process for the Project: (1) CSU’s obligation to fund mitigation measures for impacts determined to be significant in the EIR; and (2) the new park analysis in the PRDEIR.

1. Funding for Off-Campus Mitigation

As CSU is aware, and after years of litigation requiring it to do so, CSU is required to reconsider funding for its fair share of mitigation for off-campus impacts, including but not limited to traffic impacts. For example, the City wrote in its September 2009 comment letter that neither the Draft nor the Final EIR included any binding measures requiring CSU to mitigate impacts. Now that the litigation is largely over, it is time for CSU to provide those binding mitigation measures.
CSU appears to acknowledge its obligation in the Introduction to the Partial Recirculated Draft EIR, which says, “given the clarity provided by the Supreme Court and the public importance of the Project. . . CSU should reconsider its findings on mitigation funding.” Given that statement and the on-going litigation, we believe that CSU must include in the PRDEIR discussion and analysis on (a) how CSU will mitigate for off-campus environmental impacts, (b) specify which off-campus environmental impacts will be mitigated, and (c) explain the significance of the environmental impact(s) following the adoption of binding mitigation. The PRDEIR does not provide that information. Therefore, the City still has no information about what CSU specifically intends to do to mitigate for off-campus environmental impacts or whether the impacts will be less significant (and to what degree) following mitigation.

The City requests that the PRDEIR be revised to include this information and recirculated for further public review and comment. If, on the other hand, CSU intends to address the issue of off-site mitigation funding only in its findings adopting the PRDEIR and a recertification of the EIR in total (which we do not believe is an adequate process), the City requests that an analysis be completed in those findings specifically stating the environmental impacts, the specific mitigation that will be implemented, and the effectiveness of those mitigation measures in reducing the significance of the environmental impacts. The City also respectfully requests receiving a copy of the findings in advance of CSU’s consideration of them so that it will have an opportunity to review and possibly comment on them in advance of the Trustees’ consideration and approval.

2. Park Analysis

The Introduction to the PRDEIR notes that the First District Court of Appeal instructed CSU to revise its parkland analysis and do three things: (1) determine the extent to which the existing students use the adjacent parklands or to extrapolate from such data estimated increased usage by the additional approximately 5,500 anticipated full-time equivalent students; (2) calculate existing parkland use made by the existing approximately 1,200 residential students and extrapolate from such data the increase in use by the additional 600 students anticipated to live in the new student housing project; and (3) provide evidence regarding overall usage or capacity of the neighboring parks. PRDEIR, p. 1.0-1.

The parkland analysis does not properly analyze the impact on parkland that will be caused by the additional students, nor does it analyze the impact of the change from a largely commuter student population to one that includes significantly more student housing on campus.

CSU did survey research at two specific points in time, in 2012 and 2014. Both time periods appeared to have been deliberately chosen to minimize the number of student survey respondents. For example, the Fall 2012 survey at Garin Regional Park occurred on a Wednesday in October from 8 a.m. to 1:30 p.m. and on a Sunday in October, two days later,
from 8 a.m. to 12:30 p.m. These time periods were unlikely to capture typical student activity at Garin Regional Park in 2012 because (a) the weekday survey occurred primarily during the morning hours, when most students were either in class or traveling to or from campus, (b) the weekday survey did not capture any afternoon or evening hours when students would likely use the park for recreational activities, (c) the weekend survey similar occurred during the morning hours on a Sunday when most people (including and perhaps, especially, students) tend to be less active or are engaged in other activities, and (d) no survey was done during the afternoon hours past 1:30 p.m. or during the evening hours when students are more likely to use the park and when non-students who are affiliated with the campus are more likely to use the park (such as faculty or other staff).

Moreover, the Spring 2014 survey has similar flaws. The Spring 2014 survey was conducted at a different part of Garin Regional Park on two Wednesdays and two Sundays in May of 2014. These surveys were conducted from 8 a.m. to 4 p.m., and similarly did not occur during times when parks tend to be as highly used. For example, a weekday survey concluding at 4 p.m. will not include any student, faculty member or staff who uses the park to hike or run after school or work. To then also assume that because no faculty completed the survey in the Spring 2014 survey necessarily means that no faculty will use the park at full buildout (see Table 2.0-4 on page 2.0-12) is faulty logic based on a flawed survey methodology.

Additionally, the extrapolation used to project increased use of the park is faulty. Table 2.0-4 uses the flawed 2012 and 2014 survey data to examine the difference between resident students using the Garin Regional Park in 2012 and 2014 and the estimated increase in use once the Phase IV dormitory is completed. Because approximately 1.25 resident students used the regional park a day in 2014 and there were 1,272 resident students on campus, the PRDEIR then estimates that once Phase IV is constructed and there are 1,872 resident students, 1.83 resident students would use the regional park each day. The PRDEIR thus assumed that because approximately one percent of the resident students used the park on an average day (again based on a flawed survey approach) that a similar one percent of resident students will use the park on an average day upon full buildout. The extrapolation does not take into account the likelihood of increased use of the park by resident students including social or group activities at the park due to the dormitory’s close proximity to the park. Neither does it account for use of the park in the evening after classes have ended since the surveys all ended at 4 p.m. Thus, the City respectfully requests that CSU revise its analysis to more accurately account for existing CSU users and then extrapolate future use accordingly and, if appropriate reassess the impact of the MasterPlan on parks and adopt mitigation measures that include mitigating for CSU’s fair share. With revised analysis, the PRDEIR should then be recirculated for comment.
Mr. Jim Zavagno  
May 11, 2017  
Page 4  

Please feel free to contact me at the number above if you have any questions.

Sincerely,

Harriet A. Steiner  
of BEST BEST & KRIEGER LLP

HAS:cp

cc: Michael Lawson, City Attorney
The commenter requests that CSU include a discussion of (a) how CSU will mitigate off-campus environmental impacts, (b) specify which off-campus environmental impacts will be mitigated, and (c) explain the significance of the environmental impacts following the adoption of binding mitigation. In brief, the commenter appears to be requesting that CSU conduct a new traffic analysis for the Master Plan. This exceeds the scope of the Trial Court and Court of Appeal’s orders. The Court of Appeal found the 2009 CSUEB Master Plan EIR’s traffic analysis was adequate in all respects, and upheld the CSU’s Board of Trustees (Trustees) adoption of traffic mitigation measures and its calculation of the University’s fair share contribute for traffic mitigation at off-campus intersections ($2,333,618.00). The only issue subject to further review is the feasibility of funding the campus’ fair share contributions for off-campus intersection improvements.

As explained in the Draft Partial Recirculated Draft EIR (PRDEIR) at page 1.0-2, the Court of Appeal found that given the clarity provided by the California Supreme Court in City of San Diego v. Board of Trustees of the California State University (2015) 61 Cal.4th 945, the Trustees should reconsider its findings with respect to the feasibility of funding the campus’ fair share contribution of traffic mitigation at off-campus intersections. This is consistent with the Trial Court’s writ of mandate for the Master Plan which also states: “CSU shall reconsider the feasibility of funding its fair share contribution of traffic mitigation at off-campus intersections consistent with the directives contained in the decision by the Court of Appeal and the California Supreme Court in San Diego.” It is the role of the Trustees, not the EIR, to make determinations regarding the financial feasibility of mitigation. Therefore, the PRDEIR appropriately does not include a new traffic analysis (as the prior analysis has been determined by the Court of Appeal to be in compliance with CEQA) nor does it address the feasibility of funding the off-campus traffic mitigation measures.

Furthermore, all off-campus impacts and mitigation measures are fully disclosed in the 2009 Master Plan EIR, which again, the Court of Appeal upheld. Accordingly, and consistent with the orders of the Court of Appeal and Trial Court, the PRDEIR did not need to and appropriately does not include a new analysis of traffic impacts or traffic mitigation measures. The 2009 Master Plan EIR’s traffic analysis is summarized as follows.

With respect to traffic impacts at off-campus intersections, the analysis in the 2009 Master Plan EIR (at MP Impact TRANS-1) found that eight study intersections would be significantly affected by cumulative growth in traffic plus traffic associated with the CSUEB Master Plan. The EIR noted that all of those affected intersections are within the Mission and Foothill Boulevard corridors for which improvements
had already been designed and were already fully funded by the state under the SR 238 Corridor Improvement project at the time that the EIR was prepared (see Draft EIR page 4.12-43) and further capacity expansions at these locations were not physically feasible. Therefore, the EIR set forth a robust expansion of the Campus’ TDM program as mitigation (see MP MM TRANS-1a and TRANS-1b) to mitigate that traffic impact and did not identify any additional mitigation (such as off-site improvements) for those eight affected intersections. Please note that SR 238 Corridor Improvement project has since been completed and all planned intersection improvements have been constructed. The EIR concluded that even with the incorporation of MP MM TRANS-1a and MP MM TRANS-1b, this traffic impact would remain significant and unavoidable due to physical infeasibility of additional intersection improvements.

With respect to significant traffic impacts on Congestion Management Program and Metropolitan Transit System roadway segments, the 2009 Master Plan EIR found under MP Impact TRANS-5 that the growth in traffic associated with the CSUEB Hayward Campus Master Plan would significantly affect seven roadway segments, and set forth MP MM TRANS-5, which requires that “The City of Hayward should review the projected volume growth on the CMP and MTS networks within the City and prepare a deficiency plan to address future projected deficiencies. The Campus will cooperate with the City in developing plans to address future deficiencies, including the measures described in MP Mitigation Measure TRANS-1.” The University will work with the City in compliance with this mitigation measure. The 2009 Master Plan EIR found MP Impact TRANS-5 to be significant and unavoidable because implementation of MP MM TRANS-5 is within the jurisdiction of the City and the University has no control over the timing of when the City would make improvements.

The Trustees adopted MP MM TRANS-1a, TRANS-1b and TRANS-5 as part of its approval of the Master Plan and two near-term projects. In addition to these mitigation measures, the Trustees determined that the University’s fair share of traffic mitigation at off-campus intersections totaled $2,333,618, and directed the Chancellor’s office to pursue funding for such off-campus mitigation as part of the annual state capital budget process. The Trustees concluded “[b]ecause this Board cannot guarantee that the request to the Governor and Legislature for the necessary mitigation funding will be approved, or that the local agencies will fund the measures that are their responsibility, this Board finds that the impacts whose funding is uncertain, remain significant and unavoidable, and that they are necessarily outweighed by the Statement of Overriding Considerations adopted by this Board.” The Court of Appeal and the Trial Court directed CSU to reconsider the legislative funding components of these findings consistent with the California Supreme Court’s decision in City of San Diego v. Board of Trustees of the California State University (2015) 61 Cal.4th 945. All other components of the Master Plan (and near-term projects) traffic analysis and traffic mitigation measures were upheld by the Court, and thus do not require further action by the Trustees.
As part of the Trustees’ reconsideration of the Master Plan, and this PRDEIR, and consistent with the Court of Appeal and Trial Court’s orders, the Trustees will reconsider the feasibility of funding these off-campus fair share mitigation obligations. The Trustees conclusions will be set forth in new Findings with respect to the feasibility of funding CSU’s fair share mitigation for off-campus traffic impacts.

**Response 1-2**

The PRDEIR fully and accurately evaluates the impacts of campus enrollment growth under the CSUEB Hayward Campus Master Plan, including the effect of a larger number of students living on the campus, on nearby regional parks. The PRDEIR’s analysis identifies and includes data documenting the extent to which existing students, faculty and staff make use of the adjacent Garin Regional Park and extrapolates from this data estimated increased usage by the additional student growth, as well as for the new on-campus student residents who would live in the Pioneer Heights IV student housing. The effects of the projected increases in both the campus’s total and residential population on on-campus recreational facilities as well as off-campus recreational facilities are analyzed in the PRDEIR. The commenter is referred to Table 2.0-4 in the PRDEIR which presents the estimated increase in park users based on (1) all students (resident and non-resident), (2) faculty and staff, and (3) resident students.

The PRDEIR analysis evaluates the potential for increased park usage by the 600 new residential students residing at Pioneer Heights IV, as well as at additional on-campus residents as contemplated under the Master Plan. As explained in the PRDEIR, at Master Plan buildout, resident students would increase from approximately 1,300 students to up to 5,000 students. Based on the surveys conducted at the Garin Regional Park entrances, a small number of resident students (between 1 and 2 students) currently use the Garin Regional Park on a daily basis. Given the small number of users associated with the existing student housing, resident students that would use the parklands at full buildout is estimated to remain small, at approximately 5 resident students per day (using data from all survey points). As confirmed by the East Bay Regional Park District (see PRDEIR page 2.0-13), this small increase in regional park use from the implementation of the Master Plan would not cause or accelerate substantial physical deterioration of park facilities.

We further note that the existing and projected low level of use rates of Garin Regional Park may be due to the ample University-owned and managed recreational space, including the open space and network of trails surrounding the designated student housing area in the southern portion of CSUEB Hayward Campus. To access the Garin Regional Park from the campus, users would have to first traverse through the campus open space. It is reasonable to expect that a portion of the campus-affiliated users would only use the trails within the campus open space and would not enter the parklands.
The PRDEIR also includes an analysis of the project impacts on local neighborhood parks, and concludes based on the data collected for Garin Regional Park, that very few (if any) CSUEB affiliated individuals would use nearby Hayward Area Recreation and Park District (HARD) Facilities. The HARD facilities in close proximity to the campus are characterized primarily as small pocket parks that do not serve as destination parks in and of themselves, and do not contain amenities that would be attractive to CSUEB students, faculty or staff. To the extent these parks contain sport courts or other facilities that may be desirable to CSUEB affiliated individuals, the campus contains ample on-site facilities that fully meet the demand by students, faculty and staff.

Response 1-3

As described in the PRDEIR, to evaluate the current park usage by campus population, surveys were conducted during fall of 2012 and spring of 2014 to obtain an estimate of the number of students and faculty/staff members that use the nearby regional park. The surveys were conducted in fall and spring in order to capture park usage when the highest numbers of students are present on the campus. According to enrollment data, Fall and Winter quarters have the highest enrollment levels, followed by the Spring quarter which has enrollment levels approximately 20 percent lower than the Fall quarter. Enrollment during the Summer quarter drops considerably; prior to 2014 Summer quarter enrollment levels averaged approximately 33 percent that of the Fall quarter, and since 2014, Summer quarter enrollment levels have averaged approximately two (2) percent of the Fall quarter enrollment. Although enrollment levels are the second highest during the Winter quarter, park usage is expected to decline during this quarter (and would not be any higher than the usage during the Fall quarter), because of reduced day light hours, colder weather, and more rainy days (and associated wet ground conditions).

The Fall 2012 survey was conducted during the first half of October when the weather was still warm and after the students had settled into a steady routine. Similarly, the Spring 2014 survey was conducted during the month of May at a time when students are well into their daily academic and recreational routine and after warm and dry conditions had returned to the campus. Both surveys were conducted on weekdays (middle of the week) and weekends to ensure collection of the most representative sample of park users from the campus population. The weekdays were selected in the middle of the week, which are the days when the highest number of students are on campus. In summary, in order to get a conservative estimate of park use, both the days and time of the year selected for surveys coincided with the highest populations on the campus.

With respect to the hours during which the surveys were conducted, those included mornings and early afternoons (until 1:30 PM) in the fall. The Fall surveys were not extended to the late afternoon because
days are shorter during that time of the year and temperatures are low in the afternoon and evenings, which discourages park use. The Spring surveys extended to the late afternoon (until 4:00 PM).

The commenter asserts that the surveys are faulty because more students and faculty members would access the parkland after 4:00 PM when the classes are finished. Classes at CSUEB are scheduled from 8:00 AM until 10:00 PM. The schedules of students vary according to their individual class selections and availability of classes. Unlike students attending secondary education facilities where all classes end in the afternoon around 3:00 PM, CSUEB students attend classes throughout the day and all students do not end their classes at 4:00 PM. Therefore, to the extent that the students use the nearby regional park, the use of the park by the CSUEB student population is expected to be distributed throughout the day without any peak period, and there is no reason to believe that there would be a meaningful increase in students using the parklands after 4:00 PM. Furthermore, many students attending CSUEB hold part- or full-time jobs and are not likely to remain on campus once their classes are done. Further, as noted in the PRDEIR and above, the campus also provides ample on-site recreational facilities which tend to be the preferred method of recreation and exercise for students in the late afternoon/early evening hours. Lastly, not all students attend classes every day and students will often have schedules that bring them to the campus on two to three days a week.

Similarly, to the extent that the nearby regional park is used by the CSUEB faculty, the use is also expected to be distributed throughout the day without any peak period. As with student schedules, faculty schedules vary according to their class schedules, labs, and other on-campus obligations.

With respect to CSUEB staff, although their work day would end around 5:00 PM (for most staff), and some staff may choose to use the regional park at the end of the work day, it is unlikely that a significant number of staff would use the park after hours. Most CSUEB staff depart campus at the conclusion of their respective workday. Note that no faculty or staff live on the campus and that the total number of staff at the campus is a small fraction of the total campus population.

Thus, the hours during which the surveys were conducted were selected by the campus in order to best capture the time period for the highest anticipated campus population use of the adjacent parkland.

For all the reasons discussed above, the sample of users captured during Fall and Spring surveys provides a conservative estimate of the overall park use by the campus population, and does not underestimate the number of potential campus’ affiliated park users. The commenter’s suggestion that the survey should have focused on late afternoon usage is not consistent with observed and surveyed campus recreational use patterns, and would have likely resulted in even lower adjacent parkland use. In addition, we note that late afternoon/early evening weekday parkland use is not considered a high use or
peak park use period (relative to weekend use levels). As stated in the PRDEIR, based on daily park use rates derived from the two surveys and the projected increase in campus population under the Master Plan, it is estimated that at Master Plan buildout, one to two additional students (for a total not exceeding four students) and about one faculty would use Garin Regional Park on a daily basis. With respect to resident students, an additional two to four resident students (for a total not exceeding five resident students) would use the regional park daily (based on all survey locations/Fall and Spring). Even if these daily park user estimates from the PRDEIR were conservatively increased five-fold, the total number of campus-related new daily park users at Master Plan buildout would still be very low, with no more than additional 15 to 20 campus-related persons using the regional park per day. Upon consultation during the preparation of this Partial Recirculated Final EIR, the East Bay Regional Park District confirmed that the projected increase in park usage by CSUEB affiliated population, including the conservative estimate reported above, would not cause or accelerate substantial physical deterioration of park facilities, and is well within adjacent parkland capacity levels.

It is also important to note that the CSUEB Hayward Campus Master Plan EIR, as well as the PRDEIR, evaluates the environmental effects of Master Plan buildout and the total enrollment at buildout. The enrollment level of 18,000 FTE that is evaluated for potential environmental effects is a long term projection of enrollment growth that the campus is expected to grow to by 2030. Therefore, all of the projected new daily park users would not begin to use the regional park immediately upon approval of the Master Plan; the incremental increase in park usage from the growth in campus population would be minimal on an annual basis.

Response 1-4

Based on the Fall 2012 park user survey, it was estimated that on average, 0.5 faculty/staff would use the regional park per day, and based on the Spring 2014 park user survey, it was concluded that no faculty/staff would use the regional park. It is important to note that the number of faculty/staff at the campus does not change between the Fall and the Spring quarters. Based on the survey results, it was appropriately estimated that at full CSUEB Master Plan buildout, approximately one faculty member would use the regional park on a daily basis. Please note that the CSUEB campus does not have faculty or staff housing. Although CSUEB Master Plan put forth the idea of potentially providing on-campus housing for faculty, the EIR clearly identified it as an option that would be further evaluated for its feasibility and environmental impacts before it is implemented. As there are no plans to construct faculty housing on the campus, it is anticipated that for the foreseeable future, faculty and staff members would continue to commute to the campus. Therefore, they are less likely to access the parklands during their working hours. Given the small number of faculty members that used the parklands during the 2012 and 2014 surveys and the absence of on-campus housing for faculty and staff, the number of faculty and staff
members that would use the parklands is expected to remain de minimus at full buildout. Full buildout, as noted in Response 1-3 above, is not projected to occur until 2030.

Response 1-5

The commenter expresses concern about the analysis and the extrapolation of the number of resident students that would use the regional park with the implementation of Pioneer Housing Phase IV project, which would add 600 beds to the current 1,272 on-campus student beds. For reasons presented in Response 1-3, the estimated park use rates are reasonable and provide a conservative estimate of park use by the campus population, including all resident students, and the additional 600 resident students that would be living in Pioneer Heights Phase IV housing.

The commenter notes that the analysis did not take into account the closer location of the proposed student housing to the parklands. The Pioneer Heights Phase IV project would add student beds to the existing Pioneer Heights housing complex located in the southern portion of the campus, as shown on Figure 1. The Pioneer Heights Phase IV project buildings would not be substantially closer to the regional park than the existing student housing on the campus. Furthermore, as noted in Response 1-2 above, there are trails within the University-owned open space to the south and west of the Pioneer Heights student housing complex, and would be available for use by the resident students. Therefore, the PRDEIR appropriately concludes that the impacts on the regional park from increased resident population within the Pioneer Heights student housing complex would be less than significant and that no mitigation is required. No revised analysis is required and the PRDEIR does not need to be revised and recirculated.
Existing Pioneer Heights Housing

Pioneer Heights IV

Western Entrance - Ziele Creek Trail
Garin Regional Park

SOURCE: Google Earth, 2017; CSU East Bay Hayward Campus Master Plan Study, 2008
May 11, 2017

Jim Zavagno  
Associate Vice President  
California State University, East Bay  
25800 Carlos Bee Boulevard  
Hayward, CA 94542-3095

SUBJECT: Response to the Partial Recirculated Draft Environmental Impact Report for the California State University East Bay (CSUEB) Hayward Master Plan

Dear Mr. Zavagno:

Thank you for the opportunity to comment on the Partial Recirculated Draft Environmental Impact Report (DEIR) for the California State University East Bay (CSUEB) Hayward Campus Master Plan. This Master Plan is intended to accommodate 18,000 Full-Time Equivalent students, and a commensurate number of faculty and staff, and additionally, housing for 600 students.

The Partial Recirculated DEIR analysis is limited to impacts to parklands and recreation facilities in comparison to the certified EIR of September of 2009. Since the analysis in this Partial Recirculated DEIR are pertaining only to parklands and recreation facilities, Alameda CTC has no additional comments.

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

Sincerely,  

Saravana Suthanthira  
Principal Transportation Planner

cc: Chris Van Alstyne, Assistant Transportation Planner

R:\Planning Policy Public Affairs Planning\CMP\LUAP2017\May
Letter No 2: Alameda County Transportation Commission
Response 2-1

Comment noted.
Dear Mr. Zavagno

I have received your Notice of Completion for the Draft EIR, thank you for that. It was sent to our OLD address, could you please change the address in your records to ABAG

375 Beale Street, Suite 700
San Francisco CA 94105

Also, these documents can be emailed instead of mailing to: Clearinghouse@abag.ca.gov

Please feel free to contact me at any time for questions.

Kindly
Wally

Wally Charles

Administrative Assistant, Association of Bay Area Governments (ABAG)

375 Beale Street Suite 700, San Francisco Ca 94105

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2.0 Comments on the Partial Recirculated Draft EIR and Responses To Comments

Letter No 3: Association of Bay Area Governments, Wally Charles

Response 3-1

The Campus has updated the mailing list for the project with the new address provided by the commenter.
May 6, 17

Jim Zavagno
Associate Vice President
25800 Carlos Bee Blvd.
Hayward, California 94542
Jim.zavagno@csueastbay.edu

Re: Comment letter on Partially Recirculated Draft EIR for CSUEB Hayward Campus Master Plan.

Dear Mr. Zavagno:

The attached comment letter is being submitted on behalf of my client, Hayward Area Planning Association, which, as I am sure you are aware, was one of the plaintiffs in the recently-concluded litigation over the prior Master Plan EIR. The letter explains in some detail why, under Public Resources Code § 21166 and/or 14 California Code of Regulations §§ 15088.5 and/or 15162, new information involving changed circumstances requires reopening and reconsidering the University's decision to move forward with the Harder Road Parking Structure in conjunction with the Master Plan, especially given the significant and unavoidable traffic impacts that will result from the campus continuing to rely on private autos as the primary means of access to the Hayward Campus.

I also want to point out to you the inadequacy of the updated analysis of impacts on East Bay Regional Park District facilities adjoining the Hayward campus. The analysis relies on extrapolating current park use to the future larger campus population based on surveys of current park use by users of the CHSEB Hayward campus. However, that analysis ignores the fact the campus expansion plans include placing a large new student dormitory quite close the neatest entrance to the EBRPD facilities. For residents of that new dormitory, the relative attractiveness of the nearby regional park facility will be very different than it is for current CHSEB Hayward campus students, faculty, or staff. The analysis of expected future use and impacts needs to be revised to take into account this unaddressed increase in potential use.

The fact that East Bay Regional Park District staff may have reviewed and concurred in the revised analysis does not change the issue, as the analysis makes no mention of the new dormitory or its proximity to EBRPD facilities. Unless it is clear that the EBRPD staff who reviewed the analysis were made aware of both the size and proximity of this dormitory, the comments of those staff are uninformed and useless.

Most sincerely

Stuart M. Flashman
Attorney for Hayward Area Planning Assn.

cc: Sherman Lewis
Letter No 4: Stuart M. Flashman on behalf of Hayward Area Planning Association

Response 4-1

The Partial Recirculated Draft Environmental Impact Report (PRDEIR) for the California State University East Bay (CSUEB) Hayward Master Plan, including the Pioneer Heights Phase IV Student Housing project, has been prepared and recirculated to address impacts of the campus population on nearby parklands, as instructed by the Court of Appeal. The Court concluded that the EIR analysis of the traffic impacts of the Master Plan, including the impacts from the construction and operation of the Harder Road Parking Structure, were adequately evaluated and disclosed in the 2009 CSUEB Hayward Campus Master Plan EIR. Therefore, no further analysis and recirculation of traffic impacts, including those associated with the Harder Road Parking Structure, is required. Comments related to the parking structure and traffic impacts are not relevant to the contents of the PRDEIR. However, these comments are noted and will be considered by the decision makers during project approval.

Response 4-2

The Pioneer Heights Phase IV project would be a part of the existing Pioneer Heights student housing complex located in the southern portion of the campus, as shown on Figure 1. Resident students, surveyed during the fall 2012 and spring 2014, were living in this housing complex near the park. Resident students that would live in the proposed Phase IV buildings would not be substantially closer to the parkland than the current resident students. Furthermore, as described in the Partial Recirculated Draft EIR, the Pioneer Heights student housing complex is flanked to the south and east by the campus open space, which includes a network of trails (see Figure 1). To access the Garin Regional Park from this student housing area, campus-affiliated users would have to go through the campus open space. It is reasonable to expect that a portion of the campus-affiliated users, including resident students, would use the trails within the campus open space and would not enter the parklands. The PRDEIR analysis provides a reasonable and accurate assessment of likely impacts of adding more housing to the existing Pioneer Heights student housing complex. See Responses 1-1 through 1-5 for further detail.

Response 4-3

Please note that parkland impacts are analyzed and disclosed under two impact discussions in the PRDEIR. The first impact (MP Impact PUB-3 on pages 2.0-9 through 2.0-14 of the PRDEIR) evaluates and discloses the parkland impacts of the entire Master Plan, including the effects of enrollment growth and increased on-campus student housing. The second impact (PH Phase IV Impact PUB-1 on pages 2.0-14 through 2.0-16) presents the specific project-level impact of adding 600 student beds to the Pioneer Heights student housing complex. Both the Master Plan and Pioneer Heights Phase IV project are described in the PRDEIR on pages 1.0-3, 2.0-9, and 2.0-14. Both projects were brought to the attention of
the Bay Regional Park District (EBRPD) staff and both impacts were reviewed by EBRPD staff who concurred that the small increase in on-campus housing within the Pioneer Heights complex would not cause or accelerate substantial physical deterioration of park facilities. Also as noted in Response 1-3, EBRPD was consulted during the preparation of both the PRDEIR and the PRFEIR, and EBRPD confirmed that even if the estimates of future CSUEB affiliated park users, including resident students, were conservatively increased five-fold, Garin Regional Park would not be adversely affected by the increased use.
Jim Zavagno  
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May 7, 2017

Comments on the Partial Recirculated Draft Environmental Impact Report (DEIR Recirc) for the CSUEBH Master Plan

CSUEBH needs to realign its Master Plan Policy on parking structures to support its sustainability commitments.

The DEIR Recirc is inadequate because it does not consider how much conditions have changed since the Draft EIR began circulation in November 2008 and the Final EIR was approved in September 2009. Over eight years have passed. The picture on p. 2 of the Master Plan shows the tower, now demolished, and does not show the RAW, new Student Services and Administration Building, new Student and Faculty Support Building, new Dining Commons, new parking for the old tower area, and conversion of most of a large soccer field to parking.

Concerning university activities, changed conditions also include

- Enrollment projections: After about nine years, the Master Plan projections need revisiting.
- Shuttle growth: The shuttle is better funded, providing more service, and carrying more passengers.
- Given the concepts-only TDM of the Master Plan, TDM needs actual study. The demolition of the tower and conversion of a large soccer field to parking has greatly expanded the supply in way not considered in the Master Plan. A parking structure only gains spaces on the upper levels; the ground level spaces do not need a structure. The need for the Harder Parking Structure is now moot because CSUEBH has increased the number of spaces by more than the 877, the number proposed for the upper levels of the Harder structure. There are about 670 new permanent spaces on the west side of the West Loop Road and about another 400 new spaces in overflow parking west of that. On a typical Friday the overflow lot is closed and most of the permanent parking is unoccupied.
- Remote and off-campus learning: These continue to grow, reducing the need for students to come to campus.
- More students coming only Mondays and Wednesdays or Tuesdays and Thursdays reducing demand for parking.

Concerning policy, the changed conditions are

- the apparent lack of commitment, planning, capital budgeting, or funding for any parking structures.
- new CSU policy for sustainability, including de-emphasis of parking structures: May 2014: California State University Sustainability Policy Proposal (RJEP/CPBG 05-14-01):
"The CSU will pursue sustainable practices in all areas of the university, including:...b. self-funded entities such as ... parking..."
"3. The CSU will encourage and promote the use of alternative transportation and/or alternative fuels to reduce GHG emissions related to university associated transportation, including commuter and business travel."
"FO 1.3 Promote the use of alternative transportation and/or alternative fuels"
The CSU TDM policy: California State University, TRANSPORTATION DEMAND MANAGEMENT MANUAL, Final Report, November 2012

The DEIR Recirc project description states, “Pioneer Heights Phase IV project would provide 600 beds in mostly double units within four structures.” The Master Plan makes no reference to this project and there is no project EIR on the website. The Master Plan Figure 29 Land Use Plan p. 90 shows a parking structure where Phase IV may be planned.

The NOP of September 11, 2009, for the housing project EIR described it as “Pioneer Heights IV would provide 600 beds in double and single units within four structures, with four to six levels and ranging from 45 to 75 feet in height. An open space area will be developed in the middle of the complex. Pioneer Heights IV would be visually compatible with the existing Pioneer Heights neighborhood. The buildings would have a similar color palette and building scale to the existing facilities which have three to four floors.” This NOP p. 6 shows the project at the south end where it does not conflict with the parking structure shown on p. 6 and in the land use plan.

The DEIR Recirc does not show where the project will be located. Is it the same project as in the Master Plan and NOP? Does the omission of any reference to a parking structure mean that none will be built? Or does it mean that the space is being preserved to build one on lot C as shown in the Master Plan?

The Harder parking structure is not part of the DEIR Recirc because the Court did not order it, and it is now valid for building the structure. The Harder Structure is your approved policy.

HAPA requests the removal of parking structures from the Master Plan, withdrawal of the Project EIR for the Harder Parking Structure, and a real commitment to TDM to improve access to the Hayward campus and make it sustainable. These ideas could be an alternative in the EIR. Due to changed circumstances, inadequate TDM analysis to date, and new policy, they can no longer be rejected as infeasible. The Master Plan could be what you want it to be.

At a minimum, HAPA needs some written, clear assurance that parking structures will not be built unless financed by the users paying daily or hourly user fees to cover the full costs of the upper levels with no cross-subsidy from surface parking or other sources.

HAPA has made many attempts to engage in dialogue with the administration without success. HAPA supports two urgently needed projects long delayed by litigation, Pioneer Way and more Pioneer Heights housing.

The challenge for CSUEBH is to realign its plans with its policy intentions. It makes no sense to risk worthwhile projects pursuing unwanted plans to subsidize parking structures that are diametrically opposed to sustainability.

Sherman Lewis, President
Hayward Area Planning Association
Sherman@csuhayward.us
2.0 Comments on the Partial Recirculated Draft EIR and Responses To Comments

Letter No 5: Sherman Lewis on behalf of Hayward Area Planning Association

Response 5-1

The Partial Recirculated Draft EIR (PRDEIR) for the CSUEB Master Plan and the Pioneer Heights Phase IV project was prepared and recirculated to address impacts of the campus population on nearby parklands, as instructed by the Court of Appeal. Please note that campus enrollment projections remain unchanged at 18,000 FTE by 2030; this number, which was used in the 2009 CSUEB Hayward Campus Master Plan EIR, was also used to evaluate the parkland impacts in the PRDEIR. Similarly, as with the CSUEB Hayward Campus Master Plan EIR, the PRDEIR used 5,000 student beds at Master Plan buildout to evaluate the parkland effects of additional students residing on the campus.

With respect to the remaining changed conditions listed by the commenter, including the demolition of Warren Hall, expansion of parking lots, and the facilities that have been added to the campus since 2009, none of these changes affect the analysis of likely impacts of campus growth on regional parks. Please also note that demolition of Warren Hall and the additional facilities mentioned in the comment were built within the scope of the previous campus master plan, and environmental documentation was prepared and circulated for each of these facilities before they were approved for implementation.

Comments related to the need for the Harder Road Parking Structure, Traffic Demand Management, and sustainability commitments are not relevant to the contents of the PRDEIR. However, these comments are noted and will be considered by the decision makers during project approval.

Response 5-2

The Pioneer Heights Phase IV project would add 600 beds to the existing Pioneer Heights student housing complex located in the southern portion of the campus. Volume 2 of the CSUEB Hayward Campus Master Plan Draft EIR analyzed and disclosed the environmental impacts associated with the Pioneer Heights Phase IV project development. Both volumes of the CSUEB Hayward Campus Master Plan EIR were made available to the public at the time that the PRDEIR was published so that reviewers could see the previously published analyses, including a detailed description of the Master Plan and the Pioneer Heights Phase IV project.

Figure 29 in the Master Plan shows the land use designations for all areas of the campus, and indicates the existing and proposed student housing areas in yellow. Pioneer Heights Phase IV would be located within the southern student housing area, and not at the location identified in the comment which is the location of the proposed Harder Road Parking Structure.
Response 5-3

The NOP referenced by the commenter accurately described the Pioneer Heights Phase IV project, and the description is consistent with the description in the CSUEB Hayward Campus Master Plan EIR, Volume 2, as well as the PRDEIR. With respect to the location of the Pioneer Heights Phase IV project, please see Response 5-2 above.

Response 5-4

As noted under Response 5-1 above, comments related to the Harder Road Parking Structure are not relevant to the contents of the PRDEIR. However, these comments are noted and will be considered by the decision makers during project approval.

Response 5-5

The comment is noted and will be considered by the decision makers during project approval.

Response 5-6

The comment is noted and will be considered by the decision makers during project approval.
Thanks, Jim. I moved to Southern California about two years ago. I appreciate the steps you took to notify me of the Notice.

Hi Jesus,
Years ago you submitted comments on the proposed campus Master Plan EIR. As part of the litigation we were required to revise our analysis of the potential impacts on parklands. We have therefore prepared a Partial Recirculated Draft EIR for public review and comment.

Several weeks ago we sent a Notice of Availability to the last address we had for you; however, the letter was recently returned to us marked “Return to Sender No Longer at this Address’. So, we do have your email address and thought we’d reach out to you that way; attached is a copy of the NOA.

Please let me know if you have any questions or need additional information.

Jim

Jim Zavagno
Associate Vice President
Facilities Development & Operations
25800 Carlos Bee Blvd.
Hayward, California 94542
510-885-4149 office
510-825-0827 mobile

California State University
East Bay
Letter No 6: Armas, Jesus
Response 6-1
Comment noted.
Thank you for your help.

Kind regards

Sent from Yahoo Mail on Android

On Tue, Mar 28, 2017 at 7:56 AM, Jim Zavagno <jim.zavagno@csueastbay.edu> wrote:

Hi Carole,

The link below will work now. We didn’t ‘activate’ the link until this morning, technically the start of the review period. Sorry for any confusion.

Jim

Jim Zavagno
Associate Vice President
Facilities Development & Operations
25800 Carlos Bee Blvd.
Hayward, California 94542
510-885-4149 office
510-825-0827 mobile

Hi Mr. Zavagno,

Thank you for advising us of the EIR. I’m afraid I wasn’t able to get the link to work to look at it. Could you send me the link?


Thanks,

Carole Kaufman
Letter No 7: Kaufman, Carole

Response 7-1

The Campus provided the commenter with the information to access the website.
My address is 2787 Hillcrest Ave., not Drive, for future reference.

Can you tell me where the Harder parking structure stands? Thanks.

--
Sherman Lewis
Academic Senator for Emeriti
Professor Emeritus, CSU Hayward
President, Hayward Area Planning Association
510-538-3692 sherman@csuhayward.us
Letter No 8: Lewis, Sherman

Response 8-1

The commenter’s address has been corrected in the campus’ mailing list.

Regarding the Harder Road Parking Structure (HRPS) project, the CEQA process for that project will be completed when the CSUEB Hayward Campus Master Plan EIR, which includes the tiered project level analysis of HRPS project, is recertified.
Hello Mr. Zavagno,

I have looked over the draft EIR dated March 2017. The findings show that most students access Pioneer Park via the "informal trails" that are labeled Western Entrance Survey Point 3. This is not a safe access to the park and should be improved. Is there a plan to improve that access point?

The purpose of this study is for the phase 4 expansion of Pioneer Housing, and the report says that this is detailed in the Master Plan, but when you review the Master Plan, it only details phases 1, 2, and 3. There are no details of Phase 4. In the EIR, it states that Phase 4 is south of the Pioneer Housing, but there are no other details. How can I get the details of Phase 4?

Sincerely,
Mike Scriber
Letter No 9: Scriber, Mike

Response 9-1

The entrance to the regional park at Ziele Creek is not within the campus property, and is not part of the campus Master Plan or Pioneer Heights Phase IV project. The University cannot make any improvements at that location.

Response 9-2

Volume 2 of the CSUEB Hayward Campus Master Plan EIR describes the Pioneer Heights Phase IV project in detail, and provides an analysis of its potential environmental impacts. Volume 1 provides the environmental impacts of the Master Plan for the Hayward Campus. Both volumes of the EIR are posted on the CSUEB Hayward Campus website provided below.

3.0 LIST OF PREPARERS

3.1 EIR PREPARERS

3.1.1 CEQA Lead Agency

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California State University, East Bay
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3.1.2 EIR Consultants

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