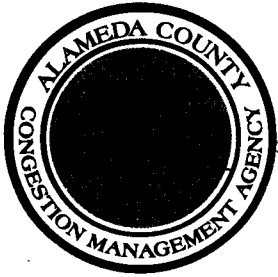


Appendix B
Scoping Comments



ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY MAY 13 2008

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1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: 510-996-2188
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

UNION CITY ECONOMIC
COMMUNITY DEVELOPMENT

May 12, 2008

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Ms. Carmela Campbell
Senior Planner
Union City Economic and Community Development Department
34009 Alvarado-Niles Road
Union City, CA 94587

SUBJECT: Comments on the Notice of Preparation of the Draft Environmental Impact Report for the Station District Mixed-Use Development Project

Dear Ms. Campbell:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) for the Station District Mixed-Use Development Project.

The project includes a General Plan Amendment to allow increased density, taller buildings and the conversion of 3.5 acres of mixed-use office to residential mixed-use. The project would allow for the construction of up to 1,200 housing units from four to 24 floors in height. It would also provide approximately 70,000 square feet of retail and commercial uses.

The ACCMA respectfully submits the following comments:

- The City of Union City adopted Resolution 7949-92 on July 20, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). Based on our review of the NOP, the proposed project appears to generate at least 100 p.m. peak hour trips over existing conditions. If this is the case, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2015 and 2030 conditions. Please note the following paragraph as it discusses the responsibility for modeling.
 - Since March 26, 1998, the Congestion Management Program (CMP) was updated by the CMA Board so that the local jurisdictions are responsible for conducting the model runs themselves or through a consultant. The City of Union City and the ACCMA have signed a Countywide Model Agreement on April 1, 2008. The Countywide Model was recently updated based on Cube software, which was developed incorporating ABAG's socio-economic data for Projections 2005. The updated model is available to the local jurisdictions for this purpose. Before the model can be used for this project, a letter must be submitted to the ACCMA requesting use of the updated model and describing the project. A copy of a sample letter agreement is available upon request.

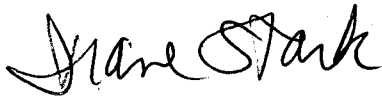
- Potential impacts of the project on the Metropolitan Transportation System (MTS) need to be addressed. (See 2007 CMP Figures E-2 and E-3 and Figure 2). The DEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include Decoto Road, Alvarado-Niles Road, Whipple Road, Mission Blvd, Paseo Padre Parkway, I-880, SR-84, as well as BART and AC Transit. Potential impacts of the project must be addressed for 2015 and 2030 conditions.
 - Please note that the ACCMA does not have a policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2007 CMP for more information).
 - In addition, the adopted 2007 CMP requires using 2000 Highway Capacity Manual for freeway capacity standards.
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the CMA Board adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:
 - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
 - Project mitigation measures must be fully funded to be considered adequate;
 - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).The DEIR should include a discussion on the adequacy of proposed mitigation measures relative to these criteria. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.
- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2007 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the issue of transit funding as a mitigation measure in the context of the CMA's policies as discussed above.
- The DEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2007 CMP, Chapter 5). The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.
- The Alameda Countywide Bicycle Plan was approved by the ACCMA Board on October 26, 2006. The EIR should consider opportunities to promote countywide bicycle routes

Ms. Carmela Campbell
May 12, 2008
Page 3

identified in the Plan through the project development review process. The approved Countywide Bike Plan is available at <http://www.acma.ca.gov/pages/HomeBicyclePlan.aspx>

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510/836-2560 if you require additional information.

Sincerely,

A handwritten signature in black ink that reads "Diane Stark". The signature is written in a cursive style with a large, stylized initial "D".

Diane Stark
Senior Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2008

Design Strategies Checklist
for the
Transportation Demand Management Element
of the
Alameda County CMP

The Transportation Demand Management Element included in the 2003 Congestion Management Program requires each jurisdiction to comply with the “Required Program”. This requirement can be satisfied in three ways: 1) adoption of “Design Strategies for encouraging alternatives to auto use through local development review” prepared by ABAG and the Bay Area Quality Management District; 2) adoption of new design guidelines that meet the individual needs of the local jurisdictions and the intent of the goals of the TDM Element or 3) evidence that existing policies and programs meet the intent of the goals of the TDM Element.

For those jurisdictions who have chosen to satisfy this requirement by Option 2 or 3 the following checklist has been prepared. In order to insure consistency and equity throughout the County, this checklist identifies the components of a design strategy that should be included in a local program to meet the minimum CMP conformity requirements. The required components are highlighted in bold type and are shown at the beginning of each section. A jurisdiction must answer Yes to each of the required components to be considered consistent with the CMP. Each jurisdiction will be asked to annually certify that it is complying with the TDM Element. Local jurisdictions will not be asked to submit the back-up information to the CMA justifying its response; however it should be available at the request of the public or neighboring jurisdictions.

Questions regarding optional program components are also included. You are encouraged but not required to answer these questions. ACTAC and the TDM Task Force felt that it might be useful to include additional strategies that could be considered for implementation by each jurisdiction.

CHECKLIST

Bicycle Facilities

Goal: To develop and implement design strategies that foster the development of a countywide bicycle program that incorporates a wide range of bicycle facilities to reduce vehicle trips and promote bicycle use for commuting, shopping and school activities. (Note: an example of facilities are bike paths, lanes or racks.)

Note: Bold type face indicates those components that must be included the “Required Program” in order to be found in compliance with the Congestion Management Program.

Local Responsibilities:

1a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

1a.1 provides a system of bicycle facilities that connect residential and/or non-residential development to other major activity centers?

Yes No

1a.2 bicycle facilities that provide access to transit?

Yes No

1a.3 that provide for construction of bicycle facilities needed to fill gaps, (i.e. gap closure), not provided through the development review process?

Yes No

1a.4 that consider bicycle safety such as safe crossing of busy arterials or along bike trails?

Yes No

1a.5 that provide for bicycle storage and bicycle parking for (A) multi-family residential and/or (B) non-residential developments?

Yes No

1b. How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance

Design Review

Standard Conditions of Approval

Capital Improvement Program

Specific Plan

Other

Pedestrian Facilities

Goal: To develop and implement design strategies that reduce vehicle trips and foster walking for commuting, shopping and school activities.

Local Responsibilities

2a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that incorporate the following:

2a.1 that provides reasonably direct, convenient, accessible and safe pedestrian connections to major activity centers, transit stops or hubs parks/open space and other pedestrian facilities?

Yes No

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

2a.2 that provide for construction of pedestrian paths needed to fill gaps, (i.e. gap closure), not provided through the development process?

Yes No

2a.3 that include safety elements such as convenient crossing at arterials?

Yes No

2a.4 that provide for amenities such as lighting, street trees, trash receptacles that promote walking?

Yes No

2a.5 that encourage uses on the first floor that are pedestrian oriented, entrances that are conveniently accessible from the sidewalk or transit stops or other strategies that promote pedestrian activities in commercial areas?

Yes No

2b. How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance

Design Review, such as ADA Accessibility Design Standards

Standard Conditions of Approval

Capital Improvement Program

Specific Plan

Other

Transit

Goal: To develop and implement design strategies in cooperation with the appropriate transit agencies that reduce vehicle trips and foster the use of transit for commuting, shopping and school activities.

Local Responsibilities

3a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

3a.1 provide for the location of transit stops that minimize access time, facilitate intermodal transfers, and promote reasonably direct, accessible, convenient and safe connections to residential uses and major activity centers?

Yes No

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

3a.2 provide for transit stops that have shelters or benches, trash receptacles, street trees or other street furniture that promote transit use?

Yes No

3a.3 that includes a process for including transit operators in development review?

Yes No

3a.4 provide for directional signage for transit stations and/or stops?

Yes No

3a.5 that include specifications for pavement width, bus pads or pavement structure, length of bus stops, and turning radii that accommodates bus transit?

Yes No

3.b How does your jurisdiction implement these strategies? Please identify.

- Zoning ordinance
- Design Review
- Standard Conditions of Approval
- Capital Improvement Program
- Specific Plan
- Other

Carpools and Vanpools

Goal: To develop and implement design strategies that reduce the overall number of vehicle trips and foster carpool and vanpool use.

Local Responsibilities:

4a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

4a.1 For publicly owned parking garages or lots, are there preferential parking spaces and/or charges for carpools or vanpools?

Yes No

4a.2 that provide for convenient or preferential parking for carpools and vanpools in non-residential developments?

Yes No

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

4.b How does your jurisdiction implement these strategies? Please identify.

- Zoning ordinance
- Design Review
- Standard Conditions of Approval
- Capital Improvement Program
- Specific Plan
- Other

Park and Ride

Goal: To develop design strategies that reduce the overall number of vehicle trips and provide park and ride lots at strategic locations.

Local Responsibilities:

5a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

5a.1 promote park and ride lots that are located near freeways or major transit hubs?

Yes No

5a.2 a process that provides input to Caltrans to insure HOV by-pass at metered freeway ramps?

Yes No

5b. How does your jurisdiction implement these strategies? Please identify.

- Zoning ordinance
- Design Review
- Standard Conditions of Approval
- Capital Improvement Program
- Specific Plan
- Other

DEPARTMENT OF TRANSPORTATION

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**UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT**

May 19, 2008

ALA238316
ALA-238-6.78
SCH#2008042091

Ms. Carmela Campbell
City of Union City
Economic and Community Development Department
34009 Alvarado-Niles Road
Union City, CA 94587

Dear Ms. Campbell:

Station District Mixed-Use Development – Notice of Preparation

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Station District Mixed-Use Development Project. The following comments are based on the Notice of Preparation. As lead agency, the City of Union City is responsible for all project mitigations, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the Draft Environmental Impact Report. Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the project involves work in the State's right of way (ROW). Therefore, we strongly recommend that the lead agency ensure resolution of the Department's concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

Traffic Impact Study (TIS)

The environmental document should include an analysis of the impacts of the proposed project on State highway facilities in the vicinity of the project site. Please ensure that a Traffic Impact Study (TIS) is prepared providing the information detailed below:

1. Information on the plan's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed. The study should clearly show the percentage of project trips assigned to State facilities.
2. Current Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets, highway segments and intersections.

3. Schematic illustration and level of service (LOS) analysis for the following scenarios: 1) existing, 2) existing plus project, 3) cumulative and 4) cumulative plus project for the roadways and intersections in the project area.
4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State highway facilities being evaluated.
5. The procedures contained in the 2000 update of the Highway Capacity Manual should be used as a guide for the analysis. We also recommend using the Department's "Guide for the Preparation of Traffic Impact Studies"; it is available on the following web site: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>.
6. Mitigation measures should be identified where plan implementation is expected to have a significant impact. Mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We encourage the City of Union City to coordinate preparation of the study with our office, and we would appreciate the opportunity to review the scope of work. Please see the Caltrans' "Guide for the Preparation of Traffic Impact Studies" at the following website for more information: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

We look forward to reviewing the TIA, including Technical Appendices, and environmental document for this project. Please send two copies to the address at the top of this letterhead, marked ATTN: Yatman Kwan, Mail Stop #10D.

Community Planning

In order to lessen potential traffic impacts on the state highways, consider various measures for reducing the motorized vehicle trip generation from your project. These measures could include, providing transit passes to all residents as a benefit included with the housing units, instituting a Transportation Demand Management (TDM) program in which future employees at the project site can receive transit passes at a reduced rate in lieu of free parking and reducing the parking requirements. The latter could make housing units more affordable and attractive to households with lower rates of auto ownership who are more likely to use mass transit and make fewer vehicle trips.

Encroachment Permit

Any work or traffic control within the ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Ms. Carmela Campbell/City of Union City
May 19, 2008
Page 3

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,

A handwritten signature in black ink that reads "Lisa Carboni". The signature is written in a cursive, flowing style.

LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse



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Operations Manager

May 20, 2008

Union City Economic and Community Development Department
Attn: Carmella Campbell, Senior Planner
34009 Alvarado-Niles Road
Union City, CA 94587

Dear Ms. Campbell:

Subject: Station District Mixed-Use Development

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environment Impact Report (EIR) and Initial Study (IS) for the Station District Mixed-Use Development.

The Alameda County Water District (ACWD) supplies water to a population of over 327,000 in the cities of Fremont, Newark, and Union City. ACWD was formed in 1914 by an act of the California Legislature for the purpose of protecting the water in the Niles Cone Groundwater Basin and conserving the water of the Alameda Creek Watershed. Local runoff along with imported water is percolated into the Niles Cone Groundwater Basin through recharge in Alameda Creek itself and through recharge ponds within the Quarry Lakes Regional Recreational Area and adjacent areas. The water is subsequently recovered through groundwater production wells and provided as potable supply to ACWD's customers.

ACWD conducts groundwater management and protection activities under the statutory authority granted to ACWD under the County Water District Law (commencing with Section 30000 of the Water Code); the Replenishment Assessment Act of the Alameda County Water District (Section 4, Chapter 1942 of the Statutes of 1961, as amended in 1970 and 1973), which grants additional powers to ACWD to prevent pollution, contamination, or diminution in quality of the groundwater supply; local well ordinances (Fremont No. 950, as amended; Newark No. 136; and Union City No. 109-73); agreements with other agencies; and local hazardous materials ordinances.

ACWD has reviewed the NOP and IS and would appreciate Union City's consideration of the following comments:

1. Impacts to Water Supply

- a. In the evaluation of Utilities and Service System, the IS indicates that, because the project would develop 793-1,200 residential units, a water supply assessment will need to be prepared for the project. This is consistent with Senate Bill 610 (California Water Code Sections 10910 – 10915), which requires a water supply assessment for any land use project that is subject to CEQA and has 500 residential units or more. ACWD received a request from Union City to develop a water supply assessment for the proposed project and has prepared the assessment. The ACWD Board adopted the assessment on May 15, 2008. Pursuant to water code requirements, the water supply assessment should be incorporated in the EIR for the project.

- b. In order to minimize additional demands on potable water supplies, the EIR should consider the installation of the latest technology in water efficient plumbing fixtures and irrigation systems at both residential and non-residential developments. Water efficient plumbing fixtures include high efficiency toilets, clothes washers, dish washers, water heaters, showerheads, and faucet aerators. Water efficient irrigation systems include weather-based irrigation-controllers and drip irrigation systems for non-turf areas. In addition, the EIR should also consider the installation of drought-tolerant landscaping in-lieu of irrigated turf, wherever possible, to offset impacts to ACWD's water supply.

2. Impacts to Water Distribution Infrastructure

- a. Under Phasing Strategy Infrastructure Phasing, the IS references "The Design Guidelines (Appendix A)." These guidelines were not included with the NOP and were thus not reviewed by ACWD.
- b. Under Phasing Strategy Infrastructure Phasing, the IS indicates that some infrastructure improvements, namely improvements to accommodate emergency vehicles will be completed prior to building construction and some improvements are to be completed as a final phase following building construction. ACWD anticipates that the public water system will need to be extended throughout the planned public streets prior to building construction to accommodate site fire protection during construction. With Phase One construction anticipated to begin as early as 2009, ACWD suggests initiating the improvement plan review process as early as possible. It is not uncommon for the improvement plan review process and execution of water main extension agreements to exceed six months.
- c. In the evaluation of Utilities and Service Systems, the IS indicates that existing utility systems for wastewater, solid waste, and storm water would be sufficient if project induced growth remains below General Plan levels but that growth in excess of General Plan levels may require new infrastructure or facilities. ACWD requests that water distribution systems be added to this list for further study in the EIR. ACWD will review the project and determine the onsite and offsite (if any) water system infrastructure improvements required to meet the project's water service needs upon receipt of improvement plans and any additional information deemed necessary for this purpose. The required infrastructure improvements will be determined in accordance with the ACWD's standards and requirements in effect at that time.

3. Impacts to Groundwater

- a. Retaining the natural ability of the geologic unit to sustain and protect the groundwater basin is essential. To that end, all subsurface intrusions must be carefully evaluated in the EIR:
 - 1) The EIR should identify the type of foundation piers that will be used and how the natural impermeability of any clay type material encountered will be maintained. Additionally the EIR should identify the depth to which the foundation piers for the high-rise buildings will be driven and the effect of these piers on the underlying aquifers and aquitards.
 - 2) The IS indicates that an underground parking garage will be developed as part of the proposed project. The maximum excavation depth for this subsurface parking structure should be documented in the EIR. The EIR should confirm that this subsurface intrusion will be designed to avoid impacts to the groundwater basin.

- b. If dewatering is planned, the EIR should address temporary and permanent dewatering activities and the potential impact of the project on the local drinking water supply. In addition, ACWD requests that the following potentially significant impacts related to dewatering activities be addressed in the EIR:
 - 1) The project location includes areas where known Spills, Leaks, Investigation, and Cleanup sites exist. The EIR should address the potential impacts that dewatering activities and construction may have on the investigation and cleanup of those sites.
 - 2) Since groundwater is an important component of ACWD's water resources, it is critical that the amount of water that may be extracted by dewatering be estimated and documented in the EIR. Alternative designs should be evaluated that would minimize the amount of dewatering required during and subsequent to construction. Groundwater losses due to dewatering should be measured and are subject to a replenishment assessment fee. Mitigation measures should be proposed to replace all significant losses of ACWD's water supplies.
 - 3) ACWD regulates the installation and destruction of dewatering wells by working with licensed drilling contractors and agencies that require dewatering wells for the installation of their facilities. ACWD permits are required for dewatering well installations and destructions within the City of Union City; however, dewatering wells are exempt from permit fees.
- c. In order to protect the groundwater basin, the EIR should identify all wells within the project area and each well must be either protected or properly destroyed prior to or during construction activities. If the well(s) are to remain, a letter so indicating must be sent to ACWD. In addition, any abandoned wells located within the project area must be brought into compliance or properly destroyed prior to construction activities. If the wells are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in compliance with the City of Union City Well Ordinance.
- d. As the enforcing agency for the Well Ordinance for the City of Union City, ACWD requests that the EIR include the requirement of obtaining a drilling permit from the Alameda County Water District prior to the start of any subsurface drilling activities. Application for a permit may be obtained from ACWD's Engineering Department, at 43885 South Grimmer Boulevard, Fremont or online at http://www.acwd.org/engineering/drilling_permit.php5. Before a permit is issued, the applicant is required to deposit with ACWD, cash or check in a sufficient sum to cover the fee for issuance of the permit or charges for the estimated costs of field investigation and inspection. All permitted work requires scheduling and inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.
- e. Although the site has been remediated, some localized areas may still contain elevated concentrations of contaminants. The EIR should include a contingency plan that will be implemented for potentially contaminated soil that is encountered at the site. The contingency plan should include, but not necessarily be limited to, the following:
 - 1) Specific procedures that would be undertaken to test for suspected contaminated soil uncovered during the project;

Ms. Carmela Campbell

Page 4

May 20, 2008

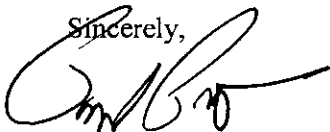
- 2) Remedial actions that would be undertaken should contamination be detected or encountered during project activities;
- 3) Provisions to notify Union City and ACWD staff of confirmation sampling results prior to the backfilling of any excavation where contaminated soil was removed or suspected, unless immediate backfilling is required for safety reasons;
- 4) Procedures related to the stockpiling, treatment, and confirmation sampling of any contaminated soil, or potentially contaminated soil, designated for on-site disposal; confirmation that the soil is sufficiently clean of contamination must be obtained prior to on-site disposal.

4. Relationship to the Union City Intermodal Station Passenger Rail Project

- a. The IS indicates that the location of the mixed-use development is intended to encourage the use of mass transit, including the future passenger rail. If the Station District Mixed-Use Development is related to the Intermodal Station Passenger Rail Project, ACWD requests that the EIR explain the relationship between the two projects and identify the master plan and schedules for each phase.

Thank you for the opportunity to provide comments on the NOP and IS. For questions related to groundwater, please contact Michelle Myers, Well Ordinance Supervisor, at (510) 668-4454. For other questions, please contact Patricia Dustman, Program and Planning Engineering Supervisor, at (510) 668-4440.

Sincerely,



Paul Piraino
General Manager

eh/tf

By E-mail

cc: Robert Shaver, ACWD
Patricia Dustman, ACWD
Steven Inn, ACWD
Michelle Myers, ACWD
Ed Stevenson, ACWD
Walt Wadlow, ACWD
Doug Chun, ACWD
Eric Cartwright, ACWD
Steve Peterson, ACWD

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

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MAY 6 5 2008

UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT

April 30, 2008

Carmela Campbell
City of Union City
Economic and Community Development Dept.
34009 Alvarado-Niles Road
Union City, CA 94587Re: Notice of Preparation (NOP)
Station District Mixed-Use Development
SCH# 2008042091

Dear Ms. Campbell:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

As described in the NOP, the proposed project borders the Union Pacific Railroad line, and would increase vehicular and pedestrian traffic in the vicinity. The Commission requests that the CEQA documentation for the proposed project evaluate potential project-related rail safety impacts. In addition to the potential impacts of the proposed project itself, the CEQA document should consider cumulative rail safety-related impacts created by other projects. In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians.

General categories of measures to reduce potential adverse impacts on rail safety include:

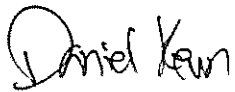
- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates

- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing. If the project includes a proposed new crossing, the CPUC will be a responsible party under CEQA and the impacts of the crossing must be discussed in its CEQA documentation.

Thank you for your consideration of these comments. If you have any questions in this matter, please call me at (415) 703-1306.

Very truly yours,



Daniel Kevin
Regulatory Analyst
Consumer Protection and Safety Division

cc:

Terrel A. Anderson
Manager, Industry and Public Projects
Union Pacific Railroad
9451 Atkinson St.
Roseville, CA 95747



Community Development

39550 Liberty Street, P.O. Box 5006, Fremont, CA 94537-5006
www.fremont.gov

May 19, 2008

Union City Economic and Community Development Department
Attn: Carmela Campbell
34009 Alvarado-Niles Road
Union City, CA 94587

RE: Station District Mixed Use Development EIR

Thank you for the opportunity to provide input on the scope of the Draft EIR. The City of Fremont's concerns pertain primarily to the nearby major intersection operations. The Traffic Analysis should consider including the following study intersections which is in the vicinity of the Union City/Fremont City limits:

- Paseo Padre Parkway/Decoto Road
- Paseo Padre Parkway/Isherwood Way
- Niles Boulevard/Linda Drive
- Mission Boulevard/King Avenue

During the background review for the EIR and the implementation of the traffic impact analysis please contact the City's Transportation Department staff person Rene Dalton @ (510) 494-4535 to provide information of pending or approved projects in the vicinity of the Fremont/Union City limits.

Please feel free to contact me with any questions and we look forward to reviewing the Draft EIR when it is made available for public comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Diekmann".

Kelly Diekmann,
Senior Planner
City of Fremont
kdiekmann@ci.fremont.ca.us
510-494-4540

CC: Rene Dalton, City of Fremont



Building & Safety
510 494-4400

Engineering
510 494-4700

Housing & Redevelopment
510 494-4500

Planning
510 494-4440



Directors
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District Engineer

David M. O'Hara
Attorney

May 19, 2008

Carmella Campbell
City of Union City
Economic and Community Development Department
34009 Alvarado Niles Road
Union City, CA 94587

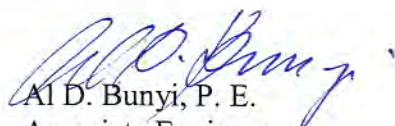
Re: Notice of Preparation of a Draft Environmental Impact Report
for the Station District Mixed-Use Development

Dear Ms. Campbell,

Thank you for sending USD the Notice of Preparation of a Draft Environmental Impact Report for the Station District Mixed-use Development dated April 17, 2008. The proposed project involves the construction of up to 1,200 units of housing and 70,000 square feet of retail in the area bounded by 11th Street, K Street (future), M Street (future) and Railroad Avenue (future). While the project is largely consistent with the intent of the Station District Plan that the City released a few years back, the current proposal shows a net increase of 650 dwelling units from the original maximum estimate of 550 dwelling units. The increase in dwelling units will be attained by basically reducing or converting the 3.5 acres of mixed-use office development to residential mixed-use. In light of this new proposal, USD reviewed the current sanitary sewer system serving the vicinity including downstream trunk sewers and treatment plant capacity. We are very pleased to inform you that the existing sewer infrastructure serving the project area is adequate and we have capacity in our sewage treatment plant to process the wastewater that will be generated from the proposed development.

Please send me a copy of the EIR as soon as it becomes available. Be free to call me at (510) 477-7617 if you have any questions.

Truly yours,


Al D. Bunyi, P. E.
Associate Engineer

Cc: File

ADB:adb

5072 Benson Road, Union City, CA 94587-2508
P.O. Box 5050, Union City, CA 94587-8550
(510) 477-7500 FAX (510) 477-7501
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