



**Final Initial Study/Mitigated Negative Declaration  
36120 Ruschin Drive Project  
City of Newark, Alameda County, California**

Prepared for:  
**City of Newark**  
Community Development Department  
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Date: November 18, 2014

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## SECTION 1: INTRODUCTION

Although not required by the California Environmental Quality Act (CEQA) and CEQA Guidelines, the City of Newark has evaluated the comments received on the 36120 Ruschin Drive Project Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND). The Responses to Comments and Errata, which are included in this document, together with the Draft IS/MND, Draft IS/MND appendices, and the Mitigation Monitoring and Reporting Program, comprise the Final IS/MND for use by the City of Newark in its review and consideration of the 36120 Ruschin Drive Project.

This document is organized into three sections:

- **Section 1 - Introduction.**
- **Section 2 - Responses to Written Comments:** Provides a list of the agencies, organizations, and individuals who commented on the Draft IS/MND. Copies of all of the letters received regarding the Draft IS/MND and responses thereto are included in this section.
- **Section 3 - Errata:** Includes an addendum listing refinements and clarifications on the Draft IS/MND, which have been incorporated.

The Final IS/MND includes the following contents:

- Draft IS/MND (provided under separate cover)
- Draft IS/MND appendices (provided under separate cover)
- Responses to Written Comments and Errata (Sections 2 and 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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## SECTION 2: RESPONSES TO WRITTEN COMMENTS

### 2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft IS/MND is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Author Code
<b>Local Agencies</b>	
Alameda County Water District.....	ACWD
<b>Individuals</b>	
Jack and Jacque Burgess.....	BURGESS

### 2.2 - Responses to Comments

#### 2.2.1 - Introduction

Although not required by the California Environmental Quality Act (CEQA) the City of Newark, as the lead agency, has evaluated the comments received on the Draft IS/MND for the 36120 Ruschin Drive Project, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final IS/MND for the project, similar to the process required of an Final EIR as outlined in CEQA Guidelines Section 15132.

#### 2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

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**DIRECTORS**

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Manager of Operations and Maintenance

September 17, 2014

Yesenia Jimenez, Assistant Planner  
City of Newark  
Community Development Department  
37101 Newark Boulevard  
Newark, CA 94560

Dear Ms. Jimenez:

**Subject: Draft Initial Study and Mitigated Negative Declaration for the 36120 Ruschin Drive Project**

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Draft Initial Study and Mitigated Negative Declaration for the 36120 Ruschin Drive Project (Project).

ACWD staff has reviewed the Draft Initial Study and Mitigated Negative Declaration (IS/MND) and offers the following comments for your consideration:

1. **Groundwater Well Protection/Destruction:** ACWD has identified two water wells located within the project area. In order to protect the groundwater basin, each well located within the property must be in compliance with ACWD Ordinance No. 2010-01. If the well is to remain, a letter so indicating must be sent to ACWD and will require a permit for inactive classification if the well will not be used for a period of twelve (12) months. Any abandoned wells located within the project area must be properly destroyed prior to construction activities.
2. **Drilling Permit Requirement:** As required by ACWD Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations. 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>. Before a permit is issued, a cash or check deposit is required in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.

1

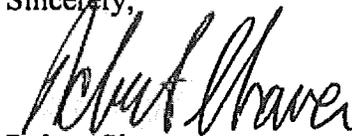
2

3

3. Utilities and Service Systems – Water Supply: The ACWD service area and the State of California are currently experiencing a water supply shortage emergency. ACWD has taken steps to encourage water use reductions throughout the service area. On March 13, 2014, ACWD declared a water shortage emergency and adopted ACWD Ordinance No. 2014-01, imposing broad water use restrictions, water use prohibitions, and other measures, including restrictions on water use for purposes other than domestic use, public health, and fire protection. These restrictions will remain in place through the end of the water shortage emergency. In addition, ACWD may adopt additional water use restrictions or implement other measures should they become necessary. 4
4. ACWD Contacts: The following ACWD contacts are provided so that the City can coordinate with ACWD as needed during the CEQA process:
- Eric Cartwright, Special Assistant to the General Manager at (510) 668-4206, or by e-mail at [eric.cartwright@acwd.com](mailto:eric.cartwright@acwd.com), for coordination regarding water supply issues.
  - Steven Inn, Groundwater Resources Manager at (510) 668-4441, or by e-mail at [steven.inn@acwd.com](mailto:steven.inn@acwd.com), for coordination regarding ACWD's groundwater resources. 5
  - Michelle Myers, Well Ordinance Supervisor, at (510) 668-4454, or by e-mail at [michelle.myers@acwd.com](mailto:michelle.myers@acwd.com) for coordination regarding groundwater wells and drilling permits.
  - Ed Stevenson, Development Services Manager, at (510) 668-4472, or by e-mail at [ed.stevenson@acwd.com](mailto:ed.stevenson@acwd.com), for coordination regarding public water systems and water services.

Again, thank you for the opportunity to comment on the Draft Initial Study and Mitigated Negative Declaration for the 36120 Ruschin Drive Project.

Sincerely,



Robert Shaver  
Assistant General Manager - Engineering

la/mh

By E-mail

cc: Eric Cartwright, ACWD  
Ed Stevenson, ACWD  
Steven Inn, ACWD  
Michelle Myers, ACWD

## Local Agencies

### ***Alameda County Water District (ACWD)***

#### *Response to ACWD-1*

The agency provided introductory remarks to preface the letter. No response is necessary.

#### *Response to ACWD-2*

The agency indicated that there are two onsite water wells and that any maintenance, use, or abandonment must be conducted in compliance with ACWD Ordinances.

No new onsite wells are proposed, and the two-onsite wells would be abandoned in accordance with applicable ACWD ordinances.

#### *Response to ACWD-3*

The agency indicated that drilling permits are required prior to drilling activities. All ordinances and permitted work must be coordinated with ACWD prior to any fieldwork activities.

No new onsite wells are proposed. The project would abide by ACWD's ordinances, where applicable, regarding the existing onsite wells.

#### *Response to ACWD-4*

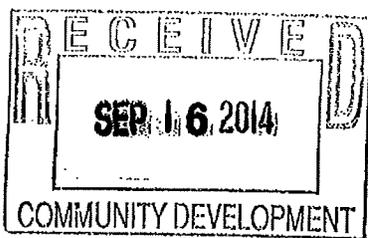
The agency indicated that it is imposing water use restrictions, prohibitions, and other measures because of California's water supply shortage emergency.

The project would abide by ACWD's ordinances and implement all applicable water use restrictions, prohibitions, and other measures.

#### *Response to ACWD-5*

The agency provided a list of contacts as well as closing remarks to conclude the letter. No response is necessary.

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Jack Burgess  
Jacque Burgess  
36129 Sandalwood Street  
Newark, CA 94560  
510/797-9557

September 16, 2014

City of Newark - Community Development Department  
Attn: Yesenia Jimenez  
37101 Newark Boulevard  
Newark, CA 94560

Subject: Comments on IS/MND for 36120 Ruschin Drive

After reviewing the IS/MND for the project to construct 85 homes on the Ruschin School site, we have the following comments:

1

**Page 2 - Project Description**

The project description states that the single-story lot will be approximately 5,390 square feet in size. However, the majority of the single-story lots are only 55 feet wide by 95 feet deep, for a total area of 5,225 square feet.

2

**Page 14 - Have a substantial adverse affect on a scenic vista**

The IS/MND states that the "...proposed onsite residences would be consistent in height and character with surrounding residential land uses and would not obstruct the views of these hills from nearby public viewing locations..."

3

The "Hillvista" subdivision was original built entirely with single-story homes and there are only a few homes which have been enlarged with second-story additions. These additions tend to be small and less than the size of the first floor. Every home in our subdivision is on a lot of 6,000 square feet or more in size. The proposed development does not have a single lot which meets the Zoning Ordinance for the current zoning. It also includes 54 two-story houses. The proposed development is NOT consistent in height and character with our neighborhood.

The two-story homes proposed to be built along Ruschin Drive will completely block the view of the East Bay hills which is enjoyed by current home owners on Ruschin Drive and anyone walking or driving this section of Ruschin Drive. The two-story homes in the proposed development will also block the view of the hills from many homeowners on McDonald Avenue who back onto the school site.

4

At the Neighborhood Meeting hosted by the developer on August 27, 2014, the developer agreed to prepare a sight-line survey to share with property owners on Ruschin Drive. As far as we know right now, that has not been done. It should be included in the IS/MND.

5

**Page 15 - Substantially degrade the existing visual character of the surroundings.** The IS/MND states that the "...project site is surrounded by single-family residential uses consisting of a mixture of one and two story buildings."

6

We fail to see how anyone can conclude that the surrounding neighborhood is a "mixture" of single-story and two-story buildings when there are only 7 two-story additions to the 100 or so homes surrounding the Ruschin School site and two of them can barely be seen from the street.

This section goes on to state "The lot sizes and building heights have been specifically designed to be consistent with Newark Code of Ordinances Section 17.16.220, Design Guidelines, as well as the surrounding existing residential uses." That section of the Municipal Code deals with multi-family and says nothing about single-family houses.

7

Regardless, the lot sizes are not consistent with the surrounding existing residential uses. The school site is currently zoned for 6,000 SF lots with 20-foot front and rear setbacks, and 6-foot side yard setbacks. However, not a single lot in the proposed development meets any of these requirements. The larger lots are only about ¾ of that size with shorter setbacks, including some 10-foot front yard setbacks. The smaller lots are only half the size of the lots in our neighborhood with side yard setbacks of 3½ feet and very short front and rear yard setbacks.

8

In addition, the developer is proposing two-story houses facing Ruschin Drive. Some of these houses have portions of the structure which are only 13 feet from the front property line and others have porches which are only 10 feet from the sidewalk. A solid line of six two-story houses which are as close as 10 feet from the sidewalk opposite a solid line of single-story existing homes with 20-foot setbacks is **NOT CONSISTENT WITH THE NEIGHBORHOOD**. That impact alone is **VERY SIGNIFICANT**.

9

This development will **SUBSTANTIALLY DEGRADE** the existing visual character of our neighborhood.

10

**Page 65 - Conflict with any applicable land use policy....or zoning ordinance.**

The proposed development is consistent with the General Plan only because the General Plan specifies low density as less than 8.7 dwellings per net acre. However, the General Plan actually states "Low Density Residential - This designation is intended for single-family residential development on lots larger than 5,000 square feet." None of the lots in this proposed development meet this criteria and the proposed development and therefore the project is **NOT CONSISTENT WITH THE GENERAL PLAN**.

11

In addition, Policy LU-2.1 in the approved General Plan states "Protect single-family neighborhoods from substantial increases in density and new land uses which would adversely affect the character of the neighborhood." The surrounding neighborhood has a density of 4.65 du/net acre, while the proposed development has a density of 8.4 du/acre. That is nearly twice the density of the surrounding area and certainly affects the character of our neighborhood.

12

The proposed development is completely in conflict with the Zoning Ordinance. If the plan needs to be rezoned to be in compliance with the Zoning Ordinance to allow 85 houses to be built on the site instead of the 47 houses which would be consistent with the Zoning Ordinance, **THE IMPACTS TO OUR NEIGHBORHOOD WOULD OBVIOUSLY BE SIGNIFICANT.**

13

#### **Page 86 - Traffic**

The discussion of traffic issues has obviously been limited to defining possible impacts to Levels of Service at nearby signalized and unsignalized intersections. Not surprisingly, the LOS at these nearby signalized intersections isn't changed by this proposed development since all of these intersections, except for Thornton Avenue at Cedar Boulevard, have adequate numbers of approach lanes, good signal controls, etc.

Performing a LOS calculation for an unsignalized intersection such as Lafayette Avenue at Ruschin Drive is worthless since simple field observations would conclude that, except for the intersection of Ruschin Drive and Newark Boulevard (with a current traffic volume of nearly 15,000 cars per day), all of these intersections will continue to operate with little delay.

However, what is missing from this limited analysis are existing 24-hour traffic volumes on Ruschin Drive, Lafayette Avenue, and McDonald Avenue, the streets that would be impacted by this development. Peak hour counts were done at locations on these streets but no 24-hour counts.

14

Without 24-hour counts, how can one know that the additional traffic generated by the proposed 85 houses will not have a significant impact on these streets? Residents on Lafayette Avenue and Ruschin Drive have been complaining for years about high traffic volumes on these streets. In response to complaints, the City installed speed bumps on Lafayette Avenue but neighbors on that street still complain about the volume of traffic.

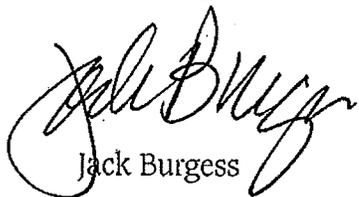
Only by comparing existing traffic volumes to expected 24-hour traffic volumes with the project can one make an informed conclusion whether traffic from this proposed development will or will not have a significant impact on these streets.

The traffic analysis states that the construction of 85 houses on the Ruschin School site will generate 809 trips per day. Every one of those trips will start and end on Ruschin Drive. There will also be increases in traffic on Lafayette Avenue and McDonald Avenue. Will those increases be significant? **WE DO NOT KNOW WITHOUT THE DATA.**

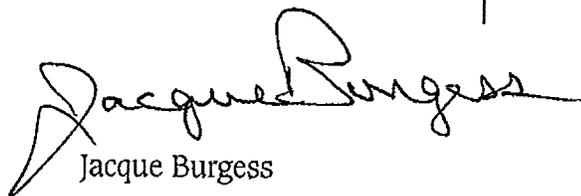
**Page 87 - Result in inadequate emergency access?**

The summary of this issue states that the Alameda County Fire Department will review the project plans for compliance with building codes, etc. at some later date. However, our concern is the design of the intersections of the loop street with the private lanes serving the two-story houses. Has anyone determined if a fire truck, including the Quint or other fire trucks, will be able to respond to a multi-alarm fire on one of the private lanes from the loop street and make the right turn at these intersections?

15



Jack Burgess



Jacque Burgess

## Individuals

### ***Jack and Jacque Burgess (BURGESS)***

#### *Response to BURGESS-1*

The commenter provided introductory remarks to preface the letter. No response is warranted.

#### *Response to BURGESS-2*

The commenter indicates that the majority of the proposed single-story lots (located at the perimeter of the project site) would be 5,225 square feet in size, whereas the project description states that these lots will be 5,390 square feet in size.

The text of the Draft ISMND has been updated in Section 3.0, Errata of this Final ISMND to correctly identify the size the proposed single-story lots as 5,225 square feet in size. This revision is minor and does not change the significance of any of the environmental issue conclusions within the Draft ISMND.

#### *Response to BURGESS-3*

The commenter indicates that because the project would include two-story homes on lots of less than 6,000 square feet, it would not be consistent with the Zoning Ordinance and would not be consistent with the height and character of the existing neighborhood.

Similar to the surrounding residential area, the project site is currently designated Residential (R-6000) by the Zoning Ordinance. However, as indicated in the Draft ISMND, the applicant is seeking approval of a Rezone to Low Density Residential – Form Based Code as part of the project.

The Low Density Residential – Form Based Code zoning designation is intended for single-family neighborhoods. The allowable density range is zero to 14 dwelling units per gross developable acre. Minimum allowable single-family detached (front-loaded) lot sizes are identified as 32 feet wide by 45 feet deep (1,448 square feet), and maximum allowable lot sizes are identified as 65 feet wide by 150 feet (9,750 square feet). The project's density of 8.4 dwelling units per acre, average lot size of 5,390 (or 5,225 square feet as indicated by the commenter in BURGESS Comment 2), and minimum lot sizes of 2,709 to 3,701 square feet (located in the interior of the private loop road) are consistent with the proposed zoning requirements.

#### *Response to BURGESS-4*

The commenter indicates that the two-story residences proposed along Ruschin Drive would block views of the East Bay hills as seen from existing residences located on the opposite side of Ruschin Drive and on McDonald Avenue.

The construction of two-story residences, or addition of a second story to existing residences, is allowed by right in both the R-6000 zoning designation applied to existing residences surrounding the project site and the Low Density Residential – Form Based Code zoning designation to be applied to the project site.

As indicated in the Draft ISMND, the proposed residences would not obstruct the views of surrounding hills as seen from any nearby public viewing locations, such as Newark Community Park or Musick Park. CEQA does not address views as seen from private properties.

*Response to BURGESS-5*

The commenter indicated that at the August 27, 2014 Neighborhood Meeting, the project applicant agreed to prepare a sight-line survey for residences on Ruschin Drive and that the survey should be included in the ISMND.

A Sight Line Study was prepared by BFK on October 24, 2014 and is included in this document as Appendix A. As shown therein, views of the project site from existing residences on Ruschin Drive would consist of the single-story residences fronting Ruschin Drive, beyond which only the top half of the roof of the first row of two-story residences would be visible. As such, only a portion of the roof of the two-story residences would be visible from existing residences on Ruschin Drive.

*Response to BURGESS-6*

The commenter disagrees with the ISMND's characterization of the neighborhood surrounding the project site as a mixture of single-story and two-story buildings, indicating that only seven of 100 homes surrounding the project site are two-story.

The commenter's statement is noted. As discussed in Response to BURGESS-4, the construction of two-story residences or the addition of a second story to existing residences is allowed by right in both the R-6000 zoning designation applied to existing residences surrounding the project site and the Low Density Residential – Form Based Code zoning designation to be applied to the project site.

*Response to BURGESS-7*

The commenter correctly indicates that Newark Code of Ordinance Section 17.16.220 does not address lot size or building heights for single-family residential uses. The text of the Draft ISMND has been updated in Section 3.0, Errata of this Final ISMND to correctly reference Section 17.37.070, Height of Structures; Section 17.37.080, General Development Standards for Single-family Residential; and Section 17.16.206, Single-Family Residential Design Review.

*Response to BURGESS-8*

The commenter indicates that proposed lot sizes are not consistent with the surrounding existing residential lot sizes and proposed front, rear, and side yard setbacks are not consistent with the project site's current zoning designation of R-6000.

As indicated in Response to BURGESS-3 and as indicated in the Draft ISMND, the applicant is seeking approval of a Rezone to Low Density Residential – Form Based Code as part of the project. As such, the proposed lot sizes and front, rear, and side yard setbacks are not required to be consistent with the R-6000 zoning designation

*Response to BURGESS-9*

The commenter states that the proposed two-story residences facing Ruschin Drive with front setbacks between 10 and 13 feet would not be consistent with the existing single-story residences on the opposite side of Ruschin with front setbacks of 20 feet, resulting in a significant impact to visual character.

While there is no definitive threshold, substantial degradation of visual character or quality is typically considered to occur only when a project substantially changes the character of the project

site such that it becomes visually incompatible or visually unexpected when viewed in the context of its surroundings.

The 10-foot difference in setbacks and one-story difference in building heights on either side of Ruschin Drive would not be visually incompatible or visually unexpected when viewed in the context of the sites surrounding residential character. The proposed project has been specifically designed to provide a transition between the existing and proposed residential densities and building heights. Residences proposed on the outside of the private loop road would be one story in height and consist of lot widths similar to those of the directly adjacent existing residential lots. Smaller lot sizes and two-story residences are limited to the area within the loop road. This transition in building height and lot size would ensure the visual change would not be considered visually unexpected. Furthermore, while the change from the existing elementary school to a residential development may be considered a substantial visual change for the project site itself, the location of single-family residences—in an area containing single family residences—would not be considered a substantial change of character for the project vicinity.

*Response to BURGESS-10*

The commenter states that the proposed residential development will substantially degrade the existing visual character of the surrounding neighborhood. See Response to BURGESS-6 through Response to BURGESS-9.

*Response to BURGESS-11*

The commenter states that the project is not consistent with the General Plan land use designation of Low Density Residential because the proposed lots are smaller than the minimum allowable lot size of 5,000 square feet.

As indicated in the General Plan's definition of Low Density Residential, "Multiple zoning districts apply within Low Density Residential." Such is the case with the proposed zoning designation of Low Density Residential – Form Based Code, which does not specify minimum lot sizes but rather minimum lot widths and depths. The General Plan indicates that the City's Zoning Map is more detailed than the General Plan Map and is intended to be parcel-specific. Zoning designations include more precise development standards that are consistent with the broad guidelines established in the General Plan for the corresponding General Plan land use designations. Furthermore, the General Plan states that individual zoning districts within each land use designation category may distinguish where the "top" of the lot size range is acceptable, and where the lower ends of the lot size range are appropriate. In this case, for the Low Density Residential – Form Based Code zoning designation, minimum allowable single-family detached (front-loaded) lot sizes are identified as 32 feet wide by 45 feet deep (1,448 square feet), and maximum allowable lot sizes are identified as 65 feet wide by 150 feet (9,750 square feet). The project's lot sizes are consistent with these sizes, ranging from 2,709 to 5,225 square feet. Because the lot sizes are consistent with the zoning, and because the General Plan identifies that zoning designations may distinguish lot sizes, the project is consistent with the General Plan.

*Response to BURGESS-12*

The commenter states that the existing surrounding neighborhood has a density of 4.65 dwelling unit per net acre (du/na), while the proposed project has a density of 8.4 du/na. The commenter indicates that this increase in density is inconsistent with General Plan Land Use Policy LU-2.1, which states, “Protect single-family neighborhoods from substantial increases in density and new land uses which would adversely affect the character of the neighborhood.”

Policy LU-2.1 does not indicate what is considered a “substantial” increase in density. While the proposed density is greater than the existing density, the proposed project would not be considered a new land use that would adversely affect the character of the neighborhood (refer to Response to BURGESS-6 through Response to BURGESS-10). Furthermore, the project would be consistent with the proposed zoning designation (refer to Response to BURGESS-3).

*Response to BURGESS-13*

The commenter indicates the project conflicts with the Zoning Ordinance and if the project site is to be rezoned to allow the proposed 85 residences, impacts to the existing neighborhood would be significant.

As discussed in Response to BURGESS-3, the project site the project would be consistent with the newly proposed zoning designation. For the reasons stated in Response to BURGESS-3 through Response to BURGESS-12, this rezoning would not result in impacts to the adjoining neighborhood.

*Response to BURGESS-14*

The commenter notes that although peak-hour counts were conducted at intersections likely to be affected by the proposed project, no 24-hour traffic counts were conducted on nearby streets.

It is common practice to conduct only peak-hour counts at nearby intersections for transportation impact analyses, since most municipalities only have Level of Service (LOS) standards for intersections, not for street segments. Nonetheless, Hexagon Transportation Consultants, Inc. conducted 24-hour traffic counts on four street segments on Tuesday, October 14, 2014 (Appendix B). Table 2-1 shows the existing and with project Average Daily Traffic (ADT) volumes on these four street segments.

**Table 2-1: ADT Volumes**

Street Segment	Additional ADT Generated by Project <sup>1</sup>	Existing ADT		Background ADT		Cumulative ADT		Percent Increase
		No Project <sup>2</sup>	With Project	No Project	With Project	No Project	With Project	
Ruschin Drive: Newark Blvd to Dalewood Dr	410	1310	1720	1310	1720	1310	1720	31
Ruschin Drive: Dalewood Dr to Lafayette	260	984	1244	984	1224	984	1244	26
Lafayette Ave: Sandalwood St to Fernwood Dr	136	1826	1962	1826	1962	2356	2492	7
McDonald Avenue: Sandalwood St to Vinewood St	136	662	801	662	801	662	801	21

**Table 2 1 (cont.): ADT Volumes**

Street Segment	Additional ADT Generated by Project <sup>1</sup>	Existing ADT		Background ADT		Cumulative ADT		Percent Increase
		No Project <sup>2</sup>	With Project	No Project	With Project	No Project	With Project	
Notes:								
<sup>1</sup> Additional ADT for each street segment is estimated by applying the average percentage of additional AM peak-hour and PM peak-hour traffic on each segment to the total daily trips (809) generated by the project								
<sup>2</sup> Existing ADT is from 24-hour counts conducted on 10/14/14.								
Source: Hexagon Transportation Consultants, Inc., 2014.								

In order to “compare existing traffic volumes to expected 24-hour traffic volumes with the project,” as requested in the comment letter, Hexagon has estimated the additional daily traffic that the project would generate in each of the segments listed in Table 2-1. Additional daily traffic on each segment was assumed to be proportional to the additional peak-hour traffic on each segment. Hexagon examined the amount of AM and PM peak-hour traffic the project would generate at the *intersection* closest to each street segment, and based on that volume, Hexagon calculated what *percentage* of the total 64 AM trips and 85 PM trips generated by the project would travel on each street segment. The average percentage was then applied for each segment to the total 809 daily trips that would be generated by the project. This resulted in estimates of the additional number of daily trips that would travel on each street segment, as shown in Table 2-1.

Hexagon also evaluated the daily traffic volumes that would occur on each street segment under the Background and Cumulative scenarios (also shown on Table 2-1). The Background volumes are the same as the Existing volumes on all four segments, because the approved project trips included in the Background scenario added traffic volumes to the nearby arterials, but not to the street segments near the project site. This makes sense because the neighborhood is built up already, and the only projected additional trips would come from the 36120 Ruschin Drive project itself. For the Cumulative scenario, only one street segment, Lafayette Avenue, would have increased daily traffic volumes, for the same reason.

The City of Newark does not have a standard regarding significant impacts related to daily traffic on its streets. The City has an LOS standard and related definition of significant impact only for intersections. Thus, although the data shows that ADT would increase by 7 to 31 percent on these segments, this does not result in a significant impact. The Newark General Plan, adopted on December 12, 2013, shows both Lafayette Avenue and Ruschin Drive as collectors, not local streets. The projected volumes after completion of the proposed project is fewer than 1,000 trips per day on McDonald Avenue (a local street), and fewer than 2,000 trips per day on Ruschin Drive and Lafayette Avenue (both collectors). These projected total volumes are still well within the range of volumes typically associated with those types of streets. Furthermore, consideration of traffic increases resulting from the redesignation of the project site from Public/Institutional to Low Density Residential was considered in the General Plan’s Environmental Impact Report, which specifically looked at traffic increases at the intersection of Newark Boulevard and Lafayette Avenue, concluding that no significant impact would occur.

*Response to BURGESS-15*

The commenter questions whether emergency response apparatus (fire trucks) can successfully navigate the proposed private lanes serving the two-story houses.

Prior to final approval, the Alameda County Fire Department would review the proposed project to ensure sufficient emergency access is provided.

## SECTION 3: ERRATA

The following are revisions to the Draft IS/MND for the 36120 Ruschin Drive Project.

These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft IS/MND. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

### 3.1 - Changes in Response to Specific Comments

#### Section 2.1, Aesthetics

##### *Page 2*

The text of the Draft ISMND has been updated to correctly identify the size of the one-story lots. Text has also been updated to correctly reflect the range of the two-story lot sizes.

Residences along the outside of the private loop road would be one story in height and would be located on approximately 5,225 ~~5,390~~-square-foot lots, with backyards adjoining the existing surrounding residences. Residences inside the private loop road would be two stories in height and would be located on lots ranging from 2,709~~666~~ to 3,701~~480~~ square feet.

##### *Page 15*

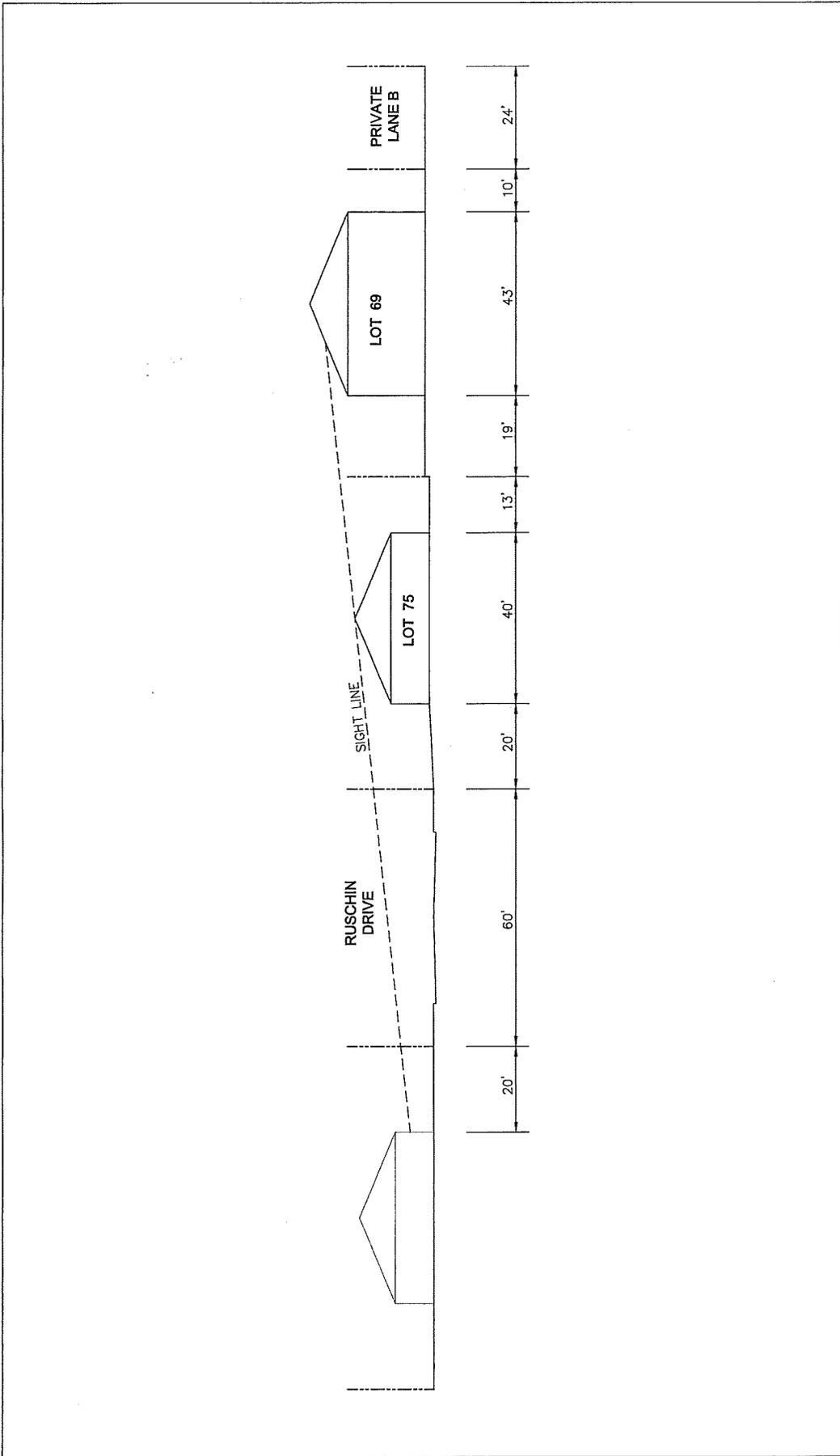
The text of the Draft ISMND has been updated to correctly reference Section 17.37.070, Height of Structures; Section 17.37.080, General Development Standards for Single-family Residential; and Section 17.16.206, Single-Family Residential Design Review. The text of the Draft ISMND has also been updated to correctly identify the size of the one-story and two-story lots.

Residences proposed along the outside of the private loop road would be one story in height and would be located on approximately 5,225 ~~4,950~~-square-foot lots, with backyards adjoining the existing surrounding residences. Residences inside the private loop road would be two stories in height and would be located on lots ranging from 2,709~~400~~ to 3,701~~480~~ square feet. The lot sizes and building heights have been specifically designed to be consistent with Newark Code of Ordinances Section 17.37.070, Height of Structures; Section 17.37.080, General Development Standards for Single-family Residential; and Section 17.16.206, Single-Family Residential Design Review ~~Section 17.16.220, Design Guidelines~~, as well as the surrounding existing residential uses.

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**Appendix A:  
Sight Line Study**

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RUSCHIN DRIVE SIGHT LINE STUDY  
 OCTOBER 24, 2014 BCF Project No. 2014002



BKF  
 1550 Technology Drive, Ste. 650  
 San Jose, CA 95128  
 408.487.2000 408.487.2088

NEWARK, CALIFORNIA

CLASSICS AT NEWARK, TRACT 8212

CLASSIC COMMUNITIES



**Appendix B:  
Daily Traffic County Memo**

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# HEXAGON TRANSPORTATION CONSULTANTS, INC.

October 20, 2014

Ms. Janna Waligorski  
FirstCarbon Solutions  
220 Commerce Drive, Suite 200  
Irvine, CA 92602

**Re: Response to Comments from Jack and Jacque Burgess, under heading “Page 86 Traffic”**

Dear Ms. Waligorski:

Hexagon Transportation Consultants, Inc. is pleased to provide the following response to the public comment received on the Transportation Impact Analysis (TIA) we conducted for the single-family residential development located at 36120 Ruschin Drive in Newark, California.

In the comment letter received from Jack and Jacque Burgess, under the heading “Page 86 – Traffic,” it is noted that although peak-hour counts were conducted at intersections likely to be affected by the proposed project, no 24-hour traffic counts were conducted on nearby streets. We note that it is common practice to conduct only peak-hour counts at nearby intersections for Transportation Impact Analyses, since most municipalities only have Level of Service standards for intersections, not for street segments.

In response to this comment, Hexagon conducted 24-hour traffic counts on four street segments on Tuesday, October 14, 2014. The table below shows the Existing Average Daily Traffic (ADT) volumes on these four street segments:

- Ruschin Drive, between Newark Boulevard and Dalewood Drive
- Ruschin Drive, between Dalewood Drive and Lafayette Avenue
- Lafayette Avenue, between Sandalwood Street and Fernwood Drive
- McDonald Avenue, between Sandalwood Street and Vinewood Street

**Table 1  
ADT Volumes on Street Segments near Ruschin Drive Residential Project**

Street Segment	Add'l ADT Generated by Proj <sup>1</sup>	Existing ADT		Background ADT		Cumulative ADT	
		No Proj <sup>2</sup>	With Proj	No Proj	With Proj	No Proj	With Proj
Ruschin Drive, Between Newark Blvd & Dalewood Dr	410	1310	1720	1310	1720	1310	1720
Ruschin Drive, Between Dalewood Dr & Lafayette Ave	260	984	1244	984	1244	984	1244
Lafayette Avenue, Between Sandalwood St & Fernwood Dr	136	1826	1962	1826	1962	2356	2492
McDonald Avenue, Between Sandalwood St & Vinewood St	139	662	801	662	801	662	801

Notes:  
(1) Additional ADT for each street segment is estimated by applying the average percentage of additional AM peak-hour and PM peak-hour traffic on each segment to the total daily trips (809) generated by the project.  
(2) Existing ADT is from 24-hour traffic counts conducted on 10/14/2014.



Ms. Janna Waligorski

October 20, 2014

Page 2 of 2

In order to "compare existing traffic volumes to expected 24-hour traffic volumes with the project", as requested in the Burgesses' comment, Hexagon has estimated the additional daily traffic that the project would generate on each of these segments. We assumed the additional daily traffic on each segment would be proportional to the additional peak-hour traffic on each segment. We examined the amount of AM and PM peak-hour traffic the project would generate at the intersection closest to each street segment (as shown in Figure 7, Project Trip Assignment, in the TIA). We calculated what percentage of the total 64 AM trips generated by the project would travel on each street segment, and what percentage of the total 85 PM trips generated by the project would travel on each street segment. We then applied the average percentage for each segment to the total 809 daily trips that would be generated by the project. This resulted in estimates of the additional number of daily trips that would travel on each street segment, as shown in the table above.

Hexagon also evaluated the daily traffic volumes that would occur on each street segment under the Background and Cumulative scenarios. The Background volumes are the same as the Existing volumes on all four segments, because the approved project trips included in the Background scenario added traffic volumes to the nearby arterials, but not to the street segments near the project site. This makes sense because the neighborhood is built up already, and the only projected additional trips would come from the 36120 Ruschin Drive project itself. Only one street segment, Lafayette Avenue, would have increased daily traffic volumes under the Cumulative scenario, for the same reason.

The City of Newark does not have a standard regarding significant impacts related to daily traffic on its streets. Thus, although the data shows that ADT would increase by from 7% to 31% on these segments, it does not lead to a conclusion regarding whether or not the additional traffic from the project would have a significant impact or not. The City only has a Level of Service (LOS) standard and a definition of significant impact for intersections.

The Newark General Plan, adopted on December 12, 2013, shows both Lafayette Avenue and Ruschin Drive as collectors, not local streets. Under the Background Plus Project scenario, the projected volumes after completion of the proposed project of fewer than 1,000 trips per day on McDonald Avenue (a local street), and fewer than 2,000 trips per day on Ruschin Drive and Lafayette Avenue (both collectors), are still well within the range of volumes typically associated with those types of streets.

Thank you for this opportunity to respond to comments on the TIA we prepared. Please do not hesitate to contact us if further information is needed.

Sincerely,

HEXAGON TRANSPORTATION CONSULTANTS, INC.



At van den Hout  
Vice President