
SCH # 2020040061

FINAL ENVIRONMENTAL IMPACT REPORT

MORRISON CANYON ROAD TRAFFIC SAFETY PROJECT



Prepared for:

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1.1 Purpose of this Document

This Final Environmental Impact Report (Final EIR) document includes all public and agency comments received on the Draft Environmental Impact Report (Draft EIR, SCH #2020040061) for the Morrison Canyon Road Safety Project (proposed project) pursuant to the requirements of the California Environmental Quality Act (CEQA). Written comments were received by the City of Fremont (the City) during the 45-day public comment period from May 8, 2020 through June 22, 2020. Late written comments were also received through June 26, 2020.

Section 15088(a) of the CEQA Guidelines states that:

“The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.”

Accordingly, the City of Fremont has evaluated the comments received on the Draft EIR for the proposed project and prepared written responses to those comments.

The Final EIR is comprised of the following elements:

- Draft EIR and Appendices.
- List of persons, organizations, and public agencies commenting on the Draft EIR.
- Copies of all comments received.
- Written responses to those comments.
- Revisions to the Draft EIR initiated by City staff or resulting from comments received.

This Final EIR document has been prepared in accordance with CEQA, and will be used by the decision-makers during project hearings.

1.2 Organization of the Final EIR

This document is organized into the following chapters:

Chapter 1 – Introduction summarizes the project under consideration and describes the contents of the Final EIR.

Chapter 2 –Persons and Agencies Commenting on the Draft EIR contains a list of all of the individuals, organizations, and agencies that submitted comments on the Draft EIR during the public review period.

Chapter 3 – Written Comments on the Draft EIR and Responses to Comments contains the comment letters received on the Draft EIR, followed by responses to individual comments. Letters are grouped in alphabetical order by individuals, agencies, and organizations. Each comment letter is

presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the letter number appearing first, followed by the comment number. For example, comments in Letter 1 are numbered 1-1, 1-2, 1-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

Some comments that were submitted to the City do not pertain to CEQA environmental issues or do not address the adequacy of the analysis contained in the Draft EIR. When a comment does not directly pertain to environmental issues analyzed in the Draft EIR, does not ask a question about the adequacy of the analysis contained in the Draft EIR, expresses an opinion related to the merits of the project, or does not question an element of or conclusion of the Draft EIR, the response notes the comment and may provide additional information where appropriate. The intent is to recognize the comment. Many comments express opinions about the merits or specific aspects of the proposed project and these are included in the Final EIR for consideration by the decision-makers.

Chapter 4 – Revisions to the Draft EIR summarizes refinements and text changes made to the Draft EIR in response to comments made on the Draft EIR and/or staff-initiated text changes. Changes to the text of the Draft EIR are shown by either strikethrough lines where the text has been deleted, or is underlined where new text has been inserted. The revisions contain clarification, amplification, and corrections that have been identified since publication of the Draft EIR. The text revisions do not result in a change in the analysis and conclusions presented in the Draft EIR.

Chapter 5 – Mitigation Monitoring and Reporting Program contains the Mitigation Monitoring and Reporting Program (MMRP) to aid the City in its implementation and monitoring of measures adopted in the EIR, and to comply with the requirements of Public Resources Code Section 21081.6(a).

1.3 Summary of the Proposed Project

The City proposes to permanently close an approximately 0.8-mile stretch of middle Morrison Canyon Road to private motor vehicles. Morrison Canyon Road, at its narrowest section, is a nine-foot-wide winding road in the City's Hill Area, with a steep embankment on one side. Bi-directional automobile traffic has markedly increased since 2016 along this route, as evening, weekday commuters have sought to avoid traffic along Interstate 680 and/or Mission Boulevard. This increase in traffic has contributed to a considerable increase in two-way vehicle conflicts. Additionally, because many pedestrians and cyclists use Morrison Canyon Road as a route to access Vargas Plateau Regional Park east of the intersection with Vargas Road, the increase in traffic also presents an elevated risks of vehicle conflicts between motor vehicles and pedestrians and cyclists.

The closure would be implemented through the installation of five to ten flexible plastic barricades with a hinged base. These barricades would be installed immediately east of the intersection of Morrison Canyon Road and Ridge Terrace and immediately west of the intersection of Morrison Canyon Road and Vargas Road. Pedestrians and cyclists would be able to bypass the barricades and utilize the closed roadway segment. Private motor vehicles and emergency responders would have continued vehicular access to the closed roadway segment during emergencies; most standard automobiles can drive over the flexible barricades, and would be permitted to do so in emergency scenarios. To support the roadway closure, the City would also install warning signage with solar-powered lights. All project components would be installed within the roadway or right-of-way.

1.4 Required Approvals

Project implementation would not require any additional planning and regulatory approvals by the City of Fremont, as Lead Agency. No Responsible Agencies or Trustee Agency approvals have been identified for the proposed project.

1.5 Public Participation and Review

The City has complied with all noticing and public review requirements of CEQA. This compliance included notification of all interested parties, neighbors, and state and local agencies that the Draft EIR was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

- On October 4, 2019, the City released a Notice of Preparation (NOP) to initiate the formal 30-day CEQA scoping process to solicit comments and input from the public and government agencies on the issues within and scope of the EIR.¹ The City also conducted an extensive community outreach process for the project prior to release of the NOP, which is detailed in section 2.3 of the Executive Summary of the Draft EIR.
- On May 8, 2020 the City filed a Notice of Completion (NOC) with the State Clearinghouse to announce the availability of the Draft EIR. The City distributed copies of the Draft EIR to the State Clearinghouse and interested agencies following the requirements of CEQA Guidelines Sections 15085 and 15206. The City also distributed notices of the Draft EIR's availability to interested individuals, agencies, and organizations using the same distribution process used for the release of the NOP. The City also published the Draft EIR on its website and filed a copy with the County Clerk's office. The 45-day public comment period began on May 8, 2020, and ended on June 22, 2020.

¹ The NOP was formally posted to the County Clerk on April 3, 2020 (State Clearinghouse (SCH) Number 2020040061) which extended the scoping period to encompass April 3, 2020 to May 4, 2020. No comments were received during this scoping period extension.

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Chapter 2

Agencies, Organizations, and Individuals Commenting on the Draft EIR

This chapter documents the comments on the Draft EIR that were submitted by agencies, organizations, and individuals during the 45-day public review and comment period (May 8 through June 22, 2020; late comments were also accepted through June 26, 2020). All of the comments received and the responses to those comments are presented in Chapter 3 of this Final EIR.

2.1 List of Comment Letters Received

The City received 59 comment letters during the comment period on the Draft EIR. **Table 2-1** below indicates the numerical designation for each comment letter, author of the comment letter, and the date of the comment letter. Letters are grouped by agencies, organizations, and individuals, but are otherwise presented in the order in which they were received.

Table 2-1. List of Commenters

Letter #	Commenter	Date Received
Individuals		
1	Dennis Addison	May 18, 2020
2	Idris and Sheerin Attarwala	June 21, 2020
3	Jack W. Balch	June 22, 2020
4	Suresh Bazaj	June 22, 2020
5	David Beretta, MBDS Company LLC	June 22, 2020
6	Debbie Breitzman	June 22, 2020
7	Steve Calcagno, Kier & Wright	June 17, 2020
8	Ann Campbell	June 20, 2020
9	Brian Campbell	June 20, 2020
10	John G. H. Cant	June 22, 2020
11	Deborah Carey	June 22, 2020
12	Aslam Chaus	June 22, 2020
13	Po-chin and Ling-chun Chen	June 20, 2020
14	Sheetal M. Chokshi	June 22, 2020
15	Michael Colantuono (Colantuono, Highsmith, Whateley, PC)	June 18, 2020
16	Hilary Danehy	June 22, 2020
17	Ken Drachnik	June 22, 2020
18	Carolyn Drybrae & Kenneth Drybrae	June 21, 2020
19	Carolyn Drybrae	June 12, 2020
20	Larry Edelson	June 8, 2020
21	Dan and Cheryl Escobar	June 18, 2020

Letter #	Commenter	Date Received
22	Amy Evans	June 21, 2020
23	Dave Fishbaugh	June 22, 2020
24	Serena Fu	June 4, 2020
25	Sharifa Ghaswala	June 22, 2020
26	Richard Godfrey	June 16, 2020
27	Katie Gorman	June 20, 2020
28	Mohan Hegde	June 22, 2020
29	Kathy Heinze	May 14, 2020
30	Edward Soo Hoo	June 20, 2020
31	James Jensen and Donna Beldon	ND
32	GB Johnson	May 27, 2020
33	GB Johnson	May 28, 2020
34	Shreyash Kame	June 21, 2020
35	Barbara Krishnan	June 22, 2020
36	Peter Maina	June 20, 2020
37	Anne Marchetti	June 20, 2020
38	Richard Martin	June 22, 2020
39	Tailap Mehta	June 21, 2020
40	Monica Melville	May 8, 2020
41	Monica Melville	June 22, 2020
42	Shelly Miyasato	June 22, 2020
43	Jean Murrell	June 22, 2020
44	Michael and Elizabeth Ogilvie	June 21, 2020
45	Bonnie M. Reeves	May 28, 2020
46	Darcie Renn	June 21, 2020
47	Diane Scherbarth	May 11, 2020
48	Gabrielle Seow	June 21, 2020
49	Dave Takacs	June 20, 2020
50	Tushar Thakker	June 21, 2020
51	Jay Underwood	June 17, 2020
52	Sonali Vagholikar	June 22, 2020
53	Vargas Ranch	May 18, 2020
54	Dinesh Venkatachalam	June 21, 2020
55	Brenda Vieux	June 4, 2020
56	Barbara Winn	June 22, 2020
Local Agencies		
57	Andrew Chan (Caltrans District 4)	June 16, 2020
Organizations		
58	Sierra Club Southern Alameda County Group (Glenn Kirgy)	June 20, 2020
59	Mission Peak Conservancy	June 16, 2020

Chapter 3

Comments and Responses

3.1 Introduction

This chapter includes responses for each of the numbered comments identified in the comment letters in Chapter 2, *Agencies, Organizations, and Individuals Commenting on the Draft EIR* on the Draft EIR. Each response begins with a brief summary of the comment, responds to the comment, and then identifies if revisions to the DEIR are required. Revisions to the DEIR are included in Chapter 4, *Revisions to the Draft EIR*.

In responding to comments, CEQA does not require a Lead Agency to conduct every test or perform all research, study or experimentation recommended or demanded by commenters. Rather, a Lead Agency need only respond to significant environmental issues and does not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines secs. 15088, 15204).

3.2 Individual Responses

Comment Letter 1 (Dennis Addison)

Letter 1

From: Dennis Addison
Sent: Monday, May 18, 2020 10:08 PM
To: Bill Roth <broth@fremont.gov>
Subject: Please make the Morrison Canyon Road Closure permanent

Dear Mr Roth,

I have seen traffic with Morrison Canyon open to cars and closed. When it was open there would be many cars on the road one behind the other during commute hours and the traffic jams and unsafe conditions that occurred because opposite direction traffic met up.

The Covid-19 lockdown has greatly raised awareness of the Vargas Plateau park. If Morrison Canyon was reopened to cars now, there would be numerous opposite direction traffic conflicts creating a dangerous situation. I frequently ride up the road on my bike and see the traffic in the area. I enjoy riding up the road and see all the different people enjoying the closed road. It would be unsafe and a shame to reopen the road.

Dennis Addison
55 year Fremont resident

1-1

Response to Comment Letter 1 (Dennis Addison)

Comment 1-1

The comment is related to the safety of Morrison Canyon Road regarding vehicle-to-vehicle and bicycle conflicts which is addressed in Draft EIR Chapter 2, Project Description, and Chapter 3.6, Transportation and Circulation.

The comment expresses support for the project.

Comment Letter 2 (Idris and Sheerin Attarwala)

Letter 2

From: IdrisAttarwala
Sent: Sunday, June 21, 2020 7:35 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Rd.

Hi Bill Roth,

Greetings.

Just found out about this, so writing at this time.

We would like Morrison Canyon Rd on the hillside closed to vehicular traffic and open to pedestrians.

Thanks.

Idris and Sheerin Attarwala
126 Ray Court
Fremont, CA 94536
510 203 5910

2-1

Response to Comment Letter 2 (Idris and Sheerin Attarwala)

Comment 2-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 3 (Jack Balch)

Letter 3

From: Jack W. Balch
Sent: Monday, June 22, 2020 12:40 PM
To: Bill Roth <broth@fremont.gov>
Cc: norm; David Beretta
Subject: Draft EIR comments

Mr. Bill Roth

In looking at the DEIR, several misstatements have been made, important circumstances have been overlooked and some conclusions are based on erroneous or limited information. The findings and conclusions look like they were put together to reach a pre-determined conclusion instead of accurately addressing the facts. Please consider the following. 3-1

There are seven project objectives listed.

The first objective is to improve safety conditions on Morrison Canyon. Morrison Canyon starts at Canyon Heights and continues pass the closed area. The upper portion of the road pass the closed area is just as dangerous, if not more dangerous, than the portion that is proposed to be closed. Portions of the road that are to remain open are just as narrow, have drop offs, and blind corners that do not exist in the portion of the road proposed to be closed. There are also open culverts that pose a danger to people. The upper portion of the road is heavily used by vehicles going to the park that are unfamiliar with the road. Some of the bikers choose to come down this road at a high rate of speed. While I do not try to monitor the road, I know of many close calls caused by bikers coming down the road at an unsafe speed, and there may have been some accidents. 3-2

If an objective is to improve the safety of Morrison Canyon, why is an area that is just as dangerous if not more dangerous is not even mentioned? This applies to the portion of the road between Canyon Heights and the closure and the barricades, as well as the upper portion of the road. The lower portion is the most narrow part of the road and has been the location of most of the rock slides and large truck getting stuck and blocking the road.

The 4th objective is to reduce the conflict between vehicles, pedestrians/bicyclists on Morrison. The portion scheduled to be closed is the widest part of Morrison Canyon and poses the least danger and conflict between vehicles, pedestrians and bicyclists. The greatest danger exists between the intersection of Vargas Road to the barn on upper Morrison Canyon. The road closure as proposed may increase bike and pedestrian traffic in this area mixed with people unaccustomed to driving in the hills that are visiting the park. This section of the road or the potential additional conflict is not addressed in any manner. If this is really the objective, why would you leave the most dangerous portion of the road open to pedestrians/bicyclists when there are ways to control this? 3-3

The 5th objective is to retain Morrison Canyon for emergency vehicle access to serve the hillside community and provide an escape route in the event of a fire or as otherwise may be needed. The current barricades that exist do not accomplish this. The Highway Patrol was responding to a home invasion, got to the barricades at the intersection of Vargas Road and Morrison Canyon and would not cross them. They turned around, got back on the freeway and went around. A neighbor called about a person on drugs, acting crazy, that was on their property and a threat to their safety. The Fremont Police Department sent an officer and when he got to the barricades coming up Morrison Canyon, he turned around and went on the freeway. A man was injured on upper Morrison and needed to get to the hospital as quickly as possible. They did not pass through the barricades even though it would have saved valuable time because of the people walking and/or biking on the road had put up additional obstacles and the bikers have harassed people that have used the road. The current barricade system does not leave the road open for emergencies. 3-4

The 6th objective is to retain the lower portion of the road for the properties that must be served off Morrison Canyon. The current closure has made the use of the road much more difficult for them because of people coming up the road and not being able to turn around. There have already been issues because there is no turnaround or lighting 3-5

at the end of a very narrow road. While additional signage is proposed, we all know signage does not always work and the wording is confusing. One of my men went up Morrison Canyon after it was closed because he knew I lived in the hills and it says local traffic. Who would know where Ridge Terrace might be. I would not want anyone to mistakenly take this road at night and have to turn around.

3-5
(Cont.)

The property owners that live off the private driveway will lose the ability to access their property from above. The middle portion of Morrison Canyon that is proposed to be closed is their only access to their property in the event of the closure of lower Morrison Canyon. The lower portion of Morrison Canyon is the most susceptible to closure due to rock slides and vehicles, specifically trucks, getting stuck and blocking the road. This has happened many times even though there have been signs prohibiting the trucks from using the road.

3-6

There are at least three ranches whose property abuts the portion of the road that is scheduled to be closed. These property owners need to have access to the closed portion of Morrison Canyon. They have always had this access even during any road closures, including now. This need has not even been mentioned, let alone addressed, even though it was brought up during the comment period.

3-7

The 7th objective is to provide a pedestrian/bicycle access route from Fremont to the open space. This is already provided. As you start up Morrison Canyon, just after you pass the first house on the left and before you start going uphill, there is a gate that opens to a trail that will take you to the upper parking lot. This is shown on the East Bay Regional Park map. There is also another access point shown at the end of Pickering Avenue. As a matter of fact, there are at least two other access points to the open area that are regularly used by people visiting the park even though they may not be an approved trailhead. One is at the end of Deer Road and the other by the old brick factory. In our lawsuit with EBRP a few years ago, it agreed to put in the trails that provided park access from below. I have attached exhibits showing the required trails that were to be put in per the suit as well as one with the trails that are currently shown on the park map.

3-8

Some of the statements and assumptions on Morrison Canyon are not correct. It is stated in 2.2 of the project description that historically Morrison Canyon was a dirt gravel trail and provided limited access to our area. It is referred to as a one lane road when the fact of the matter is, most of the road is sufficiently wide enough for two cars to pass. There is only one small portion of the road that is scheduled to be closed that is too narrow for cars to pass each other, where over 50% of the lower portion of Morrison that will remain open may be too narrow for cars to pass.

3-9

In the 50 plus years I have been using Morrison Canyon, it has always been paved or chip sealed. The Draft states that this road is "providing very limited access to the hillside area." In fact, this has been the primary access road for us and many other people that live in the hill as access to and from the City of Fremont. It has been our only access many times due to closure of Vargas Road, including for months when a portion of Vargas Road between our house and the freeway washed out. Vargas Road has been closed many times due to many different reasons as well as 680 being closed for over 8 hours recently, making Morrison Canyon our only access road to our home. If there is a closure on either 680 or Vargas Road, how is it decided we can use Morrison Canyon? The barricades will damage our vehicles. Will they be removed to allow our use of the road and how long will it take to remove them? If not, who will pay for the damage if we need to use Morrison Canyon and drive over the Barricades? Will there be a police presence to control harassment by others that currently use the road?

3-10

Section 2.3.2. While Morrison Canyon may be "officially closed", at the public meeting area residents stated on occasion they still needed to use the road. We were told we would not be cited and could use the road if necessary. Residents have driven over the barricades (in older trucks) and used the road, including the closed portion of the road. The road has also been used by people that went up Morrison Canyon by mistake and could not turn around at the barricades. I know of no one that has been cited for using the road. Allowing the use of the road when we felt it was necessary has reduced the impact of the closure for a few. Will we continue to be allowed to use the road as we have after it is officially closed?

Section 2.3.1. states that the road closure is necessary because the road is narrow, there is not room to pass and the use of the road by pedestrians and bikers. I, as well as many of my neighbors, have used this road and shared it with

3-11

pedestrians and bikers for a LONG time without issues. Many roads in the Bay Area Hills are just as narrow and have the same issues. Para Transit would use Morrison Canyon to bring my Mom to our house. 3-11
(Cont.)

As noted above, the upper portion of Morrison Canyon before you get to the park is just as bad if not worse because of the turns and reduced line of site. Some of the bikers seem to like to go down through this section at a high rate of speed. The traffic to and from the park has increased substantially. The current situation with park visitors and the pedestrian/bike traffic is made worse with the closure as currently proposed because it encourages pedestrians and bikers to use Morrison Canyon instead of existing park trails that would provide greater separation between them and vehicles. 3-12

How can it be stated the road needs to be closed because it is narrow but ignore another portion of the same road that is just as narrow, has a cliff on one side and more blind spots. How can the use of the road by me for over 50 years and others that live in the affected area, without issues, be ignored? If the danger is from bikers coming down the road at an unsafe speed (bike accidents were listed), control the speed of the biker, don't close the road. 3-13

Section 3.4.4.3. While there may be no universally applicable standards relating to dividing an established community, this issue cannot just be ignored. It is stated that this is a subjective analysis. How can there be an analysis of dividing our community versus closing of the road with the information provided in the Draft EIR? Many of the effects of dividing the community are certainly quantifiable. A resident quit Ohlone Collage once Morrison Canyon was closed because of the long commute home. There is the additional drive time for people to get home. We are cut off from family, friends and activities in the City in the afternoons because of traffic. With 680 as our only access route and the related afternoon traffic any way we go, for all practical purposes we are all home bound every week day afternoon. My neighbor that recently sold his home told me the traffic and delays to get home was one of the reasons he was moving. There are many other effects to our community that have been not even been mentioned. The Draft EIR did not even take the time to address how many households, people and business are affected by the road closure. To the extent possible, the effects of dividing off our community needs to be studied so the impact can be properly evaluated. 3-14

Again this section talks about the small number of homes on large lots but not the people or businesses that are being negatively affected by this proposed closure. With no other data, this statement is misleading.

It is stated that middle Morrison Canyon has not provided a constant and reliable connection to Fremont. Neither has Vargas Road. During the recent time that Morrison has been closed, there have been numerous times that Vargas Road has been closed because of fallen trees. Residents with chainsaws and a truck have cut the tree up and pulled it out of the road because the City is too slow to respond and our access road was blocked. It has also been closed due to accidents, down power line and portions of the road washed out or flooded. If you were able to compare the closure of Vargas Road against Morrison Canyon, I believe you would find them equally unreliable. I also believe that you would find that, due to the unreliability of both roads, it is imperative that both roads remain open and available for use by the residents when needed. Unfortunately there are not accurate records of the closures, especially those on Vargas Road. That does not give the DEIR license to ignore this issue. 3-15

Morrison Canyon had been an essential link to Central Fremont for as long as I have lived on the hill. Even when it was closed due to landslides, we could still use the road to get to Fremont. When the City installed concrete barricades to close the road due to landslides, they left them far enough apart that we could drive pass them. The road was on the "People Behaving Badly" portion of a news cast showing our tire tracks from using a road that was supposed to be closed. 3-16

Yes, closing the road does physically divide, not only upper Morrison, but all the families that live off Vargas Road from the City of Fremont. We have never been isolated prior to the road closure in 2018. This is a false statement and without merit. 3-17

For the City to identify Impact LU-1 as unavoidable is not correct. When some of the neighbors were trying to develop their land, they came up with other options to address the issues, such as circulation, that are now being ignored. The improvement necessary to address the issues were expensive but would have been required if the development went 3-18

forward. They were not allowed to deem something impractical and continue to move forward. Nowhere in the DEIR do I see any discussion on what modifications might be possible to address some of the issues such as circulation. I only see that it is stated, without any estimated cost, that it is impractical to widen the road, so it is proposed to be closed. Why, when a private enterprise looks into developing the area, are they held to a much more stringent requirement. 3-19

Please consider the following with regards to Impact LU-2. This closure does create an unnecessary barricade for us. As previously stated, while Morrison Canyon may not be as reliable as some of the other city streets, Vargas Road and 680 are also not reliable. I-680 was recently closed for 8 hours due to an accident. Afternoon accidents seem to have become much more common. Travel time trying to get on 680 and go to the first exit, Vargas Road, has taken me over 2.5 hours when there were no accidents to delay traffic. Typical afternoon drive time to get home in traffic has increased over an hour, much longer on Fridays. If there is an accident north bound on 680, I drive from the Hayward - Union City border to Castro Valley, Pleasanton, then home as there is no other access to our property we are supposed to use. We had a washout of Vargas Road in the County section that closed Vargas Road for over 4 months and our only ingress-egress was Morrison Canyon. When a large tree falls, it has taken about a week for the City to clear the road. There have been accidents, power lines down and other issues that have taken place on Vargas Road that have necessitated the residents using Morrison Canyon as their only access to their homes. 3-20

The table 3.6.6. of road closure is incorrect. It confuses closure on Morrison Canyon with Vargas Road, and most, if not all, of the closures that are correct happened in the lower section of the road that will remain open, which will block the people that live off of Morrison Canyon on the private drive from their homes. (I don't believe there are even any overhead wires on Morrison Canyon, but that is listed as the reason for a closure). There are closures listed when the road was still open and used by the residents in the hills. It is not reasonable to use this inaccurate table to determine the reliability of Morrison Canyon. 3-21

Section 3.5.3.1. With the rock and other barricades being put up by walkers and bikers and the reluctance of both emergency personnel and residents to use the road, the effectiveness of this important and necessary escape route has been severely diminished, if it exists at all. There needs to be a reliable second access to the community that is being shut off, and that does not currently exist. 3-22

Section 3.5.3.2. The police have chosen not to go through the barricades that exist even in the case of an emergency. They patrol Vargas Road much less frequently, if at all, after the road closure. Crime in the area has increased. 3-23

Section 3.6.2.4. Unless the City of Fremont is going to provide public transportation, not only are the goals not met but the closure of the road makes these goals harder to obtain. The residents must now take the freeway to get to the City of Fremont which is usually a longer distance and takes more time. The circulation that we have used and needed in the past is taken away. Drive time to the area from Fremont to the homes in the area has increased by up to two plus hours in some cases. Morrison is not needed for a trail as trails already exist to the open space. 3-24

The current plan closure does not meet the Bicycle Master Plan, but violates it. Morrison Canyon is not needed as a bike corridor but unnecessarily mixes bike, pedestrian and vehicle traffic. Vargas Road ends at the freeway and is not a connection to additional trails. By allowing the bikes to use Morrison Canyon as proposed, you encourage them to use the road instead of existing trails that already exist in the Vargas Park, as recommended in the Bicycle Master Plan. The section of the road just past the closure is just as dangerous if not more so than the part that they want to close. To comply with the Bicycle Master Plan, bikes using Morrison Canyon need to be controlled while encouraging them to use the existing park trails. 3-25

Section 3.6.3.1. I have lived in Fremont for over 50 years and Morrison was always paved and used by the residents. Far back in time, this may have been a dirt road, but so were many other roads in Fremont. The way this is worded is misleading. 3-26

<p>Section 3.6.3.3. Your traffic study area seems to miss the most important section and delays. What is the time it takes to get from Mission High to the Vargas Exit in traffic without cutting in line or breaking the law. While the traffic apps might indicate a wait time of 30 minutes, they take the speed of the cars not getting on the freeway and those that go up and make an illegal turn to get on the freeway. Travel time from Mission High to the Vargas exit are typically in excess of one hour if there is any traffic on 680. This issue has been brought up many times and definitely affects the quality of life for the community that will be shut off, but it is not addressed.</p>	<p>3-27</p>
<p>Under the Bicycle and Pedestrian Circulation, the DEIR specifically talks about this being supplemented by off road facilities in parks, but I do not see the park trails that currently exist or can be added included anywhere in the report.</p>	<p>3-28</p>
<p>In table 3.6.5. the DEIR does not indicate the average daily traffic flow without the commuter traffic. It also omits a current and complete traffic flow for the upper portion of Morrison Canyon that will stay open and has all, if not more, of the adverse conditions that exist on the portion that is being closed. This has not been studied. Allowing bike traffic on Lower Morrison will create an even more dangerous situation on the upper portion that remains open, with the added vehicle traffic visiting the park mixing with the bike and foot traffic.</p>	<p>3-29</p>
<p>In all the time I have been using lower Morrison, I have never encountered two vehicles colliding. I have witnessed solo bike accidents and near misses that resulted from bikes travelling at a high rate of speed and having to avoiding people walking or driving on the road. The close calls seem to be more numerous as more and more people are using the upper portion of Morrison Canyon.</p>	<p>3-30</p>
<p>The road closure table is misleading and incorrect. Not all the closures are listed. This may be because they are reported to public works and not the police or we took care of them ourselves. I also believe that some of the closures took place on Vargas Road not Morrison, like the downed power line. Also the closures related to large vehicle assistance and many of the major rock slides took place at the bottom of Morrison Canyon. This leaves the only way for the people that live off Morrison Canyon to get home is to use the portion of Morrison Canyon that is proposed to be closed. I see no reference to how the property owners are suppose to access their property if lower Morrison is blocked.</p>	<p>3-31</p>
<p>Figure 3.6.3. shows the traffic peak starting at 1:45 and ending at 6:30. If this is the case, how can it be justified to permanently close the road only to vehicles all the time when it is obvious that other situations exist and have less of an impact?</p>	<p>3-32</p>
<p>In the tables of delays, I see no data on the increased travel time of the residents that live in the hill area off of Vargas Road.</p>	<p>3-33</p>
<p>Impact TR-4 says that the project would not result in inadequate emergency access. In the three emergencies that have taken place, the highway patrol and Fremont police were stopped by the barricades that currently exist, turned around and went the other way. The medical emergency person was driven to the hospital because they feared that the ambulances would not drive over the barricades. They did not go over the barricades because they could see the road was also blocked with rocks that had been put there by people walking or biking on the road. With the current barricades that exist, the above statement is not correct. It has been proven that emergency personnel will not go through the barricades that are currently installed, and the current users place additional barricades that hinder safe passage. The problem with additional barricades being placed in the road has not been addressed in the DEIR even though it was brought up during the comment period.</p>	<p>3-34</p>
<p>Section 3.7.2.2. The ranchers must be able to get to their gates and fences that border the proposed closed section of the road. There is an access gate to one of the parcels that will no longer be available to them. I see no reference to address this need or the impact the closure will have on them.</p>	<p>3-35</p>
<p>Section 3.7.15.2. I have lived on Vargas Road for over 40 years and have seen many fires in the area. Morrison Canyon has been the only evacuation route when the fires reached Vargas Road. It is used by family members to access their property to save animals and get elderly family members to safety. If the road is closed as proposed, and the fact that</p>	<p>3-36</p>

<p>emergency personnel have shown they are reluctant to drive over the barricades, there is a significant impact to emergency response and evacuation of the area. Again not addressed in the DEIR.</p>	<p>3-36 (Cont.)</p>
<p>Section 4.1. states the DEIR should look at a reasonable range of potentially feasible alternatives. It does not appear that this has been done. I see no mention of the existing park trails that can be used by pedestrians and bicycles, even though per section 3.6.3.3. of the report states this needs to be considered. With the park trails providing access to the open space, Morrison Canyon is not needed for access to the open space. The report uses the premise that Morrison Canyon is necessary to provide access to the open space and bases some of the findings and recommendations on this premise which is incorrect. The DEIR needs to be based on accurate information and it is not.</p>	<p>3-37</p>
<p>I see no discussion of one way traffic going down Morrison at the peak traffic times and maybe weekends. This would address the conflict between bikes and vehicles on an equally dangerous section of upper Morrison Canyon when traffic in that area is the greatest. It is stated that some of the reasons are because of Infeasibility. Why is it infeasible? There should be a reason and associated costs to address any issues that may be identified.</p>	<p>3-38</p>
<p>Section 4.2. There are better ways to meet the objective than closing the center portion of the road. As a matter of fact, this proposed closure does not solve the problem but moves the issue that is trying to be addressed to a more dangerous location on the road with greater vehicle traffic, creates a dead end road with no turnaround, denies needed access to property owners along the closed section, and does not provide a reliable emergency or secondary access to keep the area residents safe.</p>	<p>3-39</p>
<p>Objective 7 has already been met and can be improved on by using additional trails that already exist from below. If it was felt necessary, the existing trails can be improved at minimum costs, and additional trails could be open from below.</p>	<p>3-40</p>
<p>Section 4.2.1. Again, the DEIR does not address how devastating dividing our community has been or will continue to be if the road is closed. A student dropped out of school because it took too long to get home on 680. We cannot get ride share in the afternoon. We are cut off from our friends visiting us any afternoon because of 680 traffic. It is impractical to leave our homes to go to the City of Fremont if we plan on returning between 3 and 6PM. These are just a few of the issues. How can the DEIR state that this impact is acceptable if it does not have information as to the extent the divided community is being affected. The impact of being divided from the community needs to be spelled out so this can be evaluated.</p>	<p>3-41</p>
<p>Section 4.2.2. lists alternatives to the proposed projects. Better alternatives exist that have not been explored.</p>	<p>3-42</p>
<p>Section 4.3.1. This needs to be explored further. There are issues that are not addressed such as the danger of the dead end road without a turnaround that is being proposed; that may become a non-issue with a different plan.</p>	<p>3-43</p>
<p>Sections 4.3.3. and 4.3.4. Please consider the following alternative which builds off of Sections 4.3.3. and 4.3.4. Consider making the lower and middle portion of Morrison Canyon restricted to one way traffic down, for both vehicles and bikes from Vargas Road during the weekday afternoon. This would address both the computer traffic and reduce the number of bikes on the dangerous section of upper Morrison Canyon when vehicle traffic in that area is the greatest. I do not know if this should apply to pedestrians also. If necessary, this could also be enforced on weekends and Holidays to control the bike traffic mixed with vehicles visiting the park. It is not needed to control vehicle traffic on middle and lower Morrison Canyon on weekends. I believe this solution would address many of the issues.</p>	<p>3-44</p>
<p>With regards to the objection that the road would start being used by morning commuter traffic to get into Fremont, I have never encountered that. I know of no one that has taken Vargas Road to Morrison Canyon as a shortcut. Most of the traffic on 680 is heading further south, and Mission Boulevard is the next exit. It is faster to stay on the freeway and take Mission than to take off at Vargas and drive down Morrison Canyon. If a few commuters did use this as a shortcut, it would only be a few and it would probably be early in the morning and not create any issues.</p>	<p>3-45</p>
<p>I cannot understand how one way traffic for a portion of the day could have any negative transportation or circulation issues. With one way traffic for a limited period, the road would be clearly open for emergency access. Property owners</p>	<p>3-46</p>

who about Morrison Canyon would be able to access their property. The impact of dividing the community is lessened, but does not go away. It would stop most if not all of the afternoon cut through traffic which started this whole problem. There is no justification for the statement that one way traffic would increase speed of vehicles on Morrison Canyon if it was one way. It may help decrease the speed of the bikers as they would know they may encounter a vehicle instead of just a pedestrian.	3-46 (Cont.)
The need for a standard City turnaround where the road is currently closed may be less important. While it will not lessen the problem with someone making a mistake and driving up the road, there are much better places to turn around pass the current closure. In the event they felt they were in a dangerous situation, they could continue up the road as is sometimes done now. By prohibiting bike traffic in the afternoon, you remove the worst of the conflict that currently exists between bikes and vehicles visiting the park on the narrow portion of the road between upper Morrison Canyon and the park. If you are concerned about the mix of bike and vehicle traffic on weekends in this section, you could also have one way traffic down on weekends and holidays, but this would negatively affect the residents in the area. A better solution would be to have the bikes use the park trails and keep the road open both ways on weekends.	3-47
Again, there are two (2) trail accesses from the City of Fremont to Vargas Road currently shown on the park map, and I believe two (2) other access points that are used. One trailhead is right at the start of Morrison Canyon. If necessary, these trails could be improved at minimal cost. If the road is closed, the park is required to improve Vargas Road at a considerable cost. I am sure that some of the money saved could be used to improve of the trails if needed. Some of the suggestions contained on the other alternates could be used to address any of the concerns to this proposal.	3-48
This is a good alternative until legislation can be passed to limit access to residents only.	
Section 5.2. The cumulative impacts have not been considered. The walkers and/or bikers have placed rocks and other barricades in the road to hinder or stop any vehicle traffic. The lower portion of Morrison Canyon that will stay open is the worst portion of the road. The rock slides that have closed the road for extended periods of time have occurred in this section of the road, leaving the only access to the people that live off Morrison Canyon to turn-up and go through the portion that you are considering closing. With the current barricades, the past history with law enforcement, local residents not willing to use the road, and the current users blocking the road with rocks and other stuff, it has been proven that under the current plans Morrison is not viable as an emergency access.	3-49
The prior City Engineer stated that the lower portion of Morrison Canyon that serves the properties off of Morrison Canyon does not appear stable. He said he would not recommend taking a heavy truck, such as a dump truck full of rock to fix the private road, or other heavy equipment up that portion of the road. He said they should drive down Morrison Canyon, back into the driveway until they could turn around, and continue up their road. The condition of lower Morrison Canyon has been ignored and needs to be addressed.	3-50
There is currently no turnaround or lighting where Lower Morrison ends. This has created a dangerous situation for anyone that mistakenly goes up Morrison Canyon. Many times they trespass on private property or drive through the barricades as the don't know what else to do. It is only a matter of time before someone is hurt. Ride share will no longer come to Vargas Road.	3-51
As part of a settlement of our lawsuit with East Bay Regional Park, they are required to improve a portion of Vargas Road at great expense if Morrison Canyon is closed. Not only has this not been addressed, but it has not been studied if the money saved by not closing the road might make some of the solutions that reduce the impact to the residents more practical.	3-52
Section 5.3. There are many significant impacts that are not only not listed but are avoidable. Only one impact is listed, and can be avoided or at least migrated to some extent. The extent of that impact is not quantified. With the information provided, it is impossible to evaluate the true impact the proposed road closure will have.	3-53

Unfortunately, the DEIR was prepared with limited and incorrect information. The road closure as currently proposed not only creates a more dangerous situation than it solves, it unnecessarily negatively impacts the established community that lives in the area.

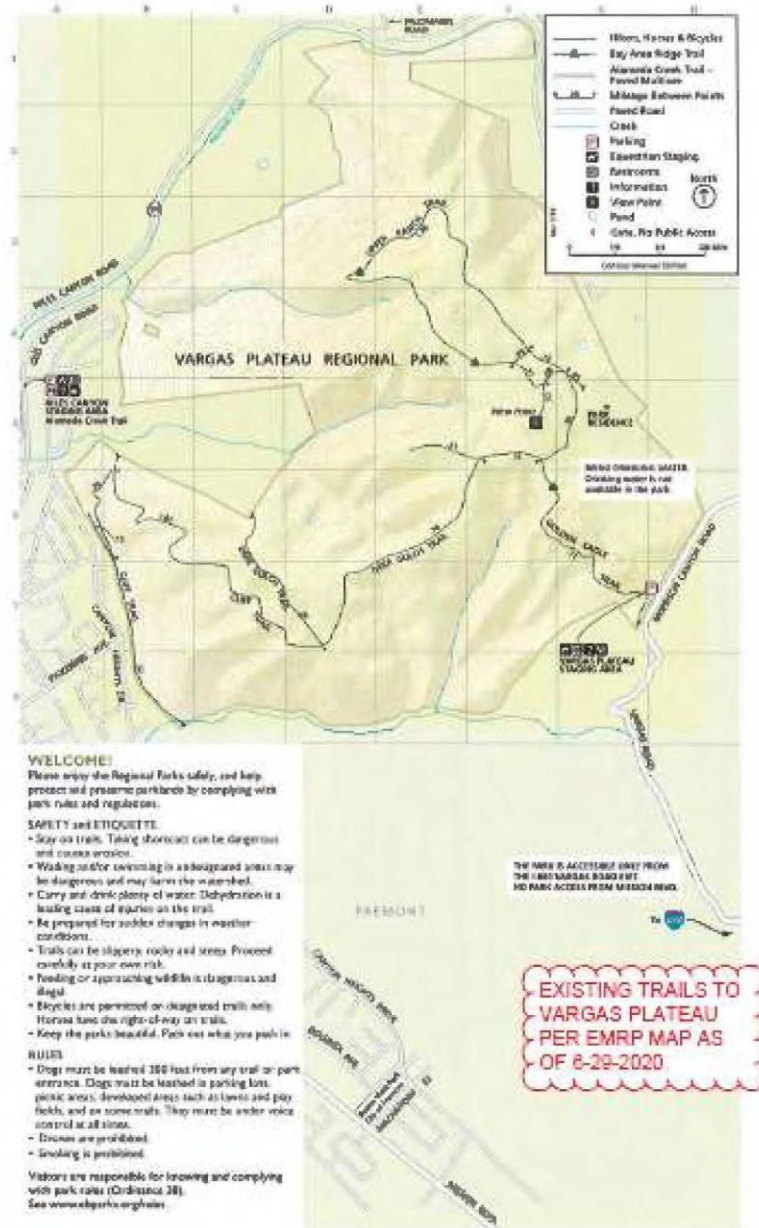
3-54

Unfortunately, there are not just a few more items that need to be address or corrected, but some of the basic premises are wrong and important information needed to make an informed decision is missing. The DEIR needs to be rejected and revised to provide a true and accurate report of the impact the road closure will have, as well as looks at alternatives that truly addresses all the issues.

Thank you

Jack W. Balch

Attachment 2 to email dated 6/22/2020 from Jack Balch.
"2020-06-19 - PARK TRAILS (Existing).pdf"



Response to Comment Letter 3 (Jack Balch)

Comment 3-1

The commenter states that the Draft EIR contains misstatements, important circumstances have been overlooked, some conclusions are based on erroneous or limited information, and the findings seem pre-determined.

As stated in the Draft EIR on pages 1-2 and 1-3, “the Draft EIR is intended to evaluate the environmental consequences that could occur if the project is approved and middle Morrison Canyon Road is permanently closed to private motor vehicles. As the lead agency for environmental review of this project, the City has prepared this draft EIR in compliance with the California Environmental Quality Act (CEQA).

Consistent with CEQA, the draft EIR:

- Discloses the significant environmental impacts of the project
- Identifies mitigation measures that avoid or minimize these effects
- Identifies where significant impacts cannot be mitigated to a less - than-significant level
- Discusses any growth - inducing impacts associated with project approval
- Describes any effects found not to be significant
- Identifies feasible alternatives to the project that meet most project objectives while avoiding or reducing any identified impacts
- Describes cumulative impacts of the project (i.e., effects that may not be significant for the project alone but may be significant when considered in combination with past, present, and reasonably foreseeable future projects).”
- The draft EIR is an informational document that is intended to provide public disclosure of the potentially significant environmental consequences of a project and to recommend mitigation measures and project alternatives to substantially lessen or avoid significant impacts.

It is not the purpose of an EIR to recommend approval or denial of a project or otherwise comment on the merits of a project. However, prior to taking an action to approve, conditionally approve, or deny the project, the lead agency (in this case, the City) must first certify the EIR in accordance with CEQA’s requirements.

Comment 3-2

The comment questions the logic of the first objective listed in the Draft EIR to address safety and cites other segments and aspects of Morrison Canyon Road that seem more dangerous than the area proposed for closure, and includes reasons why.

Refer to Draft EIR Section 2.4 for a complete list of all project objectives. The first objective is to 1) “improve safety conditions along Morrison Canyon Road”. While this objective is an important one, and safety can be identified as a major objective of the project, it is not intended as a stand-alone statement or single reason for the project and analyzing it in this way ignores the context. When considered all together, the full list of objectives provides a complete view of the reasons for and

objectives for the proposed project and can be seen as interconnected and overlapping. Also, it is generally the goal of a given project to meet all of the project objectives.

All characteristics of the existing project setting must be considered when evaluating the project. As stated in the Draft EIR, driver safety concerns on Morrison Canyon Road have developed in the recent past due to commuter cut-through traffic utilizing a local roadway that was never meant to accommodate large volumes of regional traffic. Therefore, it is not just the physical constraints and physical aspects of Morrison Canyon Road that are at issue to “improve safety conditions along Morrison Canyon Road”, it is the occurrence of commuter cut-through traffic which must be examined in combination with the condition of the roadway, and this is listed as the second objective in the Draft EIR: “2. Eliminate the use of Morrison Canyon Road and Vargas Road as a route for commuter traffic between Mission Boulevard and I-680”. “The City had observed sharp increases in automobile traffic on Morrison Canyon Road since 2016. City traffic counts indicate a substantial number of evening weekday commuters were using Morrison Canyon Road as a means of reaching I-680 Northbound via Vargas Road. The City believes the relatively recent phenomenon of highly increased usage of the road is attributable in large part to the more widespread use of global positioning system (GPS)-enabled wayfinding applications, such as Waze, Google Maps, and the like. The algorithms of such applications would show Morrison Canyon Road as a “quicker” route between central Fremont and I-680, without taking into account the narrowness and other constraints of the roadway. The data collected by the City indicate that approximately 80 percent of the total weekday vehicle traffic volume on Morrison Canyon Road is from eastbound (or uphill) vehicles traveling between 3:00 p.m. and 7:00 p.m. Although Morrison Canyon Road was initially a dirt road/trail providing very limited access to hillside areas, the years since 2016 have seen it being used in a manner inconsistent with its physical constraints and historic use” (Draft EIR page 2-2).

The portion of Morrison Canyon Road from Canyon Heights to Ridge Terrace is indeed narrow, but the City chose to place the closure at Ridge Terrace, an existing road that does not provide opportunities for commuter cut-through traffic. Refer to Objective 6. Another consideration for the placement of the closure at this location was the need to preserve access to the properties on Ridge Terrace. Ridge Terrace does not connect with any other public road; placing the closure below Ridge Terrace would eliminate all access.

The City does not dispute the assertion that Upper Morrison Canyon Road (uphill of the intersection with Vargas Road) has physical constraints. However, Upper Morrison Canyon Road has not been experiencing significant increases in cut-through traffic and therefore the City limited the scope of the project to the area that has experienced substantial increases in cut-through traffic.

Comment 3-3

The comment questions the logic of the 4th objective listed in the Draft EIR and states that the project corridor is the widest and safest part of Morrison Canyon Road and thus poses the least danger and conflict between vehicles, pedestrians, and bicyclists. The commenter asks why would you leave the most dangerous portion of the road open to pedestrians/bicyclists?

Refer to Response to Comment 3-2, above. The fourth objective listed in the Draft EIR is “4. Substantially reduce conflicts between vehicles and pedestrians/bicyclists on Morrison Canyon Road”. As discussed above, the individual objectives listed in the Draft EIR are not stand-alone objectives of the proposed project and should not be considered in that context. In other words, the project does not seek to only “substantially reduce conflicts between vehicles and pedestrians/bicyclists on Morrison Canyon Road”; which is why the Draft EIR does not examine many ways in which to achieve only

objective #4 (such as by examining other segments of Morrison Canyon Road that could substantially reduce vehicles and pedestrians/bicyclists). Objective #4 is connected to the other objectives of the project as a way to “improve safety conditions along Morrison Canyon Road” because a major safety concern is due to the occurrence, frequency, and high potential for “conflicts between vehicles and pedestrians/bicyclists”. It is only within the context of the entire project setting and all of the listed objectives, that each individual objective is sought. Furthermore, it is generally the goal of a given project to meet all of the project objectives. Therefore, it is important to consider all of the given project objectives together because for example, in the instance that the commenter suggests, if the proposed project only sought to achieve objective #4, then it is reasonable to assume that other objectives could be ignored, unachieved, or conflicting. This would potentially be the case in this instance, because another Draft EIR objective “6. Retain the lower portion of Morrison Canyon Road as an open roadway to serve properties with driveway access at Ridge Terrace” caused some limitations as to which project segments were under consideration for the proposed project.

Comment 3-4

The commenter makes several assertions about emergency responders not using the portion of Morrison Canyon Road closed to regular automobile traffic and cites these assertions as evidence that the project fails to meet one of the City’s objectives.

The commenter has not provided actual facts or other evidence in support of the assertions. The City has been in frequent communication with all emergency responders in the area, advising them that Morrison Canyon Road is fully open for any emergency/first responder use. The City engaged with the Fremont Fire and Police Departments to review the proposed project prior to publication of the Draft EIR. The proposed project reflects input from those City departments.

Regarding the assertion that the barricades are illegally “strengthened” with boulders or other obstacles, the City will clear such obstacles as the City is advised of them. Many other roadways in Fremont are sometimes blocked by obstacles (fallen tree branches, landslides, etc.) and the City remedies such blockages as it learns of them. In addition, the City plans to install signs informing the public that emergency vehicle use of Morrison Canyon Road remains permitted so as to discourage such activities.

Comment 3-5

Please refer to the responses to comments 7-1, 7-2, 7-3, and 7-4

Comment 3-6

The commenter expresses concern that some property owners will lose access to their property from the upper portion of Morrison Canyon and that the lower portion is the most susceptible to closure due to rock slides and vehicles blocking the road.

As discussed in Draft EIR Chapter 2, *Project Description*, the project allows continued access for emergency vehicles, emergency access for local residents within the rural hillside area, and non-vehicular uses (pedestrian and bicycle). It is noted that there are currently no primary driveways to residences within the stretch of Morrison Canyon Road that is proposed for permanent closure. Moreover, the City will allow continued use of the closed portion of Morrison Canyon Road by local property owners and managers to reasonably access their cattle and fencing when absolutely necessary and on an emergency basis.

Please also refer to the response to comment 15-2.

Comment 3-7

The City's review of County parcel maps does not support the commenter's assertion regarding access. Nonetheless, please refer to the response to comment 3-6 regarding access to by abutting property owners.

Comment 3-8

The commenter asserts that existing trails obviate the City's objective to "Maintain a pedestrian/bicycle access route from Fremont's Central District to the open space resources along upper Morrison Canyon Road." The commenter is correct that the Cliff Trail (associated with Vargas Plateau Regional Park) meets lower Morrison Canyon Road near where the City has installed a flashing warning sign advising of the closure. The City does not dispute that this trail is open (albeit through a cattle gate) for pedestrian and bicycle access into lower portions of the Regional Park. However, the City notes that the Cliff Trail is exceptionally steep and unpaved and provides a roundabout way to reach the Regional Park's staging area.

Comment 3-9

The commenter disputes the description of the project corridor as historically "a dirt/gravel trail" and a "one-lane road" in the Draft EIR and states that only one small portion of the road is too narrow for cars to pass each other.

The history of Morrison Canyon Road as originally being a dirt/gravel wagon trail for local access is well documented by the City. As stated in the Draft EIR, "although Morrison Canyon Road was initially a dirt road/trail providing very limited access to hillside areas, chip seal pavement maintenance applications over the years have transformed the roadway to what it is today. The years since 2016 have seen it being used in a manner inconsistent with its physical constraints and historic use (Draft EIR page 2-2)". Any "small" part of the roadway in which two cars cannot safely pass each other can be considered a significant safety issue for drivers. This is especially true given the context of the proposed project, which is the combination of the physical characteristics of Morrison Canyon Road coupled with increased regional cut-through traffic that has created the recent unsafe roadway conditions. At no point does middle Morrison Canyon Road meet the City's design standards for a two-lane roadway. The Draft EIR states, "Given the narrow, winding nature of the roadway, this increase in the number of automobile trips has contributed to a considerable increase in two-way vehicle conflicts because many sections lack width for two cars to pass by each other, often requiring one vehicle to reverse to make space, a potentially challenging traffic maneuver. Given the topography and curvature of the roadway, this poses concerns regarding safety (DEIR page 2-2)."

Comment 3-10

Refer to Response 3-9, above, regarding the history of the road and hillside access. The proposed project would not eliminate access to any private properties, nor are there any private driveways on the approximately 0.8-mile stretch of Morrison Canyon Road that is proposed for permanent closure.

As stated in the Draft EIR, Chapter 2, the project would retain emergency access for hillside residents. Please refer to the response to comment 55-1.

Other parts of this comment do not relate to the adequacy of the Draft EIR.

Please refer to the responses to comments 55-3 and 55-6 regarding the analysis of quality of life under CEQA and the proposed project's road closure characteristics. Regarding harassment for use of the roadway under emergency scenarios, the City and/or police department will respond to such incidents on a complaint basis when resources are available.

Please also refer to the response to comment 15-2 regarding hillside resident use of the roadway.

Comment 3-11

The commenter asserts that other roads in hillside portions of the Bay Area are similarly narrow and "have the same issues" as Morrison Canyon Road. The City does not dispute that other Bay Area hillside roads are narrow, but also notes that the City proposed the project in order to address the unique issue of significant cut-through traffic using a roadway that was not designed to carry substantial traffic volumes or easily accommodate vehicle conflicts and to achieve the other project objectives listed in Draft EIR Chapter 2, *Project Objectives*.

Comment 3-12

Refer to the responses to comments 3-2 and 3-8. The commenter also asserts that traffic to the park has substantially increased since the closure, but does not provide evidence in support of this assertion. Bicycle usage of Upper Morrison Canyon Road may well have increased as a result of the closure of Middle Morrison Canyon Road, but this does not constitute a significant physical environmental effect under CEQA.

Comment 3-13

Please refer to the responses to comments 3-2, 3-8, and 3-12.

Comment 3-14

The comment addresses Draft EIR Impact LU-1 regarding the division of an established community and the subjective nature of such an analysis. The commenter provides anecdotal evidence of effects he states can be attributed to the closure of Morrison Canyon Road.

Although the record demonstrates that Morrison Canyon Road does not provide a reliable and safe connection that unites Upper Morrison Canyon with the remainder of the City of Fremont, recognizing that some community members perceive Morrison Canyon Road as providing such a connection, the Draft EIR, conservatively identified the potential for community division as a significant impact. In an abundance of caution, the Draft EIR stated that such an impact would be significant and unavoidable and that any mitigation measures for this impact would not be feasible because of their inconsistency with project objectives and/or because of infeasibility and/or worsened environmental effects relative to the proposed project.

The City appreciates the detail provided by the commenter and the City will consider this comment as part of the full record available in deciding on the merits of the project.

Comment 3-15

Vargas Road, while in the project area, is not the subject of the project. The City appreciates the commenter's acknowledgment that Morrison Canyon Road has suffered from reliability concerns. It is

not the purpose of the Draft EIR to discuss every unreliable roadway in the project area, nor to compare other roadways with Morrison Canyon Road.

Comment 3-16

The City appreciates the background information provided in the comment but notes that the comment does not address any specific impact or conclusion of the Draft EIR.

Comment 3-17

Please refer to the responses to comments 3-14 and 4-3.

Comment 3-18

Please refer to the response to comments 3-14 and 4-3. As noted in the discussion of Impact LU-1, the City determined that the effect of community division was unavoidable because the only feasible measure would be to retain the roadway as fully open, which the City considers at odds with project objectives and infeasible in practice. Please also refer to Chapter 4, *Alternatives*. In accordance with CEQA Guidelines Section 15126.6, the Draft EIR contains a comparative impact assessment of alternatives to the proposed project.

In compliance with CEQA, the purpose of this EIR is to provide decision-makers and the general public with a range of reasonable project alternatives that could feasibly attain most of the basic project objectives, while avoiding or substantially lessening any of the project's significant adverse environmental effects, and to identify, analyze, and disclose the potential environmental effects of the project, as stated in the response to Comment 3-1. The Draft EIR analyzed two alternatives along with a no-project alternative in detail. Chapter 4 also discusses several alternatives the City considered but dismissed from further consideration due a variety of factors (infeasibility, more significant environmental effects, and other factors).

Comment 3-19

Please refer to the response to comment 3-18. As stated in Chapter 4, the City considered but dismissed from further consideration widening Morrison Canyon Road to two full lanes due to the infeasibility, prohibitive costs, and anticipated significant environmental impacts (substantially worse than the proposed project).

Comment 3-20

It appears the commenter is referring to Impact LU-1 – the potential for the project to result in a physical division of a community. Please refer to responses to comments 3-14, 3-18, 3-19, and 4-3.

The City appreciates the detail provided by the commenter and the City will consider this comment as part of the full record available in deciding on the merits of the project.

Comment 3-21

Information in Table 3.6-6 was provided by the City of Fremont Police Department and represents all closures for the entirety of Morrison Canyon Road. Overhead utility lines are present on lower

Morrison Canyon Road, ending near the entrance of the Cliff Trail. The commenter questions the accuracy of the closure information in this table and asserts that the road was used during one or more of the recorded closure episodes. This comment does not relate to the adequacy or the accuracy of the environmental review pursuant to CEQA and no further response is required, but the City will consider this comment as part of the full record available in deciding on the merits of the project.

Comment 3-22

Please refer to the response to comment 3-4.

Comment 3-23

Please refer to the response to comment 3-4. The commenter asserts that crime has increased but has not provided any description or evidence in support of this assertion. This comment does not address the adequacy or the accuracy of the environmental review pursuant to CEQA and no further response is required; however, the information provided will be part of the record in the City's evaluation of the project merits.

Comment 3-24

Please refer to the responses to comments 3-8, 3-18, 3-19, and 3-20.

Comment 3-25

The comment asserts that the project violates the Bicycle Master Plan in encouraging bicycle traffic on Morrison Canyon rather than existing trails. The commenter appears to imply that bicycle use of Morrison Canyon Road should be limited and bicycles instead should be directed to use off-road trails to reach Vargas Plateau Regional Preserve.

A stated goal of the Bicycle Master Plan is to implement a safe and connected citywide bicycling network of which Morrison Canyon would be a part. As discussed throughout the Draft EIR and on page 3.6-4, the proposed project would support the goals and policies of the General Plan, Bicycle Master Plan and Pedestrian Master Plan. In the project area, Morrison Canyon Road is identified as a "planned" Class I bikeway for a 0.76-mile distance between "middle" Morrison Canyon Road and Vargas Road (refer to Table 3.6-3, Existing and Planned Bicycle Facilities). This is the portion of Morrison Canyon Road proposed for closure to automobiles under the proposed project.

Comment 3-26

The comment refers to the description of Morrison Canyon Road in Section 3.6.3.1 as follows: "Morrison Canyon Road east of Mission Boulevard is a local street. It is a narrow, east-west, one-lane road that was historically a dirt or gravel livestock trail that provided limited, local access to the rural hillside properties in the Morrison Canyon and Vargas Road areas."

Please refer to the responses to Comments 3-9 and 3-10.

Comment 3-27

The comment disagrees with the methodology of the traffic study performed for the Draft EIR.

December 2018 amendments to the CEQA Guidelines removed traffic delay as a measure of a physical environmental effect related to transportation. Traffic delay, as expressed through measured level of service (LOS) is provided in the Draft EIR for informational purposes only and not as the basis for determining the significance of the project's environmental impact.

The commenter suggests the traffic study should have examined particular scenarios.

Parameters of the project traffic study were developed in consultation between the City and the City's consultant. The study used methodologies published in the Transportation Research Board's Highway Capacity Manual (2000). In conformance with the CEQA Guidelines, the traffic study was appropriately focused on whether the closure of Morrison Canyon Road would result in an increase in vehicle miles traveled (VMT) and also provided anticipated changes in delay at a number of intersections.

Comment 3-28

The comment is unclear, but it appears to state that the DEIR does not talk about bicycle access on other trails. Refer to Section 3.7-12, *Recreation*, specifically page 3.7-29 where area trails are discussed. Please also refer to the response to comment 3-25.

Comment 3-29

The comment disagrees with the methodology of the traffic study performed for the Draft EIR and expresses concern about bicycle use of Morrison Canyon Road. Please refer to the responses to comment 3-27 concerning the traffic study and comment 3-25 concerning bicycles.

Comment 3-30

The comment provides anecdotal information regarding collisions and accidents on Morrison Canyon Road. This comment is not related to CEQA or the adequacy of the Draft EIR. This comment has been noted and the City will consider it when deciding to approve or disapprove the project.

Comment 3-31

The comment refers to Table 3.6-6, *Road Closures on Morrison Canyon Road from January 2014–May 2019* and asserts that additional road closures are not listed in the table. The comment also asserts that rockslides took place at the bottom of Morrison Canyon Road. The commenter also expresses concern for access for property owners.

This comment is not related to CEQA or the adequacy of the Draft EIR. This comment has been noted and the City will consider it when deciding to approve or disapprove the project. Regarding emergency access for neighboring property owners, please refer to the response to comment 3-21.

Comment 3-32

The commenter appears to question the permanent closure of Morrison Canyon Road in light of commuter cut-through traffic reaching peak levels during certain hours of the day.

In Chapter 4, *Alternatives*, the City considered but ultimately dismissed a number of alternatives, including an alternative which would restrict Morrison Canyon to motor vehicle traffic between Ridge Terrace and Vargas Road during peak AM and PM commute hours. However, this alternative was rejected as it would not fully preclude two-way vehicle traffic and thus would not reduce bicycle-

vehicle and vehicle-vehicle conflicts. In addition, this alternative would not be feasible legally as there is no provision in California law that permits a jurisdiction to enact a closure of a public roadway based on limited hours. Moreover, the City believes that enforcing timed closures of a roadway would be infeasible if not also cost-prohibitive.

Comment 3-33

Please refer to the response to comment 3-27.

Comment 3-34

Please refer to the responses to comments 3-4 and 3-6.

Comment 3-35

Please refer to the response to comment 3-6.

Comment 3-36

Please refer to the response to comment 3-4.

Comment 3-37

Chapter 4, *Alternatives*, documents the City's consideration of alternatives to the proposed project. CEQA requires lead agencies to consider alternatives to a project that would feasibly attain most of the basic project objectives, while avoiding or substantially lessening any of the project's significant adverse environmental effects.

This chapter not only identifies the potentially feasible alternatives the City considered, but also documents the City's deliberations concerning alternatives it found infeasible and/or inconsistent with the basic project objectives, and/or likely to result in substantially worse environmental impacts than the proposed project.

The comment appears to suggest that an alternative directing bicycle and pedestrian usage away from Morrison Canyon Road and only via the existing Cliff Trail through Vargas Plateau Regional Preserve should have been considered.

The City finds that such an alternative is impractical and/or infeasible because such an alternative would not meet the basic project objective of eliminating commuter cut-through traffic on a roadway not designed to handle large volumes of traffic and/or readily accommodate two vehicles traveling in opposite directions. Closure of the road to bicycle and pedestrian use would not meet other project objectives. Notably, the City's Bicycle Master Plan calls for the use of Morrison Canyon Road as a bicycle route. Please also refer to the response to comment 3-25.

Comment 3-38

The commenter appears to endorse an alternative involving peak-hour one-way traffic limitations and questions why the City concluded that such measures would be infeasible.

First, as set forth in Section 4.1, an EIR need not consider every conceivable alternative, but a reasonable range of alternatives that avoid or substantially lessen the significant environmental impacts of the project, meet basic project objectives, and are feasible.

Chapter 4 presents the alternatives the City considered, including alternatives that failed to meet key project objectives, failed to alleviate environmental effects, or were infeasible (Section 4.3). The City also identified feasible alternatives that would potentially avoid or substantially lessen environmental impacts of the project (Section 4.4).

Time-limited directionality and/or time limited closures as suggested by the commenter would be impractical to implement and would not achieve the project objectives. These options would continue to pose unacceptable safety and enforcement problems. Accordingly, the City did not consider such alternatives.

Comment 3-39

The commenter makes general observations about the merits of the proposed project.

Please refer to the responses to comment 3-2 regarding selection of alternatives, comment 3-10 regarding property owner access, and comment 3-21 regarding emergency usage.

Comment 3-40

Please refer to the responses to comments 3-8 and 3-25.

Comment 3-41

Please refer to the responses to comments 3-14 and 4-3.

Comment 3-42

The comment asserts that better alternatives to the proposed project have not been explored. More specific suggestions in this regard are responded to in the responses to comments 3-43 through 3-48. Please also refer to the response to comment 3-38.

Comment 3-43

The commenter appears to seek further evaluation of the alternative considered but dismissed in Section 4.3.1 to close middle Morrison Canyon Road except to residents of upper Morrison Canyon Road and emergency vehicles. As stated in Section 4.3.1, the City considered but dismissed this alternative from further analysis. It currently is infeasible due to its failure to comply with pertinent sections of the California Vehicle Code and other laws that require public access to publicly-owned roads.

In Section 4.3.1, the City expresses openness to this evaluating such an alternative in the future, should California law be amended to permit such restrictions.

Regarding the “danger of a dead-end road without a turnaround” – the City has identified an appropriate turnaround location along lower Morrison Canyon Road, marked with signage that includes flashing beacons. The City notes that it is the responsibility of licensed drivers to consider and follow official roadway signs per California Vehicle Code Sections 38280-38302 which state “federal, state, or local authorities having jurisdiction over public lands may place or cause to be placed and maintained, such appropriate signs, signals and other traffic control devices as may be necessary to properly indicate and carry out any provision of law or any duly adopted regulation of such governmental authority or to warn or guide traffic”.

The City considered incorporating the construction of turnarounds into the project, but deemed them both physically infeasible due to the physical constraints of Morrison Canyon Road and unnecessary with the addition of ample signage. For reference, the impacts of constructing properly engineered turnaround area(s) on Morrison Canyon Road would be similar to those noted in Section 4.3.5 for an alternative the City considered but ultimately dismissed from further consideration to upgrade the roadway to current standards.

Comment 3-44

The commenter suggests consideration of a modification of an alternative that the Draft EIR considered but dismissed from further analysis.

The commenter suggests time limited one-way traffic on lower and middle Morrison Canyon Road, including further restrictions on bicycle and possibly pedestrian use of the roadway.

As set forth in Section 4.3.3 and 4.3.4, the City considered but ultimately dismissed alternatives that would, respectively, establish temporal closures and one-way westbound traffic. The City dismissed these alternatives from consideration as either infeasible, impractical, or not meeting key project objectives.

The suggestions by the commenter would not address the reasons for rejection of these alternatives nor change the City's earlier conclusions on these alternatives that were dismissed.

Moreover, please also refer to the response to comment 3-8 regarding the use of other trails to access Vargas Plateau Regional Park.

Comment 3-45

In Section 4.3.4, the City noted that westbound traffic on Morrison Canyon Road has not been of concern at the level that eastbound traffic has been, but that the alternative to convert Morrison Canyon Road to one-way westbound could cause significant problems. However, this alone was not the basis for the City's dismissal of this alternative. The City also dismissed this alternative for failing to meet key project objectives and because its ability to fully avoid the significant impact of the project was in doubt.

Comment 3-46

The commenter appears to be remarking on a modification of an alternative as suggested in comment 3-44. Please refer to the response to comment 3-44.

Comment 3-47

The commenter appears to be suggesting an alternative that would limit both two-way traffic and bicycle use of Morrison Canyon Road at different times and days of the week. Please refer to the responses to comments 3-38 and 3-44.

Comment 3-48

Please refer to the responses to comments 3-8, 3-43, and 3-44.

Comment 3-49

The commenter asserts that cumulative impacts have not been considered and recites earlier remarks addressed in several previous responses to comments. The comment does not appear to offer any specific deficiency in the cumulative impact analysis provided in Chapter 5.

Comment 3-50

The comment regarding the condition of lower Morrison Canyon Road is noted but does not appear to address any of the conclusions of the Draft EIR.

Comment 3-51

Please refer to the response to comment 3-43.

Regarding ride sharing services such as Lyft or Uber “no longer [coming] to Vargas Road,” in Section 3.4 of the Draft EIR, the City acknowledges the potential for the proposed project to result in a physical division of the community and finds this impact to be both significant and unavoidable.

The City will consider this comment in evaluating the merits of the project.

Comment 3-52

The City did not receive any comments from the East Bay Regional Park District concerning this matter. The terms of a settlement as described by the commenter are beyond the scope of this project.

Comment 3-53

Section 5.3 properly lists the one significant and unavoidable impact of the project. The commenter asserts that this impact could be avoided. The commenter also asserts that “many” other significant impacts are not listed but are avoidable. Without specifics a more detailed response to this assertion is not possible.

Comment 3-54

The commenter makes a general conclusory assertion that the Draft EIR includes incorrect information and should be rejected/revised. In the responses to comments 3-1 through 3-53, the City has made a good faith effort to respond in detail to more specific assertions of fact, to suggestions of different alternatives, and to all other points raised by the commenter.

Comment Letter 4 (Suresh Bazaj)

Letter 4

From: Suresh Bazaj
Sent: Monday, June 22, 2020 8:58 AM
To: Bill Roth <broth@fremont.gov>
Subject: Comments on Draft EIR for Morrison Canyon Road (PWC8981) closure

Dear Mr. Roth,

I support the permanent closure of the Middle Morrison Canyon Road for automotive traffic. The temporary closure since late 2018 has shown the benefits of closing the road. It has clearly demonstrated that residents on Vargas Plateau can use Vargas Road to meet all their needs without any issue. I look forward to the permanent closure of Middle Morrison Canyon road.

4-1

I agree with the following observations and conclusions in the draft EIR:

- The city of Fremont has provided a complete and accurate description of the project.
- The city of Fremont has adequately disclosed and analyzed the significant environmental effects, including but not limited to the traffic and safety impacts along Morrison Canyon Road.
- The city of Fremont has adequately disclosed, analyzed, and mitigated the projects significant cumulative impacts; and
- The city of Fremont's actions described above are reasonable, lawful and demonstrate compliance with the legal duty.
- The closure of Morrison Canyon Road has been documented with an accurate plan depicting current road conditions of Vargas Road and Morrison Canyon Road.
- The plan addresses the environmental impact and related safety issues from traffic that will be redirected to Vargas Road.

I am concerned with complete lack of enforcement actions for few motorists who frequently use the closed road endangering pedestrians and cyclists. The current and the proposed method of closure, using soft plastic pylons does not stop the same cars and pickups that frequently drive over them. The city should monitor (using cameras or video surveillance) and enforce the traffic rules and regulations for driving on a closed road..

4-2

I strongly disagree with the statement "The proposed project will have a significant environmental impact by physically dividing an established community." It has no factual basis. The difference in drive time between Vargas plateau residences and Fremont businesses, health care, schools, churches, homes and parks is no more than few minutes. For many parts of Fremont, Vargas road provides faster and shorter access.

4-3

The small tight knit community of few dozen residences on Vargas Road and Vargas Plateau has been always been divided geographically. It is culturally and socially separate and distinct from the lowland population on the west side. The plateau has agricultural grazing land, interspersed with a few dozen houses. This tight-knit rural community has aligned itself along Vargas Rd, the primary access road.

4-4

In fact there are many parts of city of Fremont that are lot more physically and culturally divided from rest of the community. Examples include gated communities known as Vineyard Hills, Avalon and Hidden Valley.

Thanks,
Suresh Bazaj
40792 Tirso Street, Fremont CA 94539

Response to Comment Letter 4 (Suresh Bazaj)

Comment 4-1

The comment expresses support for the proposed project. No further response is required.

Comment 4-2

The comment expresses concern regarding enforcement mechanisms of the proposed project, but it does not address the adequacy or the accuracy of the environmental review pursuant to CEQA. Therefore, no further response is required. The City will take this and other comments into consideration as part of the full record in evaluating the merits of the proposed project.

Comment 4-3

As discussed in the Draft EIR, the project generally would not be considered to physically divide an established community because Morrison Canyon Road does not provide a reliable connection to central Fremont. However, recognizing that some residents strongly perceive that Morrison Canyon Road creates such a connection, the Draft EIR conservatively identifies the potential for dividing a community as a significant and unavoidable impact of the project.

Please refer to Chapter 3.4, *Land Use and Planning* on pages 3.4-7 to 3.4-9. There, the Draft EIR states that “the City is identifying Impact LU-1 to be conservatively designated significant and unavoidable”. As stated, there are no quantifiable or universally applicable standards that apply in determining whether a project would physically divide an established community. It is an inherently subjective analysis and the City has determined this impact level based on conversations with and comments from local hill area residents. This is an acknowledgement of the importance that some upper Morrison Canyon residents have expressed regarding their attachment to Morrison Canyon Road as a potential means of driving from their homes to central Fremont. By eliminating the potential use of the road for that purpose, the project arguably could be considered as physically dividing upper Morrison Canyon from the central Fremont community. The Draft EIR supports the commenters view and states the reasons why the “City does not consider Morrison Canyon Road to be an established, reliable connection that unites upper Morrison Canyon to central Fremont”. However, due to the unique circumstances, the City is conservatively and in an abundance of caution, making the determination to foster fully informed decision making and public review.

Comment 4-4

The comment refers to the geographic description and location of the project area as it relates to Impact LU-1 regarding the division of an established community. The commenter states that the [rural hillside] community in the project area has always been geographically divided, as well as culturally, from the rest of Fremont.

Please refer to Draft EIR Chapter 3.4, *Land Use and Planning* under 3.4.2 Regulatory Setting and 3.4.3 Environmental Setting for a description of the existing project area and setting as it relates to land use decision making. While the Draft EIR does not discuss cultural and social aspects of the communities in the project area, nor is this necessarily a requirement under CEQA, a description of the geographical context of the neighborhoods in the project vicinity describes the project as being distinctly within and affecting the “Hill Area” neighborhood per the City’s General Plan.

Comment Letter 5 (David Beretta)

Letter 5

From: David Beretta
Sent: Monday, June 22, 2020 11:27 AM
To: Bill Roth <broth@fremont.gov>
Cc: Norm Matteoni ; Michael Beretta
Subject: FW: Morrison Canyon Road Traffic Safety Project (SCH2020040061-File PWC8981) Draft EIR

Bill Roth
Planning Division
City of Fremont
39550 Liberty Street
Fremont, Ca. 94537
Tel 510-494-4440

RE: Morrison Canyon Road Traffic Safety Project (SCH2020040061) City File PWC8981 –
Draft Environmental Impact Report May 2020

Attn Bill Roth

This letter is in comment an opposition to the above referenced Draft EIR subject to a propose Permanent Closure of the Middle Section of Morrison Canyon Road (MCR). We have been member(s) of the City of Fremont community since 1958 and own Three Residence(s) Lots off Morrison Canyon Road and Alpine Terrace (private road). We have an acute knowledge of MCR and the Vargas Plateau along with all of our Neighbors.

5-1

In reviewing the Draft EIR there are numerous mis-statements and representations made in the language and intent of this document. There have been significant important circumstances that have been overlooked. There is a significant body of the Draft EIR both in terms of supposed “facts”; “studies”; “justifications” and a conclusion made on these to justify by the City and City Staff’s Pre determined conclusion to permanently Close a Section of Morrison Canyon Road.

We have attached our detailed analysis of this Draft EIR identifying the statements; representations; justifications; conclusions that are in error and omissions of important facts lacking in this document.

We recommend to the City Council not to accept nor Certify the Draft EIR and discontinue the Temporary Closure of a portion (Middle Section of Morrison Canyon Road). We further request that the City of Fremont properly address and improve the condition(s) of this public road for all the residents of and the neighborhoods that make up the City of Fremont.

Thank you
David Beretta
Managing Member
MBDS Company LLC
39560 Stevenson PI Suite 215
Fremont, Ca. 94539
Tel 510-797-5880
Fax 510-797-1703

Attachment to email dated June 22, 2020 from David Beretta:



MORRISONCANYON ROAD DRAFT EIR
CITY FREMONT MAY 2020 EXHIBIT A

Comment Section (pages at bottom)

- ES-3 – Project decrease accessibility and use of Vargas Plateau Park for Residents in Neighborhood and Downtown West of Closure Point. | 5-2
- ES-3 - Project does not address Parking at VPP and spill over effects on private property West of Closure Point and Neighborhoods West of CP as well. The other issue is forcing cars to turn around at the Closure Point without a Cul De Sac (see ES-4 as well by Sierra Club) | 5-3
- ES-4 – Project – Illegal Dumping – Not analyzed in EIR – Project leads to increase dumping in the Canyon and at Road Closure Point as people increase dumping Dead End Road | 5-4
- ES-5 – Comment on closing would assure safety of residents, prevent wildfires, and protect open space – Not True and NO analysis in EIR was done on this subject | 5-5
- ES-5 – Comment that vehicle traffic damaged Road – lack of City Maintenance has damaged road and created risks for vehicles | 5-6

- ES-8 – ES.3 and .4 – Proposed Project would physically divide an established community- significant and unavoidable – Not True if they assume Alternative 1 with No Road Closure but modify the Road w traffic calming speed tables; speed bumps; or similar measures – see Land Use and Planning section ES10 | 5-7

- ES-10 Transportation and Circulation

TR-3 Project would not substantially increase hazards due to design feature or incompatible use- Not True – The lack of through traffic creating a dead end street with no cul de sac increases the hazard along Lower MCR and at the point of Closure to adjacent property owners forcing the public on private property to turn around (keep in mind that Ridge Terrace is a PRIVATE Road maintained by the 5 Lot Property Owners of the Parcel Map that created it.	5-8
TR-4 – Project would not result in inadequate emergency hazard – Not True – Private EMT Companies will not go through the Closure Point and would force all MCR and Vargas Plateau Residents to rely on Hwy 680 to Mission Blvd or all the way around Hwy 680 to Hwy 94 Niles Canyon to Mission Blvd OR be Airlifted down to Washington Hospital.....OR force Residents to use their own vehicle to transport an ill patient through the Road Closure	5-9
ES-11 – Ag Use – Conflict with Zoning or Williamson Act – While Project may not impact Zoning it would impact AG Use by restricting Property Owners ability to freely access their property and undue hardship of using Hwy 680 to get to their livestock etc etc.	5-10
ES14 – Parks – same comment above that Residents West of Park not accessing Vargas Plateau Park	5-11
EIR – Introduction	
1-1 Comment in Error – Historically MCR was a /dirt/gravel trail – False and Misleading – MCR has been an Asphalt or similar to Asphalt Road since the mid 1950's and 1960's with most all the road Asphalted since the early 1970's. This a absolute false and misleading comment indicating it was paved only in the last few years.	5-12
1-1 – Asphalt Berm was not put in to separate the Road from Steep Embankment but Berm is for Water Drainage purposes to divert water not vehicles from embankment.	5-13
1-1 Comment in Error – City has not maintained MCR over the years except in emergency and largely abandoned the road from Maintenance standpoint	5-14
NOTE – This same language and error or misstatements run through the entire document and are used to justify several issues in the EIR making the EIR False and misleading.	5-15
1.4 – Scope – Does the Scope of EIR lack certain Issues or issues not addressed as a way to challenge?	5-16
2.2 – same issues as above but at bottom City uses an Alternative Environmental Baseline –	5-17
2.3.2 – Project Characteristics –	
a. No Turn Around or Cul de Sac at Either end of the Road Closure as Required by Law is ignored from EIR Analysis or Comment	5-18
b. EIR does not address Fact or Impact on Property Owner(s) and Resident(s) on West or East Side of Road Closure	5-19
c. EIR does not state that Closure also Cuts Off Property Owner(s)/Resident(s) and Neighborhoods West of Road Closure from accessing Vargas Plateau and Hwy 680	5-20
2.4.3. Project creates Two (2) Dead End Streets of MCR at both ends of Road Closure	5-21
2.4.4- Project does not reduce conflicts between Vehicles and bicyclists on MCR [Lower- West of Closure to Mission Blvd and East from Road Closure to Vargas Road an Vargas Road to Hwy 680 (Note the low number of issues identified later in the EIR document – only Two Vehicle Accidents on MCR in 4-5 Years etc.	5-22
2.4.7 – Project does cut off and Segregates Neighborhoods West and East of MCR Closure Point	5-23
Section 3 EIA was well reviewed by Norm -	
3.3.1 Environmental Base Line – Anything here that can be challenged?	5-24
3.4.2.3 General Plan – Conflict between Mobility Element (Local Street) and Recreation Element (Trail) – Historically, it's always been a local street and should remain and if anything improved to a Street Standard.	5-25
Policy 2-2.3 – We should look at the current Zoning in the Hill – Measure T provided certain types of Uses including a Hospital (as put in by Gearhart)	5-26
Policy 4-1.10 – Project creates and separates Neighborhoods West of MCR Closure Point from Vargas Plateau Neighborhood and Vargas Plateau from City Center	5-27

Policy 7-1.3.A – Again, the Project may conflict with existing Zoning Uses allowed by Measure T 2002 also discussed on pages 3.4.4 and 3.4.5	5-28
3.4.3 – discusses Neighborhoods and description of MCR historically is inaccurate.	5-29
3.4.4.3 – Last Paragraph – Statements are false – MCR DID serve as a reasonable, vital, and reliable connection from City Center to MCR and Vargas Plateau before Hwy 680 was built. If you recall, Hwy was not built until the mid late 1960's. In addition, the statement is subjective and not quantitative – Residents and Property Owner(s) disagree with this statement. Also, the comment about "frequent" Road Closures is false based on the EIR analysis and data later in the EIR and its less frequent than say Nile Canyon which was not used as comparison nor was any other road used as comparison to make this statement.	5-30
Pages – 3.4-8 and 3.4-9 contain a host of false statements and false justifications. I will have to send you copy of these pages.	5-31
3.5.3.2 – Police have issues with Cell Phones in MCR and do not go up MCR on regular basis leaving Residents and Property Owner(s) at risk	5-32
3.5.4.3 – Need for Police – No Analysis was done as to Response Time before or after MCR is Close nor Analysis of what would be the Response time if Police used MCR rather than Hwy 680	5-33
Page 3.6.3 Goal 3-2 – MCR Closing Increases the Vehicle Miles Traveled for both Vargas Plateau and Lower MCR/Adjacent Neighborhoods by forcing use of HWY 680 or Niles Canyon to access City Center and visa Versa	5-34
3.6.3.1- Baseline Conditions – Please note that any study done was damaged prior to MCR Closure because Public generally knew road was going to be closed and avoided it in the first place.	5-35
3.6.3.1 – Existing Conditions Ignores Hwy 84 Nile Canyon to Sunol to Hwy 680 as Route in lieu of Mission Blvd to Hwy 680	5-36
3.6-6 top of page description of MCR distorts view, opinion and understanding of conditions when described as dirt or gravel livestock trail.....	5-37
3.6-6 Ridge Terrace – Mistated as "Local Street" - This is a Private Road of the Five Lots of a Parcel Map filed and recorded. It does connect to MCR at Closure Point but is a dead end road.	5-38
3.6.11 Page – Traffic Counts used were after Road Closure – error in EIR	5-39
3.6-19 Page – This analysis is used heavily in EIR to conclude that MCR is unsafe but the data shows that this assumption and conclusion is wrong. In addition, the history is not compared to any other Street in the City of Fremont so there is not way to come to a quantitative analysis. Here are some facts: a. MCR Vehicle Accidents – There were only Two (2) in the span of 5 Years – very low when you compare to other streets within Fremont or Niles Canyon or Hwy 680 b. MCR – Bicycle Accients – There was only One (1) involving a Vehicle and One (1) Involving an Animal in a period of 5 Years c. Road Closure – There were only 24 in a 4-5 Year Period mostly involving Large Vehicle – First, no comparison was made to any other streets in Fremont and should be compared to a street like Niles Canyon where there are many more Road Closures.....	5-40
3.6.4.1 – Methology – Trip Generation – I think that the analysis may be flawed as all were Estimates done after Road Closure was in effect.	5-41
Chapter 4	
Project Objective:	

<p>4.2 (2) Substantially reduce occurrence of two way auto- There have only been 2 Collisions on MCR in past 5 Years so there is not a significant issue as compared to other streets in Fremont</p>	<p> 5-42</p>
<p>4.2(3) Reduce conflicts between Vehicles and Bicyclists- There has been only 1 Accident of vehicle and Bicycle In 5 years so there is not a significant issue as compared to other streets in Fremont.</p>	<p> 5-43</p>
<p>4.2.2 Alternatives- Alternative 1 – Temporary Closure to be removed. This would be the most logical approach to the issue with restrictions to Large Equipment/Vehicles allowed to come down (Westbound from Hwy 680) and eliminate Commuter Traffic Eastbound to Hwy 680 (as 80% of issue is Eastbound).</p>	<p> 5-44</p>
<p>4.3 Circular Logic – EIR statement reflects that City made a pre-determination and is using the EIR to justify their decision.</p>	<p> 5-45</p>
<p>4.3.2 –Abandonment of MCR Middle Section – Termination of Public Street and tearing up the Asphalt would prohibit any Emergency Services (Police; Fire; Cal Fire, etc) from sections of MCR above and below the closed section.</p>	<p> 5-46</p>
<p>4.3.3 – Restrict AM/PM traffic at Middle Section of MCR – This would solve the issue of Commuter Traffic and decrease unnecessary traffic on MCR</p>	<p> 5-47</p>
<p>4.3.4 – Convert Middle Section of MCR to One Way Traffic – This may be a second best solution but would still not address the issue of Eastbound traffic being stopped and diverted onto Ridge Terrace which is a private road thus forcing a private property owner to deal with Turn around traffic and violation of Private Property. It would not increase Westbound Traffic particularly by City's own Traffic Study showing 80% is Eastbound.</p>	<p> 5-48</p>
<p>4.3.5 – Improve MCR to Current Roadway Standards- This would be ideal for all Objectives. It would not significantly alter the environment and improve safety for all – vehicles; bicycles; pedestrian; emergency services – There is a cost but the City has ignored this public street for over 50 years so they can afford to improve it. The other is to improve it perhaps not to full City Standards but to widen; provide turnouts; install water drainage measures; install speed bumps, etc etc that would significantly improve the Public Road to meet the other objective. It would also lessen or mitigate the splitting or division of Neighborhoods.</p>	<p> 5-49</p>
<p>4.3.3 Alternative 3 Discourage Commuter Use – There are a significant number of measures as identified on page 4-9 and 4-10 that could minimize or eliminate commuter use of MCR. The City of Fremont simply does not want to implement any of the proposed items.</p>	<p> 5-50</p>
<p>Section 5–</p>	
<p>5.2.3.11 Public Services – We disagree with the EIR conclusion – the permanent closure would affect the Public Services in a significant way from Police; Fire; EMT; Cal Fire; Public Works as in practice these services would use Hwy 680 and incur the Delays from Traffic and Closures on Hwy 680 rising the Life and Property of Residents and Property Owners on both the Vargas Plateau and the lower section of MCR.</p>	<p> 5-51</p>
<p>Comment:</p>	
<p>Morrison Canyon Road has been an essential link between City Center and neighborhoods to West of lower MCR and the Vargas Plateau neighborhood of Fremont. The Closure simply physically and practically divides Fremont Neighborhoods; Residents; and Property Owners as well as affects the Safety of all MCR and Vargas Plateau parties (notwithstanding the stated ability to use the Closed Middle Section of MCR).</p>	<p> 5-52</p>
<p>Thank you, David Beretta</p> <p>Managing Member MBDS Company LLC 3951st Stevenson Pl Suite 215 Fremont, Ca. 94539 Tel 510-797-5880 Fax 510-797-1703</p>	<p>4</p>

Response to Comment Letter 5 (David Beretta)

Comment 5-1

The comment expresses opposition to the proposed project and outlines forthcoming separate comments on the adequacy of the Draft EIR. Those comments are addressed in the proceeding responses.

Comment 5-2

The comment recites a scoping comment presented in Table ES-1 of the Executive Summary. Table ES-1 advises readers where in the Draft EIR scoping comments are addressed. The comment does not appear to raise any specific concern about any of the conclusions of the Draft EIR.

Comment 5-3

The comment asserts that the Draft EIR did not consider parking impacts in several locations. CEQA does not consider the adequacy or convenience of parking to be a significant physical environmental effect. The commenter appears to assert that the project would result in “spill over” parking in various locations. On lower Morrison Canyon Road, the City has prohibited parking prior to the closure through signage.

Regarding the assertion that cars are “forced” to turn around at the closure point, please refer to the response to comment 3-43.

Comment 5-4

The comment asserts that the project will lead to increased dumping.

The City has documented cases of illegal dumping both prior to and during the temporary road closure. The road closure does not appear to have had any substantial change in illegal dumping activity.

The assertion raised by the commenter is speculative.

Comment 5-5

The comment appears to take issue with a comment the City received during the scoping period for the Draft EIR.

While it is not required that the City respond to comments on scoping comments, the City notes that the issue of wildfire is specifically discussed in Draft EIR Chapter 3.7, *Other Resources*, in Section 3.7.15. The Draft EIR found that the proposed project would have no impact or a less than significant impact on Wildfire. Emergency evacuation routes and traffic is discussed in Chapter 3.6, *Transportation and Circulation*. With the project, traffic congestion and vehicle conflicts on Morrison Canyon Road would be greatly reduced overall and eliminated within the closed portion. This reduces or removes the concern of traffic congestion in the event of an evacuation event because cut-through traffic and vehicle collisions/conflicts (which tend to block roadway access for long periods of time) would be reduced with the project. The Draft EIR states that “Although access to Ridge Terrace would be retained and the barricades would remain mountable by most automobiles and all emergency vehicles, the City anticipates that the permanent closure between Ridge Terrace and Vargas Road

would effectively eliminate cut-through traffic caused by drivers seeking to travel between I-680 and State Route (SR) 238 (Mission Boulevard) (Draft EIR page 2-5). Also, the Draft EIR states that “permanently excluding private vehicles on middle Morrison Canyon Road would reduce overall traffic, which may reduce the potential for wildfires to ignite in the project area from a well-known cause – that of a spark from a combustion engine” (Draft EIR page 3.7-38). Additionally, the Draft EIR found that the proposed project would not result in inadequate emergency access and Impact TR-4 is less than significant (page 3.6-40). Under Section 3.7.7, *Hazards and Hazardous Materials*, the Draft EIR found that the proposed project would have a less-than-significant impact on checklist item f.) interference with an adopted emergency response or evacuation plan, or with emergency response capabilities; and a less-than-significant impact on checklist item g.) for the exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires because the roadway closure would not apply to emergency scenarios and would allow all vehicle passage in the event of an emergency (Draft EIR page 3.7-21).

Comment 5-6

Similar to the response to comment 5-5, this comment appears to challenge a scoping comment the City received. The City is not required to respond to comments on scoping comments. The commenter makes a general assertion that a lack of maintenance has damaged the roadway and created vehicle risks. The City disagrees with this assertion, particularly insofar as the key risks associated with the road being used for two-way traffic is its narrow width (as little as 9 feet of pavement in certain portions).

Comment 5-7

The commenter appears to take issue with the Draft EIR’s conclusion in Section 3.4 that the impact of physical division is significant and unavoidable. Please refer to the responses to comments 3-37 and 3-44. Also please refer to Section 4.4.3 in which an alternative very similar to that described by the commenter was considered.

Comment 5-8

Please refer to the response to comment 3-43.

Comment 5-9

Please refer to the response to comment 3-4.

Comment 5-10

Please refer to the response to comment 3-10.

Comment 5-11

The comment is unclear, but appears to suggest that the project would limit automobile access to Vargas Plateau Regional Park since cars would no longer be able to use Morrison Canyon Road to access the park. The City acknowledges this potential for community division in Section 3.4 of the Draft EIR. However, the City also notes that project objectives include providing bicycle and pedestrian access along Morrison Canyon Road, which in turn allow for such users to access Vargas Plateau Regional Park.

Comment 5-12

Please refer to the response to comment 3-9.

Comment 5-13

The comment is noted. Please refer to Section 4.2, which includes a revision on this point. This revision clarifies background information and does not affect any of the conclusions of the Draft EIR.

Comment 5-14

Please refer to the response to comment 5-6.

Comment 5-15

The comment is noted; please refer to previous responses to comments 3-9 and 5-6.

Comment 5-16

This language appears to be an internal question posed by the authors of the letter. This language does not include any specific comment or point to any specific deficiency of the Draft EIR.

Comment 5-17

This language appears to be an internal consideration of the authors of the letter. This language does not include any specific comment or point to any specific deficiency of the Draft EIR.

Comment 5-18

Please refer to the response to comment 3-43.

Comment 5-19

Please refer to Section 3.4 of the Draft EIR, which acknowledges and discloses the potential for the project to result in a physical division of the community.

Comment 5-20

Please refer to Section 3.4 of the Draft EIR, which acknowledges and discloses the potential for the project to result in a physical division of the community.

Comment 5-21

Please refer to the response to comment 3-43.

Comment 5-22

A key objective of the project is to reduce conflicts between vehicles and bicycles on middle Morrison Canyon Road. The comment appears to assert that the project would not reduce such conflicts on other portions of Morrison Canyon Road. The City notes that the scope of the project is focused on middle Morrison Canyon Road.

Comment 5-23

Please refer to Section 3.4 of the Draft EIR, which acknowledges and discloses the potential for the project to result in a physical division of the community.

Comment 5-24

This language appears to be an internal question posed by the authors of the letter. This language does not include any specific comment or point to any specific deficiency of the Draft EIR.

Comment 5-25

The comment asserts an inconsistency between policies in the General Plan and expresses an opinion that one policy should take precedence over another. Morrison Canyon Road's designation as a local street in the Mobility Plan is not in conflict with the trail designation in the Recreation Plan, as the City views the trail designation as a refinement of the local street designation, providing access to land and property in conformance with the definition of a local street while ensuring that the type and intensity of movement is safe and compatible with open space and recreational land uses. Moreover, nothing in the Mobility Plan's definition of local street precludes the City from making safety improvements or otherwise modifying the type of traffic that travels on a local street in order to better ensure public safety.

Comment 5-26

This language appears to be an internal question posed by the authors of the letter not necessarily intended to be delivered to the City. This language does not include any specific comment or point to any specific deficiency of the Draft EIR.

Comment 5-27

Please refer to Section 3.4 of the Draft EIR, which acknowledges and discloses the potential for the project to result in a physical division of the community.

Comment 5-28

The comment appears to raise the possibility of the proposed project conflicting with a General Plan policy (7-1.3A) and/or zoning. Please refer to the discussion of Impact LU-2, in which the potential for policy conflicts is addressed. Even if one were to grant that a policy conflict were to exist, in order for a significant impact under CEQA to occur, the conflict would need to result in a physical environmental impact. Impact LU-1 describes and discloses such a physical environmental impact.

Comment 5-29

Please refer to the response to comment 3-9.

Comment 5-30

Please refer to the responses to comments 3-9 and 5-6 regarding the status of Morrison Canyon Road.

Comment 5-31

This language appears to be internal commentary by the authors of the letter and not necessarily intended to be delivered to the City. Please refer to the responses to comments 5-28 through 5-30 regarding conclusions within the land use discussion of the Draft EIR (Section 3.4).

Comment 5-32

The comment is noted but does not address any of the conclusions of the Draft EIR. The City engaged with the Fremont Fire and Police Departments to review the proposed project prior to publication of the Draft EIR. The proposed project reflects input from those City departments.

Comment 5-33

The project would not limit emergency/first responder use of Morrison Canyon Road. Therefore, the project would not require emergency vehicles to use alternative routes. Accordingly, the project would not adversely affect response times. Rather, by eliminating cut-through commuter traffic and attendant vehicle-vehicle conflicts on the narrow portions of Morrison Canyon Road, the City anticipates that response times could be improved. The City engaged with the Fremont Fire and Police Departments to review the proposed project prior to publication of the Draft EIR. The proposed project reflects input from those City departments.

Comment 5-34

Please refer to Section 3.6 of the Draft EIR, Tables 3.6-10 and 3.6-11. The traffic study conducted for the project concluded that the project would result in a slight decrease in vehicle miles traveled.

Comment 5-35

Please refer to Section 3.6.3.1 of the Draft EIR which discusses considerations and adjustments the City made with regard to the environmental baseline used for the project.

Comment 5-36

As shown in Section 3.6.3.3 of the Draft EIR, one of the intersections considered in the traffic study was Mission Boulevard and Niles Canyon Road. This reflects an acknowledgement that the proposed project would have the potential to divert trips from Morrison Canyon Road to Niles Canyon Road (among other routes). Accordingly, the traffic study properly took Niles Canyon Road into account.

Comment 5-37

Please refer to the responses to comments 3-9 and 5-6 regarding the status of Morrison Canyon Road.

Comment 5-38

The comment is noted and does not relate to any of the conclusions of the Draft EIR.

Comment 5-39

Please refer to Section 3.6.3.1 of the Draft EIR which discusses considerations and adjustments the City made with regard to the environmental baseline used for the project.

Comment 5-40

The comment appears to suggest that the Draft EIR's reporting of recent road closures does not justify the proposed project. The comment does not appear to dispute the road closures, but suggests that the number of incidents is relatively low compared to other streets.

This assertion does not alter any of the conclusions of the Draft EIR.

The commenter may well be correct that other roadways have greater numbers of accidents/collisions than Morrison Canyon Road, but the City notes that prior to the closure, the average daily traffic (ADT) volume on Morrison Canyon Road was relatively much lower than major routes like Niles Canyon Road.

Comment 5-41

Please refer to Section 3.6.3.1 which discusses considerations and adjustments the City made with regard to the environmental baseline used for the project.

Comment 5-42

Please refer to the response to comment 5-40.

Comment 5-43

Please refer to the response to comment 5-40.

Comment 5-44

The comment expresses a preference for the No Project Alternative.

Comment 5-45

The comment makes unsupported and inaccurate assertions regarding the City's decision-making process. The City prepared the Draft EIR to study the potential environmental effects of a permanent closure of Morrison Canyon Road. The City will first decide whether the EIR adequately describes and discloses the environmental effects of the project under CEQA. Following this decision, the City will consider the merits of the project. The City may opt to approve the proposed project (and thus make the closure permanent), deny the proposed project, approve a project alternative evaluated in the EIR, or approve the proposed project with amendments.

Comment 5-46

The commenter is referring to an alternative that the City considered but dismissed from further consideration. The commenter's assessment is consistent with the Draft EIR's. As stated in Section 4.3.2, such an alternative would "preclud[e] all access, including desired access by emergency vehicles...". Accordingly, the City dismissed this alternative from further consideration for failing to meet basic project objectives.

Comment 5-47

The comment addresses an alternative the City considered but dismissed from further consideration due to finding it “financially infeasible, impracticable, and confusing to the public to operate” (Section 4.3.3). Accordingly, it could not be implemented to solve the problem cited by the commenter.

Comment 5-48

The comment expresses opinions on the merits of an alternative that the City considered but dismissed from further consideration due to failure to meet project objectives and uncertainty of its ability to avoid/reduce the significant environmental impact of the project. The comment is noted.

Comment 5-49

The comment appears to express a preference for an alternative that the City considered but dismissed from further consideration on the basis that the alternative would substantially increase anticipated environmental impacts rather than avoid those of the proposed project. The City also found this alternative to be financially infeasible. The comment is noted.

Comment 5-50

The comment appears to express a preference for an alternative that the City considered but dismissed from further consideration on the basis that the alternative would be ineffective in meeting basic objectives of the project.

Comment 5-51

Please refer to the response to comment 3-4.

Comment 5-52

Please refer to responses to comments 3-4 and 3-18.

Comment Letter 6 (Debbie Breitzman)

Letter 6

From: Debbie Breitzman
Sent: Monday, June 22, 2020 7:46 AM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Road closure

Please keep Morrison Canyon closed other than emergency vehicles. I have seen many people who cant read drive tractor trailers up there and even with it closed it is being used as a dump site. it would be worse if it were open again, I have lived here 50 years and hope to never see it on fire. I am concerned with the Vargas plataue more popular now that the traffic would even be worse if you could drive up Morrison Canyon. 6-1

Thank you

Debbie Breitzman



Response to Comment Letter 6 (Debbie Breitzman)

Comment 6-1

The comment expresses general support for the project. The comment voices concern regarding road closure enforcement, illegal dumping, wildfire, and traffic from Vargas Plateau Regional Park in the project area.

Please refer to the response to comment 4-2. It is noted that local hill area residents, land owners, and ranch managers are allowed continued use of the closed portion of Morrison Canyon Road to reasonably access their cattle, land, and fencing when absolutely necessary and on an emergency basis.

The issue of illegal dumping in the project area is not related to the proposed project or the adequacy of the Draft EIR. This is an issue that should be reported to the City or Police Department.

Wildfire as it relates to the proposed project is discussed in Chapter 3.7, *Other Resources*, Section 3.7.15. The project would have no impact or a less-than-significant impact on wildfire.

Comment Letter 7 (Steve Calcagno, PE (Kier + Wright))

Letter 7

Letter dated 6/17/2020 from Steve Calcagno, PE



June 17, 2020
Job No. A08615-1

CITY OF FREMONT, PLANNING DIVISION
Attn: Mr. Bill Roth
City of Fremont - Planning Division
39550 Liberty Street, P.O. 5006
Fremont, CA 94537

SUBJECT: MORRISON CANYON ROAD CLOSURE - FREMONT, CA

Dear Mr. Roth:

I have been asked by the residents of the area to address certain safety issues that may arise from the closure of the middle section of Morrison Canyon Road. When the temporary closure of Morrison Canyon Road was first proposed I wrote a letter to the Mayor and City Council questioning how such action could be undertaken without a proper turnaround being installed. I also strongly recommended installing the minimal City required lighting. I recommended that these items be addressed prior to any closing of the road. Unfortunately, the road was closed without providing any type of turnaround or lighting. 7-1

These actions have created a dangerous situation, not only for anyone that mistakenly drives up Morrison Canyon Road but also the residents that must use this road to access their property. The only way to turn around is to use the private driveway or back down a narrow road, across a narrow bridge to a turn out and try and turn around there. Not only is the bridge narrow but you must also be turning as you cross it. There is a rock embankment on one side and a steep drop off on the other. This is difficult to do in the daytime and there is no lighting to help you maneuver at night. 7-2

The private driveway is used quite often by people trying to turn around as it can be the lesser of two evils. I understand that vehicles have had to trespass onto the private property many times to turn around. They have opened the gate and driven through to try and find a better place to turn around. With no turnaround, the residents encounter an uncomfortable situation, resulting in a difficult situation to escape. With no street lighting, a driver at night cannot see any danger until after they have crossed the bridge. 7-3

The lower portion of Morrison Canyon Road is slated to remain a public road that can be used by any vehicle. The Draft EIR does not address how any vehicles coming up Morrison Canyon road are supposed to turn around at the point the road is closed. In my professional opinion that no municipality should close a road without providing a safe turnaround, including providing the necessary street lighting. Otherwise, the City is open to liability by knowingly creating a dangerous situation. If the City is to proceed with the closure this must be immediately corrected. 7-4

Sincerely,

KIER & WRIGHT

Steve Calcagno, PE
SENIOR PRINCIPAL
scalcagno@kierwright.com

2850 Collier Canyon Road, Livermore, CA 94551 (925) 245-8788 kierwright.com

Response to Comment Letter 7 (Steve Calcagno, PE (Kier + Wright))

Comment 7-1

Please refer to the response to comment 3-43 regarding the issue of a turnaround.

Regarding lighting, the existing lighting characteristics of the project corridor are discussed in Draft EIR Section 3.7 *Other Resources* under 3.7.1, *Aesthetics*. The proposed project does not include changes to, additions to, or other alteration of current street lighting conditions on Morrison Canyon Road. The Draft EIR found that the project would have a less than significant impact on Aesthetics checklist item d.) regarding the introduction of a new source of light and glare that would adversely affect daytime or nighttime views in the area. Insofar as the comment pertains to the lighting characteristics of all of Morrison Canyon Road and City lighting requirements, the comment is not related to the proposed project or the adequacy of the Draft EIR under CEQA.

Comment 7-2

Please refer to the response to comment 3-43.

Comment 7-3

Please refer to the response to comment 3-43.

Comment 7-4

Please refer to the response to comment 3-43.

Comment Letter 8 (Ann Campbell)

Letter 8

From: Ann Campbell
Sent: Saturday, June 20, 2020 12:46 PM
To: Bill Roth <broth@fremont.gov>
Subject: MORRISON CANYON

To Whom It May Concern:

My family has lived in the Millwood neighborhood for over 28 years. We live in a cul-de-sac with our backyard backing up to the hill behind us. Nature surrounds us and it makes living here a constant delight. Having Morrison Canyon available for hiking just adds to the attraction of this neighborhood. This neighborhood that is a part of the busy Bay Area, but also a refuge close to nature. Morrison Canyon has been a popular place to hike before our shelter in place, but is has gotten even more attention since. Please permanently close Morrison Canyon to public traffic so that people can experience nature close to their home.

8-1

Thank you,

Ann Campbell

Response to Comment Letter 8 (Ann Campbell)

Comment 8-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 9 (Brian Campbell)

Letter 9

From: Brian Campbell
Sent: Saturday, June 20, 2020 12:35 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon

To Whom It My Concern,

I wish to state that the permanent closure of Morrison Canyon to public transportation is extremely important. The safety issues are so obvious as to have no need to be stated. The financial risk to the tax payers of this city would be huge if this road were to be left open, and would be irresponsible. Since the advent of COVID-19, with the lockdown, the foot traffic of Morrison Canyon has exploded. With so many of our citizens having discovered the Canyon and the trail on the front of the hill, I don't believe they will not continue to use them after we are facing a more normal lifestyle. I live next to Morrison Canyon and right up against the hill, so I have seen the tremendous increase in usage. Places for citizens of Fremont to enjoy the outdoors are too few and far between in Fremont. Keep Morrison Canyon closed forever.

9-1

Thanks you,
Brian Campbell

Response to Comment Letter 9 (Brian Campbell)

Comment 9-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 10 (John G. H. Cant)

Letter 10

From: john cant
Sent: Monday, June 22, 2020 4:37 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Road

Dear Mr. Roth:

I fully support extending the closure of a segment of the road, making it open for pedestrians and cyclists only. I am very familiar with the road, having walked it to look at birds many times over the last several years. In retrospect it seems incredible -- and reckless of the city government -- to have ever kept it open to two-way auto traffic. | 10-1

Sincerely,

John G. H. Cant
38088 Canyon Heights Rd.
Fremont, CA 94536

Response to Comment Letter 10 (John G. H. Cant)

Comment 10-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 11 (Deborah Carey)

Letter 11

From: deborah.carey
Sent: Monday, June 22, 2020 3:49 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon

www.fremont.gov/430/environmental-review

unless you all are going to make the road wider, than its just not safe to have 2-way traffic on Morrison Canyon. Its fine for bicycles and pedestrian out for a lovely walk, but its to narrow for much else.. You probably already know that.. but just in case..... thought I might bring it up.. have a nice day

11-1

Deb Carey

Response to Comment Letter 11 (Deborah Carey)

Comment 11-1

The comment asserts that Morrison Canyon Road should be left for bicycle and pedestrians only and is not safe for vehicle unless it is expanded to a two-way road.

In Chapter 4, *Alternatives*, a number of alternatives considered but dismissed are discussed, including an alternative which would improve Morrison Canyon Road to current roadway standards. However, this alternative was rejected as it would likely result in substantially greater environmental impacts than the proposed project and would not meet the key objectives of the project.

Comment Letter 12 (Aslam Chaus)

Letter 12

From: Aslam Chaus
Sent: Monday, June 22, 2020 9:14 AM
To: Bill Roth <broth@fremont.gov>
Subject: Keep Morrisson Canyon Rd-Safe-

Bill,

I live very close to the road, please keep the road closed for car traffic, like what we have since last two years

It is required for safety of pedestrian, and car, also for the protection of environment

thanks

Aslam

12-1

Response to Comment Letter 12 (Aslam Chaus)

Comment 12-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 13 (Po-chin and Ling-chun Cheng)

Letter 13

From: Ling-chun Chen
Sent: Saturday, June 20, 2020 7:36 PM
To: Bill Roth <broth@fremont.gov>
Subject: Re. Morrison Canyon Rd

Dear Sir,

We are residents at Lowell Place, Fremont. I strongly support Fremont city's proposal on permanently designate the 3/4 mile segment on Morrison Canyon road for walking, biking and emergency vehicles only. It is important and necessary to protect pedestrians and bicyclists. 13-1

Thank you for your consideration.

Regards,
Po-chin and Ling-chun Cheng

Response to Letter 13 (Po-chin and Ling-chun Cheng)

Comment 13-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 14 (Sheetal M. Chokshi)

Letter 14

From: SHEETAL CHOKSHI
Sent: Monday, June 22, 2020 12:13 PM
To: Bill Roth <broth@fremont.gov>
Subject: Re: Morrison Canyon Road Traffic Safety Project Draft EIR (PWC8981)

Mr. Roth, Senior Planner,

My husband I walk up the Morrison Road in the morning and we are happy that no vehicles are using the same road that we are walking on. We hope that city of Fremont continues to restrict public vehicle access to Morrison Canyon. Please leave the Morrison Canyon road to pedestrians. Thank you.
Sheetal M. Chokshi

14-1

Response to Letter 14 (Sheetal M. Chokshi)

Comment 14-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 15 (Michael G. Colantuono (Colantuono, Highsmith, Whatley, PC))

Letter 15

Letter dated June 18, 2020 from Michael G. Colantuono (Colantuono, Highsmith, Whatley, PC)

490 Sierra College Drive, Suite 140
Grass Valley, CA 95945-5091
Voice (530) 432-7357
Fax (530) 432-7356

**COLANTUONO
HIGHSMITH
WHATLEY, PC**

Michael G. Colantuono
GRV 432-7359
MColantuono@chwhlaw.us

Our File No. 27023.0004

June 18, 2020

VIA U.S. MAIL & EMAIL (broth@fremont.gov)

Bill Roth
City of Fremont
Planning Division
39550 Liberty Street
Fremont, CA 94537

Re: Public Comment Regarding Morrison Canyon Road Traffic Safety Project
(SCH Number: 2020040061; City File Number: FWC8981)

Dear Mr. Roth:

I write on behalf of residents of Upper Morrison Canyon and Vargas Roads to comment on the Morrison Canyon Road Traffic Safety Project (SCH Number: 2020040061; City File Number: FWC8981). According to the Draft Environmental Impact Report, "The City of Fremont proposes to permanently close an approximately 0.8 mile stretch of Middle Morrison Canyon Road to private motor vehicles" ("proposed project"). The proposed project is inconsistent with the City's General Plan and imposes unknown impacts on nearby streets and on the streets and residents in unincorporated County areas. Further, it needlessly divides an established community because there are environmentally superior alternatives. The City should reconsider its analysis of Alternative 3, discouraging commuter use of Morrison Canyon Road, and of the dismissed alternative proposing to transition Morrison Canyon Road from a two-way to a one-way, westbound road.

15-1

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1. The proposed project is inconsistent with the General Plan and imposes unknown impacts on nearby streets

a. THE PROPOSED PROJECT IS INCONSISTENT WITH THE CIRCULATION ELEMENT

15-2

Traffic control is preempted by state law. Any local traffic control regulations must be authorized under the California Vehicle Code. (*Rumford v. City of Berkeley* (1982) 31 Cal.3d 545, 550.) The City Council approved the temporary closure of Morrison Canyon Road by Resolution No. 2018-63 on October 16, 2018. The eighth recital of that resolution states:

California Vehicle Code Section 21101 states that a local authority may by resolution, and consistent with the responsibility of local government to provide for the health and safety of its residents, restrict access to a roadway to implement the circulation element of its general plan.

This recital above references subdivision (f) of section 21101 of Vehicle Code, which authorizes:

Prohibiting entry to, or exit from, or both, from any street by means of islands, curbs, traffic barriers, or other roadway design features to implement the circulation element of a general plan ... The rules and regulations authorized by this subdivision shall be consistent with the responsibility of local government to provide for the health and safety of its citizens.

Thus, the City Council approved Resolution No. 2018-63 because the temporary closure of Morrison Canyon Road was "in the interest of health and safety and to achieve consistency with the City's General Plan."

Like the current, temporary closure, permanent closure of Morrison Canyon Road is a land use action that also must be consistent with the General Plan. (*Save the Sunset Strip Coalition v. City of West Hollywood* (2001) 87 Cal.App.4th 1172, 1178-1179.) Presumably, the City Council will rely on the same Vehicle Code section to justify its action. As noted in the staff report regarding Resolution No. 2018-36, "The General Plan classifies Morrison Canyon Road both as a recreational trail and as a local street that was never intended to carry regional cut-through traffic." While it is true that the use of

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Morrison Canyon Road as a commuter shortcut is inconsistent with the General Plan, the permanent closure of Morrison Canyon Road is equally inconsistent with that plan.

15-2

The proposed project conflicts with Diagram 3-3 of the Circulation Element's designation of Morrison Canyon Road as a local street. "[T]he primary function of a local street is access, with driveways serving individual homes and no through-traffic." (Circulation Element, General Plan, p. 3-14.) Elsewhere that element states, "'Local streets' primary function is land access. Movement on local streets is incidental and involves traveling to or from a collector street." (Circulation Element, General Plan, Diagram 3-3, p. 3-27.) Closure undermines the "primary function" of Morrison Canyon Road by cutting off all access and travel to the properties served by that road.

There are alternatives to closing Morrison Canyon Road that better serve the intent of the General Plan. Policy 3-4.5 of the Circulation Element, titled "Traffic Calming," encourages the City to reduce cut-through traffic and hazardous conditions for bicycles and pedestrians using traffic calming measures:

15-3

Incorporate measures to slow down or 'calm' traffic on local streets, or in some special circumstances, collector streets, that experience cut-through traffic, hazardous conditions for bicycles or pedestrians, or a high incidence of vehicles traveling at excessive speeds. A variety of approaches, such as road design, increased enforcement, streetscape improvements, crosswalk pavers, chicanes, raised crosswalks near schools, and curb 'bulbouts' should be used to address this issue.

(General Plan, Circulation Element p. 3-14) Policy 3-4.5 lists a number of potential traffic control measures, but street closure is not among them.

Policy 3-4.6 of the Circulation Element, titled "Off-Site Impacts of Traffic Calming," discourages street closures that would adversely impact nearby neighborhood streets. Thus, it is City policy to:

15-4

Generally discourage traffic calming measures on arterial streets and other areas which would adversely impact nearby neighborhood streets. Consistent with existing City guidelines, if a traffic calming measure would cause traffic on an adjacent street to increase by up to 25% of its existing average daily traffic (ADT) or 500 vehicles a day (whichever is less), an analysis of the adjacent street will be required. Traffic calming

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measures should strive to reduce vehicle speed and improve pedestrian safety without closing streets or installing barricades or traffic diverters.

While this provision discusses arterial streets, its principle applies here equally well — street closures should be avoided to prevent impacts on adjacent streets. The Draft EIR should address whether closure of Morrison Canyon Road would violate this policy.

15-4 (Cont.)

b. THE CITY HAS NOT ASSESSED THE PROPOSED PROJECT'S IMPACTS ON NEARBY STREETS WITHIN THE CITY AND IN ADJACENT UNINCORPORATED TERRITORY

The Draft EIR does not discuss the impact of permanent closure of Morrison Canyon Road on nearby streets. According to Resolution No. 2018-63, a then-recent traffic count showed an average of 424 vehicles using Morrison Canyon Road each weekday. The Draft EIR does not consider where those trips will be diverted and whether the streets that bear them can handle the additional load. In particular, Vargas Road will be the sole access to Vargas Plateau Regional Park and that road is also substandard in design.

15-5

Resolution No. 2018-63 asserts, "the City of Fremont has exclusive jurisdiction over Middle Morrison Canyon Road." While that may be true, Upper Morrison Canyon Road, at least in part, is under County jurisdiction.

15-6

Morrison Canyon Road may be a boundary line street. Vehicle Code section 21105 states:

No rule or regulation adopted under Sections 21100 or 21101 shall be effective as to boundary line streets where portions thereof are within different jurisdictions unless all authorities having jurisdiction of such portions of the street concerned have approved the same.

To the extent the closure of Morrison Canyon Road impacts its reach within unincorporated Alameda County, the City needs the County's approval to close it.

Case law prohibits the City from unilaterally closing a boundary line street that has a regional significance. *City of Poway v. City of San Diego* (1991) 229 Cal.App.3d 847, found the:

interpretation of the term 'jurisdiction' as used in section 21101, subdivision (f) is a narrow one which recognizes that one local authority's actions within its own jurisdiction may not infringe upon the rights of

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other citizens of the greater metropolitan area to travel from community to community on publicly owned and controlled streets and highways.

15-6 (Cont.)

(*Id.* at p. 866.) *Poway* further held:

Regionally significant streets or highways perform a regional, not a municipal function. The fact that some hardship is created by the intensive use of a road upon those whose homes or businesses are located along the roadway is not dispositive in light of these well-established principles. A parochial decision that goes beyond the scope of section 21101 to close part of a functional regional road that crosses two or more jurisdictions, by means of a general plan or its amendment, is inconsistent with settled law.

(*Id.* at p. 867.) *City of Hawaiian Gardens v. City of Long Beach* (1998) 61 Cal.App.4th 1100, 1111 concluded Section 21101:

cannot reasonably be interpreted to allow a local government to take an action that would have a severe negative impact on surrounding areas, merely because it addresses concerns of its own citizens. Such a parochial approach is inconsistent with the state's preemption of traffic control to promote free public access to streets and highways.

The Final EIR should address the proposed project's impacts on nearby streets in the City and in unincorporated areas.

2. Discouraging commuter traffic using traffic control measures or limiting travel to one-way, westbound are environmentally superior alternatives

15-7

a. THE PROPOSED PROJECT NEEDLESSLY DIVIDES AN ESTABLISHED COMMUNITY

The proposed project also divides the Morrison Canyon community:

The proposed project would result in one significant and unavoidable environmental impact where no mitigation measures are available to reduce the impact: ... The proposed project would physically divide an established community.

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(Draft EIR, p. ES-8.) The City imposes a needless burden on the community in light of environmentally superior alternatives.

15-8

b. THE DRAFT EIR DOES NOT ADEQUATELY CONSIDER ALTERNATIVES

The Draft EIR considers three project alternatives:

- Alternative 1: No-Project Alternative;
- Alternative 2: Conversion of Morrison Canyon Road to One-Way, Eastbound Traffic and Traffic Calming Measures Alternative; and
- Alternative 3: Discourage Commuter Use of Morrison Canyon Road Alternative.

Alternative 1 proposes to restore full access to Morrison Canyon Road as it existed before temporary closure under Resolution No. 2018-63. The Draft EIR notes that Alternative 1 does not address the cut-through vehicle traffic and potential vehicle-vehicle, vehicle-pedestrian, and vehicle-bicycle conflicts. The Draft EIR states that while Alternative 1 retains "a pedestrian/bicycle access route from central Fremont, ... these objectives could foreseeably be compromised by increased commuter traffic which would be the likely result of removing the temporary barricades." Analysis of the proposed closure does not address an equally narrow portion of Upper Morrison Canyon with blind corners that now carries — and will continue to carry — increased traffic to Vargas Plateau Regional Park. Thus, the proposed project exacerbates this safety hazard and may expose the City to liability for a dangerous condition of public property.

15-9

However, the Circulation Element does not designate Morrison Canyon Road as a pedestrian/bicycle access route. While the General Plan encourages the realization of the goals of the Bicycle and Pedestrian Master Plans, neither plan mentions Morrison Canyon Road, nor do they advocate street closure of streets to address safety issues. The Draft EIR's emphasis on pedestrian/bicycle access routes does not align with the goals of the City's General Plan, Bicycle Master Plan, or Pedestrian Master Plan. The Draft EIR should reconsider whether pedestrian/bicycle access routes are proper objectives with regards to Morrison Canyon Road, particularly if that objective is to trump use of the road for the purpose for which the Circulation Element designates it — local traffic. A designated bike and pedestrian trail accessible at the base of Morrison Canyon reaches Vargas Plateau

15-10

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Regional Park. Morrison Canyon is not needed to provide bike and pedestrian access to this open space.

15-10 (Cont.)

Alternative 2 proposes to permit only eastbound traffic on Morrison Canyon Road. The staff report for Resolution No. 2018-63 found "Approximately 80% of the total vehicle traffic on Morrison Canyon Road during weekdays is from eastbound commuters traveling between 3:00 pm and 7:00 pm." The Draft EIR concludes that Alternative 2 might exacerbate the evening commuter traffic from central Fremont to I-680 by removing the bidirectional traffic, which serves to slow eastbound commute traffic and to discourage use of this route. Residents of Morrison Canyon and Vargas Road agree that Alternative 2 is not desirable.

15-11

Alternative 3 proposes to implement "a suite of traffic control and signage intended to reduce cut-through commuter traffic (which the City finds to be the main source of safety concerns)." (Draft EIR, 4-9.) Those traffic control measures include warning signs; reduced speed limits; installation of stop signs, speed bumps, or speed tables; and, increased traffic enforcement. The Draft EIR found Alternative 3 would lessen, but not avoid, the negative impacts of commute traffic:

15-12

Alternative 3 would be likely to initially meet all the objectives of the proposed project, but not to the degree of certainty that would occur with the project. The success and implementation of Alternative 2 would rely heavily on the cooperation, compliance, and discretion of the public to follow the rules and signs of the roadway, and on greater police presence on Morrison Canyon Road. Furthermore, the City has no control over GPS-enabled applications that might continue to guide commuters to use Morrison Canyon Road as a means of bypassing traffic congestion.

Essentially, the Draft EIR concludes that the benefits of Alternative 3 are speculative.

But unlike the proposed project, Alternative 3 is consistent with the General Plan. It maintains Morrison Canyon Road as a local street. It imposes traffic control and signage measures to address cut-through traffic, consistently with Policies 3-4.5 and 3-4.6. Further, it does not divide an established community. Alternative 3 also satisfies most of the Draft EIR objectives, including:

- The first objective – "Improve safety conditions along Morrison Canyon Road" – by using traffic control measures to reduce speeds;

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- The second objective – “Eliminate the use of Morrison Canyon Road and Vargas Road as a route for commuter traffic between Mission Boulevard and I-680” – by reducing speeds and increasing traffic enforcement;
- The third objective – “Substantially reduce the occurrence of two-way automobile traffic on Morrison Canyon Road” – by discouraging its use by eastbound commuters;
- The fourth objective – “Substantially reduce conflicts between vehicles and pedestrians/bicyclists on Morrison Canyon Road” – using warning signs and increased traffic enforcement;
- The fifth objective – “Retain Morrison Canyon Road as a route for emergency vehicle access to serve the hillside community.” Indeed, a recent call for service to the Fremont Police Department involving a convicted felon who trespassed onto a rural residence took nearly 30 minutes to draw a response because responding officers were unable to use Morrison Canyon Road;
- The sixth objective – “Retain the lower portion of Morrison Canyon Road as an open roadway to serve properties with driveway access at Ridge Terrace;”
- The seventh objective – “Maintain a pedestrian/bicycle access route from Fremont’s Central District to the open space resources along upper Morrison Canyon Road” – by providing access to all vehicles and pedestrians. As noted above, Morrison Canyon not needed for bicycle and pedestrian access to these open space resources. At least two access points are already available – at the end of Pickering Avenue and as another at the start of Morrison Canyon, each of which connects directly to Cliff Trail leading into the park. The trail is shown on the park trail map available here: https://www.ebparks.org/images/Assets/Parks/Vargas/Vargas-Plateau-map_2250.gif.

15-12 (Cont.)

The City should consider adopting Alternative 3 for a test period. If the traffic control measures prove ineffective, the City may implement another option. Regardless, the City’s first option should not be closure of Morrison Road because, while Alternative 3’s advantages may be speculative, the proposed project’s disadvantages are certain.

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c. THE DRAFT EIR DISMISSES THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE

15-13

This option proposes to permit only westbound traffic on Morrison Canyon Road. The Draft EIR's analysis dismissed this option. The Draft EIR acknowledges "approximately 80 percent of the total traffic on Morrison Canyon Road is weekday eastbound traffic during peak afternoon commute hours (from central Fremont towards I-680), and commuter cut-through traffic going westbound has not historically been a problem." (Draft EIR, 4-5.) It then dismisses this option, in part, because it does "not eliminate or necessarily reduce commuter cut-through traffic heading west." Thus, the Draft EIR acknowledges westbound commuter traffic is not a problem, but uses it as a reason to dismiss a potential alternative.

This is particularly perplexing as Alternative 2, which proposed a one-way eastbound option, the root of the problem, was retained for consideration. By the City's own calculation, westbound traffic is less than 20% of total traffic on Morrison Canyon Road.

Further, this option would satisfy all the Draft EIR's stated objectives:

- The first objective – "Improve safety conditions along Morrison Canyon Road" --by reducing traffic by more than 80%;
- The second objective – "Eliminate the use of Morrison Canyon Road and Vargas Road as a route for commuter traffic between Mission Boulevard and I-680" -- because westbound commuter traffic has not "historically been a problem;"
- The third objective – "Substantially reduce the occurrence of two-way automobile traffic on Morrison Canyon Road;"
- The fourth objective – "Substantially reduce conflicts between vehicles and pedestrians/bicyclists on Morrison Canyon Road" – by providing more space for pedestrians and bicyclists to pass alongside vehicles by eliminating two-way traffic;
- The fifth objective – "Retain Morrison Canyon Road as a route for emergency vehicle access to serve the hillside community;"

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- The sixth objective – “Retain the lower portion of Morrison Canyon Road as an open roadway to serve properties with driveway access at Ridge Terrace.”

15-13 (Cont.)

The Draft EIR is critical of the one-way, westbound traffic option because it:

15-14

would affect this route for bicycle users who, by California law, are required to follow the same laws as other drivers and when riding on the road, are required to travel in the same direction as the flow of traffic. This would effectively remove bicycle access to Upper Morrison Canyon from Central Fremont, as the only remaining access to Upper Morrison Canyon Road would be via Vargas Road. At present, there is no viable bicycle route from Central Fremont to Vargas Road.

That is untrue. The Draft EIR does not consider existing paths into the park, depicted on the website noted above. Other, unofficial pathways off Deer Road and by the Niles Brick Factory also provide park access. Nor does it evaluate whether one could bike Lower Morrison Canyon Road to Ridge Terrace to Castro Lane to Vargas Road, which connects to Upper Morrison Canyon Road. This path is only 0.8 miles longer than Middle Morrison Canyon Road and connects Central Fremont to Vargas Road. Therefore, this option also satisfies the seventh objective – “Maintain a pedestrian/bicycle access route from Fremont’s Central District to the open space resources along upper Morrison Canyon Road.”

A one-way, westbound option would better serve the General Plan’s intent than the proposed project because it would preserve Morrison Canyon Road as a local street, albeit a one-way street. This option is also consistent with Policies 3-4.5 and 3-4.6. GPS applications would no longer list Morrison Canyon Road as a cut-through route for evening commuters. Lastly, it would substantially mitigate the proposed project’s division of an established community.

The Draft EIR states:

CEQA requires the identification of the Environmentally Superior Alternative between the project and the alternatives to the project. The Environmentally Superior Alternative is the alternative that would avoid or substantially lessen, to the greatest extent, the environmental impacts associated with the project.

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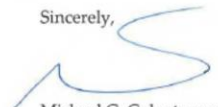
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15-14 (Cont.)

(Draft EIR, p. 4-10.) As Alternative 3 and a one-way, westbound option serve all project objectives, are consistent with the General Plan, and substantially mitigate the significant impacts of the Proposed Project, these are the Environmentally Superior Alternatives. The Draft EIR should reconsider its analysis of them.

This option might also be refined to balance multiple goals -- preventing commuter cut-through traffic, avoiding bike-on-vehicle accident risks, and allowing property owners reasonable access to their and for fence maintenance and care for their cattle. This might take the form of a one-way westbound restriction during afternoon commute periods and on weekends. This would, of course, require bicycles to use the road only in the westbound direction during these periods, too. The DEIR should evaluate whether this would mitigate the community-dividing impacts of the project without other, unacceptable consequences.

Conclusion. More broadly, this project involves competing concerns of residents and property owners, advocates for bicycle paths and pedestrian ways, and those on Lower Morrison Canyon Road as opposed to those on Middle and Upper Morrison Canyon and Vargas Roads. The best approach may be a facilitated dialog of these stakeholders to achieve the best accommodation of competing concerns. My clients would welcome such dialog as a way to resolve these concerns and to allow the City to avoid further controversy.

Sincerely,

Michael G. Colantuono

MGC:arg

234072.3

Response to Comment Letter 15 (Michael G. Colantuono (Colantuono, Highsmith, Whatley, PC))

Comment 15-1

The comment outlines further comments which are responded to in detail below.

Comment 15-2

The comment states that the project's objectives are inconsistent with the Circulation Element of the General Plan which thus imperils the City's ability to move forward with the proposed project. The commenter states that the proposed project would result in "cutting off all access and travel to the properties served by that road."

These assertions are incorrect. The section of Morrison Canyon Road that would be closed as part of the project does not provide primary access to any private driveways or private properties.

Additionally, the closure would not impede access to abutting properties by other means and available access points (such as on lower and upper portions of Morrison Canyon Road).

The proposed project retains access for emergency use and for unlimited access by pedestrians and bicyclists. Moreover, although there are no driveways within the closed portion of middle Morrison Canyon Road, the proposed project would allow for the continued use of the closed portion of Morrison Canyon Road by local property owners and managers to reasonably access portions of their property fronting Morrison Canyon Road when absolutely necessary and on an emergency basis, such as to repair fencing (Velooso, Noe, Assistant City Engineer, City of Fremont, personal communication with ICF, July 7, 2020).

Please also refer to the response to comment 5-25.

Comment 15-3

The comment suggests the incorporation of traffic calming measures as part of an alternative to the proposed project, citing a General Plan policy on this point.

In Chapter 4, the City discusses two alternatives that rely heavily on traffic calming/control measures: Alternative 3, which was brought forward for comparison with the proposed project and alternative that was considered but dismissed from further evaluation.

Alternative 3 would implement a program of measures to discourage commuter use of Morrison Canyon Road with installations such as signage, stop signs, speed tables, posted speed reduction, and increased enforcement. Alternative 3 was primarily considered because it would lessen (but not fully avoid) the project's one significant and unavoidable impact (conservatively assumed) related to the division of an established community (Impact LU-1). However, as stated on Draft EIR page 4-10, Alternative 3 would be likely to initially meet all of the objectives of the proposed project, but not to the degree of certainty or longevity that would occur with the project. The success and implementation of Alternative 3 would rely heavily on the cooperation, compliance, and discretion of the public to follow the rules and signs of the roadway, and on greater police presence on Morrison Canyon Road. Furthermore, the City has no control over GPS-enabled applications that might continue to guide commuters to use Morrison Canyon Road as a means of bypassing traffic congestion. Alternative 3 may

thus only be viable in a limited capacity and may not “feasibly attain most of the basic project objectives”.

Furthermore, it is important to consider context and the physical and unique characteristics of Morrison Canyon Road when suggesting that the traffic calming measures listed above would be preferable over the proposed project. As described in Draft EIR Chapter 2, *Project Description*, the section of Morrison Canyon Road in the project area is very steep, narrow, and winding (in some places only 9 feet across), with frequent two-way vehicle conflicts because many sections lack width for two cars to pass by each other, often requiring one vehicle to reverse to make space. For these reasons, and as stated in Chapter 4, *Alternatives*, under 4.3, Alternatives Considered but Dismissed, many of the commenters suggested traffic calming measures would not be feasible or preferable on Morrison Canyon Road, nor would they solve the safety issues for which the project is intended (see Project Objectives in Draft EIR Chapter 2, *Project Description*).

Comment 15-4

The comment appears to imply that the proposed project is inconsistent with a policy of the Circulation Element. Consistent with this policy, the City undertook a traffic impact study to help determine whether the proposed project would adversely impact other streets. Thus the commenter’s assertion that “the City has not assessed the proposed project’s impacts on nearby streets” is incorrect.

As set forth in Section 3.6 of the Draft EIR, the proposed project would not have any significant project-level or cumulative impacts on transportation, whether measured in terms of level of service or vehicle miles traveled.

The proposed project therefore would be consistent with the cited Circulation Element policy.

Moreover, the Draft EIR states that “The nature of the project is such that there would not be generation of new trips (similar to a land use development), but there would be a redistribution of current trips from one roadway to others.”

The City acknowledges that some previous traffic on Morrison Canyon Road was not attributable to commuter cut through traffic. Please refer to the discussion of Impact LU-1 in Section 3.4, in which the City considered the potential for the project to result in a physical division of the community.

Comment 15-5

The City acknowledges that automobile access to Vargas Plateau Regional Park would be limited to Vargas Road as a result of the proposed project. While the commenter has not provided any specifics regarding design deficiencies of Vargas Road, modifications to Vargas Road are beyond the scope of the proposed project and would not be necessitated by the proposed project due to overall low traffic volumes on that road accessing the regional park.

Comment 15-6

The commenter asserts that Morrison Canyon Road is a boundary line street and as such, the City’s closure of it requires approval of an adjacent jurisdiction (Alameda County).

The closed portion of Morrison Canyon Road is well within the corporate boundary of the City of Fremont. Along Upper Morrison Canyon Road, the City limit (and thus the entry point to unincorporated Alameda County) is about 0.25 miles. This portion of unincorporated Alameda County

can still be reached by any user via Vargas Road. Moreover, emergency users/first responders may also use middle Morrison Canyon Road to gain access to this portion of unincorporated Alameda County.

Given the narrow, curving hillside nature of middle Morrison Canyon Road, under no reasonable interpretation could it be deemed a “regionally significant street or highway” as implied by the commenter. Accordingly, the City needs no approval from any outside agency to enact the proposed project. The City will continue to engage with Alameda County and first responders regarding the proposed project. The City engaged with the Fremont Fire and Police Departments to review the proposed project prior to publication of the Draft EIR. The proposed project reflects input from those City departments.

Comment 15-7

The commenter states that the project would result in one significant and unavoidable environmental impact and adds that the project would also needlessly divide an established community.

It is assumed that the commenter refers to Impact LU-1 which the Draft EIR conservatively identifies as significant and unavoidable regarding the physical division of an established community. Please refer to the responses to comments 3-14, 3-15, and 4-3.

The City notes that prior to its preparation of the proposed project, the nature of Morrison Canyon Road and its frequent closures due to landslides or other obstructions severely limited its ability to provide a strong linkage between different parts of the community.

While the Draft EIR explains why the physical isolation of the upper Morrison Canyon Road area is not considered to be directly or indirectly attributable to the proposed project (refer to Draft EIR page 3.4-9), due to the unique circumstances presented, the City made this conservative determination to foster fully informed decision making and public review.

Comment 15-8

The commenter makes a general assertion that the Draft EIR does not adequately consider alternatives. The City respectfully disagrees with this assertion, noting that Chapter 4 meets CEQA requirements for an alternatives analysis. In addition to a no-project alternative, the City considers two feasible alternatives and also discusses several other alternatives that were considered but ultimately dismissed from further evaluation due to infeasibility and/or failure to meet basic project objectives.

Comment 15-9

The comment expresses opinions regarding Alternative 1, the No Project Alternative, which CEQA requires as part of an EIR alternatives analysis.

The comment also appears to include comments on the merits of the proposed project, stating that “analysis of the proposed closure does not address an equally narrow portion of Upper Morrison Canyon Road.”

The proposed project was narrowly drawn to meet detailed project objectives, focused on addressing the clear and direct hazard associated with increased commuter cut-through traffic on middle Morrison Canyon Road.

The comment appears to imply that either the proposed project should address safety issues outside the project area or not be carried out at all.

The City will take this comment into consideration as part of the full record in considering whether to approve the proposed project.

Comment 15-10

Similar to comment 15-2, the commenter asserts that a project objective is in conflict with the General Plan.

Transportation-relevant policies and goals are listed on Draft EIR page 3.6-2, which cites that the Parks and Recreation Element of the Fremont General Plan (Fremont 2011), Diagram 8-2, Recreational Trails, identifies Morrison Canyon Road as a Recreational Trail (existing and planned). As discussed throughout the Draft EIR and on page 3.6-4, the proposed project would specifically support the goals and policies of the General Plan, Bicycle Master Plan and Pedestrian Master Plan. More specifically related to this comment, the proposed project would robustly support the goals of the General Plan's Mobility Element related to Complete Streets; Reducing Vehicle Miles Traveled; Accessibility, Efficiency, and Connectivity; Balancing Mobility and Neighborhood Quality; and Connecting to the Region.

Accordingly, including the objective of maintaining middle Morrison Canyon Road as a bicycle/pedestrian route is not in conflict with the Circulation Element.

Comment 15-11

The comment states that residents of Morrison Canyon Road do not find Alternative 2 desirable.

This comment does not relate to the adequacy of the Draft EIR. The City will take this comment into consideration as part of the full record in considering the merits of the proposed project.

Comment 15-12

The commenter expresses support for Alternative 3 because in his view it maintains Morrison Canyon Road as a local street and would not divide an established community. The commenter's support for this alternative is noted. While not required for CEQA compliance, the commenter's assertion that Alternative 3 should be considered for a trial period is noted. The City will take this comment into consideration as part of the full record in considering the merits of the proposed project.

Please refer to Chapter 4 of the Draft EIR, in which the City discussed that the ability of this alternative to avoid or substantially lessen the proposed project's one significant impact was in question as is the alternative's long-term viability in meeting key project objectives. For these reasons, the City did not choose to implement an alternative similar to Alternative 3.

Comment 15-13

The commenter refers to the considered but dismissed alternative concept (refer to pages 4-5 to 4-6 of the Draft EIR) that would convert Morrison Canyon Road to a one-way westbound road. The commenter believes this alternative should not have been dismissed and should be considered the environmentally superior alternative. The commenter further asserts that the objective of ensuring

pedestrian and bicycle access to Vargas Plateau Regional Preserve can be achieved through means other than use of Middle Morrison Canyon Road.

Please refer to Chapter 4 of the Draft EIR, in which the City discussed that alternative had limited capacity to avoid or substantially lessen the proposed project's one significant impact and would fail to meet the City's objectives for the project. For these reasons, the City dismissed this alternative from further consideration.

Regarding the potential for bicycle and pedestrian user to access Vargas Plateau Regional Park via other means, please refer to the response to comment 3-8. The commenter also suggests that bicyclists and pedestrians can navigate to Vargas Plateau Regional Park by a similarly indirect route: Ridge Terrace to Castro Lane to Vargas Road. Castro Lane is a gated, private, unpaved road and as such, is not feasible as an alternative bicycle/pedestrian route between Central Fremont and Vargas Plateau.

Comment 15-14

The comment acknowledges that the proposed project involves "competing concerns of residents and property owners" and suggests a facilitated dialogue between the City and property owners towards resolution of such concerns.

The City notes that the proposed project is itself the product of a City-initiated community dialogue. The City initiated community outreach concerning Morrison Canyon Road in the spring of 2018. In June 2018, the City Council reviewed conceptual alternatives that emerged from this process and directed staff to pursue an alternative that would close middle Morrison Canyon Road. The City Council further directed (in late 2018) that this closure be enacted as a temporary measure to address the identified safety concerns.

Through preparation and circulation of the Draft EIR, the City has invited further opportunities for public comment. The City will take this and all other comments into consideration as part of the full record in deciding whether to move forward with the proposed project.

Comment Letter 16 (Hilary Danehy)

Letter 16

From: Hilary Danehy
Sent: Monday, June 22, 2020 4:14 PM
To: Bill Roth <broth@fremont.gov>
Cc: William Yragui
Subject: Keep Morrison Canyon Road Closed

We need to maintain Morrison Canyon road as **closed to through traffic** for everyone's safety! Think of the liability and just common sense when considering a road that is 9' wide at points!

16-1

As a resident of Fremont since 1997 who hikes the canyon road weekly, I hope and expect the city to designate the 3/4 mile segment as permantly closed to all but emergency traffic.

Thank you,
Hilary Danehy
39438 Zacate Ave.
Fremont, CA 94539

Response to Comment Letter 16 (Hilary Danehy)

Comment 16-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 17 (Ken Drachnik)

Letter 17

From: Ken Drachnik
Sent: Monday, June 22, 2020 1:52 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon road safety

Hi Bill,

I am writing in support of closing Morrison Canyon road to automobile/ truck traffic. I live at the bottom of MCR and since the closure of the section of the road to cars in 2018 we have seen far less traffic (my wife's car was hit by one of the commuters in a rush), increased safety and the neighborhood has returned to the quiet residential space it should be.

17-1

I regularly ride my bike up MCR and only rarely do i have to dodge auto/truck/motorcycle drivers who previously would drive way too fast / recklessly up the hill. One afternoon i was passed by 40 or 50 cars before the closing - it was unsafe even to walk on, let alone drive.

When I want to visit Vargas park I either ride my bike up MCR up or drive up to 680 and up to the park. Vargas road, up to the park is much wider, straighter and longer sight lines so is a much better road for accessing that area by car, truck or motorcycle.

I fully support closing this small, winding less than one lane road.

Ken Drachnik
Fremont, CA

Response to Comment Letter 17 (Ken Drachnik)

Comment 17-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 18 (Carolyn Drybrae Kenneth Drybrae)

Letter 18

From: C Drybrae
Sent: Sunday, June 21, 2020 7:42 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Road

We are writing to request the traffic pattern for Morrison Canyon Road be left in its current configuration. The road is not wide enough to safely support 2 way traffic as the road is only 9 feet wide.

18-1

Opening the road to 2 way traffic will create traffic and safety hazards for the surrounding residential streets. When open to 2 way traffic, the amount of speeding cars using adjacent residential streets greatly increased.

As is, the road can more safely be used by individuals who choose to use the road for recreational walking, hiking, biking, or emergency vehicles.

We understand the inconvenience for those who live at the top of the hill, however the safety of the residents in surrounding neighborhoods is of more importance.

The addition of a large event center (microbrewery) now on Vargas Plateau will only increase the amount of traffic trying to use a 9 foot wide trail which was designed in the 1800's. The problem will increase if individuals using the very narrow road are impaired drivers after visiting the microbrewery.

Morrison Canyon Road has its own problems created by landslide and cars going off the road ("trail").

Thank you for your consideration to our request.

Carolyn Drybrae
Kenneth Drybrae
38942 Canyon Heights Drive
Fremont, California 94536

e-mail : mrsd1@comcast.net

Response to Comment Letter 18 (Carolyn Drybrae Kenneth Drybrae)

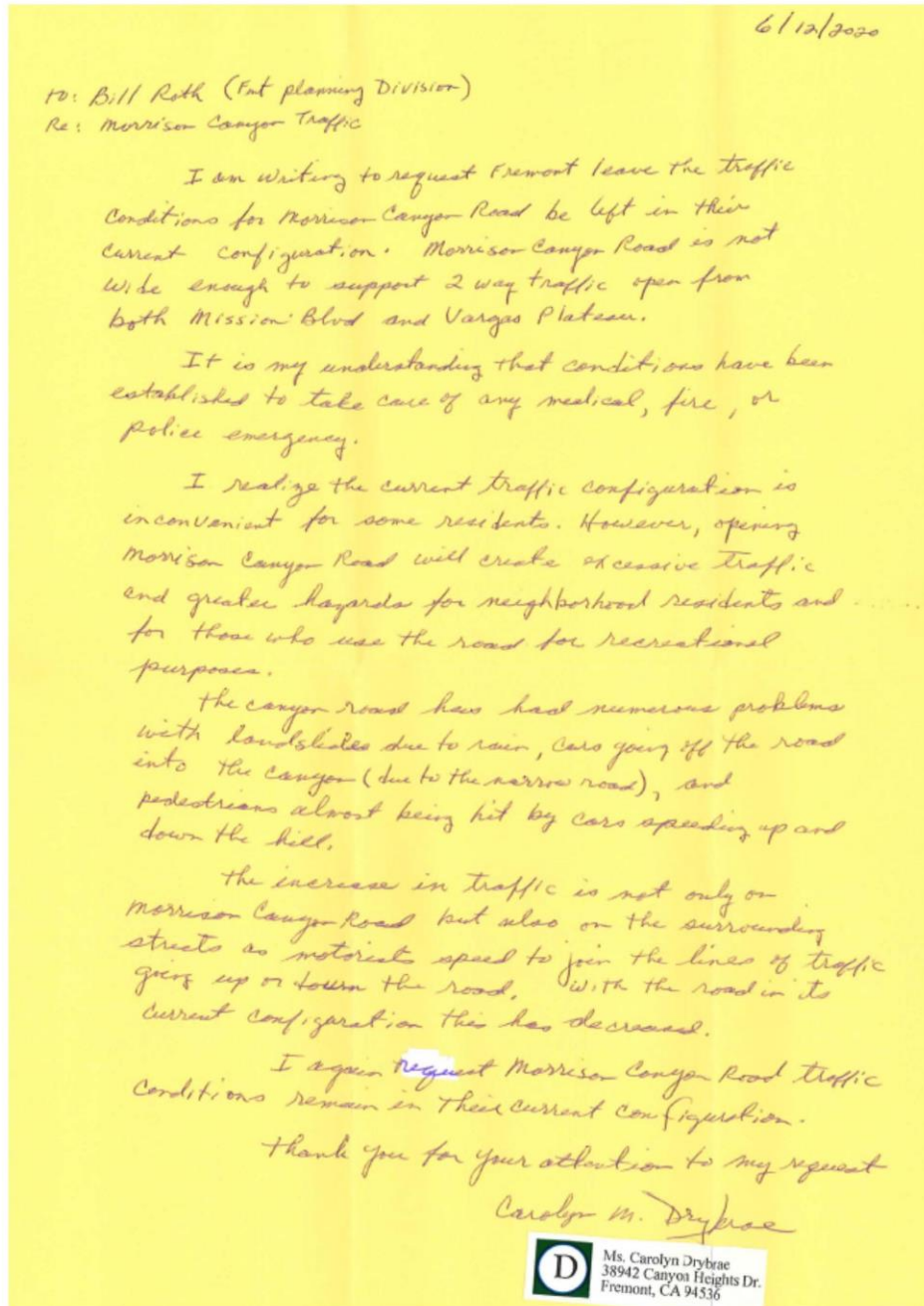
Comment 18-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 19 (Ms. Carolyn Drybrae)

Letter 19

Letter dated 6/12/2020 from Ms. Carolyn Drybrae



19-1

Response to Comment Letter 19 (Ms. Carolyn Drybrae)

Comment 19-1

The comment expresses support for the proposed project. Regarding emergency circulation, please refer to the response to comment 3-4. No further response is required.

Comment Letter 20 (Larry Edelson)

Letter 20

From: Larry Edelson
Sent: Monday, June 8, 2020 11:19 AM
To: Bill Roth <broth@fremont.gov>
Cc: melvilles@gmail.com
Subject: "Morrison Canyon DEIR"

Dear Mr Roth,

I would like to add my name in **support of the continued closure of Morrison Canyon Road**. This stretch of closed roadway has proven to be an important recreational resource for the community during the Covid closures, with numerous walkers, joggers, bicyclists and even horseriders using it during the day from the early morning through the evening. I myself use the road for jogging, bicycling and riding and have appreciated the restoration of the rural character. | 20-1

This small road also caused an inordinant impact on the adjacent neighborhood. The high volume of traffic in the afternoons, often starting before 3:00pm and continuing after 6:00pm promoted speeding/aggressive driving in the neighborhood, noise, pollution. It also combined with the existing cut-through traffic that uses Morrison Canyon/Canyon Heights to bypass Mission Blvd North, leading to the untenable state that both northbound (to Hwy 84) and southbound (to Hwy 680) traffic was using a portion of Morrison Canyon Road as a Misson Blvd bypass. The City lacks the resources to adequately enforce traffic laws in this area and closing the roadway reduces the load on City resources that is required for a road that is sustaining incompatible use as a commute corridor. | 20-2

It is also apparent that with the heavy volume of afternoon traffic this road was sustaining before the closure, it was unavailable for emergency vehicle access or for Vargas Plateau residents access in the downhill direction. The road closure actually improves emergency access. If the road closure is not made permanent, the road will quickly return to its inappropriate use a bypass access to Hwy 680 and making it unavailable as a neighborhood road anyway. At non-commute hours, the time penalty to access the city via Vargas Road is minor and doesn't outweigh the public safety needs for a permanent closure. | 20-3

Finally, the cost of maintaining this roadway in a safe condition if it is reopened is high. It sustains many landslides during the rainy season, including one in 1998 that required the construction of a bridge just above MP 0.75 and 200 yards west of the location of the present closure. | 20-4

I agree with the proposed method of closure with the caveat that the City improve signage to make it clear that the preferred turn around is at the intersection with Canyon Heights and needs to make the barriers appear more formidable. There also needs to be periodic enforcement to deter the trickle of violations that continue to occur. Finally, in recognition of the defacto use as a recreational trail, the City and the Park District need to improve what has become a trail parking lot at the base of the hill (adjacent to MP 0.5). This can include widened pavement, the addition of portable restrooms and trash recepticles. | 20-5

Best wishes,

Larry Edelson

Response to Comment Letter 20 (Larry Edelson)

Comment 20-1

The comment expresses support for the proposed project. No further response is required.

Comment 20-2

The comment provides additional background information regarding how commuter cut-through traffic would navigate through adjacent neighborhoods in order to reach Morrison Canyon Road as well as expresses support for the proposed project.

Comment 20-3

The comment expresses support for the proposed project. No further response is required.

Comment 20-4

The comment expresses support for the proposed project. No further response is required.

Comment 20-5

The commenter expresses support for the proposed project along with suggestions for improved signage. The City will take this comment into consideration as part of the full record in deciding whether to move forward with the proposed project.

Comment Letter 21 (Dan and Cheryl Escobar)

Letter 21

From: C Escobar
Sent: Thursday, June 18, 2020 3:54 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Cyn Rd DEIR

Mr Roth,

We live and raise cattle on Vargas Rd, but a portion of our parcel borders Morrison Cyn Rd. The livestock fencing along that section is only accessible from Morrison Cyn Rd. We need to be able to have access to repair fences when needed. This is for the safety of everyone, including the livestock. Thank you for taking into consideration our concerns. | 21-1

Respectfully,

Dan and Cheryl Escobar

Response to Comment Letter 21 (Dan and Cheryl Escobar)

Comment 21-1

Please refer to the response to comment 15-2.

Comment Letter 22 (Amy Evans)

Letter 22

From: Amy Evans
Sent: Sunday, June 21, 2020 8:39 AM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Road

Dear Mr Roth,

I am writing to urge that Fremont keep Morrison Canyon Road **closed** to through vehicle traffic. I have lived on Morrison Canyon Road for nearly three years so have experience of both 'before' and 'after' traffic conditions. Nothing has been done since I've been here to improve (widen) the road to make it safe for two way car traffic. The closed section is heavily used by cyclists, pedestrians and hikers and there is no way to safely combine vehicle and recreational use. The world didn't stop turning when the road closure was established, and it won't stop turning if we keep it closed permanently. I urge your support for keeping it closed, for the sake of promoting the safety of Fremont residents.

Thank you,

Amy Evans
341 Morrison Canyon Road
Fremont

22-1

Response to Comment Letter 22 (Amy Evans)

Comment 22-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 23 (Dave Fishbaugh)

Letter 23

From: fish1950
Sent: Monday, June 22, 2020 3:51 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Road

Dear Mr. Roth:

My name is Dave Fishbaugh, and I am a longtime resident of Fremont. I have been familiar with Morrison Canyon Road for over three decades. Over those years I have had the occasion to drive a car in both directions, ride a bicycle in both directions, and walk the road in both directions. I dispensed with the car driving a long time ago, deeming the road to be too narrow and dangerous. Bicycling and walking could be problematic, especially during those years when the road became an alternative thoroughfare for 680. 23-1

Over the last year the road has become a recreational treasure for Fremont. At least twice a month I either ride a bike or walk the canyon. It provides me all-weather, pedestrian access to a scenic area and regional park that is a joy to visit. Apart from the occasional conflict with a motorized scofflaw, I now feel quite safe on the road. There seems to be far less trash dumped alongside the road and into the canyon. The people one does encounter are pleasant and non-threatening. At times, wildlife is seen.

In my view, Morrison Canyon Road is unsuitable for vehicular traffic. Obviously, emergency vehicles require access, and some very limited use for specific residents seems reasonable. Apart from those uses I believe it should continue to be limited to pedestrian and bicycle use on a permanent basis.

Sincerely,
Dave Fishbaugh

40885 Bandera St. Fremont, CA 94539

Response to Comment Letter 23 (Dave Fishbaugh)

Comment 23-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 24 (Serena Fu)

Letter 24

From: Serena Fu
Sent: Thursday, June 4, 2020 12:47 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Road Traffic Project

Hi Mr. Roth,

Thank you so much for your work in keeping our city a safe environment to live, we appreciate it very much !

I support making the temporary closure to automobile permanent in this 0.8 miles of Morrison Canyon Road. Our community has many pedestrians and bikers who use the road, the traffic through the area is dangerous for everyone involved, especially when commuters use it as a shortcut to freeway 680 during rush hours. This portion of Morrison Canyon is very narrow, single two-way lane that has no sidewalk and drops down to a steep ravine below. On the other side, the traffic closely borders a high rocky cliff that is prone to landslides (and it happened many times already during rainy season each year)

24-1

Most importantly, the automobile traffic had damaged this narrow road, it is now depressed in many areas, the landslides could happen to this narrow road itself if we don't stop the automobile traffic permanently.

So I support making the temporary closure permanent.

Thank you so much for your attention. Stay safe and healthy !

Sincerely,

Serena Fu

Response to Comment Letter 24 (Serena Fu)

Comment 24-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 25 (Sharifa Ghaswala)

Letter 25

From: Sharifa Ghaswala
Sent: Monday, June 22, 2020 2:15 PM
To: Bill Roth <broth@fremont.gov>
Subject: Keep Morrison Canyon Road safe

Hello Bill,

I live in Morrison canyon's neighbors, please keep the road closed for car traffic, like what we have for the last two years

It is required for the safety of pedestrians, and cars, also for the protection of the environment.

25-1

Thanks,
Sharifa Ghaswala

Response to Comment Letter 25 (Sharifa Ghaswala)

Comment 25-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 26 (Richard Godfrey)

Letter 26

From: Richard Godfrey
Sent: Tuesday, June 16, 2020 1:26 PM
To: Bill Roth
Subject: Fwd: Morrison Canyon Rd

This is a repeat message so if not indicated please ignore. I have heard that requests for input came after the EIR. Best wishes!

26-1

----- Forwarded message -----

From: Richard Godfrey
Date: Sun, Nov 3, 2019 at 12:28 PM
Subject: Morrison Canyon Rd
To: <broth@fremont.gov>

Bill, last day to send this note supporting the dedication of 1.2 km stretch of MCR to be a recreational trail. I live a few blocks off MCR and along with many neighbors have been using this road for recreation and exercise for around 30 years. It seems like a great natural resource for Fremont families and the city. Hopefully such designation will allow for access to the two property owners who only have access to town through the road. I am wondering if consideration has been given to having a locked gate at the lower base of the road.

Best regards,

Richard Godfrey

Response to Comment Letter 26 (Richard Godfrey)

Comment 26-1

The comment expresses support for the project and also questions whether the City considered achieving the project's objectives through locked gate to which property owners on upper Morrison Canyon Road would have access.

Please refer to Draft EIR Chapter 4, Section 4.3.1, in which the City considered but ultimately dismissed an alternative involving a locked gate allowing only for property owner access. This was dismissed for its inconsistency with California law, however, as noted in Section 4.3.1, the City would be open to evaluating such an alternative should California law be amended to permit such arrangements.

Please also refer to the response to comment 15-2 regarding adjacent property owner access to Morrison Canyon Road for fence repair and other emergency situations.

Comment Letter 27 (Katie Gorman)

Letter 27

From: ktjeannegorman
Sent: Saturday, June 20, 2020 3:09 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Road

To whom it may concern:

I am a resident in Fremont, living here for the past 7 years. I live walking distance to Morrison Canyon Road and have thoroughly enjoyed hiking up the 1.5mile paved road in afternoons. You cannot imagine how happy I was in 2018 to find out that car commuters weren't able to use Morrison Canyon to bypass 680 traffic. I was unable to hike Morrison canyon in the afternoons prior to 2018 since the road would resemble a parking lot, cars bumper to bumper.

27-1

Now, I am able to hike freely, not only because there's enough room on the road for walker/bikers but it's also safer. Cars are not zooming by, nor taking blind corners when it's hard to see pedestrians. Please continue to limit cars driving on this narrow one way road, all my fellow walkers appreciate the safety this has brought us.

Katie Gorman

Response to Comment Letter 27 (Katie Gorman)

Comment 27-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 28 (Mohan Hegde)

Letter 28

From: Mohan Hegde
Sent: Monday, June 22, 2020 10:52 AM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Road closure

Dear Mr. Roth,

I support the permanent closure of the Middle Morrison Canyon Road for automotive traffic. I see that the road is narrow, one lane and is prone to landslides and head on collisions. I agree wholeheartedly with the draft EIR. I feel that a dozen or so homes on Vergas plateau can easily use Vergas Road and Interstate 680 to access facilities in Fremont. 28-1

I am concerned with complete lack of enforcement actions for few motorists who frequently use the closed road endangering pedestrians and cyclists. The current and the proposed method of closure, using soft plastic pylons does not stop the same cars and pickups that frequently drive over them. The city should monitor (using cameras or video surveillance) and enforce the traffic rules and regulations for driving on a closed road. 28-2

Thanks,
Mohan Hegde
41143 Denise St
Fremont CA 94539

Response to Comment Letter 28 (Mohan Hegde)

Comment 28-1

The comment expresses support for the proposed project. No further response is required.

Comment 28-2

The comment expresses concern regarding enforcement mechanisms of the proposed project. The comment is noted and the City will take this and other comments into considerations as part of the full record in deciding whether to move forward with the proposed project.

Comment Letter 29 (Kathy Heinze)

Letter 29

From: Kathy
Sent: Thursday, May 14, 2020 6:31 AM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon DEIR''

Hi!

I reviewed the proposal for Morrison Canyon Road and agree it should be closed to motor vehicles.

Thank you,

Kathy Heinze

29-1

Response to Comment Letter 29 (Kathy Heinze)

Comment 29-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 30 (Edward Soo Hoo)

Letter 30

From: Edward Soo Hoo
Sent: Saturday, June 20, 2020 1:30 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Rd

As a Canyon Heights neighborhood resident quality of life has improved greatly with the Morrison Canyon closure. Automotive traffic is much more even and is largely residents or those visiting for leisure. As mentioned when the road was open to 680 there was a self selection towards the riskiest drivers willing to brave Morrison Canyon to shave off commute time. It has also been reported that there are plans for an event space further up the hill. Celebrations means alcohol which is inimical to a one lane rural road. Ask you keep Morrison Canyon closed. 30-1

Edward Soo Hoo
558 Maar Place, Fremont

Response to Comment Letter 30 (Edward Soo Hoo)

Comment 30-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 31 (James Jensen and Donna Beldon)

Letter 31

Dear Mr. Roth,

My wife and I live at the base of Morrison Canyon Road. We have been living here for 33 years. We think Morrison Canyon should be closed Permanently. But feel that the current flex barriers not abdicate to deter Vehicle traffic. I have been walking up the Canyon for 30 years seeing very sparse vehicle traffic up until 3-4 years ago when the economy improved, And rush hour traffic increased, leading to "cut through to 680" traffic using Morrison. The 2 year temporary closure you put in place has worked to limit the traffic. I say "Limit" because quite a few vehicles, mostly high profile vehicles, SUV's and Pick-up's are driving over the current flexible barriers And driving through the closed section of Morrison. I have photos. Just Look at the beat up plastic flexible delineators. 31-1

Here's the issue. If I'm biking or walking on the closed section of Morrison, Shouldn't us walkers and bicyclists have some reasonable expectation of protection from vehicle barrier violators driving on the closed section of the road?

Recommendations:

Install a gate with a lock for first responders/emergency vehicles. You could make the gate frangible/breakaway in case someone in a Desperate situation needs to drive through it. If you want to keep the flexible/spring loaded delineators, back it up With police enforcement. Sorry, more road closed and flashing light on signs don't stop the barrier Violators. 31-2

Thanks You,

James Jensen and Donna Beldon

Response to Comment Letter 31 (James Jensen and Donna Beldon)

Comment 31-1

The comment expresses concern regarding enforcement mechanisms of the proposed project. The comment is noted and the City will take this and other comments into considerations as part of the full record in deciding whether to move forward with the proposed project.

Comment 31-2

Please refer to Draft EIR Chapter 4, Section 4.3.1, in which the City considered but ultimately dismissed an alternative involving a locked gate allowing only for property owner access. This was dismissed for its inconsistency with California law, however, as noted in Section 4.3.1, the City would be open to evaluating such an alternative should California law be amended to permit such arrangements.

Comment Letter 32 (G B Johnson)

Letter 32

From: g b johnson
Sent: Wednesday, May 27, 2020 7:06 PM
To: CClerk <CClerk@fremont.gov>; Bill Roth <broth@fremont.gov>; g b johnson
Subject: Response to EIR review for the closure of Morrison canyon Road.

Dear Mr. Roth,

After watching the Front Line "Paradise Fire" episode, I saw vehicles trapped with fire all around them. That fire moved at 7 MPH. Some residents in our canyons would die if there were to be any traffic congestion on Morrison Canyon Road. **If you would take the time to watch the one hour program I believe that you would not want your name attached to anything that would impede the evacuation of the EBRP patrons and residents living in the canyon from an unencumbered exit from the canyons.** You will understand that turnarounds and pull outs are mandatory if you watch the program.

32-1

1. The EIR does not address fire evacuation traffic on the roads. I would like a traffic study concerning the safety of closing a street at the end of a long narrow road, one without a proper turn around which meets city cul de sac standards. It would take only one "lookie loo" if there is a fire in the Vargas Road canyon blocking the exit to 680, or errant driver thinking he can turn around at the end of the road (as is the case with any other dead end street in Fremont) **to BLOCK the road to residents coming down Morrison Canyon Road fleeing a fire.** Without a turnaround traffic would be slowed to a halt as they tried to exit danger from a fire in the area. East Bay Regional Park visitors unable to exit from Vargas Road, if that area was on fire, would rely on an exit route down Morrison Canyon Road without a place to turn around if it were blocked for some reason. In fact, I think there should be at least three turn around areas to limit any possible traffic jams. EBRP is putting their patrons at risk by not demanding such turn arounds.

32-2

2. The EIR does not address the fire evacuation plan for the area, and it's feasibility. I was told last year by the City of Fremont Fire Department that it would have an wildfire evacuation plan for the area. I would like to see that plan incorporated in the EIR addressing how people will be able to safely exit the area if there is not multiple turnarounds and long pull outs along Morrison Canyon Road to Mission Blvd. The evacuation plan in Paradise was not that well thought out **and executed**, otherwise there would not have been as many deaths. As a resident of Vargas Road and owning property for 40 years in a High Fire Hazard Area, I have some comfort in knowing there is an exit down Morrison Canyon Road to safety if a fire originates from the direction of 680. Each year within a 3 mile distance from Vargas Road on 680 there has been a fire along the freeway. That fire moving on a windy day at 7 MPH would allow little choice but to exit MCR. These facts are not in the EIR.

32-3

3. The EIR does not address the lack of money in the City budget for meeting their own fire prevention guidelines in a hazardous fire area. I think that the EIR should also include the impact on the safety of the wildlife and residents in the Vargas Road areas as well as Morrison Canyon Road. They are interconnected. Last year I had to meet with the City Manager and the Fire Chief to convince them both, using a video of Vargas Road from 680 to my driveway, where the BIOMASS exceeded the City's own Fire Prevention Standards. There was dry brush, grasses, trees right along the asphalt roadway, not 10 feet back from the asphalt as required. Trees overhung the road which would not allow a hook and ladder truck to pass underneath to fight a house fire. Trees were not trimmed up 5 feet off the ground as required. The City took care of it, and I thank them. However, it was the first time that removing the biomass occurred. The Assistant Fire Marshall said before the meeting, it was just not in the budget to trim back that much biomass to meet city standards. That is what prompted the meeting with the City Manager. I think that the EIR should also include the impact on the safety of the wildlife and residents in the Vargas Road areas as well as Morrison Canyon Road. They are interconnected.

32-4

4. The EIR does not address bikers or hikers who throw up makeshift barricades across Morrison Canyon Road on a daily basis. These would impede exit from the canyon during a fire evacuation. The City has shown that it is incapable of keeping these safety obstacles clear. The only way to make sure the road is open without causing undue expense to the City is to allow residents to use the road as they have

32-5

for the last 50 years or so. There are not that many residents that use the road but the daily drive would help remind the recreationalists that it is a shared road as it has always been. The rights of the majority should not impact the safety of the local residents. 32-5
(Cont.)

5. The EIR has not had the City show, in fact, that the road is historically dangerous with factual accident reports. The City has not shown the road to be dangerous with any recorded accidents on the part of the road to be closed other than a cyclist speeding down the road hitting a car going up. In fact, the road characteristics require safe driving habits. For years pedestrians, cyclists and vehicles have shared MCR with fewer incidents than in the City where the government has spent tens of thousands of dollars on "paint and flashing lights" attempting to have zero pedestrian fatalities with dismal results. 32-6

In my opinion, the closure of Morrison Canyon Road is a City backed response to recreationalists who demand one more recreational pathway in a City where there are numerous parks... AND, that is putting the area residents, although a minority, and and EBRP patrons, at mortal risk during a fire evacuation. 32-7

**GB Johnson
41268 VARGAS ROAD
FREMONT, CA 94539
510-797-1357**

Response to Comment Letter 32 (G B Johnson)

Comment 32-1

The comment expresses concern about use of Morrison Canyon Road for emergency purposes. The concerns raised by the commenter are valid. By eliminating commuter cut through traffic on Morrison Canyon Road, emergency access through the area will actually be improved relative to leaving the roadway open for two-way traffic.

Please refer to the response to comment 3-43 regarding turnarounds.

Comment 32-2

In the event of an evacuation, the closed portion of Morrison Canyon Road would be permitted for use by all traffic, and the roadway barriers are mountable by a standard vehicle. Directional signs or indicators of the designated evacuation route would be provided within the right-of-way at the intersection of Vargas Road and Morrison Canyon Road to eliminate the immediate need for emergency response personnel for traffic control during an evacuation event until emergency personnel arrive (Draft EIR page 2-5). The Draft EIR, in Section 3.7.7.2, Hazards and Hazardous Materials, states that "Evacuations in the project vicinity would likely be directed along either I-680 or Niles Canyon Road/State Highway 84, a full-service two-lane east/west road, and not along Morrison Canyon Road which is winding and single-lane. In the event of an emergency on Morrison Canyon Road or in the general project vicinity, emergency response vehicles and local residents would have continued access to the proposed closed portion of middle Morrison Canyon Road. The proposed roadway barricades across Morrison Canyon Road would be hinged at the base and mountable for a vehicle to pass through (Draft EIR page 3.7-20). Therefore, the Draft EIR does address fire evacuation traffic routes and procedures. Such measures eliminate the need for the addition of turnarounds; also refer to the response to comment 3-43 on this issue.

Comment 32-3

Please refer to the responses to comments 32-1 and 32-2.

Comment 32-4

The comment states that the Draft EIR does not address the City budget for fire prevention guidelines in a hazardous fire area and suggests including the safety of wildlife and residents in the Vargas Road areas as well as Morrison Canyon Road.

The comment regarding the City budget does not pertain to the adequacy of the Draft EIR under CEQA, which requires the disclosure of environmental impacts that may occur due to implementation of a project.

Wildfire hazards and evacuation planning for the project area (which encompasses Morrison Canyon Road and Vargas Road) are discussed in the Draft EIR in Chapter 2, *Project Description*, and in Chapter 3.7, *Other Resources*, under Section 3.7.7, *Hazards and Hazardous Materials* and Section 3.7.15, *Wildfire*. Please also refer to the responses to comments 32-1 through 32-3.

Moreover, the City engaged with the Fremont Fire and Police Departments to review the proposed project prior to publication of the Draft EIR. The proposed project reflects input from those City departments.

Comment 32-5

Regarding “makeshift barricades,” please refer to the response to comment 3-4.

The City disagrees with the assertion that the “only way to make sure the road is open without causing undue expense to the City” is to reopen the road to bi-directional traffic. As noted in Chapter 2, *Project Description*, the City has incurred great expense to keep the roadway open due to landslides, obstacles, and other phenomena. The City will continue to remove such obstacles on a periodic basis.

The City will consider posting signage noting that Morrison Canyon Road is open to emergency vehicles and encouraging pedestrians and bicyclists to report to the City any such obstacles.

Comment 32-6

The commenter states that the City has not adequately demonstrated safety concerns to support the proposed project and suggests that Morrison Canyon Road instead requires “safe driving habits.”

The City does not dispute the assertion that a narrow, winding roadway with limited visibility such as Morrison Canyon Road requires “safe driving habits.” Unfortunately, the history of collisions (refer to page 3.6-19) particularly since the road became a popular cut-through route, made it clear to the City that a stronger approach was needed to ensure public safety and the continued viability of Morrison Canyon Road for emergency usage.

Comment 32-7

The commenter expresses an opinion, which has been noted, and will be considered by decision-makers in deciding whether to move forward with the proposed project. It does not relate to CEQA or the adequacy of the Draft EIR.

Comment Letter 33 (G B Johnson)

Letter 33

From: g b johnson
Sent: Thursday, May 28, 2020 11:18 AM
To: Bill Roth <broth@fremont.gov>; CClerk <CClerk@fremont.gov>;
Subject: EIR review for the closure ofes Morrison canyon Road. Location of fires in the area of Vargas Rd

Dear Mr.
Roth,

Here are the appropriate locations of some of the fires started in our area on Vargas Rd.
What the EIR does not address is the lack of evacuation preparation done by the City. It doesn't address how important improving the evacuation route is to everyone in the neighborhood.

Fire types:

Two car fires set under the eucalyptus trees.

Downed power lines.

Cigarette on side of road where City failed to clean up combustibles...dry leaves and brush.

Catalytic converter grass fire.

Mysterious fire originating from the vicinity of an house/ Fremont's biggest fire to date. Where the battalion chief's decision not to go through the burning eucalyptus trees caused the fire to blow over the ridge to threaten Kimber Park .

Two fires originating from 680 traffic.

Also of note is that the EBRP is required to have a minimum amount of standing wster in the Vargas Plateau park. YET the City inspectors did not look at the height of the pipeline out of the tank.

It id three feet above the ground so the standing water requirements are not met. The water is not accessible.

The drain pipe needs to be at the bottom of the tank to meet requirements.

This is a sample of how City regulations are circumvented by those willing to risk other people lives.

If this is not part of a revised EIR and you do not want responsibility for fixing the problem please respond to this last issue with where you have sent the problem for resolution so I know who in the City is responsible for correcting the problem. I have requested this from

From: g b johnson
Sent: Thursday, May 28, 2020 11:22 AM
To: Bill Roth <broth@fremont.gov>; CClerk <CClerk@fremont.gov>;
Subject: Re: EIR review for the closure ofes Morrison canyon Road. Location of fires in the area of Vargas Rd

I have requested that the minimum standing water issue be addressed by "reporting a concern " with no answers whatsoever.

I'm sorry about my attitude. It is the product of trusting government agencies to protect their population.

GB JOHNSON

33-1

33-2

Response to Comment Letter 33 (G B Johnson)

Comment 33-1

The commenter provides a list of fire incidents from Vargas Road and implores the City to take these into account in evacuation planning. These aspects of the comment are noted. Also please refer to the responses to comments 32-1 through 32-4 concerning the use of Morrison Canyon Road for emergency purposes.

Comment 33-2

The commenter cites emergency preparation issues at the Vargas Plateau Regional Park. The City will share this comment with the East Bay Regional Park District. The comment does not relate to the adequacy or conclusions of the Draft EIR.

The comment has been noted and will be considered by decision-makers in deciding whether to approve or disapprove of the proposed project. It does not relate to CEQA or the adequacy of the Draft EIR.

Comment Letter 34 (Shreyash Kame)

Letter 34

From: Shree Kame
Sent: Sunday, June 21, 2020 5:50 PM
To: Bill Roth <broth@fremont.gov>
Subject: Draft EIR for Morrison Canyon Road (PWC8981) closure

Dear Mr. Roth,

I'm supportive of the permanent closure of through traffic on Morrison Canyon Road.(MCR). The temporary closure since late 2018 has shown the benefits of closing the road. Hikers and bikers can freely use that section of the road. As it is, that section was rather risky for vehicular traffic. We have also demonstrated that residents on Vargas Plateau can use Vargas Road to access business, health care, schools, and churches without any issue. I look forward to the permanent closure of Middle Morrison Canyon road. 34-1

Some residents have claimed that keeping the MCR is critical for access by Emergency vehicles (Fire trucks and ambulance). That is not true. Fremont PD has specific routes mapped to reach every structure and location in the city for emergencies. These routes do not include MCR because of how skinny the road gets. Making it risky and unreliable. 34-2

My main concern is that there are motorists who are not abiding by the law and ignoring the signs. They are still using the stretch that has been blocked off by soft cones. City should take stringent measure to enforce the no-traffic policy on that stretch. 34-3

Please do let me know if you have any questions.

Regards
Shreyash Kame
267 Yerba Buena Pl
Fremont, CA 94536

Response to Comment Letter 34 (Shreyash Kame)

Comment 34-1

The comment expresses support for the proposed project. No further response is required.

Comment 34-2

The City has been in frequent communication with all emergency responders in the area, advising them that Morrison Canyon Road is fully open for any emergency/first responder use. The City engaged with the Fremont Fire and Police Departments to review the proposed project prior to publication of the Draft EIR. The proposed project reflects input from those City departments.

Comment 34-3

The City acknowledges the calls for additional enforcement and will take into consideration as part of the full record in deciding whether to move forward with the proposed project.

Comment Letter 35 (Barbara Krishnan)

Letter 35

From: Barbara Krishnan
Sent: Monday, June 22, 2020 1:37 PM
To: Bill Roth <broth@fremont.gov>
Subject: Response to Draft EIR on closure of Morrison Canyon Road

Dear Mr. Roth,

We fully support the permanent closure of through traffic on Morrison Canyon Road. The temporary closure in 2018, although not completely effective, has shown many benefits of closing the road.

- Through commuter traffic has been greatly reduced, benefitting the residents of Vargas Plateau by greatly reducing the traffic on Vargas Road in addition to greatly reducing motor vehicle traffic on Morrison Canyon. An added benefit is some reduction of commuter traffic on Mission Blvd as well as other residential streets connected to lower Morrison Canyon Rd.
- Improved access for emergency vehicles to the area via the less congested Vargas Road.
- Improved ability for emergency vehicle access to Morrison Canyon if necessary (if/when there is a blockage on Vargas Rd) if there is no opposing westbound traffic to impede them.
- Greatly improved safety for recreational users (pedestrian, bicycle, etc.)
- Significant reduction in the amount of illegal dumping in the creek.
- It appears the residents on Vargas Plateau have successfully accessed business, health care, schools, and other facilities in Fremont using Vargas Road.

We are most concerned about and have frequently observed the current and *planned future* lack of enforcement for motorists who too frequently illegally use the closed section of road endangering pedestrians and cyclists. We are concerned that the current *and proposed* method of closure, using soft plastic pylons, do not stop cars and pickups that regularly drive over, damage and vandalize the pylons which are infrequently repaired. We implore the city to monitor (using cameras or video surveillance) and enforce (using tickets and officers of the law) the existing traffic rules and regulations.

A further recommendation to augment the pylons for more effective compliance/enforcement:

- Installation of traffic signals that are always red at each end of the closure and red-light cameras which take a picture of driver and license plates of any and all vehicles entering the closed section.
- Issuing red-light tickets to all violators. Any true emergency violations could appeal their tickets.

One notable omission from the draft EIR in the section called -- "Road closures of Morrison Canyon Road from January 2014 to May 2019. -- Draft EIR -- Part 1 -- Table 3.6-6 -- 3.6-19.": documentation of a massive landslide that occurred in early 2017. During this period, MCR was closed for nearly 3 months due to several major mudslides. Here is a link from the Fremont Police Dept. with the pictures of the rock/mud slides: <https://www.facebook.com/FremontPoliceDepartment/posts/morrison-canyon-rd-remains-closed-due-to-several-mudslides-please-do-not-attempt/1267268573342653/>

Please update the draft EIR with this important omitted information as it is clear that Morrison Canyon Rd is often hazardous and unreliable as a regular alternative vehicle route for the Vargas Plateau residents.

The draft EIR states that "The proposed project will have a significant environmental impact by physically dividing an established community". This does not represent the current and historical reality. The small tight knit rural/ranching community of a few dozen residences on Vargas Road and Vargas Plateau has always been divided geographically. It is culturally and socially separate and distinct from the suburban population on the west side. The plateau has agricultural grazing land, interspersed with a few dozen houses. A tight-knit rural community is aligned along Vargas Rd, the primary access road. That community has already been effectively divided from the western lowland community for the past several years because of the impossible traffic situation created by the commuter cut-through traffic from 680. Keeping a dangerous, substandard and unreliable road open for a small number of residents while they have a safer road available to them should not be a consideration.

We look forward to a more effective permanent closure of Middle Morrison Canyon road.
Sincerely,
Barbara & Kalyan Krishnan
88 Palacio Court

Fremont, CA

Response to Comment Letter 35 (Barbara Krishnan)

Comment 35-1

The comment expresses support for the proposed project. No further response is required.

Comment 35-2

The comment expresses concern regarding enforcement mechanisms of the proposed project. The comment is noted and the City will take this and other comments into considerations as part of the full record in deciding whether to move forward with the proposed project.

Comment 35-3

The comment requests an additional road closure incident be added to Table 3.6-6 in Draft EIR Chapter 3.6, *Transportation and Circulation*.

Table 3.6-6 of the Draft EIR has been revised with the additional road closure information provided by the commenter (see below). The sentence on page 3.6-19 has been revised as follows:

“The records indicate a total of ~~24~~ 25 closures during a four-and-a-half-year period, as shown below in Table 3.6-6.”

Refer to Final EIR Chapter 4, *Revisions to the Draft EIR*.

Comment 35-4

The commenter appears to express support for the proposed project, notwithstanding that the Draft EIR identified a significant and unavoidable impact (Impact LU-1).

Please also refer to the responses to comments 4-3 and 15-7.

Comment Letter 36 (Peter Maina)

Letter 36

From: Peter Maina
Sent: Saturday, June 20, 2020 2:28 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon RD

Hi,

I live in miles area and we just discover this trail. My kids love and it has been promoting our well being. I was wondering if you can put a redline in the middle of the trail to divide it into two for safety purposes. 36-1

Thank you for allowing public of this trail. We appreciate it and trail is in great shape.

Thank you.

True enjoyment comes from activity of the mind and exercise of the body; the two are ever united.
Wilhelm Von Humboldt

Response to Comment Letter 36 (Peter Maina)

Comment 36-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 37 (Annie Marchetti)

Letter 37

From: Anne Marchetti
Sent: Saturday, June 20, 2020 1:47 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon

Dear Mr. Roth,
I am writing to you to encourage continued closure of Morrison Canyon Rd. As a 41 year resident of Maar Place, my concern for safety in the Canyon has always been a priority. The road is not safe for vehicles due to it's limited width. Please keep it as it is now and continue to limit access to pedestrians and bicyclists.
Thank you very much for your attention to and consideration of this important situation and keeping us all safe.
Regards, Anne Marchetti
582 Maar Place
Fremont

37-1

Response to Comment Letter 37 (Annie Marchetti)

Comment 37-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 38 (Richard Martin)

Letter 38

From: Richard Martin
Sent: Monday, June 22, 2020 8:43 AM
To: Bill Roth <broth@fremont.gov>
Subject: Re. Morrison Canyon Rd

Mr. Bill Roth, Planning Division

I just wanted to put in my vote for leaving the road as it is with the lower part closed except for emergency vehicles, bicycles and walking. My wife and I have lived at the bottom of the canyon for over 30 years and it has been a blessing not to jump out of the way when cars going too fast for conditions speed past. We still enjoy walking up the canyon to the park area.

Sincerely,
Richard and Wilda Martin
130 Queso Pl Fremont, Ca 94539
510-790-9438

38-1

Response to Comment Letter 38 (Richard Martin)

Comment 38-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 39 (Tailap Mehta)

Letter 39

From: Tailap Mehta
Sent: Sunday, June 21, 2020 1:20 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrission Canyon Road

Hi,

It is a grate idea to close the section of Morrison Canyon road. However, I do not understand what are we going to do that is not all ready there. All signs are there. Adding more will not deter occasional drivers to go over those barricades and thus waste of money. Perhaps barricades should be such that emergency vehicle can go over them but regular cars will get resistance and thus are discouraged.

39-1

Furthermore, if budget is available, more trees should be planted specially on hill side to provide shade on the road. Also, motorists speed up from Mission onward on Morrison Canyon Road. Perhaps, occasional policing will help stop that.

39-2

Thanks.

Response to Comment Letter 39 (Tailap Mehta)

Comment 39-1

The comment expresses support for the project and provides an opinion regarding the effectiveness of the current closure method.

The comment has been noted and will be considered by decision-makers in deciding whether to approve or disapprove of the proposed project.

Comment 39-2

The comment has been noted and will be considered by decision-makers in deciding whether to approve or disapprove of the proposed project. It does not relate to CEQA or the adequacy of the Draft EIR. Refer to Response to Comment 4-2, above, regarding enforcement of roadway rules and policies on a complaint basis.

Comment Letter 40 (Monica Melville)

Letter 40

From: Melville
Sent: Friday, May 08, 2020 9:01 AM
To: Bill Roth
Subject: Re: Morrison Canyon Road Traffic Safety Project Draft EIR (PWC8981)

Hi Mr. Roth:

Thank you for forwarding links to the draft EIR. I quickly glanced through most of it. One big omission that stands out to me is in the section -- Road closures of Morrison Canyon Road from January 2014 to May 2019. -- Draft EIR -- Part 1 -- Table 3.6-6 -- 3.6-19.

40-1

In early 2017, Morrison Canyon Road was closed for nearly 3 months due to several major mudslides. Here is a link from the Fremont Police Dept. with the pictures of the slides:

<https://www.facebook.com/FremontPoliceDepartment/posts/morrison-canyon-rd-remains-closed-due-to-several-mudslides-please-do-not-attempt/1267268573342653/>

Please update the draft EIR with this info as it is clear that Morrison Canyon Road is often hazardous and unreliable as a main commute road.

Thank you

Monica Melville

Response to Comment Letter 40 (Monica Melville)

Comment 40-1

Please refer to the response to comment 35-3.

The comment is related to the general safety and reliability of Morrison Canyon Road as a commuter route.

This is addressed in Draft EIR Chapter 2, *Project Description*, Chapter 3.4 *Land Use and Planning*, and Section 3.7.7, *Hazards and Hazardous Materials*.

Comment Letter 41 (Monica Melville et al.)

Letter 41

From: Melville
Sent: Monday, June 22, 2020 10:13 AM
To: Bill Roth <broth@fremont.gov>
Subject: Response from 75 residents to the draft EIR on the closure of Morrison Canyon Road (MCR)

Please note this email is on behalf of 75 people who use Morrison Canyon Road for recreation -- some regularly, some sporadically. Names and addresses of most of the signatories are at the bottom of this email.

Dear Mr. Roth

Thank you for forwarding us the draft EIR on the closure of Morrison Canyon Road (MCR).

41-1

One big omission that stands out to us is in the section called -- "Road closures of Morrison Canyon Road from January 2014 to May 2019. -- Draft EIR -- Part 1 -- Table 3.6-6 -- 3.6-19." It is missing any mention of a massive landslide that occurred in early 2017. During this period, MCR was closed for nearly 3 months due to several major mudslides. Here is a link from the Fremont Police Dept. with the pictures of the rock/mud slides:

<https://www.facebook.com/FremontPoliceDepartment/posts/morrison-canyon-rd-remains-closed-due-to-several-mudslides-please-do-not-attempt/1267268573342653/>

Please update the draft EIR with this info as it is clear that MCR is often hazardous and unreliable as a main commute road for the hillside residents.

We would like to add **ALL OF OUR NAMES** in support of the permanent closure of MCR to vehicular traffic. The heavy volume of weekday traffic this road endured before it's closure in effect made it unavailable for emergency vehicles as well as for the hillside residents during weekday afternoons. In fact, we distinctly recall Fremont Fire Chief testifying at one of the meetings to the effect that none of the city's standard emergency vehicles such as fire trucks or ambulances would access the hillside residents via MCR as it was simply not a reliable and safe access road for emergency vehicles.

41-2

MCR also contributed to additional traffic on Mission Boulevard as out of town commuters used Mission Blvd to get to 680 via MCR. The hillside residents were facing hundreds of oncoming cars on Vargas Road while MCR was simply unavailable to them in the downhill direction. The heavy afternoon traffic on the city streets has been a huge problem for all city residents -- not just the hillside residents. Many of us did not venture out in the afternoons, if we had a choice. So, keeping a dangerous, substandard and unreliable road open for a small number of residents while they have a safer road available to them should not be a consideration.

MCR does not meet the minimum standards of a "road" while it offers an incredible opportunity as a recreational trail. It has been immensely popular -- especially during the covid lockdown. We often see many families, numerous walkers, joggers, bicyclists and even horseback riders all throughout the day!

Closure of this road actually improves emergency access to the hillside residents -- especially during weekday afternoons. The inconvenience to them in terms of additional time via Vargas Road probably evens out in terms of time gains they have made not having to be stuck behind hundreds of cars on MCR or hundreds of oncoming cars on Vargas Road. And it doesn't outweigh the public safety needs and the recreational use benefit of the public. Hence, permanent closure of this road to vehicular traffic is the only right resolution.

An added benefit of this closure has been the tremendous reduction in the amount of illegal dumping in the creek -- a significant monetary and manpower savings to the city!

We agree with the proposed method of closure and would leave it to the city planning/engineering people to come up with an appropriate solution. However, we recommend clearer signage so that it forces people to turn around at the bottom of the road instead of half way up at the point of closure. Additionally video and physical enforcement should be ongoing.

41-2
(Cont.)

Thank you for giving us this opportunity to provide you with our feedback.

Kindly acknowledging receipt of this group email on behalf of the following 75 people.

Monica Melville, 38645 Chrisholm Pl, Fremont CA 94536
Navin Melville, 38645 Chrisholm Pl, Fremont CA 94536
Dominic Melville, 38645 Chrisholm Place, Fremont CA 94536
Jo Melville, 38645 Chrisholm Place, Fremont, CA 94536
Moina Shaiq, 537 Morrison Canyon Road, Fremont CA 94536
Mohammad Shaiq, 537 Morrison Canyon Road, Fremont CA 94536
Nina Stull, 39512 Platero Place, Fremont, CA 94539
Bill Stull, 39512 Platero Place, Fremont CA 94539
Mei Li Hsu, 40810 Ondina Court, Fremont CA 94539
Eric Barr, 463 Lowell Place, Fremont CA 94536
Pamela Weiss Barr, 463 Lowell Place, Fremont CA 94536
Mira Chong, 5702 Pandorea Terrace, Newark CA 94560
Larry Edelson, 507 Maar Place, Fremont CA 94536
Jane Conn, 162 Melendez Avenue, Fremont CA 94539
Nighat Lotia, 39025 Zacate Avenue, Fremont CA 94539
Waqar Haidari, 39025 Zacate Avenue, Fremont CA 94539
Daphne Lin, 524 Lowell Place, Fremont CA 94536
Serena Tan, Benavente Avenue, Fremont CA 94539
Sarah McCurdy, 650 Pickering Avenue, Fremont CA 94536
Sonali Vaghlikar, 55 Calle Amigo Dr, Fremont CA 94539
Rahul Sharangpani 55 Calle Amigo Dr, Fremont CA 94539
Judy Chong, 189 Obispo Court, Fremont CA 94539
Kim Takacs, 38655 Chrisholm Place, Fremont CA 94536
Dave Takacs, 38655 Chrisholm Place, Fremont CA 94536
Marilyn Williams, 39321 Canyon Heights Drive, Fremont CA 94539
Jon Williams, 39321 Canyon Heights Drive, Fremont CA 94539
Jay Swaminathan, 38659 Chrisholm Place, Fremont CA
Suganya Parthasarathy, 38659 Chrisholm Place, Fremont CA
Filiz Crocker, 41753 Olympus Avenue, Fremont CA 94539
Robert Crocker, 41753 Olympus Avenue, Fremont CA 94539
Shirley Gilbert, 71 Delegado Court, Fremont, CA 94539
Arnold Gilbert, 71 Delegado Court, Fremont, CA 94539
Lucy Rich, 740 Pickering Avenue, Fremont, CA 94536
Dave Rich, 740 Pickering Avenue, Fremont, CA 94536
Andrea Schacter, 40885 Bandera Street, Fremont CA 94539
David Fishbaugh, 40885 Bandera Street, Fremont CA 94539
Sadhana Prasad, 511 Lowell Place, Fremont CA 94536
Don Phelps, 488 Woodward Drive, Fremont CA 94536
Bridget McShea, 639 Pickering Avenue, Fremont CA 94536
Thomas McShea, 639 Pickering Avenue, Fremont CA 94536
Rukhsana Attarwala, 118 Ray Court, Fremont CA 94536
Sheerin Attarwala, 126 Ray Court, Fremont CA 94536
Idris Attarwala, 126 Ray Court, Fremont CA 94536
Sherri Plaza, 43472 Laurel Glen Common, Fremont CA 94539
Carlos Plaza, 43472 Laurel Glen Common, Fremont, CA 94539

Jerry Alden, 38650 Chrisholm Place, Fremont, CA 94536
Kim Alden, 38650 Chrisholm Place, Fremont, CA 94536
Vahida A Attarwala, 133 Ray Court, Fremont, CA 94536
Abbas Attarwala, 133 Ray Court, Fremont CA 94536
Waseem Brelvi, 150 Espada Place, Fremont, CA 94539
Shehnaz Brelvi, 150 Espada Place, Fremont CA 94539
Bill Stull, 689 Los Huecos, San Jose, CA 95123
Lise Stull, 689 Los Huecos, San Jose, CA 95123
Linda Mapes, 35225 Cornwall Place, Newark, CA 94560
Ron Fong, Platero Place, Fremont, CA 94539
Suresh Bajaz, Suresh@bajaz.org
Srividya Prakash, 1068 Nez Perce Court, Fremont CA 94539
Anirudh Samsi, 1068 Nez Perce Court, Fremont CA 94539
Man Yee DeSandies, 35167 Charmwood Court, Newark, CA 94560
Gene Zanardi, 348 Thatcher, Foster City, CA 94404
Maggie Zanardi, 348 Thatcher, Foster City, CA 94404
Shalini Singh, 38667 Chrisholm Place, Fremont CA 94536
Amit Kumar, 38667 Chrisholm Place, Fremont CA 94536
Linda Makaipo, 4655 Northdale Drive, Fremont CA 94536
Smita Tirupachur, 2385 Sueno Way, Fremont, CA 94539
Satya Tirupachur, 2385 Sueno Way, Fremont, CA 94539
Nisha Dalal, 40116 Lucinda Court, Fremont, CA 94539
Jill Hiroto, 39529 Benavente Place, Fremont, CA 94539
Grace Wong, 39977 Mission Blvd., Fremont, CA 94539
Meera Rajan, 1331 Lemos Lane, Fremont, CA 94539
Terry Chaung, 40125 Lucinda Court, Fremont CA 94539
Linda Chang, Fremont CA 94539
Kathleen Sage, Fremont CA 94536
Jason Sage, Fremont, CA 94536
Ellen Muller, Fremont, CA 94536

41-2 (Cont.)

Response to Comment Letter 41 (Monica Melville et al.)

Comment 41-1

Please refer to the response to comment 35-3.

Comment 41-2

The comment expresses support for the proposed project including support for many of the City's project objectives. The City acknowledges the calls for additional signage and enforcement and will take these factors into consideration as part of the full record in deciding whether to move forward with the proposed project.

Comment Letter 42 (Shelly Miyasato)

Letter 42

From: Shelly Miyasato
Sent: Monday, June 22, 2020 8:37 AM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Road - keep it closed

Mr. Roth,

I am writing in support of keeping Morrison Canyon Road safe for all. The segment that is closed should remain closed, as the road is simply too narrow to support the vehicular traffic that used it as an alternate way to reach I-680. 42-1

I also take this opportunity to note two things.

Clearer signage is desirable. For example, the portable sign indicating stop ahead is misleading and should be removed or changed. 42-2

Additional parking is also desirable. There are just a few parking spots along Morrison Canyon Road near the Rose Ranch, and those spots are heavily used. Perhaps that area could be widened a bit for angled parking, which would provide a more spaces. 42-3

Sincerely,

Shelly Miyasato
Maar Ave resident
510-494-9530

Response to Comment Letter 42 (Shelly Miyasato)

Comment 42-1

The comment expresses support for the proposed project. No further response is required.

Comment 42-2

The comment expresses a request for additional signage. The City will take this request into consideration as part of the full record in deciding whether to move forward with the proposed project.

Comment 42-3

The comment indicates a preference for additional parking as a modification of the proposed project. The proposed project does not include the creation of any parking areas. The City has in fact added signage along Morrison Canyon Road to forbid parking due to the physical constraints of parts of the roadway. The request is noted and does not pertain to any of the conclusions of the Draft EIR.

Comment Letter 43 (Jean Murrell)

Letter 43

From: Jean Murrell
Sent: Monday, June 22, 2020 12:02 PM
To: Bill Roth <broth@fremont.gov>
Subject: Keep Morrison Canyon Rd. safe for pedestrians

Mr. Roth:

Our family enjoys walking on Morrison Canyon Road since it has been closed to through traffic.

Please keep the road closed to car traffic so we can continue to walk safely.

43-1

Jean Murrell
1188 Deer Road
Fremont, CA 94536

Response to Comment Letter 43 (Jean Murrell)

Comment 43-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 44 (Michael and Elizabeth Ogilvie)

Letter 44

From: first last
Sent: Sunday, June 21, 2020 7:50 PM
To: Bill Roth <broth@fremont.gov>
Cc: Elizabeth Blau Ogilvie <elizabethblau@mac.com>
Subject: Morrison Canyon Rd

Michael and Elizabeth Ogilvie
38356 Canyon Heights Drive
Fremont, California 94526

June 21, 2020

Dear Mr. Roth:

We are Michael and Elizabeth Ogilvie and we are residents of Fremont. We are writing to share our comments on the closure of Morrison Canyon Road. The road must remain closed to automobile traffic.

As you are probably aware there have been campaigns to open Morrison Canyon Road for a microbrewery/events center. Also, in the past this road has been open to traffic which resulted in disastrous consequences because this one way, nine-foot wide canyon road is treacherous.

The Vargas Plateau is a Bay Area refuge and opening the road again to accommodate drunk driving or other traffic would result in fatal accidents because the drop-offs are extreme and would also result in the devastation of wildlife.

Morrison Canyon road is a deathtrap for automobiles. It was a road intended for wagons. The road should be closed off to automobiles permanently, as they would pose a serious threat to the hundreds of people that cycle and walk that road daily.

Thank you for your time and your public service. As public servants ourselves we understand the complexity of these situations.

Sincerely,

Michael and Elizabeth Ogilvie

44-1

Response to Comment Letter 44 (Michael and Elizabeth Ogilvie)

Comment 44-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 45 (Bonnie M. Reeves)

Letter 45

From: Bonnie Reeves
Sent: Thursday, May 28, 2020 11:31 AM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Closure

Dear Mr. Roth,

As a resident of Vargas Road for 30 years, we are now in a position of technically being part of the city of Fremont, subject to its laws, yet being totally cut off from the city.

45-1

Prior to this time we had the ability to use the city and its facilities and then return to our homes. Since the closure of Morrison we are *totally* cut off. Traffic is so bad inching along the only path back to our homes via Mission Boulevard and the horrific 680 freeway that I no longer use the city for anything. It simply isn't worth the investment of time and frustration (generally 45 minutes in bumper to bumper traffic to get from downtown Fremont to home on Vargas in Fremont).

The current "vision" states that we will be able to use Morrison when yet another fire visits our tinder dry hills as it does virtually every year. Have you seen what "concerned citizens" have done to Morrison's Road?? A number of them have placed large rocks along the entry we would use to hinder our emergency use. This says nothing of the damage our cars will incur trying to get over the barriers.

45-2

As one with a severe cardiac condition I question whether my next need to access Morrison to get to the Washington Hospital ER will result in my car's being disabled in the attempt. This road is more than a place for a stroll for many of us; it is a vital lifeline.

Sincerely,
Bonnie M. Reeves
Attorney at Law
Herron Real Estate Management, Inc.
41276 Vargas Road
Fremont, California 94539-5442

Response to Comment Letter 45 (Bonnie M. Reeves)

Comment 45-1

The City acknowledges the comment. While the comment does not pertain specifically to any conclusion of the Draft EIR, the Draft EIR conservatively acknowledged the potential for the proposed project to add to the community's sense of division between upper Morrison Canyon Road and parts of Vargas Road with Central Fremont (Impact LU-1). The Draft EIR acknowledged this as a significant and unavoidable impact of the proposed project, for which there is no feasible mitigation.

These comments will be part of the full record of the project that the City Council will consider in evaluating the merits of the proposed project.

Comment 45-2

Regarding roadway obstacles, please refer to the response to comment 3-4.

Regarding the mountable barricades used to mark the closure area, these are flexible fiberglass/plastic implements that are mountable by all conventional vehicles.

Comment Letter 46 (Darcie Renn)

Letter 46

From: Darcie Renn
Sent: Sunday, June 21, 2020 9:33 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Road Traffic Safety DEIR (PWC8981)

Dear Bill,

Thank you for the opportunity to comment on the Morrison Canyon Road closure. My property is adjacent to Morrison Canyon Road, so I have experienced first hand the improved quality of life that the closure has brought to both my household and my community. For example:

- I no longer hear or see a steady stream of cars speeding past behind my house.
- I greatly value this access to the Open Space and it's one of the reasons we chose to purchase our house in this area, however, I do not miss driving on Morrison Canyon Road because it is too narrow for safe passage of vehicles and others who would like to access this region.
- I no longer fear for the safety of my husband who regularly bikes up the road and has had a number of close calls when cars have come speeding past him and his fellow cyclists.
- I can now walk or bike with my 3 year old daughter to reach the start of the open space trail or visit the animals along the way. Previously, the lack of sidewalk all the way to the trail head made it much more dangerous to access this area -- particularly when cars were coming in both directions.
- There has been an increase in foot traffic and bicycles since the closure, however, with Shelter In Place orders, it has provided a welcome reprieve for the local community to walk outdoors at a safe distance from each other.
- Furthermore, the road from Canyon Heights to Mission Road also feels safer with less overall traffic since this is a narrow stretch that also has limited walking space.

In summary, I fully support the continued closure of Morrison Canyon Road to motor vehicles. Thank you in advance for continuing to support the safety of our community.

Best,
Darcie

Canyon Heights / Fremont resident

46-1

Response to Comment Letter 46 (Darcie Renn)

Comment 46-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 47 (Diane Scherbarth)

Letter 47

From: Diane Scherbarth
Sent: Monday, May 11, 2020 11:04 PM
To: Bill Roth
Subject: Morrison Canyon Road Traffic Safety Project

Hi,

I received the Notice of Availability concerning the Morrison Canyon Road Traffic Safety Project a few days ago.

I am in favor of permanently closing, to private Automobile use, the .08 miles of Morrison Canyon Road that has been temporarily closed for the past year and a half. The reason I'm in favor of making the closure permanent is the **speed and high flow of traffic before the closure** made the neighborhood surrounding Morrison Canyon Road unsafe for pedestrians and bicyclists and neighborhood drivers.

Since the closure I have noticed both a decline in the amount of traffic and also a decline in speed of cars coming down Morrison Canyon Road.

I have lived in this neighborhood for the past 25 years and neighborhood safety is important to my family.

Best regards,

Diane Scherbarth
32 Zacate Place
Fremont, CA

47-1

Response to Comment Letter 47 (Diane Scherbarth)

Comment 47-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 48 (Gabrielle Seow)

Letter 48

From: Gabrielle Seow
Sent: Sunday, June 21, 2020 12:50 PM
To: Bill Roth <broth@fremont.gov>
Subject: Re: Morrison Canyon Rd

I agreed driving through Morrison Canyon Rd should only restricted to local residents. The single-land road is not safe to drive. 48-1

Regards,

Gabrielle

Response to Comment Letter 48 (Gabrielle Seow)

Comment 48-1

The comment expresses support for an alternative that the City considered but dismissed from further consideration – please see Section 4.3.1 of the Draft EIR. The City considered an alternative similar to that proposed by the commenter but noted that current California law prohibits such an arrangement. Section 4.3.1 further notes that the City would be open to such a solution if California law were to change in a way that would allow it to go forward.

Comment Letter 49 (Dave Takacs)

Letter 49

From: dave takacs
Sent: Saturday, June 20, 2020 2:50 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Rd

Hi Mr. Roth,

I love to hike up Morrison Canyon road to the top a little past the Vargas Rd intersection. It is a great hike and the views are fabulous. I would like to see the closure maintained. If there were cars on this road it would be very dangerous for hikers, bikers. It would also be dangerous for cars as the lane is very narrow.

Thank you for asking for input,
Dave Takacs
Fremont Resident

49-1

Response to Comment Letter 49 (Dave Takacs)

Comment 49-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 50 (Tushar Thakker)

Letter 50

From: Tushar Thakker
Sent: Sunday, June 21, 2020 1:35 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon Rd

Dear Bill,

I reviewed Ordinance regarding Vargas Plateau. I oppose the further construction of the road. The current status which is closed road is the right thing to do. Please keep it as is. 50-1

Thanks,
Tushar Thakker
446 Maar Ave,
Fremont Ca, 94536

Response to Comment Letter 50 (Tushar Thakker)

Comment 50-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 51 (Jay Underwood)

Letter 51

From: Jay Underwood
Sent: Wednesday, June 17, 2020 11:57 AM
To: Bill Roth
Subject: Re: Morrison Canyon Road Traffic Safety Project Draft EIR (PWC8981)

Dear Bill,

Thank you for sending the DEIR for review. I've read through the documents and my comments are as follows:

1. Since my property is contiguous to Morrison Canyon Road (MCR), I believe I have a good perspective, qualitatively, on the conditions both before and during the closure.
2. The number of cars trying to use the road has dropped dramatically since the closure. This may seem obvious, but I believe the data will support this conclusion. The decrease in the number of cars has caused a much increased feeling of safety walking and cycling on MCR. I am no longer concerned with allowing my 3-year-old daughter (accompanied by an adult of course) to ride her tricycle to see the goat who lives at the bottom of the canyon.
3. As a hiker and cyclist using the road, my personal number of "close calls" with cars has dropped dramatically (however, not to zero, see #4).
4. While most motorists have respected the plastic bollards, I have witnessed (first-hand) bold motorists drive over the barricades and cut through the closed section of the road. Those motorists who choose to break the law and go into the closed area are particularly concerning since they have already proven they are willing to illegal things.
5. I believe the only satisfactory solution mentioned in the DEIR is the continued closure of the road. If it's reopened in any way, I'm concerned it will once again become a dangerous thoroughfare being used by frustrated drivers trying to get from Mission Blvd. to I-680.

In summary, I fully support continuing the closure of Morrison Canyon Road. Additionally, if there is a way to prevent emboldened motorists from cutting through (with more substantial bollards, gates, other technologies, etc), I support that too.

Thank you and the city of Fremont for taking this on. I know that these matters require consensus building and often take a long time. I personally think safety is worth the trouble and I appreciate you personally being involved.

Best Regards,

Jay Underwood

Fremont

51-1

Response to Comment Letter 51 (Jay Underwood)

Comment 51-1

The comment expresses support for the proposed project including support for many of the City's project objectives. The City acknowledges the calls for additional enforcement and will take this into consideration as part of the full record in deciding whether to move forward with the proposed project.

Comment Letter 52 (Sonali Vagholikar)

Letter 52

From: Sonali Vagholikar
Sent: Monday, June 22, 2020 9:54 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon

I fully support the permanent closure of through traffic on Morrison Canyon Road. The temporary closure has shown tremendous benefits to many in the community. It has reduced fast moving cars through our neighborhoods, allowed everyone an opportunity to enjoy walking in the area, reduced illegal dumping and crime in that area. 52-1

However, I am concerned that the current method of closure, does not stop cars and pickups that regularly drive over them and endanger pedestrians and cyclists who do not expect these fast moving vehicles. We request that the city monitor and enforce traffic rules and regulations and improve signage to help residents who do not realize the road is closed till they reach the first barrier.

I look forward to the permanent closure of Middle Morrison Canyon road.
Thanks
Sonali

Response to Comment Letter 52 (Sonali Vagholikar)

Comment 52-1

The comment expresses support for the proposed project including support for many of the City's project objectives. The City acknowledges the calls for additional enforcement and will take this into consideration as part of the full record in deciding whether to move forward with the proposed project.

Comment Letter 53 (Vargas Ranch: Abel Vargas, Michele Whitfield, John Vargas, Pamela Lopez)

Letter 53

VARGAS RANCH
41256 VARGAS RD.
FREMONT CA. 94539

May 18, 2020

Bill Roth
City of Fremont
Planning Division
39550 Liberty Street
Fremont, CA 94537
broth@fremont.gov

Re: Morrison Canyon Road Traffic Safety Project
SCH Number 2020040061; City File Number: PWC8981

Dear Mr. Roth.

Our family would like to comment during the public review period for the Draft EIR referenced above. We continue to oppose the plan to permanently close Morrison Canyon Rd. to Vargas Rd. & Morrison Canyon Rd. residents, as this access is essential for the health and safety of those of us who live in this area.

53-1

Contrary to the statements in the Draft EIR, middle Morrison Canyon Road has always "served as a vital, reliable, and essential link to central Fremont, and to the Central Fremont community." The report claims this is "specious," but it's hard to understand what individual testimony or facts the City has found to attest to the contrary. Our family members and our neighbors can verify that we regularly used Morrison Canyon Road for well over 60 years as a vital link to central Fremont services. Surely it has been longer than that, but we are only counting what we can personally confirm from experience. The only thing that has changed is the fairly recent desire of pedestrians and bicyclists to thwart our use of the roadway in favor of recreational uses.

It appears that access to emergency vehicles will not be denied under the proposal, but we respectfully request that at a minimum, residents of Vargas and Morrison Canyon roads be allowed ingress and egress to our homes and properties in the event of emergency, such as any obstruction or danger on Vargas Rd., like a fallen tree or fire, as well as any personal medical emergency.

Thank you for your consideration.

Cordially,
Abel Vargas, Michele Whitfield, John Vargas and Pamela Lopez

Response to Comment Letter 53 (Vargas Ranch: Abel Vargas, Michele Whitfield, John Vargas, Pamela Lopez)

Comment 53-1

The comment expresses opposition to the proposed project, including opposition to certain statements in the Draft EIR.

Regarding emergency use of middle Morrison Canyon Road by adjacent property owners, please refer to the response to comment 15-2.

Comment Letter 54 (Dinesh Venkatachalam)

Letter 54

From: Dinesh Venkatachalam
Sent: Sunday, June 21, 2020 10:31 AM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon closure to vehicular traffic

Hi,

I would like the city of Fremont to permanently extended the Morrison canyon road closure to vehicular traffic
It provides a safe way to have a nice hike on a paved road while maintaining social distance.

54-1

The current plastic poles are sufficient, and not further marking or improvement is needed from my perspective. No additional monitoring or enforcement is also needed. Just keep what is there

Dinesh Venkatachalam
42901 Luzon Dr
Fremont, CA. 94539

Response to Comment Letter 54 (Dinesh Venkatachalam)

Comment 54-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 55 (Brenda Vieux)

Letter 55

From: Brenda Vieux
Sent: Thursday, June 4, 2020 5:13 PM
To: Bill Roth <broth@fremont.gov>
Subject: Morrison Canyon DEIR

My name is Brenda Vieux. I am part of the Vieux family that has been cattle ranchers lived at 2239 Morrison Canyon Road and have raised cattle for 5 generations. My mother (widowed), daughter and granddaughter still reside at this address.

55-1

The closing of part of Morrison Canyon has created great hardship for our family.

We have property used for grazing that abuts the closed section of Morrison Canyon. We need access to this area to maintain the fencing and access a gate into our property along the road. Prior to the road closing we would typically drive the road once a day to check on cattle. If they were sick they would typically go downhill to the fence line along Morrison Canyon and we would see them. Our neighbors that used the road would also let us know if there was a sick cow, fence down or any other problems with that portion of our property. In the EIR you reference previous road closures due to slides and other events. The road was never closed to us or the other that live along the road. Even when they put up concrete barricades they did so in such a manner that we could still use the road when we wanted.

While we can still drive through the barricades to access our property, they scratch up vehicle. The people using the road put up additional barricades such as rocks or boards to discourage people driving on the road. They get very upset at anyone using the road. It has got to the point that I will not let my daughter drive down to check along our property line. My mother will not take her car past the barricades because it will scratch up the bumper. With all the constraints this portion of our property is not inspected as much as we would like. We had a sick cow right off the road that we could have saved that died because we did not find her in time. We need a way to safely inspect our property without damaging a vehicle or being harassed by walkers and bikers to the point that we do not feel safe.

My mother grew up in Fremont and has many friends that still live there. I recently moved to Livermore. I use to bring food to her house every Wednesday and have friends from Fremont join us for dinner. Many night a week people would stop by to visit with my mom. Most if not all of them used Morrison Canyon to get to our place. With the closing of Morrison Canyon the dinners and friends stopping buy have almost stopped. While I still visit and take her food, with the traffic and time it takes to go get on 680 and go to the Vargas turnoff taking about an hour in traffic it is too difficult to for most people to visit.

55-2

One of her best friends and a person that has helped her when she was sick or needed something is Margret Lilly. She lives off the driveway that is where Morrison Canyon is closed if you are coming up the hill. It was a simple 5 minute drive for them to visit each other, and thy helped each other out many times. That 5 minute drive has increased to well over an hour if there is any traffic on 680. With the increased traffic on 680 and the closing of Morrison Canyon my mother has been cut off from life time friends and their support.

My mother recently had an indecent where she fell and needed to get to the hospital. Due to the closure of Morrison Canyon the two of her friends that are nurses could not get there quickly. I do not believe that an ambulance would drive through the barricades as I know the local police and CHP have chosen to go around instead of over the barricades. This was a problem. My mom was in a cast after that and it was much more difficult to get people to the house to help with her care.

55-3

With the road closure I am very concerned about my family in the event of an emergency. While you say emergence personal can drive thought the barricades they chose to go around. My husband was doing some work at the ranch and severely injured his finger (cut his knuckle off and part of his finger) and we had to go around Vargas Road it took 15 minutes longer then a straight shot down Morrison Canyon to Kaiser. We could not go down Morrison Canyon do to the

Response to Comment Letter 55 (Brenda Vieux)

Comment 55-1

The City appreciates the concerns expressed by the commenter.

Please refer to the response to comment 15-2 regarding the ability for adjacent owners to access the closed portion of middle Morrison Canyon Road for emergency purposes or fence repair, etc.

While the reporting of harassment by walkers and bicyclists is beyond the scope of the Draft EIR, the City will take this comment into consideration in evaluating the merits of the proposed project.

Comment 55-2

The City acknowledges the comment. While the comment does not pertain specifically to any conclusion of the Draft EIR, the Draft EIR acknowledged the potential for the proposed project to exacerbate the existing community division between upper Morrison Canyon Road and parts of Vargas Road with Central Fremont (Impact LU-1). The Draft EIR conservatively acknowledged this as a significant and unavoidable impact of the proposed project, for which there is no feasible mitigation.

These comments will be part of the full record of the project that the City Council will consider in deciding whether to move forward with the proposed project.

Comment 55-3

The City acknowledges and appreciates the concerns expressed in the comment.

The City has been in frequent communication with all emergency responders in the area, advising them that Morrison Canyon Road is fully open for any emergency/first responder use. The City engaged with the Fremont Fire and Police Departments to review the proposed project prior to publication of the Draft EIR. The proposed project reflects input from those City departments.

Regarding the statement that the barricades are illegally “strengthened” with boulders or other obstacles, the City will clear such obstacles as the City is advised of them. The City will consider posting signage encouraging pedestrians and bicyclists to report to the City any such obstacles.

Comment 55-4

The City acknowledges and appreciates the concerns expressed in the comment. While the comment asserts that the Draft EIR did not address Transportation, the concern expressed in this comment speaks to the physical division of the community, which is discussed in Section 3.4, *Land Use*.

In the discussion of Impact LU-1, the Draft EIR acknowledges that the proposed project would result in a significant and unavoidable physical environmental effect (division of a community).

The Draft EIR properly addressed the potential for Transportation impacts (refer to Section 3.6). The Transportation study was focused on the potential for the project to result in intersection delay and to increase vehicle miles traveled. While the City acknowledges that individual effects such as those experienced by the commenter are real, California law does not consider such effects to be significant physical environmental effects under the California Environmental Quality Act.

Comment 55-5

The City notes that the closed portion of middle Morrison Canyon Road does not include any existing driveways into any specific property. Regarding property inspection, please refer to the response to comment 15-2 regarding the ability for adjacent owners to access the closed portion of middle Morrison Canyon Road for emergency purposes or fence repair, etc.

Comment Letter 56 (Barbara Winn)

Letter 56

From: Barbara Winn
Sent: Monday, June 22, 2020 11:51 AM
To: Bill Roth <broth@fremont.gov>
Subject: Keep Morrison Canyon Rd. safe for pedestrians

Mr. Roth:

I enjoy walking on Morrison Canyon Road since it has been closed to through traffic.

Please keep the road closed to traffic so we can continue to walk and bike safely.

Barbara Winn
1188 Deer Road
Fremont, CA 94536

56-1

Response to Comment Letter 56 (Barbara Winn)

Comment 56-1

The comment expresses support for the proposed project. No further response is required.

Comment Letter 57 (Andrew Chan Caltrans District 4 Local Development-Intergovernmental Review)

Letter 57

From: Chan, Andrew@DOT [mailto:Andrew.Chan@dot.ca.gov]
Sent: Tuesday, June 16, 2020 4:27 PM
To: Bill Roth
Cc: State.Clearinghouse@opr.ca.gov
Subject: Caltrans Comment: Morrison Canyon Road Traffic Safety Project SCH:2020040061

Good Afternoon Bill Roth,
Thank you for allowing Caltrans to review and comment on the Morrison Canyon Road Traffic Safety Project's DEIR, SCH #2020040061. Please see Caltrans' comments below. Contact me at andrew.chan@dot.ca.gov if you have any additional questions or concerns. Thank you. 57-1

Fair Share Contribution

Please provide a fair share contribution for potential future improvements on State Route (SR)-238 and Interstate (I)-680 for potential future safety impacts from the redirected trips to SR-238 and I-680.

Minor Clarification

- In the DEIR Table 3.6-4, the column heading appears to be mislabeled. The table and section refer to bicycle traffic volumes, but the third column heading is labeled as "Westbound (WB) Daily Pedestrian Volume Counts". 57-2
- In Appendix A of the Traffic Impact Study (Appendix D), page 118 on the "Morrison_Canyon_DEIR_Appendicies_Combined.pdf" the footnote for Intersection 6 appears to be labeled incorrectly. Please confirm whether it should be "Morrison Canyon Road Safety Project" instead of "Niles Gateway Environmental Impact Analysis". Also, on the same page, confirm whether the footnote should be "PM Existing plus Project" instead of "PM Existing". 57-3

Andrew Chan
Caltrans District 4
Local Development-Intergovernmental Review

Response to Comment Letter 57 (Andrew Chan Caltrans District 4 Local Development-Intergovernmental Review)

Comment 57-1

The comment requests a fair share contribution from the City for potential future improvements on State Route (SR)-238 and Interstate (I)-680 for potential future safety impacts from the redirected trips to SR-238 and I-680.

The City will be happy to engage with Caltrans in discussions on this topic, as may be warranted. As noted in the Draft EIR and Appendix D, the project under Impact TR-1 would result in a redistribution of vehicle trips. “While the project’s proposed permanent closure of a segment of Morrison Canyon Road would remove trips along that roadway segment, the majority of vehicles accessing Morrison Canyon Road are considered to be cut-through traffic attempting to by-pass northbound p.m. commute congestion along I-680. As a result, the trips which would be restricted from traveling along the closed segment of Morrison Canyon Road are assumed to be added back to the “typical” travel routes including Mission Boulevard, Niles Canyon Road, and I-680”. Therefore, the project is not adding new trips to these routes but is essentially compelling them to return to or stay on the regional routes from whence they came (those being SR-238 and I-680), by excluding the use of Morrison Canyon Road as a cut-through route that should not have been utilized by regional traffic in the first place.

Comment 57-2

The commenter notes a mislabeled heading in Table 3.6-4 of the Draft EIR.

The heading in Table 3.6-4 of the Draft EIR has been revised. Refer to Final EIR Chapter 4, *Revisions to the Draft EIR*.

Comment 57-3

The commenter notes a mislabeled footer on page 118 in Appendix D of the Draft EIR.

The left and right footer on page 118 of Draft EIR Appendix D has been revised. Refer to Final EIR Chapter 4, *Revisions to the Draft EIR*.

Comment Letter 58 (Glenn Kirby (Sierra Club Southern Alameda County Group))

Letter 58

Letter dated June 20, 2020 from Glenn Kirby (Sierra Club Southern Alameda County Group)



Southern Alameda County Group

June 20, 2020

City of Fremont, Planning Division
Attn: Bill Roth, Senior Planner
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537

Subject: Comments to Draft Environmental Impact Report for the Morrison Canyon Road Traffic Safety Project SCH#2020040061

Dear Mr. Roth:

The Sierra Club wrote in October 2019 in support of the permanent closure of this road. We continue to support this project with the following comments based on our review of the above draft EIR which concludes that the proposed project is the environmentally superior project.

58-1

Morrison Road was temporarily closed in October 2018 primarily in response to safety concerns due to increased vehicle traffic on this narrow road. The closure of the road as a safety measure was warranted due to the very narrow conditions in places making it very difficult for two vehicles to pass and should be made permanent. Since then the closed roadway itself has become a popular hiking and cycling trail for those visiting the canyon and Vargas Plateau Regional Park.

We applaud the City of Fremont for their on-going efforts to increase non-vehicular transportation within the City through the implementation of Bicycle and Pedestrian Master Plans in the continuing effort to transform the City from a car-centric suburb to a more livable walkable city to reduce GHG/VMT. To do so the City needs to ensure the closure of this segment of Morrison Canyon Rd. has clear connectivity to the City Bicycle/Pedestrian existing and future trail plans, existing trails such as the ACT (Alameda Creek Trail), public transit and appropriate user amenities (bike racks, limited parking at an existing facility on the Fremont side) to avoid unintended consequences as the population of the City and adjacent communities continues to grow. At the same time, the problematic division of an existing community needs to be addressed and mitigated so as to not increase VMT. To claim there are no mitigations, ES-8, appears conclusionary (One avenue for exploration may be pre-existing private easement overlays with a public road or private ownership boundary-lines to the middle of the public road.)

58-2

While the project itself appears not to induce substantial unplanned population growth in an area, as noted in the EIR (Page 26 Impact Pop-a) it is reasonable that the project will likely impact the existing neighborhood areas (Page 26 Impact REC-a) as the population of the area grows nearby. Due to the discovery of the park by those nearby growing neighborhoods, it will experience increased usage over

58-3

time for this now relatively new Regional Park, Vargas Plateau. This portion of the analysis which falls under cumulative growth is inadequate.

58-3 (Cont.)

Non-motorized access to Vargas Plateau by hikers, equestrians and cyclists should be continued in the canyon and augmented with the addition of new multi-use trail connections in an effort to ensure access to Vargas Plateau without use of personal vehicles. This is to urge the City to work with EBRPD to increase this practice at all parks in Fremont. We support exploring additional access to Vargas Plateau through trail connections to the ACT (Alameda Creek Trail), the Sunol Water Temple (as proposed in the Niles/Sunol Trail * proposal Page 7, figure 2) to the east in Sunol and through a trail connection to the proposed Niles/Sunol trail, which could also serve as a commuter/recreational trail, as well as a connection to the Bay Area Ridge Trail at Niles Canyon in the north, either to the Vallejo Mill site or the Mission Clay site, which then could become part of the Bay Area Ridge Trail.

58-4

The Sierra Club continues to support making the road closure permanent, while increasing non-motorized access to Vargas Plateau Regional Park and other parks within the City.

Cordially,



Glenn Kirby
Sierra Club
Southern Alameda County Group

*Niles/Sunol Trail Feasibility Study:

<https://www.acgov.org/board/district2/documents/Niles-Trails-Options.pdf>

Response to Comment Letter 58 (Glenn Kirby (Sierra Club Southern Alameda County Group)

Comment 58-1

The comment expresses support for the proposed project including support for many of the City's project objectives. The comment encourages further coordination of non-vehicular transportation generally, which is beyond the scope of the proposed project and Draft EIR.

Comment 58-2

The comment refers to Draft EIR Impact LU-1: regarding the physical division of an established community and its relation to VMT (vehicle miles traveled), as well as suggests mitigation for Impact LU-1.

Discussion regarding Impact LU-1 is in Draft EIR Chapter 3.4, *Land Use and Planning*. Please refer to the discussion on pages 3.4-7 to 3.4-9 which explains why Impact LU-1 was conservatively designated significant and unavoidable and no mitigation is available. "The only feasible method to lessen or avoid this impact would be to re-open middle Morrison Canyon Road for bi-directional private motor vehicle traffic and resume conditions prior to the November 2018 temporary closure, which would be counter to the objectives of the proposed project" (page 3.4-9). Also refer to Chapter 4.0, *Alternatives*, which provides a comprehensive discussion of alternatives to the project, some of which were considered but dismissed for varying reasons. While it is not immediately clear what exact mitigation the commenter suggests, it appears that it may be a suggestion to convert the closed portion of Morrison Canyon Road to private access only. Section 4.3.1 presents an alternative for Emergency and Hillside Resident Access Only that was considered but dismissed from further consideration because of its infeasibility (page 4-3).

Existing VMT is discussed in Draft EIR Chapter 3.6, *Transportation and Circulation*, on page 3.6-15 and the methodology for project trip redistribution is discussed on page 3.6-20. The Draft EIR, under Impact TR-1, found that VMT as a result of the project would decrease (page 3.6-26) and therefore, no mitigation is necessary. Existing and Existing plus Project VMT is shown in Table 3.6-10 and Table 3.6-11 (page 3.6-29). Please also refer to the responses to comments 3-14, 3-15, 3-16, and 4-3.

Comment 58-3

The comment addresses population growth and states that the project will likely impact the existing cumulative population growth of the project area due to the relatively new Vargas Plateau Regional Park.

As specified in Appendix G of the CEQA Guidelines, the significance criteria for Population and Housing is:

...would the project a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).

The commenter's suggestion would fall within the categories of "indirect", and extension of other infrastructure.

The Draft EIR found that the project would have no impact on population and housing. The Draft EIR states that “the proposed project does not include any additional housing or facilities that would contribute to direct population growth within the project corridor, nor does it propose any services or infrastructure that could contribute to indirect population growth through the region” (page 3.7-26). Under CEQA standards for analyzing population growth a project would need to be shown to induce new home building in an area that could support it and would be allowed by the jurisdiction through planning documentation (direct growth) or would provide new infrastructure that would reasonably facilitate new growth, such as building new homes in a previously inaccessible or unconnected area. Popularity of a certain area or neighborhood due to an attractive aspect such as a nearby park or natural feature, which seems to be the suggestion of this comment, is not the same as a project creating population growth. Population growth may occur over time in the City and the project area, per City planning goals and policies, and this may lead to the popularity and increased usage of Vargas Plateau Regional Park, but this would likely occur regardless of the project and not as a result of the project.

The Draft EIR states in Section 3.7.12, *Recreation*, the potential for increased use of Vargas Plateau Regional Park by bicyclists and pedestrians because “the project would improve bicyclist and pedestrian road safety conditions which could make Morrison Canyon Road a more attractive route to cyclists and pedestrians” (page 3.7-30). Under CEQA, the Significance Criteria for analyzing an impact on Recreation is: would the project a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; and b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?. The Draft EIR found that under both of these criteria, the project would have a less than significant impact.

The history of Vargas Plateau Regional Park is available on the EBRPD website: (<https://www.ebparcs.org/parks/vargas/>) which describes its acquisition by EBRPD dating back into the 1990's.

Cumulative Impacts are addressed for all topic areas in Draft EIR Chapter 5, *CEQA-Required Assessment Conclusions*. The analysis under C-REC-1 concluded that the proposed project, in combination with future demand in the service area of the recreational services providers, would result in a less than significant cumulative impact on parks and recreational facilities (refer to pages 5-9 to 5-10).

Comment 58-4

The comment expresses general support for the project and encourages further coordination of non-vehicular transportation generally, which is beyond the scope of the proposed project and Draft EIR.

Comment Letter 59 (William Yragui, Larry Edelson (Mission Peak Conservancy))

Letter 59

From: william yragui
Sent: Tuesday, June 16, 2020 6:30 PM
To: Bill Roth
Cc: Larry Edelson; Bill Roth
Subject: RE: Response to Draft Environmental Impact Report for Morrison Canyon Rd

Mr. Roth, the city of Fremont proposes to permanently close a section of Morrison Canyon Road blocking through traffic. The city owns the steep, curvy, one-lane road that cuts through Morrison Canyon. Two-way traffic by motor vehicles is impossible, because the width ranges from nine to 12 feet, and there is no shoulder. The city acknowledges that the road is substandard, and some residents of Vargas Plateau agree with this assessment. Our main concern regarding the closure of Morrison Canyon Road, and creation of a dedicated bicycle and pedestrian trail, is the lack of enforcement actions for motorists who violate the closed section of road endangering pedestrians and cyclists. Despite the posted closure, as of June 2020, commercial and private vehicles continue to trespass onto the closed road segment. We are concerned that the proposed method of closure, using pylon barriers, would have no monitoring or enforcement. We request that the city monitor (using cameras or video surveillance) and enforce (using officers of the law) the existing traffic rules and regulations. 59-1

CEQA requires that the lead agency prepare a multidisciplinary environmental impact analysis and assess, based on those studies' findings, the environmental effects of the proposed action. CEQA requires that the environmental impact analysis must be of sufficient detail such that decision makers can intelligently consider environmental consequences when acting on proposed projects. The environmental analysis must analyze mitigation measures and an adequate range of alternatives, that could lessen the significant environmental impacts of the project. We are concerned that the definition of the project is incomplete because it does not encompass all the intended proposed new uses and benefits. The proposed project does not merely close a road to motor vehicle traffic. It does much more, by creating a dedicated bicycle and pedestrian trail for the safe and beneficial use of local residents and visitors to the Regional Park at Vargas Plateau. It is in the interests of the city's residents and the public at large, to facilitate and promote such beneficial use of narrow, unsafe and dangerous roadways, to convert them into trails for pedestrians and cyclists. 59-2

There is substantial evidence supporting a conclusion that closing Morrison Canyon Road will have insignificant environmental impacts. The city's analysis/observation, that "the proposed project will have a significant environmental impact by physically dividing an established community," is factually incorrect with regards to the history, geography and physical makeup of the community. 59-3

These two communities are already divided geographically, and thus are distinct both culturally and socially. The lowlands on the west side have low-density suburban tracts, a mile and a half from Central Fremont. Vargas Plateau lies two miles east, and the elevation is 800 feet higher. The plateau has agricultural grazing land, interspersed with a few dozen houses. A tight-knit rural community has aligned itself along Vargas Rd, the primary access road. This community is culturally and socially quite distinct from the suburban residential tracts in the lowlands on the west side. In addition, the city of Fremont has several years' worth of data demonstrating that residents on Vargas Plateau can use Vargas Road to access business, health care, schools, and churches without issue. As a result, with the two exceptions of, firstly, the project not having any possibility of "physically dividing an established community" and, secondly, the project description should include the creation of a dedicated pathway for bicyclists and pedestrians, the following statements, observations and conclusions are valid for the project: 59-4

- The city of Fremont has provided a complete and accurate description of the project.
- The city of Fremont has adequately disclosed and/or analyzed the significant environmental effects, including but not limited to the traffic and safety impacts along Morrison Canyon Road.
- The city of Fremont has adequately disclosed, analyzed, and mitigated the projects significant cumulative impacts; and
- The city of Fremont's actions described above are reasonable, lawful and demonstrate compliance with the legal duty.

- The closure of Morrison Canyon Road has been documented with an accurate plan depicting current road conditions of Vargas Road and Morrison Canyon Road.
- The plan addresses the environmental impact and related safety issues from traffic that will be redirected to Vargas Road and minimized on Morrison Canyon Road.
- The plan has been drafted with substantial evidence regarding its conclusions under CEQA.

59-4
(Cont.)

A lawsuit filed by two Vargas Plateau residents in 2008 kept Vargas Regional Park closed for over eight years. The lawsuit established that Morrison Canyon Road was "narrow, hazardous, and substandard." The lawsuit also established that the city of Fremont had liability for injury since it knew the roads were substandard. One of the plaintiffs then constructed a 12,000 sq. ft. "barn" with a listed occupancy of over 400 persons. The plaintiff impounded six million gallons of the waters from the state without proper water rights and has sponsored large events and gatherings at the terminus of the road. The so-called "agricultural barn" is designed with heated floors, ADA compliant bathrooms, exit doors with panic hardware, refrigerated rooms to store wine and beer, a copper roof and parking for 50–100 cars. The facility has been used for corporate events, bridal showers, Superbowl parties and several weddings. In 2013, county politicians began drafting a Microbrewery Ordinance which conveniently would benefit a special interest, the plaintiff who built the large barn/event center. The unsafe presence of hundreds of motor vehicles on the narrow road, the emergence of the Microbrewery Ordinance, and the finalized construction of the large events center generated significant concern and suspicion in 2018, on the part of residents who live along the road and in the lowlands on the west side. They expressed their concerns directly to Supervisors Haggerty and Valle of Alameda County and to Mayor Mei of Fremont, on January 29, 2018:

59-5

<https://www.eastbaytimes.com/2018/02/08/proposed-microbrewery-ordinance-raises-residents-concerns-suspicious/>

The ordinance as drafted would have allowed use of the structure for the commercial sale of beer and wine, large events, assemblies and gatherings. The ordinance, when authorized in 2019, contained language blocking such a conversion. However, it is possible that at some future date, the law can be changed or modified, allowing the conversion to occur. The county of Alameda, which is the lead agency for the events center, has not undertaken an environmental analysis of the impact of the large new facility on city roads, including Vargas and Morrison Canyon Roads.

The developer who built the so-called "agricultural barn" and large events center ignored evidence of the existing conditions and actual width of the roadways. The developer ignored evidence of cyclists and pedestrians using Morrison Canyon Road and failed to address how vehicular traffic to the development would be controlled. The developer failed to address how motor vehicle traffic in excess of those using Vargas and Morrison Canyon Roads as of January 2018 would be handled safely. The developer failed to address how traffic and parking would be monitored. The City of Fremont's Measure A was a voter initiative which established development restrictions in the City's hillside area, including areas near the development. Increased traffic on a roadway system could not safely support increases in usage caused by large events held at the development site.

Ordinance No. 1512 was passed to implement Measure A and it interpreted that development within the hillside area would be significantly restricted until "adequately acceptable public or private streets and highways" serviced the area, potentially including a second access street. (Reference Ordinance No. 1512, Sect. 8-21873 and 8-21874) The city has continually taken the position that new residential development in the hillside area covered by Measure A must be accompanied by a separate and adequate roadway network constructed to improve access, as well as the addition of a fire substation and police substation. The traffic levels generated from the large new events center and the possible future phases, are the equivalent of several new residences that could be built in the area. Such residences constructed within the city of Fremont would have to be done in conjunction with road, police, and fire service improvements. Measure A was concerned about the life safety impacts of constructing relatively small amounts of additional housing in the area. Thus, our concern now is even greater, because a large event center for assemblies and gatherings (regardless of whether they are private or public, non-commercial or commercial) has been constructed in Sunol (Alameda County) on the city's border. The large events center will likely generate far more users and traffic in the area. Thus, the developer should have addressed these same life safety concerns and should have included in a CEQA review, a specific roadway plan to improve access. Moreover, the County of Alameda, which has jurisdiction over the

development, should not have approved permits for further construction without compliance with existing environmental, planning and building requirements.

The 2008 lawsuit by the two Vargas Plateau residents had supportive documentation which included the following statements relevant to the closure of Morrison Canyon Road to Vargas Plateau residents:

- 1).a variety of improvements to Vargas and Morrison Canyon Road are required to bring them up to "acceptable roadway engineering safety standards. They include improving roadway site distance, widening the road, providing gravel or paved shoulders, widening constrained areas through the use of appropriate turnouts, implementing drainage improvements, reconstructing road grades, constructing retaining walls, installing guard rails, installing speed and safety signs, striping road edges and center lines, installing traffic signals, and making similar and additional improvements. The increase in traffic associated with park development creates a sense of urgency to making these repairs and improvements.
- 2). The City has no current obligation to improve the roads as they are in an accepted "as is" condition for existing uses.
- 3). Many dangers are posed by the current condition and configuration of Vargas and Morrison Canyon Roads. Motorists have lost control over their vehicles, single and multiple car collisions have occurred, and bicyclists have been injured by other vehicles. These, and similar dangers are expected to grow in number with an increase in motor vehicle, bicycle, and pedestrian traffic from people visiting the area."
- 4). Emergency service providers — police, fire, and paramedic — already have difficulty accessing the area. As just one example, fire crews responding to a vehicle fire on Morrison Canyon Road recently were significantly delayed by the grade and narrowness of the road
- 5). A "dangerous condition" on public property has been defined as "a condition of property that creates a substantial (as distinguished from a minor, trivial or insignificant) risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it will be used." Cal. Gov't. Code 830(a). A dangerous and deteriorated roadway, like Vargas and Upper Morrison Canyon Roads, presents such a condition. See e.g., *Donanno v. Central Costa Costa Transit Authority* (2003) 30 Cal.4th 139, 148 ["most obviously, a dangerous condition exists when public property is physically damaged, deteriorated, or defective in such a way as to foreseeably endanger those using the property itself."].
- 6). Government Code section 835 provides that "a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, [and] that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred." The plaintiff must also establish that the public entity "had actual or constructive notice of the dangerous condition" in sufficient time to have taken measures to protect against the dangerous condition before an injury occurs. Cal. Gov't. Code §835. A public entity has actual notice of a dangerous condition, "if it had actual knowledge of the existence of the condition and knew or should have known of its dangerous character." Cal. Gov't. Code 835.2.
- 7). The City of Fremont's liability stems from its duty to keep public roadways free from dangerous conditions, even if the dangerous condition is created by a something other than the roadway itself (e.g., the shoulder of the roadway; the traffic, bicycles, or pedestrians on the roadway). It is a municipality's duty to keep its streets and sidewalks in a reasonably safe condition for travel by the public, and to use ordinary care to provide against such dangers to the public as may reasonably be anticipated, having due regard to the character of the travel, the incidental purposes for which the highway may be used, and the nature of the danger; and a municipality may be liable for failure to guard against accidents due to a dangerous or defective condition, though the condition exists off the traveled portion of the highway, as long as the condition is so connected with or in such proximity to the traveled portion as to render the highway unsafe to those traveling thereon.

We fully support the closure of through traffic on Morrison Canyon Road and look forward to the permanent closure of the road between the two pylon barricades. We believe the city has an obligation to minimize its liability by those using Morrison Canyon Road by limiting use and restricting vehicular access. wm yragui, larry edelson

wm. yragui, larry edelson
co-founders
Mission Peak Conservancy
650-642-5150 cell

Response to Comment Letter 59 (William Yragui, Larry Edelson (Mission Peak Conservancy))

Comment 59-1

The comment expresses support for the proposed project including support for many of the City's project objectives. The City acknowledges the calls for additional enforcement and will take this into consideration as part of the full record in deciding whether to move forward with the proposed project.

Comment 59-2

The comment asserts that the Draft EIR does not adequately describe the project as it does not encompass all the intended new uses and benefits of the project.

Please refer to Chapter 2, *Project Description*, page 2-11. Here, Project Objective #7 states that an aim of the project is to "[m]aintain a pedestrian/bicycle access route from Fremont's Central District to the open space resources along upper Morrison Canyon Road."

Contrary to the commenter's assertion, the Draft EIR provides a complete, stable, finite and consistent project description in accordance with CEQA's requirements. No revisions to the Draft EIR are necessary.

Comment 59-3

The commenter refers to Draft EIR Impact LU-1 which was conservatively designated a significant and unavoidable impact regarding the physical division of an established community. While the Draft EIR explains why the physical isolation of the upper Morrison Canyon Road area is not considered to be directly or indirectly attributable to the proposed project (refer to Draft EIR page 3.4-9), due to the unique circumstances presented, the City made this conservative determination to foster fully informed decision making and public review.

Comment 59-4

Please refer to the response to the response to comment 59-3 regarding Impact LU-1 and the response to comment 59-2 regarding the adequacy of the project description.

The City acknowledges and appreciates the remainder of the comment which expresses support of the adequacy of the Draft EIR pursuant to CEQA.

Comment 59-5

The comment provides background information regarding Vargas Plateau Regional Park and development in the unincorporated area beyond City boundaries.

The comment does not relate to any specific conclusion of the Draft EIR and requires no further response.

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4.1 Introduction

This section summarizes text changes made to the Draft EIR either in response to a comment letter or initiated by City staff or in response to a modification to the proposed project. New text is indicated in underline and text to be deleted is reflected by a strike through. Text changes are presented in the page order in which they appear in the Draft EIR. The text revisions provide clarification, amplification, and corrections that have been identified since publication of the Draft EIR. The revisions in this chapter do not constitute “significant new information” and it is therefore not necessary for the Lead Agency to recirculate the EIR for public comment prior to certification of the Final EIR (CEQA Guidelines Section 15088.5).

4.2 Staff-initiated Changes to the Draft EIR

The text changes presented in this section were initiated by Lead Agency staff and consist of corrections or clarification. None of the revisions results in fundamental alterations of the conclusions of the Draft EIR. The following text changes have been made:

1. *On page 1-2, the City has made the following change to the description of Morrison Canyon Road.*

Some sections include an asphalt berm ~~to~~ that separate the road from a steep embankment.

2. *The footnote on Draft EIR page 1-3 is revised as follows.*

³ In October 2019, the City transmitted the NOP to state and local agencies, neighbors, and interested parties. The transmittal yielded ~~4142~~ comments from individuals or groups of individuals, one sanitary district, and three organizations. All of this correspondence is included in Appendix A.

3. *In Chapter 4, the discussion on p. 4-5 in Section 4.3.4 has been revised to clarify existing bicycle routes.*

This alternative would, however, achieve some of the project’s safety objectives by reducing the likelihood of bidirectional vehicle conflicts (including with bikes) along the roadway. It would also meet the objectives regarding emergency access and retaining the lower portion as bidirectional. This alternative would not affect the *pedestrian* access route from Fremont’s Central District to the open space resources along upper Morrison Canyon Road, but it would affect this route for *bicycle* users who, by California law, are required to follow the same laws as other drivers and when riding on the road, are required to travel in the same direction as the flow of traffic. This would effectively remove bicycle access to Upper Morrison Canyon from Central Fremont, as the only remaining on-road bicycle access to Upper Morrison Canyon Road would be via Vargas Road. At present, there is no viable on-road bicycle route from Central Fremont to the eastern end of Vargas Road (at I-680). The Cliff Trail would still provide off-road bicycle and pedestrian access to Vargas Plateau Regional Preserve, but via an indirect and steep route.

4.3 Changes to the Draft EIR in Response to Comments

1. The heading in Table 3.6-4, Draft EIR page 3.6-17, is revised as follows. This does not change the analysis or conclusion in Chapter 3.6, Transportation and Circulation of the Draft EIR:

Table 3.6-4. Existing Bicycle Traffic Volumes on Morrison Canyon Road

Date of Survey	Eastbound (EB) Daily Bicycle Volume Counts	Westbound (WB) Daily Pedestrian Bicycle Volume Countsi
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2. The last sentence of paragraph three on page 3.6-19 has been revised as follows:

The records indicate a total of ~~24~~ 25 closures during a four-and-a-half-year period, as shown below in Table 3.6-6.

3. Table 3.6-6, Draft EIR page 3.6-19, is revised as follows.

Table 3.6-6. Road Closures on Morrison Canyon Road from January 2014–May 2019

Incident/Cause	Approximate Time Period
2014	
Large vehicle assistance	2 hours, 45 minutes
Rockslide covering 25% of the roadway	40 minutes
Large vehicle assistance	80 minutes
2015	
Livestock	40 minutes
Large vehicle assistance	4 hours
Hazardous waste debris/unlawful dumping	Unknown
2016	
Non-injury, vehicle collision	Unknown
Emergency medical assistance	3 hours
Tree fall	2.5 hours
Large vehicle assistance	90 minutes
2017	
Power line down	Unknown
Tree fall and ATT lines down	4 hours
Large vehicle assistance	3 hours
<u>Multiple Mudslides</u>	<u>3 months</u>
Large vehicle assistance	43 minutes
Large vehicle assistance (school bus)	Unknown
Tree fall	2 hours
Tree fall and power line down	4 hours
Landslide	Unknown
Large vehicle assistance	30 minutes
Large vehicle assistance	4.5 hours

Incident/Cause	Approximate Time Period
Large vehicle assistance	45 minutes
Livestock	30 minutes
2018	
Livestock	Unknown
2019	
Abandoned vehicle blocking road	50 minutes
Source: City of Fremont, Police Department, 2019.	

4. *In Appendix D, Morrison Canyon Road Traffic Safety Study, of the Draft EIR, the top left footer on page 118 of Appendix A is corrected as follows.*

Morrison Canyon Road Safety Project 12/04/2019
~~Niles Gateway Environmental Impact Analysis 05/04/2017~~

5. *In Appendix D, Morrison Canyon Road Traffic Safety Study, of the Draft EIR, the top right footer on page 118 of Appendix A is corrected as follows.*

PM Existing plus Project

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5.1 Introduction

Where a California Environmental Quality Act (CEQA) document has identified significant environmental effects, Public Resources Code Section 21081.6 requires adoption of a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.” A public agency is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). A Mitigation Monitoring and Reporting Program (MMRP) must be designed to ensure project compliance with mitigation measures during project implementation.

The City of Fremont is the lead agency that ordinarily would adopt an MMRP for implementation of the project. However, this project does not have any significant environmental effects that can be lessened, mitigated, or avoided through adoption of feasible mitigation measures. Moreover, there are no changes to the project that can avoid or minimize the one significant environmental impact (Impact LU-1) while meeting basic objectives of the project.

Because there are no feasible mitigation measures, preparation of an MMRP is not necessary for the proposed project, and one has not been prepared to provide for the monitoring of mitigation measures required of the proposed project because there are none.

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