

## **Environmental Impact Assessment – Niles Mixed-Use Project (PLN2014-00338)**

### **DRAFT MITIGATED NEGATIVE DECLARATION**

The following proposed project has been reviewed, pursuant to the provisions of Resolution No. 3231, as amended, of the City Council of the City of Fremont for the purpose of determining the likelihood of a significant adverse environmental impact occurring as a result of project completion.

**NAME OF PROJECT:** Niles Mixed-Use Project

**PROJECT NO.:** PLN2014-00338

**LOCATION OF PROJECT:** 37899 Niles Boulevard, Fremont, CA (APN:507-0170-001-03). Refer to Exhibit “A” (Vicinity Map).

**DESCRIPTION OF PROJECT:** The proposed project that is the subject of this Mitigated Negative Declaration is described under the caption "Mixed Use Development Project" below. This Mitigated Negative Declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) and is intended to serve as the CEQA document for consideration of the public approvals and implementation of the proposed project. The proposed project would be developed by the project applicant on an approximately 6.07-acre site located in Niles District of Fremont.

#### ***Mixed-use Development Project***

The project applicant (Valley Oak Partners, LLC) is proposing to develop 98 dwelling units and 3,620 square feet of non-residential uses. The 98 dwelling units would consist of 89 townhomes and nine “Creative-Retail-Artist-Flex-Tenancy” (CRAFT) units. The 3,620 square feet of non-residential uses would consist of 2,400 square feet of retail/restaurant uses and 1,220 square feet of community space. In total, 196,212 square feet of buildings are proposed to be developed on the 6.07-acre site.

The non-residential uses and CRAFT units would be located along the Niles Boulevard frontage, with the townhome uses located to the south. A “Gateway Palm Court” entry feature would face the intersection of Niles Boulevard/Niles Canyon Road and serve to divide the non-residential uses/ CRAFT units from the townhome uses.

Primary vehicular access would be taken from a new roadway connection to Niles Boulevard and secondary vehicular access would be taken from Chase Court. The dead end portion of Niles Boulevard that extends south from Niles Canyon Road would be converted to a 0.72-acre linear park, which would provide a bicycle/pedestrian connection to the Alameda Creek Trail.

Project buildings would employ contemporary architectural design elements such as large picture windows, roll-up doors (CRAFT units), wall projections, trellises, and awnings. Materials would include stucco, metal, and brick. Colors would include earth tones such as shades of off-white, light green, black, grey, and beige. Exhibit 5d provides a perspective of the townhomes.

The proposed project would install an onsite storm drainage system consisting of a network of bioretention areas, inlets, and underground piping. Runoff would be conveyed to an existing

storm drainage line within the Niles Boulevard dead end segment that discharges into Alameda Creek.

The proposed project would connect to the existing Alameda County Water District potable water lines and Union Sanitary District sewer lines located along the western project site boundary or within Niles Boulevard.

The project requires approval of General Plan Amendment (to re-designate the site to “Commercial – Town Center” and “Residential – Medium”), a Rezoning (to “Planned Development”), a Vesting Tentative Tract Map, a General Vacation (to convert the Niles Boulevard street right-of-way frontage into a linear park), Design Review, Preliminary Grading Plan, a Preliminary Grading Plan, and Tree Removal Permits.

Refer to Exhibit “B” for the site plan.

**GEOGRAPHIC LOCATION WITHIN CITY:** Niles Community Plan Area

**NAME OF AUTHORIZED AGENT OF APPLICANT:** Doug Rich, Valley Oak Partners

**MAILING ADDRESS OF APPLICANT OR AGENT:** 734 The Alameda, San Jose, CA 95126

**TYPE OF ENTITLEMENT SOUGHT:** General Plan Amendment from Industrial Service (Special Study Area Overlay) to Town Center Commercial and Medium Density Residential; Preliminary and Precise Planned District P-2014-338 (Rezoning), Vesting Tentative Tract Map, Private Street, Tree Removals and Preliminary Grading Plan; Design Review; and General Street Vacation.

**EXPLANATION OF REASONS FOR THE FINDING:** A finding is proposed that this project will not have a significant effect on the environment. The proposed project is an infill development in an urban area that was previously developed and does not displace, destroy, or remove significant natural vegetation, wildlife, or natural resources and the project includes site plan, architectural and use controls in conformance with City codes and policies, as well as with other responsible agency regulations. Furthermore, the project includes specific mitigation measures addressing potential significant impacts on air quality, biological resources, cultural resources, hazards and hazardous materials, noise and transportation. The implementation of these mitigation measures, combined with the project conditions of approval, would reduce all impacts the project may have to a less-than-significant level.

**Public Hearing:** The Historical Architectural Review Board (HARB) is tentatively scheduled to consider the project at its January 15, 2015 meeting, followed by Planning Commission and City Council consideration of the project tentatively scheduled on January 22, 2015 and February 10, 2015, respectively. All environmental documents are available for review at 39550 Liberty Street, Fremont. The HARB public hearing will be held in the Niles Room at 39550 Liberty Street. Planning Commission and City Council hearings are held in the City Council Chambers at 3300 Capitol Avenue. All environmental documents are available for review at 39550 Liberty Street, Fremont, California.

Any comments as to whether the draft Mitigated Negative Declaration should become final or whether an environmental impact report (EIR) should be prepared for the project must be

submitted within 30 days of the posting of this draft Mitigated Negative Declaration. The comment period begins December 15, 2014 and ends January 15, 2015.

If this draft Mitigated Negative Declaration becomes final by any approval agency other than the City Council, any person who wishes to protest such final action must do so within ten days of the date it becomes final by the filing of a written protest with the City Clerk and by payment of the required protest fee. If this draft Mitigated Negative Declaration becomes final by City Council action, any person who disagrees with Council action may seek judicial review.

Posted within the Development Services Center at 39550 Liberty Street, Fremont on December 12, 2014.

Notice of Determination to be sent to:

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|-------------------------------------|---|-------------------------------------|---------------|
| <input checked="" type="checkbox"/> | Posting of Notice                       | <input checked="" type="checkbox"/> | County Clerk  |
| <input type="checkbox"/>            | Mailed to owners of contiguous property | <input checked="" type="checkbox"/> | Clearinghouse |
| <input type="checkbox"/>            | Publish notice                          |                                     |               |

IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:

Clifford Nguyen	Urban Initiatives Manager	510-284-4017
NAME	TITLE	PHONE NUMBER