

**PERALTA CROSSING RESIDENTIAL PROJECT
RESPONSE TO COMMENTS/FINAL
ENVIRONMENTAL IMPACT REPORT**

STATE CLEARINGHOUSE NO. 2015022010

LSA

May 2015

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ENVIRONMENTAL IMPACT REPORT**

STATE CLEARINGHOUSE NO. 2015022010

Submitted to:

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City of Fremont
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Fremont, California 94538

Prepared by:

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May 2015

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I. INTRODUCTION

A. PURPOSE OF THE RESPONSE TO COMMENTS/FINAL ENVIRONMENTAL IMPACT REPORT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) and Initial Study (included as Appendix B of the Draft EIR) prepared for the Peralta Crossing Residential Project (project). The Draft EIR is a Focused EIR that identifies the likely noise and vibration consequences associated with development of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This document provides a response to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or makes clarifications to material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

B. ENVIRONMENTAL REVIEW PROCESS

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On October 31, 2014, the City of Fremont circulated a Notice of Preparation (NOP) to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the proposed project and its potential impacts. While no comments were received during the 30-day review period, a letter from the Department of Transportation was received in response to the NOP after the 30-day review period on the NOP had closed and is included in this document

The Draft EIR was made available for public review on March 10, 2015, and was distributed to local and State responsible and trustee agencies. Copies of the Notice of Availability (NOA) of the Draft EIR were mailed to the owners and occupants of all properties located within 1,000 feet of the project site. The Draft EIR and an announcement of its availability were posted electronically on the City's website, and a hard copy was available for public review at the City of Fremont Community Development Department and the City of Fremont Library.

The CEQA-mandated 45-day public review period ended on April 24, 2015. The City received two comment letters, one from the Department of Transportation identified above, and the other from the project applicant. Although the comment letter from the project applicant was received following the 45-day public review period, the City has included it in this document as allowed for per CEQA Guidelines Section 15088(a). A copy of the written comments received during the comment period is included in Chapter III of this document.

C. DOCUMENT ORGANIZATION

This Response to Comments/Final EIR consists of the following chapters:

- *Chapter I: Introduction.* This chapter discusses the purpose and organization of this document and summarizes the environmental review process for the project.
- *Chapter II: List of Commenting Agencies and Individuals.* This chapter contains a list of agencies and individuals who submitted written comments during the public review period.
- *Chapter III: Comments and Responses.* This chapter contains reproductions of all comments received on the Draft EIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- *Chapter IV: Draft EIR Revisions.* This chapter identifies Draft EIR text revisions made in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR. Double underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR.

II. LIST OF COMMENTING AGENCIES

This chapter presents a list of comment letters received during the public review period and describes the organization of the letter and comments that are provided in Chapter III, Comments and Responses, of this document.

A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter III includes a reproduction of the comment letters received on the Draft EIR. The letters are numbered and comments within the letter are numbered consecutively.

B. LIST OF AGENCIES COMMENTING ON THE DRAFT EIR

The following comment letters were submitted to the City during the public review period.

Federal, State, Regional and Local Agencies

A1 State of California, Department of Transportation; Patricia Maurice, Acting District Branch Chief (March 3, 2015)

Organizations and Individuals

B1 Andrew Warner, Director of Development City Ventures (May 1, 2015)

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III. COMMENTS AND RESPONSES

Written responses to the comment letters received on the Draft EIR are provided in this chapter. The letters received during the public review period on the Draft EIR are provided in their entirety. The letters are immediately followed by responses keyed to the specific comments.

Please note that text within individual letters that has not been numbered does not raise environmental issues or relate to the adequacy of the information or analysis within the Draft EIR and, therefore, no comment is enumerated or response required, per *CEQA Guidelines* Section 15132.

A. FEDERAL, STATE, AND REGIONAL AGENCIES

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6028
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



*Serious Drought.
Help save water!*

March 3, 2015

ALA084453
ALA-84-PM 8.3
SCH# 2015022010

Mr. Steve Kowalski
Planning Division
City of Fremont
39550 Liberty Street
Fremont, CA 94538

Dear Mr. Kowalski:

Peralta Crossing – Notice of Preparation

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the Notice of Preparation and have the following comments to offer.

Lead Agency

As the lead agency, the City of Fremont is responsible for all project mitigation, including any needed improvements to State Highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy.

A1-1

Impact to State Facilities

Given the existing congestion levels in the study area, if this project does not qualify for streamlining provisions under SB 375 regarding traffic impact analysis, or there are impacts to the structure, safety or operations of the State Highway System, the potential project impacts should be evaluated in a Traffic Impact Study (TIS). This should include average daily trips (ADT), AM and PM peak hour trips and address cumulative impacts to the State highway in the area. Please ensure your analysis includes the SR 84 corridor and the SR 84 (Peralta Boulevard)/Fremont Boulevard intersection. We recommend using the Caltrans *Guide for the Preparation of Traffic Impact Studies* for determining which scenarios and methodologies to use in the analysis of a TIS. It is available at the following website:
http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

A1-2

Mr. Steve Kowalski/City of Fremont
March 3, 2015
Page 2

Traffic Impact Fees

Please identify the Traffic Impact Fees associated with this proposed project. The scheduling and costs associated with planned improvements on Caltrans right-of-way (ROW) should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

A1-3

Vehicle Trip Reduction

Transportation Demand Management (TDM) policies should be developed to encourage transit use thereby reducing vehicle trips on the State Highway System. Consider lower parking ratios, car-sharing programs, bicycle parking, and providing transit passes to residents. For more information about parking ratios, see the Metropolitan Transportation Commission (MTC) report *Reforming Parking Policies to Support Smart Growth* available on the following website: http://www.mtc.ca.gov/planning/smart_growth/parking.

A1-4

Encroachment Permit

Please be advised any design, work, or traffic control within the State Right-of-way (ROW) requires an encroachment permit that is issued by Caltrans. Where traffic restrictions and detours affect State highways, a Transportation Management Plan or construction TIS may be required. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to: Dave Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. See the following website for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

A1-5

Should you have any questions regarding this letter, please contact Sherie George at 510-286-5535 or sherie.george@dot.ca.gov

Sincerely,



PATRICIA MAURICE
Acting District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

COMMENTER A1

State of California, Department of Transportation
Patricia Maurice, Acting District Branch Chief
March 3, 2015

- Response A1-1: Comment noted. The Peralta Crossing Initial Study (included as Appendix B of the Draft EIR) discusses impacts of the project on transportation and circulation. The analysis of traffic impacts found that the proposed project would generate fewer trips than would be generated by the existing land uses. Therefore, the City would not require the proposed project to provide transportation mitigation for roadway improvements on State facilities.
- Response A1-2: As discussed on page 30 of the Peralta Crossing Initial Study, the proposed project would not impact surrounding roadways, including the State Highway system. Therefore, a Traffic Impact Study was not required for the proposed project.
- Response A1-3: The proposed project would be subject to Citywide Development Impact Fees, which includes fees for traffic facilities. All applicable fees would be calculated and paid at the fee rates in effect at the time of building permit issuance.
- Response A1-4: The proposed project is consistent with the City of Fremont General Plan Mobility Element and is located two blocks southeast of the Altamont Commuter Express and Amtrak train transit stations. The close proximity of available transit options would contribute to a reduction in project related vehicle trips. The Mobility Element includes policies and implementation measures to reduce dependence on single passenger automobiles, reduce vehicle miles traveled, and manage the demand for parking, all of which contribute to a reduction in vehicle trips on the State Highway System.
- Response A1-5: The proposed project would not include any design, work, or traffic control within the State right-of-way (ROW) and, therefore, an encroachment permit would not be required for the proposed project.

B. ORGANIZATIONS AND INDIVIDUALS

From: Andrew Warner [mailto:andrew@cityventures.com]
Sent: Friday, May 01, 2015 4:52 PM
To: Steve Kowalski; Samantha Hauser
Subject: FW: Peralta Crossing EIR

Steve,

Questions about MM NOI-1:

Can you send me "Figure IV-2" that is referenced in the MMRP that shows the required STC of windows?

What is the purpose of requiring that windows above STC 36 have glass thicker than 3/16"? Milgard makes triple pane windows with STC above 36 that include 3 panes at 1/8" each. Why is there any restriction on thickness if the STC is met?

The Mitigation measure should refer to "exterior doors" to make it clear that interior doors do not need to have STC requirements.

The "acoustical test report" required is a standard test performed by the manufacturer, which we can provide. I'm confirming that we are not going to do field tests.

B1-1
B1-2
B1-3
B1-4

The alternative proposed with 22 homes that are 125' feet from the tracks does not jive with the acoustic report that we prepared. Our engineer found that you would not be able to build within 400' of the tracks. Was another report used for the EIR? If so, can you provide a copy? Here is the section from our acoustic report:

- 3 -

For informational purposes, using the maximum noise level limits per the Safety Element would preclude residential construction within 400 ft. of a rail line where horns are sounded utilizing even the highest sound rated residential windows available. Train horns last for a few seconds at a time, with two to four soundings per passby. Horn noise maximum levels can be 20 to 30 decibels higher than the rest of the train passby noise level and can vary by 10 dB for each sounding. In terms of noise mitigation, variations of 5-6 dB are significant.

B1-5

Thanks!

Andrew Warner
Director of Development
444 Spear Street, Suite 200
San Francisco, CA 94105
(direct) 415.845.0293
(email) Andrew@cityventures.com



www.cityventures.com
[Twitter](#) | [Facebook](#)

COMMENTS B1

Andrew Warner, Director of Development, City Ventures
May 1, 2015

Response B1-1: Figure IV-2: Window and Door Sound Transmission Class (STC) Plan is shown on page 35 of the Draft EIR. Figure IV-2 is also attached to the Mitigation Monitoring and Reporting Plan (MMRP) as part of the Final EIR.

Response B1-2: As stated on page 19 of the Draft EIR, the information presented in the Draft EIR is based on the findings of the project's Noise and Vibration Assessment Study prepared by Edward L. Pack Associates, Inc. dated August 25, 2014. The report is also included as Appendix C of the Draft EIR. According to the Noise and Vibration Study (page 13), in order to achieve compliance with the 45 dB DNL limits of the City of Fremont Safety Element standards and to reduce maximum interior noise to the extent feasible, all windows and glass doors rated STC 36 (or higher) must meet glass lite thicknesses no less than 3/16 inch.

In response to this comment, pages 33 and 34 of the Draft EIR are revised as follows:

Mitigation Measure NOI-1: To reduce interior noise levels, the project applicant shall implement the following measures:

- In order for windows and doors to remain closed, mechanical ventilation such as air conditioning shall be provided for all units.
- Windows and exterior doors shall be constructed with the Sound Transmission Class (STC) ratings shown in Figure IV-2. All windows and glass doors rated STC 36 (or higher) shall ~~have~~ meet attenuation levels provided by glass lite thicknesses no less than 3/16 inch, as demonstrated by the applicant for approval by the City. Single-strength (3/32 inch) glass shall not be permitted in any of the window or glass door assemblies.
- All vent ducts connecting interior spaces to the exterior (i.e., bathroom exhaust, etc.) shall have at least two 90 degree turns in the duct.
- All windows and doors shall be installed in an acoustically-effective manner. Sliding-window panels shall form an air-tight seal when in the closed position and the window frames shall be caulked to the wall opening around the perimeter with a non-hardening caulking compound to prevent sound

infiltration. Exterior doors shall seal air-tight around the full perimeter when in the closed position.

- An acoustical test report of all the sound-rated windows and doors shall be provided to the City for review by a qualified acoustical consultant to ensure that the selected windows and doors would reduce interior noise levels to the extent feasible. (SU)

Response B1-3: The City of Fremont does not have standard building code requirements for interior doors and, therefore, the measure does not need to specify that it applies only to exterior doors.

Response B1-4: The comment is noted. The City would accept the manufacturer acoustical test reports to meet the requirements of the measure.

Response B1-5: Chapter V, Alternatives, discusses the Reduced Development Alternative which proposes that only the 22 units closest to Peralta Boulevard be constructed (rather than all 46 units). The analysis of the Reduced Development Alternative determined that the significant and unavoidable noise impacts identified for the preferred project could be reduced to a less-than-significant level. To clarify how this alternative would mitigate the noise impact, page 41 of the Draft EIR is revised as follows.

1. Principal Characteristics

This alternative would only develop the 22 units that are proposed closest to Peralta Boulevard (rather than all 46 of the units proposed by the project) including the proposed residential buildings A, B and C. The soundwall proposed as part of the project would also be included as part of this alternative. Additionally, building heights would be limited to two stories and all bedrooms would be located in the portion of the units closest to Peralta Boulevard.

The comment also references the Noise and Vibration Study included in Appendix C of the Draft EIR and includes a portion of that study (see page 3) that identifies that a 400 foot distance would be necessary to reduce noise impacts from train horns to the degree that the City's noise standards would be met. However, the Noise and Vibration Study assumed that a three-story residential building with bedrooms facing the railroad tracks would be constructed. As identified above, under the Reduced Development Alternative, a sound wall and only two-story buildings would be constructed approximately 125 feet away from the railroad tracks with all bedrooms facing Peralta Boulevard. With this configuration, the noise impacts from train horns could be mitigated to a less-than-significant level. Chapter V of the Draft EIR has been revised to clarify the Reduced Development Alternative characteristics required to reduce noise impacts to a less-than-significant level at 125 feet from the railroad tracks.

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IV. TEXT REVISIONS

Revisions to the text of the Draft EIR and Initial Study are provided below to clarify any errors, omissions, or misinterpretation of materials in the Draft EIR and Initial Study, and in response to comments received during the public review period. In no case do these revisions result in any new significant unavoidable impacts or a substantial increase in the severity of a previously identified significant impact set forth in the Draft EIR. Where revisions to the main text are called for, the page is identified followed by the appropriate revision. Added text is indicated with double underlined text and deleted text is shown in ~~strikeout~~.

A. DRAFT EIR TEXT REVISIONS

Pages 33 and 34 of the Draft EIR are revised as follows:

Mitigation Measure NOI-1: To reduce interior noise levels, the project applicant shall implement the following measures:

- In order for windows and doors to remain closed, mechanical ventilation such as air conditioning shall be provided for all units.
- Windows and exterior doors shall be constructed with the Sound Transmission Class (STC) ratings shown in Figure IV-2. All windows and glass doors rated STC 36 (or higher) shall have meet attenuation levels provided by glass lite thicknesses no less than 3/16 inch, as demonstrated by the applicant for approval by the City. Single-strength (3/32 inch) glass shall not be permitted in any of the window or glass door assemblies.
- All vent ducts connecting interior spaces to the exterior (i.e., bathroom exhaust, etc.) shall have at least two 90 degree turns in the duct.
- All windows and doors shall be installed in an acoustically-effective manner. Sliding-window panels shall form an air-tight seal when in the closed position and the window frames shall be caulked to the wall opening around the perimeter with a non-hardening caulking compound to prevent sound infiltration. Exterior doors shall seal air-tight around the full perimeter when in the closed position.
- An acoustical test report of all the sound-rated windows and doors shall be provided to the City for review by a qualified acoustical consultant to ensure that the selected windows and doors would reduce interior noise levels to the extent feasible. (SU)

Page 41 of the Draft EIR is revised as follows:

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buildings A, B and C. The soundwall proposed as part of the project would also be included as part of this alternative. Additionally, building heights would be limited to two stories and all bedrooms would be located in the portion of the units closest to Peralta Boulevard.

B. INITIAL STUDY TEXT REVISIONS

The City, as lead agency, has not identified any revisions to the Initial Study text.