

**Environmental Impact Assessment PLN2015-00241**

**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:** Springhill Suites

**PROJECT NO.:** PLN2015-00241

**DESCRIPTION OF PROJECT:** The proposed project is a Conditional Use Permit, Discretionary Design Review, and a Vesting Tentative Parcel Map (No. 10362) to allow a 14.9 acre parcel to be subdivided into three separate parcels, and to allow the development of a 148-suite hotel on one of the three parcels. A future office building may also be developed on one of the new parcels located on the west side of Fremont Boulevard at the terminus of Landing Parkway. The project also includes a request to increase the Floor Area Ratio (FAR) of the proposed hotel from .35 to .75. The office use is not proposed for development at this time, therefore specific design details are not yet known. A future office use with an FAR of .35 would be consistent with the General Plan land use designation, however, it is anticipated that the proposed future office use would exceed this FAR. Therefore, for purposes of CEQA analysis, a 100,000 square foot future office use was assumed for the southeastern parcel. Should the FAR for the proposed office use exceed a .35 FAR at the time the southeastern parcel is developed, a discretionary approval for an FAR increase would be required.

*Tentative Parcel Map*

The proposed Vesting Tentative Parcel Map would subdivide the existing parcel into three lots. The north lot is referred to as Parcel 1 and is 2.9 acres and would contain a five-story, 96,000 square-foot Springhill Suites hotel. The hotel's parking lot and landscaping would surround the building on all sides. Parcel 2 would be 3.12 acres located on the south portion of the property and may contain a future 100,000 square-foot office building. A third Parcel (A) would be created on the west portion of the site and would contain 8.9 acres. This portion of the site contains existing wetlands, which were created as compensatory mitigation for development/fill activities related to prior subdivision of the original much larger property. The mitigation to create the wetlands has been fulfilled and the wetlands are now self-sustaining. Parcel A would be maintained by the owner of the Springhill Suites parcel. The maintenance of the wetlands would be included in the project CC&R's. A conservation easement would also be recorded on the 8.9 acre wetlands portion of the site to ensure that no development would occur on the site in the future.

The property is designated Industrial - Tech in the General Plan. The property is currently zoned I-R Industrial Restricted, and I-R (F) Industrial Restricted (Flood Overlay). The Restricted Industrial District allows research and development, and lighter manufacturing facilities, however, service facilities such as a hotel are permitted with a Conditional Use Permit (CUP) with approval by the Planning Commission. The proposed Vesting Tentative Parcel Map (VTPM) No. 10362, Discretionary Design Review and FAR increase request will accompany the CUP.

**LOCATION OF PROJECT:** West side of Fremont Boulevard at west terminus of Landing Parkway, Fremont, CA, 94539 (APN: 519-850-125)

**GEOGRAPHIC LOCATION WITHIN CITY:** Bayside Industrial Community Plan Area

**NAME OF AUTHORIZED AGENT OF APPLICANT:** Satish Narayan

**MAILING ADDRESS OF APPLICANT OR AGENT:** 30073 Skylark Court, Hayward, CA 94544

**TYPE OF ENTITLEMENT(S) SOUGHT:** Conditional Use Permit, Discretionary Design Review Permit and Vesting Tentative Tract Map (No. 10362).

**EXPLANATION OF REASONS FOR THE FINDING:** A finding is proposed that this project will not have a significant effect on the environment. The project is consistent with the General Plan land use designation and complies with development standards of the Fremont Municipal Code. Mitigation measures are incorporated into the project addressing potentially significant impacts.

The project is an infill development in an urban area that 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 the City codes and policies, as well as with other responsible agency regulations. Mitigations measures were included to address: potential traffic impacts at nearby signalized intersections; noise impacts from Fremont Boulevard; potential temporary air quality impacts due to grading and construction activities; potential impacts to biological resources (specifically Burrowing Owl and nesting raptors and migratory birds); potential impacts to cultural resources as a result of grading activities or site disturbance, and potential impacts to hydrology due to site grading.

**Public Hearing:** The Planning Commission is tentatively scheduled to consider the project at its January 14, 2016 meeting. Planning Commission meetings are held in the City Council Chambers at 3300 Capitol Avenue. All environmental documents are available for review at 39550 Liberty Street, Fremont.

Any comments as to whether the draft negative declaration should become final or whether an EIR should be prepared for the project must be submitted within 20 days of the posting of this draft negative declaration. The comment period begins December 24, 2015 and ends January 13, 2016.

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 declaration becomes final by City Council action, any person who disagrees with Council action may seek judicial review.

Posted within the Development Services Center on December 23, 2015.

Notice of Determination to be sent to:

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

IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:

Terry Wong	Associate Planner	(510) 494-4456
NAME	TITLE	PHONE NUMBER

**Mitigation and Monitoring Plan (MMP) – Springhill Suites – Fremont Boulevard (PLN2015-00241)**

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Implementation</b>	<b>Monitoring Responsibility</b>	<b>Status / Timing</b>
Air quality management/ air pollution control	<p><b>Mitigation Measure Air-1: <u>Temporary Construction Emissions.</u></b> <i>Prior to the issuance of a grading permit, the following best management practices shall be included in a dust control plan to limit fugitive dust emissions and noted on the grading and construction plans along with the contact information for a designated crew member responsible for the on-site implementation of the dust control plan:</i></p> <ol style="list-style-type: none"> <li>1. <i>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.</i></li> <li>2. <i>All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</i></li> <li>3. <i>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</i></li> <li>4. <i>All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</i></li> <li>5. <i>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</i></li> <li>6. <i>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.</i></li> <li>7. <i>All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</i></li> <li>8. <i>Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</i></li> </ol>	Developer/Contractor	City of Fremont Building Division	During site development work

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Biological Resources	<p><i>To mitigate any potential impact to future occupation of the site by burrowing owls, the following measures shall be incorporated into the project conditions of approval and written into the construction drawings:</i></p> <ul style="list-style-type: none"> <li><i>a) No more than 14 days prior to any ground disturbing activities (regardless of time of year), a qualified biologist will conduct a take avoidance survey for burrowing owls.1 If no owls are found during this first survey, a final survey will be conducted within 24 hours prior to ground disturbance to confirm that burrowing owls are still absent. If ground disturbing activities are delayed or suspended for more than 14 days after the initial take avoidance survey, the site will be resurveyed (including the final survey within 24 hours of disturbance). All surveys will be conducted in accordance with Staff Report guidelines.</i></li> <li><i>b) Buffer. If one or more owls are observed on-site during the nesting season, a setback of 200 meters (656 feet) shall occur between the owl and construction. If the owls are not disturbed by closer construction based on the observations of a knowledgeable biologist, the buffer can be shortened. Construction can resume between 50 and 200 meters from occupied burrows after the young fledge and are foraging independently. After the young fledge and/or from September 1 through January 31, the CDFW will be contacted regarding passively relocating the owls and developing mitigation for them.</i></li> </ul> <p><b>Mitigation Measure Bio-2:</b> <i>Preconstruction nesting bird surveys should be implemented within the two weeks before construction begins if construction will occur between February 1 and August 31, the period within which migratory birds usually nest. A minimum buffer of at least 50 feet should be established between the nest and construction activity. This buffer will be maintained until the young fledge and are foraging independently. Nevertheless, if construction at the edge of a smaller buffer does not disturb nesting birds, the buffer width could be shortened at the discretion of the monitoring biologist and in consultation with CDFW. If 50 feet is too narrow a buffer, based on the behavior of the birds, then the monitoring biologist can modify the buffer to a larger width such that the nesting birds, including nestlings, are not adversely</i></p>	Developer/Contractor	City of Fremont Planning Division	During site development work

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	<p><i>disturbed by construction. A biologist will monitor the bird nest weekly during construction prior to fledging. Construction can resume within the buffer after fledging.</i></p>			
<p>Cultural Resources</p>	<p><b>Mitigation Measure Cult-1:</b> <i>If any archaeological or paleontological resources or human remains are encountered during grading or site disturbance, the following measures shall be implemented:</i></p> <p><u>Archaeological Deposits.</u>  <i>If deposits of prehistoric or historical archaeological materials are discovered during project activities all work within 50 feet of the discovery shall be redirected. Project personnel shall not collect or move any archaeological materials. A qualified archaeologist shall be contacted to assess the situation and consult with agencies as appropriate, including the City of Fremont. The archaeologist shall make recommendations for the treatment of the discovery.</i></p> <p><i>It is recommended that adverse effects to archaeological deposits be avoided by project activities. If avoidance is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the National Register of Historic Places and the California Register of Historical Resources (PRC §21084.1; CEQA Guidelines §15064.5(c)(1)), or whether the deposit qualifies as a “unique archaeological resource” under CEQA. If the deposit is neither eligible for the National or California registers nor a unique archaeological resource, avoidance is not necessary. If the deposit is eligible or qualifies as a unique archaeological resource under CEQA, adverse effects on the deposits must be avoided, or such effects must be mitigated. Mitigation can include, but is not necessarily limited to, excavation of the deposit in accordance with a data recovery plan and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and, if appropriate, accessioning the historic archaeological material and technical report to an archaeological repository. Educational public outreach would be appropriate if significant cultural resources were identified.</i></p>	<p>Developer/Contractor</p>	<p>City of Fremont Building Division</p>	<p>During site development work</p>

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	<p><i>Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results of resource evaluation and mitigation efforts. The report shall be submitted to the Northwest Information Center at Sonoma State University.</i></p> <p><b>Mitigation Measure Cult 2:</b> <i>If human remains are discovered, the following steps shall be taken: If human remains are discovered during project activities the procedures outlined in Section 7050.5 of the California Health and Safety Code shall be implemented. Work within 50 feet of the discovery shall be redirected and the Alameda County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate, including the City of Fremont Planning Department. Project personnel shall not collect or move any human remains and associated materials.</i></p> <p><i>If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.</i></p>			
Hydrology	<p><b>Mitigation Measure Hydro-1:</b> <i>The project shall be designed to channel the storm water runoff created from the hotel site and future office building site's 1.35 acres of impervious surface area (2.70 acres total) in order to sustain the existing wetlands located on the western portion of the (referred to Parcel A) of the subject property.</i></p>			

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Noise	<p><b>Mitigation Measure Noise-1:</b> <i>The project shall include the installation of windows with minimum Sound Transmission Class (STC) rating of 26 in all hotel rooms.</i></p> <p><b>Mitigation Measure Noise-2:</b> <i>The project shall include a suitable forced-air mechanical ventilation, as determined by the Building Official, for all hotel rooms in the project, so that the windows can be kept closed.</i></p> <p><b>Mitigation Measure Noise-3:</b> <i>Prior to approval of final site plan, floor plans, and elevations, and issuance of building permits for the construction of the hotel and office building, the applicant shall retain the services of a qualified acoustical consultant to review plans and recommend building treatments to reduce interior noise levels to 45 dBA Ldn. Determination of what noise insulation treatments are necessary for exterior-facing rooms with direct line-of-sight to Fremont Boulevard shall be conducted on a room-by-room basis during final design of the project. Final acoustic analysis and specifications shall be submitted to the Community Development Department of the City of Fremont during building permit plan check.</i></p>	Developer/Contractor	City of Fremont Building Division	During site development work

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Traffic	<p><i>Mitigation Measure: In order to avoid triggering an impact, an adjustment would need to be made to the intersection signal operation to adjust the traffic signal cycle and green time allocation (splits). With this mitigation in place, the intersection would remain at an LOS E with an average delay of 66.5 seconds during the AM peak hour. The proposed mitigation would reduce average delay by 13.3 seconds when compared with the Cumulative with Project Condition. With this proposed mitigation, this impact would be less than significant.</i></p> <p><b><u>MM Traffic-1:</u></b> <i>Coordinate with CalTrans to adjust the intersection signal operation to include an adjustment in the traffic signal cycle and green time allocation (splits).</i></p> <p><b><u>Impact Traffic-2:</u></b> <i>Intersection 4 Fremont Boulevard and Landing Parkway (PM Peak Hour, Cumulative Plus Project Condition). With the addition of project traffic, this intersection would experience an increase in average delay in the PM peak hour of 21.3 seconds.</i>  <b><u>Mitigation Measure:</u></b> <i>In order to avoid triggering an impact, an adjustment in the intersection signal operation would need to be made including an adjustment in traffic signal cycle and green time allocation (splits). With this mitigation in place, the intersection would remain at LOS F with an average delay of 93.4 seconds during the PM peak hour. The proposed mitigation would reduce average delay by 30.3 seconds when compared with the Cumulative with Project Condition. With this proposed mitigation, this impact would be less than significant.</i></p> <p><b><u>MM Traffic-2:</u></b> <i>Adjust the intersection signal operation to include an adjustment in traffic signal cycle and green time allocation (splits).</i></p> <p><b><u>Impact Traffic-3:</u></b> <i>Intersection 5 Fremont Boulevard and Warren Avenue (PM Peak Hour, Cumulative Plus Project Condition). With the addition of project traffic, this intersection would experience an increase in average delay in the PM peak hour of 19.4 seconds. In order to avoid triggering an impact, the intersection signal operation would need to be adjusted to include an adjustment in traffic signal cycle and green time allocation (splits). With this mitigation in place, the intersection would remain at LOS F with an average delay of 237.6 seconds during the PM peak hour. This would result in an improved average delay of 29.8 seconds when compared with the Cumulative with Project Condition. With this proposed mitigation, this impact would be less than significant.</i></p> <p><b><u>MM Traffic-3:</u></b> <i>Adjust the intersection signal operation to include an adjustment in traffic signal cycle and green time allocation (splits).</i>  <i>Adjust the intersection signal operation to include an adjustment in traffic signal cycle and green time allocation (splits).</i></p>	Developer/Contractor	City of Fremont Building Division	During site development work