

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: Parc 55

PROJECT NO.: PLN2014-00045

DESCRIPTION OF PROJECT: is proposing a Development Agreement, a General Plan Amendment to change the land use designation for a 23.5-acre site consisting of five separate parcels from Tech Industrial to Urban Residential, 30-70 units per net acre, Medium Density Residential, 14.6-29.9 units per net acre, and Public Facility, and a Rezoning of the same five parcels from I-R Restricted Industrial to a Preliminary Planned District (P-2014-45) to allow development of an age-restricted master planned community for seniors which would contain up to 497 residential units and an approximately 15,000-square-foot senior community center that would be open to the public. Of the 23.5 total acres, approximately 6.75 acres would be re-designated as Urban Residential, 15.25 acres would be re-designated as Medium Density Residential, and approximately 1.5 acres would be designated Public Facility. The proposed community would feature five separate villages, each containing a different type of housing product, including stacked and garden-style apartments that would be offered as rental units, and condominiums, townhomes and single-family cottages that would be offered for sale at market rate.

While the project plans are still conceptual at this time, the anticipated housing unit mix is as follows:

- Ninety stacked apartments containing one and two bedrooms each, of which 89 would be offered for rent to extremely low income and very low income senior households earning 30 percent and 50 percent of the area median income, respectively. Seventy-four of the units would contain one bedroom and 15 would contain two bedrooms. One two-bedroom unit would be reserved for an on-site property manager;
- One hundred sixty nine garden-style apartments containing one to three bedrooms and ranging in size from 500-1,200 square feet. Each would be offered for rent at market rate;
- Ninety townhomes containing two to four bedrooms and ranging in size from 1,250-1,750 square feet each would be offered for ownership at market rate;
- Eighty detached single-family cottages containing three to four bedrooms and ranging in size from 1,700-2,200 square feet. Each would be offered for ownership at market rate; and
- Sixty eight condominiums containing two to three bedrooms and ranging in size from 800-1,300 square feet. Each would be offered for ownership at market rate.

LOCATION OF PROJECT: 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard, Fremont, CA 94539 (APNs: 519-1691-004-00, 519-1691-005-00, 519-1691-006-00, 519-1691-007-00 and 519-1691-008-00)

GEOGRAPHIC LOCATION WITHIN CITY: Warm Springs Community Plan Area

NAME OF APPLICANT/AUTHORIZED AGENT: Mission Peak Development Company/East Warren Park LLC (John S. Wong - President)

MAILING ADDRESS OF APPLICANT/AGENT: 40480 Encyclopedia Circle, Fremont, CA 94538

TYPE OF ENTITLEMENT(S) SOUGHT: General Plan Amendment, Rezoning to a Preliminary Planned District and Development Agreement

EXPLANATION OF REASONS FOR THE FINDING: A finding is proposed that this project will not have a significant effect on the environment. The proposal would allow a redevelopment project in an urbanized area. Furthermore, the project includes specific mitigation measures which address potentially-significant impacts to air quality from dust generation and emissions from idling heavy equipment during construction, to cultural resources during grading activities or site disturbance, to biological resources (specifically nesting birds) from tree removals, to future occupants of the project from exposure to noise generated by traffic along the adjacent railroad and BART tracks and arterial roadways, and to water resources from the increased demand that would result from the redevelopment of the land from light industrial to residential.

Public Hearing: The City's Planning Commission is currently scheduled to consider the project on Thursday, January 28, 2016. All Planning Commission meetings are held in the City Council Chambers located at 3300 Capitol Avenue, Fremont, CA 94538. All environmental documents are available for review by the public at the Planning Division office located at 39550 Liberty Street, Fremont, CA 94538.

Any comments as to whether the Draft Mitigated 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 Mitigated Negative Declaration. **The comment period begins December 23, 2015 and ends January 22, 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 Mitigated Negative Declaration becomes final by City Council action, any person who disagrees with Council action may seek judicial review.

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

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 checked="" 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:

Stephen Kowalski	Associate Planner	510-494-4532
NAME	TITLE	PHONE NUMBER

Mitigation Monitoring and Reporting Program
PLN2014-00045 – Parc 55 General Plan Amendment & Preliminary Planned District Rezoning

Impacts	Mitigation Description	Implementation	Monitoring Responsibility	Status / Timing
<p>Air Quality: Grading and construction activities for the project could impact air quality.</p>	<p>AIR-1. 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:</p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 5. 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. 6. 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. 7. 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. 8. A publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints shall be posted. 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. 	<p>Civil and General Contractors</p>	<p>City of Fremont Public Works Department and Building Division</p>	<p>Dust control plan to be included in building permit plans prior to issuance of permit.</p> <p>Measures shall be implemented during all grading & construction activities.</p>

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<p>Air Quality: Idling of construction equipment engines for the project could impact air quality.</p>	<p>AIR-2: Plans submitted for grading and building permits shall stipulate that the maximum idling time of all diesel-powered construction equipment of two minutes. The applicant shall include this restriction in all construction contracts for the project.</p>	<p>Civil and General Contractors</p>	<p>City of Fremont Public Works Department and Building Division</p>	<p>During all grading and construction activities.</p>
<p>Biological Resources: Tree removals from the project could impact nesting birds.</p>	<p>BIO-1. If any tree removals or other project-related activities are scheduled to occur during the nesting season (February 1 through August 31) for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of such activities. If a lapse in project-related work of 15 days or longer occurs during the nesting season, another survey shall be required before project work can be re-initiated. If an active nest is found, the applicant or developer shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.</p>	<p>Applicant, Civil, and/or General Contractors, with consultation from qualified wildlife biologist</p>	<p>City of Fremont Planning Division</p>	<p>Prior to issuance of building permit if the permit is to be issued during the nesting season.</p>

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<p>Cultural Resources: The project construction activities could expose as-yet undiscovered buried archaeological resources or human remains.</p>	<p>CULT-1. If any archaeological or paleontological resources or human remains are encountered during grading or site disturbance then all work shall cease within a 200-foot radius of the discovery until it can be evaluated by a qualified archaeologist and/or paleontologist. Work shall not continue until the archaeologist/paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. If avoidance is not feasible, an alternative archaeological/paleontological management plan shall be prepared that may include excavation. If human remains are discovered, the Alameda County Coroner’s office shall be notified as required by state law. All excavation and monitoring activities shall be conducted in accordance with the prevailing professional standards, as outlined in the CEQA Guidelines and by the California Office of Historic Preservation.</p>	<p>Civil and/or General Contractors</p>	<p>City of Fremont Building and Environmental Services Divisions</p>	<p>Prior to issuance of grading permit.</p>
<p>Noise: The project’s occupants could be exposed to noise levels that exceed the City’s acceptable thresholds for residential uses.</p>	<p>NOI-1: Plans submitted for building permits shall include the following measures to allow the project to meet the established noise criteria prescribed by the Noise Subsection of the Safety Element of the General Plan:</p> <ul style="list-style-type: none"> • All residential units shall be equipped with air conditioning to allow occupants the option of keeping windows closed to control noise. • Final building plans shall be reviewed by a qualified acoustical consultant to ensure that interior noise levels would be 45 dB(A) Ldn or less prior to issuance of building permits. Preliminary recommendations for exterior window and door Sound Transmission Class (STC) ratings are indicated in Table 7 of the Environmental Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc., dated December 19, 2014. • Maximum instantaneous noise levels (Lmax) shall be reduced to 50 dB(A) in bedrooms and 55 dB(A) in other habitable rooms. The design of mitigation at properties adjoining the railroad shall consider the best available methods. These treatments include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible. 	<p>Developer</p>	<p>City of Fremont Planning and Building Divisions</p>	<p>Prior to issuance of building permit(s).</p>

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	<ul style="list-style-type: none"> A nine-foot masonry sound wall shall be provided along the rear yards of the units located adjacent to Warm Springs Boulevard, and a six-foot masonry wall shall be provided along the western project boundary adjacent to the Union Pacific railroad/BART tracks. The sound walls shall be provided as shown in Appendix B of the Environmental Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc., dated December 19, 2014, and shall be free of cracks or gaps over the face and along the base and be constructed of materials having a minimum surface weight of 3 lbs/ft². 			
<p>Noise: Construction-related noise resulting from the construction of the project could impact persons occupying surrounding properties.</p>	<p>NOI-2: The following measures shall be adhered to in order to limit noise generated by construction activities in accordance with the Safety Element of the General Plan and the Municipal Code:</p> <ul style="list-style-type: none"> Limit all noise-generating activities at the construction site or in areas adjacent to the construction site to the hours between 7:00 a.m. and 7:00 p.m. during weekdays and from 9:00 a.m. and 6:00 p.m. on Saturdays and Holidays. No construction shall occur on Sunday. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. Prohibit all unnecessary idling of internal combustion engines. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent residential land uses. Acoustically shield adjacent sensitive uses from stationary equipment with temporary noise barriers or recycled demolition materials. Locate staging areas and construction material storage areas as far away as possible from adjacent noise sensitive land uses. The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. 	Developer	City of Fremont Planning and Building Divisions	During all grading and construction-related activities.

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	<ul style="list-style-type: none"> Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. 			
<p>Utilities: The proposed project could result in impacts to water resources as a result in the change of land uses from light industrial to residential.</p>	<p>UTI-1: Plans submitted for building permits shall include the following water conservation measures to maximize water use efficiency throughout the project:</p> <ul style="list-style-type: none"> Ultra High Efficiency Toilets: All units shall be supplied with toilets with 1.0 gallons per flush (gpf) or less. Lavatory Faucets: All units shall be supplied with lavatory faucets that restrict flows to 1.0 gallons per minute (gpm). Showerheads: All units shall be supplied with showerheads that restrict flows to 1.5 gpm. Clothes Washers: All units shall be supplied with clothes washers that have a Water Factor less than 4.0 (3.99 and less). Landscaping and Irrigation: All landscaping/landscape plans shall comply with updated WELO (effective December 2015). 	Developer	City of Fremont Planning and Building Divisions	Prior to issuance of building permit(s).