

## **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:** Centerville Junction

**PROJECT NO.:** PLN2016-00058

**DESCRIPTION OF PROJECT:** The applicant, on behalf of Nuvera Homes, is proposing a General Plan Amendment for four parcels located at 3654 Parish Avenue, 3524 Peralta Boulevard, 3508 Peralta Boulevard and 3498 Peralta Boulevard from General Commercial to Medium Density Residential 14.6-29.9 Dwelling Units per Acre, a Rezoning of the same four parcels from Commercial - General to R-3-23 Multifamily Residential, Vesting Tentative Tract Map No. 8272 and a Private Street entitlement to allow the removal of all existing buildings and the construction of 52 townhouse-style condominium units on nine contiguous parcels from 3678 Parish Avenue to 3498 Peralta Boulevard in the Centerville Community Plan Area. The proposed dwelling units would feature five three-story floor plans ranging in size from 1,222-1,885 square feet of living area, with three to four bedrooms each. Two-car garages would be provided on the ground floor of each unit, with side-by-side parking configurations provided for the four largest floor plans and tandem parking configurations for the smallest floor plan.

**LOCATION OF PROJECT:** 3654-3678 Parish Ave. and 3498-3568 Peralta Blvd. (nine total parcels), Fremont, 94536 (APNs: 501-1470-001-00, 501-1470-002-02, 501-1470-003-2, 501-1470-004-00, 501-1470-005-00, 501-1470-006-00, 501-1470-007-00, 501-1470-008-00 and 501-1470-009-00)

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

**NAME OF APPLICANT/AUTHORIZED AGENT:** Westgate Ventures (Wilson Hu – agent)

**MAILING ADDRESS OF APPLICANT/AGENT:** 2551 San Ramon Valley Blvd, San Ramon, CA 94583

**TYPE OF ENTITLEMENT(S) SOUGHT:** General Plan Amendment, Rezoning, Vesting Tentative Tract Map and Private Street

**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 biological resources (specifically nesting birds) from tree removals, to cultural resources during grading activities or site disturbance, to future occupants of the project from exposure to noise generated by traffic along the adjacent roadways, and to the general public from the demolition of older buildings that may contain hazardous materials that could be released into the environment.

**Public Hearing:** The City's Planning Commission is currently scheduled to consider the project on Thursday, May 12, 2016. All Planning Commission meetings are held in the 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 30 days of the posting of this Draft Mitigated Negative Declaration.

**The comment period begins April 11, 2016 and ends May 11, 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 April 11, 2016.

Notice of Determination to be sent to:

- |                                     |   |                                     |               |
|-------------------------------------|---|-------------------------------------|---------------|
| <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

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### Mitigation Monitoring and Reporting Program

PLN2016-00058 – Centerville Junction General Plan Amendment, Rezoning, Vesting Tentative Tract Map & Private Street

Impacts	Mitigation Description	Implementation	Monitoring Responsibility	Status / Timing
<p><b>Air Quality: Grading and construction activities for the project could impact air quality.</b></p>	<p><b>AIR-1:</b> 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"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>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.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	<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 &amp; construction activities.</p>

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<p><b>Biological Resources: Tree removals from the project could impact nesting birds.</b></p>	<p><b>BIO-1:</b> 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>
<p><b>Cultural Resources: The project’s construction activities could expose as-yet undiscovered buried archaeological resources.</b></p>	<p><b>CULT-1: <u>Archaeological Resources.</u></b> If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 200 feet of the find shall halt until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool making debris; culturally darkened soil (“midden”) containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.</p>	<p>Civil and/or General Contractors</p>	<p>City of Fremont Planning and Building Divisions</p>	<p>During all site clearance, grading, and construction activities.</p>

Impacts	Mitigation Description	Implementation	Monitoring Responsibility	Status / Timing
<p><b>Cultural Resources: The project's construction activities could expose as-yet undiscovered buried human remains.</b></p>	<p><b>CULT-2: <u>Human Remains</u>.</b> In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 200-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission within 24 hours. The Commission shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance</p>	<p>Civil and/or General Contractors</p>	<p>City of Fremont Planning and Building Divisions</p>	<p>During all site clearance, grading, and construction activities.</p>
<p><b>Cultural Resources: The project's construction activities could expose as-yet undiscovered buried paleontological resources.</b></p>	<p><b>CULT-3: <u>Paleontological Resources</u>.</b> In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 200-foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or 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. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.</p>	<p>Civil and/or General Contractors</p>	<p>City of Fremont Planning and Building Divisions</p>	<p>During all site clearance, grading, and construction activities.</p>

Impacts	Mitigation Description	Implementation	Monitoring Responsibility	Status / Timing
<p><b>Hazardous Materials: Demolition of the existing buildings could result in the release of hazardous building materials into the environment.</b></p>	<p><b>HAZ-1:</b> Prior to issuance of a demolition permit for the existing structures, testing for asbestos-containing materials and lead-based paint shall be conducted by a certified environmental professional. If asbestos-containing materials or lead-based paint are detected, then an asbestos operations and maintenance plan or lead-based paint management plan shall be developed for the structures by said professional and submitted to the Planning Manager for review and approval.</p>	Demolition Contractor	City of Fremont Planning and Building Divisions	Prior to issuance of demolition permits for any existing structures.
<p><b>Noise: The project's occupants could be exposed to noise levels that exceed the City's acceptable thresholds for residential uses.</b></p>	<p><b>NOI-1:</b> 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"> <li>• All units facing Peralta Boulevard shall utilize windows and doors having a sound rating of 28 STC or greater.</li> <li>• All other units shall utilize windows and doors having a sound rating of 26 STC.</li> <li>• All units within the project shall come equipped with forced-air mechanical ventilation to enable occupants to keep windows closed in order to control noise.</li> <li>• An acoustical consultant shall be retained during the design phase of the project to review and confirm STC ratings based on the architectural design and exterior features contained in the construction documents (CDs). A letter confirming compliance with this mitigation measure by the acoustical consultant shall be submitted to the City prior to issuance of building permits for any of the residential units.</li> </ul>	Developer	City of Fremont Planning and Building Divisions	Prior to issuance of building permit(s).