

## Appendix B Comments Received in Response to the Notice of Preparation

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Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

Notice of Preparation

June 21, 2017

To: Reviewing Agencies

Re: Ursa Residential  
SCH# 2017062053

Attached for your review and comment is the Notice of Preparation (NOP) for the Ursa Residential draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Bill Roth**  
City of Fremont  
39550 Liberty Street  
P.O. Box 5006  
Fremont, CA 94537

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2017062053  
**Project Title** Ursa Residential  
**Lead Agency** Fremont, City of

**Type** NOP Notice of Preparation

**Description** Project proposes development of a 24-lot subdivision that would contain 18 single family residences (17 new homes and relocation of the existing on-site home). The project would rezone the 2.67-acre site from R-1-6 to a Planned District. The proposed development at a residential density of 6.73 dwelling units per acre would comply with the site's Low Density Residential General Plan land use designation (2.3 to 8.7 dwelling units per acre).

The property and existing original farmstead structures on the site (single-family residence, tankhouse, barn, and other accessory structures) have been evaluated as potentially eligible for the CA Register of Historical Resources and National Register of Historic Places. The existing eligible historic home and tankhouse structures, currently near the center of the project site, would be relocated to the southeast corner of the site and rehabilitated, including an addition to the dwelling. The other existing structures on the project site would be demolished. Proposed access to the site would be from a new private cul-de-sac off Ursa Dr.

**Lead Agency Contact**

**Name** Bill Roth  
**Agency** City of Fremont  
**Phone** 510-494-4450 **Fax**  
**email**  
**Address** 39550 Liberty Street  
P.O. Box 5006  
**City** Fremont **State** CA **Zip** 94537

**Project Location**

**County** Alameda  
**City** Fremont  
**Region**  
**Cross Streets** Ursa Dr. and Plomosa Way  
**Lat / Long** 37° 28' 25" N / 121° 54' 42" W  
**Parcel No.** 519-1080-47  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** I680  
**Airports**  
**Railways**  
**Waterways**  
**Schools** Wm Springs, J. Leitch  
**Land Use** Residential / R-1-6 Single-family Residential / Residential - Low (2.3-8.7 dwelling units per acre)

**Project Issues** Archaeologic-Historic

**Reviewing Agencies** Resources Agency; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 3; Native American Heritage Commission; California Highway Patrol; Caltrans, District 4; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

**Date Received** 06/21/2017 **Start of Review** 06/21/2017 **End of Review** 07/20/2017

Notice of Completion & Environmental Document Transmittal

2017062053

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Ursa Residential
Lead Agency: City of Fremont
Mailing Address: 39550 Liberty Street, P.O. Box 5006
City: Fremont Zip: 94537 County: Alameda
Contact Person: Bill Roth
Phone: (510) 494-4450

Project Location: County: Alameda City/Nearest Community: Fremont
Cross Streets: Ursa Drive and Plomosa Way Zip Code: 94539
Longitude/Latitude (degrees, minutes and seconds): 121 ° 54 ' 42 " N / 37 ° 28 ' 25 " W Total Acres: 2.67
Assessor's Parcel No.: 519-1080-47 Section: Twp.: Range: Base:
Within 2 Miles: State Hwy #: I680 Waterways:
Airports: Railways: Schools: Wm Springs, J. Leitch

Document Type:
CEQA: [X] NOP [ ] Draft EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons [ ] Supplement/Subsequent EIR/EA [ ] Final Document
[ ] Neg Dec (Prior SCH No.) [ ] Draft EIS [ ] Other:
[ ] Mit Neg Dec Other:
JUN 21 2017

Local Action Type:
[ ] General Plan Update [ ] Specific Plan [X] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ ] Site Plan [X] Land Division (Subdivision, etc.) [ ] Other:

Development Type:
[X] Residential: Units 18 Acres 2.67
[ ] Office: Sq.ft. Acres Employees
[ ] Commercial: Sq.ft. Acres Employees
[ ] Industrial: Sq.ft. Acres Employees
[ ] Educational:
[ ] Recreational:
[ ] Water Facilities: Type MGD
[ ] Transportation: Type
[ ] Mining: Mineral
[ ] Power: Type MW
[ ] Waste Treatment: Type MGD
[ ] Hazardous Waste: Type
[ ] Other:

Project Issues Discussed in Document:
[ ] Aesthetic/Visual [ ] Fiscal [ ] Recreation/Parks [ ] Vegetation
[ ] Agricultural Land [ ] Flood Plain/Flooding [ ] Schools/Universities [ ] Water Quality
[ ] Air Quality [ ] Forest Land/Fire Hazard [ ] Septic Systems [ ] Water Supply/Groundwater
[X] Archeological/Historical [ ] Geologic/Seismic [ ] Sewer Capacity [ ] Wetland/Riparian
[ ] Biological Resources [ ] Minerals [ ] Soil Erosion/Compaction/Grading [ ] Growth Inducement
[ ] Coastal Zone [ ] Noise [ ] Solid Waste [ ] Land Use
[ ] Drainage/Absorption [ ] Population/Housing Balance [ ] Toxic/Hazardous [ ] Cumulative Effects
[ ] Economic/Jobs [ ] Public Services/Facilities [ ] Traffic/Circulation [ ] Other:

Present Land Use/Zoning/General Plan Designation:
Residential / R-1-6 Single-family Residential / Residential - Low (2.3-8.7 dwelling units per acre)

Project Description: The project proposes development of a 24-lot subdivision that would contain 18 single-family residences (17 new homes and relocation of the existing on-site home). The project would rezone the 2.67-acre site from R-1-6 to a Planned District. The proposed development at a residential density of 6.73 dwelling units per acre would comply with the site's Low Density Residential General Plan land use designation (2.3 to 8.7 dwelling units per acre).

The property and existing original farmstead structures on the site (single-family residence, tankhouse, barn, and other accessory structures) have been evaluated as potentially eligible for the California Register of Historical Resources and National Register of Historic Places. The existing eligible historic home and tankhouse structures, currently near the center of the project site, would be relocated to the southeast corner of the site and rehabilitated, including an addition to the dwelling. The other existing structures on the project site would be demolished. Proposed access to the site would be from a new private cul-de-sac off Ursa Drive.





DIRECTORS

43885 SOUTH GRIMMER BOULEVARD • FREMONT, CALIFORNIA 94538  
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

MANAGEMENT

AZIZ AKBARI  
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ED STEVENSON  
Engineering and Technology Services  
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Finance

July 20, 2017

Bill Roth  
Associate Planner – Current Development  
City of Fremont, Planning Division  
39550 Liberty Street  
Fremont, CA 94537

Dear Mr. Roth:

Subject: Notice of Preparation of an Environmental Impact Report and Initial Study for the Ursa Residential Development Project

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report and Initial Study for the Ursa Residential Development Project (Project).

ACWD staff has reviewed the Notice of Preparation of an Environmental Impact Report and Initial Study and offers the following comments for your consideration:

1. Groundwater Well Protection/Destruction:

Reference is made to Section 4.9 Hydrology and Water Quality (page 69-71). The Initial Study (IS) identifies a water well located within the project area and states that the well will be destroyed in compliance with Alameda County Water District (ACWD) Ordinance No. 2010-01 prior to construction activities. ACWD appreciates the acknowledgement of ACWD's drilling permit requirements under ACWD Ordinance No. 2010-01.

2. Hazards and Hazardous Materials:

Reference is made to Section 4.8 Hazards and Hazardous Materials (pages 60-65). This section of the IS discusses an underground storage tank (UST) and subsurface contamination. The IS states that a site-wide magnetic investigation with potholing was conducted to locate a UST and a septic tank. The tanks were not located. However, an empty 250-gallon tank labeled "underground tank for flammable liquids" was observed aboveground at the site. Since the UST was not located or possibly removed without a City of Fremont Fire Department UST removal permit and an ACWD cleanup site

excavation permit under ACWD Ordinance 2010-01, soil and groundwater sampling may be required if the UST or the UST pit is discovered during the construction activities.

The IS also identifies the presence of hazards and hazardous materials, including lead, organochlorine pesticides, and petroleum hydrocarbons in shallow soils at levels exceeding regulatory screening levels for residential land use within the project area. The ability to install a public water system within the project area would be conditioned upon confirmation that the soil does not pose a risk to health and safety either during installation of the public water system or during long-term operation and maintenance of such a system. The Phase I/II Environmental Site Assessment and Shallow Soil Investigation report prepared by Romboll in 2017 recommends that the identified contaminated areas be excavated prior to redevelopment to a depth of approximately three feet. ACWD concurs with the recommendation and all the excavation activities will need to be coordinated with ACWD and requests that the project proponents provide ACWD a copy of Romboll's 2017, Phase I/II Environmental Site Assessment and Shallow Soil Investigation report.

3. Dewatering:

Reference is made to Section 4.9, Hydrology and Water Quality (pages 69-71). This section states that, "perched groundwater could be within a few feet of the excavation level, and construction dewatering may be required." Since groundwater is shallow within most of the project areas, the IS should address temporary and permanent dewatering activities and the potential impact of the project on the local drinking water supply. It is critical that the amount of water that may be extracted by dewatering be estimated and documented in the IS. Alternative designs should be evaluated that would minimize the amount of dewatering required during and subsequent to construction. Groundwater losses due to dewatering should be measured and may be subject to a replenishment assessment fee. Mitigation measures should be proposed to replace all significant losses of ACWD's water supplies. ACWD regulates the installation and destruction of dewatering wells under ACWD's Ordinance No. 2010-01. ACWD permits are required for dewatering well installations and destructions.

4. Drilling Permit Requirement:

As required by ACWD Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations within the City of Fremont. Application for a permit may be obtained from ACWD's Engineering Department, at 43885 South Grimmer Boulevard, Fremont or online at <http://www.acwd.org>. Before a permit is issued, a cash or check deposit is required in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.

5. Utilities and Services:

- a. If any modifications of existing water facilities or new water service to the property are required, the project proponent shall contact ACWD's Engineering Department. Any existing water services which will not be used in the new development must be removed by ACWD.
- b. For existing structures to be demolished or if the project requires extensive grading or construction in the vicinity of existing public water meters, project proponents should contact ACWD at least 60 days prior to any demolition or construction work to request that existing water meters be disconnected or removed in order to protect ACWD's distribution system from activities related to the demolition, grading, or construction.

6. ACWD Contacts: The following ACWD contacts are provided so that the City can coordinate with ACWD as needed during the CEQA process:

- Michelle Myers, Groundwater Resources Manager, at (510) 668-4454, or by email at [michelle.myers@acwd.com](mailto:michelle.myers@acwd.com), for coordination regarding ACWD's groundwater resources, groundwater wells, and drilling permits.
- Juniet Rotter, Development Services Supervisor, at (510) 668-4472, or by email at [juniet.rotter@acwd.com](mailto:juniet.rotter@acwd.com) for coordination regarding public water systems and water service.

Again, thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report and Initial Study for the Ursa Residential Development Project.

Sincerely,



Fok Ed Stevenson  
Manager of Engineering and Technology Services

jr/mh

By Email

cc: Juniet Rotter, ACWD  
Michelle Myers, ACWD  
Steven Inn, ACWD

## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710



June 28, 2017

Bill Roth  
City of Fremont  
39550 Liberty Street/ P. O. Box 5006  
Fremont, CA 94537

RE: SCH# 2017062053; Ursa Residential Project, City of Fremont; Alameda County, California

Dear Mr. Roth:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
  
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
  
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
  
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
  
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

*This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.



Rawnsley, Emma

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From: broth@fremont.gov  
Sent: Monday, July 10, 2017 1:20 PM  
To: Rawnsley, Emma; Jeung, Rodney  
Cc: KWheeler@fremont.gov; IRademaker@fremont.gov  
Subject: FW: Notice of Preparation of an Environmental Impact Report for Ursa residential Development project

Hi,

We received the email below, responding to the NOP letter

Thanks,

Bill Roth  
Associate Planner - Current Development  
Planning Division - Community Development  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006  
(510) 494-4450

---

From: Anshul Arora [<mailto:anshulini@yahoo.com>]  
Sent: Saturday, July 08, 2017 9:49 PM  
To: Bill Roth  
Subject: Notice of Preparation of an Environmental Impact Report for Ursa residential Development project

To,

Bill Roth, Associate Planner-Current Development  
City of Fremont, Planning Division  
39550 Liberty Street  
Fremont, CA 94537

This Email is in response to the letter dated 06/21/2017 notifying the new construction project. I like to bring to your attention that this development project is not at all going to help conserve the green environment. Hence I strongly oppose this construction to preserve the natural and historic resources.

Regards,  
Anshul Arora  
48463 Spokane Place  
Fremont, CA 94539

Rawnsley, Emma

---

From: ellenmoravek@hotmail.com  
Sent: Tuesday, July 04, 2017 11:43 AM  
To: broth@fremont.gov  
Subject: URSA Project

Bill, I live on Ursa Dr. and am not looking forward to all the traffic these 18 homes will create, they are squashed into this small 2.67 acre space. Plus where are the children going to go to school with the already crowded conditions at Warm Springs. Our city office of planning is not doing a good job of PLANNING for the future. Ellen Culver

Rawnsley, Emma

---

From: broth@fremont.gov  
Sent: Monday, July 03, 2017 2:50 PM  
To: Rawnsley, Emma; Jeung, Rodney  
Cc: KWheeler@fremont.gov; IRademaker@fremont.gov  
Subject: FW: Notice of preparation  
Attachments: Project Title PLN2017-00188

Hi Emma,  
We received the comments below concerning the Ursa NOP.

Interestingly, I received a second email from Mr. Farnholtz (attached) indicating that he is potentially interested in buy the property.

Thanks,

Bill Roth  
Associate Planner - Current Development  
Planning Division - Community Development  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006  
(510) 494-4450

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From: roger farnholtz [<mailto:rdfarnholtz@yahoo.com>]  
Sent: Sunday, July 02, 2017 9:32 PM  
To: Bill Roth  
Subject: Notice of preparation

Dear Bill

I am a property owner near the proposed Ursa residential development project (PLN2017-00188). I received the notice of preparation sent out June 21. Up front I am going to let you know that I am opposed to developing the 2.6 acre in to a housing development. Especially the proposed plan. Too many of the new developments are constructed this way elevating stressful living conditions. The developers have to live in their creation, but home owner do.

Here is my view of environmental impact :

#### Parking Issues

At the present time parking is not an issue in this area. These types of tightly organized housing developments provide minimal parking for residents. Since housing has become so expensive in the bay area, it is not uncommon to have greater numbers of people occupying a household which in turn means more cars. I anticipate that my neighbors and I will find limited parking in front of our house as a result.

#### Additional traffic

Currently traffic is moderate. Some residents in the area choose to exceed the 25 MPH speed limit. With a higher concentration of residents there is also the potential of a greater number of motorist exceeding the speed limit. At the main junctions (Scott Creek & Warm Springs) there already excessive traffic from commuters coming from Pleasanton, Danville, ect.

#### Crime

With higher density of people comes greater potential for crime.

Greater burden on local schools

Greater stress on already stressed local retailers. I am sure the retailer don't the business, but shoppers feel the stress from parking to the checkout lines.

#### Noise

In this area we already have plenty of noise coming from I-680. The area doesn't additional noise.

#### Nesting Owls

For the past several years there have been nesting owls in the 2.6 acre area. I'd like to think the rat population has diminished as a result. It may be my imagination, but I don't see as many rats climbing in the trees and running along the fences as I used to at night.

Please feel free to contact me.

[rdfarnholtz@yahoo.com](mailto:rdfarnholtz@yahoo.com)

408-781-8474

Roger Farnholtz  
495 Kansas Way  
Fremont, CA

Rawnsley, Emma

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From: rdfarnholtz@yahoo.com  
Sent: Monday, July 03, 2017 8:56 AM  
To: broth@fremont.gov  
Subject: Project Title PLN2017-00188

Dear Bill

I am potentially interested in making the property owner at 48495 Ursa Drive a counter offer for the 2.6 acre lot. Would it be possible for you to provide an estimated purchase price proposed by the current potential buyer?

If I acquire this property, I would be interested in restoring the property as opposed to creating a housing development.

Thanks

Roger Farnholtz  
408-781-8474

Rawnsley, Emma

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From: broth@fremont.gov  
Sent: Monday, July 31, 2017 8:04 AM  
To: Rawnsley, Emma; Jeung, Rodney  
Cc: KWheeler@fremont.gov; IRademaker@fremont.gov  
Subject: FW: Ursa Residential Development Project

Hi,  
We received the email below yesterday.

Thanks,

Bill Roth  
Associate Planner - Current Development  
Planning Division - Community Development  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006  
(510) 494-4450

From: Samip Garg [<mailto:samip.garg@gmail.com>]  
Sent: Sunday, July 30, 2017 7:06 PM  
To: Bill Roth  
Subject: Ursa Residential Development Project

Dear Mr Bill,

I am writing in response to the letter dates 6/21/2017 on EIR for Ursa Residential Development Project (PLN2017-00188).

I have a concern that this project is going to affect the properties in immediate vicinity will be impacted badly.

The view of the hills will be gone, the noise, the traffic and aesthetics of the surrounding area will be severely impacted.

It will also impact the property prices (mine right behind this Ursa project) due to lost aesthetics (the view the hills and increased traffic and noise).

I want to contest and dispute the proposal of this project.

Please advise what can I do to contest to secure my property value.

Thanks,  
Samip Garg  
619-846-0296

Rawnsley, Emma

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From: broth@fremont.gov  
Sent: Monday, June 26, 2017 12:51 PM  
To: Rawnsley, Emma  
Cc: KWheeler@fremont.gov; IRademaker@fremont.gov; Jeung, Rodney  
Subject: FW: Notice of Prep": EIR Ursa Residential Development  
Attachments: Notice of Preparation Review 062117.pdf

Hi Emma,

We received the email (last below) and attached redlines concerning the NOP. I've replied to Mr. Jacobs (also below).

Thanks,

Bill Roth

Associate Planner - Current Development  
Planning Division - Community Development  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006  
(510) 494-4450

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From: Bill Roth  
Sent: Monday, June 26, 2017 12:50 PM  
To: 'chas jac'  
Subject: RE: Notice of Prep": EIR Ursa Residential Development

Hi Mr. Jacobs,

Thank you for your comments on the Notice of Preparation.

A Notice of Preparation is a document stating that an Environmental Impact Report (EIR) will be prepared for a particular project. It gives public agencies, the public, and concerned parties and opportunity to comment on what the scope or breath of that EIR should be. It is the first step in the EIR process. When the EIR is prepared, it will be made available for public review and comment.

We will review your comments in the context of the scope of the EIR for the proposed project and will let you know when the Draft EIR is ready for public review and comment. All comments received in writing on the Draft EIR will responded to in writing in the form of a Final EIR prior to scheduling the project for public hearings.

Once the project is scheduled for public hearings with the Planning Commission and City Council you will receive a public hearing notice. Prior to the hearings, a staff report will be prepared that provides a complete analysis of the project in terms of its consistency with the City's General Plan, Zoning Ordinance and other regulations and guidelines, which will be made available to the public. You are welcome to come into the Community Development Department to review a full size set of plans and provide any comments you have on the project itself prior to the Planning Commission and City Council hearings. Please let me know if you would like to schedule a time to come in or if you have any questions about the project.

Thank you,

cc'd City Council

Bill Roth

Associate Planner - Current Development  
Planning Division - Community Development  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006  
(510) 494-4450

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From: chas jac [[mailto:pronet\\_edd@rocketmail.com](mailto:pronet_edd@rocketmail.com)]  
Sent: Sunday, June 25, 2017 4:53 PM  
To: Bill Roth  
Cc: [vbacon@bacon4fremont.com](mailto:vbacon@bacon4fremont.com)  
Subject: Notice of Prep": EIR Ursa Residential Development

Thank you for the information. Thought to respond immediately with the expectation of revisiting this matter again.

I received the a copy of the attached information. As a resident, I thought the material provided fell short and was insufficient for an informed response. Checked the City website and found the information there had more detailed clarity but was filled with an abundant forest of highly detailed data.

I am attaching an annotated copy and would request information to be provided that would allow a resident the ability to make a "common sense" approach to evaluate the direct impact this project would have on my neighbors and I so to make informed decisions. Obviously, there will be an increase in traffic that directly affects us and the safety of our children. The project appears to be overly dense in many factors. I am reading "lots" numbering seventeen (17) to twenty-four (24) with minimized vehicle and pedestrian access? Apparently, a minimum of accommodations for two garaged vehicles are provided with probability of more being required? Other details are noted on attachment.

Best Regards,

Charles Jacobs

P.S. The copies of "maps" are very poor quality and a five-mile over-head view of the project area is a bit extreme.



# Notice of Preparation

**Date:** June 21, 2017

**To:** Office of Planning and Research, Responsible and Trustee Agencies, and Interested Parties

**From:** City of Fremont, Planning Division

**Subject:** Notice of Preparation of an Environmental Impact Report for Ursa Residential Development Project

The City of Fremont (City) will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project described below. We request comments from your agency regarding the scope and content of the EIR, which are germane to your agency's statutory responsibilities in connection with the proposed project. The EIR may be used by your agency when considering subsequent permits or approvals necessary for the project.

An Initial Study (Environmental Checklist) has been prepared for the project to evaluate the potentially significant effects the project may have on the environment. The Initial Study is available for review at the City of Fremont Development Services Center at 39550 Liberty Street, Fremont, CA or on the City's website at: <http://www.fremont.gov/ceqa>.

**Project Title:** Ursa Residential Development Project (PLN2017-00188)

**Project Applicant:** Robson Homes, 2185 The Alameda, San Jose, CA 95126

**Project Location (include county):** 48495 Ursa Drive, Fremont, CA 94539  
Alameda County, Assessor's Parcel Number 519-1080-047  
(See attached vicinity map and site plan)

**Existing Conditions:** The project site is a 2.67-acre parcel with its primary frontage on Ursa Drive in the southern portion of the City of Fremont near the north-south Interstate 680 corridor. The main area of the site is rectangular in shape, with a narrow strip extending to Warm Springs Boulevard (providing current site access). The site is relatively flat, sloping gently towards the west, from an elevation of approximately 75 feet mean sea level (MSL) to 48 feet MSL. The subject property contains a ca. 1928 house, ca. 1905 barn, and outbuildings, which are remnants of a larger 12.35-acre fruit farm dating back to 1905. The property is eligible for historic listing.

**Project Description:** The project proposes development of a 24-lot subdivision that would contain 18 single-family residences (17 new homes and relocation of the existing on-site home). The project would rezone the 2.67-acre site from R-1-6 to a Planned District. The proposed development at a residential density of 6.73 dwelling units per acre would comply with the site's Low Density Residential General Plan land use designation (2.3 to 8.7 dwelling units per acre).

30% delta from enclosed data?  
8.99 @ 24-lot ?  
7.12 @ 19-lot ?  
6.37 @ 17-lot ?

The property and existing original farmstead structures on the site (single-family residence, tankhouse, barn, and other accessory structures) have been evaluated as potentially eligible for the California Register of Historical Resources and National Register of Historic Places. The existing eligible historic home and tankhouse structures, currently near the center of the project site, would be relocated to the southeast corner of the site and rehabilitated, including an addition to the dwelling. The other existing structures on the project site would be demolished. Proposed access to the site would be from a new private cul-de-sac off Ursa Drive.

**Potential Environmental Effects:** Upon initial review, as described in the Initial Study, the Draft EIR will address the following potential environmental effects:

- Historic Resources

Due to the time limits mandated by state law, your response must be sent at the earliest possible date but no later than 30 days from receipt of this notice. Please send your response to:

Bill Roth, Associate Planner – Current Development  
City of Fremont, Planning Division  
39550 Liberty Street  
Fremont, CA 94537  
E-mail: [broth@fremont.gov](mailto:broth@fremont.gov)

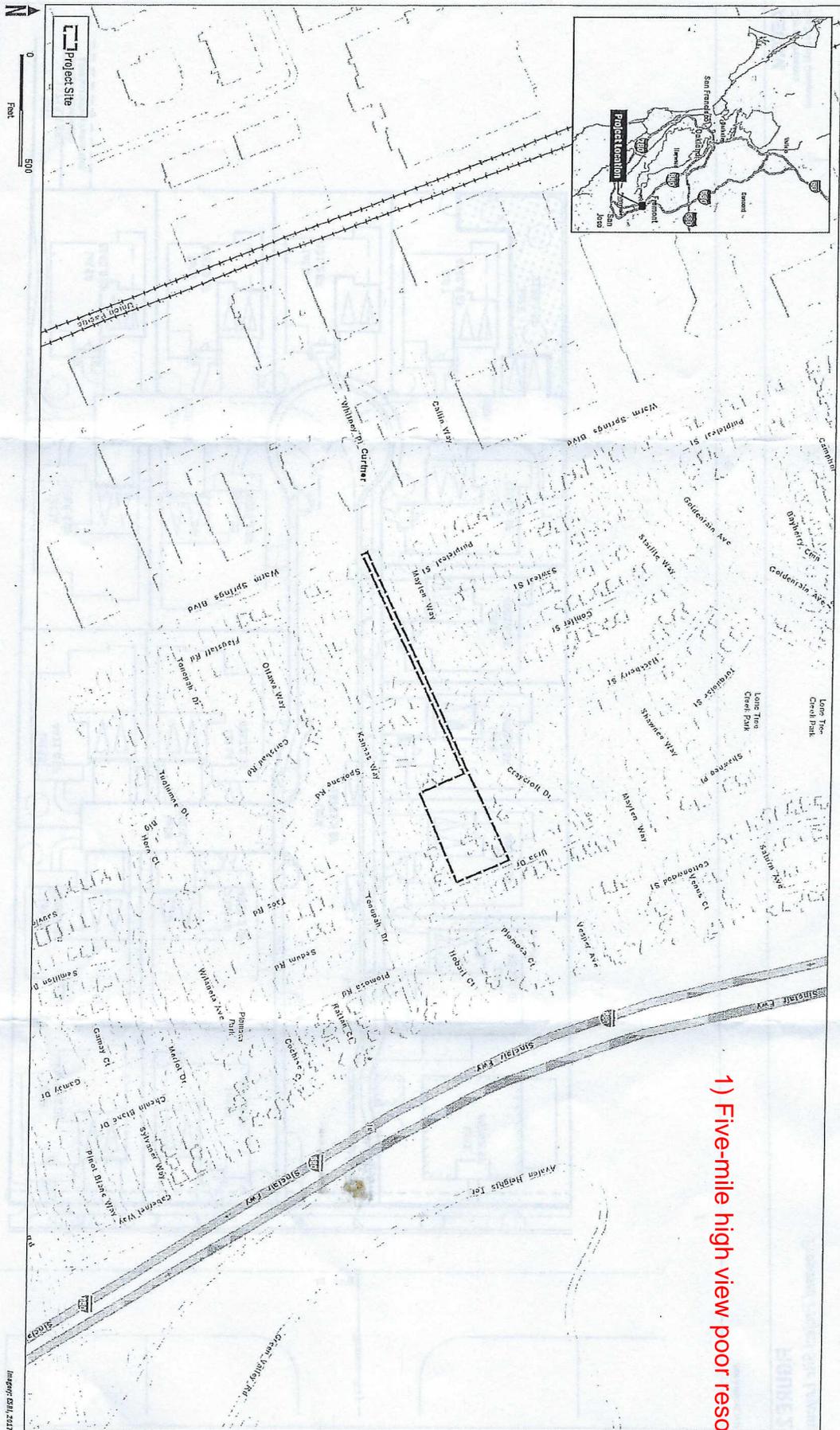
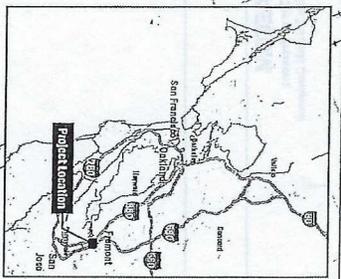
If you have any questions regarding the project or information in the NOP, please contact Bill Roth at (510) 494-4450.

Signature (Lead Agency): *Christie Wheeler* Title: Planning Manager

**Provide a technical detail matrix "proposed vs requirements/code"?**

Attachments:

- Figure 1: Vicinity Map
- Figure 2: Site Plan



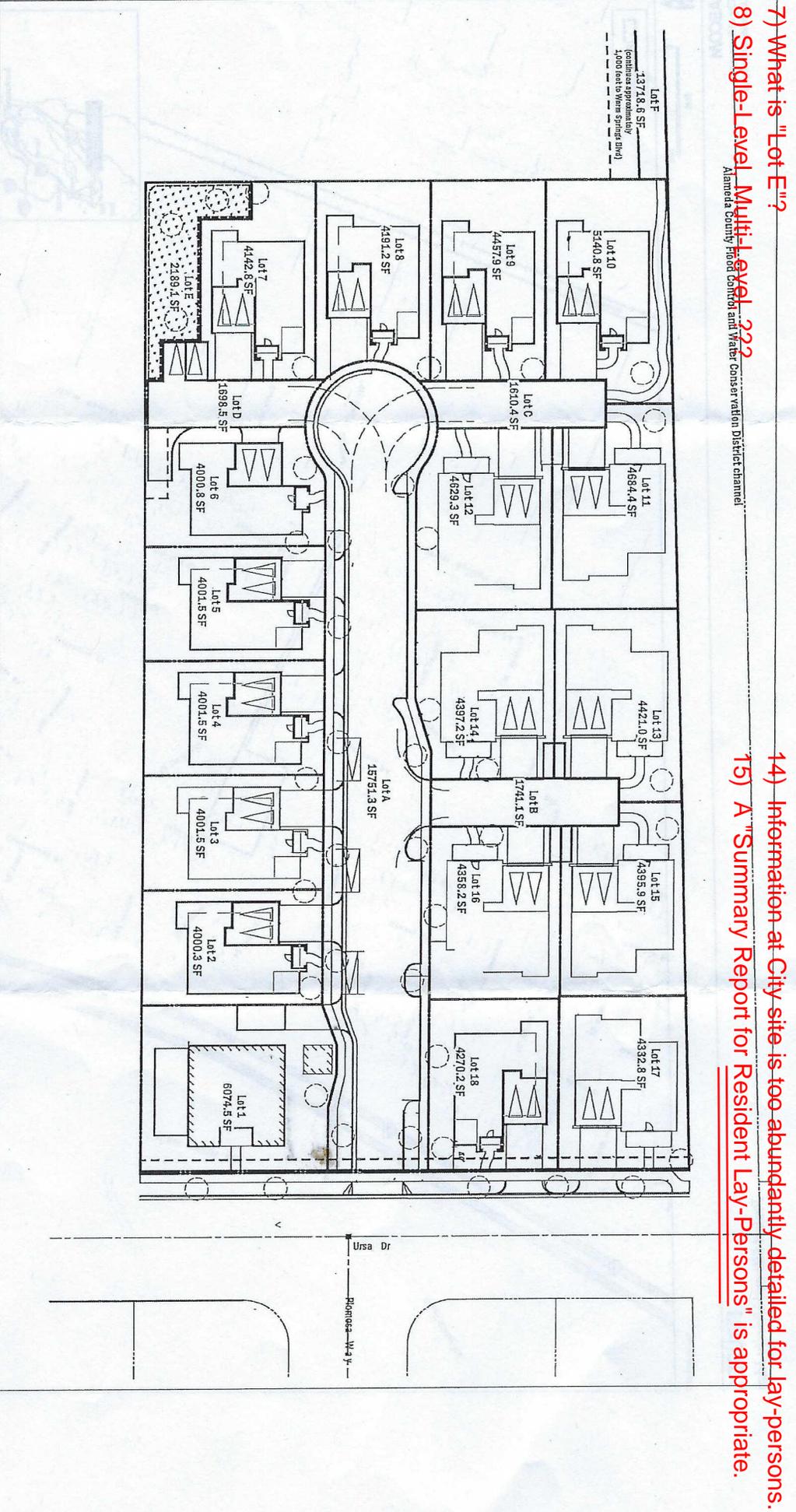
1) Five-mile high view poor resolution?

**AECOM**  
City of Escondido  
Urban Residential Development

**FIGURE 1**  
Project Site and Vicinity Map

August 2011, 2011

- 2) What does all these dimensionless geometric objects represent.
- 3) Where is the legend?
- 4) Where/what are the dimensions?
- 5) Where are walkways/sidewalks?
- 6) Where is visitor parking?
- 7) What is "Lot E"?
- 8) Single-Level, Multi-Level, 222
- 9) Roadway width?
- 10) Culsack radius?
- 11) Emergency Access?
- 12) Density factors relative to existing neighborhood?
- 13) In general, data provided is insufficient and too little detail.
- 14) Information at City site is too abundantly detailed for lay-persons.
- 15) A "Summary Report for Resident Lay-Persons" is appropriate.



Rawnsley, Emma

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From: broth@fremont.gov  
Sent: Monday, July 24, 2017 9:19 AM  
To: Rawnsley, Emma; Jeung, Rodney  
Cc: KWheeler@fremont.gov; IRademaker@fremont.gov  
Subject: FW: URSA RESIDENTIAL

Hi Emma,

We received the email below concerning the Ursa project. It came in on Sunday 7/23, after the scoping period ended on Friday 7/21. For that reason, I'd think we would not need to include it in the EIR appendix...so, this is more of an fyi

Thanks,

Bill Roth  
Associate Planner - Current Development  
Planning Division - Community Development  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006  
(510) 494-4450

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From: Steve Skala [[mailto:steve\\_skala@comcast.net](mailto:steve_skala@comcast.net)]  
Sent: Sunday, July 23, 2017 12:54 PM  
To: Bill Roth  
Cc: Rene Dalton  
Subject: URSA RESIDENTIAL

Dear Mr. Roth,

I'm sending a message regarding the Ursa residential development in Warm Springs. I am a resident of Fremont in the Warm Springs district and also a BPTAC member.

The development project list options for what is now the driveway access to the area to be developed that runs along the flood control channel to Warm Springs Blvd. One of the options is for a private walk path that will be give a 1300 foot path from the center of the residences of the development to Warm Springs Blvd and 1550 feet from the center of the residences to the nearest bus stop. The distance to bus stop otherwise using existing sidewalks and the main development entrance on Ursa will be a 2500 ft walk. This is important because most middle school and high school students in the Warm Springs area take AC transit that runs along Warm Springs Blvd. to and from school. Thus the option to place a walking path in what is now the driveway will aid alternate transit to school. The plan shows an anticipated 5 students from the development that will be in middle and high school.

Another point. The Ursa development is subject to traffic impact fees. I'll mention that the Ursa development is within 350 feet of the planned Hetch Hetchy bicycle and pedestrian trail. Use of traffic impact fees for development of that trail will have a direct impact on reducing traffic in the area by allowing more bicycle and pedestrian use. Even a partial development of the Hetch Hetchy path will provide low-stress and considerably shorter access to nearby Lone Tree Creek Park and when complete the trail will provide bicycle access to Warm Springs and James Leitch schools, thus providing a non-automobile route for the estimated 8 K-6 grade students from the project. Perhaps you and Mr. Dalton from Traffic Engineering can discuss possibility of using traffic impact fees for a portion of the development of the Hetch Hetchy path, which to my understanding needs to start a development plan.

Regards,  
Steve Skala

To

Bill Roth, Associate Planner – Current Development

City of Fremont , Planning Division

39550 Liberty Street , Fremont CA94537

Dear Associate Planner,

I am writing to you today as a concerned citizen of Fremont (Warm Springs) I got a letter from City of Fremont Planning Division about recently proposed New Development i.e. URSA Residential Development Project (PLN2017-00188) situated at 48495 Ursa Drive , Fremont CA -94539. As a citizen who loves to see Good Neighborhoods , Quality of life I must ask you to reconsider this proposed Development. I do have serious concerns as neighbor mainly due to over population and limited resources. I have been noticing a lot of traffic on Mayten way already and people are not obeying neighborhood speed limits in place.

However , I do understand the general need for more affordable housing but seriously denounce constructing new units at the proposed location. Due to safety issues , noise issues and big environmental issues . The state of existing roads are not supporting the number of people already live here.

Please re-consider your Permits to allow new units in the proposed site. I am basically saying a "NO" to new development without addressing proper access issues , infrastructure and implement stringent rules on speed limits in neighborhoods. For instance From Warm to Mayten (Right turn) – I observed so many people taking a turn at 25 mph speed without caring for any pedestrians & neighbors . Also there are some home based businesses adding more trouble to neighbors . I hope city of Fremont will act wisely in taking decisions and for all Future Generations

Thank you very much for your time.

Sincerely,

Venkat Vadlamudi

146 Mayten Way , Fremont CA -94539