

## 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 Pioneer

**PROJECT NO.:** PLN2017-00228

**DESCRIPTION OF PROJECT:** The proposed project includes a General Plan Amendment (from Open Space General and Town Center – Commercial to Medium Density Residential (14.6 to 29.9 units per net acre)), a rezoning (from Open Space and Town Center – Pedestrian to Multifamily Residential R-3-23), Tentative Tract Map 8391, Historical Architectural Review, Design Review, and a private street to facilitate construction of eight attached townhouses in two three-story buildings on 0.4 net acres of an approximately 1.5-gross-acre site within the Centerville Community Plan Area of the City of Fremont. The project site is located within the grounds of the historic Centerville Pioneer Cemetery, on vacant land that was previously occupied by a church. The church building was damaged by fire on May 12, 1993 and demolished in 1994 (SCH No. 93127067; City File Nos. H-94-3/EIA-94-36, demolition approved March 8, 1994). The project includes the removal of the former church building from the Fremont Register, as the building no longer exists, though the 1.5-gross-acre Cemetery, including the former church grounds, will remain on the Register. A General Plan Amendment (from Town Center – Commercial to Open Space General) and rezoning (from Town Center – Pedestrian to Open Space) for approximately 0.08 acres of the eastern frontage of the Centerville Pioneer Cemetery that would not be included in the proposed residential project area would be done to facilitate retention of the Cemetery grounds as an historic resource.

**LOCATION OF PROJECT:** 37218 Fremont Boulevard (fronting Bonde Way), City of Fremont, Alameda County, CA; APNs 501-1426-12-4, 501-1426-16-4

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

**NAME OF AUTHORIZED AGENT OF APPLICANT:** Dutra Cerro Graden (Attn.: Angelic Williams, Phone: (925) 236-9681, Email: [awilliams@dcgrealestate.com](mailto:awilliams@dcgrealestate.com))

**MAILING ADDRESS OF APPLICANT/AGENT:** 7600 Dublin Boulevard, Suite 275, Dublin, CA 94568

**TYPE OF ENTITLEMENT(S) SOUGHT:** General Plan Amendment, Rezoning, Historic Architectural Review, Private Street, and Tentative Tract Map No. 8391.

**EXPLANATION OF REASONS FOR THE FINDING:** A finding is proposed that this project would not have a significant effect on the environment. The project is an infill development that would be consistent with General Plan policy. Furthermore, the project includes specific mitigation measures which address potentially significant impacts to hazards and hazardous materials (from contaminated soil), to cultural resources (from project construction in proximity of historic cemetery), to geology and soils (from seismic activity), and to noise (from vehicles).

**Public Hearing:** Public hearings are required and have been schedule for December 7, 2017 (HARB), and January 11, 2018 (Planning Commission). City Council review has not yet been scheduled. All environmental documents are available for review by the public at the Planning Division office located at 39550 Liberty Street, Fremont, CA 94538 and online at: <http://www.fremont.gov/430/Environmental-Review>.

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 November 15, 2017 and ends December 4, 2017.**

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 Development Services Center on November 15, 2017.

Notice of Intent 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 type="checkbox"/>            | Clearinghouse |
| <input type="checkbox"/>            | Publish notice                          |                                     |               |

IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:

Bill Roth	Associate Planner	510-494-4450
NAME	TITLE	PHONE NUMBER

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**Mitigation and Monitoring Plan (MMP) – Centerville Pioneer (PLN2017-00228)**

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Implementation</b>	<b>Monitoring Responsibility</b>	<b>Status / Timing</b>
MM Cul-1:	<p><u>Archaeological Monitoring and Evaluation Plan</u></p> <p>Due to the potential for encountering human remains and/or archaeological deposits, archaeological monitoring shall be conducted for construction-related ground disturbance to identify and avoid and/or substantially reduce the severity of potential impact scenarios. The monitoring shall be done in accordance with, and as directed by, an Archaeological Monitoring and Evaluation Plan (AMEP) prepared and implemented for the project. The purpose of the AMEP is to ensure that significant archaeological deposits discovered during construction are identified, evaluated, and appropriately treated through the use of a pre-established research design and field evaluation strategy, consistent with the requirements of CEQA Guidelines §15126.4(b)(3)(C). The AMEP shall be prepared and implemented by a qualified professional archaeologist and shall include review and input from the church administration and congregation to ensure that descendent/community concerns are adequately integrated into the plan.</p> <p>The AMEP shall include a construction monitoring component and an evaluation component. The monitoring component of the AMEP shall refine the archaeological sensitivity of the project site to: (1) identify areas that will be subject to monitoring; (2) define the frequency of monitoring; (3) identify those areas with little to no possibility of containing intact deposits or human remains.</p> <p>The evaluation component of the AMEP will guide fieldwork if archaeological deposits or human remains are identified during monitoring. The purpose of this component is to establish an evaluation process to shorten the time necessary to respond to and evaluate the significance of discoveries made during archaeological monitoring. The evaluation component shall contain a field study and technical analysis work plan to guide the methods and procedures to be used during the significance evaluation. The treatment of human remains during the evaluation process shall be addressed, and procedures for the respectful treatment of such remains shall be developed through consultation with the applicant and the City prior to the final draft of the AMEP.</p>	<p>Developer/Contractor</p> <p>Archaeologist</p>	<p>City of Fremont Planning Division and Public Works Department</p>	<p>Prior to start and during grading or excavation activities.</p>

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<p><b>Geo-1</b></p>	<p><b>MM Geo-1a. Geotechnical Plan Review</b>  The project Geotechnical Consultant shall review all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements, and design parameters for foundations, and retaining walls). The consultant shall verify that their recommendations, including those regarding the need for further evaluation for potential liquefaction and the presence and lateral extent of undocumented fill as well as laboratory testing for corrosive soil, have been properly conducted and any necessary design measures are incorporated into the construction plans. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the City Engineer prior to issuance of building permits.</p>	<p>Developer/Contractor</p>	<p>City of Fremont Building Division and Public Works Department</p>	<p>Prior to start of grading or excavation activities.</p>

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Geo-1	<p><b>MM Geo-1b. Geotechnical Field Inspection</b>  The project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project shall be summarized by the project Geotechnical Consultant in a letter and submitted to the City Building Official /City Engineer for review prior to final (as-built) project approval.</p> <p>All grading, foundations, and structures for the proposed project would be required to be engineered and designed in conformance with applicable geotechnical and soil stability standards as required by the 2016 California Building Code (CBC). Conformance to the applicable 2016 CBC standards would reduce safety impacts to the structures, their occupants, and the adjacent properties to a less-than-significant level.</p> <p>An erosion control plan will be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion or loss of topsoil during grading and construction activities. As such, impacts associated with geology and soils would be less-than-significant, with mitigation.</p>	Developer/Contractor	City of Fremont Building Division and Public Works Department	Prior to start of grading or excavation activities.

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Haz-1	<p><b>MM Haz-1a:</b> A Soil Management Plan (SMP) shall be developed to provide guidelines for the appropriate handling and management of soil with known contaminants or Recognized Environmental Conditions (RECs) concentrations above the residential screening levels recommended in the California Department of Toxic Substances Control (DTSC) Office of Human and Ecological Risk (HERO) guidance document Human Health Risk Assessment Note 3 (2016).</p> <p>Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or RECs at the subject property shall be implemented to the satisfaction of the Alameda County Water District (ACWD), City of Fremont Fire Department, California Department of Toxic Substance Control (DTSC), or other appropriate agency having jurisdiction, depending on the location (e.g., depth) and the type of REC found and the jurisdictional purview of the agencies. Completion of the remediation work and procurement of an appropriate closure document or written statement that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the satisfaction of the City of Fremont Community Development Department. Compliance with this mitigation may require the applicant or their agent to complete a Preliminary Endangerment Report, Voluntary Cleanup Agreement or other documentation as determined by the appropriate agency, and receive concurrence that the site's RECs have been resolved.</p> <p><u>Any Risk Management Plan developed for the project involving work in coordination or under the oversight of ACWD shall be provided to ACWD for review and subject to ACWD approval.</u></p>	Developer/Contractor	Alameda County Water District (ACWD), City of Fremont Fire Department, California Department of Toxic Substance Control (DTSC), or other appropriate agency having jurisdiction, depending on the location (e.g., depth) and the type of REC found and the jurisdictional purview of the agencies.	Prior to issuance of building and/or grading permits for site development

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Noise-1	<p><b>MM Noise-1 (Ventilation):</b></p> <p>An alternate form of ventilation, such as an air-conditioning system, shall be provided for all units to ensure that windows can remain closed.</p>	Developer/Contractor	City of Fremont Building Division	Prior to issuance of Building Permit

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Noise-2	<p><b>MM Noise-2:</b></p> <p>The following measures shall be implemented during project construction:</p> <ol style="list-style-type: none"> <li>1. Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.</li> <li>2. Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.</li> <li>3. Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction.</li> <li>4. Install temporary noise barriers.</li> <li>5. Prohibit extended idling time of internal combustion engines.</li> <li>6. As required per Fremont Municipal Code, all noise producing construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction activity shall be allowed on Sundays and holidays.</li> </ol>	Developer/Contractor	City of Fremont Building Division and Public Works Department	During project construction.