



Ursa Residential Project

Focused Environmental Impact Report FINAL

City of Fremont

December 15, 2017

Quality information

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Revision History

Revision	Revision date	Details
0	November 29, 2017	Administrative FEIR, for City review
1	December 12, 2017	Screencheck FEIR, for City check
2	December 15, 2017	Final Focused Environmental Impact Report

Distribution List

# Hard Copies	PDF Required	Association / Company Name
2	Yes	Bill Roth, City of Fremont Ingrid Rademaker, City of Fremont Kristie Wheeler, City of Fremont

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Acronyms and Abbreviations

ACFCWCD	Alameda County Flood Control and Water Conservation District
BAAQMD	Bay Area Air Quality Management District
Cal-OSHA	California Division of Occupational Safety and Health Administration
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
City	City of Fremont
EIR	Environmental Impact Report
FMC	Fremont Municipal Code
HABS	Historic American Building Survey
HALS	Historic American Landscape Survey
HASP	health and safety plan
MMRP	Mitigation Monitoring and Reporting Program
NPS	National Parks Service
OSHA	federal Occupational Safety and Health Administration
RECs	Recognized Environmental Conditions

1. Introduction

1.1 CEQA Process

On October 2, 2017, the City of Fremont (lead agency) released for public review a Draft Environmental Impact Report (Draft EIR) for the proposed Ursa Residential Development Project (SCH# 2017062053) pursuant to the requirements of the California Environmental Quality Act (CEQA). The minimum 45-day public review and comment period on the Draft EIR began on October 2, 2017, and closed on November 15, 2017.

Section 15088(a) of the CEQA Guidelines states that:

The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.

Accordingly, the City of Fremont (City) has evaluated the comments received on the Draft EIR for the Ursa Residential Development Project (proposed project) and prepared written responses to those comments.

The Final EIR consists of the following elements:

- Draft EIR and Appendices.
- List of persons, organizations, and public agencies commenting on the Draft EIR.
- Copies of all comments received.
- Written responses to those comments.
- Revisions to the Draft EIR resulting from comments received.

The Final EIR does not address those comments about the merits of the proposed project, unless they involve the Draft EIR's analysis of its environmental issues.

Certification of the EIR as adequate and complete must take place before the City can take action to approve or modify the project. Certification of the EIR as being complete is not approval of the project; certification is required for ultimate project approval, but the approval is a separate action by the City.

1.2 Organization of Document

This Final EIR document is organized as follows:

- Chapter 1, Introduction, describes the CEQA process and the organization of the Response to Comments document.
- Chapter 2, Agencies and Persons Commenting on the Draft EIR, lists all agencies, organizations, and persons that submitted written comments on the Draft EIR during the public review and comment period. The list also indicates the receipt date of each written correspondence.
- Chapter 3, Written Comments on the Draft EIR and Responses to Comments, contains written correspondence received during the review and comment period. The responses to the comments are provided following each letter. Numbering is used for each comment letter and corresponding response.
- Chapter 4, Revisions to the Draft EIR, contains text changes to the Draft EIR made in response to comments received on the Draft EIR or initiated by City staff.
- Chapter 5, Mitigation Monitoring and Reporting Program, describes the identified mitigation measures and the responsible parties, tasks, and schedule for monitoring mitigation compliance.

2. Agencies and Persons Commenting on the Draft EIR

The following agencies, organizations and individuals submitted written comments on the Draft EIR during the public review period. The minimum 45-day public review and comment period on the Draft EIR began on October 2, 2017, and closed at 5:00 p.m. on November 15, 2017.

Letter	Person/Agency and Signatory	Date
1	Skala, Steve	11/04/2017
2	Garg, Samip	11/07/2017
3	Cavette, Chris	11/13/2017
4	Alameda County Transportation Commission	11/15/2017
5	State Office of Planning and Research	11/16/2017

3. Written Comments on the Draft EIR and Responses to Comments

This chapter contains copies of the comment letters received during the public review period on the Draft EIR and the individual responses to those comments. Each written comment letter is designated with a number (1, 2 and 3) in the upper right-hand corner of the letter. Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is an individual response to each numbered comment. Thus, Comment 3-2 refers to the third commenter and the second comment in that commenter's written comments. Where responses have resulted in changes to text or graphics of the Draft EIR, these changes also appear in Chapter 4 of this Response to Comments document.

Comment Letter 1

293 Pagosa Way
Fremont CA 94539
November 4, 2017

Dear Mr. Roth.

Please see below my comment for the Ursa residential development DEIR.

Regards,
Steve Skala

The Ursa development EIR lists the impact on traffic as being insignificant. That assessment is inaccurate. The assessment of the Ursa development is probably based on the fact that the size of the Ursa development of 18 homes is not significant when compared to the total Warm Springs neighborhood of nearly 3 thousand homes. However, the impact analysis did not consider the impact of traffic at local schools. Impact on schools is required because I expect that most of the buyers of detached single family homes will have school age children.

1-1

Existing conditions for traffic at Warm Springs and James Leitch schools is at capacity at school start and end times. Traffic on Pontiac Way along Warm Springs Elementary is jammed and backs up on to Warm Springs Blvd. Fernald St. is also jammed and parents are using all available locations for student drop-off. I have noticed in my neighborhood that most new buyers of single detached homes are families with young children. Presuming true that most buyers of single detached homes will have children, the Ursa development should be expected to add at least 10 trips to Warm Springs and James Leitch Elementary Schools and that impact must be determined relative to the existing traffic conditions at the schools.

1-2

The negative impact on school traffic can be mitigated by two improvements that the developer of the Ursa property can implement. One improvement is on the Ursa existing property being considered for development and the second is on government property a short distance outside of the development.

1-3

Comment Letter 1

First is to provide a multi-use path along the existing driveway within the Ursa property allowing the shortest pedestrian/bicycle route to access bus stops and the bicycle lanes on Warm Springs Blvd. AC transit buses to Horner and Irvington schools are the primarily means of transit for middle and high school students and a path will allow best access to existing transit facilities that will not impact traffic. The initial plan for the Ursa development posted in July lists the possibility of converting the existing driveway to a multi-use ped-bike path to Warm Springs Blvd. However, the EIR states that previous transactions deeded the existing driveway to adjacent land owners. The EIR states that in addition to the existing driveway, there is a 12.5 foot wide strip of land next to Alameda County Flood Control channel that will be handed over to ACFCD. If the driveway is given to other land owners, this 12.5 wide strip should be used as a multi-use trail to allow direct access from the Ursa development to Warm Springs Blvd. The use of linear right of way along utility easements is listed as a policy in the bicycle and pedestrian master plans¹.

1-4

1-5

Second mitigation to reduce impact to traffic around local schools is to build a portion of the Hetch Hetchy class 1 multi use trail. A multi-use trail along Hetch Hetchy is listed in both the Pedestrian and Bicycle master Plans. Hetch Hetchy provides potential of a straight path for walking and biking to local schools, but lack of access to portions of the Hetch Hetchy right of way currently requires everyone to zig-zag around Hetch Hetchy, adding considerably length to distance traveled to get to schools and local parks. I suggest that rezoning for the Ursa development be contingent upon building one or more segments of the Hetch Hetchy trail. One segment is between McDuff Ave. and Gable Dr., which will also improve connectivity with Booster Park. This small 800 foot segment of trail will eliminate the largest zig-zag that exists around Hetch Hetchy, thus improving ability to walk and bike to school. A secondary improvement is to complete the segment between Mayten Way and an existing path in Lone Tree Park. This segment will also improve connectivity to Lone Tree Park and can be < 1000 feet. This improved connection to Lone Tree Park will be used extensively by residents of the Ursa development to bring children to use the playground equipment in Lone Tree Park since Lone Tree Park is less than 1/2 mile from the Ursa development and is the closest park with a full playground. Completing any segments of Hetch Hetchy trail near the Ursa development will be consistent with policies to improve pedestrian networks per the Pedestrian Master Plan. There should be a clear nexus between traffic impact to local schools and completing any portion of the Hetch Hetchy pathway in the direction of the neighborhood schools. Especially Lone Tree park segment of Hetch Hetchy, that is 1/4 mile from the Ursa development, is easily close enough to show a clear benefit of the mitigation to the development. Either segment of a multi-use trail in Booster or Lone Tree park will be less than 1000 feet and should cost no more than \$100,000 per ~1000 foot segment, a reasonable mitigation for this size development.

1-6

1. Fremont Draft Bicycle Master Plan:

Comment Letter 1

- Policy 1-2, Action 1-2D: Continue to require developers to dedicate public-access easements for trails in private open-space areas, where feasible.
- Policy 1-2, Action 1-2E: Retail all publicly-owned corridors and strive towards obtaining more – abandoned rail lines, utility corridors, water courses and canals, and other easements – for future open space and trail use.

2. Fremont Pedestrian Master Plan:

- Implementation 3-2.3.C : Use the development review process to require pedestrian connectivity within proposed development and between development and destinations (public facilities, transit, neighborhood commercial uses, parks, ect.) within a one-half mile radius. Require trail or sidewalk right-of-way dedication for development or improvement projects.

Comment Letter 1: Steve Skala

1-1 The comment states that the impact analysis did not consider the impact of traffic at local schools.

Response: The conclusion that the project’s transportation and traffic impacts would be “less-than-significant” in a technical sense reflects the determination in the Initial Study that those impacts would not satisfy the relevant significance thresholds or criteria, and should not be interpreted as an indication that the project will not have any impact at all. The analysis of potential environmental effects of a given project under CEQA considers changes to the physical environment specifically attributable to the project. These changes are analyzed relative to a baseline or background condition without the project. This approach allows the effects of the project to be isolated and accurately characterized, so that it is assigned and responsible for its proportional impact on the environment. In the case of the proposed project, for example, this baseline condition includes existing development (and the associated traffic activity) within the Warm Springs neighborhood, as well as the localized effects in the vicinity of the project site associated with existing development (and the associated traffic activity) elsewhere in the City of Fremont and the Bay Area.

Regarding impacts to local schools, the environmental impacts of induced traffic generated at off-site facilities and uses in the surrounding area by users of a given development are typically considered impacts of the off-site facility or use, not impacts of the development. A given residential use, for example, is typically assumed to generate an average amount of travel demand per dwelling unit, including residents going to work, school, shopping, errands, etc., as well as other trips (e.g., guests and visitors). In the case of resident commute trips, the impacts at off-site workplaces associated with these residents is not considered an impact of the residential development, because these trips are already captured in the impacts assigned to the off-site office building. Similarly, off-site trips by residents to shopping centers, schools, and other uses that generally “attract” users generated off-site are already captured in the impacts assigned to those uses. Transportation impacts associated with a school, for example, are evaluated based on expected enrollment and staffing levels. As indicated in the “Public Facilities” section of the Initial Study (refer to pages 86-90 of the Initial Study, included in Appendix A to the DEIR), the combined enrollment at the two elementary schools serving the project (Warm Springs and James Leitch) is below their student capacity. The former has an enrollment of 886 students and a capacity of 1,080 students, while the latter has an enrollment of 2,253 students and a capacity of 2,310 students. Based on the analysis presented therein, it is assumed that the project would generate approximately 12-13 total

new students across elementary, middle, and high school grades, of which approximately eight would be elementary school students. Because the combined enrollment in Fremont Unified School District (FUSD) schools serving the project site is below capacity, and students living at the project site are assumed to already be captured among the transportation impacts associated with these schools, accounting for these impacts under the project would “double count” these impacts. As discussed in further detail in the “Public Services” section of the Initial Study, the project would have a less-than-significant impact on school facilities. No changes to the EIR are required in response to this comment.

It should also be noted that although the project would not have a significant impact on traffic, as stated in the “Transportation and Traffic” section of the Initial Study (refer to page 95 of the Initial Study, included in Appendix A to the DEIR), the project would be subject to the City of Fremont’s traffic impact fee, which is one of several development impact fees levied by the City and is specifically designed to address the proportional impact of new development on facilities and services, including the transportation system.

- 1-2 The comment states that existing conditions for traffic at Warm Springs and James Leitch schools is at capacity at school start and end times. The comment further states that the proposed project would add at least 10 trips to Warm Springs and James Leitch Elementary Schools and that impact must be determined relative to the existing traffic conditions at the schools.

Response: As described in the response to Comment 1-1, the combined enrollment at the two elementary schools serving the project (Warm Springs and James Leitch) is below their student capacity.

Please see the response to Comment 1-1 above for additional discussion regarding the project’s impacts related to induced traffic at schools and other off-site facilities and uses. No changes to the EIR are required in response to this comment.

- 1-3 The comment states that the negative impacts on school traffic can be mitigated by improvements on the existing property or mitigated on government property a short distance outside of the development.

Response: As discussed in response to Comments 1-1 and 1-2 above, the project would not result in significant impacts under CEQA relating to traffic at local schools. More detailed response in relation to the specific mitigation suggested by the commenter is provided in response to Comments 1-4 and 1-5 below; however, because potentially significant traffic impacts were not identified in the Initial Study (except during the construction period), mitigation measures are not warranted to address post-construction transportation and traffic impacts. No changes to the EIR are required in response to this comment.

- 1-4 The comment states a multi-use path along the existing driveway within the project site should be provided, which would allow the shortest pedestrian/bicycle route to access bus stops and the bicycle lanes on Warm Springs Boulevard.

Response: The analysis of the proposed project and the identification of significant impacts are based on “thresholds of significance” enumerated in the Initial Study. Based on those thresholds, omission of a multi-use path along the existing driveway within the project site would not result in significant impacts under CEQA. The Initial Study, which assessed the project without the multi-use path, would have less-than-significant transportation and traffic impacts. While the originally published Initial Study did include the possibility of a driveway strip for pedestrian access as part of the project, the errata to the Initial Study (included in Appendix A to the Draft EIR), included revisions to Section 4.16 of the Initial Study relating to traffic and transportation impacts, based on the changes to the project description (including the proposed change in use of the driveway to no longer include the possibility of pedestrian access) (refer to pages 13-14 of the Errata, in Appendix A to the DEIR). The errata to the Initial Study did not change the conclusion that impacts to traffic and transportation from the revised project would be less than significant with mitigation incorporated, and did not change the mitigation required to reduce potential impacts to less than significant. No changes to the EIR are required in response to this comment.

- 1-5 The comment states that if the existing driveway is given to other land owners, the 12.5-foot-wide Alameda County Flood Control and Water Conservation District (ACFCWCD) channel should be used as a multi-use trail to allow direct access from the project site to Warm Springs Boulevard. The comment

further states that the use of linear right-of-way along utility easements is listed as a policy in the City's Bicycle and Pedestrian Master Plans.

Response: As explained in response to Comment 1-4, omission of a multi-use path from the proposed project would not result in significant impacts under CEQA. The Initial Study and its errata demonstrate that the project (which does not currently propose such access) would have less-than-significant transportation and traffic impacts (refer to pages 13-14 of the Errata, and pages 91-97 of the Initial Study, both in Appendix A to the DEIR). As a result, there is no basis under CEQA to require the project to include the multi-use path. Further, potential public access along this right-of-way would be at the discretion of the ACFCWCD. No changes to the EIR are required in response to this comment.

- 1-6 The comment states that a mitigation to reduce the impact to traffic around local schools is to build a portion of the Hetch Hetchy class 1 multi-use trail and the comment suggests that rezoning for the project site be contingent upon building one or more segments of the Hetch Hetchy trail. In addition, the comment states that completing any segments of Hetch Hetchy trail near the project site would be consistent with policies to improve pedestrian networks per the City's Pedestrian Master Plan, and that there should be a clear nexus between traffic impact to local schools and completing any portion of the Hetch Hetchy pathway in the direction of the neighborhood schools.

Response: Similar to the proposed multi-use path along the existing driveway recommended in Comment 1-4, failure to include completion of portions of the Hetch Hetchy trail would not result in significant impacts under CEQA, based on the assessment of the project relative to the significance thresholds identified in the Initial Study. The Initial Study and its errata demonstrate that the project (which does not propose Hetch Hetchy trail improvements) would have less-than-significant impacts related to transportation and traffic (refer to pages 13-14 of the Errata, and pages 91-97 of the Initial Study, both in Appendix A to the DEIR). As stated above in response to Comment 1-1, the project would be subject to the City of Fremont's traffic impact fee, which is one of several development impact fees levied by the City and is specifically designed to address the proportional impact of new development on facilities and services, including the transportation system. No changes to the EIR are required in response to this comment.

From: Samip Garg [mailto:samip.garg@gmail.com]
Sent: Tuesday, November 07, 2017 11:05 PM
To: Bill Roth
Subject: Re: Ursa Residential Draft EIR

Comment Letter 2

Dear Mr Bill,

I am writing in response to the letter 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
 48446 Spokane Pl
 Fremont CA 94539
[619-846-0296](tel:619-846-0296)

2-1
 2-2
 2-3
 2-4

Comment Letter 2: Samip Garg

2-1 The comment states that the project would affect properties in the immediate vicinity. The comment states that the project would affect views of the hills, and affect noise, traffic, and aesthetics of the surrounding area.

Response: The commenter’s concern regarding the effects of the project on properties in the immediate vicinity is noted. CEQA analyzes impacts to the physical environment and emphasizes those impacts that are potentially “significant.” Changes to the existing environment, including to those properties in the project vicinity, would occur as a result of the proposed project. Noise levels, traffic volumes, and views would be altered with implementation of the proposed project. However, the focus of CEQA is whether those changes rise to a level of significance, as determined by evaluating the project against the thresholds of significance that are enumerated in the Initial Study. As discussed in the Initial Study for the project (Appendix A to the DEIR), impacts on aesthetics, noise, and traffic were found to be less than significant, or less than significant with mitigation.

With respect to aesthetics, the thresholds of significance relate to impacts on scenic vistas, scenic resources, visual character, and light or glare. As discussed on pages 32 and 33 of the Initial Study (Appendix A to the Draft EIR), there are no designated scenic vistas or other scenic resources in the vicinity of the project site, and views from the nearby Mission Peak Regional Preserve (approximately three miles east of the project site) would not be substantially impacted by the proposed project. Viewing locations in relation to scenic vistas and scenic resources must include views available to the public.

Views from private properties are typically not considered when analyzing aesthetic impacts of a project, as supported by case law. In *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego*, 139 Cal . App. 4th 249, 279 (2006) decision, the court determined that “obstruction of a few private views in a project’s immediate vicinity is not generally regarded as a significant environmental impact.” Furthermore, in the *Mira Mar Mobile Community v. City of Oceanside*, 119 Cal. App. 4th 477, 492 (2004) (Mira Mar) decision, the court wrote that “[u]nder CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons.” The court in that case found that an agency has discretion in determining substantial impacts, and that it was

proper for the City to determine that only impairment of public views, as opposed to private views, would be considered significant.

With respect to visual character, the EIR prepared for the Fremont General Plan Update [“DRAFT” in the following quoted material, but finalized since] concluded that:¹

In some portions of Fremont, development under the DRAFT General Plan Update would be of a higher intensity than currently present there, and higher density development would represent a change in the existing visual character of those areas. However, development anticipated under the DRAFT General Plan Update would not degrade the existing visual character of these areas as developed urban and suburban environments, and the resulting change in the existing visual character of the area would be considered a less than significant environmental effect.

As discussed on page 76 of the Initial Study (Appendix A to the Draft EIR), the project would be consistent with the General Plan’s Residential – Low land use designation. In addition, the City will review the project’s conformance with the City’s Small-Lot Single-Family Residential Development Design Guidelines during the entitlement process. The impact of the project in relation to scenic vistas, scenic resources, and visual character would, therefore, be less than significant. No changes to the EIR are required in response to this comment.

2-2 The comment states that the project would affect property values due to the loss of aesthetics and increased traffic and noise.

Response: This commenter’s concerns that the proposed project would affect property values is noted; however, property values are an economic and/or social consideration, which are not part of a CEQA analysis. Under CEQA, “environment” means the physical conditions that exist within the area which would be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance” (Public Resources Code Section 21060.5). The Draft EIR for the proposed project assessed the potential for impacts related to the physical environment and not those related to social or economic factors. This response is not intended to diminish the importance of any given comment from a non-environmental perspective, because the environmental analysis is only one element for consideration of project approvals by City decision-makers. All of the comments included in this document have been shared with City staff and decision-makers to take into account when making decisions regarding the proposed project. No changes to the EIR are required in response to this comment.

2-3 The commenter states opposition to the project.

Response: This comment is noted. No further response is provided, because the comment does not raise specific questions, specify additional information needed, or identify particular insufficiencies in the Draft EIR. No changes to the EIR are required in response to this comment.

2-4 The commenter asks what can be done to secure his property value.

Response: Please see response to Comment 2-2 above.

¹ The EIR for the General Plan is available at: <https://fremont.gov/398/General-Plan>. See also CEQA Guidelines § 15152 regarding the ability to tier off of the analysis of a former EIR.

Comment Letter 3

-----Original Message-----
 From: The Cavettes [mailto:thecavettes@gmail.com]
 Sent: Monday, November 13, 2017 1:39 PM
 To: Bill Roth
 Subject: Ursa (PLN2017-00188) - Comments on EIR

I favor Alternative 1 to preserve the historic house and outbuildings on this property. Not only does it keep the significant structures, but it preserves the setting which gave them their historic significance -- that is, an orchard house and related buildings in an orchard. The large corner site also visually separates the older structures from the newer ones, and provides easy access from the nearest through street. 3-1

I think Alternative 2 is undesirable because it buries the older house within a tightly packed mass of newer houses without any land around it. 3-2

In both cases, I still object to the new houses because of their lack of architectural variety, overly large size and massing, excessive floor area ratios, poor garage locations, lack of amenities, and general nonconformance with the Fremont Small Lot Guidelines, as noted in previous emails. 3-3

Chris Cavette
 Fremont resident

Comment Letter 3: Chris Cavette

- 3-1 The commenter is in favor Alternative 1 because it would preserve the historic house and outbuildings by keeping the significant structures and preserving the setting which gave them their historic significance. The comment further states that the large corner site also visually separates the older structures from the newer ones and provides easy access from the nearest through street.

Response: The commenter's support of Alternative 1 is noted. No further response is provided, because the comment does not raise specific questions, specify additional information needed, or identify particular insufficiencies in the Draft EIR. No changes to the EIR are required in response to this comment.
- 3-2 The commenter finds Alternative 2 is undesirable because it would bury the older house within a tightly packed mass of newer houses without any land around it.

Response: The commenter's opinion regarding Alternative 2 is noted. No further response is provided as explained in response to Comment 3-1, because the comment does not raise specific questions, specify additional information needed, or identify particular insufficiencies in the Draft EIR. No changes to the EIR are required in response to this comment.
- 3-3 The commenter objects to the new houses because of their lack of architectural variety, overly large size and massing, excessive floor area ratios, poor garage locations, lack of amenities, and general nonconformance with the Fremont Small Lot Guidelines.

Response: The commenter's objection to the new houses is noted. As noted on page 76 of the Initial Study (Appendix A to the Draft EIR), the project would be consistent with the General Plan's Residential – Low land use designation. The project would rezone the project site from R-1-6 to a Planned District, and would meet additional standard requirements of the Planned District outlined in Fremont Municipal Code (FMC) Section 18.110, "Planned Districts." In addition, the City will review the project's conformance with the City's Small-Lot Single-Family Residential Development Design Guidelines during the entitlement process. No changes to the EIR are required in response to this comment.



Comment Letter 4

1111 Broadway, Suite 800, Oakland, CA 94607 • 510.208.7400 • www.AlamedaCTC.org

November 15, 2017

Bill Roth
Associate Planner
Planning Division
City of Fremont
39550 Liberty St.
P.O. Box 5006
Fremont, CA 94538

SUBJECT: Response to the Draft Environmental Impact Report for the Ursa Residential Project

Dear Mr. Roth,

Thank you for the opportunity to comment on Draft Environmental Impact Report (DEIR) for the proposed Ursa Residential Project. The project would allow 17 new houses and re-locate and rehabilitate the existing house on the 2.67-acre site located at 48495 Ursa Drive in southern Fremont. The proposed project would also rezone the site from R-1-6 to a Planned Development District.

We have reviewed the project and determined that it is exempt from review under the Congestion Management Program Land Use Analysis Program as it will not generate 100 p.m. peak hour trips in excess of trip generation from existing land use designations. 4-1

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7426 or Chris G. Marks, Associate Transportation Planner, at (510) 208-7453, if you have any questions.

Sincerely,

[Handwritten signature]

Saravana Suthanthira
Principal Transportation Planner

cc: Chris G. Marks, Associate Transportation Planner

R:\Planning_Policy_Public_Affairs\Planning\CMP\LUAP\2017\11_November\Fremont_DEIR_Ursa_Residential_Project.docx

Comment Letter 4: Alameda County Transportation Commission

- 4-1 The comment states that the Alameda County Transportation Commission reviewed the Draft EIR and determined the project is exempt from review under the Congestion Management Program Land Use Analysis Program because it would not generate 100 p.m. peak hour trips in excess of trip generation from existing land use designations.

Response: The commenter's statement the project is exempt from review under the Congestion Management Program Land Use Analysis Program is noted. No further response is required. No changes to the EIR are required in response to this comment.

Comment Letter 5



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

November 16, 2017

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

Subject: Ursa Residential
SCH#: 2017062053

Dear Bill Roth:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on November 15, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

5-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Comment Letter 5: State Office of Planning and Research

5-1 This letter states that the Draft EIR was distributed to relevant State agencies and that no comments on the Draft EIR were received from those agencies during the public review period.

Response: The absence of comments from relevant State agencies is noted. No further response is required. No changes to the EIR are required in response to this comment.

4. Revisions to the Draft EIR

None of the public comments received on the Draft EIR required revisions to be made to the text of the Draft EIR. In addition, City staff has not initiated any text changes to the Draft EIR.

5. Mitigation and Monitoring Reporting Program

Where a California Environmental Quality Act (CEQA) document has identified significant environmental effects, Public Resources Code Section 21081.6 requires adoption of a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.”

A public agency is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The Mitigation Monitoring and Reporting Program (MMRP) must be designed to ensure project compliance with mitigation measures during project implementation. The City of Fremont is the lead agency that must adopt the MMRP for development of the project.

This MMRP has been prepared to provide for the monitoring of mitigation measures required of the proposed project, as set forth in the Final EIR.

5.1 Format

This MMRP identifies the individual mitigation measures identified in the EIR as well as mitigation measures identified in the Initial Study (Table 1). The MMRP is presented in Table 1 and key features are briefly described below:

- **Implementation Responsibility** identifies the person/group responsible for implementation of the mitigation measure.
- **Mitigation Responsibility** assigns the responsibility for each mitigation measure and reporting tasks.
- **Monitoring and Reporting Action** identifies the outcome from implementation of mitigation measures.
- **Mitigation Schedule** provides the general schedule for conducting each mitigation task.
- **Verification of Compliance** documents the person who verified implementation of the mitigation measure and the date on which this verification occurred.

5.2 Roles and Responsibilities

The City of Fremont will oversee monitoring and documenting the implementation of mitigation measures. The project applicant or its construction contractors is responsible for fully understanding and effectively implementing all of the mitigation measures contained within this MMRP. Certain mitigation measures also will require that the applicant coordinate or consult with one or more other public agencies in implementing mitigation measures specified herein.

Table 1. Ursa Residential Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
EIR MITIGATION MEASURES					
Historic Resources					
<p>Mitigation Measure HIST-1a: Recordation</p> <p>In consultation with the City of Fremont Planning Division, the project applicant shall document the 48495 Ursa Drive property prior to demolition and relocation activities. This documentation shall be performed by Secretary of Interior-qualified professionals (in history or architectural history) and consistent with the standards of the National Parks Service (NPS) Historic American Building Survey (HABS)/ Historic American Landscape Survey (HALS) Level I report. HABS/HALS documentation shall consist of the following elements:</p> <ol style="list-style-type: none"> Drawings: If historical as-built drawings do not exist (or are not reproducible to HABS/HALS standards), then measured drawings shall be prepared to document the property. These drawings shall include a site plan and exterior elevations of the residence, tankhouse, garage, barn, processing shed, and mixing shed. Photographs: Photo-documentation of the 48495 Ursa Drive property shall be prepared to HABS/HALS standards for archival photography. HABS standards require large-format black-and-white photography, with the original negatives having a minimum size of 4"x5". Digital photography, roll film, film packs, and electronic manipulation of images are not acceptable. A minimum of 24 photographs must be taken, detailing the site, building exteriors, and the interiors of the residence, tankhouse, and barn. Photographs must be identified and labeled using HABS/HALS standards. <p>Color non-archival photographs of the historical buildings and grounds shall be taken to supplement the limited number of archival photographs required under the HABS/HALS standards described above. Photographs should include overall views of the site, including the remnant orchard and access road; exterior elevations of each elevation of the residence, tankhouse, barn, processing shed, mixing shed and garage; and individual views of important site features.</p> <ol style="list-style-type: none"> Historical Overview: In consultation with the City of Fremont Planning Division, a qualified historian or architectural historian shall assemble 	<p>Project applicant retains Secretary of Interior-qualified professionals</p> <p>The qualified professionals prepare HABS/HALS documentation</p>	<p>City of Fremont</p>	<p>Verify documentation and materials are placed on file with the City of Fremont, local historical societies, and libraries, including at a minimum, the Washington Township Museum of Local History and the Fremont Main Library</p>	<p>Prior to issuance of building permits for demolition or renovation activities</p>	

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>historical background information relevant to the 48495 Ursa Drive property and its setting based on HABS/HALS guidelines for historical reports. Much of this information may be drawn from previous report, and would detail critical information such as the property's physical history, historic context, architectural character (including inventories of key interior and exterior features), and a summary of information sources.</p> <p>Following completion of the HABS/HALS documentation and approval by the City of Fremont, the materials shall be placed on file with the City of Fremont, local historical societies, and libraries (including at a minimum, the Washington Township Museum of Local History and the Fremont Main Library).</p>					
<p>Mitigation Measure HIST-1b: Architectural Salvage</p> <p>Prior to demolition, the project applicant shall make architectural materials from the site available to museums, archives, and curation facilities; the public; and nonprofit organizations to preserve, interpret, and display the history of the historical resource. The applicant shall give representatives of these groups the opportunity to salvage materials for public information or reuse in other locations. The materials to become architectural salvage shall include objects and other features available on-site, including planting materials, and shall be identified and made available prior to the commencement of demolition activities, to ensure that materials removed do not experience further damage from removal/demolition. No materials shall be salvaged or removed until HABS/HALS recordation and documentation are completed and an inventory of key exterior and interior features and materials is completed by Secretary of Interior-qualified professionals. The inventory of key exterior and interior features shall be developed as part of Mitigation Measure HIST-1a.</p>	Project applicant	City of Fremont	Verify architectural materials from the site have been made available to museums, archives, and curation facilities, the public, and nonprofit organizations	Prior to issuance of building permits for demolition or renovation activities	

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>Mitigation Measure HIST-1c: Interpretative Display or Signage In concert with HABS/HALS documentation (Mitigation Measure HIST-1a), the project applicant shall install an interpretive display or signage for public exhibition concerning the history of the historical resource at the site and/or provided to local historical societies and libraries. The display and/or signage could be based on the photographs produced in the HABS/HALS documentation, and the historic archival research previously prepared as part of the project.</p>	Project applicant	City of Fremont	Verify installation of an interpretive display or signage	Prior to occupancy of the first home	
<p>Mitigation Measure HIST-1d: Oral History The project applicant shall engage a qualified historian or architectural historian to complete an oral history of the 48495 Ursa Drive property by conducting an interview with long-time property residents Robert (Bob) Silva and Pattie Silva-Rotondo, the grandchildren of the original owners Antone and Louisa Silva. The interview shall be recorded on a CD. As part of this endeavor, the historian will create digital scans of historic photographs of the property (or surroundings) that Mr. Silva and Ms. Silva-Rotondo make available. The transcribed interview and photo scans will be submitted to the Washington Township Museum of Local History and Fremont Main Library for inclusion in their public collections.</p>	Project applicant retains a qualified historian or architectural historian The qualified historian or architectural historian conducts the oral interview and creates photo scans	City of Fremont	Verify the transcribed interview and photo scans are submitted to the Washington Township Museum of Local History and Fremont Main Library	Prior to occupancy of the first home	

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
INITIAL STUDY MITIGATION MEASURES					
Hazards and Hazardous Materials					
<p>Mitigation Measure HAZ-1: Hazardous Building Materials Survey and Abatement</p> <p>Prior to building permit issuance for demolition or renovation activities of any structures, the applicant shall retain a California Division of Occupational Safety and Health Administration (Cal-OSHA) certified contractor to determine the presence or absence of building materials or equipment that contains hazardous materials, including asbestos and lead-based paint. If such substances are found to be present, the contractor shall properly remove and dispose of these hazardous materials in accordance with federal and state law, including Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing), as a condition of the demolition permit. Following completion of removal activities, the applicant shall submit documentation to the City verifying that all hazardous materials were properly removed and disposed.</p>	<p>Project applicant retains a Cal-OSHA certified contractor to conduct survey</p> <p>Cal-OSHA certified contractors remove and dispose of hazardous materials</p>	<p>City of Fremont</p>	<p>Provide documentation to state regulatory oversight agencies verifying hazardous materials were properly removed and disposed</p>	<p>Prior to issuance of building permits for demolition or renovation of any structure</p>	
<p>Mitigation Measure HAZ-2: Soil Remediation Work</p> <p>Prior to issuance of grading and/or building permits for site development, the applicant shall retain a qualified environmental professional to oversee remediation work to remove or otherwise mitigate known contaminants or Recognized Environmental Conditions (RECs) at the property, as identified in the Phase I/ Phase II Environmental Site Assessment and Shallow Soils Investigation prepared for the project site by Ramboll Environmental in March 2017. The remediation work shall be implemented to the satisfaction of the relevant overseeing agencies (City of Fremont Fire Department, and designated Alameda County or State Department oversight agency, or other appropriate agency having jurisdiction). Completion of the remediation work and procurement of an appropriate closure document or written statement from the relevant overseeing agency(ies) 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</p>	<p>Project applicant retains a qualified environmental professional</p> <p>Environmental professional oversees remediation work</p>	<p>City of Fremont</p>	<p>Provide appropriate closure document or written statement from the relevant overseeing agency(ies) that the remediation work has been satisfactorily completed and without further conditions or obligations</p>	<p>Prior to issuance of grading and/or building permits</p>	

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>appropriate agency, and receive concurrence that the site's RECs have been resolved.</p>					
<p>Mitigation Measure HAZ-3: Site-Specific Health and Safety Plan. Prior to commencement of remedial actions required under Mitigation Measure HAZ-2, the applicant, or its contractors, shall prepare and implement a site-specific health and safety plan (HASP) to minimize impacts on public health, worker health, and the environment. The HASP shall be prepared in accordance with State and federal Occupational Safety and Health Administration (OSHA) regulations (29 Code of Federal Regulations [CFR] 1910.120). Copies of the HASP shall be made available to construction workers for review during their orientation and/or regular health and safety meetings. The HASP shall identify chemicals of concern, potential hazards, worker training requirements, personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall be amended, as necessary, if new information becomes available that could affect implementation of the plan.</p>	<p>Project applicant or its contractors</p>	<p>City of Fremont</p>	<p>Verify a HASP has been prepared and is implemented during construction as specified in this measure</p>	<p>Prior to commencement of remedial actions required under Mitigation Measure HAZ-2; during construction</p>	
<p>Noise</p>					
<p>Mitigation Measure NOI-1: Modification, Placement and Operation of Construction Equipment. To reduce noise impacts during construction, the applicant shall include the following measures in contractor specifications for the project, and such measures shall be implemented during construction:</p> <ul style="list-style-type: none"> • Construction equipment shall be well maintained and used judiciously to be as quiet as practical. • Construction activities (including the loading and unloading of materials and truck movements) shall be limited to the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 6:00 PM on Saturdays. No construction activities shall be permitted on Sundays or holidays. <p>Excavating, grading and filling activities (including warming of equipment motors) shall be limited to between the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 6:00 PM on Saturdays. No excavation, grading or filling activities shall be permitted Sundays or holidays.</p> <ul style="list-style-type: none"> • All internal combustion engine-driven equipment shall be equipped 	<p>Project applicant</p>	<p>City of Fremont</p>	<p>Review and approve construction plans, bid documents, and specifications for inclusion of noise reduction measures as specified in this measure</p>	<p>Prior to issuance of grading or building permits, whichever occurs first; during construction</p>	

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>with mufflers, which are in good condition and appropriate for the equipment.</p> <ul style="list-style-type: none"> The contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists. Loading, staging areas, stationary noise generating equipment, etc. shall be located as far as feasible from sensitive receptors, and/or shielded with temporary noise barriers, if necessary. The contractor shall comply with Air Resource Board idling prohibitions of unnecessary idling of internal combustion engines. Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number for the project sponsor in the event of noise complaints. The applicant shall designate an on-site complaint and enforcement manager to track and respond to noise complaints. 					
<p>Mitigation Measure NOI-2: Limitations on Construction Activities Generating Excessive Vibration.</p> <p>To reduce groundborne vibration impacts due to construction, the applicant shall include the following measures in contractor specifications and such measures shall be implemented by the contractor during construction:</p> <ul style="list-style-type: none"> The contractor shall comply with the construction hours identified in Mitigation Measure NOI-1 to limit hours of exposure. Impact pile-driving shall be avoided where possible. Drilled piles cause lower vibration levels where geological conditions permit their use. Use of vibratory rollers and tampers shall be minimized or avoided near sensitive areas. 	Project applicant	City of Fremont	Review and approve construction plans, bid documents, and specifications for inclusion of groundborne vibration reduction measures as specified in this measure	Prior to issuance of grading or building permits, whichever occurs first; during construction	

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
Transportation and Traffic					
<p>Mitigation Measure TRA-1: Construction Traffic Management Plan. The project applicant and its construction contractor shall prepare and implement a traffic management plan for construction activities that may affect road rights-of-way during construction, to reduce traffic congestion during construction and facilitate travel of emergency vehicles on affected roadways. The traffic management plan must follow applicable City of Fremont Standards Details (whichever edition is current as of the date of construction). The traffic management plan shall be submitted to the City of Fremont Public Works Department for review and approval before the approval of improvement plans and issuance of building permits where roadway improvements may cause impacts on traffic. The traffic management plan shall be implemented throughout construction. The plan shall include at least the following items and requirements:</p> <ul style="list-style-type: none"> • A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, warning signs, cones for drivers, use of flag persons to direct traffic flows when needed, and designated construction access routes; • Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area; • Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur; • Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant; and • Methods to ensure continued access by emergency vehicles. During project construction, access to the existing surrounding land uses shall be maintained at all times, with detours used, as necessary, during road closures. 	Project applicant and its construction contractors	City of Fremont	Review and approve a construction traffic management plan, with contents as specified in this measure	Prior to issuance of grading or building permits, whichever occurs first; during construction	

