



# SiliconSage Centerville Mixed Use Project

SCH# 2018072040

## Environmental Impact Report FINAL

37358-37494 Fremont Boulevard, 3804 and 376880 through 3820 Peralta Avenue,  
and 37417 Jason Way, Fremont, CA

City of Fremont

December 14, 2018

## Quality information

**Prepared by**

Various Authors

**Checked by**

Rodney Jeung

**Approved by**

Emma Rawnsley

## Revision History

Revision	Revision date	Details
0	November 29, 2018	Administrative Final EIR, for City review
1	December 14, 2018	Final EIR, for City consideration

## Distribution List

# Hard Copies	PDF Required	Association / Company Name
2	Yes	Joel Pullen, City of Fremont Ingrid Rademaker, City of Fremont Kristie Wheeler, City of Fremont Erik Ramakrishnan, City of Fremont

**Prepared for:**

City of Fremont  
Planning Division – Community Development  
39550 Liberty Street, PO Box 5006  
Fremont, CA 94537

**Prepared by:**

AECOM  
100 West San Fernando  
San Jose  
CA, 95113  
USA  
aecom.com

## Table of Contents

1.	Introduction.....	1-1
1.1	CEQA Process .....	1-1
1.2	Organization of Document .....	1-1
2.	Agencies and Persons Commenting on the Draft EIR.....	2-1
3.	Written Comments on the Draft EIR and Responses to Comments .....	3-1
	Comment Letter 1: California Department of Transportation (Caltrans).....	3-2
	Comment Letter 2: Chris Cavette .....	3-5
	Comment Letter 3: Alice Cavette.....	3-8
	Comment Letter 4: Mike Rasmussen .....	3-12
	Comment Letter 5: State Office of Planning and Research .....	3-16
4.	Revisions to the Draft EIR.....	4-1
5.	Mitigation and Monitoring Reporting Program.....	5-3
5.1	Format.....	5-3
5.2	Roles and Responsibilities .....	5-3

## Acronyms and Abbreviations

ACWD	Alameda County Water District
AM	morning
APN	Assessor Parcel Number
CAD	computer-aided drafting
Cal-OSHA	California Division of Occupational Safety and Health Administration
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulation
City	City of Fremont
CMU	concrete masonry unit
dBA	A-weighted decibels
EIR	Environmental Impact Report
ESL	Environmental Screening Level
FAR	Floor Area Ratio
FMC	Fremont Municipal Code
HABS	Historic American Building Survey
HASP	health and safety plan
Ldn	day-night sound level
Leq(h)	hourly equivalent sound level
Lmax	maximum sound level
LOS	Level of Service
MMRP	Mitigation Monitoring and Reporting Program
NPS	National Parks Service
OPR	State Office of Planning and Research
PM	afternoon
ROW	right-of-way
RWQCB	Regional Water Quality Control Board
STC	Sound Transmission Class
TIA	Transportation Impact Analysis
TOD	Transit-Oriented Development

# 1. Introduction

## 1.1 CEQA Process

On September 19, 2018, the City of Fremont (lead agency) released for public review a Draft Environmental Impact Report (Draft EIR) for the proposed SiliconSage Centerville Mixed Use Project (SCH# 2018072040) 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 September 19, 2018, and closed on November 2, 2018.

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 SiliconSage Centerville Mixed Use Project (the 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.
- Mitigation Monitoring and Reporting Program.

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

Certification of the Final EIR as adequate and complete must take place before the City can take action to approve the project or variant. Certification of the Final 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 this 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. Each comment letter and each substantive comment within the comment letter are numbered; corresponding responses are similarly numbered.
- 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 (MMRP), 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 September 19, 2018, and closed at 5:00 p.m. on November 2, 2018. Copies of the comment letters are contained in Section 3 below.

Letter	Person/Agency and Signatory	Date
1	California Department of Transportation (Caltrans)	10/31/2018
2	Cavette, Chris	11/01/2018
3	Cavette, Alice	11/04/2018
4	Rasmussen, Mike	11/05/2018
5	State Office of Planning and Research (OPR)	11/05/2018

### 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 comment letter is assigned a number (1, 2 and 3) that is indicated in the upper right-hand corner of the letter. Within each 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 Final EIR.

## Comment Letter 1: California Department of Transportation (Caltrans)

### Comment Letter 1

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
 DISTRICT 4  
 OFFICE OF TRANSIT AND COMMUNITY PLANNING  
 P.O. BOX 23660, MS-10D  
 OAKLAND, CA 94623-0660  
 PHONE (510) 286-5528  
 FAX (510) 286-5559  
 TTY 711  
 www.dot.ca.gov



*Making Conservation  
 a California Way of Life*

October 31, 2018

SCH# 2018072040  
 GTS # 04-ALA-2017-00351  
 GTS I.D. 5204  
 ALA - 84 - 8.488

Joel Pullen  
 Planning Department  
 City of Fremont  
 39550 Liberty Street  
 Fremont, CA 94537

### Silicon Sage Mixed-Use – Draft Environmental Impact Report

Dear Joel Pullen:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' Strategic Management Plan 2015-2020 aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Environmental Impact Report (DEIR).

#### ***Project Understanding***

The proposed mixed-use project would develop 72 townhomes, 64 apartments, and approximately 25,000 square-feet of retail uses. A community clubhouse, swimming pool, children's playground, and outdoor amenity areas for use by residents and their guests are also included as part of the project. The residential density of the proposed project would be 30 dwelling units per acre. The total number of on-site parking spaces for the proposed project is 255 spaces and an additional 20 on-street parking spaces on Fremont Boulevard would be available for retail customers. The proposed project is adjacent to State Route (SR) 84 at the Fremont Boulevard and Peralta Boulevard intersection.

The variant included in the environmental document would develop 72 townhomes, 93 apartments, and approximately 26,000 SF of retail uses, along with a community clubhouse, pool and children's playground, and a community garden, for use by residents and their guests. The residential density of the variant would be 35.8 dwelling units per acre. The variant proposes 299 on-site parking spaces and an additional 20 on-street parking spaces on Fremont Boulevard.

*"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"*

Joel Pullen, City of Fremont  
October 31, 2018  
Page 2

***State Route Access***

Please locate the future driveway on SR 84 (Peralta Boulevard) as far as possible from the Peralta Boulevard and Fremont Boulevard intersection.

***Lead Agency***

As the Lead Agency, the City of Fremont is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jannette Ramirez at (510) 286-5535 or [jannette.ramirez@dot.ca.gov](mailto:jannette.ramirez@dot.ca.gov).

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

*"Provide a safe, sustainable, integrated and efficient transportation system to  
enhance California's economy and livability"*

- 1-1 The comment requests that the proposed driveway on State Route 84 (Peralta Boulevard) be located as far as possible from the Peralta Boulevard/Fremont Boulevard intersection.

**Response:** The proposed driveway from the project site to Peralta Boulevard would be located approximately 330 feet from the intersection of Fremont Boulevard and Peralta Boulevard. A driveway is required in this location to allow trash/recycling trucks to exit the project site, because the internal road serving the row of townhomes closest to Peralta Boulevard does not have sufficient width to allow such vehicles to turn around—moving the driveway further from the Fremont Boulevard/Peralta Boulevard intersection (i.e., closer to the proposed extension of Jason Way) would not allow trash/recycling trucks to service the entire row of townhomes. The proposed driveway would be controlled by an automatic gate and would be used by trash/recycling trucks only. It is noted that there are three existing driveways (serving private property not part of the project site) between the proposed driveway and the Fremont Boulevard/Peralta Boulevard intersection.

- 1-2 The comment states that as the lead agency, the City is responsible for all project mitigation, including any needed improvements to the State Transportation Network, and the project's fair share contribution, financing, scheduling, implementation responsibilities, and lead agency monitoring should be fully discussed for all proposed mitigation measures.

**Response:** Scheduling, implementation responsibility, and lead agency monitoring requirements for all mitigation measures are included in the Mitigation Monitoring and Reporting Program, which is provided in Chapter 5 of this Final EIR. No further response is required.

## Comment Letter 2: Chris Cavette

**From:** The Cavettes <[thecavettes@gmail.com](mailto:thecavettes@gmail.com)>  
**Date:** November 1, 2018 at 2:51:47 PM PDT  
**To:** Joel Pullen <[jpullen@fremont.gov](mailto:jpullen@fremont.gov)>  
**Subject:** Silicon Sage Centerville Proposal - Draft EIR Comments

### Comment Letter 2

I question several points in the Draft EIR for this proposal:

Noise. The Draft EIR concludes that the proposed project, and all the named alternative projects, would result in significant and unavoidable impacts from train horn noise inside some of the residential units despite mitigation efforts. Because noise affects public health and safety, shouldn't there be some legal standard that defines how to proceed? That is, at what point does the excessive interior noise level mean the units should not be built? And if the materials to achieve the required level of mitigation are not commercially available or not feasible to use, how should we proceed?

2-1

Land Use. This property is designated as a Town Center Commercial area on the General Plan, and is also within a Transit Oriented Development overlay. Any development here should have a strong commercial frontage on all main streets, as well as provide a significant number of residential units. Neither of those conditions is met. The proposed development, and all the alternatives, have an estimated 80 percent of the land covered with three-story townhouses and their associated access roads and alleyways. There are no commercial frontages on Peralta Avenue, and the residential density is only 30 dwelling units per acre, which is the minimum required for the site. Townhouses waste space and should not be allowed in either Town Centers or Transit Oriented Developments.

2-2

Environmentally Superior Alternative. None of the alternatives involve fewer townhouses and more apartments. I think the environmentally superior alternative would be to significantly decrease the number of three- and four-bedroom townhouses and significantly increase the number of one- and two-bedroom apartments. This would increase the total number of dwellings, increase the number of badly needed rental units, provide room for more commercial space, reduce the required number of parking spaces, and potentially provide more common open space on the site. This alternative may also provide flexibility in the building layout to reduce the impact of train horn noise.

2-3

Thank you for your consideration.

Chris Cavette  
 Fremont resident

- 2-1 The comment is concerned with the significant and unavoidable noise impacts from train horn noise inside some residential units, and wonders if there is a legal or other standard to determine when such impacts are so excessive that the units should not be constructed.

**Response:** Section 21002.1 of the CEQA Statute states that the purpose of an EIR is to identify the significant effects on the environment of a project, and to indicate the manner in which those significant effects can be mitigated or avoided. If it is infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency if the project is otherwise permissible under applicable laws and regulations. Section 15093 of the CEQA Guidelines requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

As discussed in Section 3.3.3 of the Draft EIR, Policy 10-8.1 of the City of Fremont General Plan includes noise standards for new development, and these standards are the appropriate and applicable thresholds for project evaluation in the City. The proposed project and variant, with mitigation, can meet the standards for day-night average ( $L_{dn}$ ) indoor noise levels (Standards 2 and 3), but cannot meet Standard 4 for maximum instantaneous ( $L_{max}$ ) noise level in bedrooms at night, due to train horn noise. This has resulted in the determination of a significant and unavoidable impact due to train horn noise for the proposed project and variant. Whether the benefits of the proposed project or variant outweigh this significant and unavoidable impact is a consideration for the City Council.

Similarly, whether there is a level of train horn noise that should preclude the construction of new residential units altogether, or conversely, whether there is a level of residential development that should preclude the use of train horns in that area (i.e., quiet zones), is a larger policy issue that could be considered by the Planning Commission and City Council, but is not appropriate for this EIR. As discussed within the General Plan and the General Plan EIR, the City is considering the establishment of railroad quiet zones for some at-grade crossings within the City. Such quiet zones, if implemented, would reduce the requirements for sounding railroad train horns at at-grade crossings and would, therefore, reduce the potential impacts of train horn noise on residents in proximity to at-grade crossings. The establishment of quiet zones is, however, a policy decision outside the scope of CEQA.

- 2-2 The comment states that the proposed project and all alternatives do not meet the requirements of the Town Center Commercial General Plan land use designation or Transit Oriented Development (TOD) Overlay to have a strong commercial frontage on all main streets and provide a significant number of residential units. The commenter indicates that the proposed project has no commercial frontage on Peralta Boulevard and only just meets the minimum required residential density. The commenter states that townhomes waste space and should not be allowed in Town Centers or TODs.

**Response:** The City's General Plan Land Use Element states that the combined requirements of the Town Center land use designation and TOD Overlay include a minimum residential density of 30 dwelling units per acre, and a floor area ratio (FAR) of between 0.5 to 2.5 for mixed use developments. There are no specific requirements for the Town Center designation or TOD Overlay to include commercial frontage on all main streets. The General Plan Land Use Element further states that areas designated as Town Centers are intended to be pedestrian-oriented with an attractive and distinct identity, along with amenities such as small parks, public art, and plazas, that creates a "Main Street" ambiance. The goal of the TOD Overlay is to maximize transit use through density, land use mix, building form, and design. Each TOD is intended to be a vibrant pedestrian-oriented district.

The City's General Plan Community Character Element includes a Place Type Manual that presents urban design principles for future development of various Center and Corridor place types identified in the City. The project site is identified as within a Town Center place type, with Fremont Boulevard identified as a Main Street Corridor, and Peralta Boulevard identified as an Urban Corridor. The Place Type Manual does not include any specific standards pertaining to Town Centers that require commercial frontage on all main streets. Although the Place Type Manual for Main Street and Urban Corridors include urban form and streetscape standards promoting building storefronts with a high degree of transparency facing the

street, the Place Type Manual standards are guidelines only, and not strict requirements for every development.

As discussed in Section 4.10 of the Initial Study (Appendix A to the Draft EIR), the proposed project and variant both meet the required minimum residential density and FAR requirements for the Town Center land use designation and TOD Overlay and are generally consistent with the goals and intentions of these designations and the majority of applicable Place Type Manual standards. As such, the land use and planning impacts of the proposed project or variant would be less than significant. Furthermore, the suggestion by the commenter that a greater number of residential units would be preferable was not explored as an alternative to the proposed project, since the impacts of additional units would be expected to increase impacts above those identified in the Draft EIR for the proposed project and variant and would not satisfy the CEQA requirements to examine alternatives that substantially reduce project impacts (see further discussion under response to Comment 2-3, below).

- 2-3 The commenter suggests that an alternative with less townhomes and more one- to two- bedroom apartments would increase the residential density and number of available rental housing units, provide more room for commercial development, reduce required parking provision, and provide more common open space. The commenter also suggests that such an alternative could provide flexibility in building layout to reduce the impacts of train horn noise on residential units.

**Response:** Section 15126.6(a) of the CEQA Guidelines requires lead agencies to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative, but rather a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. Further, Section 15126.6(b) states that the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives or would be more costly.

The alternatives considered within the Draft EIR, therefore, focused on alternatives that might reduce or avoid the significant impacts of the project relating to historic resources and train horn noise. An alternative with fewer townhomes and more apartments would not reduce or avoid historic or noise impacts and, therefore, was not considered within the Draft EIR.

The commenter suggests that the flexibility in building layout resulting from an alternative with fewer townhomes might reduce the impacts of train horn noise; however, in order to reduce train horn noise to a less-than-significant level, residential buildings would need to be set back a substantial distance from the western boundary of the project site. The general rule of thumb for attenuation of noise over distance is that a decrease of 3 dBA would occur for every doubling of distance from a line source. Therefore, train horns creating an exterior noise level of 93 dBA  $L_{max}$  at the Peralta Boulevard boundary of the project site (280 feet from the railroad) would be anticipated to create a noise level of approximately 90 dBA  $L_{max}$  at a point 560 feet from the railroad (i.e., approximately halfway across the project site). As discussed in Section 3.3.3 of the Draft EIR, a Sound Transmission Class (STC) rating of up to 55 would be required to reduce an exterior noise level of 93 dBA to meet the interior instantaneous maximum noise level for residential bedrooms at night time; however, the best currently available technology only allows for an STC rating of up to 44. Therefore, even if the proposed residential units were set back 280 feet from the Peralta Boulevard boundary of the site and had the best currently available STC rating, interior instantaneous maximum noise would still exceed City standards for residential bedrooms at night time in some units.

No changes are required to the EIR in response to this comment.

# Comment Letter 3: Alice Cavette

## Comment Letter 3

> On Nov 4, 2018, at 4:19 PM, The Cavettes <thecavettes@gmail.com> wrote:

>

> Joel,

> Below are my comments on the Draft EIR.

> Alice Cavette

>

> =====

> DRAFT EIR COMMENTS: SILICON SAGE CENTERVILLE MIXED-USE PROJECT (PLN2017-00229)

>

> Was traffic analyzed for a scenario where there was either no exiting from the Main Site Driveway (6) or there was just a right-turn-only exit? That would increase the count of vehicles exiting from other points on the site (Jason or Parish) and might change the results.

3-1

>

> I do not think the Main Site Driveway should be off Fremont Blvd. I would redesign the access and circulation of the entire project.

3-2

>

> The exit from Jason Way may well be a hazard. Vehicles coming from Fremont Blvd. will be speeding up after rounding the Peralta curve and, even with no parking, may not see vehicles exiting - especially turning left! Both pedestrians and bikers will have to be very careful passing the exit. I understand that there are plans to revamp Peralta but that may well take years to complete.

3-3

>

> The hearing for Centerville Junction at Peralta and Parish discussed the pedestrian and traffic concerns for that intersection. Adding traffic from this project will only exacerbate the problems. Until Centerville Junction is fully housed, we cannot know what the true traffic situation will be.

3-4

>

> Because of the 30' height of the planned townhouses, an Alternative that should be considered is having a very wide parklike strip of Open Space between Jason Place and the project's residential buildings. The old houses along Jason Place deserve Community Character consideration. They currently have a sunny exposure in the afternoons on the Jason Place side and the current project plans would completely change that look and feel as well as damage the landscaping. A swimming pool and clubhouse are amenities that, I believe, are superfluous to housing in the heart of an historic Town Center. Use that Open Space to buffer those existing homes.

3-5

>

> Other concerns:

>

> 1. Townhouses require more pavement for access than buildings with flats

3-6

>

> 2. Townhouses waste residential space

3-7

>

> 3. Un-gated underground garages for commercial customers need security to be actually used so we should be careful when we look at parking requirements for the retail component

3-8

>

> =====

> Alternatives

> Who comes up with the EIR alternatives? Developer? Fremont staff? EIR

> Consultant (AECOM)?

> It seems like there should be more alternatives reviewed in this EIR.

> The one Reduced Massing Alternative isn't enough.

> There should be alternatives showing fewer townhouses and/or just flats.

3-9

- 3-1 The commenter asks whether traffic impacts were analyzed for a scenario where vehicles were restricted from exiting onto Fremont Boulevard from the main driveway completely, or where vehicles exiting the main driveway were restricted to right-turn movements only.

**Response:** The proposed project and variant both include a right-turn-only restriction for vehicles exiting the main driveway from the project site onto Fremont Boulevard; therefore, the traffic impacts discussed in Section 4.16 of the Initial Study (Appendix A to the Draft EIR) are based on this assumption, and traffic impacts were found to be less than significant with mitigation.

The potential impacts of prohibiting vehicular access from the project site onto Fremont Boulevard was not analyzed, as neither the proposed project nor variant included such a prohibition. Such an option was not considered during the formulation of alternatives to the project, as CEQA Guidelines Section 15126.6(b) states that the discussion of alternatives should focus on alternatives which are capable of avoiding or substantially lessening any significant effects of the project, and the suggested restriction of traffic movements would not serve to reduce the significant and unavoidable historic or noise impacts identified for the proposed project or variant. No changes to the EIR are required in response to this comment.

- 3-2 The commenter suggests that site access and circulation of the project should be redesigned so that the main access is not from Fremont Boulevard.

**Response:** The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the Draft EIR. As discussed above in response to Comment 3-1, Section 4.16 of the Initial Study (Appendix A to the Draft EIR) found that traffic impacts of the proposed project and variant would be less than significant with mitigation. As such, consideration of alternative site access and circulation layouts are not required under CEQA. No changes to the EIR are required in response to this comment.

- 3-3 The commenter suggests that traffic exiting from Jason Way onto Peralta Boulevard may be a safety hazard for motorists, bicyclists, and pedestrians, due to traffic speeds and the existing curve on Peralta Boulevard.

**Response:** The commenter's concern for traffic safety is noted. As discussed in Section 2.5.1 of the Draft EIR, both the proposed project and variant would extend Jason Way from its current terminus near the middle of the northern site boundary, to connect with Peralta Boulevard via a new street easement. Street parking along the south side of Peralta Boulevard would be prohibited within 240 feet west and 60 feet east of the new intersection with Jason Way, with appropriate landscape design and maintenance to provide adequate sight distance. This configuration is consistent with recommendation 3 of the Traffic Impact Assessment (TIA) included as Appendix C of the Initial Study (which is Appendix A of the Draft EIR). As documented in Section 4.16 of the Initial Study, operation of the proposed project or variant would not result in a significant impact pertaining to traffic safety hazards. The City of Fremont Department of Public Works have reviewed the proposed site access and roadway improvements for consistency with applicable policies and standards, including the City's Standard Details for Improvements in Public Right of Way (City of Fremont, 2014), and did not require any additional modifications to improve safety. Further, the TIA shows that anticipated "existing plus project" traffic volumes at the Jason Way/Peralta Boulevard intersection would be small—in the AM peak hour, approximately 23 vehicles would exit Jason Way to Peralta Boulevard and approximately eight vehicles would enter Jason Way from Peralta Boulevard (as shown in Figure 10 of the TIA). For comparison, observations of existing traffic volumes at this intersection, as shown in Figure 6 of the TIA, found that four vehicles typically exit Jason Way to Peralta Boulevard in the AM peak hour, and four vehicles typically enter Jason Way from Peralta Boulevard in the AM peak hour, and there are currently no parking restrictions or landscape maintenance requirements to provide adequate sight distances from the existing Jason Way/Peralta Boulevard intersection. No changes to the EIR are required in response to this comment.

- 3-4 The commenter suggests that traffic impacts from this project may combine with impacts from the Centerville Junction project (corner of Peralta Boulevard and Parish Avenue) to exacerbate pedestrian and traffic concerns at that intersection.

**Response:** Traffic impacts of the proposed project and variant were analyzed in Section 4.16 of the Initial Study (Appendix A to the Draft EIR), based on the TIA prepared for the project (contained as Appendix C to the Initial Study). The TIA included consideration of other development projects in the vicinity of the project site, including the Centerville Junction project, as part of the background conditions. The Peralta Boulevard/Parish Avenue intersection was included as one of the study intersections in the TIA, which found that under existing conditions and background conditions, both with or without the proposed project, the Level of Service (LOS) at this intersection would remain at LOS D, which is considered an acceptable level under City of Fremont standards. Although the TIA found that LOS at this intersection would drop to an unacceptable LOS F under cumulative conditions (accounting for traffic conditions under build out of the General Plan), the proposed project and variant would not cause the average intersection delay to increase by more than four seconds. Therefore, using the thresholds of significance established by City of Fremont standards, the proposed project and variant's contribution to cumulative impacts would be less than significant. No changes to the EIR are required in response to this project.

- 3-5 The commenter suggests that a wide open space buffer should be provided between Jason Way and the project's townhomes, as the height and proximity of the proposed townhomes would change the character of the existing houses along Jason Way and reduce their afternoon sun exposure.

**Response:** While the proposed project and variant would change the existing character of Jason Way by replacing an existing surface parking lot with townhomes, this change of character is not considered to be an adverse impact to community character. The proposed townhomes would provide an appropriate interface and transition between the existing lower density single-family residential land uses to the north of Jason Way and the higher intensity mixed-use development proposed along the Fremont Boulevard frontage of the project site, consistent with Policy 4-3.7 of the City's General Plan Community Character Element, which requires transitions in scale where higher density development abuts lower density development.

The proposed project and variant would increase the width of the Jason Way street easement to 50 feet along the section parallel to Fremont Boulevard, and include a 10- to 12-foot-wide side yard along the Jason Way frontage. Therefore, the distance between the proposed townhomes and the residential property boundaries across Jason Way would be at least 60 feet. With the existing residences on Jason Way having front yard setbacks of approximately 0 to 30 feet, the separation between the proposed and existing homes ranges from approximately 60 to 90 feet.

The City's Zoning Ordinance does not require a minimum front yard setback within the Town Center Pedestrian zoning district, and a minimum side yard width of 10 feet is only required for properties which directly abut residential property. Therefore, although the minimum side yard setback is not applicable to the project site along the Jason Way frontage, the proposed project and variant include a side yard that is consistent with the minimum width.

The City of Fremont has not established CEQA thresholds of significance pertaining to shadows cast from proposed developments, although it does have a Solar Access Preservation Ordinance which became effective on December 7, 2017. Fremont Municipal Code Section 18.186.030 requires new vertical construction or additions to existing structures to observe a setback equal to or greater than two times the difference in height between the proposed structure and any adjacent structure(s) located along northerly lot line(s). In this case, the distance between the proposed townhomes and existing structures to the north of Jason Way (60 to 90 feet) would be more than twice the maximum height of the proposed townhomes (30 feet), therefore, the proposed project and variant would exceed the minimum setback described in the Solar Access Preservation Ordinance. No changes to the EIR are required in response to this project.

- 3-6 The commenter is concerned that townhomes require more pavement for access than buildings with flats (apartments).

**Response:** The comment does not raise specific questions, specify additional information needed, or identify inadequacies in the Draft EIR analysis. As discussed in Section 4.9 of the Initial Study (Appendix A to the Draft EIR), the proposed project and variant would comply with the Municipal Regional Permit and Alameda County Clean Water Program requirements. Due to the proposed use of landscaping features, pervious pavement, and bioretention basins, the proposed project and variant would result in less impervious surface (such as pavement) and an increase in on-site infiltration of stormwater compared to existing conditions and would, therefore, have a less-than-significant drainage impact. As a result, mitigation measures or alternative site plans are not required under CEQA to address a significant impact that could be associated with the proposed amount of pavement. No further response or changes to the EIR are required in response to this comment.

3-7 The commenter is concerned that townhomes waste residential space.

**Response:** The comment does not raise specific questions, specify additional information needed, or identify inadequacies in the Draft EIR analysis. As discussed in Section 4.10 of the Initial Study (Appendix A to the Draft EIR), both the proposed project and variant meet the minimum residential density required for the project site's zoning district and General Plan land use designation. As a result, mitigation measures or alternative residential types are not required under CEQA to address a significant impact that could be related to the proposed construction of townhomes. No further response or changes to the EIR are required in response to this comment.

3-8 The commenter is concerned that if the underground garage does not have adequate security, that it would not be fully utilized by retail customers, thereby increasing pressure on aboveground parking spaces.

**Response:** The comment does not raise specific questions, specify additional information needed, raise environmental issues, or identify inadequacies in the Draft EIR analysis. The proposed project and variant would comply with the City's requirements for provision of parking spaces. No further response or changes to the EIR are required in response to this comment.

3-9 The commenter questions how EIR alternatives are developed and suggests that more alternatives should have been reviewed in the EIR, including alternatives with an increased ratio of apartment units versus townhomes.

**Response:** Refer to Response 2-3.

# Comment Letter 4: Mike Rasmussen

Begin forwarded message:

## Comment Letter 4

**From:** Mike Rasmussen <[mike.rasmussen2014@gmail.com](mailto:mike.rasmussen2014@gmail.com)>  
**Date:** November 5, 2018 at 2:33:39 PM PST  
**To:** <[jpullen@fremont.gov](mailto:jpullen@fremont.gov)>  
**Cc:** Ken Rasmussen <[kars1boxer@gmail.com](mailto:kars1boxer@gmail.com)>, Richard Larrett <[rd46larrett@gmail.com](mailto:rd46larrett@gmail.com)>  
**Subject:** Silicon Sage Centerville Mixed Use project concerns

Joel.. After reviewing the Environmental Impact Report and Per our conversation we had several weeks ago I have several concerns about the SS mixed use project and the impact on our property at 3754 Perelta Blvd. and would like these concerns addressed.

- 1- Note.. We have not signed a Right of way for our property. I4-1
- 2- Where will Jason way touch/blend with our property? Exactly. I4-2
- 3- How will the access from the townhouses onto Jason way effect our property ? I see driveways that I am not comfortable with. I4-3
- 4- The Map shows fire hydrants on Jason way, How does that effect our property ? I4-4
- 5- The Townhouses next to our property are 3 stories tall.. How will this effect the privacy of our property Also it will negatively effect the property values ? I4-5
- 6- We have several large trees on our property.. Effect ? I4-6
- 7- Our house is categorized as "Historic" how can the city of Fremont change the Categorization the of the "Fire Station" to non-Historic simply because it does not blend with the new project.. This seems like a complete double standard and completely against the spirit of the "Historic" classification consequently we should have the ability to change our classification as well. I4-7
- 8- Is there a sound wall being constructed ? I4-8
- 9- How many lanes will Jason way be ? I4-9
- 10- What is the projected traffic of Jason Way ? I4-10

Please address the above concerns.. I have left you two messages so please call me at your earliest convenience .

Mike Rasmussen  
916-869-6350

- 4-1 The commenter notes that a right-of-way (ROW) agreement for their property (3754 Peralta Boulevard) has not been signed.

**Response:** The proposed Tentative Tract Map for the project shows that a ROW or boundary adjustment of the 3754 Peralta Boulevard parcel is not required for the proposed project – the property line between the 3754 Peralta Boulevard parcel and the existing Jason Way ROW is not proposed to be changed. The proposed widening of Jason Way would occur on the southwestern side and require dedication of a portion of parcel APN 501-1475-050-02 (part of the project site) as public ROW. A figure showing the proposed boundary adjustments along Jason Way is included in this Final EIR in response to this comment (see Section 4, below).

- 4-2 The commenter asks where Jason Way will touch/blend with their property (3754 Peralta Boulevard).

**Response:** As explained above in response to Comment 4-1, the existing property line between 3754 Peralta Boulevard and the Jason Way ROW would not be altered by the proposed project, and a figure showing the proposed line adjustments along the Jason Way ROW is included in the Final EIR. No further response or changes to the EIR are required in response to this comment.

- 4-3 The commenter asks how the proposed accesses to townhomes from Jason Way will affect their property (3754 Peralta Boulevard).

**Response:** The majority of proposed townhomes would be accessed via internal access lanes that connect Jason Way/Jason Way with the main internal access road that runs behind the proposed mixed use buildings parallel to Fremont Boulevard. The exception to this general access pattern is for the two westernmost rows of townhomes (closest to Peralta Boulevard) which would be accessed via an internal access lane that connects only to Jason Way. Although that westernmost access lane would include a driveway directly onto Peralta Boulevard, the driveway would be controlled by an automatic gate, which would only be used by trash and recycling trucks, not townhouse residents or visitors. Figure 2-4 of the Draft EIR shows the proposed townhouse access lanes connecting with Jason Way, including turn radii (in red) showing that vehicles have space to turn onto Jason Way from the access lanes without encroaching onto the commenter's adjacent private property. No changes to the EIR are required in response to this comment.

- 4-4 The commenter asks how the proposed fire hydrants on Jason Way will affect their property (3754 Peralta Boulevard).

**Response:** The proposed project and variant would include installation of several new fire hydrants, the closest of which to the commenter's property would be on Jason Way, approximately 150 feet east of Peralta Boulevard. This new fire hydrant would be located on the project site side of the Jason Way ROW and would, therefore, be approximately 30 feet from the commenter's property line. As discussed in Section 4.14 of the Initial Study (Appendix A of the Draft EIR), the proposed development will be reviewed by the City of Fremont Fire Department to ensure adequacy of access for fire and emergency vehicles and apparatus, appropriateness of design features, and compliance with technical code requirements. This review would include ensuring that fire hydrants are appropriately located to enable adequate fire protection and response by emergency services.

- 4-5 The commenter asks how the three-story townhomes adjacent to their property will affect privacy and property values.

**Response:** This commenter's concerns that the proposed project may affect privacy and property values is noted; however, privacy and 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 non-environmental comments, because the environmental analysis is only one element for consideration in weighing a project's merits by City decision-makers. All of the comments received on the Draft EIR have been shared with City decision-makers to take into account when making decisions regarding the proposed project.

With respect to privacy, Figure 2-7 of the Draft EIR shows conceptual elevations of the proposed townhomes as viewed from Jason Way, which show that most windows facing Jason Way on the upper levels of the townhomes would be smaller, higher windows. Based on conceptual floor plans of the proposed townhomes, the windows facing Jason Way would be mostly associated with bathrooms or bedrooms, rather than living areas. The two existing trees on the boundary of the commenter's property and Jason Way would not be removed as part of the proposed project and would continue to afford privacy to the commenter's property. Additional new trees would be planted between Jason Way and the project site, which would also decrease privacy concerns. No further response or changes to the EIR are required in response to this comment.

4-6 The commenter asks if the proposed project will affect the large trees on their property.

**Response:** The arborist report and tree inventory prepared for the project and discussed in Section 4.4 of the Initial Study (Appendix A of the Draft EIR) shows that the proposed project intends to retain the two large trees (black acacia and English walnut) on the commenter's property near the existing Jason Way ROW. These two trees are protected by the City's Tree Preservation Ordinance (Fremont Municipal Code 18.215.080), and the Initial Study concluded that the proposed project would not conflict with any local policies or ordinances protecting biological resources (including the Tree Preservation Ordinance). Further, the City has standard conditions of approval for development applications which pertain to the protection and preservation of existing trees on adjacent properties. These conditions require that any off-site or neighboring trees in danger of damage from construction activities be protected per the City's standard details for tree protection, LSD-9 and (where approved) LSD-10), and that the developer shall be responsible for any damage to neighboring trees, including their declining health. No further response or changes to the EIR are required in response to this comment.

4-7 The commenter asks how the City can change the "historic" categorization of the fire station to non-historic.

**Response:** Neither the City nor the project applicant proposes to change the "historic" categorization of the fire station. The Draft EIR identifies that both the proposed project and variant would have significant and unavoidable impacts on the historic resource (i.e., the fire station). Due to this significant and unavoidable impact on historic resources (in addition to the significant and unavoidable impact due to train horn noise), the City cannot approve the proposed project or variant unless the City determines that the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse impacts identified, and make a Statement of Overriding Considerations in accordance with Section 15093 of the CEQA Guidelines. No further response or changes to the EIR are required in response to this comment.

4-8 The commenter asks if a sound wall is being constructed as part of the project.

**Response:** As discussed in Section 2.7 and shown on Figure 2-9 of the Draft EIR, the proposed project would include an eight-foot-high concrete masonry unit (CMU) wall with 12-foot-high screening shrubs and vines along the northwest boundary of the site with adjacent private properties, between proposed Building A and the proposed recycling/trash truck access gate. This CMU wall would attenuate traffic noise from Peralta Boulevard so that exterior noise levels at community outdoor areas within the project site would not exceed City standards. In addition, Mitigation Measure NOI-1 in Section 3.3.3 of the Draft EIR requires an additional six-foot-high noise barrier between the northwestern side of the clubhouse and the adjacent townhouse building to the northwest, to attenuate traffic noise from Fremont Boulevard so that exterior noise levels in community outdoor areas would not exceed City standards. This mitigation measure is only applicable for the proposed project, not for the variant. As discussed in Section 4.12 of the Initial Study (Appendix A to the Draft EIR), construction or operation of the proposed project and

variant would not generate excessive noise levels that would require construction of sound walls. No further response or changes to the EIR are required in response to this comment.

4-9 The commenter asks how many lanes Jason Way will be.

**Response:** The Tentative Tract Map shows that the proposed width of Jason Way in the vicinity of the commenter's property would be increased to 20 feet curb-to-curb under the proposed project and variant, and that this section of Jason Way would not have a centerline, but would accommodate two-way traffic. As stated above in response to Comment 4-1, a figure showing the proposed boundary adjustments and changes to the Jason Way ROW is included in this Final EIR (see Section 4 below).

4-10 The commenter asks what the projected traffic on Jason Way will be.

**Response:** The Traffic Impact Assessment (Appendix C to the Initial Study) shows that anticipated "existing plus project" traffic volumes at the Jason Way/Peralta Boulevard intersection would be small—in the AM peak hour, approximately 23 vehicles would exit Jason Way to Peralta Boulevard and approximately eight vehicles would enter Jason Way from Peralta Boulevard (as shown in Figure 10 of the Traffic Impact Assessment). For comparison, observations of existing traffic volumes at this intersection, as shown in Figure 6 of the Traffic Impact Assessment, found that four vehicles typically exit Jason Way to Peralta Boulevard in the AM peak hour, and four vehicles typically enter Jason Way from Peralta Boulevard in the AM peak hour. No changes to the EIR are required in response to this comment.

# Comment Letter 5: State Office of Planning and Research (OPR)

## Comment Letter 5



EDMUND G. BROWN JR.  
GOVERNOR

### STATE OF CALIFORNIA GOVERNOR'S OFFICE of PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

November 5, 2018

Joel Pullen  
City of Fremont  
39550 Liberty Street  
Fremont, CA 94537

Subject: SiliconSage Centerville Mixed-Use Project  
SCH#: 2018072040

Dear Joel Pullen:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on November 2, 2018, 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  
1-916-322-2318 FAX 1-916-558-3184 www.opr.ca.gov

- 5-1 This letter states that the Draft EIR was distributed to selected State agencies for review and that no State agencies submitted comments to OPR during the public review period. The letter acknowledges that the City has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA.

**Response:** The City thanks OPR for their letter and acknowledges the satisfactory compliance with State Clearinghouse review requirements under CEQA. No changes to the EIR are required in response to this comment.

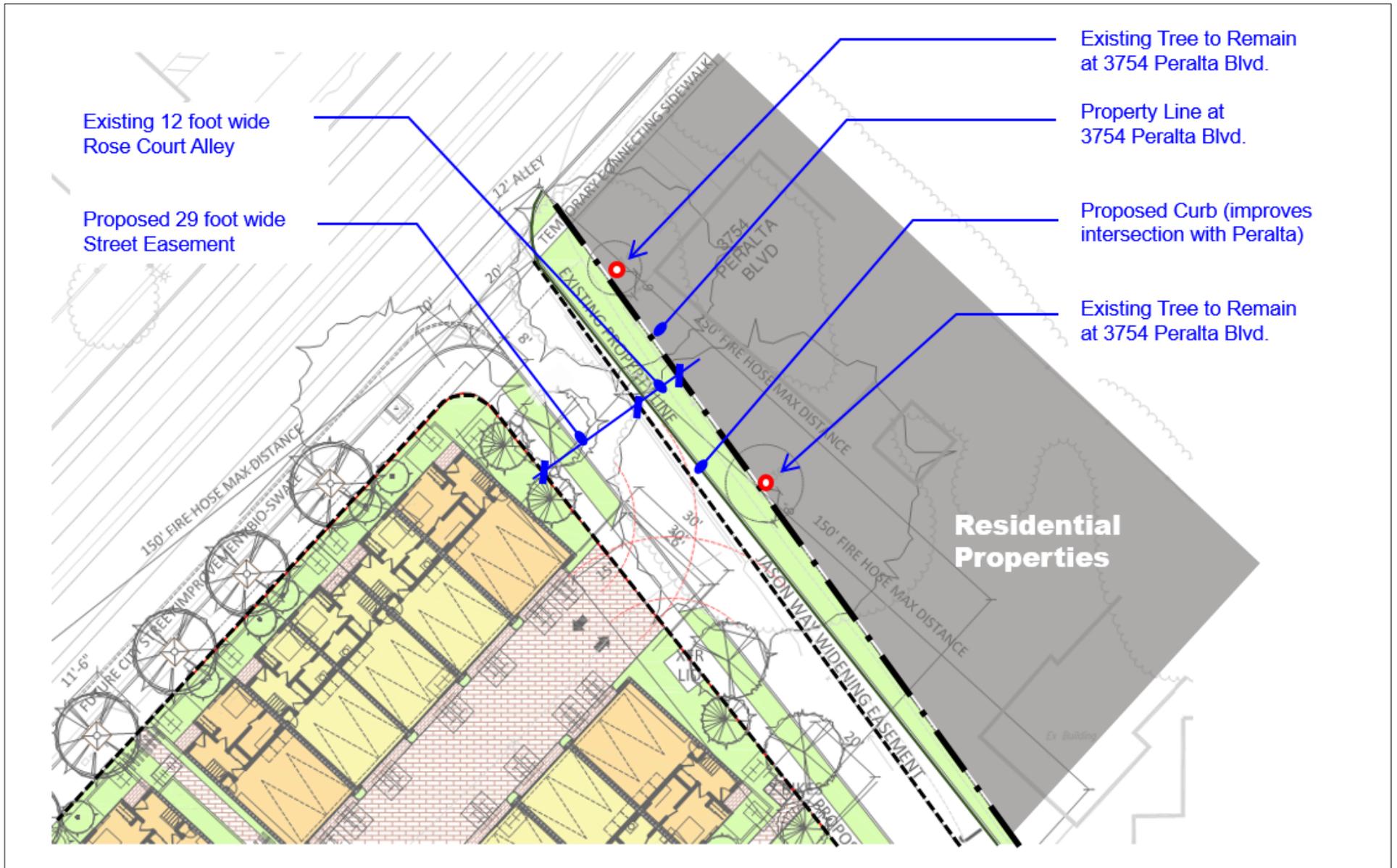
## 4. Revisions to the Draft EIR

The following changes are made to the text of the Draft EIR, in response to comments received during the public comment period. Revisions to the Draft EIR text are provided in underline (new text) and ~~strikeout~~ (deleted text).

In response to Comment 4-1, on page 2-20 of the Draft EIR, under Section 2.5.1, Proposed Project, modify the first paragraph to read:

**Site Access and Circulation.** Access to the project site would be provided via a dedicated driveway on Fremont Boulevard, with a right-turn in and right-turn out restriction and rolled curb median. A dedicated driveway would also be provided on Parish Avenue, with two-way ingress/egress. A new traffic signal would be installed at the Parish Avenue/Fremont Boulevard intersection. The project proposes to extend Jason Way from its current terminus near the middle of the northern site boundary, to connect with Peralta Boulevard via a new street easement (refer Figure 2-10). Street parking along the south side of Peralta Boulevard would be prohibited within 240 feet west and 60 feet east of the new intersection with Jason Way, with appropriate landscape design and maintenance to provide adequate sight distance.

In response to Comment 4-1, on page 2-20 of the Draft EIR, under Section 2.5.1, Proposed Project, add a new Figure 2-10, titled: Proposed Boundary Adjustments in vicinity of Jason Way, as contained on the following page.



SOURCE: Silicon Sage Builders

## 5. Mitigation and Monitoring Reporting Program

Where a 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)). A 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 an 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 5-1). The MMRP is presented in Table 5-1 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 5-1. SiliconSage Centerville Mixed Use Project Mitigation Monitoring and Reporting Program**

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>EIR MITIGATION MEASURES</b>					
<b>Historic Resources</b>					
<p><b>Mitigation Measure HIST-1a: Archival Documentation.</b> In consultation with the City of Fremont Planning Division, the project applicant shall document the fire station property prior to alteration, construction activities, removal, or demolition. A detailed archival record of the fire station shall be prepared, so that a record of the significant resource is maintained for public information. Prior to the commencement of construction or demolition activities involving the fire station, professionals qualified under the Secretary of the Interior’s Professional Qualifications Standards (in history or architectural history) (36 CFR Part 61) shall prepare archival materials consistent with the standards of the National Parks Service (NPS) Historic American Building Survey (HABS) documentation. The record for the fire station shall be equivalent to HABS Level III documentation and consist of:</p> <ul style="list-style-type: none"> <li>- Sketch plans (illustrating the site plan and exterior elevations of the fire station may be produced in computer assisted drafting (CAD) format, or based on as-built drawings, if available).</li> <li>- Archival photographs (large-format negatives, one set of mounted archival prints and one additional set of archival prints, photograph key, and photograph log).</li> <li>- Written historical data (including significance statement, narrative building description and historical description), and a sketch map. The materials shall be compiled as a detailed record that reflects the fire station’s historical significance.</li> </ul> <p>Following completion of the documentation, the record shall be submitted to the City of Fremont Planning Division for approval. Following completion of the HABS documentation and approval by the Planning Division, 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>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>	
<p><b>Mitigation Measure HIST-1b: Interpretative Display.</b> The project applicant shall create a display and interpretive material to the satisfaction of the City of Fremont Planning Division for public exhibition concerning the history of the fire station and the site. The display and interpretive material, such as a printed brochure, poster, panel, or page for a local history website, could include information from the archival record prepared under Mitigation Measure HIST-1a. This display and</p>	<p>Project applicant</p>	<p>City of Fremont</p>	<p>Verify installation of an interpretive display or signage</p>	<p>Prior to occupancy of the first home</p>	

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>interpretive material shall be made available to local organizations, the public, and other interested agencies. The City shall be responsible for reviewing and approving the display materials, including the language used for the display.</p>					
<p><b>Mitigation Measure HIST-1c: Architectural Salvage (VARIANT ONLY).</b> The project applicant shall offer the fire station building for a period of sixty (60) days following certification of the EIR for the price of \$1 to any party willing to move it off the site at their own expense. The project applicant shall notify various groups via letters, email, notification on the City’s website, or public notices posted in newspapers concerning the offer, and shall provide verification of such notifications to the City. If a party (or parties) expresses a sincere interest in purchasing and removing the building, the project applicant shall coordinate with the interested party to complete the sale and remove the building within an appropriate period of time, to be determined in conjunction with the project construction schedule.</p> <p>Should no parties express interest in purchasing and removing the building within the 60 day offer period, the project applicant shall make historic-period architectural materials, not part of the project variant, available for donation prior to demolition. The project applicant shall notify various groups via letters, email, notification on the City’s website, or public notices posted in newspapers concerning the availability of the salvaged materials, and shall provide verification of such notifications to the City. Should no parties express interest in salvaging the offered materials prior to the commencement of demolition activities, no further action is required by the project applicant.</p> <p>If a party (or parties) expresses a sincere interest in salvaging offered materials, the applicant shall coordinate with the interested parties to make arrangements for identification and removal of salvageable materials prior to the commencement of demolition activities, to ensure that materials removed do not experience further damage from removal/demolition. The salvage materials shall be removed prior to or during demolition either by the project applicant, or by a licensed contractor retained by the salvaging party. The project applicant shall be responsible for storing the salvaged materials for an appropriate period of time, to be determined in conjunction with the project construction schedule.</p> <p>No sale or building removal, or salvage and removal of materials shall occur until HABS documentation with a photographic inventory of key exterior features and materials is completed (in accordance with Mitigation Measure HIST-1a). Materials that are contaminated, unsound, or decayed shall not be included in the salvage program and shall not be available for future use or display.</p>	<p>Project applicant</p>	<p>City of Fremont</p>	<p>Verify architectural materials from the site have been made available to museums, archives, and curation facilities, the public, and nonprofit organizations</p>	<p>Prior to issuance of building permits for demolition or renovation activities for the variant only.</p>	

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>Noise</b>					
<p><b>Mitigation Measure NOI-1: Exterior Noise Barriers.</b> The project applicant shall construct a 6-foot-tall noise barrier between the northwestern side of the clubhouse (gym) and the adjacent townhouse building to the northwest, to reduce exterior noise levels in community outdoor areas. Effective noise barriers may be comprised of various materials including concrete masonry units, plaster, wood (enhanced fencing), glass, plastic, or earthen berm. They should be solid from bottom to top with no cracks or gaps and should have a minimum surface density of approximately three pounds per square foot. The required height and location of the noise barriers specified below may be modified at the recommendation of a qualified acoustical consultant and approval of the City, based on final project design and grading plans, provided the noise barrier reduces exterior noise levels within the outdoor recreation area to less than 60 dBA Ldn (or between 60-65 dBA Ldn at the City's discretion).</p>	Project applicant	City of Fremont	Review and approve final design plans for inclusion of appropriate noise barrier.	Prior to issuance of building permits.	
<p><b>Mitigation Measure NOI-2: Interior Sound Insulation Ratings.</b> The project applicant shall retain a qualified acoustic consultant to assess the final project design and recommend required minimum sound transmission class (STC) ratings for all exterior windows and doors (including upgraded walls, as necessary) to achieve the following performance standards:</p> <ol style="list-style-type: none"> <li>1. An average day-night sound level (<math>L_{dn}</math>) of 45 dBA for the interior of residential units.</li> <li>2. An hourly average (<math>L_{eq(h)}</math>) of 50 dBA for the interior of non-residential spaces.</li> </ol> <p>The recommendations of the acoustic consultant shall be reviewed by the City of Fremont, and shall be included as conditions of approval of the project, and implemented fully by the project applicant. Sound insulation ratings should be for the completed assembly, including glass and frame, and should be based on laboratory test reports of similar sized samples from a National Voluntary Laboratory Accreditation Program accredited lab. Ventilation systems, exhaust fans, vents, and similar elements must not compromise sound insulation of the exterior wall assemblies.</p>	<p>Project applicant retains a qualified acoustic consultant.</p> <p>Qualified acoustic consultant assesses final project design and provides recommendations on minimum required STC ratings.</p>	City of Fremont	<p>Review and approve acoustic consultant's recommended minimum STC ratings.</p> <p>Include approved minimum STC ratings as conditions of approval.</p>	Prior to issuance of building permits.	

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>INITIAL STUDY MITIGATION MEASURES</b>					
<b>Air Quality</b>					
<p><b>Mitigation Measure AQ-1: Selection of equipment during construction to minimize diesel PM and PM2.5 emissions.</b></p> <p>The construction contractor shall use off-road construction diesel engines that meet, at a minimum, the Tier 4 interim California Emissions Standards, unless such an engine is not available for a particular item of equipment. Tier 3 engines will be allowed on a case-by-case basis when the contractor has documented that no Tier 4 Interim equipment or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete construction. Documentation shall consist of signed written statements from at least two construction equipment rental firms.</p>	Project applicant and its construction contractors	City of Fremont	Review and approve construction plans, bid documents, and specifications for inclusion of equipment requirements as specified in this measure.	Prior to issuance of grading or building permits, whichever occurs first; during construction.	
<b>Hazards and Hazardous Materials</b>					
<p><b>Mitigation Measure HAZ-1: Hazardous Building Materials Survey and Abatement.</b></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, lead-based paint, and PCB-containing equipment. If such substances are found to be present, the contractor shall prepare and submit a workplan to the City to demonstrate how these hazardous materials would be properly removed and disposed of in accordance with federal and state law, including Bay Area Air Quality Management District Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing), as a condition of the demolition or building 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>	City of Fremont	Provide documentation to state regulatory oversight agencies verifying hazardous materials were properly removed and disposed.	Prior to issuance of building permits for demolition or renovation of any structure.	
<p><b>Mitigation Measure HAZ-2: Environmental Site Investigation and Mitigation Plan.</b></p> <p>Prior to the issuance of a grading permit and before any substantial ground disturbance, the applicant shall hire a qualified environmental professional to conduct additional environmental site investigation and prepare a site mitigation plan for the project site. The site mitigation plan, and any remedial actions required as part of it, shall be implemented by the applicant and its contractors to the</p>	<p>Project applicant retains a qualified environmental professional.</p> <p>Environmental professional undertakes</p>	City of Fremont	Provide appropriate closure document or written statement from the relevant overseeing agency(ies) that	Prior to issuance of grading or building permits, whichever occurs first;	

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>satisfaction of the relevant oversight agencies (City of Fremont Fire Department, Alameda County Water District (ACWD) and/or designated Alameda County or State Department oversight agency, or other appropriate agency having jurisdiction) to ensure sufficient minimization of risk to human health and the environment is completed.</p> <p>At a minimum, the site mitigation plan shall:</p> <ul style="list-style-type: none"> <li>• Establish appropriate site-specific cleanup targets, which are protective of human health and the environment, based on the proposed future land uses(s). At a minimum, these targets shall be equal to, or more protective than the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Environmental Screening Levels (ESLs) for Residential Use, or in the case of contaminants which have naturally occurring background levels that exceed the residential ESLs, the target shall be equal to, or more protective than, the regional background level for that contaminant.</li> <li>• Delineate the extent of soil and/or groundwater contamination at levels exceeding the plan's clean up targets. Identify and implement measures such as excavation, containment, or treatment of the hazardous materials to achieve the plan's cleanup levels. The site mitigation plan should include figures and drawings showing areas and depths of soil excavation or treatment, soil waste classifications, and any mitigating measures. Within such areas, the plan shall establish procedures for safe handling and transportation of the excavated materials, consistent with State, federal, and local regulations, including: <ul style="list-style-type: none"> <li>- Removal of soil and materials shall be performed by a licensed engineering contractor with a Class A license and hazardous-substance removal certification. A California-licensed engineer shall provide field oversight on behalf of the applicant to document the origin and destination of all removed materials. If necessary, removed materials shall be temporarily stockpiled and covered with plastic sheeting pending relocation, segregation, or off-haul.</li> <li>- If excess materials are off-hauled, waste profiling of the material shall be completed and documented. Materials classified as nonhazardous waste shall be transported under a bill of lading. Materials classified as hazardous waste shall be transported under a hazardous waste manifest. All materials shall be disposed of at an appropriately licensed landfill or facility.</li> <li>- Trucking operations shall comply with Caltrans and any other applicable regulations, and all trucks shall be licensed and permitted to carry the appropriate waste classification. The tracking of dirt by trucks leaving the project site shall be minimized by cleaning the wheels upon exit and cleaning the loading zone and exit area as needed.</li> </ul> </li> </ul>	<p>environmental site investigation and prepares site mitigation plan. Environmental professional oversees implementation of site mitigation plan, including recommended remedial actions (if any).</p>		<p>the environmental site investigation and site mitigation plan (including recommended remedial actions, if any) have been satisfactorily completed and without further conditions or obligations.</p>	<p>during construction.</p>	

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<ul style="list-style-type: none"> <li>- Description of post-excavation confirmation sampling requirements. If residual contamination remains at the site above the site-specific cleanup targets, include appropriate controls, including institutional controls where and if necessary, to assure that activities by future users do not expose them to unacceptable health and safety risks. Such controls may include but are not limited to visual barriers over contaminated soil, followed by a cap of clean soil or hard surface materials; operation and maintenance protocols for any disturbance of contaminated soils; and recording of deed restrictions, such as activity and use limitations, with the Alameda County Recorder's Office to assure that the remedy is maintained.</li> <li>• Delineate areas of the site where contaminants exceed the RWCQB's ESLs for direct exposure by construction workers. Establish procedures for limiting access to such areas to properly trained personnel. Establish minimum requirements for site-specific health and safety plans, to protect the general public and workers in the construction area (note: these requirements and the environmental sampling results shall be provided by the applicant to all contractors, who shall be responsible for developing their own construction worker health and safety plans and training requirements).</li> <li>• Include contingency measures to address unanticipated conditions or contaminants encountered during construction and development activities. The contingency measures shall establish and describe procedures for responding in the event that unanticipated subsurface hazards or hazardous material releases are discovered during construction, including appropriately notifying nearby property owners, schools, and residents and following appropriate site control procedures. Control procedures would include but not be limited to further investigation and, if necessary, remediation of such hazards or releases, including off-site removal and disposal, containment, or treatment. If unanticipated subsurface hazards or hazardous material releases are discovered during construction, the contingency measures addressing unknown contaminants shall be followed. The contingency measures shall be amended as necessary if new information becomes available that could affect implementation of the measures.</li> </ul>					

Mitigation Measures	Implementation Responsibility	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>Noise</b>					
<p><b>Mitigation Measure NOI-1-IS: Modification, Placement and Operation of Construction Equipment.</b></p> <p>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"> <li>• Construction equipment shall be well maintained and operated in a manner to reduce or avoid high levels of noise emission. (By way of example, and to the extent practical, lower—rather than drop—loads into containers or onto platforms, thus reducing opportunity for noise-generating impacts of contacting surfaces.)</li> <li>• 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.</li> <li>• 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.</li> <li>• All internal combustion engine-driven equipment shall be equipped with mufflers, which are in good condition and appropriate for the equipment.</li> <li>• The contractor shall utilize “quiet” models of air compressors, electrical generators, pumps and other stationary noise sources where options for such off-the-shelf technology exist.</li> <li>• 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.</li> <li>• The contractor shall comply with Air Resource Board idling prohibitions of unnecessary idling of internal combustion engines.</li> <li>• Wherever possible, noise-generating construction equipment shall be shielded from nearby residences by on-site positioning of noise-attenuating barriers, such as structures or truck trailers. Temporary barriers, composed of field-erected curtains or panels, may also be used to occlude direct airborne sound paths between construction activity noise sources and, if designed and installed properly, could be expected to yield at least 7 to 12 dBA of noise reduction.</li> </ul> <p>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>	<p>Project applicant and its construction contractors</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
<b>Transportation and Traffic</b>					
<p><b>Mitigation Measure TRA-1: Construction Traffic Management Plan.</b> The 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 emergency vehicle access along affected roadways. The traffic management plan must follow applicable City of Fremont Standard Details and Specifications (whichever editions are current as of the date of construction), which include minimum requirements for:</p> <ul style="list-style-type: none"> <li>• Conformance with the most current California Manual on Uniform Traffic Control Devices and State Standard Plans;</li> <li>• No lane closures during weekends and weekdays before 8:30 am or after 4:00 pm;</li> <li>• 72-hour notice prior to start of work to all affected parties (businesses, residents, agencies, schools, etc.);</li> <li>• Removal/coverage of all conflicting signs, striping, or pavement markings when work is completed.</li> <li>• Maintaining access to private property at all times;</li> <li>• Minimum of one paved traffic lane no less than 10-feet wide; and</li> <li>• All hauling on City streets shall be on adopted truck routes.</li> </ul> <p>The plan shall be in effect throughout the duration of project-related construction activities. The traffic management plan shall be submitted to the City of Fremont Department of Public Works for review and approval prior to approval of improvement plans and issuance of building permits where roadway improvements may cause impacts on traffic. The plan shall include the following items to address requirements above:</p> <ul style="list-style-type: none"> <li>• A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours; detour signs (if required); traffic coning and other lane closure devices; warning signs; use of flag persons to direct traffic flows (when needed); and designated construction access routes.</li> <li>• Identification of haul routes for movement of construction vehicles that would minimize impacts on traffic, transit, bicycle, and pedestrian circulation and safety, specifically along those streets in the project area.</li> <li>• Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur.</li> </ul>	<p>Project applicant and its construction contractors</p>	<p>City of Fremont</p>	<p>Review and approve a construction traffic management plan, with contents 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
<ul style="list-style-type: none"> <li>Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to haul trucks can be identified and corrected by the applicant.</li> </ul> <p>Methods to maintain emergency vehicle access, as well as local access to/from surrounding properties, at all times during project construction, with detours as necessary during road closures.</p>					