Appendix A:
Notice of Preparation and Responses

A.1 - Notice of Preparation

NOTICE OF PREPARATION OF A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE WARM SPRINGS SOUTH FREMONT COMMUNITY PLAN

TO:	State Clearinghouse, Interested Persons, and Agencies
DATE:	March 21, 2013
SUBJECT:	Notice of Preparation of a Draft Environmental Impact Report
LEAD AGENCY:	City of Fremont
PROJECT NAME:	Warm Springs/South Fremont Community Plan
PROJECT AREA:	City of Fremont- Warm Springs/South Fremont BART Station Area

The City of Fremont will be the Lead Agency for preparation of an Environmental Impact Report (EIR) for the Warm Springs/South Fremont Community Plan Project, which contemplates development of new residential uses and additional industrial uses within an 850 acre study area. We request comments from your agency regarding the scope and content of the environmental information to be addressed in the EIR. Comments should be limited to issues germane to your agency's statutory responsibilities in connection with the proposed project. The EIR may be used by your agency when considering subsequent permits or approvals necessary for this project. A brief description of the proposed project, its site boundaries, and a summary of the potential environmental effects are attached. An initial study was not prepared for this project. The complete NOP is available for review at www.fremont.gov/ceqa. Additional project information is available on the City's website www.fremont.gov/planning.

According to state law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. **Written comments will be accepted until April 22, 2013 at 4:00p.m**. A scoping meeting is scheduled for 10:30 a.m. on April 10, 2013. The meeting will be held at the City of Fremont Development Services Center in the Niles Room at 39550 Liberty Street, Fremont, California, 94538.

Please send your written responses, including the name of the contact person with your agency, to Kelly Diekmann, Principal Planner, at the address below:

City of Fremont
Community Development Department
Planning Division
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006
Phone: 510-494-4540
Fax: 510-494-4457
Email: kdiekmann@fremont.gov

WARM SPRINGS/SOUTH FREMONT COMMUNITY PLAN

PROJECT DESCRIPTION

1. Lead Agency Name and Contact

City of Fremont
Community Development Department
Planning Division
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006

Kelly Diekmann, Principal Planner
Phone: 510-494-4540
Fax: 510-494-4457
Email: kdiekmann@fremont.gov

2. Project Location

The approximately 850 acre project area is located generally north of State Route 262 (Mission Boulevard), I-880 to the west, I-680 to the east, and Auto Mall Parkway to the north. Refer to Project Vicinity Maps (Attachments A and B).

3. Surrounding Land Uses

The project area is partially developed general industrial area of the City of Fremont. Notable uses within the study area include the Tesla auto-manufacturing plant, BART Warm Springs/South Fremont Station, and a Union Pacific Rail Road line. Adjacent to the study area are community and regional commercial developments along SR 262 and Auto Mall Parkway. Single-family residences exist east of the study area across I-680. Note that the Warm Springs/South Fremont BART Station and BART extension to San Jose are under construction in the study area. The station is planned to be operational in 2015 for service north of the station.

4. General Plan and Zoning

The City of Fremont adopted a comprehensive update of its General Plan in December 2011 that identified an approximately 850-acre area around the Warm Springs/South Fremont BART Station as a Study Area and acknowledged it as a Priority Development Area (PDA).

The primary underlying General Plan Land Use Designations are Tech Industrial, General Industrial, Public Facility, and a Transit Oriented Development (TOD) Overlay. Current zoning for the study area is a mix of General and Industrial, Restricted Industrial, and Planned Development.

5. Description of the Project

In support of this study area designation, the City previously completed land use alternatives studies funded by the federal Economic Development Administration (EDA) to consider potential for job creation in the study area and to look at future work environments. The resulting vision from the EDA studies was to create a place that supports and meets the needs of the modern workforce of the 21st century through a mix of uses that are supported by access to transit provided by the BART station. The City further expanded upon this work and its vision by inviting an Urban Land Institute (ULI) expert panel to visit the study area and provide a report of its feasibility and implementation as a plan

supportive of an employment based TOD. Additional background materials can be reviewed at www.fremont.gov/warmsprings.

The City now proposes a Community Plan that facilitates an employment based TOD plan around the new Warm Springs South Fremont BART Station. The Community Plan project will fulfill the General Plan Study Area requirements with a Community Plan, design guidelines, and new zoning districts. The Community Plan study is funded, in part, by the Metropolitan Transportation Commission (MTC) as part of the Station Area Planning Grant program.

The existing area has a substantial job base of approximately 15,000 industrial and commercial jobs and no residential development. The proposed project identifies potential new and redevelopment of property to accommodate an additional 10,000 to 20,000 jobs and 4,000 housing units. The plan assumes TOD principles for land use densities that are supportive of transit services and an urban form. Development throughout the study area will generally be characterized as residential development between 30-70 units per acre with mixed-use retail potential and with commercial uses ranging from hotels, light industrial, R&D and Class A office uses nearest the BART station. Development of individual sites will vary in intensity and height based upon the targeted use and location within the study area. The plan will include associated infrastructure improvements and public facility needs, as well as transportation and circulation network improvements. Multi-modal circulation improvements will include evaluation of street right-of-way and trail opportunities and a new pedestrian bridge overcrossing from the BART station extending to the east over existing rail lines. The Community Plan has a general buildout assumption of development through the year 2035.

6. Project Approvals

The Program EIR will be used to provide decision-makers and the general public with relevant environmental information to use in considering the following actions:

- Amend the General Plan
- Adopt a Community Plan
- Amend zoning districts
- Adopt standard specifications for public improvements
- Adopt design guidelines
- Provide subsequent project site entitlements and public facility clearance

Warm Springs South Fremont Community Plan Program EIR Review

1. Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential for significant impacts on the environment; examine methods of reducing adverse environmental impacts; and consider alternatives to the project.

The Warm Springs South Fremont Community Plan Environmental Impact Report (EIR) will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the *CEQA Guidelines.* In accordance with CEQA requirements, the EIR will include the following:

- Summary of the proposed project and its potential environmental effects;
- Description of the proposed project;
- Description of the existing environmental setting, potential environmental impacts, and mitigation measures;
- Cumulative impacts;
- Alternatives to the proposed project; and
- Other Environmental consequences of the project, including: 1) the growth-inducing impacts of the proposed project; 2) any significant environmental effects which cannot be avoided if the project is implemented; 3) any significant irreversible and irretrievable commitments of resources; and 4) effects found not to be significant.

The EIR will identify the general effects of development envisioned under the Community Plan. The degree of specificity in the EIR reflects the level of detail provided in the Community Plan as well as known site specific attributes. The EIR may also incorporate by reference adopted plans and EIR findings related to the BART extension and City's General Plan. Following City of Fremont adoption of the Community Plan, subsequent development activities and other actions would be necessary to implement the policies included in the Community Plan. The EIR will address the potential environmental impacts of those subsequent actions to the extent feasible, given the broad nature of the Community Plan. When subsequent individual development projects are proposed within the Community Plan area, a project will be reviewed to determine consistency with the Program EIR and the Community Plan to determine if any additional site-specific environmental review may be required to evaluate project-level impacts not previously analyzed in the EIR.

2. Environmental Factors Potentially Affected

The EIR will identify the significant environmental impacts resulting from the development of the proposed project. Upon initial review, the EIR will address the following specific environmental topics as having potential impacts:

a. Land Use. The project area includes a mix of undeveloped land and industrial uses. Surrounding areas include industrial and residential uses. The proposed project's compatibility within the area and with surrounding land uses will be discussed in the EIR. In particular, potential land use conflicts that may result from the introduction of new sensitive users and industrial users to the area. The EIR will also include an evaluation of the project's potential to divide an established community, although in this situation the site has physical division along the north south axis of the rail lines.

Appropriate mitigation measures will be identified for any significant land use impacts resulting from the proposed project.

b. Aesthetics. The proposed project would change the existing visual character of each of the sites from primarily flat vacant land and low rise buildings to allow development intensive Transit Oriented Development (TOD) uses. The primary form of buildings will likely be mid-rise, but also potentially high rise residential and office development users. The EIR will describe the existing visual conditions of sites and address the potential effects on scenic resources or any degradation to the existing visual character. Additionally, development of the proposed project would introduce new sources of light to the area. The EIR will discuss the potential adverse effects of lighting types within the area. Mitigation measures will be identified to address significant impacts, as appropriate.

c. Population, Employment and Housing. The proposed project would contribute to increased housing and job growth in Fremont consistent with its planned use by the City's General Plan. The EIR will describe the existing demographics of the project area and vicinity and assess the impacts of the increased growth that will be created by the proposed project, to the extent that they will directly or indirectly result in physical changes to the environment. Appropriate mitigation measures will be identified for any significant population, employment, or housing impacts resulting from the proposed project. Due to the lack of existing residential uses in the subject area and the planned growth for the area, this topic will likely be an effect found not to be significant and will not require further analysis in the EIR.

d. Transportation, Circulation and Parking. The proposed project would affect the circulation in the study area and vicinity. A Traffic Impact Analysis will be prepared for the proposed project based upon the described growth of jobs and housing as TOD. Corresponding TOD assumptions on trip rates and travel patterns will be modeled to create a trip generation and distribution pattern for use in the analysis. The transportation impact analysis will evaluate baseline (existing and approved) conditions against traffic and transit impacts and the transportation improvements under the proposed project condition and cumulative project conditions. Project traffic, including planned roadway improvements in the area, will be evaluated for conformance with the City's variable Level of Service (LOS) Policies of the General Plan Mobility Chapter. The study will also analyze the project's compliance with adopted policies, plans, and programs supporting alternative modes of transportation. Mitigation measures for significant impacts and determination of feasibility will be identified. The results of this study will be incorporated into the EIR. The scope of the traffic analysis will primarily consider signalized intersections used for access into and out of the study area and its surroundings. The scope will also include segment analysis for the adjoining highway and freeways serving the project area.

e. Air Quality. Development activity associated with implementation of the proposed project could potentially increase emission concentrations in Fremont through increased vehicle trips and demolition and construction activities. The EIR will address potential air quality impacts resulting from these project activities and their potential effects on existing and future sensitive receptors. The EIR will also discuss compatibility with regional air quality plans. Construction-related air quality impacts, such as vehicle exhaust and dust will be qualitatively discussed. Mitigation measures will be identified for potentially significant air quality impacts, as appropriate.

f. Noise. The existing Warm Springs site noise environment is influenced by the surrounding industrial uses to the north, west and south, I-680 to the east, and I-880 to the west, and the railroad that bisects the site. The City General Plan Safety Chapter identifies future noise levels and policies that will provide the basis for analysis of the proposed plan. The EIR will assess potential noise and vibration impacts associated with the project, including impacts to existing and future development. Noise levels will be evaluated for consistency with City of Fremont standards and guidelines. Mitigation measures to reduce noise impacts will be identified, as appropriate.

g. Biological Resources. The subject area is a mix of urban developed land and vacant land yet to be developed. Vacant land is generally managed by property owners through regular mowing and disking of sites for weed control. The EIR will describe the existing biological conditions within the project are, and potential impacts of the proposed project on vegetation and wildlife, including special-status species. Measures to reduce or avoid biological impacts will be recommended, where appropriate.

h. Hydrology and Water Quality. The proposed project would disturb existing surface cover and increase the impermeable surface cover in the study area and facilitate redevelopment of existing impervious surfaces. The EIR will address any hydrology and storm drainage impacts that may occur as a result of the project. The analysis will discuss whether water quality and discharge requirements would be met, drainage patterns would be affected or altered, and if water resources would be degraded or depleted. Mitigation measures will be recommended, as appropriate.

i. Geology, Soils and Seismicity. The project sites are located in a seismically active region of the State. The EIR will assess soil and geologic conditions of the project sites to address seismic hazards, including the potential for liquefaction, ground-shaking, soil erosion, and subsidence. Mitigation measures will be recommended, where appropriate.

j. Hazards and Hazardous Materials. The project sites are each located in industrial areas. Any historical releases of hazardous materials could expose construction workers to hazardous materials during project development and, if present, hazardous materials, soils and groundwater could potentially affect future workers and users of the project area Additionally, active rail lines traverse the study area and work within the railroad right-of-way could contain hazardous materials associated with their installation and maintenance. Implementation of the plan would also bring new industrial users to the project area that may use hazardous materials as part of their processes. The EIR will include a description of the potential hazards and safety effects related to development of the proposed project. Mitigation measures will be recommended, where appropriate.

k. Cultural and Paleontological Resources. The project area consists of a mix of undeveloped and developed land. Generally the character of the area is common industrial building types built within the past 50 years, however there may be isolated buildings or sites greater than 50 years in age that could contain potential historic resources. It is unlikely that prehistoric or archaeological sites existing in the study area exist based upon past experience in the area and its geographic attributes. This section of the EIR will address potential impacts to historic, archaeological, and paleontological resources. Mitigation measures will be recommended, where appropriate.

l. Public Services. The project area is within the service boundaries of police, fire, park, and school services. Existing facilities exist to serve the area. The change in use and intensity envisioned by the proposed project would exert additional demands on service providers. The EIR will identify existing service providers serving the project area, and will quantify the increase in service demands resulting from the proposed project. The availability and adequacy of existing services will be analyzed against City facility requirements. Mitigation measures will be recommended, where appropriate.

m. Infrastructure and Utilities. The study area is currently served by water, wastewater, energy, solid waste disposal, and other utilities. The recent General Plan update identified the area for intensive TOD development and identified the area as a study area for refinement of the uses within the area. Changes in use and intensity envisioned for the area may exert additional demands on utility providers and infrastructure. The net effect of this demand increase could result in the need for new infrastructure to serve the study area. Per the requirements of *CEQA Guidelines* Section 15155, a Water Supply Assessment will be prepared for the project by Alameda County Water District.

Mitigation measures will be recommended for any utilities and infrastructure impacts identified within the project area, as appropriate.

n. Global Climate Change. Greenhouse gas emissions over the life of the proposed project would originate from two main sources: automobiles and energy use for operations. The EIR will quantify the proposed project's annual emissions and consistency with appropriate climate change plans and the effects of climate change. The EIR will evaluate the project's consistency with AB 32 for City and regional goals for greenhouse gas reductions on a per capita basis. This discussion may highlight potential project features which may lead to greater energy efficiency, reduce water demand, or other reductions in pollutants associated with global climate change.

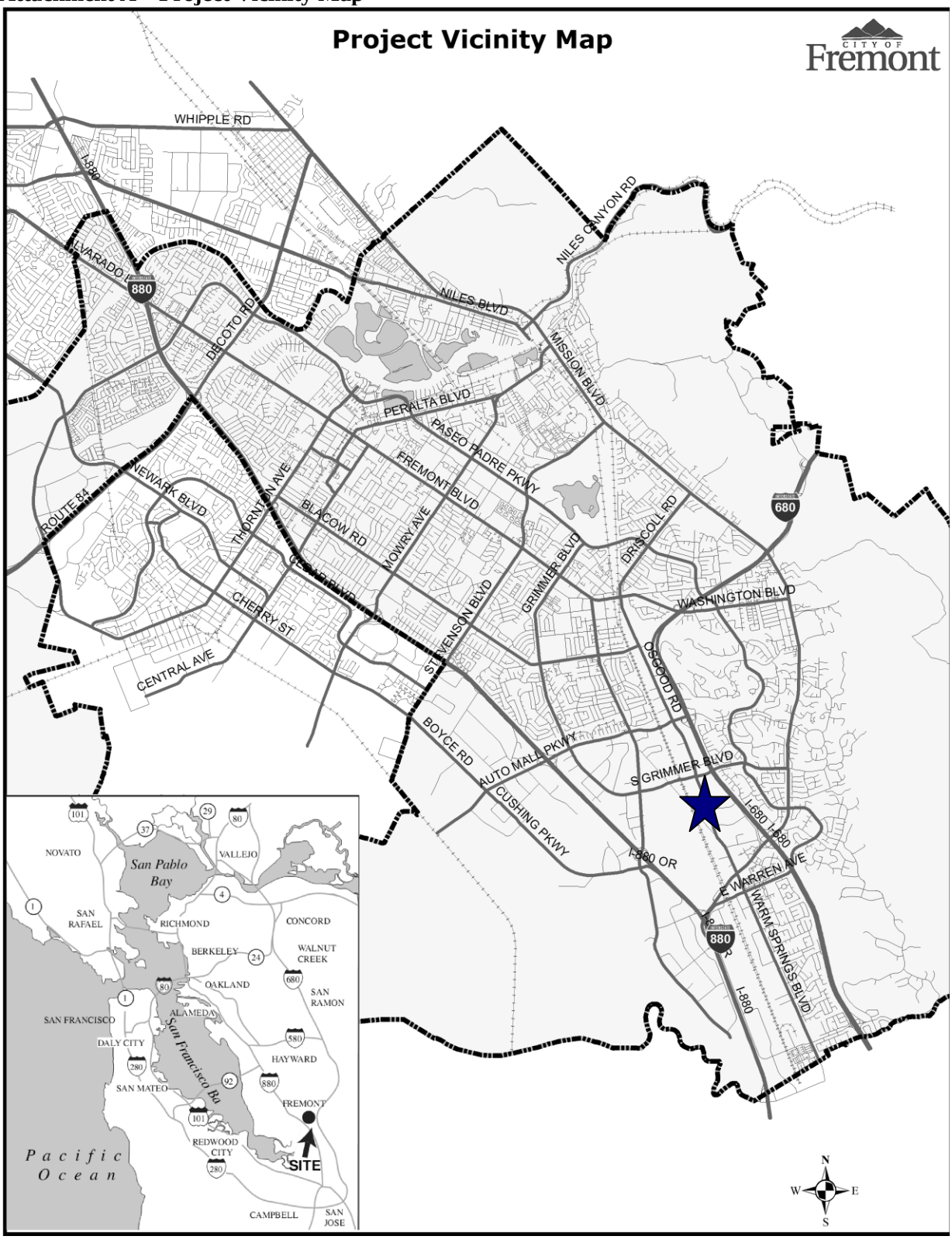
o. Land Use and Planning Policy Analysis. This section of the EIR will summarize project consistency with City plans and policies relevant to the Warm Springs Study Area as identified with the City of Fremont General Plan. The *physical* impacts associated with any plan or policy conflicts will be addressed. Likewise, conflicts relating to federal, State, and regional policies will be addressed in the EIR.

p. Cumulative and Growth Inducing Impacts. The analysis of cumulative effects will address the potential impacts associated with the project in conjunction with other off-site, permitted, under-construction or probable future projects associated with the projected build-out of the General Plan. This analysis will cover all environmental topics discussed in the EIR (e.g., traffic, air quality, etc.) and will specify which areas are anticipated to result in significant cumulative impacts. Potential growth-inducing impacts will also be evaluated to adequately describe the nature of the project in relation to existing and proposed development. Mitigation measures will be recommended, where appropriate.

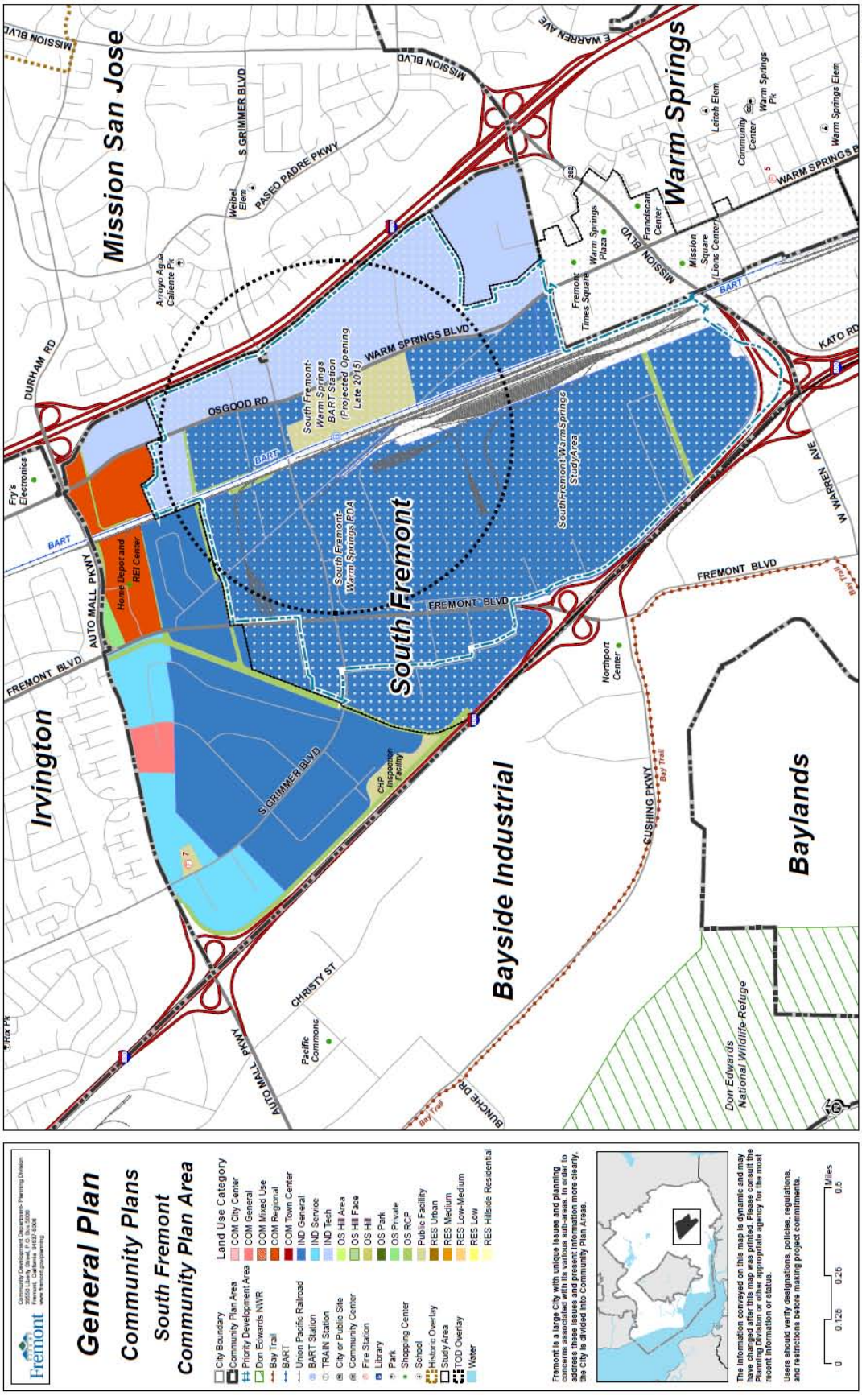
q. *Energy* – The EIR will examine the potential for the project to result in excessive or inefficient use of energy against regulatory requirements. Program-level and project-level mitigation measures will be recommended, where appropriate.

r. Alternatives. The Draft EIR will examine a reasonable range of alternatives to the project. Analysis of a "No Project" alternative is required by law. Other alternatives that may be discussed in regards to reduced development or alternative uses. The EIR will identify the environmentally superior alternative.

Attachment A—Project Vicinity Map



Attachment B



A.2 - Responses

Alameda
LAFCO

ALAMEDA LOCAL AGENCY FORMATION COMMISSION
1221 OAK STREET, SUITE 555 * OAKLAND, CA 94612
(510) 271-5142 FAX (510) 272-3784
WWW.ACGOV.ORG/LAFCO

April 9, 2013

Kelly Diekmann, Principal Planner
City of Fremont, Community Development Department, Planning Division
39550 Liberty Street
P.O. Box 5006
Fremont, CA 94537-5006

SUBJECT: Notice of Preparation (NOP) of a Draft Program Environmental Impact Report for the Warm Springs South Fremont Community Plan

Dear Ms. Diekmann:

Thank you for the opportunity to comment on the Warm Springs South Fremont Community Plan Notice of Preparation (NOP). As a Responsible Agency, pursuant to the California Environmental Quality Act (CEQA), the Alameda Local Agency Formation Commission (LAFCo) may rely on the City's environmental documentation in the consideration of any subsequent change of organization or sphere of influence (SOI) applications related to this project.

The Warm Springs South Fremont Community Plan covers an area that is wholly within the City of Fremont. However, it is important to identify all the municipal service providers in the affected territory, including but not limited to the Alameda County Water District and the Union Sanitary District, and address all potential LAFCo actions (such as boundary and SOI changes) and associated environmental impacts. Potential environmental impacts relating to proposed LAFCo actions must be quantified, mitigated to the maximum extent feasible, and fully disclosed. Please refer to LAFCo's policies, which you may access via our website (http://www.acgov.org/lafco/guide_procedures.htm) for a listing of factors to be considered by LAFCo.

Please feel free to contact me at mona.palacios@acgov.org or (510) 272-3894 should you have any questions.

Sincerely,

Mona Palacios

Mona Palacios
Executive Officer

cc: Andrew Massey, LAFCo Legal Counsel
Ineda Adesanya, LAFCo Planner

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Public Works Agency
Alameda County

CONSTRUCTION AND DEVELOPMENT SERVICES DEPARTMENT
Construction Services (510) 670-5450 • FAX (510) 732-6173
Development Services (510) 670-6601 • FAX (510) 670-5269

Daniel Woldesenbet, Ph.D., P.E., Director
951 Turner Court • Hayward, CA 94545-2698 • www.acgov.org/pwa

April 11, 2013

Kelly Diekmann, Principal Planner
City of Fremont
Community Development Department
Planning Division
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006

Dear Ms. Diekmann:

Reference is made to your correspondence dated March 21, 2013, submitting Notice of Preparation of a Draft Environmental Report for the Warm Springs South Fremont Community Plan at Warm Springs/South Fremont BART Station Area in the City of Fremont.

The following preliminary general comments and suggestions regarding storm drainage should be considered in the determination of project status:

1. Hydrology studies for the proposed improvements within the study area shall substantiate that there will be no net increase in the peak discharge generated from the proposed project.

2. The District is concerned with augmentation in runoff from the site that may impact flow capacity in the Federal Project and in the watercourses between the site and the Federal Project, as well as the potential for runoff from the project to increase the rate of erosion along those same watercourses that could cause localized damage and result in deposition of silt in the Federal Project. There should be no augmentation in runoff quantity or duration from the project site that will adversely impact downstream drainage facilities. The District should be involved in the review of the project hydrologic and hydraulic models, including the design of any detention ponds that may be necessary.

3. The applicants should provide measures to prevent the discharge of contaminated materials into public drainage facilities. It is the responsibility of the applicant to comply with Federal, State, or local water quality standards and regulations. This project will be subject to a National Pollutant Discharge Elimination System (NPDES) Permit. A "Notice of Intent" shall be filed with the State Regional water Quality Control Board.

4. Do not augment runoff to adjacent properties. If development associated with a higher runoff coefficient (C'-value) than the originally anticipated value is proposed, the augmented storm runoff will have to be mitigated.

5. Do not block runoff from adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project area.

6. An encroachment permit shall be obtained from Alameda County Flood Control and Water Conservation District prior to commencement of any work within District right-of-way and for the construction, modification or connection to District-maintained facilities. All workmanship, equipment, and materials shall conform to District standards and specifications.

7. Please provide a copy of the Final Environmental Impact Report for our file and reference.

Thank you for the opportunity to review the notice of preparation of a draft environmental impact report for this project. If you have questions, please call me at (510) 670-5209.

Very truly yours,

Rosemarie L. De Leon
Assistant Engineer
Construction and Development Services

cc: City Engineer- City of Fremont

ALAMEDA COUNTY WATER DISTRICT

43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

April 18, 2013

Kelly Diekmann
Principal Planner
City of Fremont
Community Development Department
Planning Division
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006

Dear Mr. Diekmann:

Subject: Notice of Preparation of an Environmental Impact Report for the Warm Springs South Fremont Community Plan

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Warm Springs South Fremont Community Plan (Plan).

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

1. Water Supply:

   a. Water Supply Assessment: Senate Bill 610 (California Water Code Sections 10910 - 10915) requires that any land use project that is subject to CEQA and has 500 residential units or more will require a water supply assessment. Because the proposed project exceeds the 500 unit threshold, a water supply assessment will need to be included in the EIR. Pursuant to the Water Code, ACWD will prepare this assessment within 90 days of the formal request by the City of Fremont (City) received April 1, 2013. The water supply assessment will include an estimation of the project's water demands, and an evaluation of the sufficiency of ACWD's water supplies to meet these demands.

   b. Water Use Efficiency: In order to minimize additional demands on potable water supplies, the EIR should plan for development of the Project with the latest technology in water efficient plumbing fixtures and irrigation systems at both residential and non-residential developments, including but not limited to those listed in the attached tables

for water efficiency measures for new development. Coordinate with ACWD water conservation staff at the time of project development for the most up-to-date measures.

Many of these measures will be legally required for new developments within the next five years, under recent National Standards and Plumbing Code changes, and some are already are in effect under the Model Water Efficient Landscape Ordinance revisions, effective January 1, 2010.

2. Groundwater: Local and imported water is percolated into the Niles Cone Groundwater Basin through percolation both in Alameda Creek and the adjacent recharge ponds in the Quarry Lakes Regional Recreational Area. The water is subsequently recovered through ACWD's groundwater production wells and provided as a potable supply to a population of over 331,000 in the cities of Fremont, Newark, and Union City. Therefore, it is imperative that ACWD protects the water quality and ensures the continued use of the groundwater basin for water supply for ACWD's customers. ACWD requests that the following potentially significant impacts to the protection of groundwater be addressed by the EIR:

   a. Well Protection/Destruction: ACWD records indicate a number of wells are located within the project area. In order to protect the groundwater basin, all wells must be identified within the project area and each well must be either protected or properly destroyed *prior to* construction activities. If the well(s) are to remain, a letter identifying the well(s) that are to remain and an explanation of how the wells will be protected during construction activities must be sent to ACWD. If the wells will not be used for a period of twelve (12) months, a permit for inactive classification is required. In addition, any abandoned wells located within the project area must be properly destroyed prior to construction activities.

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

   c. Cleanup Sites: The EIR should acknowledge that as part of ACWD's Groundwater Protection Program, ACWD entered into Cooperative Agreements with the California Regional Water Quality Control Board – San Francisco Bay Region (Regional Board) and the City which allow ACWD to provide the technical oversight of investigation and remediation at Leaking Underground Fuel Tank (LUFT) sites and sites where the pollution is attributed to spills or leaks from structures other than underground fuel tanks (now referred to as Site Cleanup Program or SCP sites; formerly known as Spills, Leaks,

Investigation, and Cleanup sites or SLIC sites). The project area includes properties where known LUFT and SCP sites exist. Therefore, any proposed development that includes LUFT or SCP sites should be coordinated with ACWD and the Regional Board (when the Regional Board is the lead agency at SCP sites). In addition, the EIR should address the potential impacts that dewatering activities and construction may have on the investigation and cleanup of those sites.

d. Dewatering: The EIR should address temporary and permanent dewatering activities and the potential impact of the project on the local drinking water supply. Quantities of water that may be extracted by dewatering should be estimated and documented in the EIR. If significant dewatering will occur, alternative designs should be evaluated that would minimize the amount of dewatering required during and subsequent to construction. Additionally, any significant dewatering should be measured and may be subject to a replenishment assessment fee. Lastly, mitigation measures should be proposed to replace all significant impacts to ACWD's groundwater supply.

3. Potable Water:

a. Water System Infrastructure: In order to extend the public water distribution system to meet project water service requirements and adequately integrate the project into ACWD's water system, onsite and offsite improvements will be required. Water service to the Plan area will be conditioned in part on compliance with ACWD's Development Specifications and Standard Specifications which include requirements related to water system infrastructure, including minimum clearances between water facilities and other utilities or improvements. The EIR should evaluate whether the proposed land use, together with the planned density of development, will yield sufficient space for streets and utility corridors that will be required in order to meet the facility clearance and other infrastructure requirements of ACWD and other utility providers.

Onsite and offsite water system extensions and/or improvements may similarly be required in order to meet fire flow requirements or other ACWD standards and requirements. The EIR should also commit to early and close coordination with ACWD with regard to water distribution and service facilities in order to enable water service to the Plan area.

b. Hazards and Hazardous Materials: The EIR should identify the hazards and hazardous materials sites within the Plan area. The ability to install a public water system within the Plan area would be conditioned upon confirmation that the soil or groundwater does not pose a risk to health and safety either during installation of the public water system or during long-term operation and maintenance of such a system. Any mitigations required to eliminate such hazards or potential hazards, such as clean fill corridors or other mitigations, must be identified and described in the EIR.

4. Climate Change: Reference is made to the City's Climate Action Plan. ACWD supports measures to minimize climate change impacts, and recommends the City address the potential climate change impacts, mitigations, and adaptation in the EIR.

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

   - Eric Cartwright, Water Resources Planning Manager, at (510) 668-4206, or by e-mail at eric.cartwright@acwd.com, for coordination regarding water supply issues.

   - Steven Inn, Groundwater Resources Manager at (510) 668-4441, or by e-mail at steven.inn@acwd.com, for coordination regarding ACWD's groundwater resources.

   - Michelle Myers, Well Ordinance Supervisor, at (510) 668-4454, or by e-mail at michelle.myers@acwd.com for coordination regarding groundwater wells and drilling permits.

   - Ed Stevenson, Development Services Manager, at (510) 668-4472, or by e-mail at ed.stevenson@acwd.com, for coordination regarding public water systems and water services.

Again, thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Warm Springs South Fremont Community Plan.

Sincerely,

Robert Shaver
Assistant General Manager - Engineering

la/tf
Attachments
By e-mail
cc: Eric Cartwright, ACWD
Ed Stevenson, ACWD
Steven Inn, ACWD
Michelle Myers, ACWD

WATER EFFICIENCY MEASURES
FOR NEW RESIDENTIAL DEVELOPMENT - V.041713

GPF = gallons per flush, GPM = gallons per minute, WF = water factor

Indoors	Water Usage Rates	Recommendation Details	Federal or State Requirements
Toilets	**1.28 GPF**	High efficiency toilets (HET) have a flush volume of 1.28 GPF, dual flush models are also considered HETs, with an average flush less than 1.28 GPF. Choose HETs that are third party tested and certified as passing a 350 g or higher flush volume test as established by the Uniform North American Requirements.	Mandatory to comply with CALGreen under the prescriptive method - effective January 1, 2011 Required January 1, 2014
Showerheads	**2.0 GPM**	EPA's Water Sense Program recommends showerheads with a flow rate of 2.0 GPM or less.	Mandatory to comply with CALGreen under the prescriptive method - effective January 1, 2011
Lavatory Faucets	**1.5 GPM**	Lavatory faucets with aerators that restrict flow to 1.5 GPM or less.	
Kitchen Faucets	**1.5 GPM**	Kitchen faucets with aerators that restrict flow to 1.5 GPM or less.	
Clothes Washers	**6 WF**	High efficiency clothes washers (HEW) with a water factor of 6 have a maximum average water use of 6 gallons per cubic foot of laundry. HEWs are typically front loading horizontal axis washers.	National Standard effective January 1, 2018
Dishwashers	**3.5 - 5.0 gallons per cycle**	Efficient dishwashers that use 5.0 gallons/cycle or less (standard-sized - 8 or more place settings), 3.5 gallons/cycle or less (compact size - less than 8 place settings)	National Standard effective May 30, 2013
Outdoors		**Recommendation Details**	**Federal or State Requirements**
Turf Landscaping		Limit turf to areas where it is functional. Avoid planting turf in narrow, odd-shaped areas which are hard to irrigate efficiently.	Many of these measures are now required as part of the CA Model Water Efficient Landscape Ordinance effective January 1, 2010
Non-turf Landscaping		Select native or low water using plant species. High water using plants should be grouped together and irrigated seperately.	
Irrigation System		Irrigation systems should be designed to maximize efficiency and reduce water waste by minimizing overspray and runoff. Use low volume (e.g., drip) irrigation in non-turf areas.	
Irrigation Controller		An automatic, self-adjusting irrigation controller is recommended. Automatic, self-adjusting controllers utilize prevailing weather conditions, current and historic evapotranspiration, soil moisture levels, and other relevant factors to adapt water applications to meet the needs of plants.	
Overhead Sprinklers and Spray Heads		Should not be used in narrow areas, eight (8) feet wide or less, or where adjacent to impervious surfaces where overspray and excess run-off can occur.	
Valves and Circuits		Should be separated into hydrozones based on plant type and plant water needs.	
Decorative fountains		All decorative fountains should recycle water.	
Swimming Pools and Spas		Covers should be used on all pools or spas.	
Bay-Friendly Landscaping Best Practices		Adopt the Bay-Friendly Program's (Stopwaste.org) 7 best practices for landscaping and gardening. 1. Landscape Locally; 2. Landscape for Less to the Landfill; 3. Nurture the Soil; 4. Conserve Water; 5. Conserve Energy; 6. Protect Water & Air Quality; 7. Create Wildlife Habitat	

WATER EFFICIENCY MEASURES
FOR NEW COMMERCIAL DEVELOPMENT- V.041713

GPF = gallons per flush, GPM = gallons per minute, WF = water factor

Indoors	Water Usage Rates	Recommendation Details	Federal or State Requirements
Toilets	**1.28 GPF**	High efficiency toilets (HET) have a flush volume of 1.28 GPF, dual flush models are also considered HETs, with an average flush less than 1.28 GPF. Choose HETs that are third party tested and certified as passing a 350 g or higher flush volume test as established by the Uniform North American Requirements.	Mandatory to comply with CALGreen under the prescriptive method - effective January 1, 2011 Required January 1, 2014
Urinals	**0.5 GPF**	High efficiency urinals (HEU) have a flush volume of 0.5 GPF or less.	
Showerheads	**2.0 GPM**	EPA's Water Sense Program recommends showerheads with a flow rate of 2.0 GPM or less.	Mandatory to comply with CALGreen under the prescriptive method - effective January 1, 2011
Lavatory Faucets	**.5 GPM**	Lavatory faucets with aerators that restrict flow to .5 GPM or less.	
Kitchen Faucets	**1.5 GPM**	Kitchen faucets with aerators that restrict flow to 1.5 GPM or less.	
Clothes Washers	**6 WF**	High efficiency clothes washers (HEW) with a water factor of 6 have a maximum average water use of 6 gallons per cubic foot of laundry. HEWs are typically front loading horizontal axis washers. This applies to familiy-sized washers commonly used in multi-family settings and laudromats.	Potential requirement in 2-5 years DOE Rulemaking due by January 1, 2015
Cooling Towers		Should be equipped with a recirculating system with a minimum of five (5) cycles of concentration. Newly constructed cooling towers should be operated with conductivity controllers, as well as make up and blowdown meters.	
Food Steamers		Should be boiler less or self-contained where applicable.	
Ice Machine		Should be air-cooled, or use no more than 25 gallons of water per 100 pounds of ice and should be equipped with a recirculating cooling unit.	
Commercial Refrigeration		Should be air-cooled or if it is water cooled it should have a closed loop system.	
Pre-rinse Dishwashing Spray Valve	**1.2 GPM**	Should have a maximum flow rate of 1.2 or less GPM.	
Vehicle Wash Facility		Shall reuse a minimum of 50% of the water.	
Outdoors		**Recommendation Details**	**Federal or State Requirements**
Turf Landscaping		Limit turf to areas where it is functional. Avoid planting turf in narrow, odd-shaped areas which are hard to irrigate efficiently.	Many of these measures are now required as part of the CA Model Water Efficient Landscape Ordinance effective January 1, 2010
Non-turf Landscaping		Select native or low water using plant species. High water using plants should be grouped together and irrigated seperately.	
Irrigation System		Irrigation systems should be designed to maximize efficiency and reduce water waste by minimizing overspray and runoff. Use low volume (e.g., drip) irrigation in non-turf areas.	
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Overhead Sprinklers and Spray Heads		Should not be used in narrow areas, eight (8) feet wide or less, or where adjacent to impervious surfaces where overspray and excess run-off can occur.	
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Decorative fountains		All decorative fountains should recycle water.	
Swimming Pools and Spas		Covers should be used on all pools or spas.	
Bay-Friendly Landscaping Best Practices		Adopt the Bay-Friendly Program's (Stopwaste.org) 7 best practices for landscaping and gardening. 1. Landscape Locally; 2. Landscape for Less to the Landfill; 3. Nurture the Soil; 4. Conserve Water; 5. Conserve Energy; 6. Protect Water & Air Quality; 7. Create Wildlife Habitat	

ALAMEDA County Transportation Commission
1333 Broadway, Suites 220 & 300 ▪ Oakland, CA 94612 ▪ PH: (510) 208-7400
www.AlamedaCTC.org

April 22, 2013

Kelly Diekmann
Principal Planner
City of Fremont
Community Development Department
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006

SUBJECT: Comments on the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (DEIR) for the Warm Springs South Fremont Community Plan

Dear Mr. Diekmann, Kelly

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (DEIR) for the Warm Springs South Fremont Community Plan.

The approximately 850 acre project area is bounded by State Route 262 (Mission Boulevard) to the south, I-880 to the west, I-680 to the east, and Auto Mall Parkway to the north. The Community Plan facilitates and employment based TOD plan around the new Warm Springs South Fremont BART station. The existing area has a substantial job base of approximately 15,000 industrial and commercial jobs and no residential development. The proposed project identifies potential new and redevelopment of property to accommodate an additional 10,000 to 20,000 jobs and 4,000 housing units. Development throughout the study area will generally be characterized as residential development between 30-70 units per acre with mixed-use retail potential and with commercial uses ranging from hotels, light industrial, R&D and Class A office nearest the BART station. The plan will include associated infrastructure improvements and public facility needs, as well as transportation and circulation network improvements.

The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

- The City of Fremont adopted Resolution No. 8336 on July 7, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). It appears that the proposed project will generate at least 100 p.m. peak hour trips over existing conditions, and therefore the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model. The analysis should study conditions in years 2020 and 2035. Please note the following paragraph as it discusses the responsibility for modeling.

- The CMP was amended on March 26th, 1998 so that local jurisdictions are responsible for conducting travel model runs themselves or through a consultant. The Alameda CTC has a Countywide Travel Demand model that is available for this purpose. The City of Fremont and the Alameda CTC signed a Countywide Model Agreement on April 1, 2008. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request.

The most current version of the Alameda CTC Countywide Travel Demand Model is the August 2011 update, which incorporates the Association of Bay Area Government's Projections 2009 land use assumptions.

- The DEIR should address all potential impacts of the project on the Metropolitan Transportation System (MTS) roadway and transit systems. MTS roadway facilities in the project area include Interstate 880, Interstate 680, Mission Boulevard, Auto Mall Parkway, Warm Springs Boulevard, and Fremont Boulevard. MTS transit operators include BART and AC Transit.

  - Potential impacts of the project must be addressed for 2020 and 2035 conditions.
  - Please note that the Alameda CTC has *not* adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2011 CMP for more information).
  - For the purposes of CMP Land Use Analysis, 2000 Highway Capacity Manual is used to study impacts on roadway segments.

- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the Alameda County Congestion Management Agency (predecessor to the Alameda CTC) Board adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:

  - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
  - Project mitigation measures must be fully funded to be considered adequate;
  - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

The DEIR should include a discussion of the adequacy of proposed mitigation measure criteria discussed above. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2011 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the

issue of transit funding as a mitigation measure in the context of the Alameda CTC mitigation measure criteria discussed above.

- The DEIR should also consider Travel Demand Management (TDM) related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2011 CMP, Chapter 5). The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.

- The DEIR should consider opportunities to implement and enhance countywide bicycle and pedestrian routes identified in the Alameda Countywide Bicycle and Pedestrian Plans, which were approved in October 2012. The approved Countywide Bike Plan and Pedestrian Plan are available at http://www.alamedactc.org/app_pages/view/5275.

- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.

- Local jurisdictions are encouraged to consider a comprehensive Transit Oriented Development (TOD) Program, including environmentally clearing all access improvements necessary to support TOD development as part of the environmental documentation.

- Portions of the Project Area overlap with the Warm Springs Priority Development Area. As such, the zoning districts and General Plan Amendments produced from this planning effort should consider the land use assumptions being adopted by the Association of Bay Area Government/Metropolitan Transportation Commission as part of the Sustainable Communities Strategy/Regional Transportation Plan in July 2013.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at (510) 208-7405 or Matthew Bomberg of my staff at (510) 208-7444 if you require additional information.

Sincerely,

Beth Walukas
Deputy Director of Planning

Cc: Matthew Bomberg, Assistant Transportation Planner
File: CMP – Environmental Review Opinions – Responses - 2013

Attachment

Design Strategies Checklist
for the
Transportation Demand Management Element
of the
Alameda County CMP

The Transportation Demand Management (TDM) Element included in Alameda County Congestion Management Program requires each jurisdiction to comply with the Required Program. This requirement can be satisfied in three ways: 1) adopting "Design Strategies for encouraging alternatives to using auto through local development review" prepared by ABAG and the Bay Area Quality Management District; 2) adoption of new design guidelines that meet the individual needs of the local jurisdictions and the intent of the goals of the TDM Element or 3) providing evidence that existing local policies and programs meet the intent of the goals of the TDM Element.

For those jurisdictions who have chosen to satisfy this requirement by Option 2 or 3 above, the following checklist has been prepared. In order to insure consistency and equity throughout the County, this checklist identifies the components of a design strategy that should be included in a local program to meet the minimum CMP conformity requirements. The required components are highlighted in bold type and are shown at the beginning of each section. A jurisdiction must answer Yes to each of the required components to be considered consistent with the CMP. Each jurisdiction will be asked to annually certify that it is complying with the TDM Element. Local jurisdictions will not be asked to submit the back-up information to the CMA justifying its response; however it should be available at the request of the public or neighboring jurisdictions.

Questions regarding optional program components are also included. You are encouraged but not required to answer these questions. Alameda County Technical Advisory Committee (ACTAC) and the TDM Task Force felt that it might be useful to include additional strategies that could be considered for implementation by each jurisdiction.

CHECKLIST

Bicycle Facilities

Goal: To develop and implement design strategies that foster the development of a countywide bicycle program that incorporates a wide range of bicycle facilities to reduce vehicle trips and promote bicycle use for commuting, shopping and school activities. (Note: an example of facilities are bike paths, lanes or racks.)

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

Local Responsibilities:

1a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

1a.1 provides a system of bicycle facilities that connect residential and/or non-residential development to other major activity centers?

Yes No

1a.2 bicycle facilities that provide access to transit?

Yes No

1a.3 that provide for construction of bicycle facilities needed to fill gaps, (i.e. gap closure), not provided through the development review process?

Yes No

1a.4 that consider bicycle safety such as safe crossing of busy arterials or along bike trails?

Yes No

1a.5 that provide for bicycle storage and bicycle parking for (A) multi-family residential and/or (B) non-residential developments?

Yes No

1b. How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance:
Design Review:
Standard Conditions of Approval:
Capital Improvement Program:
Specific Plan:
Other:

Pedestrian Facilities

Goal: To develop and implement design strategies that reduce vehicle trips and foster walking for commuting, shopping and school activities.

Local Responsibilities

2a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that incorporate the following:

2a.1 provide reasonably direct, convenient, accessible and safe pedestrian connections to major activity centers, transit stops or hubs parks/open space and other pedestrian facilities?

Yes No

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

2a.2 provide for construction of pedestrian paths needed to fill gaps, (i.e. gap closure), not provided through the development process?

Yes No

2a.3 include safety elements such as convenient crossing at arterials?

Yes No

2a.4 provide for amenities such as lighting, street trees, trash receptacles that promote walking?

Yes No

2a.5 that encourage uses on the first floor that are pedestrian oriented, entrances that are conveniently accessible from the sidewalk or transit stops or other strategies that promote pedestrian activities in commercial areas?

Yes No

2b. How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance:
Design Review, such as ADA Accessibility Design Standards:
Standard Conditions of Approval:
Capital Improvement Program:
Specific Plan:
Other:

Transit

Goal: To develop and implement design strategies in cooperation with the appropriate transit agencies that reduce vehicle trips and foster the use of transit for commuting, shopping and school activities.

Local Responsibilities

3a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

3a.1 provide for the location of transit stops that minimize access time, facilitate intermodal transfers, and promote reasonably direct, accessible, convenient and safe connections to residential uses and major activity centers?

Yes No

3a.2 provide for transit stops that have shelters or benches, trash receptacles, street trees or other street furniture that promote transit use?

Yes No

3a.3 include a process for including transit operators in development review?

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

Yes No

3a.4 provide for directional signage for transit stations and/or stops?

Yes No

3a.5 include specifications for pavement width, bus pads or pavement structure, length of bus stops, and turning radii that accommodates bus transit?

Yes No

3.b How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance:
Design Review:
Standard Conditions of Approval:
Capital Improvement Program:
Specific Plan:
Other:

Carpools and Vanpools

Goal: To develop and implement design strategies that reduce the overall number of vehicle trips and foster carpool and vanpool use.

Local Responsibilities:

4a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

4a.1 For publicly owned parking garages or lots, are there preferential parking spaces and/or charges for carpools or vanpools?

Yes No

4a.2 that provide for convenient or preferential parking for carpools and vanpools in non-residential developments?

Yes No

4.b How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance:

Design Review:
Standard Conditions of Approval:
Capital Improvement Program:
Specific Plan:
Other:

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

Park and Ride

Goal: To develop design strategies that reduce the overall number of vehicle trips and provide park and ride lots at strategic locations.

Local Responsibilities:
5a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

5a.1 promote park and ride lots that are located near freeways or major transit hubs?

Yes No

5a.2 a process that provides input to Caltrans to insure HOV by-pass at metered freeway ramps?

Yes No

5b. How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance:
Design Review:
Standard Conditions of Approval:
Capital Improvement Program:

Specific Plan:
Other:

Note: Bold type face indicates those components that must be included the "Required Program" in order to be found in compliance with the Congestion Management Program.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

2013

April 22, 2013

City of Fremont
Community Development Department
Planning Division
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006

Attn: Kelly Diekmann

Re: BART District Scoping Comments on the Peninsula Warm Springs-South Fremont Community Plan EIR NOP

Dear Mr. Diekmann:

The San Francisco Bay Area Rapid Transit District (BART) has reviewed the Notice of Preparation for an Environmental Impact Report (EIR) for the Warm Springs-South Fremont Community Plan. We are submitting the following comments to the City of Fremont for your consideration in proceeding with preparation of the document.

Comments

Project Description

1. In order to provide a sufficient basis for analysis of environmental impacts and necessary mitigation, the project description should include, and the project should clear the proposed pedestrian bridge from the Warm Springs BART Station (now under construction) to the proposed development on the west side of the Union Pacific Railroad (UPRR) right-of-way (ROW). The bridge should be designed to meet the BART Facility Standards (BFS), and BART can provide information upon request of the features that BART would expect the bridge to have. At a minimum, the bridge should be assumed to have a roof that would cover all escalators, and should span the Union Pacific ROW in one span, with no intermediate supports necessary on UPRR property.
2. In order to make the bridge span as short as possible, the westernmost UPRR switching lead will need to be re-oriented within the UPRR ROW to be parallel to the UPRR mainline tracks. The project description should include and the EIR should clear the relocation of that track.

Land Use

3. The NOP notes that the City will consider development at 30-70 units per acre in the study area. We would encourage higher density within ½ mile of the BART station, on the order of 50-120 units per acre.

4. The NOP notes that the uses near the BART station could include a variety of uses, including light industrial. It is our experience that light industrial is not a major generator for transit trips, as a relatively low-intensity use. We would encourage light industrial to be placed further from the station to the west beyond the ½ mile walkshed, with the closer development reserved for hotels, office and residential, with local-serving retail.
5. Recent research shows that transit riders are more sensitive to walk distance on the work end of the trip than on the residential end, and that; in general, locating jobs close to transit stations generates higher mode splits for transit than locating housing close to the station, though both are important. Therefore, we recommend that, where possible, the City place employment centers closest to the station, with residential placed beyond the employment centers, but still within the ½ mile walkshed.
6. The BART parking lots are currently zoned for future redevelopment, and BART expects to develop transit-oriented development projects on these lots in the future. Table 5-4 in the BART Warm Springs Extension Final EIS (June 2006) showed that park-and-ride access by auto to the station is expected to drop over time as extensions further to the south are opened in the coming years. BART would like the EIR to explore an alternative for reducing the number of spaces in the BART parking lots as the demand drops over time. BART anticipates that future parking will be partially or largely in structures, as development progresses on the site.
7. The EIR should address consistency of the level of development with Plan Bay Area (PBA) in terms of numbers of jobs and housing units.

Aesthetics

8. The EIR should fully consider visual impacts from the pedestrian bridge.
9. The EIR should fully consider visual impacts from future BART TOD development and future parking structures on BART property.

Transportation, Circulation and Parking

10. Ridership impacts on BART from the project should be fully analyzed for several conditions for BART. Both the Warm Springs and Berryessa extensions are currently under construction, and therefore the EIR should evaluate ridership impacts with both of those extensions open. The Warm Springs extension is expected to open in 2016, and the Berryessa extension is expected to open in 2018. In addition, the EIR should evaluate ridership impacts for conditions when the second phase of the Santa Clara extension opens, to downtown San Jose and Santa Clara, which is expected in 2021. The EIR should evaluate all aspects of BART ridership, including bi-directional commuting patterns (both north toward Oakland and San Francisco and south toward San Jose), and also reverse commuting to Warm Springs from the rest of the BART system, which will grow in importance as Warm Springs becomes a job center. The EIR should identify any impacts on the BART system and potential mitigations, including any capacity or access issues likely to result from higher levels of development than previously anticipated in the station catchment area, in either the Warm Springs Extension Final EIS, Berryessa Extension Final EIR/EIS or in Plan Bay Area.
11. Access issues to the BART station should be fully explored for all modes of access. BART is particularly concerned that walk, bike and transit access be fully considered in the EIR.
12. The EIR should fully explore all access issues to the Tesla plant for freight movements.
13. BART staff will provide you with details of the service that BART expects to operate to and through Warm Springs Station upon request.

Cumulative and Growth Inducing Impacts

14. The EIR should fully consider growth-inducing impacts from the pedestrian bridge.

Thank you for the opportunity to comment on this Notice of Preparation. Please call Duncan Watry in BART Planning at (510) 287-4840 if you have any questions.

Sincerely,

Val Menotti
Manager, BART Planning

cc: Robert Powers, AGM, BART Planning & Development
Roddrick Lee, BART Government & Community Relations
Pat Smith, BART Legal
Melena Gallagher, BART Planning & Development
Paul Medved, BART Planning & Development
Jeff Ordway, BART Planning & Development
John Rennels, BART Planning & Development
Duncan Watry, BART Planning & Development

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

April 22, 2013

Kelly Diekmann
Principal Planner
City of Fremont
Community Development Department
Planning Division
39550 Liberty Street, PO Box 5006
Fremont, CA 94537-5006

SUBJECT: Warm Springs South Fremont Community Plan NOP (City of San Jose File OA13-004)

Dear Ms. Diekmann:

On March 26, 2013, the City of San José received a Notice of Preparation for the proposed Warm Springs South Fremont Community Plan in Fremont. The City of San José appreciates the opportunity to review and provide comments on the proposed project. Please consider the following in relation to the project review including CEQA analysis:

Biological Resources: Bay Checkerspot Butterfly / Nitrogen Deposition

The City of San Jose has recently adopted the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (SCVHP) developed in partnership with the County of Santa Clara, the City of Morgan Hill, the City of Gilroy, the Valley Transportation Agency and the Santa Clara Valley Water District. The SCVHP establishes a framework for development projects to comply with several state and federal regulatory processes and standardized avoidance, minimization, mitigation and compensation requirements set forth in federal and state laws, including the California Environmental Quality Act (CEQA). CEQA requires that any public agency approving or carrying out a project for which there is substantial evidence of a potentially significant impact must identify measures necessary to mitigate impacts to a less-than-significant level (Pub. Res. Code § 21081).

The SCVHP establishes standardized, equitable, feasible and enforceable measures by which participating jurisdictions can mitigate impacts upon species covered by the SCVHP to a less-than-significant level. The impact and mitigation analyses in the SCVHP are based on extensive analysis and the best available science and have resulted in the identification and design of feasible mitigation that may not have been identified in prior environmental documents. The SCVHP establishes standards for mitigation of impacts to several species that depend on serpentine soils, such as the Bay Checkerspot butterfly. Potentially significant impacts to such species include indirect, cumulative, and highly dispersed impacts such as nitrogen deposition. In the past, the effects of nitrogen deposition on special-status plants and wildlife have been underestimated or were not understood; however, this is no longer true, and nitrogen impacts are articulated in detail in the SCVHP.

Nitrogen deposition is known to have deleterious effects on many of the serpentine plants in the SCVHP area, as well as the host plants that support the Bay Checkerspot Butterfly. Nonpoint sources such as automobiles emit nitrogen compounds into the air. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of

invasive plant species. Non-native annual grasses grow rapidly, enabling them to out-compete serpentine species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County (the last remaining population of butterflies). Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentines, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The invasion of native grasslands by invasive and/or non-native species is now recognized as one of the major causes of the decline of the Bay Checkerspot Butterfly.

All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including from within your jurisdiction. Therefore, even relatively small amounts of increased nitrogen deposition resulting from new development could contribute to a cumulatively significant impact by diminishing the population sizes of serpentine species and possibly the chances of survival of the threatened butterfly and the serpentine-specific plant species within Santa Clara County.

Because CEQA requires implementation of all feasible mitigation measures, even for impacts that cannot be mitigated to a less-than-significant level, including cumulatively significant impacts, and the mitigation program developed for the SCVHP includes feasible mitigation measures for the impacts of nitrogen deposition upon serpentine habitat and the Bay Checkerspot Butterfly, similar feasible mitigation should be developed and included for the subject project, correlated to the amount of new vehicle trips that the project is expected to generate. Given the development of feasible mitigation measures for the SCVHP, it will likely be difficult for a lead agency to adopt a Statement of Overriding Considerations if no similar mitigation measures are incorporated in the project.

Alternatives: Balanced Growth

As part of the project alternatives analysis, the EIR should include an analysis of alternative land use scenarios that include sufficient housing development to support the proposed economic development and to address regional housing shortages. Recent studies suggest that while intensified employment uses benefit most from close proximity to a major transit facility (e.g., within ¼ mile), the benefits for intensified residential development extend to a larger radius (e.g. within 1 mile). Accordingly, we suggest that the project alternatives include a scenario with more intensified employment uses within a ¼ mile of the BART station along with a significantly greater amount of housing within a 1 mile radius of the project site. Analysis of such a scenario is warranted to determine if it would better support transit use and help to meet regional housing needs.

Thank you for providing the City of San Jose with the opportunity to comment on the Warm Springs South Fremont Community Plan NOP. If you have questions, please contact me at (408) 535-7893 or by email at andrew.crabtree@sanjoseca.gov or David Keyon at (408) 535-7898 or by email at david.keyon@sanjoseca.gov.

Sincerely,

Andrew Crabtree
Division Manager

Cc: Santa Clara Valley Habitat Plan Agency

SANTA CLARA
Valley Transportation Authority

April 22, 2013

City of Fremont
Development and Environmental Services Department
P.O. Box 5006
Fremont, CA 94537-5006

Attention: Kelly Diekmann

Subject: Warm Springs/South Fremont Community Plan

Dear Ms. Diekmann:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP to allow 10,000 to 20,000 additional jobs and 4,000 housing units for the area north of SR 262, east of I-880, west of I-680, and south of Auto Mall Parkway. We have the following comments.

Land Use and Density

VTA strongly supports the proposed land use intensification on this site, strategically located on the regional transportation network and served by the future Warm Springs BART Extension. This location offers a rare opportunity to build supportive land uses on a large underutilized site adjacent to a new regional rail transit station. The site also holds particular importance to VTA due to the future role of the Warm Springs/South Fremont area in generating ridership on the BART Silicon Valley Extension under construction. The residential densities proposed in the NOP of 30-70 dwelling units per acre are similar to ranges recommended for regional rail station areas in best practice guidelines, such as VTA's Transit Sustainability Policy & Service Design Guidelines, which recommend a minimum density of 20 units/acre and an optimal density of 75 units/acre in such areas. The density of the commercial portion is not specified in the NOP, but VTA's Guidelines recommend a minimum FAR of 2.0 and an optimal FAR of 4.0. Placing such densities near the station is important to create a "synergy" of land uses and transportation options within easy walking distance of one another, thereby encouraging people to walk, bike and use transit for daily tasks and incrementally reducing vehicle miles traveled and greenhouse gas emissions.

Transportation Analysis – Relationship to Santa Clara County Congestion Management Program

The project is located near the border of Santa Clara County, but the Notice of Preparation does not indicate whether transportation facilities in Santa Clara County will be analyzed in the DEIR. As the Congestion Management Agency for Santa Clara County, we recommend that the Transportation analysis include an analysis of key roadways in the Santa Clara County CMP near the Fremont border such as I-680, I-880, and SR 237.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

FR1301

April 22, 2013

Kelly Diekmann
City of Fremont
Community Development Department
39550 Liberty St.
Fremont, CA 94537-5006

Re: Notice of Preparation of a Draft Program Environmental Impact Report for the Warm Springs South Fremont Community Plan

Dear Mr. Diekmann,

Thank you for sending USD the Notice of Preparation of a Draft Program Environmental Impact Report for the Warm Springs South Fremont Community Plan. The project area, approximately 850 acres, is located north of Mission Boulevard, I-880 to the west, I-680 to the east, and Automall Parkway to the north. The City is proposing a Community Plan that facilitates an employment based Transit Oriented Development plan around the new Warm Springs South Fremont BART Station. The Community Plan is being done to fulfill the City's 2011 Updated General Plan's Study Area requirements with a Community Plan, design guidelines, and new zoning districts. The proposed project identifies potential new and redevelopment of property within the project area to accommodate an additional 10,000 to 20,000 jobs and approximately 4,000 housing units. The development includes residential applications between 30-70 units per acre with mixed use retail and commercial uses that may include hotels, light industrial, R&D and Class A office uses.

The proposed project is located in USD's Irvington Basin. Currently, it appears that there is sufficient capacity in our Alvarado Wastewater Treatment Plant in Union City to process the wastewater that will be generated from the proposed project. However, due to the City's shift to high density developments, surrounding sanitary sewer infrastructure in the area including downstream sanitary sewer trunk lines, USD forcemains, pump stations and detention basin will need to be re-assessed for available capacity based on the proposed project. Factors for estimating sanitary sewer flow rates are based in part on land use projections. Projected flow rates that were used in the preparation of USD's 2004 Irvington Basin Master Plan were estimated using land use data that were available from the City's General Plan or updated information provided by the City of Fremont at the time of USD's Master Plan preparation. If there is a change in land use to what was previously provided, flow rates will also need to be

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revised and the corresponding impact to existing sanitary sewer infrastructure re-assessed to identify if any capacity deficiencies will occur.

Please send me a copy of the Draft Program EIR as soon as it becomes available. Feel free to call me at (510) 477-7617 if you have any questions.

Truly yours,

Al D. Bunyi, P. E.
Associate Engineer

Cc: Jesse Gill
Rollie Arbolante
Sami Ghossain
File

ADB:adb

DEPARTMENT OF TRANSPORTATION
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P. O. BOX 23660
OAKLAND, CA 94623-0660
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Flex your power!
Be energy efficient!

April 23, 2013

ALAGEN257
SCH#2013032062

Mr. Kelly Diekmann
Community Development Department
City of Fremont
39550 Liberty Street
Fremont, CA 94537

Dear Mr. Diekmann:

Warm Springs South Fremont Community Plan – Notice of Preparation

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Warm Springs South Fremont Community Plan. The following comments are based on the Notice of Preparation. As lead agency, the City of Fremont (City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits.

Community Planning
Caltrans encourages the City to locate any needed housing, jobs and neighborhood services near major mass transit nodes, and connect these nodes with streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the state highways.

Please consider developing and applying pedestrian, bicycling and transit performance or level/quality of service measures and modeling pedestrian, bicycle and transit trips that your project will generate. Mitigation measures resulting from the analysis could improve pedestrian and bicycle access to transit facilities, thereby reducing traffic impacts on state highways.

In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. Describe any pedestrian and bicycle mitigation measures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on state highways.

Traffic Impact Study
The environmental document should include an analysis of the impacts of the proposed project on State highway facilities in the vicinity of the project site. Please ensure that a Traffic Impact Study (TIS) is prepared providing the information detailed below:

1. Information on the plan's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed. The study should clearly show the percentage of project trips assigned to State facilities.

2. Current Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets, highway segments and intersections.

3. Schematic illustration and level of service (LOS) analysis for the following scenarios: 1) existing, 2) existing plus project, 3) cumulative and 4) cumulative plus project for the roadways and intersections in the project area.

4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State highway facilities being evaluated.

5. The procedures contained in the 2010 update of the Highway Capacity Manual should be used as a guide for the analysis. We also recommend using Caltrans' *Guide for the Preparation of Traffic Impact Studies;* it is available on the following web site:
   http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

6. Mitigation measures should be identified where plan implementation is expected to have a significant impact. Mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We look forward to reviewing the TIS, including Technical Appendices, and environmental document for this project. Please send two copies to the address at the top of this letterhead, marked ATTN: Yatman Kwan, AICP, Mail Stop #10D.

Early Consultation

As the owner and operator of the State Highway System (SHS), Caltrans' top priority is to ensure safety for the traveling public. We would like to coordinate and meet with the City to ensure transportation impacts are adequately addressed in the Draft Environmental Impact Report. Specifically, the community plan will significantly increase the number of residential units, commercial and office square footage that will significantly impact adjacent state facilities that are already operating at poor levels of service. We encourage the City to coordinate preparation of the study with our office and we would appreciate the opportunity to review the scope of work. Further, to ensure the SHS can facilitate and fund improvement necessary from the increased demand, we recommend the City develop a regional impact fee program to fund an necessary improvements to mitigate impacts generated by the proposed plan.

Transportation Demand Management Strategies

Please include any transportation demand management strategies that the City may request for future development projects to reduce singular vehicular use. Caltrans recommends coordinating with transit agencies to provide greater service to the targeted areas, providing subsidized transit passes to workers and residents, restructuring parking structures by reducing the parking requirement such as unbundling parking, share parking, provide bicycle parking and necessary infrastructures, and other transportation demand management strategies.

Should you have any questions regarding this letter, please call Yatman Kwan, AICP of my staff at (510) 622-1670.

Sincerely,

ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

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Alicia Guerra
Partner
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April 22, 2013

Via Email and FedEx
Kelly Diekmann, Principal Planner
City of Fremont
Community Development Department, Planning Division
39550 Liberty Street
Fremont, CA 94537-5006

Re: Warm Springs/South Fremont Community Plan Notice of Preparation

Dear Mr. Diekmann:

As a follow-up to our April 18, 2013 comment letter on the above-referenced matter, please find enclosed for your use in the Warm Springs/South Fremont Community Plan Environmental Impact Report (EIR), a copy of the Warm Springs Station Village Project site plan. My client, Warm Springs Station Group submitted the Warm Springs Station Village site plan to the Fremont Planning Department today as part of the Preliminary Review Plan application process. We appreciate your inclusion and evaluation in the EIR of the attached Warm Springs Station Village Project site plan and project description.

Please feel free to contact me if you have any questions or if we can be of further assistance. We intend to submit additional technical information to assist you with the EIR analysis of the Warm Springs Station Project in the near future.

Sincerely yours,

BRISCOE IVESTER & BAZEL LLP

Alicia Guerra

Attachment
cc: Tony Morici
Sean Morley

#90018

VAN METER
WILLIAMS
POLLACK LLP

Warm Springs Station Transit Village
For the Warm Springs Station Group

Preliminary Review Process Submittal
Project Description
4.20.2013

Project Description

Vision

The Warm Springs Station Master Plan proposes a comprehensive transit oriented development residential neighborhood, which will create a focus and sense of place and destination for the Warm Springs BART Station. This proposal creates a quality neighborhood adjacent to BART, which symbolizes the future of the Warm Springs area that the City desires. The neighborhood may provide the identity and catalyst to attract future employment and businesses to the planning area. This was the evaluation in the ULI report. Key principles of the Vision are:

- Create a "Place" or destination at the BART Station which enhances the opportunities and attracts businesses to locate in the area in the future, by providing the next generation of housing opportunities for their employees.

- Create an Image for the area which highlites the Warm Spring BART area's future as a sustainable, high density area with quality housing and employment for the next generation of Fremont residents and workforce.

- Create a new Residential Neighborhood with a variety of housing opportunties, with small convenience services, close to transit and other facilities.

- This development has been, and will continue to be the best potential for an initial phase of development in the area, which has all the attributes to create a "sense of place" and interact with BART as a Transit Village should in the near future.

The Overall Structure Plan

The framework or structure plan for development provides for an integrated circulation system for pedestrians, bikes and vehicles t easily and safely circulate throughout the neighborhood, and streets are extended to allow for future connections to the surrounding areas if connectivity is desired in the future. Optional layouts for some of these inter-connections are also considered.

The vehicle circulation aligns with the BART Station intersections and then connects within the site in a loop configuration creating an informal grid of circulation. Within the central core area of the site a pedestrian network which connects to the central park providing easy access for pedestrians and bikes and breaks down the block into a finer grained network for alternative modes of circulation.

Though a connection to Grimmer Boulevard may not be required for the circulation the plan considers an alternative which we feel may be appropriate to explore to determine if there is any benefit to a connect to Grimmer either as a driveway access to parking or as a through circulation which might relieve pressure on the Warm Springs Boulevard intersections, and thus should be considered, and evaluated.

Key Elements of the Plan

The new neighborhood is organized around a three acre central park which extends from Warm Spring Boulevard, on access with the BART Station, into the neighborhood, providing a focus and a visual connection from BART into the neighborhood. The park will include a combination of spaces such as a small plaza seating area adjacent to the retail uses as well as a large community center, which would be available to the entire neighborhood. It is anticipated that the community center would include meeting rooms, pool facilities, informal café area, gym facility, classrooms and other community oriented operations. A large lawn area will provide informal recreation opportunities, while pathways will accommodate walks around the entire park connecting various destinations, including the community center and retail uses.

The plan also provides a unique interface with Warm Springs Boulevard. A frontage road, similar to a multi-way boulevard, provides for local traffic to access the park and retail and creates a “front door” for the residential visitors for the neighborhood. It is a street pattern, which has been used in the City of Fremont in the past, but new TOD design standards would further refine the feature to create an appropriate frontage for this community. A similar feature is being developed as part of the Pleasanton BART Station TOD development.

Though a mid-block crossing of Warm Springs Boulevard is not anticipated in this plan or in the BART Station Plan the axial relationship of the site plan would allow for a mid block pedestrian crossing as the BART Station parcels build out and if the City deems it appropriate in the future.

Housing Types and Density of the Plan

The neighborhood will include a variety of high density and medium density housing, which will be provided in a variety of residential building types. This variety will create a mixed income community, which provides opportunities for home ownership, a variety of quality rental housing opportunities as well as and affordable housing, within the community. The densities range from a substantial portion of the neighborhood ranging from 60 to 70 dwelling units per acre with other homes at 20-25 dwelling units per acres. The overall acreage of the property is approximately 36 acres. With 3 acres of dedicated park space and an interconnected street network which covers approximately 4.5 acres the remaining development area is approximately 28.5 acres which yields and average of 45-50 dwelling units per acre.

The following is a brief description of the various housing types their general locations in the master plan.

Block 1: Grimmer Boulevard Frontage / North

The northern portion of the site is appropriate for the highest density development, which is considered to be a residential "wrap" apartments with structured parking and would be 4 to 5 stories in height and between 60 and 70 dwelling units per acre, yielding approximately 500 to 560 units. The residential buildings would form private courtyards for the residents and "wrap" the parking structure(s) so that they are not visible from the neighborhood. This major building complex will set the tone for the BART Station area and a strong gateway feature at Warm Springs Boulevard and Grimmer Blvd. It will be an icon and catalyst for the area's design and will provide a strong street frontage for Grimmer as well as for Warm Springs Boulevard and the neighborhood. The primary entry is to the complex is tied to the pedestrian connection and the central park. A small landscape/plaza area is envisions at the BART entry drive intersection, as this is a major pedestrian crossing area for the neighborhood to BART.

Blocks 2,3,4 and 6 Central Park Area

The central core of the neighborhood flanks the central park with large podium buildings of 3, 4 up to 5 stories, and range from 50 to 60 dwelling units an acre, yielding approximately 350 residential podium style homes. The northern building would have a small amount of retail space along the Warm Springs frontage with live-work units or other residential frontage activating the streetscape at the ground level. It is anticipated that the podium parking would be partially subgrade creating stoop entries from the street, while some frontages may have residential liners, which mask the parking and provide street level unit entries.

Blocks 4 and 6: Central Park Area:

These blocks flank the Community building and are central to the neighborhood. Block 4 for could an extension of the podium buildings on blocks 2 and 3 or could be a 3-4 stories triplex home type, similar to what is being proposed for block 6. This unique housing type on block 6 will be part of the special marketing of the neighborhood and the Warm Springs community. It is an elevator accessed 4-story condominium homes, which will speak to the future character and lifestyle in the Warm Springs area. Though at a somewhat lower density of 20 dwelling units per acre, yielding approximately 54 units, it has an upscale urban image which will help set the tone for the area.

Block 5: Southern BART Entry Gateway

This is the southern gateway building and entry to the development. Similar to the central park podiums it is 4 to 5 stories and creates a gateway into the neighborhood while maintaining the character of the high density buildings along Warm Springs Boulevard. This is one of the blocks which is being considered to provide a portion of the affordable housing and community services for the development and provides convenient access to BART. The protected podium level courtyards will have good solar access and safe places for children to play and strong connections to the park will provide safe convenient access for the older children to venture to the park for more active play and use of the community building. This block is envisioned as a high density family development at approximately 60 du/acre.

Blocks 7: Southern Boundary
Similar to Block 6 the southern block is anticipated to be a medium density approx., 20 du/acre, with 3 to 4 story buildings with approximately 48 triplex type homes. These are the smallest portions of the overall development, yet add an important market segment of home ownership housing to fill out the residential variety in the neighborhood.

Block 8: Eastern Boundary
This large area is bounded by the loop street and Hwy 680 to the East, which is raised up 10 to 15 feet above the property. A variety of mid density three to four story podium housing types which yield approximately 24 du/acre, yielding approximately 156 units are proposed for this area. The development of this area would include a tree-lined alley or lane to the rear of the property along the sloped berm to buffer the neighborhood from the highway. This alley or lane would be for fire department access, utilites/services and maintenance as well as a buffer from the freeway. Mew walks and open spaces would provide a series of views up the grade to the Fremont hills, beyond to the East. These buildings are also considered home ownership home types with a variety of stacked flats and townhomes over the partially subgrade podium parking.

The architectural character of the neighborhood will look into the future rather than the more traditional aesthetic of the past. Supplemental submittals will ittustrate the character of the buildings and open spaces as well as the neghborhood as a whole.
Each of the residential areas will also have smaller common open space supplementing the larger central park. The types of open space will vary depending on the building type and density of the indvidiual areas.

Requested Issues to be addressed in PRP and Environmental Review of the Submitted Project Proposal:

The following are issues, which we request that the City address as part of the Warm Springs/South Fremont Community Plan efforts as well as the Warm Springs Station PRP review.

1. We request that the City review this proposal as part of their Warm Springs BART / South Fremont Station Area Plan and EIR as it represents a specific development proposal for the Warm Springs Station Property. The Warm Springs Station Village Group believes the proposed site development plan, meets the intent for higher density development around the BART Station and provides the catalyst for a successful neighborhood, which the City will need in order to attract other desired uses, during the future build out of the Warm Springs/South Fremont Community Plan.

2. The Proposed Site Plan has a frontage road, which is designed similar to a multi-way boulevard. This frontage road will allow for slow moving vehicles and bikes to proceed parallel to Warm Springs Boulevard, enabling access to retail parking, the public park and also provides for visitor parking along Warm Springs Road. This is very similar to a recently approved configuration across from the Pleasanton BART Station, which was developed as

part of the Pleasanton BART Station Plan with residential, retail and live/work uses within the Hacienda Business Park. We request that the City consider this circulation concept as part of the Warm Springs/South Fremont Community Plan, circulation plan.

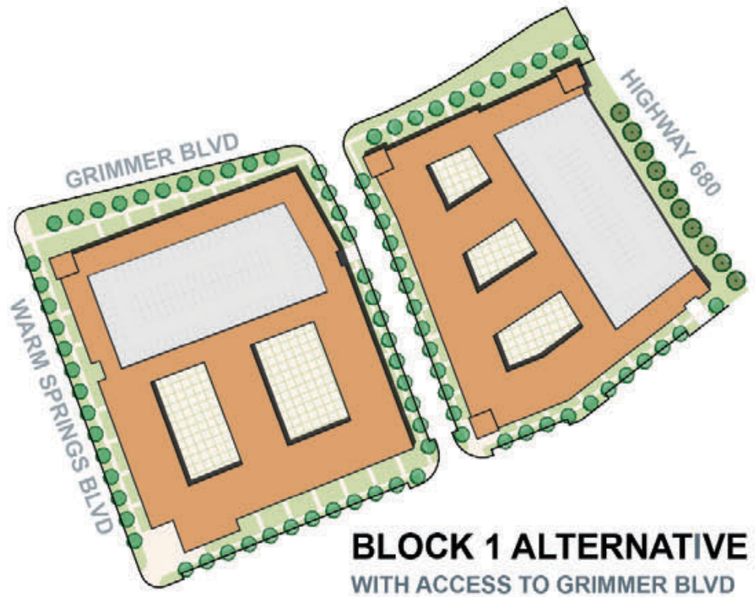
3. The proposed plan shows two options for a high density "residential wrap" apartment development along Grimmer Boulevard. One option identifies only a driveway access from Grimmer Blvd. in and out of the residential parking structure. The second optional configuration for the site (at a similar density) illustrates a street or private lane, which would connect to Grimmer and the internal loop drive within the development. Though the Warm Springs Station Group prefers the scheme without the street extending to Grimmer, we believe that it is prudent to evaluate the access and egress points with a drive access and egress from the parking structure as well as an alternative which has the street extending through the property, in order to understand the traffic and circulation issues associated with both options.

4. It is both the City's goal and the Warm Springs Station Group's goal to reasonably maximize the density on the site. The entire sites gross acreage is approximately 35.5 acres. The Public Park is approximately 3 acres; the street right-of-ways encompass approximately 5 acres. Thus there is approximately 27.5 acres of development area remaining of the overall property.

   The MTC/ABAG PDA goal is to achieve a minimum of 30 dwelling units per acre. We request that the City include in the EIR analysis of the impacts associated with proposed residential units at a range of densities with the lower development potential for the Warm Springs Station Property at the lower 30du./net acre for a total of approximately 825 units, and the higher development potential based on 30 du./gross acre, where by the unit count would be approximately 1065 du/acre.

   We request that the environmental document assume a maximum dwelling unit count of approximately 1300 dwelling units as this is closer to the residential unit count within our proposal. By analyzing the higher development potential for the site this would allow the development to achieve up to 47du./net acre or approximately 36 du/gross acre. These densities (which would range from 70 to 20 du/acre) would be similar to other recent transit oriented developments in South San Francisco, Pleasanton/Dublin, Pleasant Hill/Walnut Creek and Union City; all cities similar to Fremont.

5. The Warm Springs Transit Village Group has measured and evaluated the air quality and noise issues, which may impact the site. It is our understanding from these evaluations that there are no substantial impediments to residential uses within any areas of the site. Noise from the 680 freeway may require some minor construction modifications to meet City and State code requirements, however we do not anticipate any extra ordinary mitigation requirements beyond relatively typical construction and development practices.



BLOCK 1 ALTERNATIVE
WITH ACCESS TO GRIMMER BLVD

STATS:

BLOCK	BUILDING TYPE	AREA	UNIT COUNT	DENSITY
1	4-5 STORY WRAP :	8.1 acres	560 units	66 dua
2-4	4 STORY PODIUM :	5.8 acres	350 units	60 dua
5	AFFORDABLE 4ST :	1.5 acres	100 units	66 dua
6-7	TRIPLEX :	4.8 acres	102 units	21 dua
8	PODIUM HYBRID:	6.9 acres	166 units	24 dua
		27.1 acres	**1278 units**	**47 dua**

PUBLIC OPEN SPACE : ~3 acres

WARM SPRINGS TOD VILLAGE | SITE PLAN

FREMONT, CA | WARM SPRINGS STATION GROUP | 4/19/13

VAN METER WILLIAMS POLLACK LLP

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JESSIKA K. JOHNSON
Attorney at Law
jjohnson@DWKesq.com

San Francisco

April 22, 2013

VIA EMAIL AND U.S. MAIL
Kelly Diekmann
Principal Planner
City of Fremont
Community Development Department
Planning Division
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006
Email: kdiekmann@fremont.gov

Re: Fremont Unified School District
Warm Springs South Fremont Community Plan
Our File No.: 3156.10612

Dear Mr. Diekmann:

The Fremont Unified School District ("District") has asked this office to provide the District's comments in response to the City of Fremont's ("City") Notice of Preparation ("NOP") of a Draft Program Environmental Impact Report ("DEIR") for the Warm Springs South Fremont Community Plan.

During the 2012-2013 academic year, the District operates 42 schools (29 elementary schools; 5 junior high schools; 5 high schools; 1 continuation high school; 1 ROP; and 1 adult and continuing education school). The District has approximately 33,050 students enrolled in grades K-12.

Schools closest to the project area include Green Elementary, Grimmer Elementary, Leitch Elementary, Millard Elementary, Warm Springs Elementary, Weibel Elementary, and Robertson High. However, residents of new developments are not automatically assigned to schools in their geographical location. New developments are "unassigned", and children are placed into schools wherever there is room.

In general, student enrollment within the District has steadily increased over the past four years from 32,103 during the 2009-2010 academic year. According to the District's Demographic Study (January 2013), the District anticipates that enrollment will continue to grow for the next six years, with

projections showing a total of 34,464 students enrolled in the District in the 2018-2019 academic school year. The District recently prepared a Schools Facilities Needs Analysis ("SFNA"), dated April 18, 2013, which projects a total of 801 "unhoused" students from future housing units. Further, the District calculates it will need between 70-105 additional classrooms to be able to accommodate the increase in students generated by the project. Using the student generation rates contained in its SFNA for each school level (elementary, junior high, and high school) and the ratio of projected future units by type, the District calculates the project will generate approximately 2,082 new students (1449 elementary, 229 junior high, and 404 high school). Additional school facilities at all grade levels are needed to address these projected enrollment increases. Specifically, the District projects an additional 48-73 elementary school classrooms, 8-12 junior high school classrooms, and 14-20 high school classrooms are needed to accommodate the projected student population increase within the District.

The District has two specific requests in response to the City's NOP. First, the District requests sufficient new schools at each grade level to accommodate children who will reside in the proposed residential development in the project area be included in the project description upon which the EIR is based. The District is happy to work with the City to identify appropriate school sites that meet the State of California standards. Generally, elementary schools require approximately ten net acres, junior high or middle schools require approximately 25 acres, and high schools require approximately fifty acres.

Second, to the extent feasible, the District requests that the City analyze the environmental impacts of the new school projects to enable the District to "piggy back" on the City's Community Plan Program EIR for later CEQA compliance for new schools within the Plan Area.

For purposes of the Warm Springs South Fremont Community Plan EIR, the District's contact person is Dr. James Morris, Superintendent; phone: (510)659-2542; email: jmorris@fremont.k12.ca.us.

Very truly yours,

DANNIS WOLIVER KELLEY

Jessika K. Johnson

JKJ:JKJ
Cc: Dr. James Morris (via email)