



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF APRIL 12, 2018**

- CALL TO ORDER:** Chairperson Dorsey called the meeting to order at 7:00 p.m.
- PRESENT:** Chairperson Dorsey, Commissioners Cavette, Leung, McDonald, Reed, Steckler
- ABSENT:** Vice Chairperson Karipineni
- STAFF PRESENT:** Wayne Morris, Assistant Planning Manager
Kristie Wheeler, Planning Manager
Erik Ramakrishnan, Deputy City Attorney
Aki Snelling, Associate Planner
David Wage, Associate Planner
Kim Salazar, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician
- APPROVAL OF MINUTES:** **Commissioner McDonald** moved to approve minutes from the March 8, 2018 regular meeting and **Commissioner Leung** seconded. Motion carried by all present.
- DISCLOSURES:** **Commission Cavette** walked the sites of Items 2 and 3.
Commissioner Reed visited the sites of Items 2 and 3.
Commissioner Leung visited the sites of Items 2 and 3, and met with the applicant of Item 3, when they came before the Planning Commission for their General Plan Prioritization application.
Commissioner McDonald visited and toured the sites of Items 2 and 3, and met with the applicant of Item 2.
Commissioner Steckler drove by and walked the sites of Items 2 and 3.
Chairperson Dorsey drove by the sites of Items 2 and 3.

Timestamps from the video webcast are listed below each Public Hearing Item Number and are in hours format, as follows: (hours:minutes:seconds). Video webcasts of Planning Commission meetings can be found at: <https://fremontca.viebit.com/#>

CONSENT CALENDAR

THE CONSENT CALENDAR CONSISTED OF ITEM NUMBER 1.

IT WAS MOVED (CAVETTE/MCDONALD) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBER 1.

Item 1. **MISSION FALLS COURT SURPLUS CUL-DE-SAC VACATION - 47289 and 47320 Mission Falls Court - PLN2018-00175** - To consider a General Plan Conformity Finding for a proposed General Vacation of a surplus portion of public right-of-way within the Mission Falls Court cul-de-sac bulb adjacent to the private properties at 47289 and 47320 Mission Falls Court, and to consider a finding that no further environmental review is required as a Mitigated Negative Declaration was previously prepared and adopted for the Parc 55 project (PLN2014-00045) in accordance with the requirements of the California Environmental Quality Act (CEQA) which adequately addressed the potential impacts of the proposed vacation.

RECOMMEND THAT THE CITY COUNCIL:

FIND THAT THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR THE PARC 55 PROJECT (PLN2014-00045) EVALUATED THE POTENTIAL FOR THE PROPOSED GENERAL VACATION TO CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON THE ENVIRONMENT AND, THEREFORE, NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED;

AND

FIND THAT THE PROPOSED GENERAL VACATION OF SURPLUS RIGHT-OF-WAY WITHIN THE CUL-DE-SAC BULB AT THE TERMINUS OF MISSION FALLS COURT CONFORMS TO THE GENERAL PLAN, INCLUDING THE DESIGNATED GOALS AND POLICIES SET FORTH IN THE LAND USE ELEMENT, AS ENUMERATED IN THE STAFF REPORT.

The motion carried by the following vote:

AYES: 6 – Dorsey, Cavette, Leung, McDonald, Reed, Steckler
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Karipineni
RECUSE: 0

PUBLIC/ORAL COMMUNICATIONS None

PUBLIC HEARING ITEMS

Item 2. **THE VILLAS OF MISSION – 36341 Mission Boulevard - PLN2015-00149** – To consider a General Plan Amendment to change the land use designation from General Commercial to Medium Density Residential (14.6 to 29.9 dwelling units per net acre), a Rezoning from C-G (General Commercial) to R-3-18 (Multifamily Residential), a Discretionary Design Review Permit, Vesting Tentative Tract Map No. 8220, and a Private
(00:05:47)

Street entitlement to allow development of a new 13-unit residential subdivision with townhomes on a 0.79-acre site located in the Niles Community Plan Area, and to consider a Mitigated Negative Declaration prepared and circulated for the proposed project in accordance with the requirements of the California Environmental Quality Act (CEQA).

Assistant Planning Manager Wayne Morris introduced the item and brought attention to the Gold Sheet (attached), indicating notes and/or corrections with regards to this project.

Associate Planner David Wage gave a brief presentation and responded to questions and comments from the Commission.

Chairperson Dorsey invited the applicant to speak.

Paul LeJoy, applicant and founder of Community First, gave a brief presentation and responded to comments and questions from Commissioners.

Chairperson Dorsey opened the public hearing.

The following people spoke in favor of the project:

- **Fatima Ahmed**, Fremont resident.
- **Samir Khan**, Newark resident, also commented on the need for additional housing in Fremont.
- **Bernice Zander**, Fremont resident and Arroyo Townhomes Board Member, also commented on the need for affordable housing in Fremont.
- **Tom Regner**, Fremont resident and Arroyo Townhomes Board Member.
- **Salim Mastan**, Fremont resident, also advocated for designating one unit per new development to City of Fremont emergency workers (e.g., police, firefighters).
- **Jitu Choudhury**, Fremont resident.

Chairperson Dorsey invited the applicant back for final comments.

Commissioner Cavette asked **Mr. LeJoy** if he would consider designating two of the 13 units as below market rate, deed restricted housing for moderate income households. After conferring with his partners, they agreed to designate one unit as below market rate for moderate income households.

Chairperson Dorsey closed the public hearing.

Commissioner Reed moved to approve staff recommendation, along with Gold Sheet changes/corrections and the inclusion of designating one below market rate unit. **Commission Cavette** seconded and motion carried.

IT WAS MOVED (REED/CAVETTE) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THE PLANNING COMMISSION – HELD PUBLIC HEARING;
AND
RECOMMENDED THAT THE CITY COUNCIL:

ADOPT THE MITIGATED NEGATIVE DECLARATION PREPARED FOR THE PROJECT IN ACCORDANCE WITH THE REQUIREMENTS OF CEQA, AS SHOWN IN EXHIBIT “A,,” AND FIND PURSUANT TO CEQA GUIDELINES

SECTION 15074 THAT ON THE BASIS OF THE WHOLE RECORD (INCLUDING THE INITIAL STUDY AND ANY COMMENTS RECEIVED) THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

ADOPT A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION OF THE SUBJECT PARCEL FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL (14.6-28.8 UNITS PER NET ACRE) AS SHOWN ON EXHIBIT “B,” BASED ON THE FINDINGS SET FORTH IN EXHIBIT “F”;

AND

INTRODUCE AN ORDINANCE APPROVING A REZONING OF THE SUBJECT PARCELS FROM G-C (GENERAL COMMERCIAL) TO R-3-18 (MULTIFAMILY RESIDENTIAL) AS SHOWN ON EXHIBIT “C,” BASED ON THE FINDINGS SET FORTH IN EXHIBIT “F”;

AND

APPROVE OF DISCRETIONARY DESIGN REVIEW PERMIT PLN2015-00149, AS SHOWN ON EXHIBIT “D,” BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT “F”;

AND

APPROVE VESTING TENTATIVE TRACT MAP NO. 8220 AND THE ACCOMPANYING PRIVATE STREET ENTITLEMENT AS SHOWN IN EXHIBIT “E,” BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT “F”;

AND

APPROVE THE PROPOSED REMOVAL AND MITIGATION OF SIX PROTECTED TREES, PURSUANT TO THE TREE PRESERVATION ORDINANCE BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL IN EXHIBIT “F”;

AND

DIRECT STAFF TO PREPARE AND THE CITY CLERK TO PUBLISH A SUMMARY OF THE ORDINANCE.

The motion carried by the following vote:

AYES: 6 – Dorsey, Cavette, Leung, McDonald, Reed, Steckler
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Karipineni
RECUSE: 0

Chairperson Dorsey called for a brief recess at 8:27 p.m. and reconvened the meeting at 8:36 p.m.

- Item 3. **CANYON VIEW – 241 and 243 Morrison Canyon Road- PLN2017-00374** – To
(01:36:49) consider a General Plan Amendment to change the land use designation of a 1.9-acre site from Hillside Residential (<2.3 dwelling units per acre or <8.7 dwelling units per acre) to

Low Density Residential (2.3 to 8.7 dwelling units per acre), Vesting Tentative Tract Map No. 8430 to subdivide the site into seven single-family residential lots ranging in size from 7,082 square feet to 13,920 square feet, a Variance to allow a reduction in street frontage for Lots 6 and 7 from 35 feet to 32 feet and 27 feet, respectively, and a Tree Removal Permit to remove a total of 26 trees from the site located on Morrison Canyon Road and at the end of Queso Place and Espada Place in the Mission San Jose Community Plan Area, and to consider a Mitigated Negative Declaration prepared and circulated for the proposed project in accordance with the requirements of the California Environmental Quality Act (CEQA).

Assistant Planning Manager Wayne Morris introduced the item and **Associate Planner Aki Snelling** gave a brief presentation, which included changes/corrections indicated on the Gold Sheet (attached).

Chairperson Dorsey invited the applicant to speak.

John Wong, applicant, responded to questions and comments from the Commission.

Chairperson Dorsey opened and closed the public hearing, as there were no speakers on this item.

Commissioner Cavette expressed concern over the large size of Lots 6 and 7, which would allow for larger homes with limited setbacks as designated in the R-1-6 Zoning Development Standards. She also expressed concern over the lack of community benefits provided by the developer.

Commissioner Reed moved to approve staff recommendation, including the Gold Sheet changes and/or corrections. **Commission Leung** seconded and motion carried.

IT WAS MOVED (REED/LEUNG) AND CARRIED BY THE FOLLOWING VOTE (5-1-0-1-0) THE PLANNING COMMISSION – HELD PUBLIC HEARING;

AND

RECOMMENDED THAT THE CITY COUNCIL:

ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN AS SHOWN IN EXHIBIT “A”, AND FIND THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT, AND THAT THE PROJECT, AS MITIGATED, WOULD NOT RESULT IN A SUBSTANTIAL ADVERSE IMPACT TO THE PROJECT SITE;

AND

ADOPT A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT AND CHANGE THE LAND USE DESIGNATION OF A 1.9-ACRE SITE FROM HILLSIDE RESIDENTIAL (<2.3 DWELLING UNITS PER ACRE OR <8.7 DWELLING UNITS PER ACRE) TO LOW DENSITY RESIDENTIAL (2.3 TO 8.7 DWELLING UNITS PER ACRE) AS DEPICTED ON EXHIBIT “B” (GPA MAP);

AND

APPROVE VESTING TENTATIVE TRACT MAP NO. 8430 AS SHOWN IN EXHIBIT “C”, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT “D;”

AND

APPROVE THE VARIANCE AS SHOWN ON LOT 6 AND LOT 7 IN EXHIBIT "C," BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "D;"

AND

APPROVE THE PROPOSED REMOVAL OF 26 PROTECTED TREES, WITH THE PRESERVATION AND RELOCATION OF THE EXISTING COAST LIVE OAK TREE, AND REQUIRED MITIGATION PURSUANT TO THE CITY'S TREE PRESERVATION ORDINANCE, BASED UPON FINDINGS AND CONDITIONS IN EXHIBIT "D."

The motion carried by the following vote:

AYES: 5 – Dorsey, Leung, McDonald, Reed, Steckler

NOES: 1 – Cavette

ABSTAIN: 0

ABSENT: 1 – Karipineni

RECUSE: 0

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: **Assistant Planning Manager Wayne Morris** confirmed the next Planning Commission meeting for April 26, 2018.
- Actions from City Council Regular Meetings: None
- Information from Commission: **Commissioner McDonald** requested another work session to update the Commission on any new housing regulations that are in the legislative pipeline. **Planning Manager Kristie Wheeler** recommended they wait until a time that is closer to when some of the initiatives are adopted, as they change regularly.

ADJOURNMENT

Meeting adjourned at 9:23 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk
Planning Commission



Wayne Morris, Secretary
Planning Commission



NOTES/CORRECTIONS for the April 12, 2018
PLANNING COMMISSION MEETING

***Modifications appear in *italics*, new text is underlined, and deleted text appears as ~~strikethrough~~.**

Item 2. VILLAS OF MISSION – 36341 MISSION BOULEVARD - (PLN2015-00149)

Staff requests that the following corrections be included in the Initial Study:

- Page 13 -Air Quality, Impact (e): There is reference to MMAQ-1; however, there is not an associated mitigation measure. A mitigation measure is not required. This issue is addressed by FMC Section 18.218.050(a)(1), which reduces construction related emissions.
- Page 28 - Hazards, Impact (c): Per the table, the impact is “none,” but per the analysis the impact is “less than significant.” The table should be corrected to “less than significant” for (c).
- Page 31-32 -Hydrology, Impacts (b), (c), (f): The table states “no impact,” but the analysis identifies LTS. The table should be corrected to “less than significant” for (b), (c) and (f).
- Page 31-32 - Hydrology, Impact (e): The table identifies LTS, but the analysis states “no impact.” The analysis should state the impact is “less than significant.”
- Page 48 - Traffic, Impacts (a), (b): Per the analysis, the impact is LTS, but per the table, there is no impact for Impact (a). The table should be corrected to “less than significant” for (a).

Staff requests that the following correction be included as part of revised plans for the City Council hearing:

- Mitigation Measure Noise -1 requiring a six-foot-tall wall along the perimeter of the common open space area should be removed. The noise levels at the exterior of the common open space area would be approximately 65 dBA L_{dn} or less, which would exceed the City’s exterior noise threshold of 60 dBA L_{dn} but would be within conditionally acceptable noise levels. The design without a wall would provide a more inviting design for residents and allow for additional opportunities for natural surveillance of the common open space area, thereby improving safety. Corrected plan sheets without the wall were unable to be revised and distributed in advance of the

Planning Commission Hearing. The plans sheets would be updated for the City Council hearing.

~~**Mitigation Measure Noise-1 (Common Area Wall):** To reduce noise levels at the picnic area by up to 6 dBA to meet the City's 60 dBA L_{dn} threshold, the proposed barrier height would need to be six feet along two sides of the picnic area perimeter (adjacent buildings shield the other two sides). The proposed barrier would be continuous from grade to top, with no cracks or gaps, and have a minimum surface density of three lbs/ft² (e.g., one inch thick marine grade plywood, ½ inch laminated glass, concrete masonry units (CMU)).~~

Staff received two comment letters on the Initial Study, one from Alameda County Water District and one from Caltrans, neither of which raised environmental issues. The issues raised would be address as part of the building permit review process. The comment letters have been attached for reference.

Staff received and is forwarding the follow public comment(s) regarding the project:

-----Original Message-----

From: The Cavettes [<mailto:thecavettes@gmail.com>]

Sent: Tuesday, March 27, 2018 6:46 PM

To: David Wage

Subject: Villas of Mission (PLN2015-00149) - New Plans

I think the latest plans for this proposal look good. I appreciate that you let me see them on such short notice.

My biggest concern is that all of the units will be offered at a market-rate/above moderate income level of affordability. Fremont doesn't need any more of this type of housing, and we certainly shouldn't be considering a General Plan Amendment to get it.

If this proposal is to be considered at all, I think the applicant should include a significant number of moderate income units with title restrictions on the affordability level as a desirable and much-needed benefit to the community. I believe such a project is possible and would be a much better use of this land.

Chris Cavette
Fremont resident

From: Eva Martin [<mailto:evajmar@att.net>]

Sent: Monday, April 09, 2018 10:15 PM

To: David Wage

Subject: Re: Proposal to consider an Amendment to change the land use designation in Niles from Commercial to Medium Density Residential

Dear Mr. Wage:

I am aware that you are the project planner for the proposed amendment to change the land use designation in Niles in the area located at 36341 Mission Boulevard, Fremont, CA from general commercial to medium density residential. I am a long time Niles resident and am writing to express my strong disagreement with this proposal. This area is not at all suited to medium density residential. It would become a nightmare to have the traffic created by medium density residential housing at this location - and I am strongly opposed to it.

Eva Martin

Item 3. CANYON VIEW – 241 & 243 MORRISON CANYON ROAD -- (PLN2017-00374)

Staff requests that the following correction be included in the staff report:

- Informational Item No. 2 (**Geotechnical and Geologic Hazard Report**) for the staff report on Canyon View project, **PLN2017-00374**, could not be uploaded onto the City's website on Friday, April 6, 2018, due to a technological problem. It can be viewed at <https://fremont.gov/DocumentCenter/View/37788>

Staff requests that the following corrections be included in the Initial Study:

- Page 42 – Hazards and Hazardous Materials, Impact (d): Per the table, the impact is “Less Than Significant,” but per the analysis the impact is “Potentially Significant Unless Mitigation Incorporated.” The table should be corrected to “Potentially Significant Unless Mitigation Incorporated.”
- Pages 44 and 45 – Hazards and Hazardous Materials, Impacts (b), (d): The following underlined language is added to Mitigation Measure MM Haz-1 for further clarification:

Mitigation Measure Haz-1:

An environmental professional (ASE or similar) shall be on-site during initial grading or site preparation activities to note any odorous soil that might exist as a result of the former drug making activities. If odors or other anomalies are encountered, the Fremont Fire Department shall be contacted immediately. In the event that waste from a former methamphetamine/drug lab is detected, the Fire Department will exercise its Certified Uniform Program Agency (CUPA) enforcement powers to ensure that the site is cleaned up to a level consistent with all applicable federal, state and local laws before any ground-disturbing activities could proceed on the project site. Compliance with this mitigation measure will ensure that there will be no significant impact on the environment.

- Page 45 – Hazards and Hazardous Materials, Impact (d): The following underlined language is added to the first paragraph of the analysis for further clarification:

The project site is not listed on the Department of Toxic Substance Control (DTSC) Hazardous Waste and Substances Site List (Cortese List) or LUST (Leaking Underground Storage Tanks) site; however, as noted in Section b) above, the Phase I report indicated that the result of the state and federal environmental database searches found the project site as a Potential Environmental Concern (PEC) as a result of prior drug-related activities on the site. However, as noted above, because illegal drug-making chemical dumping was not seen, and all drug-making chemicals were handled by a hazardous materials team once the City was notified of such a use, it was determined that no additional analysis is needed. However, a mitigation, MMHaz 1 as noted above, would be applied to this project that an environmental professional (ASE or similar) shall be on-site during initial grading or site preparation activities to note any odorous soil that might exist as a result of the former drug making activities. If odors or other anomalies are encountered, the Fremont Fire Department shall be contacted immediately. In the event that waste from a former methamphetamine/drug lab is detected, the Fire Department will exercise its Certified Uniform Program Agency (CUPA) enforcement powers to ensure that the site is cleaned up to a level consistent with all applicable federal, state and local laws before any ground-disturbing activities could proceed on the project site. Compliance with this mitigation measure will ensure that there will be no significant impact on the environment.

- Page 51, Hydrology and Water Quality, Impact (g-j): The following underlined language is added to the first paragraph of the analyses for further clarification, and the strikethrough language is deleted:

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0455G. According to this FIRM, the project site is located within a Shaded Zone X, which is an area of 0.2% annual chance flood; area of 1% annual chance flood with average depths of less than 1 foot or within drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood. The geotechnical report for the project indicates that the project civil engineer would be retained to confirm and verify the base flood elevation, if appropriate. The project site has been determined not to be within a designated Federal Emergency Management Agency (FEMA) 100-year old floodplain, but is designated as a 0.2 percent annual chance flood hazard area (500-year flood). Flood Zone X is an area of moderate or minimal flood hazards. The project site is also not situated within a Special Flood Hazard Area or an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir. Because the project is located in Flood Zone X and is not located in a Special Flood Hazard Area or area subject to inundation, the impact will be Less Than Significant. ~~The Cornerstone Earth Group Geotechnical Report dated August 24, 2017, recommends that the project civil engineer be retained to confirm and verify the base flood information. Therefore, the project site would have a Less than Significant Impact on placing housing within a 100-year flood hazard area as a Shaded X zone.~~

- Page 57, Hydrology and Water Quality, Impact (d): The following underlined language is added to the second and third paragraphs of the analyses for further clarification, and the strikethrough language is deleted:

The above construction hours would ensure that potentially loud construction activities would occur during daylight hours when other short-term noise impacts from such sources as diesel-powered vehicles, leaf blowers, school playgrounds and other nearby construction work would typically occur. However, temporary or periodic increases in ambient noise levels from construction equipment may still occur and the impact would be less than significant. Additionally, implementation of construction best management practices would be standard construction requirements applied to the project that would further reduce the temporary construction-period noise impacts and would reduce potential construction-period noise impacts for sensitive receptors near the site, in accordance with the City of Fremont General Plan, which include:

1. Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
2. Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
3. Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction.
4. Install temporary noise barriers.
5. Prohibit extended idling time of internal combustion engines.

The proposed project would be required to comply with the above standard construction requirements related to hours of operation and best management practices which address temporary construction noise. These standard construction requirements would be added as conditions of approval to the project to reduce potential impact of construction period noise to Less than Significant.

~~Therefore, the potential impact of construction period noise would be Less than Significant.~~

RESPECTFULLY SUBMITTED,



WAYNE MORRIS, SECRETARY
PLANNING COMMISSION

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

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*Making Conservation
a California Way of Life*

April 9, 2018

GTS # 04-ALA-2018-00259

GTS ID: 9850

David Wage
Fremont Planning Division
39550 Liberty Street
Fremont, CA 94538

Fremont Villas of Mission – Mitigated Negative Declaration (MND)

Dear Mr. Wage:

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

Project Understanding

The applicant proposes a General Plan Amendment to change the land use from General Commercial to Medium Density Residential (14.6 to 29.9 units per net acre), a Rezoning of the site from General Commercial to Multifamily Residential, a Vesting Tentative Tract Map No. 8220, and a Private Street entitlement for a new 13-unit residential townhouse development along State Route (SR) 238 at 36341 Mission Boulevard. The proposed development would be accessed from a new driveway on SR 238. The project would include the installation of curb, gutter, sidewalk and street trees along the project site street frontage. Some units would have a front door oriented towards SR 238. Thirty-three parking spaces will be provided. The project is not in a planned Priority Development Area.

Encroachment Permit

Please be advised that any work such as tree planting or traffic control that encroaches onto the state ROW requires an encroachment permit that is issued by the Department. Tree maintenance requirements will be addressed in the encroachment permit process. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating state ROW must be submitted to: Office of Permits, California DOT, District 4, P.O.

Mr. Wage, City of Fremont

April 9, 2018

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Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. For more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Lead Agency

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

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jerry Cheung at 510-286-5562 or jerry.cheung@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

Dear Mr. Wage,

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Initial Study and Draft Mitigated Negative Declaration (IS/DMND) for the Villas of Mission (Project).

ACWD staff has reviewed the IS/DMND and offers the following comments for your consideration:

1. Groundwater Well Protection/Destruction: ACWD has identified a water well located within the Project area. In order to protect the groundwater basin, each well located within the property must be in compliance with ACWD Ordinance No. 2010-01. If the well is to remain, a letter so indicating must be sent to ACWD and will require a permit for inactive classification if the well will not be used for a period of twelve (12) months. Any abandoned wells located within the Project area must be properly destroyed prior to construction activities.
2. 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. 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.

Thank you for the opportunity to comment on the Project at this time.

Sincerely,

Michelle A. Myers
Groundwater Resources Manager

Alameda County Water District
43885 South Grimmer Boulevard
Fremont, CA 94538

Phone: (510) 668-4454
Fax: (510) 651-1760
E-mail: michelle.myers@acwd.com

