DRAFT
ENVIRONMENTAL IMPACT REPORT

State Clearinghouse Number: 2010082060

APPENDICES

FREMONT DRAFT GENERAL PLAN UPDATE

PREPARED FOR:
CITY OF FREMONT

PREPARED BY:
LAMPHIER -GREGORY
1944 EMBARCADERO
OAKLAND, CA 94606

JULY 2011

APPENDIX A

Notice of Preparation and

Responses to Notice of Preparation

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE FREMONT GENERAL PLAN 2030

TO:	State Clearinghouse, Interested Persons, and Agencies
DATE:	August 23, 2010
SUBJECT:	Notice of Preparation of a Draft Environmental Impact Report
LEAD AGENCY:	City of Fremont
PROJECT NAME:	Fremont General Plan 2030
PROJECT AREA:	City of Fremont

The City of Fremont will be the Lead Agency for preparation of an Environmental Impact Report (EIR) for the General Plan 2030 (an update of the City's current General Plan, adopted in 1991), which is intended to guide future development within the City through 2030. 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. Project information is available on the City's website, at: www.fremont.gov/ceqa and www.fremont.gov/generalplan.

The General Plan 2030 and its potential environmental effects are described in the attached materials. An initial study was not prepared for this project.

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 September 21, 2010 at 4:00pm**. A scoping meeting is scheduled for 2:00 p.m. on September 13, 2010. The meeting will be held 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, Senior 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: 510-494-4402
Email: kdiekmann@fremont.gov

FREMONT GENERAL PLAN 2030 PROECT DESCRIPTION

1. Project Title

Fremont General Plan 2030

2. 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, Senior Planner
Phone: 510-494-4540
Fax: 510-494-4402
Email: kdiekmann@fremont.gov

3. Project Location

The City of Fremont is located in southwestern Alameda County, California, with the city of Union City to the north the East Bay Hills to the east, the city of Milpitas to the south and San Francisco Bay to the west (see **Attachment A**).

4. Surrounding Land Uses

The City of Fremont has urban development (e.g., residential, commercial and industrial uses) to the north and south in the cities of Union City and Milpitas. It also has urban development to the west in the City of Newark, an enclave along the west central side of the City. Open space and grazing areas are present in the East Bay Hills to the east, and extensive wetlands are present along the margins of San Francisco Bay to the west.

5. General Plan and Zoning

Under the current General Plan, the entire City has been designated for a wide variety of land uses, ranging from open space and recreational uses to residential, commercial and industrial uses of varying intensities. Zoning districts within the City of Fremont are generally consistent with the current General Plan land use designations.

6. Description of the Project

The vision of General Plan 2030 sees Fremont serving as a national model of how an auto-oriented suburb can evolve into a sustainable, strategically urban, modern city. The General Plan 2030 addresses the mandatory requirements of California law with Land Use, Mobility, Public Facilities, Conservation, Parks and Recreation, and Safety (including Noise) elements. It also includes three elective elements of Economic Development, Community Character and Sustainability. The Sustainability Element serves as a guide to sustainable components of the Plan, and calls for adopting and regularly updating a Climate Action Plan. The Housing Element was adopted by the City and certified by the State in 2009, and will be incorporated in the General Plan 2030 without substantial changes.

Under General Plan 2030, much of the anticipated development potential during the twenty-year planning period would be characterized as higher-intensity "Transit-Oriented Development" (TOD) that takes advantage of Fremont's bus, BART and ACE train lines, to enable the City to become more urban in strategic locations. This would be accomplished by establishing minimum floor area ratios (FARs) and densities in areas near transit to encourage growth in these urban areas, and by directing housing development to support the majority of the anticipated 45,000 new residents toward Priority Development Areas (PDAs) in Centerville, the Central City Center, Irvington and potentially Warm Springs. General Plan 2030 encourages the development of "complete neighborhoods" with many services within reach without reliance on automobiles.

The Plan also establishes more descriptive place type land use designations to replace the current land use designations. A notable change in land use intensity and character occurs with the new "Town Center" land use designation that allows for a mix of uses and development at intensities consistent with traditional "Main Street" development patterns. Additionally, the "City Center" designation is the most intense area, as it intensifies the use of the current Central Business District by allowing for high density mixed-use development in addition to employment uses. Other commercial, industrial, and residential designations are similar in intensity and range of uses to those currently described in the 1991 General Plan with different designation names. General Plan 2030 establishes policies to protect key industrial lands for industrial uses to provide local jobs and tax revenues, and policies to focus retail in concentrated locations. General Plan 2030 includes a Community Character Element focused on design of the built environment, with guidelines that will influence new private development and the design of public spaces in selected locations. Open space and recreation designations are also similar, with the exception of a new designation recognizing linear parks and plazas as parks and open space. The General Plan 2030 continues the open space preservation policies of two voter-approved hill initiatives known as Measures "A" and Measure "T."

While General Plan 2030 acknowledges that car transportation will continue to be a vital part of Fremont's transportation network, it places a new emphasis on alternative modes of travel (e.g., walking, bicycling and public transit). The Plan incorporates the concept of "complete streets" that serve all modes of transportation, not just cars. A core transportation planning assumption of the General Plan 2030 is the extension of BART to Warm Springs and beyond into Santa Clara County. The Plan also calls for evaluating minimum parking standards and for parking maximums in TOD areas, so that valuable land near transit stations is preserved for working and living space, and not for cars. Roadway capacity and operations will continue to apply industry standards of "Level of Service" (LOS), but the City also recognizes that it is not the sole criterion for evaluating the mobility effects associated with such development, and the Plan establishes LOS E and LOS F as acceptable in the City Center, the Town Centers and near transit (i.e., those strategic locations where the City wants to grow more urban). The City intends to balance the needs of pedestrians, transit users, bicyclists, and vehicle operators by accepting some additional traffic congestion as a necessary trade-off associated with desirable street spaces and places for higher-intensity development.

The development potential estimate through 2030 is relatively consistent with policies of the ABAG 2009 Projections, but the City estimates a greater total potential than ABAG projections due to the changed polices concerning development intensities in PDAs. The City estimate for growth contemplates citywide development of vacant land and substantial intensification of underutilized land in the PDA areas. While these numbers are economically optimistic, they provide a conservative basis for evaluating the environmental effects of the Plan. The City assumes the total City population will increase by approximately 45,000 people with the development 17,000 additional housing units that take the current supply from 72,659 households to 89,673 households. Additional non-residential development is also anticipated during the twenty-year planning period, with future office, R&D and industrial development likely to take place within the approximately 405 acres of developable vacant

land within the City's core industrial areas and on underutilized parcels which currently support non-residential uses. Existing built development in the City has the potential to support 115,000 jobs, while development consistent with the proposed Plan would be able to support an estimated 162,000 jobs in 2030. Taking vacancy rates into account, current employment in Fremont is estimated at approximately 93,000 jobs.

7. Project Approvals

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

- Adopt General Plan
- Amend Zoning Districts
- Adopt Implementing Policies and Resolutions

FREMONT GENERAL PLAN 2030 ENVIRONMENTAL 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 Fremont General Plan 2030 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 identifies the general effects of development envisioned under the General Plan 2030. The degree of specificity in the EIR reflects the level of detail provided in the Plan. Following City of Fremont adoption of the Fremont General Plan 2030, subsequent development activities and other actions would be necessary to implement the policies included in the Plan. The EIR will address the potential environmental impacts of those subsequent actions to the extent possible, given the conceptual nature of the Fremont General Plan 2030. When subsequent individual development projects are proposed, additional site-specific environmental review may be required to evaluate and disclose project-level impacts in accordance with CEQA, as well as to demonstrate conformance with General Plan 2030 goals, objectives and policies.

It should be noted that the level of residential and non-residential development assumed for the purposes of the EIR evaluation is much greater than the level of development that has actually taken place in Fremont in recent times, and represents an "upper limit" set of assumptions for development during the planning period to provide the basis for the assessment of potential environmental impacts. The level of development assumed under the General Plan 2030 would accommodate the City of Fremont's "fair share" of the regional housing need, but development decisions are often driven by economic factors which would not be influenced in any substantive way by the Plan. Although the General Plan 2030 would permit more intensive development than has been experienced in recent years, it is probable that actual development during the planning period may not match the levels assumed for the purposes of the EIR evaluation. As a result, actual environmental impacts associated with development in Fremont during the planning period may ultimately turn out to be less than those described in the EIR.

2. Environmental Factors Potentially Affected

The Environmental Impact Report will identify the significant environmental impacts resulting from implementation of the Fremont General Plan 2030, including the types of effects associated with the construction and operation of the development projects that may be proposed during the twenty-year planning period. The EIR will address the following specific environmental topics:

a. Land Use. Although most of the land in Fremont suitable for development has already been developed, the General Plan 2030 would enable development and redevelopment at significantly higher intensities than exist in the some areas today. The compatibility of possible development enabled under the Fremont General Plan 2030 with surrounding land uses will be discussed in the EIR. The EIR will also include an evaluation of the potential of the Fremont General Plan 2030 to divide an established community. Appropriate mitigation measures will be identified for any significant land use impacts resulting from implementation of the General Plan 2030.

b. Aesthetics. Development anticipated under the General Plan 2030 would change the existing visual character of the areas within Fremont, particularly in areas where flat vacant land and low rise buildings may be developed in multi-story residential and non-residential structures oriented toward increased transit use. The character of Fremont will also change in strategic locations to an "Urban" design approach that supports street-level interest and activity rather than expansive views and openness. These changes in land use could result in significant impacts to the visual character of such areas and their surroundings. The EIR will describe the existing visual conditions within Fremont and will address the potential effects on scenic resources or any degradation to the existing visual character. Additionally, although Fremont is already largely developed, development under the General Plan 2030 could introduce new sources of light to the some areas. The EIR will discuss the potential adverse effects of lighting types within these areas. Mitigation measures will be identified to address significant impacts, as appropriate.

c. Population, Employment and Housing. Implementation of the General Plan 2030 would enable increased housing and job growth in Fremont. The EIR will describe the current demographics of Fremont and assess the impacts of the increased growth associated with anticipated development, to the extent that they might 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 implementation of the General Plan 2030.

d. Transportation, Circulation and Parking. Development enabled by the General Plan 2030 would affect the traffic and circulation patterns in and around Fremont. A Traffic Impact Analysis will be prepared for the Plan that studies the most likely impacted intersections and effects on Congestion Management Program (CMP) roadways in 2015 and 2035. The transportation impact analysis will evaluate baseline 2007 conditions against traffic and transit impacts and the transportation improvements under the proposed 2030 project conditions. The City will employ its Travel Forecast Demand Model to generate vehicle trip rates and travel. Plan-related traffic, including planned roadway improvements in Fremont, will be evaluated for conformance with the City's current Level of Service (LOS) policies that identify an acceptable LOS of D and a change to LOS E or waiver of LOS standards in the City Center, Town Centers and near transit (i.e., those strategic locations where the City wants to grow more urban). The study will also analyze the Plan's compliance with adopted policies, plans, and programs supporting alternative modes of transportation. A core assumption of the Plan is the extension of BART and construction of the Irvington and Warm Springs stations. Mitigation measures for significant impacts and determination of feasibility will be identified. The results of this study will be incorporated into the EIR.

e. **Air Quality.** Development activity associated with implementation of the General Plan 2030 could potentially increase emission concentrations in Fremont through increased vehicle trips and demolition/construction. The EIR will address potential air quality impacts resulting from these activities and their potential effects on existing and future sensitive receptors. The EIR will also discuss Plan compatibility with regional air quality plans. Construction-related air quality impacts, such as vehicle exhaust and dust will be qualitatively discussed. Odors that may result from potential restaurant uses will also be discussed. Mitigation measures will be identified for potentially significant air quality impacts, as appropriate.

f. **Noise.** The existing noise environment in Fremont is primarily influenced by proximity to busy local roadways and railroads. Construction and operation anticipated under the General Plan 2030 will increase noise levels in some areas. Existing and proposed land uses within Fremont include sensitive uses, such as existing and future residential uses. The EIR will assess potential noise impacts associated with Plan implementation, 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. **Hydrology and Water Quality.** The EIR will address any hydrology and storm drainage impacts that may occur as a result of implementation of the General Plan 2030. The Plan would facilitate beneficial impacts related to stormwater runoff as sites redevelop and include new treatment measures consistent with the current NPDES Permit requirements. The majority of development will be infill development, and minimal changes are predicted for existing waterways and drainage patterns in the City. The analysis will discuss whether water quality and discharge requirements would be met, whether existing drainage patterns would be affected or altered, and if water resources would be degraded or depleted. Mitigation measures will be recommended, as appropriate.

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

i. **Hazards and Hazardous Materials.** Development within Fremont under the General Plan 2030 would require the use of hazardous materials present in fuels, lubricants, and building materials. Operations following anticipated development may include the use of hazardous materials in large quantities in some industrial areas. Past releases of hazardous materials on some sites within Fremont could expose construction workers to hazardous materials during development and, if present, hazardous materials, soils and groundwater could potentially affect future workers and users. The EIR will include a general description of the potential hazards city-wide and the health and safety effects associated with development anticipated under the General Plan 2030. Mitigation measures will be recommended, where appropriate.

j. **Cultural and Paleontological Resources.** Cultural, Native American, or paleontological resources that have been formally identified within Fremont will be listed in the EIR. However, there is a possibility that unidentified prehistoric archaeological sites may exist within Fremont. This section of the EIR will address potential impacts to historic, archaeological, and paleontological resources. Mitigation measures will be recommended, where appropriate.

k. **Public Services.** All areas suitable for development within Fremont are within the service boundaries of police, fire, park, and school services. The change in use and intensity envisioned by the General Plan 2030 would exert additional demands on service providers. The EIR will identify existing service providers serving Fremont, and will quantify the increase in service demands

l. **Infrastructure and Utilities.** All areas suitable for development within Fremont are currently within the geographical boundaries of the providers of water, wastewater, solid waste disposal, and other utilities. Major utility providers in the City include the Union Sanitary District and the Alameda County Water District. Some isolated sites may require annexation to utility service areas prior to their service upon development. The change in use and intensity envisioned by the General Plan 2030 may exert additional demands on utility providers and infrastructure. The net effect of this demand increase could result in the need for new water supply and sewer infrastructure. Mitigation measures addressing capacity panning and development requirements will be recommended for significant utilities and infrastructure impacts associated with implementation of the General Plan 2030.

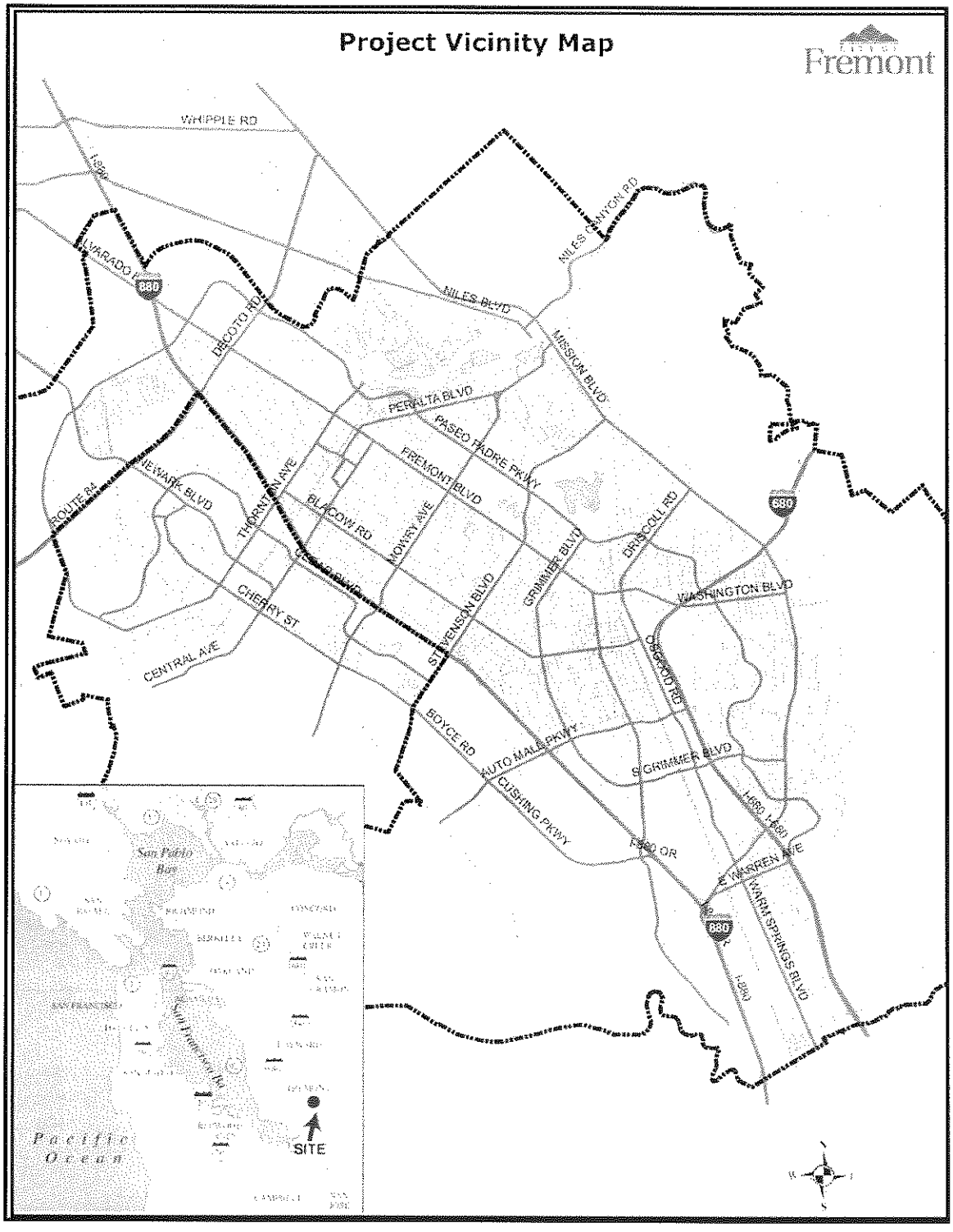
m. **Global Climate Change.** The EIR will quantify the annual greenhouse gas emissions associated with development anticipated under the General Plan 2030. Greenhouse gas emissions associated with development under the General Plan 2030 will originate from two main sources: automobiles and energy use for operations. The EIR discussion of greenhouse gases may highlight potential Plan features which may lead to reduced vehicle travel, greater energy efficiency, reduced water demand, or other reductions in pollutants associated with global climate change.

n. **Planning Policy Analysis.** This section of the EIR will summarize General Plan 2030 consistency with City plans and policies, such as the current City of Fremont General Plan. The *physical* impacts associated with any plan or policy conflicts would be addressed. Likewise, conflicts relating to federal, state, and regional policies would be addressed in the EIR.

o. **Cumulative and Growth Inducing Impacts.** The analysis of cumulative effects will address the potential impacts associated with implementation of the General Plan 2030 in conjunction with other permitted, under-construction or probable future projects associated with the projected build-out of the current 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 General Plan 2030 in relation to existing and proposed development. Mitigation measures will be recommended, where appropriate.

p. **Alternatives.** The EIR will examine a reasonable range of alternatives to the project, including the CEQA-mandated No Project Alternative. The No Project alternative would be based on assumptions regarding the level of development which could currently be permitted and expected to take place under the current General Plan designations and zoning. Other potential alternatives that may be capable of reducing or avoiding potential environmental effects may be examined based on comments received on this Notice of Preparation or based on preliminary impacts analysis.

Attachment A



STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

September 21, 2010

Kelly Diekmann
City of Fremont
39550 Liberty Street
P.O. Box 5006
Fremont, CA 94537-5006

Re: Notice of Preparation, Draft Environmental Impact Report (DEIR)
City of Fremont County General Plan 2030
SCH# 2010082060

Dear Mr. Diekmann:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The traffic impact study within the transportation/circulation section of the DEIR needs to specifically consider traffic safety issues to the at-grade railroad crossings. In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians.

Measures to reduce adverse impacts to rail safety need to be considered in the DEIR. General categories of such measures include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains

- Installation of pedestrian-specific warning devices, channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.

Thank you for your consideration of these comments. We look forward to working with the City on this project. If you have any questions in this matter, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov.

Sincerely,

Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
180 Promenade Circle, Suite 115
Sacramento, CA 95834-2936

SANTA CLARA
Valley Transportation Authority

September 21, 2010

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

Attention: Kelly Diekmann

Subject: Fremont General Plan 2030

Dear Ms. Diekmann:

Santa Clara Valley Transportation Authority (VTA) has reviewed the Notice of Preparation of Draft Environmental Impact Report for the Fremont General Plan 2030. We would like to commend the City for the progressive approach it is taking in this General Plan Update, by concentrating development near transit, establishing density and FAR minimums, and evaluating minimum parking standards and parking maximums in TOD areas. As the Congestion Management Agency for Santa Clara County and lead agency developing the BART extension to Silicon Valley, we support these types of policies, which are likely to lead to increased transit ridership, reduced single-occupant vehicle use, and reduced Vehicle-Miles-Traveled per capita. We have the following specific comments.

Transportation Analysis – Relationship to Santa Clara County Congestion Management Program
The Notice of Preparation (page 6) states that "A Traffic Impact Analysis will be prepared for the Plan that studies the most likely impacted intersections and effects on Congestion Management Program (CMP) roadways in 2015 and 2035." As the Congestion Management Agency for Santa Clara County, we recommend that the Transportation analysis include an analysis of the effects of the General Plan Update on key roadways in the Santa Clara County CMP near the Fremont border such as I-680, I-880, and SR 237.

Transportation Analysis – Transit Evaluation
The Notice of Preparation (page 6) states that the transportation analysis "will evaluate baseline 2007 conditions against traffic and transit impacts and the transportation improvements under the proposed 2030 project conditions" and also notes that "a core assumption of the Plan is the extension of BART and construction of the Irvington and Warm Springs stations." We encourage the City to use the CEQA review process for this General Plan Update to evaluate not only any impacts associated with the General Plan 2030, but also the anticipated benefits of the Plan in terms of transit ridership on the existing and future planned BART system as well as other transit services

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

RM:kh

FR1004

3331 North First Street · San Jose, CA 95134-1927 · Administration 408.321.5555 · Customer Service 408.321.2300

ALAMEDA
County Transportation
Commission

ACCMA ▪ 1333 Broadway, Suite 220 ▪ Oakland, CA 94612 ▪ PH: (510) 836-2185
ACTIA ▪ 1333 Broadway, Suite 300 ▪ Oakland, CA 94612 ▪ PH: (510) 893-3347

www.AlamedaCTC.org

September 21, 2010

Mr. Kelly Diekmann
Senior Planner
39550 Liberty Street
Fremont, CA 94537
kdiekmann@ci.fremont.ca.us

SUBJECT: Comments on the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the City of Fremont General Plan 2030

Dear Mr. Diekmann:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the City of Fremont General Plan 2030. The City of Fremont is located in the southwestern portion of Alameda County, California. The city of Union City is to the north, the East Bay Hills to the east, the city of Milpitas to the south and the San Francisco Bay to the west. Over the next 20 year planning period the General Plan 2030 will:

- Develop higher-intensity "Transit-Orientated Development" (TOD) that will work with established bus, BART and ACE train lines in Fremont
- Establish more descriptive place type land use designations to replace current land use designations
- Place new emphasis on alternative modes of travel (walking, bicycling and public transit) to incorporate the concepts of "complete streets" to serve all modes of transportation

The Alameda County Transportation Commission (Alameda CTC), on behalf of the Alameda County Congestion Management Agency (ACCMA) through the powers delegated to Alameda CTC by the joint powers agreement which created 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). If the proposed project is expected to generate at least 100 p.m. peak hour trips over existing conditions, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2015 and 2035 conditions. 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 the model runs themselves or through a consultant. The Alameda CTC and ACCMA have a Countywide model that is available for this purpose. The City of Fremont and the ACCMA 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.

Potential impacts of the project on the Metropolitan Transportation System (MTS) need to be addressed. (See 2009 CMP Figures E-2 and E-3 and Figure 2). The MTS roads in the city of Fremont are Interstate 680, Interstate 880, Thorton Avenue, Peralta Boulevard, Decoto Road, State Highway 262, State Route 84, Niles Canyon Road, Mowry Avenue, Stevenson Boulevard, Auto Mall Parkway, State Route 238/Mission Boulevard, Paseo Padre Parkway, Fremont Boulevard, Osgood Road and Warm Springs Boulevard.

- The DEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include MTS roadways as shown in the attached map as well as BART and AC Transit. Potential impacts of the project must be addressed for 2015 and 2035 conditions.

    - The NOP states that the transportation analysis will be done for 2015 and 2035 conditions while the General Plan will be for 2030 conditions. The City is encouraged to reconsider this in light of work being done at the regional level to develop the Sustainable Communities Strategy and the update of the Countywide Transportation Plan and the Regional Transportation Plan all of which will represent 2020 and 2035 conditions.

    - Please note that the ACCMA and Alameda CTC have *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 2009 CMP for more information).

    - For the purposes of CMP Land Use Analysis, 2000 Highway Capacity Manual is used.

- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the ACCMA 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 on the adequacy of proposed mitigation measures relative to these criteria. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be 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 2009 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 / ACCMA policies discussed above.

- The DEIR should also consider demand-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 2009 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 EIR should consider opportunities to promote countywide bicycle routes identified in the Alameda Countywide Bicycle Plan, which was approved by the ACCMA Board on October 26, 2006. The approved Countywide Bike Plan is available at http://www.accma.ca.gov/pages/HomeBicyclePlan.aspx.

- The Alameda Countywide Strategic Pedestrian Plan, developed by the Alameda County Transportation Improvement Authority (ACTIA), was adopted by both the ACTIA and ACCMA Boards in September 2006 and October 2006, respectively. The EIR should consider opportunities to promote pedestrian improvements identified in the Plan through the project development review process. The approved Plan is available at http://www.actia2022.com/ped-toolkit/Full_Ped_Plan.pdf

- 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.

- We are encouraged to see that the General Plan 2030 will focus on TOD as described in the NOP. 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.

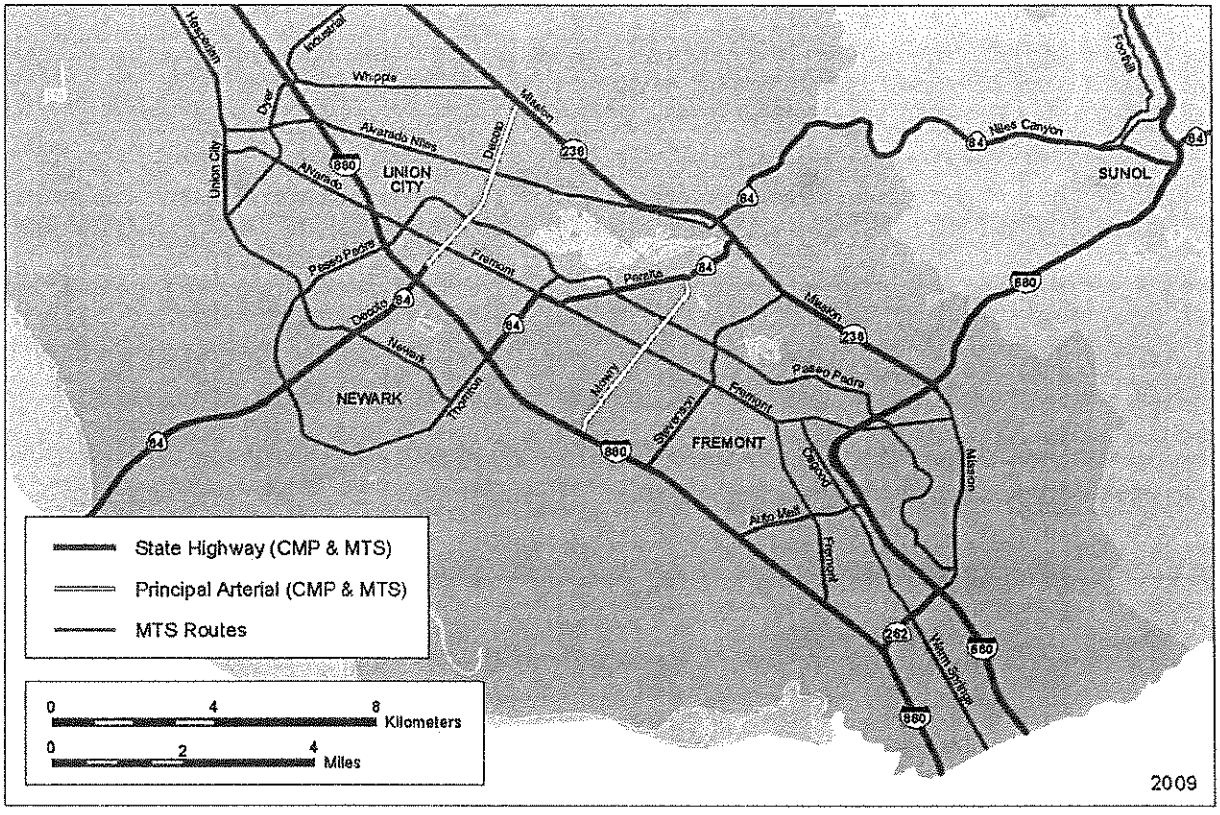
Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510.836.2560 if you require additional information.

Sincerely,

Laurel Poeton
Engineering Assistant

Cc: Beth Walukas, Manager of Planning
File: CMP – Environmental Review Opinions – Responses - 2010

Figure 4—Designated System Map for Fremont, Newark and Union City



Attachment

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

The Transportation Demand Management Element included in the Congestion Management Program requires each jurisdiction to comply with the "" Required Program". This requirement can be satisfied in three ways: 1) adoption of "Design Strategies for encouraging alternatives to auto use 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) evidence that existing 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 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. 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 clure), 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 that provides 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

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

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

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

Yes No

2a.4 that 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

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.

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 that includes a process for including transit operators in development review?

Yes No

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

Yes No

3a.5 that 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

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.

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

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.

Making San Francisco Bay Better

September 16, 2010

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

ATTENTION: Kelly Diekmann

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for the Fremont General Plan 2030 (BCDC Inquiry File No. AL.FT.7025.1)

Dear Mr. Diekmann:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR), dated August 23, 2010, and received in our office on August 25, 2010. These are staff comments based on the San Francisco Bay Conservation and Development Commission (BCDC) laws and regulations, the McAteer-Petris Act, and the provisions of the *San Francisco Bay Plan* (Bay Plan). In particular, these comments are related to BCDC jurisdiction within the project area, public access, transportation and global climate change.

Jurisdiction and Authority

As a permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill (earth or any other substance or material, including pilings or structures placed on pilings, and floating structures moored for extended periods), extraction of materials or change in use of any water, land or structure within the Commission's jurisdiction. Generally, BCDC's jurisdiction over San Francisco Bay extends from the Golden Gate to the Sacramento River and includes tidal areas up to the mean high tide level, including all sloughs, and in marshlands up to five feet above mean sea level; a shoreline band consisting of territory located between the shoreline of the Bay and 100 feet landward and parallel to the shoreline; salt ponds; managed wetlands (areas diked from the Bay and managed as duck clubs); and certain waterways tributary to the Bay. The Commission can grant a permit for a project if it finds that the project is either (1) necessary to the health, safety or welfare of the public in the entire Bay Area, or (2) is consistent with the provisions of the McAteer-Petris Act and the Bay Plan. The McAteer-Petris Act provides for fill in the Bay for water-oriented uses where there is no alternative upland location and requires that any fill that is placed in the Bay is the minimum that is necessary for the project. The McAteer-Petris Act also requires that proposed projects include the maximum feasible public access consistent with the project to the Bay and its shoreline.

For BCDC's Bay jurisdiction, an essential part of BCDC's regulatory framework is the Commission's Bay Plan. Projects approved by BCDC must be consistent with the McAteer-Petris Act and the Bay Plan. The Bay Plan includes priority land use designations for certain areas around the Bay to ensure that sufficient areas around the Bay are reserved for important water-oriented uses such as ports, water-related industry, parks, and wildlife areas. In the vicinity of Fremont there is a wildlife priority land use area designation which includes much of the Don Edwards National Wildlife Refuge as well as a park priority use area at Coyote Hills Regional Park. Projects within BCDC's jurisdiction that are inconsistent with these designations require an amendment to the Bay Plan.

Public Access

Section 66602 of the McAteer-Petris Act states in part that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." Furthermore, the McAteer-Petris Act authorizes the placement of fill in the Bay only for water-oriented uses or minor fill for improving shoreline appearance or public access.

If any projects identified in the EIR may require bay fill or new shoreline development within BCDC's jurisdiction, then the EIR should consider that BCDC policies on public access state, in part, "maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline."

Transportation and Land Use

Because of the continuing vulnerability of the Bay to filling for transportation and development projects, the policies of the Bay Plan recognize that the Commission should continue to take an active role in Bay Area regional transportation and land use planning. The transportation findings of the Bay Plan state, in part, "pressure to fill the Bay for surface transportation projects can be reduced by improving the efficiency and increasing the capacity of existing transportation facilities and services, increasing access to public transit, providing safe and convenient public pathways for non-motorized forms of travel (e.g. bicycles, pedestrian)" and "transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline."

The general goals described for the area defined in the NOP are goals that, if met in a way that protects the ecological resources along the shoreline, BCDC supports. These goals include, the development of "Transit-Oriented Development" that takes advantage of existing public transit and "that will enable the city to become more urban in strategic locations" and which aims to direct the majority of the projected new residents toward Priority Development Areas (PDAs). In pursuit of these goals, the City of Fremont should continue coordinating with the Association of Bay Area Government's Focus program, a joint effort of ABAG, the Bay Area Air Quality Management District (BAAQMD), the Metropolitan Transportation Commission (MTC) and BCDC.

Sea Level Rise and Safety of Fills

It appears that some areas along Fremont's shoreline and along waterways such as Alameda Creek and Mowry Slough, may be vulnerable to projected sea level rise. BCDC recently conducted an assessment of the region's vulnerability to sea level rise, which is based on a projected 16-inch sea level rise at mid century (2050) and 55-inch sea level rise at the end of the century (2100). Bay Plan findings and policies anticipate the need for planning associated with safety of fills and sea level rise. The safety of fills findings state, in part, "structures on fill or near the shoreline should be above the highest expected water level during the expected life of the project...Bay water levels are likely to increase in the future because of a relative rise in

sea level…Relative rise in sea level is the sum of: (1) a rise in global sea level and (2) land elevation change (lifting and subsidence) around the Bay." Bay Plan policies on safety of fills state, in part, "local governments and special districts with responsibilities for flood protection should assure that their requirements and criteria reflect future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards." Projects in BCDC jurisdiction that involve bay fill must be consistent with the Bay Plan policies on the safety of fill and sea level rise.

Accordingly, the EIR should discuss the potential for inundation and its impacts on land use transportation, hydrology and water quality, hazards, infrastructure and utilities and public services. In addition, the Global Climate Change section of the EIR and the City's Climate Action Plan should address both mitigation and adaptation measures. Finally, see the attached map that identifies areas vulnerable to sea level rise in the South Bay. This map is part of a draft BCDC staff report that analyzes vulnerabilities to climate change in the Bay and along the shoreline.

Thank you for the opportunity to comment on the NOP for the EIR. If you have any questions regarding this letter please contact me directly at (415) 352-3667 or by e-mail at timd@bcdc.ca.gov.

Sincerely,

TIM DOHERTY
Coastal Program Analyst

TD:emc

San Francisco Bay
Conservation and Development Commission

SHORELINE AREAS VULNERABLE TO SEA LEVEL RISE: SOUTH BAY

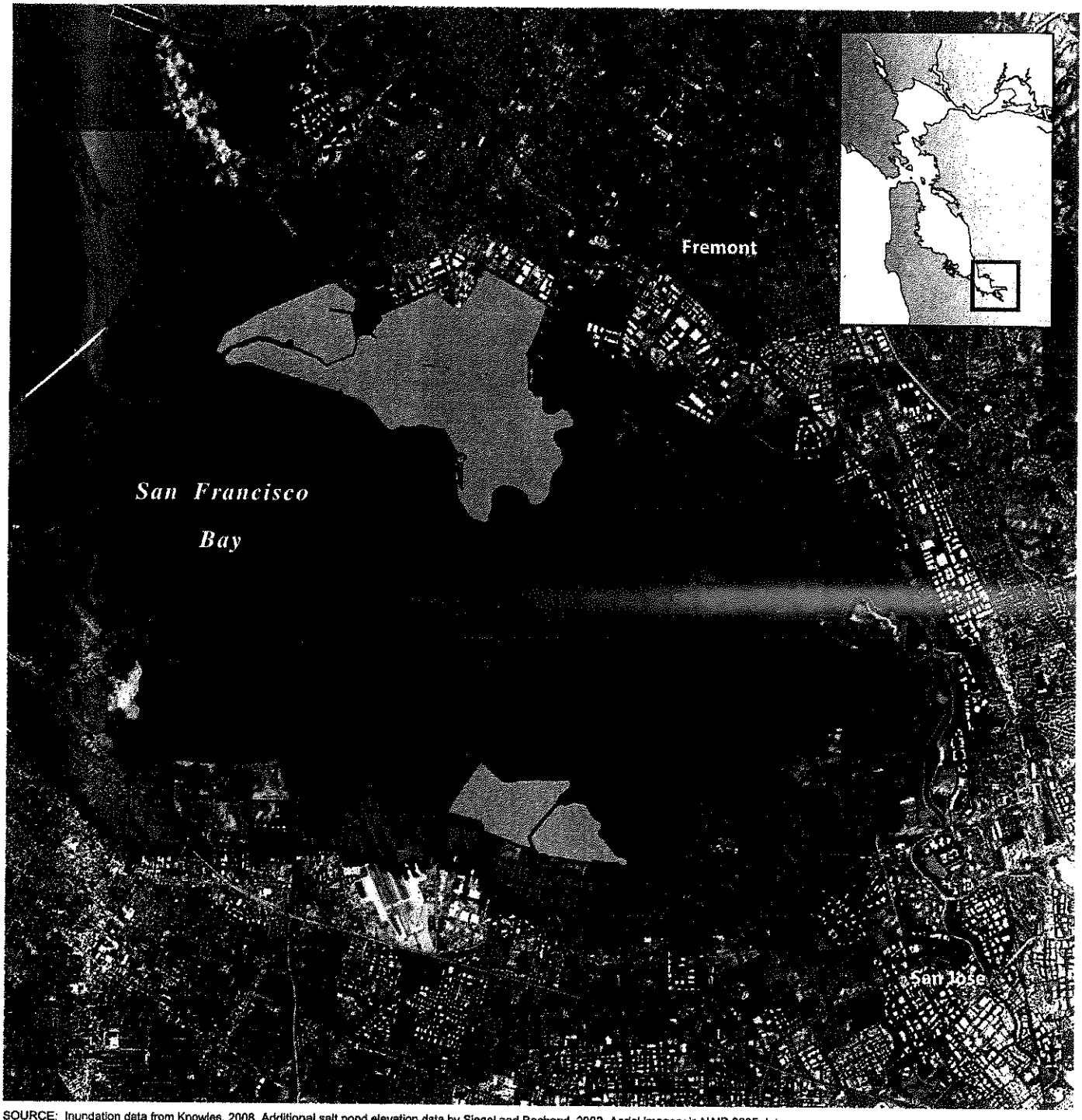
Area vulnerable to an approximate 16 inch sea level rise

Area vulnerable to an approximate 55 inch sea level rise

No Data

0 1.5 3 MILES

NORTH



SOURCE: Inundation data from Knowles, 2008. Additional salt pond elevation data by Siegel and Bachand, 2002. Aerial imagery is NAIP 2005 data.

DISCLAIMER: Inundation data does not account for existing shoreline protection or wave activity. These maps are for informational purposes only. Users, by their use, agree to hold harmless and blameless the State of California and its representatives and its agents for any liability associated with its use in any form. The maps and data shall not be used to assess actual coastal hazards, insurance requirements, or property values or be used in lieu of Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA).

San Francisco Bay
Conservation and Development Commission

SHORELINE AREAS VULNERABLE TO SEA LEVEL RISE: CENTRAL BAY SOUTH

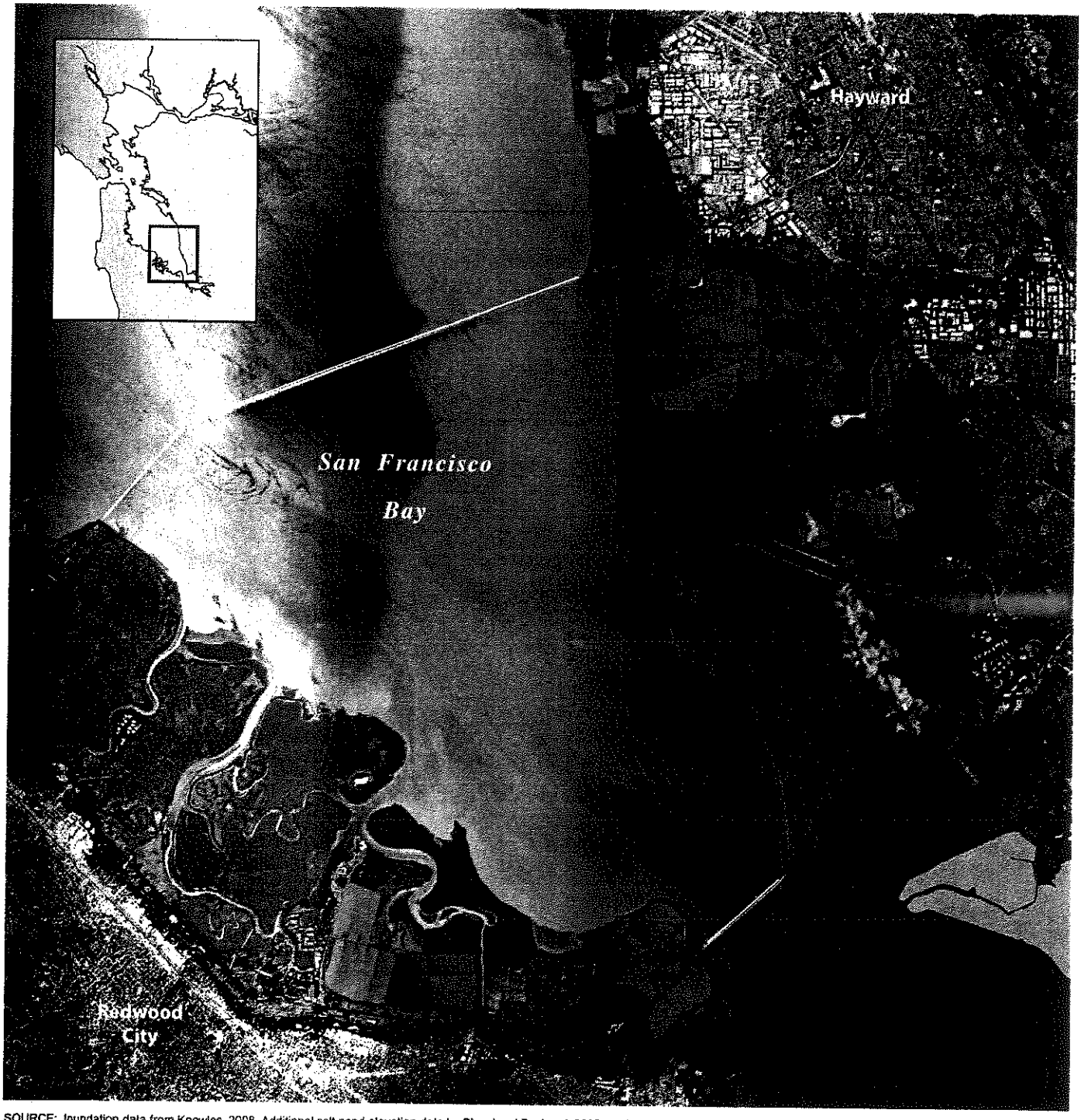
Area vulnerable to an approximate 16 inch sea level rise

Area vulnerable to an approximate 55 inch sea level rise

No data

0 1.5 3 MILES

NORTH



SOURCE: Inundation data from Knowles, 2008. Additional salt pond elevation data by Siegel and Bachand, 2002. Aerial imagery is NAIP 2005 data.

DISCLAIMER: Inundation data does not account for existing shoreline protection or wave activity. These maps are for informational purposes only. Users, by their use, agree to hold harmless and blameless the State of California and its representatives and its agents for any liability associated with its use in any form. The maps and data shall not be used to assess actual coastal hazards, insurance requirements, or property values or be used in lieu of Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA).

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

September 20, 2010

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

Dear Mr. Diekmann:

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Fremont General Plan 2030

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the "Notice of Preparation of a Draft Environmental Impact Report for the Fremont General Plan 2030."

ACWD has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) and would appreciate your consideration of the following comments:

1. Sufficiency of Water Supply: Senate Bill 7 (SB 7), passed November 10, 2009, requires water agencies to reduce per capita water consumption by 20% by the year 2020 regardless of sufficiency of existing water supplies. ACWD is currently in the process of reviewing and selecting one of four methodologies provided by the California Department of Water Resources to comply with SB 7, which will be documented in our 2010 Urban Water Management Plan (UWMP), due by June 30, 2011. Regardless of methodology, higher water efficiency standards in new construction and development of recycled water will play a substantial role in the challenge of SB 7 compliance as well as help the City of Fremont (City) meet its Climate Action Plan objectives.

    a. Water Use Efficiency: In order to minimize additional demands on potable water supplies, the EIR should include a measure that requires installation of the latest technology in water efficient plumbing fixtures, irrigation systems and landscaping according to ACWD's "Water Efficiency Measures for New Development," enclosed.

    b. Recycled Water: ACWD's water management planning, as documented in ACWD's UWMP, includes provisions for a future recycled water supply for large landscaped areas and other non-potable uses in the western and southern ACWD service area, including areas addressed in the General Plan 2030. ACWD is reviewing several options for providing recycled water to the service area; however, recycled water is not currently available. Therefore, the EIR should include a measure that provides for the coordination with ACWD for the installation of separate,

non-potable distribution systems (i.e., "purple pipe") for landscape irrigation and other non-potable water needs in areas that may be served by a future recycled water supply.

c. Water Supply Assessments: Any individual project within the General Plan that is subject to the California Environmental Quality Act (CEQA) and which surpasses a threshold for the number of housing units and/or square feet of commercial/industrial buildings will require a water supply assessment (WSA) under California Water Code Section §10910.

2. New, Expanded, or Modified Water Infrastructure: Reference is made to the NOP section regarding Infrastructure and Utilities (page 8). The NOP indicates that "the change in use and intensity envisioned by the General Plan 2030 may exert additional demands on utility providers and infrastructure," and that "mitigation measures addressing capacity planning and development requirements will be recommended for significant utilities and infrastructure impacts associated with implementation of the General Plan 2030." The EIR should indicate that all public water infrastructure construction or modifications related to development projects, including future projects that could be facilitated under the proposed General Plan 2030, must conform to ACWD's Development Specifications and Standard Specifications for Water Main Installation and applicable ACWD policies related to development and redevelopment. ACWD looks forward to working closely with the City during water infrastructure planning and impact analysis.

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

   - Eric Cartwright, Special Assistant to the General Manager, at (510) 668-4206, or by e-mail at eric.cartwright@acwd.com, for coordination regarding water supply issues.

   - 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 infrastructure planning.

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Fremont General Plan 2030 at this time.

Sincerely,

FOR Walter L. Wadlow
General Manager

la/tf
E-mail
Enclosures
cc: Eric Cartwright, ACWD
Robert Shaver, ACWD
Ed Stevenson, ACWD

WATER EFFICIENCY MEASURES FOR NEW RESIDENTIAL DEVELOPMENT - V.060810

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

Indoors	Flow Rate	Recommendation Details	Future 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.	Will be mandatory to comply with CALGreen under the prescriptive method - effective 1/1/2011 Required for all after 2013
Showerheads	2.0 GPM	EPA's Water Sense Program recommends showerheads with a flow rate of 2.0 GPM or less.	Will be mandatory to comply with CALGreen under the prescriptive method - effective 1/1/2011
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.	Potential requirement in 3-5 years
Outdoors		**Recommendation Details**	**Future 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 1/1/2010
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		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-060810

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

Indoors	Flow Rate	Recommendation Details	Future 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.	Will be mandatory to comply with CALGreen under the prescriptive method - effective 1/1/2011 Required for all after 2013
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.	Will be mandatory to comply with CALGreen under the prescriptive method - effective 1/1/2011
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.	Potential requirement in 3-5 years
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		Shall reuse a minimum of 50% of the water.	
Outdoors		**Recommendation Details**	**Future 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 1/1/2010
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	

ARNOLD SCHWARZENEGGER
GOVERNOR

MATTHEW R. BETTENHAUSEN
SECRETARY

Cal E·M·A
CALIFORNIA EMERGENCY MANAGEMENT AGENCY

September 21, 2010

Kelly Diekmann
City of Fremont
39550 Liberty Street
Fremont, CA 94537-5006

RE: Notice of Preparation for a Draft Environmental Impact Report for the City of Fremont's General Plan Update, SCH# 2010082060

Dear Ms. Diekmann:

Thank you for the opportunity to comment on your Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the city's general plan update. In preparing the general plan and accompanying DEIR, the city should examine the sections of state planning law that involve potential hazards the city may face. For your information, I have underlined specific sections of state planning law where identification and analysis of hazards are discussed (see Attachment A).

Prior to the release of the draft general plan or within the DEIR, city staff or your consultants should examine each of the requirements in state planning law and determine if there are hazard issues within the community which the general plan should address. A table in the DEIR (or general plan) which identifies these specific issues and where they are addressed in the general plan would be helpful in demonstrating the city has complied with these requirements. If the DEIR determines that state planning law requirements have not been met, it should recommend that these issues be addressed in the general plan as a mitigation measure.

We note that state planning law includes a requirement for consultations with state agencies in regard to information related to hazards. Cal EMA would be happy to share all available information at our disposal to facilitate the city's ability to comply with state planning and environmental laws.

If you have any questions about these comments, please contact Andrew Rush at (916) 845-8269 or andrew.rush@calema.ca.gov.

Sincerely,

Dennis Castrillo
Environmental Officer

cc: State Clearinghouse

3650 SCHRIEVER AVENUE • MATHER, CA 95655
RECOVERY BRANCH
(916) 845-8200 [OFFICE] • (916) 845-8385 [FAX]

Attachment A
Hazards and State Planning Law Requirements

General Plan Consistency

65300.5. In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.

Seven Mandated Elements

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982, Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5.

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (e) of Section 2687 of Title 10 of the United States Code.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

(A) The reclamation of land and waters.

(B) Prevention and control of the pollution of streams and other waters.

(C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(D) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(E) Protection of watersheds.

(F) The location, quantity and quality of the rock, sand and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element which shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control in the State Department of Health Care Services and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

(C) Passenger and freight on-line railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction, and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency. The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

(i) Avoiding or minimizing the risks of flooding to new development.

(ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.

(iii) Maintaining the structural and operational integrity of essential public facilities during flooding.

(iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.

(v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

(C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).

(3) After the initial revision of the safety element pursuant to paragraph (2), upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information that was not available during the previous revision of the safety element.

(4) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(5) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the office, and the board required by this subdivision.

(6) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

Consistency with Airport Land Use Plans

65302.3. (a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.

Review of Safety Element

65302.5. (a) At least 45 days prior to adoption or amendment of the safety element, each county and city shall submit to the Division of Mines and Geology of the Department of Conservation

one copy of a draft of the safety element or amendment and any technical studies used for developing the safety element. The division may review drafts submitted to it to determine whether they incorporate known seismic and other geologic hazard information, and report its findings to the planning agency within 30 days of receipt of the draft of the safety element or amendment pursuant to this subdivision. The legislative body shall consider the division's findings prior to final adoption of the safety element or amendment unless the division's findings are not available within the above prescribed time limits or unless the division has indicated to the city or county that the division will not review the safety element. If the division's findings are not available within those prescribed time limits, the legislative body may take the division's findings into consideration at the time it considers future amendments to the safety element. Each county and city shall provide the division with a copy of its adopted safety element or amendments. The division may review adopted safety elements or amendments and report its findings. All findings made by the division shall be advisory to the planning agency and legislative body.

(1) The draft element of or draft amendment to the safety element of a county or a city's general plan shall be submitted to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county at least 90 days prior to either of the following:

(A) The adoption or amendment to the safety element of its general plan for each county that contains state responsibility areas.

(B) The adoption or amendment to the safety element of its general plan for each city or county that contains a very high fire hazard severity zone as defined pursuant to subdivision (b) of Section 51177.

(2) A county that contains state responsibility areas and a city or county that contains a very high fire hazard severity zone as defined pursuant to subdivision (b) of Section 51177, shall submit for review the safety element of its general plan to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county in accordance with the following dates as specified, unless the local government submitted the element within five years prior to that date:

(A) Local governments within the regional jurisdiction of the San Diego Association of Governments: December 31, 2010.

(B) Local governments within the regional jurisdiction of the Southern California Association of Governments: December 31, 2011.

(C) Local governments within the regional jurisdiction of the Association of Bay Area Governments: December 31, 2012.

(D) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2013.

(E) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2014.

(F) All other local governments: December 31, 2015.

(3) The State Board of Forestry and Fire Protection shall, and a local agency may, review the draft or an existing safety element and report its written recommendations to the planning agency within 60 days of its receipt of the draft or existing safety element. The State Board of Forestry and Fire Protection and local agency shall review the draft or existing safety element and may

offer written recommendations for changes to the draft or existing safety element regarding both of the following:
(A) Uses of land and policies in state responsibility areas and very high fire hazard severity zones that will protect life, property, and natural resources from unreasonable risks associated with wildland fires.
(B) Methods and strategies for wildland fire risk reduction and prevention within state responsibility areas and very high hazard severity zones.
(b) Prior to the adoption of its draft element or draft amendment, the board of supervisors of the county or the city council of a city shall consider the recommendations made by the State Board of Forestry and Fire Protection and any local agency that provides fire protection to territory in the city or county. If the board of supervisors or city council determines not to accept all or some of the recommendations, if any, made by the State Board of Forestry and Fire Protection or local agency, the board of supervisors or city council shall communicate in writing to the State Board of Forestry and Fire Protection or to the local agency, its reasons for not accepting the recommendations.

Open Space Plans

65560. (a) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.
(b) "Open-space land" is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as defined in this section, and that is designated on a local, regional or state open-space plan as any of the following:
(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
(3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
(4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
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Flex your power!
Be energy efficient!

September 21, 2010

ALAGEN249
SCH#2010082060

Mr. Kelly Diekmann
Community Development Department
Planning Division
City of Fremont
39550 Libtery Street P.O. Box 5006
Fremont, CA 94537

Dear Mr. Diekmann:

Fremont General Plan 2030 – Notice of Preparation

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Fremont General Plan. The following comments are based on the Notice of Preparation. As lead agency, the City of Fremont 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. An encroachment permit is required when the project involves work in the State's right of way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's California Environmental Quality Act (CEQA) concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

Community Planning
The Department applauds the City of Fremont's efforts to incorporate alternative modes of travel in its General Plan update. We encourage the City of Fremont 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 which will reduce regional vehicle miles traveled on state highways and greenhouse gas emission.

The Fremont General Plan 2030 also plans to incorporate more descriptive land use designations to replace the current land use designations. In areas where there is higher development intensity, the City of Fremont should develop guidance on implementing various transportation demand management strategies specific to these land use designations. These can include, reducing parking ratio requirements for providing car-share programs, unbundling parking with residences and offices, providing transit subsidies, coordinating carpools, etc. Also, the City can work with

local private and public transit agencies to provide shuttle services between neighborhoods, retail and offices. For example, the B-bus was recently implemented in the City of Oakland serving various distinct neighborhoods and the central business district. Not only does it reduce vehicle trips but it also increases access to businesses which can stimulate the local economy.

When developing these alterative modes of travel strategies, 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 2000 update of the Highway Capacity Manual should be used as a guide for the analysis. We also recommend using the Department's *"Guide for the Preparation of Traffic Impact Studies"*; it is available on the following web site: http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/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 encourage the City of Fremont to coordinate preparation of the study with our office, and we would appreciate the opportunity to review the scope of work.

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, Mail Stop #10D.

Regional Impact Fees

The traffic generated from the future General Plan 2030 build out will have significant impacts to the already congested state highway system. The Department strongly urges the City of Fremont to coordinate with neighboring cities to develop a regional transportation impact fee program to mitigate the impacts of future growth on regional corridors. By establishing this program, the City of Fremont can help reduce delays on state roadways which will benefit local roadways within the City. Traffic impact fees are a permanent funding mechanism with a demonstrated nexus to project impacts. These fair share fees would be used to fund regional transportation programs that add capacity and/or improve efficiency to the transportation system and reduce delays while maintaining reliability on major roadways throughout the San Francisco Bay Area.

Encroachment Permit

Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

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

Sincerely,

Lisa Carboni

LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Cargill

September 21, 2010

Mr. Kelly Diekmann, Senior Planner
City of Fremont Planning Department
39550 Liberty Street
Fremont, CA 94538

Subject: Initial Comments on Scope of EIR for General Plan 2030

Dear Mr. Diekmann:

I am sending you this letter with regards to the scope for the General Plan 2030 EIR.

As you are aware, Cargill owns a 92-acre parcel of land in the Ardenwood Business District at the intersection of Paseo Padre Boulevard and Highway 84. This parcel of land is currently General Planned and Zoned Restricted Industrial, and was assessed for improvement within the Ardenwood Business District under LID 25. Traffic generation "to be derived" from all of the assessed parcels in LID 25 were based on 135 daily trips per gross acre as part of the LID 25 EIR. These traffic numbers have not been included in either near term or far term cumulative analyses in recent times. The decision by the city staff, despite our recent meetings and submittal of a thorough "peer review" of the traffic section of the Patterson Ranch draft EIR, was very disappointing.

Therefore, I am requesting that as part of the scope for the General Plan 2030 EIR, 135 daily trips per gross acre be used for traffic analyses within the entire Ardenwood Technology Park. There are a number of vacant parcels and underutilized buildings in the LIP 25 boundaries which normally would not be a part of a general plan review. However, given the diminishing number of acres in Fremont available for higher end businesses, and the increasing importance of protecting those lands, this analysis is particularly appropriate for this very important update of the general plan. We are concerned that the projected traffic from the remaining industrially planned lands in Fremont has been underestimated in previous studies. This general plan update is an opportunity to correct that shortcoming.

7220 Central Avenue
Newark, CA 94560-4205

Tel (510) 790-8610
Fax (510) 790-8180

If you have any questions, please feel free to give me a call at (510) 790-8610 or you can email me at pat_mapelli@cargill.com.

Sincerely,

Pat Mapelli
Manager, Real Property

September 21, 2010

Kelly Diekmann
City of Fremont
Community Development Department
Planning Division
39550 Liberty St.
Fremont, CA 94538

Re: Notice of Preparation of a Draft Environmental Impact Report
For the Fremont General Plan 2030

Dear Mr. Diekmann:

Thank you for sending USD the Notice of Preparation of a Draft Environmental Impact Report for the Notice of Preparation of a Draft Environmental Impact Report for the Fremont General Plan 2030 dated August 23, 2010.

The General Plan 2030 is a vision to develop the City from an auto-oriented suburb to a sustainable, strategically urban, modern city characterized by higher-intensity "Transit-Oriented Development" (TOD) that seeks to take advantage of Fremont's existing and future planned public transportation infrastructure. Target priority development areas located in Centerville, Central City Center, Irvington, and potentially Warm Springs will encourage the development of "complete neighborhoods" with many services within reach without reliance on automobiles. Complete neighborhoods will have high intensity residential combined with mixed uses such are retail and commercial. This is to accommodate the projected 45,000 new residents in the City during the twenty-year planning period.

USD currently has capacity in the Alvarado Treatment Plant in Union City to accommodate the estimated 45,000 future new residents that will move to the City of Fremont. However, with the higher density use proposed, the existing sewer infrastructure adjacent to the development will need to be reassessed to determine if they are able to accommodate the additional sanitary sewer loading and any ripple effect that they may have to downstream sewer trunk mains.

The Central City Center Area is located within USD's Newark Basin. USD is due to update the Newark Basin Master Plan starting November 2010 and expects completion by late fall 2011. Any additional information on the General Plan provided by the City will be used in USD's Master Plan to identify any sanitary sewer capacity deficiencies.

5072 Benson Road, Union City, CA 94587-2508
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www.unionsanitary.com

The Centerville, Irvington and Warm Springs development areas are located in USD's Irvington Basin. The 2004 Irvington Master Plan will not be due for another update until after 2014. During the 2004 Irvington Master Plan Update, some of the anticipated developments identified by the City for the Irvington, Centerville and Warm Springs areas were incorporated in the Master Plan. With the City leaning towards higher density use, the affected sewer mains around and downstream of the proposed development areas will also need to be re-assessed to identify if any capacity deficiencies will occur as a result of the new higher density developments that are proposed.

Please send me a copy of the EIR as soon as it becomes available so we can review it and send you comments.

Truly yours,

Rollie Arbolante

Rollie Arbolante, P. E.
Coach/Senior Engineer

Cc: Jesse Gill
Sami Ghossain
Al Bunyi
File

ADB:adb