



**FINAL**  
**Environmental Impact Report**  
**Warm Springs/South Fremont Community Plan**  
**City of Fremont, Alameda County California**

**State Clearinghouse No. 2013032062**

Prepared for:

**City of Fremont**



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June 19, 2014



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## SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15088, the City of Fremont has evaluated the comments received on the Warm Springs/South Fremont Community Plan Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2013032062). The Responses to Written Comments and Changes to the Draft EIR, which are included in this document, together with the Draft EIR, Draft EIR appendices, and the Mitigation Monitoring and Reporting Program, comprise the Final EIR for use by the City of Fremont in its review and consideration of the Warm Springs/South Fremont Community Plan.

This document is organized into four sections:

- **Section 1 - Introduction.**
- **Section 2 - Master Responses:** Provides a single, comprehensive response to similar comments about a particular topic.
- **Section 3 - Responses to Written Comments:** Provides a list of the agencies, organizations, and individuals that commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4 - Changes to the Draft EIR:** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR appendices (provided under separate cover)
- Responses to Written Comments on the Draft EIR and Changes to the Draft EIR (Sections 3 and 4 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)



## SECTION 2: MASTER RESPONSES

Master responses address similar comments made by multiple public agencies, businesses, organizations, or individuals through written comments submitted to the City of Fremont. Master responses are provided in the order in which they are referenced in the responses in Section 3.

### 2.1 - List of Master Responses

- Master Response 1 – Freeway Mitigation Options
- Master Response 2 – Schools
- Master Response 3 – Parks, Recreation, Libraries, and Other Public Facilities

### 2.2 - Master Responses

#### Master Response 1 – Freeway Mitigation Options

##### *Summary of Relevant Comments*

The California Department of Transportation (Caltrans), Alameda County Transportation Commission (ACTC), and Santa Clara Valley Transportation Authority (VTA) referenced Impact TRANS-3 discussion of freeway impacts and potential mitigation. The three agencies acknowledged that the Draft EIR discussed freeway widening as a potential mitigation measure and concluded that it was not feasible because areas adjoining freeways were built out and property acquisition would be required. The following specific mitigations were proposed (note that ACTC did not propose any specific mitigation measures):

- Caltrans stated that other potential mitigation measures should be discussed, including high occupancy toll lanes (express lanes), ramp metering, and other Intelligent Transportation System tools that would manage traffic. Caltrans specifically identified the I-880 Integrated Corridor Management project as an example of a planned project in the Warm Springs area that incorporates many of these elements.
- VTA advised that the City should consider limiting the size of the project or compensating for the impact. The agency noted that it has a program of Voluntary Contributions to Transportation Improvements that some local agencies have utilized to identify mitigation measures for significant freeway impacts.

##### *Response*

The Draft EIR evaluated freeway impacts in Impact TRANS-3 in Section 3.11, Transportation (pages 3.11-108 to 3.11-116). As noted in that impact discussion, 12 freeway segments would operate at unacceptable levels. The Draft EIR identified adding traveling lanes and widening roadways as a potential mitigation for impacted freeway segments. However, areas bordering freeways are predominantly built out; thus, there is limited opportunity to widen roadways within the available right-of-way. As such, property acquisition would be required, which has not been evaluated for feasibility. Additionally, the freeways in question are under the jurisdiction of Caltrans; therefore,

the City of Fremont does not have the ability to implement improvements to these facilities without the cooperation of this agency. Nonetheless, the Draft EIR did acknowledge that the Transportation Demand Management program set forth by Mitigation Measure TRANS-1a would serve to partially alleviate the severity of this impact by reducing peak-hour trips; however, the impact would remain significant and unavoidable.

#### *Caltrans's Suggested Mitigation*

Regarding Caltrans's statement that mitigation could take the form of high occupancy toll lanes (express lanes), ramp metering, and other Intelligent Transportation System tools, none of these approaches would serve to fully mitigate the significant and unavoidable impacts identified in the Draft EIR.

Caltrans (and the California Transportation Commission), the Metropolitan Transportation Commission, ACTC, and VTA have jurisdiction over high occupancy toll lanes, ramp metering, and the use of Intelligent Transportation System tools on local freeways; the City of Fremont lacks jurisdictional control over freeway mainlines and ramps. As such, the City cannot ensure that any of these measures would be implemented in a timely manner to mitigate project impacts. Thus, under the legal principles that underpin CEQA, the impact would remain significant and unavoidable.

Moreover, the Community Plan uses would indirectly contribute to various I-680 and I-880 freeway corridor improvements through generation of taxable sales that would pay the Measure B half-cent sales tax. To the extent the various measures listed by Caltrans are funded by Measure B, the proposed project would contribute towards their implementation. As such, a mechanism already exists to fund regional freeway improvements in the Warm Springs area. Additionally, since many of the Measure B improvements have been completed, this constitutes evidence that this existing program serves as an effective way of implementing regional freeway improvements.

#### *VTA's Suggested Mitigation*

Regarding VTA's statement that mitigation could take the form of "limiting the size of the project or compensating for the impact," neither approach would serve to fully mitigate the significant and unavoidable impacts identified in the Draft EIR.

Regarding limiting the size of the project, the Draft EIR Alternatives section evaluated a Reduced Plan Area Alternative that would reduce the Community Plan to 247 acres and eliminate 5.7 million square feet of non-residential uses. The alternative's analysis found that although it would reduce peak-hour trip generation, it still would not avoid the significant and unavoidable transportation impacts because it would result in 4,719 net AM peak-hour trips and 4,750 net PM peak-hour trips. Moreover, it would not advance the project objectives to the same degree as the proposed project; refer to pages 5-4 through 5-8. Thus, a Reduced Plan Area would not avoid the significant and unavoidable freeway impacts.

As for the voluntary contribution program, CEQA Guidelines Section 15126.4(a)(4)(A) requires that there must be an "essential nexus" between the mitigation measure and a legitimate governmental interest. Additionally, Section 15126.4(a)(4)(B) establishes that mitigation must be "roughly proportional" to the impacts of the project. In this case, VTA has proposed an *ad hoc* voluntary

funding agreement with unspecified terms that would fund unidentified improvements. Thus, the voluntary fees could be used for improvements that would provide no benefit to the 12 impacted freeway segments identified in the Draft EIR. Such a mitigation scheme is inconsistent with the CEQA Guidelines because it does not establish the “essential nexus” between the proposed project and the associated improvement or demonstrate that the mitigation is “roughly proportional” to the impacts of the project. Without a clear and unequivocal demonstration that collected fees would be applied to impacted facilities, the Draft EIR would still conclude that freeway impacts would be significant and unavoidable.

Finally, the proposed project is located in Alameda County; VTA’s jurisdiction is Santa Clara County. In the absence of an agreement or legal mechanism between the City of Fremont and VTA to allow for the transfer of fees, this would not be a legally permissible arrangement.

For these reasons, VTA’s proposed mitigation measures would not be feasible for the proposed project.

## **Master Response 2 – Schools**

### ***Summary of Relevant Comments***

Fremont Unified School District (FUSD), Toll Brothers, and many individual authors provided comments on schools. Several parties, including FUSD, expressed concern about overcrowding at existing elementary, middle and high schools. FUSD stated that the Community Plan does not provide for or study the impacts of student growth in grades 6 through 12 and instead states that the developers and FUSD should fund capital improvements to junior and high schools to mitigate these impacts.

FUSD also stated that the Draft EIR only considered impacts associated with the development of a new elementary school in Planning Area 4 and did not address: (1) impacts on surrounding existing elementary schools if a new elementary school is not constructed as contemplated; or (2) the impacts surrounding existing junior high schools and high schools that would result whether or not improvements are made to facilities to accommodate increased student enrollment. FUSD stated that the Community Plan would result in a number of unstudied impacts such as increased traffic from students who would be required to travel from the Community Plan area to receptor schools, as well as associated air emissions from such trips. FUSD stated that Community Plan area students may need to attend any of the 40 or more schools within FUSD; thus, traffic and air quality impacts may be experienced citywide.

### ***Response***

As background, the California Legislature approved and the Governor signed into law the Leroy F. Green School Facilities Act of 1998. This legislation established a clear and unequivocal process for mitigating the impact of new development on K-12 school districts. The legislation provides school districts with the ability to assess impact fees on new development projects (residential and non-residential) based on need (e.g., Level 1 fees, Level 2 fees, or Level 3 fees). However, the law—codified as Government Code Section 65995—also establishes that payment of fees is the “full and complete mitigation” for provision of adequate school facilities and prohibits cities and counties

from assessing additional fees or exactions for school impacts. This latter provision reversed three appellate court rulings from the late 1980s and early 1990s that suggested that local governments had the ability to assess such additional fees or exactions. To date, there have been no court rulings that have overturned all or portions of this legislation. In summary, the state has clearly delineated the process for mitigating impacts on K-12 school facilities and limits such mitigation to the payment of designated fees.

As of the writing of this FEIR, the FUSD development fees are \$5.96 per square foot for residential projects and \$0.51 per square foot for non-residential projects. All projects with new or additional square footage pay these fees, except single-family homes proposing less than 500 additional square feet. The fees are collected by the FUSD prior to the City issuing building permits.

Although state law does not require the Community Plan to identify a school site, the City of Fremont determined that it would be appropriate to do so in Planning Area 4. The approximate location of the school site was determined in conjunction with the FUSD and the State Board of Education. As discussed on pages 3.10-8 and 3.10-9, the Community Plan identifies a five-acre future school site in Planning Area 4.

In summary, this issue of additional student impact on existing or future school facilities is outside the scope of the Draft EIR, as state law clearly establishes that payment of a school impact fee provides full and complete mitigation for impacts on school facilities.

#### *Draft EIR's Analysis of the Proposed Elementary School*

The Draft EIR evaluates buildout of the Community Plan, including the maximum development potential contemplated by the plan. This includes the residential, commercial, industrial, school, and public facility uses, as well as necessary infrastructure. For example, the traffic analysis estimated trip generation for all Community Plan uses and the assessed impacts on intersections, roadway segments, and freeways. (The roadway volumes from the traffic analysis were used in the air quality and noise analysis as well.) Likewise, the evaluation of impacts to resources such as biological resources, cultural resources, geology, and hydrology and water quality were based on the characteristics of the area to be disturbed and ground-disturbing activities. As components of the Community Plan, the school's impacts have been accounted for in the larger context of buildout impacts.

Moreover, the school was specifically mentioned in certain impact analyses—refer to pages 3.6-12 and 3.6-13 (hazardous materials), page 3.9-42 (noise), and pages 3.10-8 and 3.10-9 (schools).

Because the exact location and characteristics of the elementary school have not yet been determined, it is anticipated that FUSD or another party may be required to conduct additional environmental review.

#### *Impacts on Other Elementary, Junior High, and High Schools*

As noted previously, state law establishes that payment of school impact fees is the only method of mitigating impacts on school facilities, whether those school facilities are within the Community Plan area or outside the Community Plan area. Thus, to the extent that students generated by the

Community Plan would trigger a need for capital improvements elsewhere in FUSD, this issue is outside the scope of the Draft EIR's analysis.

Regarding FUSD's comments about air quality and traffic impacts from Community Plan students traveling to other elementary, junior high, and high schools, the Draft EIR provided an appropriate level of analysis, as set forth in the Project Description. An elementary school within Area 4 is clearly stated within the Project Description. The Draft EIR analyzed the uses set forth in the Project Description. The Draft EIR's analysis of project alternatives is discussed below.

The trip generation calculation shown in Table 3.11-8, "Trip Generation by land Use", estimated daily and peak-hour trips for 4,000 dwelling units based on trip rates published by the Institute of Transportation Engineers, an industry standard. These trip rates are based on empirical observations of trips from similar residential uses and account for all categories of trips (home-to-work, home-to-shop, home-to-school, etc.). As discussed on Draft EIR page 3.11-35, trips were assigned to the roadway network on the basis of the locations of complementary land uses (e.g., schools), prevailing travel patterns (e.g., school drop-off), and surrounding population densities. It should also be acknowledged that existing traffic counts were collected on local roadways on Wednesday, May 15, 2013; Tuesday, June 4, 2013; and Thursday, October 17, 2013, which coincided with weekdays when FUSD was in session. In summary, the Draft EIR's traffic analysis accounts for the impacts of student travel.

The air quality analysis used total vehicle miles traveled (VMT) generated by the Community Plan uses as the basis for assessing impacts. The VMT values reflect the trip generation calculation shown in Table 3.11-8 and, thus, account for school travel.

Finally, it should be noted that Draft EIR Section 5, Alternatives to the Proposed Project, included both a No Project Alternative and a Nonresidential Community Plan Alternative that considered project alternatives that did not involve the construction of a new school within the Community Plan area. As such, the Draft EIR did consider two scenarios in which the proposed elementary school was not developed within the Community Plan area, but the two alternatives also did not include any residential development.

### **Master Response 3 – Parks, Recreation, Libraries, and Other Public Facilities**

#### ***Summary of Relevant Comments***

Several organizations and individuals recommended that the Community Plan include more parks, playgrounds, open space, trails, athletic facilities, libraries, community facilities, and job training facilities, with several suggesting that the provision of these facilities would serve to mitigate the significant impacts disclosed in the Draft EIR.

#### ***Response***

##### ***Parks, Open Space, Recreational Facilities, and Libraries***

The Draft EIR evaluated impacts on parks and recreational facilities in Section 3.10, Public Services and Recreation (pages 3.10-9 and 3.10-10). As discussed on those pages, new development that would occur pursuant to the Community Plan would be required to dedicate new park and

recreational facilities to the City or pay in-lieu fees to the City in accordance with Fremont Municipal Code Chapter 18.290 for the development of park, recreational, and capital facilities. Such fees may be used for the development of parks, playgrounds, open space, athletic fields, libraries, and other types of recreation facilities.

Some of these facilities would be developed within the Community Plan area. For example, a four-acre park is contemplated within Planning Area 4, while a network of multi-use paths is proposed throughout the plan area (refer to Draft EIR Exhibit 3.11-10).

Other facilities such as open space or athletic fields would be incompatible with the Community Plan. Open space preserves most often coincide with sensitive natural areas such as shorelines and hillsides that have high biological and recreational value. In contrast, the Community Plan contains developed and disturbed undeveloped land that has marginal biological and recreational value. The Draft EIR analyzed biological and recreational impacts in Sections 3.3 and 3.10, respectively. Regarding biological resource impacts, the Draft EIR concludes (based on biological surveys) that development and land use activities contemplated by the Community Plan would not have an adverse effect on: (1) sensitive natural communities or riparian habitats; (2) wetland resources; or (3) wildlife movement. The Draft EIR did indicate that development of the Community Plan may have an adverse effect on special-status wildlife species for the burrowing owl, a California Species of Concern. However, mitigation measures were included in the Draft EIR to lessen impacts on the burrowing owl to a less than significant level. Moreover, the highest-and-best use of this land use is for urban development, given adjacency to other developed properties and the availability of urban infrastructure, including the new BART station.

Likewise, athletic fields are land-intensive uses that generate little to no employment and provide no housing opportunities. As such, committing a significant amount of the Community Plan's acreage to a use that does not advance the transit-oriented and employment development objectives of the plan would be contrary to the purpose of the project.

Finally, the Community Plan does not contemplate a new library in Warm Springs, as there are four existing libraries elsewhere in Fremont: Fremont Main, Centerville, Irvington, and Niles. Moreover, the Irvington Library is two miles from the Community Plan area and, therefore, is within a reasonable distance to be convenient to plan area residents.

#### *Community Facilities and Job-Training Facilities*

Community facilities and job-training facilities are considered amenities and are not essential to maintaining acceptable levels of public health, safety, and welfare. Moreover, these types of facilities are often provided by the private sector (businesses or non-profits). As such, whether or not these facilities are provided by the Community Plan would not have a significant impact on the environment and, therefore, are outside the scope of the Draft EIR's analysis.

## SECTION 3: RESPONSES TO WRITTEN COMMENTS

### 3.1 - List of Authors

A list of public agencies, organizations and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

<b>Author</b>	<b>Author Code</b>
<b>State Agencies</b>	
California Department of Transportation, District 4.....	CALTRANS
<b>Local Agencies</b>	
Alameda County Public Works Agency.....	PWA
Alameda County Transportation Commission.....	ACTC
Alameda County Water District.....	ACWD
Bay Area Rapid Transit District.....	BART
Fremont Unified School District.....	FUSD
Santa Clara Valley Transportation Authority.....	VTA
Union Sanitary District.....	USD
<b>Businesses</b>	
Toll Brothers.....	TOLL
Union Pacific Railroad Company.....	UP
<b>Organizations</b>	
Sierra Club Southern Alameda County Group.....	SIERRA
Unite Here Local 2850.....	UNITE
Urban Habitat.....	URBAN
<b>Individuals</b>	
Percy Bhesania.....	BHESANIA
Sujit Chaubal.....	CHAUBAL
Gaytri [No Last Name Provided].....	GAYTRI
Janet FitzGerald.....	FITZGERALD
Tanmay Kishore.....	KISHORE
Paul Knight.....	KNIGHT
Robert Murtha.....	MURTHA
Sunil Pandey.....	PANDEY
Venkat Ramakrishnan.....	RAMAKRISHNAN

Rekha [No Last Name Provided] .....REKHA  
Ritesh Shah.....SHAH  
Vimi Sinha ..... SINHA  
Santhosh and Soumya Soman..... SOMAN  
Pavan Vedere..... VEDERE

**3.2 - Responses to Comments**

**3.2.1 - Introduction**

In accordance with the CEQA Guidelines Section 15088, the City of Fremont, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2013032062) for the Warm Springs/South Fremont Community Plan, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

**3.2.2 - Comment Letters and Responses**

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE  
P. O. BOX 28660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-6053  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
Be energy efficient!*

February 28, 2014

ALAGEN257  
SCH#2013032062

CALTRANS  
Page 1 of 2

Ms. Nancy Hutar  
Community Development Department  
City of Fremont  
39550 Liberty Street  
Fremont, CA 94537

Dear Ms. Hutar:

**Warm Springs/ South Fremont Community Plan -- Draft Environmental Impact Report**

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the Warm Springs / South Fremont Community Plan (Plan). The following comments are based on the Draft Environmental Impact Report (DEIR).

1

***Impacts to State Facilities***

The proposed Plan will generate 51,620 daily, 6,074 AM, and 6,060 PM trips respectively and will significantly impact State freeway mainline and ramp operations. As stated in the DEIR, many of these impacts are considered *Significant and Unavoidable*. However, this conclusion is based on the assumption that the only mitigation solution is to increase roadway capacity (i.e. add or widen lanes). Please be advised that in addition to increasing roadway capacity, there are alternative methods to improve the operations of the existing State Highway System. These alternatives include high occupancy toll lanes (express lanes), ramp metering and other Intelligent Transportation System (ITS) tools that would manage traffic within these corridors. We recommend the City coordinate with Caltrans to identify and help fund such mitigation measures. The Interstate (I-) 880 Integrated Corridor Management (ICM) project is an example of a planned project in the Warm Springs area that incorporates many of these ITS elements.

2

***Transportation Demand Management Program***

Mitigation Measure TRANS-1a requires development projects that occur pursuant to the Plan to prepare and implement a Transportation Demand Management program before the issuance of building permit. As stated on page 3.11-75, the effectiveness of each measure requires further study. Please discuss how and who will monitor the effectiveness of these TDM programs. If vehicle reduction targets are not achieved, what are some additional measures the City of Fremont can take to ensure these targets are met? For example, some cities have imposed fines on development projects if vehicle trips exceed the number of trips stated in approved environmental document.

3

In addition to the proposed TDM measures, please include policies and guidance on how different land uses can provide shared parking. This would be a beneficial tool to reduce the total number

4

Ms. Nancy Hutar/City of Fremont  
February 28, 2014  
Page 2

of parking spaces within the Plan since a large portion of Warm Springs BART parking supply will not be utilized during the evening hours which could potentially be used for residential parking. The success of shared parking strategies will require the City to continuously coordinate with various private and public entities.

4  
CONT

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

5

Sincerely,



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

c: State Clearinghouse

## State Agencies

### **California Department of Transportation, District 4 (CALTRANS)**

#### *Response to CALTRANS-1*

The agency provided introductory remarks to open the letter. No response is necessary.

#### *Response to CALTRANS-2*

The agency referenced the Draft EIR's analysis of Interstate 680 (I-680) and Interstate 880 (I-880) freeway operations and noted the conclusion that impacts would be significant and unavoidable. The agency noted that the Draft EIR discussed adding roadway capacity (i.e., travel lanes), but stated that there are other methods to mitigate impacts such as high occupancy toll lanes (express lanes), ramp metering, and other Intelligent Transportation System tools that would manage traffic. The agency specifically identified the I-880 Integrated Corridor Management project as an example of a planned project in the Warm Springs area that incorporates many of these elements.

Refer to Master Response 1 (Freeway Mitigation Options) and revisions to Draft EIR pages 3.11-109 through 3.11-110 have been provided in Section 4, Changes to the Draft EIR.

#### *Response to CALTRANS-3*

The agency referenced the Transportation Demand Management (TDM) program required by Mitigation Measure TRANS-1a and inquired who would be responsible for monitoring the effectiveness of the program. The agency also asked what additional measures would be implemented if the vehicle reduction targets are not achieved. The agency cited an example of imposing fines on development projects that exceed the trip budget established in approved environmental documents.

Details of the TDM monitoring method would be created when the development in the Community Plan area generates enough traffic to cause an impact. This way, the monitoring program would be tailored to incorporate the most effective techniques, based on the experience of other communities, to ensure that the required vehicle trip reduction is achieved.

#### *Response to CALTRANS-4*

The agency requested that the TDM program include policies and guidance about shared parking, since a large portion of the Warm Springs/South Fremont BART station parking supply would not be used during evening hours and could potentially be used for residential parking.

As stated on page 3.11-54 of the Draft EIR, shared parking is one of the parking management strategies included in the Community Plan.

#### *Response to CALTRANS-5*

The agency provided closing remarks to conclude the letter. No response is necessary.



**CONSTRUCTION AND DEVELOPMENT SERVICES DEPARTMENT**

Construction Services (510) 670-5450 • FAX (510) 732-6173  
Development Services (510) 670-6601 • FAX (510) 670-5269



**Public Works Agency**  
Alameda County

*Daniel Woldesenbet, Ph.D., P.E., Director*

951 Turner Court • Hayward, CA 94545-2698 • [www.acgov.org/pwa](http://www.acgov.org/pwa)

February 5, 2014

Nancy Hutar  
City of Fremont  
P.O. Box 5006  
Fremont, CA 94537

Dear Ms. Hutar:

***Subject : City of Fremont Warm Springs/South Fremont Community Plan  
Notice of Availability of Draft EIR***

Thank you for the opportunity to review the draft environmental impact report for this project.

This project was previously reviewed by this office. Comments provided as contained in our April 11, 2013 letter are still applicable.

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

Should you have any questions, please call me at (510) 670-5209.

Very truly yours,

  
Rosemarie De Leon  
Assistant Engineer  
Construction and Development Services

RDL/rdl



**CONSTRUCTION AND DEVELOPMENT SERVICES DEPARTMENT**

Construction Services (510) 670-5450 • FAX (510) 732-6173  
Development Services (510) 670-6601 • FAX (510) 670-5269

**Public Works Agency**  
Alameda County

*Daniel Woldesenbet, Ph.D., P.E., Director*

951 Turner Court • Hayward, CA 94545-2698 • [www.wacgov.org/pwa](http://www.wacgov.org/pwa)

April 11, 2013

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

Dear Ms. Diekmann:

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

2

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

1. Hydrology studies for the proposed improvements within the study area shall substantiate that there will be no net increase in the peak discharge generated from the proposed project.
2. The District is concerned with augmentation in runoff from the site that may impact flow capacity in the Federal Project and in the watercourses between the site and the Federal Project, as well as the potential for runoff from the project to increase the rate of erosion along those same watercourses that could cause localized damage and result in deposition of silt in the Federal Project. There should be no augmentation in runoff quantity or duration from the project site that will adversely impact downstream drainage facilities. The District should be involved in the review of the project hydrologic and hydraulic models, including the design of any detention ponds that may be necessary.
3. The applicants should provide measures to prevent the discharge of contaminated materials into public drainage facilities. It is the responsibility of the applicant to comply with Federal, State, or local water quality standards and regulations. This project will be subject to a National Pollutant Discharge Elimination System (NPDES) Permit. A "Notice of Intent" shall be filed with the State Regional water Quality Control Board.

3

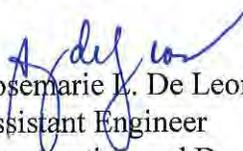
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5

4. Do not augment runoff to adjacent properties. If development associated with a higher runoff coefficient (C'-value) than the originally anticipated value is proposed, the augmented storm runoff will have to be mitigated. 6
5. Do not block runoff from adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project area. 7
6. An encroachment permit shall be obtained from Alameda County Flood Control and Water Conservation District prior to commencement of any work within District right-of-way and for the construction, modification or connection to District-maintained facilities. All workmanship, equipment, and materials shall conform to District standards and specifications. 8
7. Please provide a copy of the Final Environmental Impact Report for our file and reference. 9

Thank you for the opportunity to review the notice of preparation of a draft environmental impact report for this project. If you have questions, please call me at (510) 670-5209. 10

Very truly yours,

  
Rosemarie L. De Leon  
Assistant Engineer  
Construction and Development Services

cc: City Engineer- City of Fremont



## Local Agencies

### **Alameda County Public Works Agency (PWA)**

#### *Response to PWA-1*

The agency requested that the City of Fremont provide comments to its April 11, 2013 Notice of Preparation (NOP) comment letter.

Refer to Response to PWA-2 through PWA-10.

#### *Response to PWA-2*

The agency provided opening remarks to its April 11, 2013 NOP comment letter. No response is necessary.

#### *Response to PWA-3*

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

The Draft EIR discussed storm drainage requirements on pages 3.12-18 and 3.12-19:

Development within the Community Plan area would be required to comply with the California Regional Water Quality Control Board, San Francisco Region's new regional municipal permit. A key element of the permit would require new development to employ Low Impact Development techniques to minimize and treat stormwater runoff. According to the Regional Water Quality Control Board, the goal of Low Impact Development is to "reduce runoff and mimic a site's predevelopment hydrology . . . by infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source." As such, each development within the plan area would be required to demonstrate that it would adequately treat any site runoff to insure the proper quality of the runoff leaving the site; would not increase the quantity, duration, or peak flow of runoff from a site; and would employ proper construction management techniques through the construction process to insure sediment and erosion control (addressed through the State's NPDES requirements).

Accordingly, new development within the Community Plan area would not increase flows substantially within the existing drainage system. As indicated by the Community Plan, the Community Plan area contains well-developed storm systems. New drainage infrastructure required by the Community Plan would be limited to that required for new streets and roadways, and would be appropriately sized and modeled through the existing drainage system to insure proper sizing to handle stormwater flows. As such, the Community Plan would not result in an increased need for offsite stormwater drainage facilities and impacts would be less than significant.

In summary, development that occurs pursuant to the Community Plan would comply with the no-net-increase standards.

*Response to PWA-4*

The agency expressed concern that runoff from the Community Plan area may impact flow capacity and contribute to erosion in downstream watercourses between the site and the Federal Project. The agency stated that there should be no augmentation in runoff quantity or duration from the Community Plan area that would adversely impact downstream drainage facilities.

Refer to Response to PWA-3.

*Response to PWA-5*

The agency stated that applicants should provide measures to prevent the discharge of contaminated materials into public drainage facilities and must comply with federal, state, or local water quality standards and regulations. The agency referenced NPDES requirements.

The Draft EIR addresses water quality impacts on pages 3.7-12 and 3.7-13:

New development, including the construction of residential, commercial, research and development, office, and industrial structures and associated infrastructure (e.g., roadways and utilities) would occur under the Community Plan. This development could result in the discharge of pollutants and could impact the quality of receiving waters during construction activities and during the operational phases of the specific projects.

*Construction-Period*

Development and land use activities that occur under the Community Plan would require demolition, excavation, construction, and/or grading. During these activities, there would be the potential for surface water runoff from construction sites to carry sediment and pollutants into stormwater drainage systems and local waterways.

Excavation and the exposure of shallow soils related to grading could result in erosion and sedimentation. The accumulation of sediment could result in the blockage of flows, potentially causing increased localized ponding or flooding. Construction activities would require the use of gasoline and diesel-powered heavy equipment, such as bulldozers, backhoes, water pumps, and air compressors. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances could be used during construction. An accidental release of any of these substances could degrade the quality of the surface water runoff and adversely affect receiving waters. As such, Mitigation Measure HYD-1a is proposed requiring the implementation of stormwater quality control measures during construction activities to prevent pollutants from entering downstream waterways. Impacts would be less than significant.

*Operation-Period*

New construction and intensified land uses within the Community Plan area could result in increased vehicle use and the discharge of associated pollutants. Leaks of fuel or lubricants, tire wear, brake dust, and fallout from exhaust contribute petroleum hydrocarbons, heavy metals, and sediment to the pollutant load in runoff being transported to receiving waters.

Runoff from new landscaped areas may contain residual pesticides and nutrients. The development of residential units and public open spaces could increase the amount of pathogens in water from pet waste and the amount of trash and debris entering the stormwater drainage system. Consequently, the long-term degradation of runoff water quality within the Community Plan area and of receiving waters could result from the implementation of the Community Plan. Additionally, some of the land uses proposed for the Community Plan area, particularly research and development and industrial, may involve the storage, use, or disposal of hazardous materials. If entrained in surface water runoff, the accidental release of such substances could degrade the quality of receiving waters. As such, Mitigation Measure HYD-1b is proposed requiring the implementation of stormwater quality control measures during operational activities to prevent pollutants from entering downstream waterways. Impacts would be less than significant.

The Draft EIR sets forth the following mitigation measures for water quality on pages 3.7-13 through 3.7-15:

### **Mitigation Measures**

**MM HYD-1a** Prior to issuance of grading permits for new development projects that would disturb one or more acre of land within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity; and (4) stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.

The SWPPP shall be prepared by a qualified SWPPP preparer. The SWPPP shall include the minimum BMPs required for the identified risk level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.

The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate, depending on the project risk level, sampling of site effluent and receiving waters. A qualified SWPPP practitioner shall be responsible for implementing the BMPs at a project

site. The practitioner shall also be responsible for performing all required monitoring, BMP inspection, and maintenance and repair activities.

In addition to the SWPPP requirement, each development project implemented under the Community Plan shall fully comply with the City of Fremont Grading, Erosion, and Sediment Control Ordinance (Chapter 18.205) and Stormwater Management and Discharge Control Ordinance (Chapter 18.210).

**MM HYD-1b**

Prior to issuance of building permits for new development projects within the Community Plan area, the City of Fremont shall verify that the project applicant has prepared operational stormwater quality control measures that comply with the requirements of the current Municipal Regional Permit. Responsibilities include, but are not limited to, designing BMPs into project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff (i.e., hydromodification) associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation and hydromodification of runoff from all portions of completed developments.

New development under the Community Plan shall incorporate site design and BMPs described in the current version of Alameda County Clean Water Program, C.3 Stormwater Technical Guidance manual. Low Impact Development (LID) features, including minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source, shall be used at each development covered by the Municipal Regional Permit. Funding for long-term maintenance of all BMPs shall be specified (as the City will not assume maintenance responsibilities for BMPs within private developments). For each development project, the project applicant shall establish a self-perpetuating Operation and Maintenance of Stormwater Treatment Systems Plan (Municipal Regional Permit provision C.3.h). This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Municipal Regional Permit. Reports documenting inspections and any remedial action conducted shall be submitted regularly to the City for review and approval. In addition to the Municipal Regional Permit, each development project implemented under the Community Plan will fully comply with the City of Fremont Stormwater Management and Discharge Control Ordinance (Chapter 18.210).

*Response to PWA-6*

The agency stated runoff to adjacent properties shall not be augmented. In the event development associated with a higher runoff coefficient than the originally anticipated value is proposed, the augmented runoff must be mitigated.

Refer to Response to PWA-3.

*Response to PWA-7*

The agency stated runoff from adjacent properties shall not be blocked. The agency stated that the drainage map shall clearly indicate all areas tributary to the project area.

All drainage plans developed for projects that occur within the Community Plan area would comply with all applicable requirements, including those that pertain to depicting tributaries and prohibitions on blocking runoff from adjacent properties.

*Response to PWA-8*

The agency stated that an encroachment permit shall be obtained from Alameda County Flood Control and Water Conservation District prior to commencement of any work within District right-of-way or work that affects District facilities. The agency stated that all work, equipment, and materials shall conform to District standards and specifications

All drainage plans developed for projects that occur within the Community Plan area would comply with all applicable requirements, including permitting requirements and conformance with standards and specifications.

*Response to PWA-9*

The agency requested a copy of the Final EIR for its file and reference.

The agency received a copy of the Final EIR via overnight mail.

*Response to PWA-10*

The agency provided concluding remarks to its April 11, 2013 NOP comment letter. No response is necessary.





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

February 28, 2014

Nancy Hutar  
Project Manager  
City of Fremont  
Community Development Department  
P.O. Box 5006  
Fremont, CA 94537

SUBJECT: Comments on Draft Environmental Impact Report for City of Fremont Warm Springs/South Fremont Community Plan

Dear Ms. Hutar

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the City of Fremont Warm Springs/South Fremont Community Plan. The Warm Springs/South Fremont Community Plan would guide future development within the +/- 879-acre Warm Springs/South Fremont Community Plan area. The Community Plan would facilitate an employment based transit oriented development (TOD) around the new Warm Springs/South Fremont Bay Area Rapid Transit (BART) station. The Community Plan area is +/- 879 acres generally bounded by I-880 on the west, I-680 on the east, Auto Mall Parkway on the north, and Mission Boulevard on the south. The existing area has a substantial job base of approximately 15,000 industrial and commercial jobs and no residential development.

The Community Plan identifies potential new development and redevelopment of properties to accommodate approximately 11.2 to 11.6 million square feet of light industrial, research and development, office, retail, and hotel uses that would generate as many as 20,000 jobs. In addition, the Community Plan would provide for approximately 2,700 to 4,000 new residential units and a public elementary school. Most of the new development is expected to be within 1/2 miles of the new BART station to promote high-density residential development between 30 and 50 units per acre minimum, with the potential for mixed-use retail and commercial uses. Development of individual sites would vary in intensity and height, based upon the targeted use and location within the plan area. The Community Plan would also include associated infrastructure improvements and public facility needs, as well as transportation and circulation network improvements.

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

Comments on Community Plan

- As the Warm Springs/South Fremont station area transitions from suburban to more urban, there may be a need to attenuate vehicle speeds. Many roadways in and around the Community Plan area are currently signed for speed limits of 40 miles per hour or higher, which may be incompatible with the vision of a "Connected" Community Plan area with "walkable

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neighborhoods and ease of non-vehicular travel, including safe and convenient connections to BART, the Pacific Commons retail center, and other key resident and employee destinations.” To that end, the Community Plan should consider expanding the street typology analysis to establish design speeds for different roadway types. In addition, the discussion of traffic calming could be further elaborated, such as identifying specific traffic calming elements that are appropriate for different roadway types and identifying high priority locations for traffic calming improvements.

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CONT

Comments on DEIR:

- On page 3.11-29, the DEIR makes reference to a CMP service standard of Level of Service (LOS) E. The LOS E standard applies to the Alameda CTC's biennial auto LOS monitoring activities but is not intended as a threshold of significance for review of development projects through the Land Use Analysis Program. As stated in the Alameda CTC's 2011 CMP document and the Alameda CTC's NOP response for this project from April 22, 2014, "The Alameda CTC has *not* adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis program of the CMP. Professional judgment should be applied to determine the significance of project impacts." The discussion of threshold of significance used for Alameda County CMP analysis should be revised to clarify that the threshold has been selected by the Project Sponsor and is not dictated by the Alameda CTC.
- On page 3.11-109, in reference to mitigation options for the impacts to MTS roadway segments in Alameda County, the DEIR claims that "mitigations for roadway segment impacts would require adding travel lanes and widening roadways throughout the City." Given that the DEIR discusses mitigation measures other than adding vehicle capacity, consideration should be given to revising this statement.
- The DEIR includes less than one page of analysis of impacts to public transit, and this section is lacking any discussion of impacts to AC Transit, despite the fact that AC Transit operates several routes within the project area. The DEIR should consider analysis of whether new bus stops or relocated bus stops within the project area will be required to support the considerable build-out envisioned by the Community Plan. In addition, consideration should be given to revising the DEIR to extend the intersection operation analysis to discuss impacts to AC Transit speed and reliability. As appropriate, mitigation measures should be considered such as signal timing to support transit, transit signal priority, or queue jump lanes. These and other mitigation measures can avoid secondary impacts to multimodal users while ensuring that future declines in intersection level of service do not unacceptably degrade transit operations. Adding consideration of these impacts to the DEIR would be consistent with the City's adopted General Plan policies and implementation actions (Policy 3-2.6, Action 3-1.1.A, and Action 3-2.6.B)
- The City of Fremont Bicycle Master Plan calls for Fremont Boulevard and I-880 Interchange improvements, and indeed the DEIR references this as a key bicycle network improvement to support the Community Plan's transportation system. The DEIR should ensure that the environmental impacts of this improvement are fully analyzed so as to avoid future need to do a separate environmental analysis.

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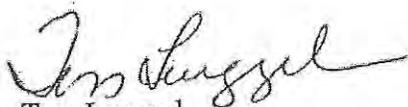
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Nancy Hutar  
February 28, 2014  
Page 3

Thank you for the opportunity to comment on this NOP. Please contact me at (510) 208-7405 or Matthew Bomberg of my staff at (510) 208-7444 if you have any questions.

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Sincerely,



Tess Lengyel  
Deputy Director of Planning and Policy

cc: Matthew Bomberg, Assistant Transportation Planner

file: CMP/Environmental Review Opinions/2014



### **Alameda County Transportation Commission (ACTC)**

#### *Response to ACTC-1*

The agency provided introductory remarks to open the letter. No response is necessary.

#### *Response to ACTC-2*

The agency referenced the Community Plan and noted that many existing roadways are signed for 40 miles per hour (mph) or higher. The agency noted that these speed limits may be incompatible with the Community Plan's vision of walkable neighborhoods and suggested the City consider expanding the street typology analysis to establish design speed for different roadway types. The agency also requested additional discussion of traffic calming elements.

The agency's comment is specific to the Community Plan document and not part of the Draft EIR analysis. Speed limits are established based on an Engineering and Traffic Survey (ETS) consistent with the requirements of the California Vehicle Code. As street typologies change or new streets are added, an ETS would be performed and the speed limits would be updated and/or established accordingly.

#### *Response to ACTC-3*

The agency referenced a statement on Draft EIR page 3.11-29 regarding the Alameda County Congestion Management Plan (CMP) service standard of LOS E and stated that this standard only applies to the agency's biennial auto LOS monitoring activities and not as a threshold of significance for development projects. The agency stated that its guidance indicates that professional judgment should be applied to determine the significance of project impacts and requested that the Draft EIR be revised to clarify this statement.

The Draft EIR text has been modified to reflect this change and is noted in Section 4, Changes to the Draft EIR.

#### *Response to ACTC-4*

The agency referenced a statement on Draft EIR page 3.11-109 about widening roadways as potential mitigation for impacts to freeway and roadway segments and stated that measures other than adding vehicle capacity should be discussed.

Refer to Master Response 1 (Freeway Mitigation Options) and revisions to Draft EIR pages 3.11-109 through 3.11-110 have been provided in Section 4, Changes to the Draft EIR.

#### *Response to ACTC-5*

The agency stated that the Draft EIR provides less than one page of analysis of impacts to public transit and provides no discussion of impacts to AC Transit. The agency stated that the Draft EIR should consider analysis of whether new bus stops or relocated bus stops within the project area would be required and the intersection operational analysis should discuss impacts to AC Transit speed and reliability. As appropriate, mitigation measures should be considered such as signal timing to support transit, transit signal priority, or queue jump lanes.

The Draft EIR discussed existing transit services on pages 3.11-21 through 3.11-25 and depicted routes in the project vicinity on Exhibit 3.11-3 (Existing Transit Facilities). The Community Plan's

transportation characteristics (including those that pertain to transit) are discussed on pages 3.11-35 through 3.11-54. Specifically, planned transit routes are shown on Exhibit 3.11-9 (Proposed Transit Routes). Finally, impacts on public transit were evaluated on pages 3.11-117 and 3.11-118. The latter discussion mentioned the peak load factor of VTA and AC Transit bus routes that serve the project vicinity and how the extension of BART service to Warm Springs/South Fremont would be expected to affect bus route capacity. The analysis concluded that both AC Transit and VTA bus routes have sufficient existing capacity to accommodate the additional passengers that would use the Warm Springs/South Fremont BART station. Thus, impacts were determined to be less than significant.

The Community Plan is designed around a future BART station. When BART is extended and the station is open, the AC Transit bus routes in the area will be re-routed. Therefore, an analysis of the effects of the Community Plan on the existing routes would not provide any meaningful analysis. However, bus transit service is an important part of the Community Plan and a circulator shuttle or local bus route plus bus stop amenities would be included in it. Additionally, the transit signal priority would likely be included in the new traffic signal equipment. Bus queue jump lanes would widen intersections and would not be acceptable, due to their secondary impacts to pedestrians.

Regarding the agency's specific comments about whether new bus stops or relocated bus stops within the project area would be required, this is something that would be addressed by the Community Plan's phasing process outlined on Draft EIR page 2-23. Transportation infrastructure (including transit stops) would be developed over initial, intermediate, and final phases of Community Plan buildout. The precise location of transit stops may change during this process as the Community Plan builds out and ridership needs evolve over time. As such, it is not practical to identify locations of transit stops at this stage in the process.

*Response to ACTC-6*

The agency noted that the City of Fremont Bicycle Master Plan calls for Fremont Boulevard and I-880 interchange improvements and indicated that the Draft EIR also references this as a key bicycle network improvement to support the Community Plan. The agency stated that the Draft EIR should ensure that the environmental impacts of this improvement are fully analyzed to avoid future need to conduct separate environmental analysis.

Although the Draft EIR is intended to provide coverage for many circulation improvements that would support the Community Plan, it is not possible to assure that additional environmental review would not be required for any of them. In the case of the Fremont Boulevard/I-880 interchange improvements, this facility is under the jurisdiction of Caltrans, which would determine if additional environmental review is necessary.

*Response to ACTC-7*

The agency provided closing remarks to conclude the letter. No response is necessary.



DIRECTORS

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February 27, 2014

Kristie Wheeler  
Planning Manager  
City of Fremont Planning Division  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006

Dear Ms. Wheeler:

Subject: Draft Environmental Impact Report for the Warm Springs/South Fremont Community Plan

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Warm Springs/South Fremont Community Plan (Project). 1

ACWD has reviewed the DEIR and would appreciate your consideration of the following comments:

1. Regulatory Framework – Sections 3.7.3 and 3.12.3: Reference is made to the Regulatory Framework sections (page 3.7-10 and 3.12-12). ACWD requests the following edits be made to the text with the proposed corrections, shown in italics below:

*“The Alameda County Water District Groundwater Protection Act authorizes the ACWD to take action to protect the quality of the local groundwater supply within the ACWD service area by adopting, updating, and revising regulations and standards. Under the Replenishment Assessment Act, the ACWD also has authority to collect fees for water extracted from ~~water supply wells or other sources of groundwater, dewatering wells, and water quality monitoring/treatment wells.~~ The and ACWD uses the fees to manage and replenish the Niles Cone Groundwater Basin. ACWD Ordinance No. 2010-01 requires a permit to be obtained for the construction, repair, inactivation, or destruction of any well or exploratory hole, or any excavation that has the potential to impact a groundwater aquifer. The Groundwater Management Policy, as well as the ACWD Groundwater Protection Act, requires that property owners or developers inform the ACWD of proposed developments or land use changes so that the ACWD can conduct a field and records search for abandoned wells (ACWD 2001). The destruction of any abandoned wells located by the search is a condition of approval for any proposed development or land use change.”* 2

2. Project Impacts and Mitigation Measures – Section 3.7.5: Reference is made to paragraphs within this section that discuss leaks from structures other than underground fuel tanks referenced in the DEIR as Spills, Leaks, Investigation, and Cleanup (SLIC) sites. The title of this program recently changed and it is now referred to as the Site Cleanup Program or SCP sites. ACWD requests the EIR remove the reference to SLIC sites and replace it with the new Site Cleanup Program (SCP) designation. 3

Kristie Wheeler  
Page 2  
February 27, 2014

3. Utilities and Service Systems - Water Supplies – Section 3.12: While ACWD has prepared a Water Supply Assessment for the Warm Springs/South Fremont Community Plan which indicates adequate water supply would be available for normal and dry-year scenarios, the ACWD service area and the State of California are currently experiencing a severe water supply shortage. ACWD has taken steps to encourage water use reductions throughout the service area. In addition, ACWD may impose broad water use restrictions which may include restrictions on existing water use for purposes other than domestic use, public health, and fire protection, restrictions on new water service connections, or other measures. Such restrictions would remain in place through the end of the water supply shortage. 4
4. ACWD Contacts: The following ACWD contacts are provided so that the City can coordinate with ACWD as needed during the CEQA process:
- Steven Inn, Groundwater Resources Manager at (510) 668-4441, or by e-mail at steven.inn@acwd.com, for coordination regarding ACWD's groundwater resources.
  - Michelle Myers, Well Ordinance Supervisor, at (510) 668-4454, or by e-mail at michelle.myers@acwd.com, for coordination regarding groundwater wells and drilling permits. 5
  - Ed Stevenson, Development Services Manager, at (510) 668-4472, or by e-mail at ed.stevenson@acwd.com, for coordination regarding public water systems and water services.

Again, thank you for the opportunity to comment on the Draft Environmental Impact Report for the Warm Springs/South Fremont Community Plan at this time. 6

Sincerely,



Robert Shaver  
Assistant General Manager - Engineering

la/ps

By Email

cc: Steven Inn, ACWD  
Ed Stevenson, ACWD  
Michelle Myers, ACWD

### **Alameda County Water District (ACWD)**

#### *Response to ACWD-1*

The agency provided introductory remarks to open the letter. No response is necessary.

#### *Response to ACWD-2*

The agency referenced the regulatory framework sections on Draft EIR pages 3.7-10 and 3.12-12 regarding ACWD's regulatory responsibilities and requested that specific text edits be made. These changes are provided in Section 4, Changes to the Draft EIR.

#### *Response to ACWD-3*

The agency referenced a mention of the Spills, Leaks, Investigation, and Cleanup (SLIC) sites on page 3.7-17 and noted that the title of this program recently changed to Site Cleanup Program (SCP) sites. The agency requested that this change been noted. These changes are provided in Section 4, Changes to the Draft EIR.

#### *Response to ACWD-4*

The agency referenced the Water Supply Assessment it prepared, which indicates that adequate water supply would be available under normal year and dry-year scenarios, and stated that California and the ACWD are experiencing a severe water supply shortage. The agency stated that it has taken steps to encourage water use reductions within the service area and may impose broad water use restrictions on non-essential water use activities or restrictions on new connections. Such restrictions would remain in place through the end of the water supply shortage. No response is necessary.

#### *Response to ACWD-5*

The agency provided a list of contacts with whom the City of Fremont can coordinate, as needed. No response is necessary.

#### *Response to ACWD-6*

The agency provided closing remarks to conclude the letter. No response is necessary.





**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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2014

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8TH DISTRICT

Tom Radulovich  
9TH DISTRICT

February 28, 2014

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

Attn: Nancy Hutar

Re: BART District Comments on the Warm Springs-South Fremont Community Plan Draft Environmental Impact Report

Dear Ms. Hutar:

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

Page	Comment
2-18	The section "Parking Requirements" makes reference to Exhibit 2-5 and states that parking maximums are listed for each land use, but that information does not appear in Exhibit 2-5.
2-19	Exhibit 2-5 lists minimum density within ¼ mile of transit as 50 units/acre, and 30 units/acre outside of the ¼ mile radius. The WS/SF Community Plan and the DEIR both list lower minimum densities than shown in Exhibit 2-5 when the minimum densities are specified by individual Planning Area (see next comment for details). In the Community Plan document, this same exhibit appears on page 19 as Figure 2.3 Land Use Matrix, and the text notes that the minimum densities are established as set forth in Figure 2.3, when they are clearly different. This inconsistency should be resolved.
2-19	Similarly, Exhibit 2-5 lists FARs ranging from 0.35 (Industrial Land use) to 1.5 (Office and Convention). These ratios are too low and not representative of a Suburban Center Transit Oriented Development. The latter should have a minimum 4.0 FAR.
2-19	The employment densities listed in Exhibit 2-5 are also too low and not transit-supportive. They range from 10-20 jobs/acre

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Page	Comment	
2-21 to 2-23	<p>(Industrial Land Use) to 58-60 jobs/acre (Office/Convention Land Uses within ¼-mile of BART station). Typical employment densities for TOD should be well above 100 jobs/acre, and the higher the density, the higher the transit mode share.</p> <p>BART feels that the residential density minimum within ½ mile of the Warm Springs BART station is set too low (Mix C and D in Planning Areas 3, 4, 8, and 9). In Fremont’s NOP for the project, target densities were listed as between 30-70 units per acre. BART submitted a response to the NOP on April 22, 2013, suggesting that within ½ mile of BART, residential densities of 50-120 units per acre would be more appropriate (especially for Planning Area 8 – the BART property), given the level of regional investment in the transit network being made to Warm Springs. In the Draft EIR, densities for all locations in the plan area are listed at between 26 dwelling units per acre up to 34 dwelling units per acre, or lower even than anticipated in the NOP. These numbers are stated in the Plan and the DEIR as minimums, but BART notes that these are lower than typical for locations within ¼ mile of rapid rail transit, and are not in line with TOD principles for land use densities that are supportive of transit services and an urban form, as stated in the Executive Summary (page ES-2). Exhibit 2-5 on page 2-19 lists desirable density within ¼ mile of transit as 50 units/acre, and 30 units/acre outside of the ¼ mile radius. The Plan’s minimums should at least be equivalent to the exhibits within the Plan and the EIR. BART also notes that Fremont has conducted Preliminary Review for a development project in Area 9 with densities of up to 70 units per acre, much denser than the minimums included in the EIR. This inconsistency needs to be resolved. BART also notes that denser development typically has lower VMT production per capita, which could help reduce the need to construct some of the mitigations proposed in the document.</p>	5 CONT
2-22	<p>Same comment as above. The minimum residential density on the BART site (Area 8) is listed as 25 units per acre. This is too low and should be raised to between 50-120 units per acre.</p>	6
2-24	<p>The section on “Streetscape and Street Typologies” should reference the section of the Community Plan that specifies a minimum density of intersections and maximum block sizes, which promote bicycling and walking.</p>	7
2-28	<p>The City may need to amend ordinances or plans in order to impose maximum parking requirements instead of establishing minimum parking requirements. This should be noted in Section 2.5.1, if needed.</p>	8
3.1-13	<p>Exhibit 3.1-3 includes a rendering of the proposed pedestrian bridge between the BART station and Innovation Way, but the bridge is not specifically discussed in the chapter. The bridge should be referenced in the discussions of Impact AES-1 and/or AES-3.</p>	9
3.8-16	<p>In the discussion of Policy 2-1.10, the pedestrian bridge should be noted as contributing to the pedestrian scale of the plan area.</p>	10
3.8-22	<p>In the discussion of Policy 3-1.5, the pedestrian bridge should be noted as contributing to pedestrian circulation.</p>	11
		12

<b>Page</b>	<b>Comment</b>	
3.8-24	In the discussion of Policy 3-2.3, the pedestrian bridge should be noted as contributing to the pedestrian network.	13
3.8-28	In the discussion of Policy 4-1.10, the pedestrian bridge should be noted specifically as the connection between the BART Station and Innovation Way.	14
3.8-29	Some of the roadway mitigation measures in Section 3.11 conflict directly with Policy 4-2.3. The mitigation measures add multiple turn lanes at intersections, require additional right-of-way to widen streets to add lanes, and other roadway changes that increase crossing distances at intersections, and in general create a less pedestrian-friendly environment.	15
3.11-22	Table 3.11-7 is not correct as to BART frequencies, and we would recommend splitting out the Fremont-Daly City service from the Fremont-Richmond service as they have different days of operation and a different span of service. Fremont-Daly City trains operate every 15 minutes in peak and midday on weekdays, and 20 minutes on Saturdays during the daytime. Fremont-Daly City trains do not operate past approximately 7pm on Monday to Saturday. Fremont-Richmond trains operate every 15 minutes in peak and midday, and they operate every 20 minutes evenings and both days on weekends. Combined headways are thus 7.5 minutes in peak and midday, 10 minutes on Saturdays (daytime), and 20 minutes all evenings and on Sunday. The Fremont-Daly City line does not operate on Sunday.	16
3.11-22	The final paragraph on the page states that both the Richmond-Fremont and Daly City-Fremont lines will be extended to Warm Springs in 2015. Due to a shortage of cars, it is likely that initially, there will not be full service on both lines when service is extended to Warm Springs in 2015. Full service on both lines will not be able to be provided until new cars are delivered in 2017.	17
3.11-25	The Fremont-Daly City line does not operate any evenings past 7pm, thus we would recommend deleting the word "weekday".	18
3.11-32	The discussion of BART ridership is fairly obscure as it is based in reductions to auto trips, and contains no point of reference to existing ridership on the BART system, or to prior projections of future BART ridership. Thus, there is no sense of the plan's contribution to BART's overall total ridership, and how it might affect BART's capacity issues. The ridership analysis should proceed from a baseline of the most recent projections of future BART ridership, which would come from VTA's environmental work on the Silicon Valley Berryessa Extension for the year 2030. Then you should add the new land uses and trips anticipated as a result of your plan, and assess the impacts. There should be discussion of expected travel patterns of the new BART riders, and how that might or might not affect BART's capacity issues in the core of the BART system. See also comment under Appendix G.	19
3.11-32	Clarify what is meant by trips on BART. Are these both entrances and exits at Warm Springs, or are they riders, in which case the number of trips would be doubled. Also, the ridership projections should cite a horizon year.	20

Page	Comment	
3.11-54	<p>Proposing both parking minimums and parking maximums seems contradictory. Parking minimums are not a management strategy - they are the traditional mechanism by which an oversupply of parking has often been created, and they result in inefficient land use and encourage trip-making by auto because of the assumptions inherent in setting the minimums, and they should be removed from the Community Plan. Many cities have eliminated minimums – such as Hayward. Maximum parking requirements, on the other hand, are an effective strategy for managing vehicle travel and associated greenhouse gas emissions, and should be incorporated into the Community Plan and analyzed in the EIR, and indicated on Exhibit 2-5.</p>	21
3.11-55	<p>With regard to intersections degrading to LOS E or F – with the passage of SB 743, LOS will in the near future no longer be used to identify CEQA significant transportation impacts inside of Transit Priority Areas (TPA)<sup>1</sup> and potentially outside of TPAs. We understand that new guidelines have not yet been developed for an appropriate replacement measure and that this environmental process was begun under the existing set of guidelines, and thus we recommend that the City seek exemptions or modify the standards to not require mitigations, should intersections degrade to LOS E or F.</p>	22
3.11-78 to 80	<p>For MM Trans-1b through MM Trans-1e, Option 1 for each of these measures is listed as widening roadways, adding third left turn lanes, adding through lanes, etc. While these types of mitigation could accommodate additional auto traffic, they would create conditions that would be in conflict with the overall goal of the community plan, which is to create an attractive urban environment that is pedestrian and bike friendly. These types of mitigation would create additional negative impacts for pedestrians and bicyclists by increasing crossing distances, creating additional moving lanes of traffic, and increasing the footprint of the intersections. This is directly counter to the goals expressed in Section 1 of the Community Plan document and in Chapter 3.8 of the EIR of making this plan area a pedestrian, bike and transit-friendly neighborhood. Therefore, we suggest that the various Option 1 measures for Trans 1b-1e are not reasonable mitigation measures, and we recommend that Option 2 identified for each of these measures (an exemption or modifying the standard) would be the appropriate mitigation for each of these items if needed.</p>	23
3.11-107	<p>For MM Trans-2a through MM Trans-2d, each of these mitigation measures is listed as widening roadways, adding third left turn lanes, adding through lanes, etc. While this mitigation could accommodate additional auto traffic, it would create additional negative impacts for pedestrians and bicyclists by increasing crossing distances, creating additional moving lanes of traffic, and increasing the footprint of the intersections. This is directly counter to the goals expressed in Chapter 3.8 of making this plan area a pedestrian, bike and transit-friendly neighborhood. We recommend that modifying the</p>	24

<sup>1</sup> SB 743 defines Transit Priority Areas as places within one-half mile of a major existing or planned transit stop.

Page	Comment	
3.11-117	<p>City's standard would be a more appropriate mitigation for each of these items if needed, rather than implementing the mitigation measure as proposed.</p> <p>The discussion and analysis of the ridership impacts of the plan on transit are extremely cursory, and are not supported by data on current load factors, future load factors, or other information as to the ability of the transit services to handle the additional passengers. BART anticipates that the station itself will be able to handle the anticipated ridership using the Warm Springs Station, but our concern is with the downstream loads onboard the trains. BART's Fremont-Daly City line is currently operating at capacity in central Alameda County and through the Transbay Tube to San Francisco in some time periods, thus adding riders to this already-crowded line will have an impact on BART. We anticipate that the Warm Springs Extension could cause this line to operate over-capacity, and this document should provide an analysis of the onboard crowding issues. This analysis should proceed as outlined previously in the comment on page 3.11-32.</p>	<p>24                      CONT</p> <p>25</p>
3.11-117	<p>The text notes that BART's Fremont Station recorded just over 6900 average weekday riders in 2010. We would like the document to clarify that this is exits at Fremont Station, and thus the number of trips with one end at this station is double this amount. Each rider produces two trips per day.</p>	26
App G p 56	<p>The TIA states that the Community Plan includes a recommendation for minimum and maximum parking requirements as a parking management strategy. Minimum parking requirements run counter to the goal of minimizing vehicle travel and encouraging bicycling and walking. Instead, the Community Plan should have strict maximum parking requirements only.</p>	27
App G p 95	<p>The TIA does not analyze the impacts of the additional ridership from the new South Fremont/Warm Springs station on other downstream stations, some of which are already over capacity in the existing conditions scenario.</p>	28
App G p 98	<p>The TIA makes reference to the Fremont General Plan, which establishes significance criteria for vehicle delay within Fremont but also states that different criteria may be considered acceptable within the Warm Springs/South Fremont BART station areas. Specifically, the General Plan states that LOS E or F may be acceptable in these areas; however, the TIA uses LOS D as the threshold for significance for the Community Plan and discusses the shift to flexible LOS standards in the Mitigations section instead. It also points out repeatedly that possible mitigations consisting of geometric changes to the roadway would have secondary impacts to the pedestrian and bicycle modes. BART recommends that the City of Fremont adopt the flexible significance criteria for signalized intersections so as to reduce vehicle impacts and avoid triggering secondary impacts to the pedestrian and bicycle modes, since the latter would be inconsistent with the stated vision of the Community Plan to promote bicycling and walking.</p>	29

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

30

Sincerely,



Val Menotti  
Manager, BART Planning

cc: Jeff Schwob, City of Fremont, Community Development Director  
Kristie Wheeler, City of Fremont, Planning Manager  
Robert Powers, AGM, BART Planning & Development  
Paul Medved, BART Planning & Development  
Jeff Ordway, BART Planning & Development  
John Rennels, BART Planning & Development  
Bob Mitroff, BART Operations

### **Bay Area Rapid Transit District (BART)**

#### *Response to BART-1*

The agency provided introductory remarks to open the letter. No response is necessary.

#### *Response to BART-2*

The agency referenced the discussion of parking requirements on Draft EIR page 2-18 and noted that there is a statement that parking maximums for each land use are shown in Exhibit 2-5 (Land Use Mix and Land Use Standards), but no such information is shown.

The text on page 2-18 of the Draft EIR has been revised to correct the erroneous statement and the change is provided in Section 4, Changes to the Draft EIR.

#### *Response to BART-3*

The agency noted that Exhibit 2-5 (Land Use Mix and Land Use Standards) lists minimum density within 0.25 mile of transit as 50 units/acre and lists 30 units/acre outside of the 0.25-mile radius. The agency stated that this is inconsistent with other statements in the Draft EIR and Community Plan that list lower densities and should be resolved.

Exhibit 2-5 (which is identical to Community Plan Figure 2.3) shows the minimum building densities and intensities that could be developed for each land use category. The Draft EIR page 2-17 notes that the Community Plan permits a range of dwelling units from 2,700 (minimum) to 4,000 (maximum). However, the Community Plan only indicates a minimum of 2,700 dwelling units as a project target. The Community Plan has been revised to reflect the range of dwelling units as 2,700 to 4,000. The Draft EIR evaluates the maximum development potential of 4,000 dwelling units in order to provide a conservative evaluation. As such, there are no environmental inconsistencies between the Draft EIR and Community Plan.

#### *Response to BART-4*

The agency noted that Exhibit 2-5 (Land Use Mix and Land Use Standards) lists floor area ratios (FARs) ranging from 0.35 for industrial uses to 1.5 for office and convention uses and stated that these values are too low and not representative of Suburban Center Transit Oriented Development. The agency stated that the office and convention FAR should have been at least 4.0.

These comments concern the Community Plan and not the Draft EIR's analysis.

#### *Response to BART-5*

The agency noted that the employment densities identified in Exhibit 2-5 (Land Use Mix and Land Use Standards) are too low and not supportive of transit. The agency stated that they should be at least 100 jobs per acre.

These comments concern the Community Plan and not the Draft EIR's analysis.

#### *Response to BART-6*

The agency referenced the Community Plan development targets shown in Draft EIR Table 2-4 (Community Plan Project Targets – Planning Areas) and stated that residential densities are too low to support transit. The agency stated that there are inconsistencies between the values shown in

Table 2-4 and Exhibit 2-5 (Land Use Mix and Land Use Standards) and asserted that the inconsistencies should be resolved.

Refer to Response to BART-3.

*Response to BART-7*

The agency reiterated prior comments about inconsistencies among residential densities.

Refer to Response to BART-3.

*Response to BART-8*

The agency referenced the discussion of Streetscape and Street Typologies on page 2-24 and stated that it should reference the section of the Community Plan that specifies minimum density of intersections and maximum block sizes.

The Draft EIR Project Description provides a summary of relevant Community Plan characteristics in order to establish the parameters of the project and allow evaluation of its environmental effects. The Streetscape and Street Typologies discussion (and Exhibit 2-6, Streets Plan) identifies the types of roadways contemplated within the Community Plan area. This discussion is not intended to provide exhaustive detail about streetscape and street typologies, as this level of description is not necessary for the EIRs analysis. Moreover, readers have the ability to consult the Community Plan for further information about streetscape and street typologies.

*Response to BART-9*

The agency referenced the list of discretionary and ministerial actions on Draft EIR page 2-28 and stated that the City may need to amend ordinances or plans in order to impose maximum parking requirements instead of establish minimum parking requirements. The agency stated that these approvals should be listed on this page if required.

This list of discretionary approvals on Draft EIR page 2-28 accurately reflects the necessary actions that would be undertaken by the City of Fremont decision-makers if they were to approve the project. There is no need to amend this list as stated in this comment. The Community Plan (page 88) proposes maximum parking standards in compliance with existing General Plan Implementation 3-7.2.C: Parking Maximums, which states “Adopt parking maximums for development in the BART station areas and TOD overlay areas. Such standards would limit the number of parking spaces that may be provided for private development near BART, thereby creating an incentive to use transit rather than drive.”

*Response to BART-10*

The agency referenced the rendering of the bicycle/pedestrian bridge in Exhibit 3.1-3 (BART Bicycle/Pedestrian Linkage Visual Image) and stated that it is not specifically discussed in the chapter and should be discussed in Impact AES-1 or Impact AES-3.

The bicycle/pedestrian bridge was mentioned in Impact AES-3 on page 3.1-9 and visually depicted in both Exhibit 3.1-2 (Innovation Way Visual Image) and Exhibit 3.1-3. Regardless, the discussion of visual character in Impact AES-3 focused on overall Community Plan buildout and not individual

elements within the plan area (buildings, roadways, public spaces, etc.), since the details of individual development proposals (including the bridge) will not be known until site development plans are submitted.

Regarding Impact AES-1, this impact analysis concerns adverse changes to scenic vistas. As noted in that impact analysis, the City of Fremont General Plan identifies hillsides and shorelines as scenic resources; thus, the analysis in the Draft EIR focused on views of those two features from within the Community Plan area. The bicycle/pedestrian bridge is in early design phases and its height and breadth are not yet known. A separate environmental analysis is being prepared for the bicycle/pedestrian bridge.

In summary, the Draft EIR provided an appropriate level of analysis of the Community Plan (including the bicycle/pedestrian bridge to the extent possible) and uses the best available information at the time of document release.

*Response to BART-11*

The agency referenced the Draft EIR’s evaluation of General Plan consistency in Section 3.8, Land Use and stated that the consistency determination with Policy 2-1.10 should mention that the bicycle/pedestrian bridge would contribute to the pedestrian scale of the plan area.

The text of the Policy 2-1.10 consistency determination from pages 3.8-16 and 3.8-17 is reproduced as follows:

<p>Policy 2-1.10</p>	<p><b>Pedestrian Scale.</b> Create a more pedestrian-oriented environment in Fremont’s City Center, its five Town Centers, and the other Transit-Oriented Development areas shown on the General Plan Land Use Map. These areas should be characterized by:</p> <ul style="list-style-type: none"> <li>• Convenient and continuous sidewalks, crosswalks, and walkways;</li> <li>• Easy access to transit;</li> <li>• Comfortable outdoor spaces for pedestrian use; and</li> <li>• Parking that is located in structures or in shared lots to the rear of buildings rather than between buildings and the streets they face.</li> </ul>	<p><b>Consistent:</b> The proposed Community Plan is intended to facilitate transit-oriented, high-density residential and employment generating uses around the Warm Springs/South Fremont BART station. The Community Plan contemplates upgrades to the circulation system, including development of new roadways with pedestrian and bicycle facilities and improvements to existing roadways to add or enhance pedestrian and bicycle facilities.</p>
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The consistency determination provides a general statement about the Community Plan contemplating pedestrian and bicycle facilities and improvements within the plan area; it does not identify specific improvements, as this level of detail is not necessary to establish consistency with Policy 2-1.10. Thus, there is no need to revise this consistency determination.

It should also be noted that the bicycle/pedestrian bridge is conceptual at this time and no design details are available. As such, discussing it in general terms is appropriate in the Draft EIR and allows flexibility in terms of implementation. In addition, the City’s review and approval of the bicycle/pedestrian bridge will include its own required environmental documentation.

*Response to BART-12*

The agency referenced the Draft EIR’s evaluation of General Plan consistency in Section 3.8, Land Use and stated that the consistency determination with Policy 3-1.5 should mention that the bicycle/pedestrian bridge would contribute to pedestrian circulation.

The text of the Policy 3-1.5 consistency determination from pages 3.8-22 and 3.8-23 is reproduced as follows:

<p>Policy 3-1.5</p>	<p><b>Improving Pedestrian and Bicycle Circulation.</b> Incorporate provisions for pedestrians and bicycles on city streets to facilitate and encourage safe walking and cycling throughout the city. Landscaping should reduce wind, provide shade, provide a buffer to adjacent roadways, and stimulate visual interest. Visually appealing, energy-efficient street lighting should be provided to ensure night-time safety.</p>	<p><b>Consistent:</b> The proposed Community Plan contemplates upgrades to the circulation system including the development of new roadways with pedestrian and bicycle facilities, and landscaping. Street lighting would be provided in accordance with City standards.</p>
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The consistency determination provides a general statement about the Community Plan contemplating circulation improvements within the plan area; it does not identify specific improvements, as this level of detail is not necessary to establish consistency with Policy 3-1.5. Thus, there is no need to revise this consistency determination.

*Response to BART-13*

The agency referenced the Draft EIR’s evaluation of General Plan consistency in Section 3.8, Land Use and stated that the consistency determination with Policy 3-2.3 should mention that the bicycle/pedestrian bridge would contribute to pedestrian network.

The text of the Policy 3-2.3 consistency determination from page 3.8-24 is reproduced as follows:

<p>Policy 3-2.3</p>	<p><b>Pedestrian Networks.</b> Integrate continuous pedestrian walkways in Fremont’s City Center, Town Centers, residential neighborhoods, shopping centers, and school campuses. Place a priority on improving areas that are not connected by the City’s pedestrian</p>	<p><b>Consistent:</b> The Community Plan area currently contains limited bicycle and pedestrian facilities. The proposed Community Plan contemplates upgrades to the circulation system, including development of new roadways with pedestrian and bicycle facilities and improvements to existing roadways to add or enhance pedestrian</p>
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	network, with the objective of making walking safer, more enjoyable, and more convenient.	and bicycle facilities. Collectively, these pedestrian and bicycle facilities would provide continuous pedestrian walkways throughout the residential, commercial, and public uses of the proposed Community Plan area.
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The consistency determination provides a general statement about the Community Plan contemplating circulation improvements within the plan area; it does not identify specific improvements, as this level of detail is not necessary to establish consistency with Policy 3-2.3. Thus, there is no need to revise this consistency determination.

*Response to BART-14*

The agency referenced the Draft EIR’s evaluation of General Plan consistency in Section 3.8, Land Use and stated that the consistency determination with Policy 4-1.10 should specifically mention the bicycle/pedestrian bridge as the linkage between the BART station and Innovation Way.

The text of the Policy 4-1.10 consistency determination from page 3.8-28 is reproduced as follows:

Policy 4-1.10	<p><b>Neighborhood Barriers.</b> Seek urban design, planning, and capital improvement solutions for minimizing physical barriers that divide the community such as railroad tracks, freeways, wide arterials, and flood control channels. Ensure that land use decisions and transportation projects do not divide neighborhoods or create unnecessary barriers within established neighborhoods.</p> <p>Projects that would create physical divides within or between neighborhoods are discouraged. While freeways, railroads, and similar features create clear edges and help define neighborhoods, they may also hinder the sense of unity and connectivity that Fremont desires for its future. The City encourages projects that “knit” Fremont together such as greenways and pedestrian bridges over freeways.</p>	<p><b>Consistent:</b> The Community Plan’s circulation network seeks to improve mobility within the Warm Springs/South Fremont area through the use of grid-pattern street system. Additionally, the Community Plan contemplates bicycle/pedestrian facilities such as sidewalks, bike lanes, and a direct connection between the planned BART station and Innovation Way. Collectively, these characteristics would improve connectivity within the Warm Springs/South Fremont area.</p>
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The consistency determination mentions a “direct connection” between the BART station and Innovation Way in the context of planned bicycle/pedestrian facilities. Thus, it should be evident to the reader that this is in reference to the bicycle/pedestrian bridge. Thus, there is no need to revise this consistency determination.

*Response to BART-15*

The agency referenced the Draft EIR’s evaluation of General Plan consistency in Section 3.8, Land Use and stated that the roadway mitigation measures set forth in Section 3.11, Transportation directly conflict with Policy 4-2.3. The agency cited examples of mitigation measures that add multiple turn lanes at intersections, require additional right-of-way to widen streets and add lanes, and other roadway changes that increase crossing distances at intersections that serve to create a less pedestrian-friendly environment.

The text of the Policy 4-2.3 consistency determination from page 3.8-29 is reproduced as follows:

<p>Policy 4-2.3</p>	<p><b>Pedestrian Friendly Design.</b> Reduce greenhouse gas emissions by encouraging, and where appropriate requiring, pedestrian-friendly design. As new projects are developed and as existing development is rehabilitated or updated, incorporate features that make it easier to travel through Fremont without a car. These features could include (but are not limited to) wider sidewalks, crosswalks or crosswalk signals, narrower streets or curb “bulb-outs” at intersections to minimize the distance a pedestrian must walk to cross a street, varied paving materials, window transparencies (to enhance the experience of walking down a street), street trees, landscaping, benches, and mid-block connections to reduce trip lengths.</p>	<p><b>Consistent:</b> The Community Plan emphasizes transit-oriented concepts, including pedestrian mobility. The Community Plan contemplates Class I bicycle/pedestrian facilities, sidewalks along streets, a grid pattern street network with narrow residential streets, landscaping (including street trees), and plazas.</p>
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Policy 4.2-3 calls for improving the pedestrian environment and lists various improvements that would achieve this objective (wider crosswalks, crosswalk signals, narrower streets, bulb-outs, pavement treatments, landscaping, etc.). Importantly, the policy does not prohibit or discourage roadway improvements that add turn or travel lanes, increase right-of-way, or other changes that increase pedestrian crossing distances. Moreover, as implied in the policy, there are methods to enhance pedestrian mobility that are compatible with streets with wide sections (e.g., wider sidewalks, crosswalk signals, pavement treatments, and landscaping). Thus, the various traffic mitigation measures set forth in Section 3.11, Transportation would not be inconsistent with this policy.

*Response to BART-16*

The agency referenced Table 3.11-7 (Existing Transit Service) and stated that it does not correctly identify BART frequencies. The agency identified various changes that should be made to accurately reflect service frequencies on the Fremont-Daly City and Fremont-Richmond lines.

Table 3.11-7 has been revised to reflect these comments and the changes are provided in Section 4, Changes to the Draft EIR.

*Response to BART-17*

The agency stated that a description of BART service on page 3.11-22 incorrectly states that both the Fremont-Daly City and Fremont-Richmond lines would be extended to the Warm Springs/South Fremont Station when it opens in 2015. The agency stated that, because of a shortage of cars, only one of those lines would serve the Warm Springs/South Fremont Station until completion of the extension to San Jose.

The incorrect statement has been stricken and the change is provided in Section 4, Changes to the Draft EIR.

*Response to BART-18*

The agency referenced the description of BART service on page 3.11-25 and stated that because the Fremont-Daly City line does not operate past 7 p.m. on any day of the week, the word “weekday” should be deleted.

The word “weekday” has been stricken and the change is provided in Section 4, Changes to the Draft EIR.

*Response to BART-19*

The agency referenced the paragraph about BART ridership in the context of trip generation on page 3.11-32 and stated that the discussion is fairly obscure because it contains no point of reference to existing BART ridership or projections of future ridership. The agency stated that there is no sense of the plan’s contribution to BART’s overall ridership and how it might affect capacity. The agency described how ridership should be assessed and applied to the trip generation estimate.

BART reported systemwide weekday average exits of 392,000 in fiscal year 2013. The Warm Springs/South Fremont Community Plan is projected to generate 7,000 one-way BART trips (entries and exits or approximately 3,500 exits) per day and 800 to 900 one-way BART trips during the AM and during the PM peak hours at buildout. As such, it will increase existing ridership by approximately one percent. Over 70 percent of the peak-hour trips from the Community Plan would be generated by the employment uses and would travel in the non-peak direction where there is available capacity. The Community Plan projections are lower than the daily entries and exits at the Warm Springs/South Fremont station that were evaluated in the 2006 Warm Springs Extension Final EIS Volume 1.1:

- 2010: 11,600
- 2025: 16,300

*Response to BART-20*

The agency requested clarification about what is meant by the term “trips on BART” and whether it represented individual entrances and exits at the Warm Springs/South Fremont station or if it represented riders, in which case it should be doubled. The agency also stated that the ridership projections should identify a horizon year.

The Warm Springs/South Fremont Community Plan is projected to generate 7,000 one-way BART trips per day and 800 to 900 one-way trips on BART during the AM and PM peak hours at buildout. These represent entries and exits. Buildout of the plan is projected to occur after 2030.

*Response to BART-21*

The agency referenced the discussion of parking supply management on page 3.11-54 and stated that proposing both parking minimums and maximums seem contradictory. The agency noted that parking minimums are not a management strategy and has often resulted in an oversupply of parking. The agency suggested that they be removed from the Community Plan. The agency also stated that maximum parking requirements are an effective strategy for managing vehicle travel and should be incorporated into the Community Plan and Draft EIR.

The EIR appropriately disclosed the information that was available at the time of its writing and further revision is not necessary. The Community Plan only includes parking maximums and it does not include parking minimums, except for assembly uses (see page 88 of the Community Plan).

*Response to BART-22*

The agency referenced the thresholds of significance for intersection operations on Draft EIR page 3.11-55 and stated that LOS will no longer be used to identify CEQA significant transportation impacts inside of Transit Priority Areas. The agency acknowledged that alternative guidance for evaluating traffic impacts within Transit Priority Areas is not yet available and advised the City to seek exemptions or modify the standards not to require mitigation measures should intersections operate at LOS E or F.

At the time of the Draft EIR issuance in January 2014, the intersection operations thresholds of significance listed on page 3.11-55 were the adopted standards. As such, the City of Fremont is obligated to evaluate intersection operations against the applicable standards. In addition, it should be emphasized that the scope of the traffic analysis evaluates facilities outside of the Community Plan boundaries; therefore, even if Transit Priority Areas were exempt from LOS requirements, these standards would still apply to these areas. This latter point is supported by statements contained in letters submitted to the City of Fremont by Caltrans, ACTC, and VTA.

Finally, several of the mitigation measures provide the City of Fremont with the discretion to forego improvements at certain intersections and instead accept LOS E or F; refer to Mitigation Measures TRANS-1c, TRANS-1d, and TRANS-1e.

*Response to BART-23*

The agency referenced Mitigation Measures TRANS-1b through TRANS-1e and stated that the roadway improvements contemplated at these intersections under Option 1 would create conditions that would conflict with the overall goal of the Community Plan by increasing pedestrian crossing distances, adding additional lanes of moving traffic, and increasing the footprint of intersections. The agency reiterated previous comments about these improvements being in conflict with various policies of the City of Fremont General Plan and the Community Plan guiding principles. The agency suggested that the City of Fremont forego improvements at these intersections and accept LOS E or F (Option 2).

To clarify, none of the roadway improvements identified in Mitigation Measures TRANS-1b through TRANS-1e are expressly prohibited or discouraged by the City of Fremont General Plan. Refer to Response to BART-15 for further discussion.

The agency's comments are noted. Ultimately, the City of Fremont's decision-makers will determine which mitigation option to select for each intersection.

*Response to BART-24*

The agency referenced Mitigation Measure TRANS-2a through TRANS-2d and reiterated previous comments about roadway improvements conflicting with the City of Fremont General Plan and Community Plan. The agency recommended that these mitigation measures be modified to allow decision-makers to accept a lower LOS in lieu of improvements.

To clarify, none of the roadway improvements identified in Mitigation Measures TRANS-2a through TRANS-2d are expressly prohibited or discouraged by the City of Fremont General Plan. Refer to Response to BART-15 for further discussion.

Regarding the agency's recommendation that the City modify the mitigation measures to accept a lower LOS in lieu of improvements, this is not feasible for several reasons:

- Three of the affected intersections (Warren Avenue/Kato Road; Fremont Boulevard/Old Warm Springs Boulevard; Grimmer Boulevard/Paseo Padre Parkway) are located either outside of the Community Plan area or at the periphery. As such, they would not be near the activity centers where most pedestrian, bicycle, or transit use would occur. Thus, accepting a lower LOS would merely exacerbate congestion during peak hours and provide little to no benefit for bicycles, pedestrians, or transit.
- The fourth intersection (Fremont Boulevard/Ingot Street/Innovation Way) would serve as the main entry to Innovation Way, as well as to Planning Areas 4 and 5, and would also be used by traffic headed to and from I-880. The intersection is currently unsignalized and its eastern leg is currently an access point to the Tesla Motors plant. As such, intersection improvements would be required to upgrade this facility to the safety and operational standards necessary to accommodate the forecasted traffic volumes at this location. Accepting a lower LOS in lieu of intersection improvements at this location would create safety and operational problems for all users, including motorists, bicycles, pedestrians, and transit.

In summary, accepting a lower LOS in lieu of improvements is not appropriate or practical at every affected intersection and moreover would be at odds with the CEQA objective of implementing feasible mitigation to reduce significant impacts.

*Response to BART-25*

The agency stated that the analysis of transit impacts on pages 3.11-117 and 3.11-118 was extremely cursory and not supported by data (current load factors, future load factors, etc.). The agency stated that it anticipates the Warm Springs/South Fremont station will be adequate to handle ridership but is concerned with the downstream loads onboard trains. The agency stated that the Fremont-Daly City line is currently operating at capacity in central Alameda County and through the Transbay Tube

to San Francisco during some periods, and adding passengers will exacerbate impacts on BART. The agency stated that the EIR should evaluate onboard overcrowding issues that may result from the Warm Springs Extension.

As discussed in Response to BART-19, the BART riders added by the Community Plan would be lower than the number of BART riders predicted in the Warm Springs Extension EIS. As such, their impacts to BART operations have been addressed in previous studies. Moreover, more than 70 percent of the added riders would travel in the non-peak direction (southbound in the morning and northbound in the evening) where BART has available capacity.

*Response to BART-26*

The agency referenced the discussion of existing ridership at the Fremont BART station on page 3.11-117 (6,900) and stated that this figure represents exits; thus, it should be doubled to 13,800 account for entries.

Page 3.11-117 has been clarified and the change is provided in Section 4, Changes to the Draft EIR.

*Response to BART-27*

The agency referenced Transportation Impact Analysis page 56 and noted it includes a recommendation for minimum and maximum parking requirements. The agency reiterated prior comments about this subject. Refer to Response to BART-21 for further discussion.

*Response to BART-28*

The agency referenced page 95 of the Transportation Impact Analysis and stated that it did not analyze the impacts of additional ridership from the Warm Springs/South Fremont station on other downstream stations. Refer to Response to BART-25 for further discussion.

*Response to BART-29*

The agency referenced page 98 of the Transportation Impact Analysis and reiterated previous comments about the City of Fremont accepting a lower LOS in lieu of improvements at intersections in order to promote bicycle, pedestrian, and transit modes of transportation. Refer to Response to BART-22 through Response to BART-24 for further discussion.

*Response to BART-30*

The agency provided closing remarks to conclude the letter. No response is necessary.



**FREMONT  
UNIFIED SCHOOL  
DISTRICT**

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February 27, 2014

**VIA EMAIL AND HAND DELIVERY**

Nancy Hutar  
Project Manager  
City of Fremont  
Community Development Department  
Planning Division  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006  
Email: [nhutar@fremont.gov](mailto:nhutar@fremont.gov)

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

Dear Ms. Hutar:

The Fremont Unified School District ("District") provides these comments in response to the City of Fremont's ("City") DRAFT Environmental Impact Report entitled Warm Springs/South Fremont Community Plan, State Clearinghouse No. 2013032062 (referred to herein as the "DEIR").

By letter dated April 22, 2013, the District requested two specific items in response to the City's Notice of Preparation of the DEIR. First, the District requested that sufficient new schools at each grade level to accommodate children who will reside in the proposed residential development in the project area be included in the project description upon which the EIR is based. In addition, the District requested that the City analyze the environmental impacts of the new school projects to enable the District to "piggy back" on the City's Community Plan Program EIR for later CEQA compliance for new schools within the Plan Area.

We would first like to thank the City for making the effort to respond to our requests in the DEIR. We further respond to these issues as follows:

**New Schools at Each Grade Level**

Section 3.10 of the DEIR (Public Services and Recreation) addresses impacts on public schools in and surrounding the project area. Specifically, Impact PSU-3 provides that "Development and land use activities contemplated by the Community Plan may result in a need for new or expanded school facilities." The District strongly reiterates that the Community Plan land use activities *will, not may*, result in the need for new and expanded facilities at all grade levels (Kindergarten – 12<sup>th</sup> Grade).

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As the DEIR states, the proposed Community Plan contemplates the generation of nearly 12,000 additional Fremont residents occupying nearly 4,000 dwelling units, and approximately 20,000 additional Fremont jobs within the contemplated 11, 521,526 square feet of commercial space. Undoubtedly, there will be a significant increase in the student population being served by the District and its facilities.

The Community Plan identifies a 5 to 10-acre site for an elementary school to assist in mitigating the impacts of the planned activities. The DEIR clarifies that the property owner within Planning Area 4 would dedicate the site, and that the other property owners would pay their fair share of that land cost. However, the Community Plan does not provide for, or study the impacts of new schools to serve the student growth in grade levels 6 thru 12. Rather, the DEIR states that the land developers and the District will fund capital improvements to junior and senior high schools to mitigate these impacts. Notwithstanding the fact that the DEIR does not include consideration of new junior and senior high schools, the DEIR does clarify that the developers will execute a Memorandum of Understanding with the District "that provides for full mitigation (100 percent) of school impacts associated with students generated from the plan area prior to receiving city approval for project entitlements." (DEIR, 3.10-9.)

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CONT

It is the District's understanding that these commitments, at least in part, are built into the project description being analyzed and form the basis of the City's final conclusion that the impacts to schools is less than significant.

Consideration of Impacts from New Schools

As noted above, the DEIR only considered impacts associated with the development of a new elementary school in Planning Area 4. However, the DEIR did not address: (1) the impacts on and surrounding existing elementary schools if a new elementary school is not constructed as contemplated; or (2) the impacts on and surrounding existing junior and high schools that will result whether or not improvements are made to the facilities themselves to accommodate increased student enrollment.

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Specifically, the District notes that under both scenarios, the Community Plan will result in a number of additional unstudied impacts. For example, there will be increased traffic resulting from students who will be required to travel from the new development to receptor schools (schools that will accommodate growth generated by the Community Plan). Increased vehicular traffic, in turn, will impact air quality in and surrounding the new routes of travel. Further, because the District will need to accommodate students in existing facilities with capacity, students may be required to attend any of the District's 40+ schools within the District's boundaries. Accordingly, the attendant traffic and air quality impacts will be experienced City-wide.

Once again, we appreciate the City's effort to work with the District and the developers to ensure that the impact on schools is as minimal as possible. However, the District requests that the impacts identified above be addressed before proceeding with approval of the Community Plan.

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

Very truly yours,

  
James Morris

### **Fremont Union School District (FUSD)**

#### *Response to FUSD-1*

The agency provided introductory remarks to open the letter. No response is necessary.

#### *Response to FUSD-2*

The agency referenced its April 22, 2013 NOP comment letter and indicated that it had requested that: (1) sufficient new schools at each grade level to accommodate students generated by the Community Plan uses be included in the Draft EIR project description; and (2) the Draft EIR analyze the impacts of new school projects to allow FUSD to “piggy back” on the Community Plan EIR for CEQA compliance. The agency thanked the City for making the effort to respond to its requests in the Draft EIR. No response is necessary.

#### *Response to FUSD-3*

The agency referenced the analysis of school impacts in Draft EIR Section 3.10, Public Services and Recreation and stated that there would be a significant increase in the FUSD student population. The agency noted that the Draft EIR indicates that the Community Plan identifies a five- to ten-acre site for an elementary school within Planning Area 4 and states that the property owner would dedicate land for the school and other developers would contribute their fair share of the land cost. The agency stated that the Community Plan does not provide for or study the impacts of student growth in grades 6 through 12 and instead states that the developers and FUSD would fund capital improvements to junior and high schools to mitigate these impacts. The agency acknowledged that the Draft EIR clarifies that developers would execute a Memorandum of Understanding with FUSD that provides for full mitigation of school impacts. The agency indicated that it was its understanding that these commitments are built into the project description being analyzed and for the basis of the City’s final conclusion that the impacts to schools are less than significant.

Refer to Master Response 2 (Schools).

#### *Response to FUSD-4*

The agency stated that the Draft EIR only considered impacts associated with the development of a new elementary school in Planning Area 4 and did not address: (1) impacts on surrounding existing elementary schools if a new elementary school is not constructed as contemplated; or (2) the impacts surrounding existing junior high schools and high schools that would result whether or not improvements are made to facilities to accommodate increased student enrollment. The agency noted that the Community Plan would result in a number of unstudied impacts, such as increased traffic from students who would be required to travel from the Community Plan area to receptor schools, as well as associated air emissions from such trips. The agency stated that Community Plan area students may need to attend any of the 40 or more schools within FUSD and, thus, traffic and air quality impacts may be experienced citywide.

Refer to Master Response 2 (Schools).

#### *Response to FUSD-5*

The agency provided closing remarks to conclude the letter. No response is necessary.





February 28, 2014

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

Attention: Nancy Hutar

Subject: Warm Springs/South Fremont Community Plan

Dear Ms. Hutar:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR (DEIR) and Community Plan for the Warm Springs/South Fremont area. We have the following comments.

1

Land Use and Density

VTA strongly supports the proposed land use intensification on this site, strategically located on the regional transportation network and served by the future Warm Springs BART Extension. This location offers a rare opportunity to build supportive land uses on a large underutilized site adjacent to a new regional rail transit station. The site also holds particular importance to VTA due to the future role of the Warm Springs/South Fremont area in generating ridership on the BART Silicon Valley Extension under construction. The residential and employment densities proposed in the Draft Plan and DEIR are similar to ranges recommended for regional rail station areas in best practice guidelines, such as VTA's Transit Sustainability Policy & Service Design Guidelines. Placing such densities near the station is important to create a "synergy" of land uses and transportation options within easy walking distance of one another, thereby encouraging people to walk, bike and use transit for daily tasks and incrementally reducing vehicle miles traveled and greenhouse gas emissions.

2

Freeway Analysis

The DEIR analyzed freeway segments in Santa Clara County on I-680 and I-880 and found significant impacts on 12 freeway segments. VTA recommends that the City consider a range of reasonable mitigation measures for these impacts, including "minimizing impacts by limiting the degree or magnitude of the action and its implementation" and/or "compensating for the impact by replacing or providing substitute resources or environments" (CEQA Guidelines Section 15370). VTA has a program of Voluntary Contributions to Transportation Improvements that some local agencies have utilized to identify mitigation measures for significant freeway impacts.

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City of Fremont  
February 28, 2014  
Page 2

VTA notes that SR 237 was not included in the freeway analysis. VTA requested analysis of SR 237 in our NOP comment letter dated April 22, 2013. VTA recommends that the freeway analysis be revised to include SR 237 segments where the project is expected to add traffic equal to at least one percent of the freeway segment's capacity. This recommendation is based on Section 2.2.2 of the VTA Transportation Impact Analysis (TIA) Guidelines.

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In addition, VTA notes the following in regard to the freeway analysis on pages 3.11-109 to 3.11-113 of the DEIR:

- Two significant impacts shown in Table 3.11-16 where the LOS goes from E to F are not shown in the list on page 3.11-110. This list only includes segments that were at LOS F in Existing Conditions and added more than 1% of capacity, even though the text preceding the list indicates it should also include segments "where the addition of project traffic causes LOS F operations."
- The analysis of I-680 NB is not shown in Table 3.11-16. One segment, Calaveras to Yosemite, is erroneously included under I-880 SB, and other segments are not included at all.
- The analysis of I-880 segments between W Calaveras Boulevard and US 101 appears to not take into account the capacity expansion (added HOV lane) that opened in June 2013.

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5c

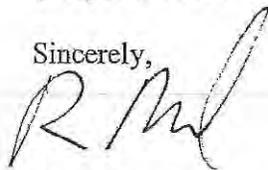
VTA encourages the City to develop a comprehensive funding plan for transportation improvements associated with the Warm Springs Community Plan, and we recommend that it include regional improvements in both counties, along with local improvements. We encourage the City to contact VTA to discuss this topic further.

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

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Sincerely,



Roy Molseed  
Senior Environmental Planner

### **Santa Clara Valley Transportation Authority (VTA)**

#### *Response to VTA-1*

The agency provided introductory remarks to open the letter. No response is necessary.

#### *Response to VTA-2*

The agency expressed its strong support for the proposed land use intensification within the Community Plan area and noted its importance in generating ridership on the BART Silicon Valley Extension to San Jose. The agency indicated that the residential and employment densities proposed by the Community Plan are similar to ranges recommended for regional rail station areas in best practice guidance such as VTA's Transit Sustainability Policy & Service Design Guidelines. No response is necessary.

#### *Response to VTA-3*

The agency referenced the Draft EIR's analysis of I-680 and I-880 freeway operations and noted that significant impacts would occur on 12 segments. The agency advised that the City should consider a reasonable range of mitigation measures for these impacts, including limiting the degree or magnitude of the action or compensating for the impact by replacing or providing substitute resources or environments. The agency noted that it has a program of Voluntary Contributions to Transportation Improvements that some local agencies have utilized to identify mitigation measures for significant freeway impacts.

Refer to Master Response 1 (Freeway Mitigation Options) and revisions to Draft EIR pages 3.11-109, 3.11-110 and 3.11-113 have been provided in Section 4, Changes to the Draft EIR.

#### *Response to VTA-4*

The agency stated that State Route 237 (SR-237) was not included in the freeway analysis and noted that it had requested that this facility be studied in its NOP comment letter dated April 22, 2013. VTA recommended that SR-237 be studied.

The freeway analysis included all freeway segments in Santa Clara County to which buildout of the Community Plan would cause an increase in traffic volumes equal to one percent of the segment's capacity. Vehicle traffic generated by land use development in the plan area would disperse as the distance from the site increases. As a result, SR-237 was not included because it does not meet the one-percent criterion.

#### *Response to VTA-5a*

The agency referenced the Draft EIR's freeway analysis and stated that there is a discrepancy between Table 3.11-16 (VTA Freeway Segment Analysis) and the text on page 3.11-10. The agency stated that, based on the text on page 3.11-10, two additional segments identified in Table 3.11-16 should be identified as significant impacts.

Two segments that shift from LOS E to LOS F are not included in the list of impacted segments according to the comment. The list will be modified to clarify the impacted freeway segments and the change is noted in Section 4, Changes to the Draft EIR. These segments were included in Table 3.11-16; thus, their entries do not constitute new information.

*Response to VTA-5b*

The agency referenced the Draft EIR's freeway analysis and stated the analysis of northbound I-680 is not shown in Table 3.11-16 (VTA Freeway Segment Analysis) and also noted that the "Calaveras to Yosemite" segment is erroneously listed as an I-880 southbound segment.

There are no impacted segments on northbound I-680. Table 3.11-16 has been revised to present the results for the segments on northbound I-680 and to clarify the end points for the segments on southbound I-680. The changes are provided in Section 4, Changes to the Draft EIR.

*Response to VTA-5c*

The agency referenced the Draft EIR's freeway analysis and stated the analysis of I-880 segments between Calaveras Boulevard and US 101 appears to not take into account the capacity expansion (added High Occupancy Vehicle [HOV] lane) that opened in June 2013.

*Fehr & Peers commenced the Transportation Impact Analysis in spring 2013, which coincided with the release of the Notice of Preparation. The HOV lane was not operational at this time; therefore, it was not included in the freeway analysis. Regardless, the HOV lane adds capacity to these segments and the analysis in the Draft EIR is conservative. A sentence has been added to Draft EIR page 3.11-110, provided in Section 4, Changes to the Draft EIR, regarding HOV lanes.*

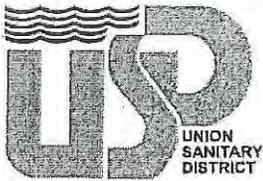
*Response to VTA-6*  
The agency encouraged the City to develop a comprehensive funding plan for transportation improvements associated with the Community Plan and recommended that it include regional improvements in both Alameda County and Santa Clara County.

As acknowledged in the various mitigation measures set forth in Impact TRANS-1 and TRANS-2, the City of Fremont intends to amend its Capital Improvement Program to incorporate the various improvements identified in the Draft EIR. This would serve as the comprehensive funding plan for local transportation improvements required for the Community Plan.

At the time of this writing, the City's Capital Improvement Program is limited to facilities within the Fremont city limits and there is no mechanism to fund improvements outside the city limits; refer to Response to VTA-2 for further discussion.

*Response to VTA-7*

The agency provided closing remarks to conclude the letter. No response is necessary.



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*District Engineer*  
  
David M. O'Hara  
*Attorney*

February 28, 2014

City of Fremont  
Community Development Department  
39550 Liberty Street (P.O. Box 5006)  
Fremont, CA 94537

Attention: Ms. Nancy Hutar

RE: Draft Environmental Impact Report (DEIR)  
Warm Springs/South Fremont Community Plan

Dear Ms. Hutar,

Thank you for notifying and giving Union Sanitary District (USD) the opportunity to review the Draft Environmental Impact Report for the Warm Springs/South Fremont Community Plan. The development area, located in Union Sanitary District's Irvington Basin, proposes to develop approximately 879 acres in south Fremont. The plan includes new development and redevelopment of properties that is anticipated to accommodate approximately 11.2 to 11.6 million square feet of light industrial, R&D, office, retail and hotel uses. In addition, the plan also provides for approximately 2,700 to 4,000 residential units and a public school. Areas within the new BART station have been identified to have high density residential development with a minimum of 30 to 50 units per acre.

1

The wastewater utility portion of the DEIR is fairly accurate. No upsizing of USD's Alvarado Treatment Plant in Union City is anticipated as a result of the project while upsizing of the Irvington Equalization Basin may be required to mitigate increase in wet weather flows in the area. However, we would like to point out that some of the existing 10-inch diameter sewer mains in the vicinity of the new BART Station may need to be upsized depending on the location and distribution of the high density residential portion of the project. The 10-inch sewer on Lopes Court and Grimmer Blvd. does not have any known capacity deficiency but may approach or exceed capacity if maximum density of residential development is attained in areas adjacent to the sewer mains. While the Tesla Manufacturing Plant is existing and is not part of the DEIR, increased flows from plant is also a factor that may impact sanitary sewer capacity in the project's vicinity that must be considered. Any new industry or manufacturing that uses large

2

Ms. Nancy Hutar  
February 28, 2014  
Page 2

amounts of water and discharges it into the sewer system that may move into the area will also impact sewer capacity in existing pipes.

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CONT

Again, we thank you for the opportunity to review and comment on the DEIR. We look forward to working with the City on this project. If you have any questions or if I can be of further help, you may call me at (510) 477-7617.

3

Truly yours,

  
Al D. Bunyi, P.E.  
Associate Engineer

Cc: Rollie Arbolante  
Sami Ghossain  
Raymond Chau  
File

ADB:adb

### **Union Sanitary District (USD)**

#### *Response to USD-1*

The agency provided introductory remarks to open the letter. No response is necessary.

#### *Response to USD-2*

The agency stated that the wastewater portion of the Draft EIR was “fairly accurate” and confirmed that the Alvarado Treatment Plan would not need to be upsized to serve the Community Plan uses. The agency noted that the Irvington Equalization Basin and an existing 10-inch sewer main near the Warm Springs/South Fremont BART station may need to be upsized. The agency noted that increased flows from Tesla Motors and any new industrial or manufacturing uses that demand large amounts of water may impact sewer system capacity.

The Draft EIR acknowledged that upsizing of the pump station equalization basins to mitigate an increase in wet weather flows (page 3.12-18, first paragraph).may be necessary to serve effluent generated by Community Plan uses on pages 3.12-17 and 3.12-18. The City of Fremont intends to work with USD to ensure that necessary sewer infrastructure upgrades are implemented in a timely manner.

#### *Response to USD-3*

The agency provided closing remarks to conclude the letter. No response is necessary.





February 28, 2014

**Via Email and Overnight Mail**

Kristie Wheeler  
Planning Manager  
Planning Division  
City of Fremont  
39550 Liberty Street  
Fremont, CA 94597

**Re: Draft EIR Comments Warm Springs/South Fremont Community Plan**

Dear Ms. Wheeler:

Thank you for the opportunity to provide you our comments on the January 15, 2014 Warm Springs Community Plan Draft Environmental Impact Report ("Draft EIR"). Please find below our comments that we have identified for each section and by page number.

**Section 2 - Warm Springs Community Plan Project Description**

The Warm Springs/South Fremont Community Plan ("Community Plan") area consists of an approximately 850-acre area located generally north of State Route 262, I-880 to the west, I-680 to the east, and Auto Mall Parkway to the north. Toll Brothers is proposing to develop the Warm Springs Station Village property located within the Community Plan area. Bounded by Grimmer to the north, I-680 to the east, Warm Springs Boulevard to the west and developed property to the south, the Warm Springs Station Village Property consists of approximately 34.57 gross acre site entirely situated within the Community Plan area (the "Property").

The Property comprises the entirety of Area 9, which is planned as "Mix D."<sup>1</sup> Mix D is defined as: "Hotel, Retail & Entertainment, Residential and School: Residential and community oriented uses, Mix D establishes mixed-use, transit-oriented residential neighborhoods that offer high-quality living environments" (Community Plan at 16 – 17). The Community Plan indicates that Area D consists of 39 gross acres with 5.85 acres of street rights of way, 37 gross acres of residential uses for a total of 1,250 dwelling units, a 2 acre hotel site with 300 rooms, 36,600 square feet of retail space and 4 acres of parks, plaza and open space.

<sup>1</sup> The Community Plan is inconsistent in its depiction of Area 9. On page 17 of the Community Plan, Area 9 is labeled Mix D on the map, but the color of the Area matches Mix C in the map legend. Page 20 also seems to identify Area 9 as Mix C with colors. On page 21, Area 9 clearly falls under Mix D. The Draft EIR, however, treats the Property as within Area 9 and Mix D. The confusion may be due to the colors used on the map.

Toll Brothers is proposing to develop 1,001 dwelling units on 25.5 acres of the Property at a net density of 39.25 dwelling units/net acre (29 dwelling units/gross acre), approximately 7,500 to 15,000 square feet of retail use, and 2.0 acres of open space with a club house for a total of 2.35 acres of parks, plaza and open space (the "Toll Brothers Project"). The Toll Brothers Project does not include a hotel, and includes approximately 249 fewer dwelling units, 20,000 square feet less retail space and less open space and parks.

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Pages 2-21 and 2-22. The Community Plan does not fully reflect the Toll Brothers Project. Consequently, we respectfully request that the City clarify in the Final EIR the discussion on pages 2-21 and 2-22 of the Project Description as follows:

- Be consistent with and include Toll Brothers Project.
- Clarify that the Community Plan Targets set forth in Table 2-4 of the Draft EIR regarding minimum gross floor area and minimum dwelling unit targets are approximations and will be further refined based on the actual acreage comprising the Planning Area and ultimately may allow for less development than that proposed in Table 2-4, and not only on an interim basis as suggested on page 2-23 of the Draft EIR. Alternatively, reduce the development potential for each Planning Area so that it corresponds to the actual Planning Area acreage.
- For consistency with the Community Plan, describe open space and recreational facilities included in the Community Plan.
- For consistency with the Community Plan, describe public services included in the Community Plan such as an elementary school proposed in Planning Area 4.

3a

Subsequent to this formal EIR review, Toll Brothers met with the City departments to discuss a wide number of topics within the Community Plan document and EIR. It is Toll Brothers' understanding that in Area 9 – Mix D:

- The "Targets" are not the required areas/sizes, unit counts or retail, hotel or other uses, only an illustrative example" of what could be provided in that area 9. Note: It is our calculation that Area 9 has approximately 34-35 acres rather than the 39 specified in the Target description.
- There is not a requirement for a Hotel, it is only an option.
- That there is a limited need for Retail Uses in the approximate range of 5,000 to 10,000 s.f. not the 36,600 square feet noted in the "Targets".
- It was also understood that the density yields on large sites was going to be reduced based on amount of property which is going to be required to provide streets at the frequency required in the Plan, thus the 15% property area for streets is a low number and that 20% will more likely be needed to meet the various Plan requirements.

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• It is our understanding that there is still an ongoing internal review of the regulations development standards and guidelines, and that there is some flexibility built in which is allowed under the Plan and EIR

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Section 2.5.1- Discretionary and Ministerial Actions - Page 2-28. We understand that while the City intends to rely on the Warm Springs Community Plan EIR as the CEQA document for subsequent discretionary actions, additional environmental documentation may be required to the extent that the Community Plan EIR does not address the environmental impacts of a specific project in accordance with the CEQA Guidelines Section 15168. Please note that other provisions of CEQA or the CEQA Guidelines sections may apply to eliminate the need or reduce the scope of further environmental review. Please clarify in the Draft EIR that the need for additional environmental review would be determined pursuant to CEQA Guidelines Section 15168 or other applicable CEQA Guidelines sections as may be appropriate.

3c

### Section 3.2 - Air Quality

Page 3.2-31. Thank you for including the ENVIRON Health Risk Study prepared for the Warm Springs Station Village Project in the Draft EIR analysis of Planning Area 9. We concur with the Draft EIR conclusion that the application of recommended mitigation measures would reduce potentially significant impacts to a less-than-significant level. The Health Risk Study applied standard age sensitivity factors for children per BAAQMD recommendations.

4

Page 3.2-35. We understand that the Draft EIR does not include a greenhouse gas emissions impact analysis associated with construction emissions due to the speculative nature of the timing of construction (Draft EIR at 3.2-35). Toll Brothers is proposing to start development of the Warm Springs Station Village Project in 2016. The Warm Springs Station Village Project would implement the BAAQMD best management practices during construction which would be well within BAAQMD standards for construction-related emissions.

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Page 3.2-36. The Draft EIR states that the project is consistent with Fremont's Climate Action Plan, which aims to achieve a GHG reduction target of 25% below 2005 levels by 2020 (also see the Draft EIR at 3.8-34). We request that the City clarify in the Final EIR the features of the Warm Springs Community Plan that make the plan consistent with the GHG reduction target of 25%.

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### Section 3.4 - Cultural Resources

Page 3.4-15. Mitigation Measure CUL-3 requires that if a proposed project involves excavation activities at depths of more than 10 feet below ground surface, prior to issuance of grading permits, the project applicant shall retain a qualified paleontologist and submit a paleontological mitigation monitoring program. This mitigation measure presumes that there are paleontological resources at depths below 10 feet. Please confirm that if, however, a specific development project demonstrates prior to issuance of a grading permit that there are no paleontological resources present under the ground surface, monitoring during grading will not be required.

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Additionally, Toll Brothers had an Archeological Surface and Subsurface Reconnaissance performed on the property by Holman and Associates Archaeological Consultants. No evidence of archaeological

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resources was found. Attached is copy of the July 2013 report and should be included in the Final EIR project specific information.

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CONT

**Section 3.7 –Hydrology**

Page 3.7-15. Mitigation Measure HYD-2 requires that prior to issuance of building permits for new development projects within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a storm drainage and hydraulic study. Although the requisite content of the study is identified, please clarify the performance standards which will be applied by the City or ACFCWC to confirm that adequate storm drainage infrastructure capacity is available to accommodate the runoff from the particular project.

9

Toll Brothers had the attached Feasibility Study dated June 2013 prepared by Sandis Civil Engineers that accessed the property flood zone, sanitary sewer, water supply, C3 and storm drainage and traffic infrastructure impacts and capacities that should be used in the Final EIR project specific information. Although the subject feasibility was conducted for a somewhat different land plan than what is currently being considered, the impacts and resulting capacity conclusions would not be result in more significant impacts.

10

We also conducted: 1.) a biological reconnaissance survey, prepared by LSA Associates, dated June 6, 2103 2.) a phase 1 environmental site assessment prepared by Engeo Incorporated dated June 18, 2013 and 3.) a preliminary geotechnical report prepared by Engeo Incorporated dated June 18, 2013 that we request be used in the Final EIR project specific information.

11

**Section 3.9 - Noise**

Pages 3.9-41, 3.9-49-50. Impact NOI-4 states that “[b]ecause specific locations for the proposed uses are not yet known and detailed site and grading plans have not yet been developed for the areas within the Community Plan, it is not feasible to identify specific noise impacts associated with development at individual project sites.” Similarly, Impacts NOI-5 states that “[s]pecific locations and detailed plans for development of the proposed noise-sensitive uses within the Community Plan area have not yet been developed. Therefore, it is not feasible to identify specific noise impacts associated with development at individual project sites or within the Community Plan planning areas.

12

In actuality, Toll Brothers submitted the “Synopsis of Noise Impact Assessment for the Warm Springs Development” dated May 22, 2013 and prepared by ENVIRON. Please find attached for your use in the Final EIR specific information documenting the sound levels for Area 9. The analysis indicates that Area 9 currently is exposed to sound levels ranging from 63 to 79 dBA, primarily associated with traffic on Highway I-680 adjacent to the east side of the Area 9 property. We noted that the mitigation techniques recommended in the ENVIRON analysis are consistent with the Mitigation Measures described in Section 3.9 of the Draft EIR.

**Section 3.10 – Public Services and Recreation**

**Schools**

Page 3.10-9: The Draft EIR states that the Community Plan would result in an increase in student enrollment over a period of 22 years. The Draft EIR does not identify the estimated level of student enrollment anticipated under the Community Plan. Based upon projected student enrollment information Toll Brothers anticipates that the Toll Brothers' Project could generate an estimated 139 elementary students, 26 middle school students and 45 high school students over the 22 year period. Attached is the Preliminary Student Generation Rate Assignment Analysis, dated February 24, 2014 prepared by SCI Consulting Group for the Warm Springs/South Fremont Community Plan that further explains the basis for the Toll Brothers Project student generation estimates.

13

Page 3.10-9: The Draft EIR states that the Community Plan includes a 5 to 10-acre elementary school site in Planning Area 4. We understand that this school will be sized to provide capacity for the students generated in the Warm Springs Community Plan area. The Draft EIR indicates that the EIR evaluates the environmental impacts of school construction. We were unable to locate any analysis of the construction and operations-related impacts of the school facility, and recommend that this information be included so that the FUSD, City and/or developers may rely on the analysis contained in the EIR for the future environmental review of the school.

14

To clarify, Developers within the Community Plan have proposed to enter into a Memorandum of Understanding or such similar document that in conjunction with state funding provides for the full mitigation of school impacts associated with students generated from the plan area, subject to reaching an acceptable agreement with the FUSD on the parameters of such an agreement and the approval of the Developer's projects by the City of Fremont generally consistent with the adopted Community Plan and preliminary applications.

15

Page 3.10-9: The Draft EIR states that the Community Plan may generate the need for additional middle school and high school facilities. Please clarify what additional facilities will be provided as part of the Community Plan implementation.

16

**Parks**

Page 3.10-9: The Draft EIR states that the Community Plan would result in a corresponding increase in demand for parks and recreation. The Draft EIR does not identify the estimated park demand under the Community Plan. Please clarify the estimated increase in the demand for parks and recreational facilities in the Final EIR.

17

**Section 3.11 – Transportation**

Page 3.11-78. Mitigation Measure MM TRANS-1b states that prior to issuance of the first building permit for the Community Plan area, the City shall either amend the City's Capital Improvement Program to include adding a third eastbound left-turn lane; or receive approval from Caltrans to exempt the intersection from the City's LOS D standard. Please clarify the timing of the improvement required under

18

this mitigation measure. In other words, does the EIR require that the improvement be complete prior to issuance of the first building permit or just process an amendment?

18  
CONT

Page 3.11-78. Mitigation Measure MM TRANS-1c states that prior to issuance of the first building permit for the Community Plan area, the City shall either amend the City's Capital Improvement Program to include adding a second northbound through lane and associated improvements; or change the acceptable standard for this intersection to LOS E. Please clarify the timing of the improvement required under this mitigation measure. Will the individual specific projects be required to pay their proportionate fair share prior to issuance of the building permit or would the roadway improvement be required to be completed prior to building permit issuance?

19

Page 3.11-78. Mitigation Measure MM TRANS-1d states that prior to issuance of the first building permit for the Community Plan area, the City shall either amend the City's Capital Improvement Program to include the specified intersection improvements at Auto Mall Parkway/ Fremont Boulevard, or change the acceptable standard for this intersection to LOS E. Will the individual specific projects be required to pay their proportionate fair share prior to issuance of the building permit or would the roadway improvements be required to be completed prior to building permit issuance?

20

The Transportation traffic studies evaluate a potential optional intersection on Grimmer Road between Warm Springs Blvd. and I680 underpass. It is our understanding based on conversations with the City that this is an optional intersection and that it is not a required intersection. Please confirm this in the evaluation and summary of the traffic study.

21

It is our understanding that BART has, or may have suggested or recommended a mid-block crossing of Warm Springs Boulevard, between the two signalized intersections into the BART Property. The two signalized intersections are coordinated with the Toll Brothers' Warm Springs Station Master Plan as well. We want to understand whether the mid-block optional crossing would be required at a later date or if it would even be allowed under the current Plan. We believe that it may be a safety hazard in any configuration.

22

Does the Community Plan EIR provide specific evaluation of the warm Springs Boulevard design of two lanes of traffic in each direction and specifically show the lane and turning lanes required for the major intersections at Warm Spring Blvd. and BART entrance egresses? Is there an evaluation of Warm Springs Boulevard which includes on street parking along Warm Springs Boulevard?

23

#### Appendix E

- It appears that future residents in the Community Plan area may be subject to 11 potential sources of hazardous materials releases that could pose a health risk under worst-case conditions. It would be helpful if the analysis included a map showing the risk of upset from the 11 sources related to the planning areas included in the Community Plan as it appears that not all of the planning areas will be subject to the same risk of upset from the same sources.
- The mitigation measures are somewhat vague in that it is unclear if all future residential projects in the entire Community Plan area will be required to submit a hazardous materials risk analysis to address all 11 potential sources. For example, it appears that Sources 4 and 6 (Hayward Quartz –

24a

24b

1500 Corporate Way and West Coast Quartz) are the 2 sources located closest to Area 9 with a potential for a hazardous materials release. Because these 2 sources only would pose a cryogenic health risk to receptors in the immediate vicinity of the tank, they were not evaluated in the risk analysis included in Appendix E. Consequently, would a specific project in Area 9 require a site-specific risk analysis of these 2 sources or all 11 sources under MM-2a?

24b  
CONT

- o Also MM HAZ-2a should identify the applicable mitigation measures from the Hazardous Materials User Study that would apply to the particular planning area. For example, under 6.1.1 of the Hazardous Materials User Study:

- o Would a setback be required since there is no risk of toxic gas plumes impacting Area 9?
- o If a blast wall would be required along the Corporate Way based on the discussion on page 42 of the Hazardous Materials User Study due to the proximity to the West Coast Quartz and Hayward Quartz, would a blast wall be necessary in Area 9?
- o Would building orientation, building ventilation system shutdown or specific building materials be required, and if so, what kind of materials would be required particularly if there is intervening development between Area 9 and the sources of potential risk?

24c

Thank you again the opportunity to provide you the subject comments and should you have any questions or need additional information, please let me know.

25

Sincerely,  
Toll Brothers Inc.



Richard M. Nelson  
Division President

Cc: Tony Morici  
Todd Callahan



## Businesses

### **Toll Brothers (TOLL)**

#### *Response to TOLL-1*

The author provided introductory remarks to open the letter. No response is necessary.

#### *Response to TOLL-2*

The author summarized the Draft EIR Project Description and described Toll Brothers' plans to develop 1,001 dwelling units, 7,500 to 15,000 square feet of retail, and two acres of open space and club houses within Planning Area 9. The author stated that Toll Brothers' current plans do not include a hotel and instead propose 249 fewer dwelling units, 20,000 square feet less retail space, less open space, and fewer parks than shown for Planning Area 9 in the Community Plan.

Refer to Response to TOLL-3b.

#### *Response to TOLL-3a*

The author stated that pages 2-21 and 2-22 of the Draft EIR Project Description (i.e., Table 2-4, Community Plan Project Targets-Planning Areas) do not fully reflect the Toll Brothers project. The author requested that the City: (1) revise the Project Description in the Final EIR to be consistent with the Toll Brothers' project; (2) clarify that minimum gross floor area and minimum dwelling unit targets set forth in Table 2-4 are approximations and would be further refined; or (3) reduce the development potential for each Planning Area so that it corresponds to actual Planning Area acreage. The author also requested that the Community Plan describe open space, recreational facilities, and public services (such as the elementary school).

While Toll Brothers has submitted a Preliminary Review Procedure application to the City, a formal development application has not yet been submitted. Furthermore, the Draft EIR evaluates the impacts of the proposed Community Plan at a program level and not at the specific project level. To the extent feasible, individual development projects may be able to use the Community Plan EIR for their own environmental analysis. However, each development project would be required to substantiate to the City its compliance with the requirements of CEQA and the CEQA Guidelines, whether or not that means additional CEQA review and documentation are required.

#### *Response to TOLL-3b*

The author summarized the outcome of a meeting Toll Brothers' representatives had with City staff regarding the Community Plan and Draft EIR. The author stated that it was Toll Brothers' understanding that: (1) development targets are not required areas or sizes, unit counts, specific end uses and instead serve as illustrative examples of what could be provided; (2) the 300-room hotel in Planning Area 9 is an option, not a requirement; (3) there is a limited need for retail that would range from 5,000 to 10,000 square feet and not 36,000 square feet; (4) density yields on large sites would be reduced to accommodate public improvements such as streets; and (5) there is still ongoing internal review and refinement to the Community Plan and some flexibility would be allowed.

The Community Plan and Draft EIR identify (and the Draft EIR analyzes) the maximum development potential and range of end uses that could be developed within the plan area in order to establish a

conservative scenario. The development “targets” identified in the Community Plan should be treated as goals and not binding requirements. Moreover, because the City of Fremont calculates density based on net acres, actual units and floor area yields would most likely be different from the development targets set forth in the Community Plan. Additionally, the range of uses identified by the Community Plan are allowed uses and not required uses, similar to how General Plan and Zoning Ordinances identify a range of allowed land use activities within particular land use designations and zoning districts. The Community Plan document has been revised to more accurately reflect the intent of the development targets.

*Response to TOLL-3c*

The author referenced the list of discretionary and ministerial approvals on Draft EIR page 2-28 and stated that the CEQA Guidelines contain provisions that may eliminate the need or reduce the scope of further environmental review in the event subsequent changes occur to the Community Plan. The author requested that the Draft EIR text be clarified to state that the need for additional environmental review would be determined pursuant to CEQA Guidelines Section 15168 or other applicable CEQA Guidelines sections as appropriate.

A statement has been added to the end of the discussion of discretionary and ministerial approvals and the change is noted in Section 4, Changes to the Draft EIR.

*Response to TOLL-4*

The author referenced the analysis of sensitive receptors on Draft EIR page 3.2-31 and concurred with the conclusion that the application of Mitigation Measure AIR-4 would reduce impacts to a level of less than significant. No response is necessary.

*Response to TOLL-5*

The author referenced the analysis of greenhouse gas emissions on Draft EIR page 3.2-35 and noted that the analysis does not include an evaluation of construction emissions because of the speculative timing of the construction activities. The author stated that Toll Brothers is proposing to start development of its project in 2016 and would implement Bay Area Air Quality Management District (BAAQMD) best management practices during construction, which would be well within standards for construction emissions.

To clarify, the Draft EIR indicates on page 3.2-35 that BAAQMD does not have a recommended assessment methodology or threshold for plan-level construction greenhouse gas emissions, which is the primary reason why such emissions were not inventoried. Regardless, Toll Brothers’ proposed approach of complying with BAAQMD best management practices during construction is acceptable and would not pose any conflicts with the Draft EIR’s analysis or conclusions.

*Response to TOLL-6*

The author referenced a statement on Draft EIR page 3.2-36 that the Community Plan is consistent with the City of Fremont Climate Action Plan’s 25 percent reduction target and requested that the City clarify in the Final EIR the features of the Community Plan that make the plan consistent with the reduction target.

As discussed on Draft EIR page 3.2-36, the City’s Climate Action Plan provides goals and associated measures that are tied to a specific reduction of greenhouse gas emissions as well as to energy use, transportation, and waste reduction. Many of these strategies are outlined in the City of Fremont General Plan’s Conservation Element; refer to Draft EIR pages 3.8-31 through 3.8-34 for a consistency evaluation with the applicable goals and policies set forth in the Conservation Element.

*Response to TOLL-7*

The author referenced Mitigation Measure CUL-3, which pertains to paleontological resources, and stated that it presumes that such resources are present at depths below 10 feet. The author asked for confirmation that, if a specific development project demonstrates prior to issuance of grading permit that no paleontological resources are present under the ground surface, monitoring would not be required.

A statement has been added to Mitigation Measure CUL-3 indicating that monitoring is not required if an applicant submits documentation prepared by a qualified cultural resources professional to the City of Fremont as part of the grading permit application demonstrating that no paleontological resources are present under the ground surface. The change is provided in Section 4, Changes to the Draft EIR.

*Response to TOLL-8*

The author stated that Toll Brothers retained Holman and Associates Archaeological Consultants to prepare an Archaeological Surface and Subsurface Reconnaissance in 2013 for its property. The report found no evidence of archaeological resources on the site. The author requested that this report be appended to the Final EIR.

To preface this response and Response to TOLL-9 through TOLL-13, Toll Brothers does not have a development application on file with the City of Fremont at the time of this writing. Therefore, the City of Fremont has not made any determinations about the adequacy of the submitted technical studies or the level of additional environmental review (if any). As such, it would be premature to make any further statements.

The Holman and Associates Archaeological Consultants Archaeological Surface and Subsurface Reconnaissance is provided in Appendix A of this Final EIR.

*Response to TOLL-9*

The author referenced Mitigation Measure HYD-2, which requires development projects to prepare storm drainage and hydraulic studies, and requested clarification of the performance standards that would be applied by the City of Fremont and Alameda County Flood Control and Water Conservation District to confirm that adequate storm drainage infrastructure is available to accommodate runoff.

The City of Fremont and Alameda County Flood Control and Water Conservation District would apply their adopted standards and specifications for storm drainage infrastructure. At the time of this writing, the City of Fremont Municipal Code Chapter 18.210 (Storm Water Management and Discharge Control) establishes that post-construction flow shall not exceed pre-development discharge.

*Response to TOLL-10*

The author also attached a Feasibility Study prepared by Sandis Civil Engineering that assessed hydrology and drainage-related topics that should be used in the Final EIR.

The Sandis Civil Engineering Feasibility Study is provided as Appendix B of this Final EIR.

*Response to TOLL-11*

The author stated that Toll Brothers retained: (1) LSA Associates to prepare a Biological Reconnaissance Survey; (2) ENGEO Incorporated to prepare a Phase I Environmental Site Assessment; and (3) ENGEO Incorporated to prepare a Preliminary Geotechnical Report for its property. The author requested that these reports be appended to the Final EIR.

The LSA Associates Biological Reconnaissance Survey is provided as Appendix C of this Final EIR; the ENGEO Incorporated Phase I Environmental Site Assessment is provided as Appendix D of this Final EIR; and the ENGEO Incorporated Preliminary Geotechnical Report is provided in Appendix E of this Final EIR.

*Response to TOLL-12*

The author referenced Impact NOI-4 and Impact NOI-5 and noted statements that it was not possible to evaluate specific noise impacts within individual development sites. The author stated that Toll Brothers retained ENVIRON to prepare a Synopsis of Noise Impact Assessment in 2013—which found that noise levels on its site range from 63 dBA to 79 dBA—and noted ENVIRON recommended noise mitigation measures that are similar to those set forth in the Draft EIR. The author requested that it be attached to the Final EIR.

The ENVIRON Synopsis Noise Impact Assessment is provided in Appendix F of this Final EIR.

*Response to TOLL-13*

The author referenced the Draft EIR's analysis of school impacts on page 3.10-9 and noted that it indicates that the Community Plan would result in an increase in school enrollment, but it does not estimate the level of enrollment under the Community Plan. The author stated that Toll Brothers retained SCI Consulting Group to prepare a Preliminary Student Generation Rate Assignment Analysis, which estimates the Toll Brothers project could generate an estimated 139 elementary students, 26 middle school students, and 45 high school students over the 22-year horizon of the Community Plan.

The SCI Consulting Group Preliminary Student Generation Rate Assignment Analysis is provided in Appendix G of this Final EIR.

*Response to TOLL-14*

The author noted that the Community Plan identifies a five- to ten-acre elementary school site in Planning Area 4 that would serve students generated from within the Community Plan area. The author noted that the Draft EIR evaluates the environmental impacts of school construction, but stated that it is not clear where this is provided in the EIR. The author requested that this analysis be identified so that FUSD, the City of Fremont, and developers may rely on the analysis for future environmental review of the school.

Refer to Master Response 2 (Schools).

*Response to TOLL-15*

The author referenced a statement on page 3.10-9 and sought to clarify that residential developers within the Community Plan area have proposed to enter into a Memorandum of Understanding (or similar document) that in conjunction with state funding would provide for the full mitigation of school impacts associated with students generated from the plan area. The Memorandum of Understanding is contingent on reaching an acceptable agreement with FUSD on the parameters of such an agreement and the approval of the developer's projects by the City of Fremont. No response is necessary.

*Response to TOLL-16*

The author referenced a statement on page 3.10-9 about the Community Plan having the potential to create a need for additional middle school and high school facilities and requested clarification about what facilities would be provided.

Refer to Master Response 2 (Schools).

*Response to TOLL-17*

The author referenced a statement on page 3.10-9 about the Community Plan having the potential to increase demand for parks and recreation and stated that the Draft EIR does not identify the estimated park demand under the Community Plan. The author requested clarification about the estimated increase in demand for parks and recreational facilities.

As stated on Draft EIR page 3.10-5, the City of Fremont has an adopted standard of providing five acres of parkland per 1,000 residents. The Community Plan has a maximum buildout potential of 4,000 dwelling units, which equates to a population increase of 12,200 residents. Using the City's adopted parkland standard, the Community Plan would create a need for 61 acres of new parkland.

The City of Fremont allows parkland requirements to be satisfied through either dedication or payment of development impact fees. Given the characteristics of the Community Plan, it would be expected that residential developers would satisfy the parkland requirements through both approaches.

*Response to TOLL-18*

The author referenced Mitigation Measure TRANS-1b and noted it requires certain actions to be satisfied prior to issuance of the first building permit for the Community Plan area. The author requested clarification about whether the EIR requires the specified improvements to be in place prior to issuance of the first building permit.

The text of Mitigation Measure TRANS-1b has been revised to require either: (1) payment of traffic impact fees that would be used for the installation of a third eastbound left-turn lane; or (2) receive approval from Caltrans to exempt the intersection from the City's LOS D standard. Refer to Section 4, Changes to the Draft EIR for the text of the changes to Mitigation Measure TRANS-1b. Under Option 1, applicants would merely be required to pay fees; the actual improvement would be installed at a later date.

*Response to TOLL-19*

The author referenced Mitigation Measure TRANS-1c and noted it requires certain actions to be satisfied prior to issuance of the first building permit for the Community Plan area. The author requested clarification about whether the EIR requires the specified improvements to be in place prior to issuance of the first building permit.

The text of Mitigation Measure TRANS-1c has been revised to require either: (1) payment of traffic impact fees that would be used for the installation of the necessary improvements; or (2) change the minimum LOS standard to E. Refer to Section 4, Changes to the Draft EIR for the text of the changes to Mitigation Measure TRANS-1c. Under Option 1, applicants would merely be required to pay fees; the actual improvements would be installed at a later date.

*Response to TOLL-20*

The author referenced Mitigation Measure TRANS-1d and noted it requires certain actions to be satisfied prior to issuance of the first building permit for the Community Plan area. The author requested clarification about whether the EIR requires the specified improvements to be in place prior to issuance of the first building permit.

The text of Mitigation Measure TRANS-1d has been revised to require either: (1) payment of traffic impact fees that would be used for the installation of the necessary improvements; or (2) change the minimum LOS standard to E. Refer to Section 4, Changes to the Draft EIR for the text of the changes to Mitigation Measure TRANS-1c. Under Option 1, applicants would merely be required to pay fees; the actual improvements would be installed at a later date.

*Response to TOLL-21*

The author stated that the transportation study evaluates a potential optional intersection on Grimmer Boulevard between Warm Springs Boulevard and the I-680 underpass. The author stated that based on Toll Brothers' conversation with the City of Fremont it is understood that this intersection is optional and not required.

Both the Community Plan and the Draft EIR (Exhibit 2-6, Streets Plan) conceptually depict a network of grid pattern streets within the larger Planning Areas to illustrate how individual blocks would be created. These streets are conceptual, and the precise street alignments, block sizes, connections to major streets, and other details would be determined once development plans for each Planning Area are submitted. Thus, neither the Community Plan nor the Draft EIR requires the development of one or more new intersections on Grimmer Boulevard between Warm Springs Boulevard and the I-680 underpass.

*Response to TOLL-22*

The author stated that it is Toll Brothers' understanding that BART has suggested a mid-block crossing of Warm Springs Boulevard between the two signalized intersections into the BART property. The author expressed concern about safety hazards associated with a mid-block crossing and requested whether this would be required at a later date or if it is even allowed by the Community Plan.

Neither the Community Plan nor the Draft EIR requires or prohibits a mid-block crossing on Warm Springs Boulevard at this location. However, there will be multiple opportunities for pedestrians to cross at signalized intersections fronting the BART property, and the City does not believe it is necessary to establish additional crossings.

*Response to TOLL-23*

The author inquired if the Draft EIR provides a specific evaluation of the Warm Springs Boulevard design at the BART entrance (e.g., travel lanes, turn lanes). The author also inquired if there was an evaluation of Warm Springs Boulevard that includes on-street parking along the street.

The Draft EIR's traffic analysis did not specifically evaluate the BART station driveways on Warm Springs Boulevard or whether there was or should be on-street parking. For the amount of traffic on Warm Springs Boulevard with buildout of the plan, it was projected that a four-lane roadway would be sufficient to move vehicles, not to park vehicles. Warm Springs Boulevard, between South Grimmer Boulevard and Mission Boulevard, is designed to have a cross section consisting of bike lanes, vehicle lanes and a raised median.

*Response to TOLL-24a*

The author referenced the Hazardous Materials User Study in Draft EIR Appendix E and stated that it appears that future Community Plan area residents may be subject to 11 potential sources of hazardous materials releases that could pose a health risk under conservative conditions. The author stated that it would be helpful if the analysis included a map showing the risk of upset from the 11 sources related to the Community Plan planning areas.

Homeland security regulations preclude the provision of a map identifying the locations of the 11 potential hazardous materials release sources. Therefore, the City of Fremont respectfully declines this request.

*Response to TOLL-24b*

The author referenced the Hazardous Materials User Study in Draft EIR Appendix E and stated that the mitigation measures are somewhat vague in that it is unclear if all future residential projects in the Community Plan area would be required to submit a hazardous materials risk analysis. The author noted that there are only two potential sources near the Toll Brothers' property that would pose a risk and requested clarification about whether only those sources need to be evaluated or if all 11 sources need to be evaluated.

The City of Fremont intends for each residential development to perform its own unique hazardous materials risk analysis that would evaluate all relevant sources. Mitigation Measure HAZ-2a has been amended to note this intent. This change is provided in Section 4, Changes to the Draft EIR.

*Response to TOLL-24c*

The author referenced Mitigation Measure HAZ-2a and stated that it should identify the applicable mitigation measures from the Hazardous Materials User Study. The author inquired about specific measures that would apply to Planning Area 9 (e.g., setbacks, blast walls, building orientation, building ventilation system shutdown, and specific building materials).

Mitigation Measure HAZ-2a has been amended to identify specific measures that may be required to mitigate potential exposure to hazardous materials releases. This change is provided in Section 4, Changes to the Draft EIR.

Regarding the comment about the specific measures that would apply to Planning Area 9, such measures would be identified when the site specific hazardous materials risk study is prepared pursuant to Mitigation Measure HAZ-2a.

*Response to TOLL-25*

The author provided closing remarks to conclude the letter. No response is necessary.

UNION PACIFIC RAILROAD COMPANY  
REAL ESTATE DEPARTMENT



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R. L. Gooch  
Director  
Special Properties: Sales & Development

In reply, please refer to:

February 28, 2014

VIA EMAIL

City of Fremont  
Community Development Department  
39550 Liberty Street (P.O. Box 5006)  
Fremont, CA 94537  
Attention: Nancy Hutar, Project Manager (nhutar@fremont.gov)

Re: Union Pacific Railroad Company Comments on City of Fremont Warm Springs/South Fremont Community Plan and Draft Environmental Impact Report

Dear Ms. Hutar:

On behalf of Union Pacific Railroad Company ("UP"), we want to thank you for the opportunity to comment on the City of Fremont Warm Springs/South Fremont Community Plan (the "Community Plan") and Draft Environmental Impact Report ("DEIR").

1

As you know, UP currently owns approximately 109 acres north of the Tesla Motors auto manufacturing plant within the City of Fremont ("Parcel 1") and operates a rail switching yard (the "Warm Springs Railyard") and its Warm Springs Subdivision, a main line devoted to rail freight, immediately to the east of Parcel 1 and the Tesla plant. Although UP purchased Parcel 1 to provide expanded freight rail operations within the City of Fremont (the "City"), UP, at the request of the City, agreed to consider a sale of Parcel 1 and is in active discussions with a potential buyer.

2

The Community Plan is comprised of ten separate land use planning areas, each of which has been assigned a certain mix of land uses and intensities. Parcel 1 is located within "Area 4" and "Area 5" of the Community Plan. Area 4 has been assigned "Mix D," which consists of a mix of hotel, retail and entertainment, and residential uses, along with a proposed 4-acre "Urban Park" and a 5-acre elementary school site. Area 5 has been assigned "Mix B," which

3

Ms. Nancy Hutar  
February 28, 2014  
Page 2

consists of a mix of industrial, research and development, office and convention, hotel and retail and entertainment uses.

3  
CONT

As a general matter, UP supports the City's vision of transforming the Community Plan area into a transit-oriented development surrounding the future Warm Springs BART Station. At the same time, UP notes that Section 10501(b) of the Interstate Commerce Commission Termination Act ("ICCTA") of 1995 expressly preempts state and local law, including land use planning law, with respect to rail operations and related ancillary facilities, including Parcel 1, UP's Warm Springs Subdivision and UP's Warm Springs Railyard. UP has no plans to cease operating either its Warm Springs Railyard or Warm Springs Subdivision and so these areas will continue to be utilized for rail operations, notwithstanding any land use category assigned by the Community Plan to these areas. If UP is unable to find a suitable buyer for Parcel 1, UP intends to utilize this property for rail operations as well given its proximity to the Warm Springs Subdivision and other UP facilities.

4

Similarly, the Community Plan shows both a school site and park within UP's Parcel 1 (within Area 4 of the Community Plan). While there have been discussions between the City, the Fremont Unified School District and residential developers regarding a potential school site and park within Parcel 1 (see DEIR at page 3.10-9), UP itself has not agreed to dedicate land for either use. No land within Parcel 1 will be dedicated for a school or community park unless UP finds a suitable buyer for the property.

5

Because UP, under any scenario, will continue to operate the Warm Springs Subdivision and Warm Springs Railyard, UP also urges the City to not plan or authorize residential or other sensitive uses adjacent to or near these areas. For instance, residential use would not be permitted under the Community Plan within Area 5, which UP strongly encourages to the extent Area 5 lies adjacent to or near the Warm Springs Railyard and Warm Springs Subdivision. Residential uses would be permitted within Area 4, to the west of the Warm Springs Subdivision and within Area 9, to the east of the Warm Springs Subdivision; however, these areas are not adjacent to UP's existing rail facilities and, with implementation of appropriate mitigation measures (discussed below), are more suitable for residential use.

6

At the same time, the Community Plan would allow residential use within Area 8, adjacent to the Warm Springs Subdivision to the east, and within Area 3, adjacent to the Warm Springs Subdivision to the west. UP has concerns regarding the placement of residential uses within these areas, at least to the extent they lie adjacent to or near UP's rail facilities.

Namely, UP believes that maintaining industrial and non-sensitive commercial use (i.e., retail but not hotel) areas along existing rail corridors reflects good land use planning. Any future residential development near operating right-of-way can negatively impact freight rail service and create unintended consequences that are in neither the railroad's nor the public's best interests, including land use conflicts due to the nature of rail operations that may cause mechanical odor, noise and vibration. Additionally, any increase in vehicle or pedestrian activity may result in interference with train operations and trains may be forced to proceed more slowly through the City, and/or make more frequent emergency stops, which would make rail service less effective and efficient. In the event of train slowdowns or stoppages,

train cars may be forced to block at-grade roadway intersections, causing traffic disruptions. Increased likelihood of trespassing and vandalism on the railroad right-of-way and in the rail yard should be expected as well.

If the City believes it is essential to allow residential use adjacent to or near the Warm Springs Subdivision, we ask that the City require the future developers to mitigate the safety risks and the impacts of the railroad's 24-hour operations on the proposed residences. In particular, the City should require the future developers to install barrier walls or block fences, and/or "no trespassing" signs designed to prevent local residents from being too near or trespassing onto the railroad tracks and rail yard. Buffers and setbacks should also be required adjacent to the right-of-way and buildings should be adequately sound proofed against noise and vibrations from ongoing railroad operations.

6  
CONT

It is also UP's understanding that a bridge over the Warm Springs Subdivision would be constructed as a project element to allow pedestrians within the Community Plan area to cross the railroad main line for access to the new BART station. This pedestrian bridge should be required as a condition of buildout of the Community Plan (and not just as an elective project element), and no new at-grade crossings should be created or allowed at the Warm Springs Subdivision due to safety concerns. UP also notes that the design and construction of such a bridge would be subject to UP approval pursuant to UP's standard design, safety and operating requirements.

7

UP has similar concerns regarding the safety and wisdom of locating a new Class I multi use path "along the east or west side (depending on feasibility) of the railroad tracks between Mission Boulevard and Lopes Court/Warm Springs Court," without appropriate precautions. DEIR at page 3.11-53. UP sees no evidence that any safety concerns or precautions were considered and analyzed in the DEIR or that the DEIR requires appropriate mitigation measures to protect against potential hazards associated with locating this multi use path alongside a major rail line. For instance, there is no discussion of where exactly this path would be located, how the right of way for the path would be obtained and from whom, how the path would be sufficiently separated from active rail uses and how users would be protected from adjacent rail uses.<sup>1</sup> UP will generally not approve such a trail within its right of way and alongside a major freight rail line given the significant safety issues presented.

8

In short, the DEIR for the Community Plan should: (i) closely examine all of the safety and land use conflict impacts discussed above in connection with placing residential and other sensitive uses adjacent to or near the Warm Springs Subdivision, and (ii) identify and require feasible mitigation measures to reduce any such impacts to a level of insignificance.<sup>2</sup>

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<sup>1</sup> UP is aware of the City of Fremont - Union Pacific Railroad Corridor Trail Feasibility Study, prepared in June 2009 (the "Trail Feasibility Study"), which considers the feasibility of locating a trail alongside the UP main line, including through the Community Plan area. The study, however, identifies a number of significant constraints to placing a trail through the Community Plan area and presents more questions than answers on how this could be accomplished safely. See Corridor Trail Feasibility Study at pages 58 through 61. The DEIR similarly fails to analyze the risks presented by such a trail and how such risks and impacts could be mitigated.

<sup>2</sup> In particular, the following mitigation measures, currently within the DEIR, should be implemented upon approval of the Community Plan: MM NOI-2, MM NOI-5a, MM NOI-5b, and MM AIR-4.

Finally, as noted above, UP has not proceeded with the construction of a rail facility on Parcel 1 (in which event, the land use designations of the Community Plan would not apply to the property), because the City requested that it consider selling the property to a private developer. If UP is able to find a suitable buyer for Parcel 1, (in which event the Community Plan would apply to the property), UP has concerns regarding certain elements of the Plan.

Namely, UP encourages the City to carefully consider input and feedback from developers interested in constructing projects within the Community Plan regarding the minimum development intensity and area thresholds in the document. The Community Plan should reflect the City's vision for the future of the Plan Area, but it should also be feasible, buildable and flexible. It appears that certain of these thresholds do not reflect the market study the City had performed in 2011 to serve as a foundation for the Community Plan.<sup>3</sup>

For instance, the Community Plan would require a minimum of 50 units per acre within ¼ miles of the new Warm Springs BART Station and a minimum of 30 units per acre beyond this distance. Yet there is very little, if any, existing multi-family product within the City at these densities. The City Market Study also concluded that "demand is strongest for single-family homes and other family-friendly housing" within the City and "[e]arly development near the BART station area would likely be limited to below 30 dwelling units per acre because of financial feasibility concerns." See City Market Study at page 1.

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Perhaps one reason the minimum density for residential use appears to be unrealistically high, at least for Parcel 1, is that residential use would only be permitted over approximately 1/3 of the property (consisting of Areas 4 and 5). The City should therefore consider expanding the area within which residential use would be permitted (but away from the Warm Springs Railyard and Warm Springs Subdivision for the reasons noted above). Expansion of the permitted residential footprint could allow the City to achieve its dwelling units target at a lower density more compatible with the existing community.

UP also noted that, within Area 5, the Community Plan would apparently require a "minimum site area" of 44 gross acres – translating to a gross floor area of 2.9 million square feet – for office and convention uses. See Community Plan at page 21 (Project Targets). Yet, the City Market Study appears to not have considered the feasibility of new convention uses within the Community Plan area and, with respect to office uses, concluded that:

The alternative locations for office development in the City, combined with the current industrial character of the Study Area, suggest a limited short- and medium-term demand for office development at transit supportive densities around the Warm Springs BART station.

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City Market Study at page 3.

In fact, according to the City Market Study, the "ABAG job forecasts suggest a potential demand for a total of 2.9 million square feet of non-medical office space" City-wide, which is

<sup>3</sup> South Fremont/Warm Springs Area Studies: Baseline Market Analysis, dated September 2011, by Economic & Planning Systems, Inc. and StrategicEconomics (the "City Market Study").

Ms. Nancy Hutar  
February 28, 2014  
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the total amount of square footage the Community Plan would require from Area 5 alone. City Market Study at page 81. It is not reasonable or feasible for the City to plan for and require, as a minimum development threshold, that all future City demand for non-medical office space be constructed within Area 5.

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CONT

Similarly, within Area 5, the Community Plan would apparently require that a "minimum gross floor area" of 188,000 square feet be devoted to retail and entertainment uses. See Community Plan at page 21. Yet the City Market Study concluded that retail uses should be planned at a lower, community-serving intensity:

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Given current area plans, efforts to date in existing neighborhoods, and site considerations, retail development in the study area should be limited to community-serving retail in the near to midterm to prevent competition with existing retail centers.

City Market Study at page 31.

Finally, the City Market Study concluded that there will be an overall net demand within the City for an additional 6.3 million square feet (net) of new industrial space, including industrial uses and research and development uses. Yet the Community Plan is targeting a total of 6.3 million square feet (net, after deducting 15% for roadways) of new industrial/research and development space within the Community Plan area alone. Again, it is not reasonable or feasible for the City to plan for and require that all future City demand for industrial/research and development space will be constructed within the Community Plan, excluding all other areas of the City.

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Give these apparent inconsistencies between the minimum development thresholds set by the Community Plan and the City's own market study, the City should re-examine and lower these thresholds to more realistic levels, including the minimum residential density and minimum site areas reserved for office, retail and industrial development. And, in setting these thresholds, the City should carefully consider the input of experienced developers as an important cross-check on what can feasibly be constructed in the short-term, medium-term and long-term. This will help ensure that the City's vision for the Community Plan area is realized, while allowing for sufficient flexibility in light of the invariably uncertain nature of future development.

14

Again, thank you for the opportunity to comment upon the Community Plan and DEIR. Please provide notice of all future hearings and other matters with respect to the Community Plan and DEIR to me at:

15

Rick Gooch  
Director-Special Properties  
Union Pacific Railroad  
50 California Street, Suite 1563  
San Francisco, CA 94111  
(415) 439-5345 WORK  
(402) 997-3014 FAX

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Please do not hesitate to contact me if you have any questions or concerns regarding UP's comments.

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Very truly yours,

A handwritten signature in black ink, appearing to read "R. Gooch", with a long horizontal flourish extending to the right.

Rick Gooch  
Director – Special Properties  
Union Pacific Railroad Company

cc: Patrick R. McGill, Senior Counsel, Union Pacific Railroad Company

### **Union Pacific Railroad Company (UP)**

#### *Response to UP-1*

The author provided introductory remarks to open the letter. No response is necessary.

#### *Response to UP-2*

The author identified the land within the Community Plan area that UP owns and described the company's operations including the Warm Springs Railyard and the Warm Spring Subdivision. The company stated it bought land within the Community Plan area to expand its rail operations. However, the company stated that it has agreed to consider sale of "Parcel 1," due to a request from the City of Fremont. No response is necessary.

#### *Response to UP-3*

The author referenced the 10 planning areas set forth in the Community Plan. The author stated that "Parcel 1" falls within "Area 4" and "Area 5" of the Community Plan and described the proposed uses within these areas. No response is necessary.

#### *Response to UP-4*

The author expressed general support for the vision of the Community Plan and noted the provisions of Section 10501(b) of the Interstate Commerce Commission Termination Act, which preempts state and local law related to land use regulations for rail operations, including "Parcel 1." The author stated that UP has no plans to cease rail operation and will continue with current operations regardless of land use categories assigned in the Community Plan. The author stated that if it cannot find a suitable buyer for the parcel, it would continue to utilize the parcel for rail operations. No response is necessary.

#### *Response to UP-5*

The author noted that the Community Plan shows a school site and park on "Parcel 1." The company stated that it has not agreed to dedicate land for these uses. The author stated it would not agree to these land uses unless it sells the property to a suitable buyer. No response is necessary.

#### *Response to UP-6*

The author requested that the City not approve residential uses adjacent to active rail uses, since in any scenario the company would continue operation of the Warm Springs Subdivision and the Warm Springs Railyard. The author stated that it is concerned about residential uses near the company's rail activities. The author asserted that it is good planning to site industrial and non-sensitive commercial uses near active rail uses. The author stated that it believes that residential development near rail uses can affect freight rail service and create unintended consequences, which includes vehicle and pedestrian interference. The author stated that if residential uses near rail are deemed necessary, then future developers should mitigate safety hazards. The company specifically listed various mitigations that could be utilized.

The Draft EIR evaluated exposure of new sensitive uses within the Community Plan to active rail use and hazardous materials and other hazards. Mitigation Measure HAZ-2a requires developers of new residential uses within the Community Plan area to evaluate hazardous materials exposure risks and implement mitigation measures as appropriate. With the implementation of Mitigation Measure

HAZ-2a, impacts would be reduced to a level of less than significant. Refer to Section 3.6, Hazards and Hazardous Materials for further discussion.

*Response to UP-7*

The company stated that the proposed pedestrian bridge over the railroad and BART tracks should be required and not elective, if the Community Plan is approved. The company stated that the bridge would need the company's design, safety, and operating approval.

The City is currently working with BART and UP regarding the design and location of the bridge.

*Response to UP-8*

The author expressed concern about the proposed location of a Class I multi-use path between Mission Boulevard and Lopes Court/Warm Springs Court. The author stated that the Draft EIR did not evaluate safety concerns associated with this multi-use path. The company listed concerns about the exact location of the path, the right-of-way of the path, and how the path would be adequately separated from rail uses. The author stated that in most cases it would not approve a trail within its right-of-way, if it is sited alongside active rail uses.

These comments concern the Community Plan and not the Draft EIR's analysis. However, the City prepared a "Union Pacific Railroad Corridor Feasibility Study" in 2009. Because of the UP spurs and operations, it was determined that the east side of the tracks would be a better location for a trail. But now, with a potential residential development and re-alignment or abandonment of the spur by UP, the west side may be feasible for a trail. In any event, the Class I multi-use path shown along the BART corridor in Exhibit 3.11-9 (Proposed Transit Routes) is a conceptual facility, the alignment of which has yet to be determined. Thus, it would be premature to discuss location, right-of-way requirements, and separation distance from rail facilities.

Regarding safety concerns, a multi-use trail is a compatible use with linear transportation facilities, including freeways, highways, arterial roadways, railroads, canals, pipelines, electrical transmission corridors, and similar facilities. In recognition of this fact, such trails are commonly located within or along these corridors. As active outdoor recreation/transportation facilities, multi-use trails are inherently tolerant of dust, odors, noise, vibration, and other items regarded as nuisances.

Typically, fencing would be installed along multi-use trails in locations where safety concerns exist. The location of such safety measures would be determined during the design of the trail, which has not yet occurred.

In summary, the proposed multi-use trail is a conceptual facility that is anticipated to be compatible with both UP's rail operations and the BART corridor. Should this facility be pursued, appropriate safety measures such as fencing would be installed as appropriate.

*Response to UP-9*

The author stated that the Draft EIR should address the land use and safety conflicts discussed in the letter, specifically those regarding the siting of residential uses near active rail uses. The author also stated that it would like to see the Draft EIR identify mitigation measures for the land use conflicts.

Refer to Response to UP-6.

*Response to UP-10*

The author reiterated prior remarks about being asked by the City of Fremont to sell “Parcel 1.” The author expressed concern about the density proposed in the Community Plan and stated that the Community Plan’s housing unit density is not similar to surrounding housing unit density. The author suggested the expansion of the area within which residential uses would be permitted.

These comments concern the Community Plan and not the Draft EIR’s analysis. However, since the time of the author’s comments, the area within which residential uses would be permitted has been expanded for Area 4.

The Draft EIR provided background on the Community Plan principles, concept, land use mix, and development targets in Section 2, Project Description (pages 2-12, 2-17, 2-18, and 2-21). To summarize, transit-oriented uses require both density and proximity to transit. Thus, the Community Plan contemplates the most intensive development (including residential uses) within 0.25 mile of the Warm Springs/South Fremont BART station. The proposed residential densities apply to all three potential residential areas (Areas 3, 4 and 9). Area 3 is approximately 23.6 gross acres; Area 4 is approximately 34.0 gross acres; and Area 9 is approximately 36.4 gross acres. Area 4 is not unusually small compared with the other two residential areas.

In addition, the intent of the Community Plan is to provide jobs, through employment at local businesses. The designated housing areas are in place to support the increase in jobs expected with fulfillment of the Plan, and to support BART ridership. The Community Plan shows a range of 2,700 to 4,000 new housing units for the Community Plan area, with the Draft EIR providing “clearance” for up to 4,000 units. This amount of urban, residential housing can be accommodated on the three large parcels designated for residential uses (Area 3, Area 4 and Area 9). Areas 3, 4 and 9 have sections of their properties that are within one-quarter mile from the new BART station, although most of their land is within one-half mile from the BART station.

Likewise, the Community Plan seeks to retain existing industrial and commercial uses that are located in the outlying areas of the Community Plan area in the interests of avoiding land use compatibility conflicts and retaining employment-generating land uses. The City does not intend to expand the general areas where residential uses are contemplated.

*Response to UP-11*

The author expressed concern regarding the minimum site area for office and convention uses in Planning Area 5. The author referenced job forecasts in the “City Market Study” (footnote 3 in the response letter) which the company believes demonstrates the Community Plan is requiring too much non-medical office space.

This comment concerns the Community Plan and not the Draft EIR’s analysis. However, the Community Plan has been redrafted to indicate “minimum” site area for research and development uses and “maximum” site area standards for office and convention uses. This means that no office or convention uses need be developed for Area 5 but they would be allowed.

*Response to UP-12*

The author expressed concern regarding the minimum gross floor area for retail and entertainment uses in Planning Area 5. The author stated that it believes that the minimum gross area for retail in Planning Area 5 is in conflict with findings from the “City Market Study.”

This comment concerns the Community Plan and not the Draft EIR’s analysis. However, the Community Plan has been redrafted to indicate “maximum” site area for retail and entertainment uses. This means that no retail or entertainment uses need be developed for Area 5 but they would be allowed.

*Response to UP-13*

The author cited the “City Market Study” findings on the demand for new industrial space and expressed concern that all future demand for industrial space would be constructed in the proposed Community Plan.

This comment concerns the Community Plan and not the Draft EIR’s analysis; no response is necessary.

*Response to UP-14*

The author reiterated its concerns with the “apparent inconsistencies” between the development thresholds in the proposed Community Plan and the findings in “City Market Study.” The company stated the City of Fremont should reconsider land use densities.

This comment concerns the Community Plan and not the Draft EIR’s analysis; no response is necessary.

*Response to UP-15*

The company provided closing remarks to conclude the letter. No response is necessary.

*Response to UP-16*

The company provided closing remarks to conclude the letter. No response is necessary.



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*Southern  
Alameda  
County  
Group*

**February 27, 2014**

Nancy Hutar, Project Manager  
Fremont Community Development Dept.  
39550 Liberty Street (P.O. Box 5006)  
Fremont, CA 94537  
[nhutar@fremont.gov](mailto:nhutar@fremont.gov)

From: Sierra Club San Francisco Bay Chapter Southern Alameda County Group

Re: Comments on the Warm Springs/South Fremont Community Plan Draft EIR

Dear Ms Hutar,

The Sierra Club San Francisco Bay Chapter Southern Alameda County Group, covering the areas of Hayward, Union City, and Fremont in Alameda County, has an ongoing interest in projects that impact the environment of Southern Alameda County. The Warm Springs Community Plan, covering 879 acres in South Fremont, 150 acres of which are currently open space, will have a huge impact on the environment of the South Bay. We are interested in working with the City of Fremont to make sure this impact will be a positive one for the San Francisco Bay, the area's wildlife, and the current and future residents of Fremont.

#### **SUMMARY OF PROPOSED MITIGATIONS**

The Sierra Club proposes a number of strategies and mitigations to the draft EIR, which are summarized below, and detailed in the following sections. These strategies offer Fremont residents important co-benefits by enhancing biological resources, improving the quality of life, and strengthening disaster resilience.

- One-to-one replacement of the current open space with new public parks and plazas, greenways and riparian corridors, stormwater marshes and grasslands to protect and enhance biological resources and preserve Fremont's recommended ratio of 5 acres of park per 1,000 residents in the project area.
- Greenways and riparian corridors to enhance the project area's biological resources, improve its connectivity to Irvington and downtown Fremont, preserve open space, improve water quality and mitigate flood hazards.
- Grassland habitat and marshes to help control stormwater and the implementation of low-impact development methods in public parks and plazas and along public rights-of-way to help the city meet its

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- requirements under National Pollutant Discharge Elimination System (NPDES) permits.
- Requiring new development to be as close to water neutral as possible to protect and enhance the city's valuable water resources and provide security during future droughts and disruptions in water supplies.

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CONT

### **BIOLOGICAL RESOURCES, Draft EIR Section 3.3**

#### **Enhancing Biological Resources as a Goal**

Goal 7-1 of Fremont's General Plan is to create "A thriving natural environment with protected habitat that enhances the biological value of the City and preserves its open space frame." Thus the goal for Fremont should be to enhance the biological value of the Warm Springs/South Fremont area, rather than to merely mitigate its biological degradation.

3

#### **DEIR Grossly Underestimates Wildlife in Project Area**

Though the DEIR states that wildlife within the plan area is typical of urbanized areas, and mentions only nine resident bird species, all common to urban areas, the plan area is only two miles from a site frequented by birders where 153 species have been observed.

[http://ebird.org/ebird/hotspot/L791702?yr=all&m=&rank=mrec&hs\\_sortBy=taxon\\_order&hs\\_o=asc](http://ebird.org/ebird/hotspot/L791702?yr=all&m=&rank=mrec&hs_sortBy=taxon_order&hs_o=asc) These include several California Bird Species of Special Concern

[http://www.dfg.ca.gov/wildlife/nongame/ssc/docs/Table1\\_FIN.pdf](http://www.dfg.ca.gov/wildlife/nongame/ssc/docs/Table1_FIN.pdf) including the Tricolored Blackbird (*Agelaius tricolor*), the Burrowing Owl (*Athene cunicularia*), the Loggerhead Shrike (*Lanius ludovicianus*), the Yellow Warbler (*Dendroica petechia*), the Redhead (*Aythya americana*), the Northern Harrier (*Circus cyaneus*), the Short-eared Owl (*Asio flammeus*), and the Yellow-headed Blackbird (*Xanthocephalus xanthocephalus*). The plan area includes resources, such as rodents, large trees, open creeks, and especially grasslands, that are critical to many of these bird species. These resources must be preserved and when possible, enhanced to help support this dense bird community.

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#### **Plan Should Preserve Grassland Habitat**

Preserving the resources important to the area wildlife means preserving some of the grasslands utilized by birds such as the Loggerhead Shrike and the Burrowing Owl. Current open space in the project area is approximately 150 acres, most of it grassland. The City should preserve a significant proportion of this grassland – at least 25 acres – and begin restoring native vegetation to this preserved area. Native grasslands in urban landscapes are low maintenance, drought tolerant, and good filters for polluted runoff. The establishment of a 25 acre grassland park in the project area would not only preserve resources needed by bird species of special concern, but would preserve water quality in the Bay and in the Niles Cone Aquifer under the project area, and would provide a welcome amenity for the people who will live and work in what is projected to be a densely populated urban area.

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#### **Plan Should Include Creation of Riparian Bicycle/Pedestrian Greenways Connecting Plan Area to Central Fremont**

To achieve Fremont's goal of enhancing its biological resources, its water resources and quality, and reducing the flood hazard, the project plan should be amended to include the creation of three greenways, funded by developer in lieu fees for park land, along the main north-south and east-west historic creeks bordering the project area. These are Arroyo de la Laguna Creek, flowing south from Lake Elizabeth to Coyote Creek Lagoon, and Cañada del Aliso and Agua Caliente, flowing west from Mission Peak Preserve to join Laguna Creek near Coyote Creek Lagoon. Fremont's General Plan designates the area's creeks and drainage channels as "Open Space-Resource Conservation/Public," (DEIR Section 2.1.4, [Land Use Designations and Zoning](#)). Creating these greenway/riparian corridors meets the General Plan's goal to "protect and improve" these water resources.

6

Riparian habitat in California is simultaneously one of the most valuable and most threatened habitats, with about only 5% of the state's original riparian habitat remaining. Because so little riparian habitat remains, even a small amount of restored riparian habitat will make a significant difference to the

wildlife in Fremont. This major infill project presents a unique opportunity for Fremont to create a wildlife-friendly urban area by above-grounding and restoring these three waterways as bicycle, pedestrian, and wildlife corridors that would connect the project area to Mission Peak, downtown Fremont via Central Park, and the Don Edwards National Wildlife Refuge. These greenways would further help Fremont meet its General Plan goals for “South Fremont Open Space”, “South Fremont Community Facilities”, “Connecting South Fremont”, “Connecting Warm Springs to Central Fremont”, “Reducing Vehicle Miles Traveled”, “Protecting Water Resources”, “Water Sewer and Flood Control”, and “A Wide Range of Parks and Recreational Facilities”.

6  
CONT

**Plan Should Include Mandatory Bird-Friendly Development Guidelines**

Because the plan area is so close to a bird hot spot, and is on the Pacific Flyway route, preventing bird collisions with buildings is especially important as the project area is developed. Both San Francisco and Oakland have adopted bird-friendly building requirements. These requirements regulate the appearance of large reflective surfaces to prevent bird collisions with buildings, which kill from 1% to 5% of all birds annually. Though the City of Fremont has yet to adopt its own standards for bird-safe buildings, it should require all new development in the project area to conform to bird-safe building guidelines similar to the ones recently adopted by San Francisco: [http://www.sf-planning.org/ftp/files/publications\\_reports/bird\\_safe\\_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%202011-30-11.pdf](http://www.sf-planning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%202011-30-11.pdf) These guidelines also establish incentives for buildings to participate in “Lights Out for Birds” during bird migration season, which further reduces the chances of bird death from collisions with buildings.

7

**HYDROLOGY AND WATER QUALITY, Draft EIR Section 3.7**

**Fremont's General Plan Requires Preserving and Restoring Water Resources**

The conservation chapter of the city’s General Plan specifically calls for the “preservation and restoration” of Fremont’s water resources. General Plan Policies 7-2.1 and 7-3.1 state: “Water resources such as the Niles Cone Groundwater Basin, wetlands, flood plains, recharge zones, riparian areas, open space and native habitats should be identified, preserved and restored as valued assets for flood protection, water quality improvement, groundwater recharge, habitat, and overall long term water resource sustainability;” and “Protect and improve water quality in all Fremont’s creeks, streams, water courses and water bodies.”

8

**Plan's Proposed Mitigations Do Not Adequately Mitigate Hydrological Impacts**

We believe the hydrological impacts of the Community Plan will be significant unless the city requires additional mitigations. While the draft EIR states the project area is “mostly developed,” based on visual inspection of the project area, most of Areas 3, 4, 8 and 9, and portions of Areas 6 and 10 are open space with primarily grassland cover. We argue that the current open space, approximately 150 acres or 17% of the project area, represents a significant portion of the 879 acres.

9

**Plan Does Not Adequately Mitigate Flood Hazard**

The project area contains 21 acres that FEMA classifies Flood Zones AE and AH, subject to “100-year” flood events. The FEMA flood map also identifies a significant swath of the project area, running from northwest to southeast of the Tesla site as within the 500-year flood zone. (Exhibit 3-7.1)

In addition, historic tidal marshes extended to the project area, ending at I-880. (*Creek and Watershed Map of Fremont and Vicinity*, Janet M. Sowers, Oakland Museum of California) According to the United States Army Corps of Engineers extreme high tide events have raised San Francisco Bay by as much as 8.5 feet. Given the projected sea-level rise of 55 inches, a combination of extreme high tides and extreme weather would result in flooding in the project area, sections of which have an elevation of only 10 feet.

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To mitigate the flood hazard, and protect the city’s water and biological resources, the city should ensure

a one-to-one replacement of the current open space. The city should adopt strategies including public parks and plazas, greenways and riparian corridors, grass and marsh lands, bioswales and permeable pavement.

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CONT

**Riparian Greenways and Grassland Open Space Would Help Mitigate Hydrological Impacts**

The creation of the riparian greenways and the grassland open space discussed in the Biological Resources section of this comment letter would help provide more adequate mitigations for the impact of covering a significant percentage of the project area with impermeable surfaces, and would improve the existing riparian native habitats.

11

**Plan Should Require Permeable Pavement, Bioswales, and Creation of New Stormwater Treatment Marshes**

Requiring permeable pavements and bioswales in all new development and along public rights-of-way would help mitigate the water-polluting impact of greatly increased traffic in the project area. Permeable pavement and bioswales are common measures used to reduce automotive pollution. The creation of a new storm water treatment marsh like the Pacific Commons Stormwater Treatment Wetland would not only mitigate automotive pollution, but would enhance the biological and recreational resources of the project area.

12

To address the 100-Year Flood Hazard Areas, Impact HYD-5, the city should revise MM HYD-5 to designate these 21 acres of land in Zones AE and AH as stormwater treatment marshes.

**UTILITIES AND SERVICE SYSTEMS, Draft EIR Section 3.12**

**Adequacy of Water Supply for Plan in Question**

Alameda County Water District is the water supplier for the plan area. The current drought calls into question ACWD's assessment that it will be able to meet projected water demands in its service area through 2035. In a drought year like this one, when the State Water Project plans to deliver 0% of its contracted water, ACWD faces water supply shortfalls of 40% or more, as State Water Project deliveries represent 40% of ACWD's supply. and in a 0% delivery year, none of the water ACWD has banked in the Semitropic water bank can be recovered to augment local water supplies.

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The Warm Springs Community plan alone will increase ACWD's service area population by 3%. Additional planned development in Fremont would increase the population in the ACWD service area by 6% for a total 9% increase in the ACWD service area population in the next few years. Additional commercial development in the project area will put further demands on the water supply. Adding a 10% demand to the water supply at the same time the district faces supply cutbacks of 40% seems reckless at best, especially when global warming is likely to increase the severity of future droughts in California.

**New Development Should be Water Neutral**

At the very least, all new development in the ACWD service area should be as close to water neutral as possible, with additional demand supplied by conservation from existing ACWD customers. To aid in achieving the goal of water neutrality, new development in the project area should be required to use only recycled or grey water for landscaping purposes. In addition, high density residential development in the project area should be designed to use on-site grey water, rain water captured on site, or recycled water for all toilet flushing. All new commercial development in the plan area should be required to use recycled water for everything except drinking water.

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These comments were prepared by Bradley Cleveland, Sierra Club member and Urban Planning and Health Policy Consultant (bfcleveland@gmail.com), and Charlotte Allen, member of the San Francisco Bay Chapter Southern Alameda County Group Executive Committee (c.allen@comcast.net).

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## Organizations

### **Sierra Club Southern Alameda County Group (SIERRA)**

#### *Response to SIERRA-1*

The organization provided introductory remarks to open the letter. No response is necessary.

#### *Response to SIERRA-2*

The organization identified a number of strategies and mitigations to the Draft EIR, which are detailed in the following comments of its letter. Responses to each suggested mitigation measure are discussed separately in Response to SIERRA-3 through Response to SIERRA-7.

#### *Response to SIERRA-3*

The organization noted that General Plan Goal 7-1 calls for creating “A thriving natural environment with protected habitat that enhances the biological value of the City and preserve its open space frame.” The organization suggests that the goal of the City should be to enhance the biological value of the Warm Springs/South Fremont area, rather than mitigate its biological degradation.

This comment concerns the Community Plan and not the Draft EIR’s analysis. However, the goals and policies in the General Plan call for preserving and protecting natural environments, not creating new natural environments. In addition, the Warm Springs/South Fremont area has been designated for industrial uses for decades in the Fremont General Plan.

The Draft EIR evaluated the proposed Community Plan’s consistency with the City of Fremont General Plan in Impact LU-2 in Section 3.8, Land Use. As indicated in that section, the General Plan designates the parcels comprising the Community Plan area for commercial, industrial, and public facility use and contemplates the development of transit-oriented residential and nonresidential uses within this area. Importantly, the General Plan does not identify the Community Plan area as “open space” or any other type of conservation area. Thus, it would be erroneous to suggest that the General Plan assigns significant biological value to the Warm Springs/South Fremont area. On the contrary, by designating the area for intensive, urban infill development, the General Plan recognizes that it is a growth area. Refer to Impact LU-2 for further discussion of General Plan consistency.

#### *Response to SIERRA-4*

The organization stated that the Draft EIR “grossly underestimates wildlife in the project area” and expresses disagreement with the statement that wildlife within the plan area is typical of urbanized areas. The organization disputed a statement that only nine resident bird species occur in the plan area and asserted that 153 species have been documented within the area, including several California Species of Special Concern. The organization stated that the plan area includes resources such as rodents, large trees, open creeks, and grasslands that are critical to many of these bird species, and such species must be preserved and enhanced were possible.

The Draft EIR provided a summary of existing biological conditions on pages 3.3-1 through 3.3-4, including habitat, wildlife, waterways, and wildlife movement corridors. The description of existing biological conditions was based on field reconnaissance of the Community Plan area by a professional biologist in spring 2013.

Regarding the statement that the Draft EIR only identified nine bird species, it appears this claim was based on the description of observed wildlife on page 3.3-2. The purpose of this passage was to list observed wildlife species identified during the reconnaissance level survey in order to provide context about existing biological conditions; it is not intended to serve an exhaustive listing of every bird species that has ever occurred within the Warm Springs/South Fremont area. As such, the organization's claim that 153 bird species have been documented within the Community Plan area has no material bearing on the adequacy of the Draft EIR's biological resources analysis.

Finally, the Draft EIR sets forth Mitigation Measures BIO-1a and BIO-1b to mitigate potential project impacts to burrowing owl and other birds protected by the Migratory Bird Species Act. The implementation of these mitigation measures would reduce impacts to less than significant. As such, the analysis is appropriate and no additional action is required.

*Response to SIERRA-5*

The organization asserted that the Community Plan should preserve the grasslands used by birds such as the loggerheaded shrike and western burrowing owl. The organization stated that the City should preserve at least 25 acres of this area and begin the process of restoring native vegetation.

As stated on Draft EIR page 3.3-1, the large undeveloped parcels are characterized as non-native grasslands that are dominated by non-native grasses and forbs. Most, if not all, of these parcels are regularly disked or mowed for weed abatement purposes. As such, these are highly disturbed habitats and possess little to no conservation value.

Moreover, impacts on the western burrowing owl and nesting birds are fully mitigated through implementation of Mitigation Measures BIO-1a and BIO-1b. Therefore, no additional mitigation is required.

*Response to SIERRA-6*

The organization indicated that in order to achieve the City's goal of enhancing its biological resources, its water resources and quality, and reducing the flood hazard, the Community Plan should be amended to include the creation of three greenways, funded by developer in-lieu fees for park land, along the main north-south and east-west historic creeks.

This comment concerns the Community Plan and not the Draft EIR's analysis. However, as stated above, the General Plan goals and policies do not call for enhancing biological resources; rather, the General Plan calls for preserving and protecting existing biological resources. Refer to Responses to Sierra-3, -4 and -5.

*Response to SIERRA-7*

The organization stated that the City should include Mandatory Bird-Friendly Development Guidelines in the Community Plan. The organization noted that the Community Plan area is close to a "bird hot spot" and is on the Pacific Flyway route, and stated that the City should adopt requirements that regulate the appearance of large reflective surfaces to prevent bird collisions similar to those adopted by the City of San Francisco.

This comment concerns the Community Plan and not the Draft EIR’s analysis. However, Table 5-6 (Alternative Location Feasibility Analysis) of the Draft EIR has been revised to note that the project area is more than one mile from the Don Edwards San Francisco Bay National Wildlife Refuge.

*Response to SIERRA-8*

The organization referenced various General Plan policies that call for the “preservation and restoration” of Fremont’s water resources. This paragraph is provided as context for the organization’s comments regarding hydrology and water quality and does not identify any specific defects in the Draft EIR analysis. Refer to Response to SIERRA-9.

*Response to SIERRA-9*

The organization asserted that the Draft EIR’s hydrology and water quality mitigations do not adequately mitigate impacts. The organization stated that because approximately 150 acres of the Community Plan area contains undeveloped land, additional mitigations are required to reduce hydrology impacts to a level of less than significant.

The Draft EIR set forth seven mitigation measures to reduce hydrology and water quality impacts to a level of less than significant: Mitigation Measures HYD-1a, HYD-1b, HYD-2, HYD-3, HYD-4a, HYD-4b, and HYD-5. Several hydrology impact discussions specifically reference the undeveloped acreage within the plan area and the development activities that would occur within these areas; refer to pages 3.7-12, 3.7-15, and 3.7-16. The organization did not provide any specific comments about why these mitigation measures would not fully mitigate impacts to a level of less than significant; therefore, no further response is provided.

*Response to SIERRA-10*

The organization asserted that the Draft EIR does not adequately mitigate flood hazard impacts. The organization referenced the flood areas identified on Draft EIR Exhibit 3.7-1 (Flood Hazard Zone Map) and also cited historic tidal marshes that extended up to I-880. The organization stated that additional mitigations should include 1:1 replacement of the current “open space,” and adoption of strategies that include development of public parks, plaza, greenways, riparian corridors, grass and marsh lands, bioswales, and permeable pavement.

The Draft EIR acknowledged that there are existing flood hazard areas within the Community Plan area and set forth Mitigation Measure HYD-5 that requires development that occurs within a flood hazard area to comply with the Fremont Flood Damage Prevention Ordinance (Municipal Code Chapter 18.200). The City’s Flood Damage Prevention Ordinance incorporates Federal Emergency Management Agency flood prevention standards, including elevating buildings to at least one foot above the 100-year flood elevation; refer to Draft EIR page 3.7-19 for further discussion. The implementation of this mitigation measure would reduce impacts to a level of less than significant.

Regarding the organization’s comments about the inadequacy of mitigation, no specific comments were provided. Moreover, because Mitigation Measure HYD-5 fully mitigates flood hazard impacts to a level of less than significant, there is no legal basis to impose additional mitigation measures.

*Response to SIERRA-11*

The organization stated that the creation of the riparian greenways and grassland open space would help provide more adequate mitigation for the impact of covering a significant percentage of the project area with impermeable surfaces and would improve the existing riparian and native habitats.

As previously discussed in Response to SIERRA-3, Response to SIERRA-5, Response to SIERRA-7, Response to SIERRA-9, and Response to SIERRA-10, all impacts associated with biological resources and hydrology and water quality would be less than significant and would not require mitigation, or would be less than significant after mitigation. As such, there is no legal basis to impose additional mitigation measures for these impacts.

*Response to SIERRA-12*

The organization asserted that the City should require permeable pavements and bioswales in all new development and along public rights-of-way that would help mitigate the water-polluting impact of greatly increased traffic in the project area.

As previously discussed in Response to Response to SIERRA-9 and Response to SIERRA-10, all impacts associated with biological resources and hydrology and water quality would be less than significant and would not require mitigation or would be less than significant after mitigation. As such, there is no legal basis to impose additional mitigation measures for these impacts.

*Response to SIERRA-13*

The organization indicated that the current drought calls into question ACWD's assessment that it would be able to meet projected water demands in its service area through 2035. The organization asserted that the influx of demand to the Community Plan area seems reckless, especially when global warming is likely to increase the severity of future droughts within the state.

Impact analysis US-1 (page 3.12-16 of the Draft EIR) recognizes that ACWD may face water supply shortages during critically dry years. As described in the Urban Water Management Plan (UWMP), ACWD would look to secure additional supplies through a Department of Water Resources drought water bank or similar water purchase/transfer program under these severe drought conditions. ACWD also has the power to implement a drought contingency plan, which would include provisions for ACWD to cut back water use, the magnitude of which would depend on the severity of the shortage. Because the project's demands are consistent with the UWMP demand forecast, development of the project would not result in additional shortages beyond those already factored into planning.

In order to assure that water demands generated by the project would not impact demands beyond those forecasted within the UWMP, water-efficient plumbing fixtures and irrigation systems at both residential and non-residential developments would be incorporated (and are reflected as Mitigation Measure US-1).

Please note that ACWD submitted a comment letter on the Draft EIR's analysis, including a discussion of existing drought conditions. Refer to Response ACWD-1 through Response to ACWD-6 for further discussion.

*Response to SIERRA-14*

The organization asserted that the ACWD service area should be as close to water neutral as possible, with additional demand supplied by conservation from existing ACWD customers. The organization indicated that new development in the project area should be required to use only recycled or grey water for all uses except drinking.

Draft EIR Mitigation Measure US-1 would require new development within the Community Plan area to install water efficient plumbing fixtures and irrigation systems in accordance with ACWD guidelines. Thus, the proposed project would comply with ACWD-recommended water conservation practices. With the implementation of Mitigation Measure US-1, impacts would be reduced to a level of less than significant. Because the impact is fully mitigated, there is no legal basis to impose additional mitigation.

*Response to SIERRA-15*

The organization listed the individuals who contributed to the letter. No response is necessary.



# UNITEHERE! Local 2850

1440 Broadway, Suite 208, Oakland, CA 94612 510/893-3181 Fax: 510/893-5362

February 28, 2014

Ms. Kristie Wheeler, Director of Planning  
City of Fremont Planning Division  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006  
[kwheeler@fremont.gov](mailto:kwheeler@fremont.gov)

Dear Ms. Wheeler:

UNITE HERE Local 2850 is hereby submitting comments on the DEIR for the Warm Springs/South Fremont Community Plan (State Clearinghouse # 2013032062). UNITE HERE Local 2850 represents hotel and restaurant workers throughout the East Bay, and we are concerned that development projects in these industries be thoroughly studied under CEQA. Our extensive experience in these industries also makes us particularly aware of the environmental impacts related with hotels, restaurants, conference facilities, and other hospitality uses. Because it envisions two hotels with a total of 900 rooms, as well as a significant amount of conference space and an unknown number of restaurants, we are particularly interested in the Warm Springs/South Fremont Community Plan and its potential environmental impacts.

1

## 1. Project Description

Table 2-4 identifies the Community Plan project targets by planning area. It lists a 600-room hotel in Planning Area 8 and a 300-room hotel in Planning Area 9. The table also identifies an expected number of jobs created by each use, estimating 55 jobs for the larger hotel and 20 jobs for the smaller one. While the number of jobs created by hotels varies by level of service (e.g., luxury, upscale, economy) and by the amount of food and beverage service offered, neither of which is identified in the Project Description, the estimated number of rooms for each hotel is extremely low by any measure. An average hotel can be expected to generate 0.33 jobs per room (fewer jobs for economy hotels, more jobs for luxury hotels and hotels with a large amount of food and beverage service). Using this standard ratio, the hotels can be expected to generate 200 and 100 jobs, respectively, for a total of approximately 300. This is a full four times as many jobs as are estimated for the hotels in the Draft EIR. This discrepancy is significant, because the assumed number of employees at the project has the potential to affect the analysis of impacts related to traffic, air

2

quality, climate change, public services, transportation, and other environmental conditions.

2  
CONT

## **2. Air Quality and Climate Change**

The extremely low estimate of jobs related to the hotels envisioned by the plan potentially affects the calculation of vehicle trips associated with the project as well as energy use in the buildings where the employees work, potentially affecting the analysis of impacts AIR-1, AIR-2, AIR-3, AIR-4, AIR-6, and AIR-7. The analysis of these impacts should be reconsidered to reflect a more realistic number of hotel jobs.

3

## **3. Public Services, Transportation, and Housing**

Sections 3.10 and 3.11 include no analysis of the potential effect of approximately 300 low-wage hotel employees and an unknown number of low-wage conference center and restaurant employees on the demand for public transportation provided by BART, AC Transit, and VTA or for public services provided by the State, County, and City. For example, many employers in these industries not only pay very low wages but also fail to provide affordable family health insurance, resulting in a demand for County and State and Federal health care assistance for the employees and their families. For the same reason, the employees in these industries has the potential to affect demand for public transportation, affordable housing, subsidized housing, SNAP benefits, and other forms of public assistance. These impacts can vary significantly depending on the level of compensation provided by the future employers in these industries. The analyses in these sections should be expanded to include consideration of these types of impacts related to the number and quality of hotel, conference center, and restaurant jobs potentially created by the project.

4

Section 3.11 estimates the number of vehicle trips generated by the hotel uses by number of rooms rather than number of employees, meaning the low estimate of number of employees provided in the Project Description presumably does not affect this analysis. However, the calculations in Table 9 rely on a different number of rooms (600) than the total number of rooms given in the Project Description (900). The calculations should be revised to reflect this discrepancy.

5

## **4. Population and Housing**

Section 7 makes the claim that the implementation of the Warm Springs/South Fremont Community Plan would not result in significant impacts on population and housing in the area. While the City of Fremont's General Plan anticipates transit-oriented development in the project area, the General Plan does not specifically envision or consider the development of 4,000 housing units or the resulting population increase of an estimated 12,200 people in the area. That number of people amounts to a population increase in Fremont of over 5%, not an insignificant number. The influx of this many new residents into a small area that currently has virtually no housing should be studied for its potential environmental impacts.

6

Furthermore, the indirect population growth caused by the 20,000 new jobs expected to be created by the project may be significant. While Section 7 notes that Alameda County currently has over 50,000 unemployed residents, it also notes that the City of Fremont itself has only about 5,600, not nearly enough to account for the 20,000 new jobs. Alameda County includes cities as far north as Berkeley and Albany. There is no consideration of the likelihood that significant numbers of unemployed people in northern Alameda County will be willing and able to take jobs nearly 40 miles away in South Fremont, a commute that can easily take more than an hour by car. Nor is there any consideration of the mix of skills and experience of the unemployed population of the area, compared with the mix of skills and experience that will be required or expected by the employers that will be located in the project area. For these reasons, it is not safe to assume that all of the jobs created by the project will be able to be filled by unemployed people already living in the area; thus, the potential impacts of indirect population growth associated with the project should be studied.

7

The Draft EIR also fails to consider the impact on the demand for various types of housing of the quality of jobs created by the project. In other words, there is no consideration of how the potential creation of thousands of low-wage jobs in hotels, restaurants, conference centers, retail, and other low-wage industries could impact the demand for affordable and subsidized housing and the resulting development-related and budgetary effects. The EIR should study these potential impacts.

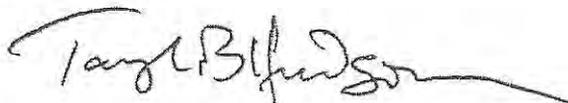
8

### **Conclusion**

The Draft EIR suffers from a general failure to consider the impacts that a reasonable estimate of the number of low-wage service-sector jobs that the project will create might have on various environmental conditions. Furthermore, it does not sufficiently consider the complex impacts that hotels, conference centers, and restaurants have on jobs, housing, transportation, local circulation, traffic, and other environmental conditions. UNITE HERE Local 2850 respectfully requests that it be revised to include specific identification of these complexities and thorough consideration of the resulting impacts, so that decision makers can contemplate how to handle the issues through appropriate zoning.

9

Sincerely,



Taylor Hudson  
Research Analyst

Cc: Wei-Ling Huber  
Ian Lewis



### **Unite Here Local 2850 (UNITE)**

#### *Response to UNITE-1*

The organization provided introductory remarks to open the letter. No response is necessary.

#### *Response to UNITE-2*

The organization referenced the employment figures listed in Draft EIR Table 2-4 (Community Plan Project Targets – Planning Areas) and stated that estimate of 55 jobs for the 600-room hotel and 20 jobs for the 300-room hotel is extremely low. The organization stated that an average hotel employs 0.33 job per room; thus, the two hotels would be expected to generate 200 and 100 jobs per facility, respectively. The organization stated that this discrepancy is significant and has the potential to affect the analysis of traffic, air quality, climate change, public services, transportation, and other areas.

The employment values in Table 2-4 correspond to the employment rates shown on Exhibit 2-5 (Land Use Mix and Land Use Standards). For hotel uses, an employment rate of one job/1,500 square feet was used. However, Exhibit 2-5 has been revised and now notes an estimated employment rate of 0.35 jobs per guest room, consistent with the author's comment (see Section 4 of this Final EIR). Also of note in Section 4 is that Table 3 and Table 4 have been combined.

As indicated in Table 2-3 (Community Plan Project Targets – Mix Categories) and Table 2-4, the Draft EIR estimates the Community Plan uses to collectively create 20,000 new jobs—a significant number of new jobs by any measure. As such, even if the organization's preferred value for hotel employment had been used, the net difference of 225 jobs (20,225 vs. 20,000) would represent a difference of 1.1 percent. This difference in total employment would not yield any significant differences in conclusions.

The organization's comments about the analysis of traffic, air quality, climate change, public services, transportation, and other areas are addressed in Response to UNITE-3 through Response to UNITE-5.

#### *Response to UNITE-3*

The organization stated that the low employment estimate potentially affects the calculation of vehicle trips associated with the project, as well as energy use in the buildings where employees work and, thus, has the potential to affect the analysis in the Air Quality/Greenhouse Gas Emissions section. The organization stated that the air quality analysis should be reconsidered to reflect a more realistic number of hotel jobs.

As shown in Draft EIR Table 3.11-8 (Trip Generation by Land Use – Summary), hotel trip generation is typically based on the number of rooms and not employees. Thus, hotel employment has no bearing on the trip generation values presented in the Draft EIR. Trip generation estimates for other types of land uses are typically based on employees (manufacturing, research and development, and office uses).

In addition, as shown in Draft EIR Table 3.12-11 (Energy Consumption Estimate), building energy consumption for nonresidential uses is based on square footage and not employees. Thus, hotel employment has no bearing on the energy consumption values presented in the Draft EIR.

In summary, neither hotel trip generation nor energy demand is based on employment. Thus, the air quality analysis does not require reconsideration.

*Response to UNITE-4*

The organization stated that the Draft EIR Public Services and Recreation section and the Transportation section provide no analysis of the potential effect of approximately 300 low-wage hotel employees and an unknown number of low-wage conference center and restaurant employees on the demand for public transit provided by BART, AC Transit, or VTA or for public services provided by the State, County, or City. The organization stated that employers in these industries often pay low wages and do not provide affordable family health insurance, thereby creating demands for public benefits. The organization stated that Draft EIR should evaluate these issues.

The Draft EIR evaluated the physical impacts on the environment that would occur from the proposed project. In the context of public services, Appendix G of the CEQA Guidelines uses the following thresholds of significance for assessing impacts (as stated on page 3.10-6 of the Draft EIR):

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) Fire protection?
- b) Police protection?
- c) Schools?
- d) Parks?
- e) Other public facilities?

In accordance with this guidance, the EIR evaluated whether the implementation Community Plan would trigger a need for new or expanded fire stations, police facilities, schools, parks, and recreational facilities.

CEQA Guidelines Section 15131(a) establishes that “Economic or social effects of a project shall not be treated as a significant effect on the environment.” In this case, the organization has not presented any evidence that any of the alleged economic and social impacts of the project (such as low wages, health care insurance, demand for public assistance, etc.) would have physical impacts on the environment.

Moreover, it would be speculative to evaluate such claims since no specific development applications for hotels, convention facilities, or restaurants within the Community Plan area are on file with the City of Fremont. CEQA Guidelines Section 15145 states that “If after thorough investigation, a Lead Agency finds that particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.”

*Response to UNITE-5*

The organization stated that Section 3.11, Transportation estimates the number of vehicle trips generated by the hotel based on the number of rooms rather than the number of employees and acknowledged that hotel employment has no effect on this analysis. The organization stated that Table 3.11-8 (Trip Generation by Land Use – Summary) identifies the hotel as having 600 rooms, which is inconsistent with the description of the hotel uses in the Project Description. The organization stated that the calculation should be revised to reflect this discrepancy.

The Draft EIR's traffic analysis evaluated 600 hotel rooms in the Community Plan area. The amount of generated traffic was based on the number of rooms, not assumptions on the number of employees. The analysis was conducted for the AM and PM peak hour of the roadway system. During these time periods, the 600 hotel rooms are projected to generate 318 AM peak-hour vehicle trips and 360 PM peak-hour vehicle trips.

*Response to UNITE-6*

The organization noted Section 7, Effects Found Not To Be Significant concludes that the Community Plan would not have significant impacts on population and housing and asserted that the City of Fremont General Plan does not “specifically envision” the development of 4,000 dwelling units in the Community Plan area or the resulting population increase. The organization stated that the estimated population increase of 12,200 persons would translate to a five-percent increase in the City of Fremont's population and would occur within an area that has virtually no housing. The organization stated that this should be studied for potential environmental impacts.

The Draft EIR evaluated population and housing impacts on page 7-4. In terms of direct population growth, the Draft EIR disclosed that the Community Plan would be expected to add 12,200 residents to the City's population over the buildout horizon of the plan. Thus, population growth would occur incrementally over a long period; it would not happen at once. In addition, the Community Plan would implement the General Plan and a General Plan Amendment is proposed that would implement new land use designations, including residential land uses, in the area covered by the Community Plan. Thus, the Draft EIR appropriately concluded that direct population growth would be a less than significant impact.

As for the statement that the City of Fremont General Plan does not “specifically envision” the development of 4,000 dwelling units in the Community Plan area, this misrepresents the intent of the General Plan. The General Plan establishes a Transit Oriented Overlay within 0.5 mile of the Warm Springs/South Fremont BART station (Land Use Element Page 2-35) and identifies the area surrounding the Warm Springs/South Fremont BART station as a Study Area that provides an unprecedented opportunity for transit-oriented development. The Community Plan specifically identifies the parameters for new transit-oriented development around the Warm Springs/South Fremont BART station (Community Plan Element pages 11-150 and 11-151). The General Plan does not identify specific buildout numbers for residential or nonresidential uses because the intent was to allow flexibility in the development of the Community Plan. Regardless, the lack of specific buildout numbers does not in itself cause the Community Plan to have a significant impact on population growth, as it has been clearly established that the Community Plan implements the General Plan's vision for the area.

*Response to UNITE-7*

The organization stated indirect population growth from the new employment opportunities created by the project may be significant. The organization referenced the Alameda County and City of Fremont unemployment figures cited in Section 7, Effects Found Not To Be Significant and stated that the use of Alameda County unemployment figures is misleading because employed persons living in the northern portion of the County may not be able or willing to commute to Fremont. The organization also stated that the analysis does not address skills or experience requirements for the Community Plan jobs or compare them with those of the unemployed.

The Draft EIR sought to address the issue of whether the proposed project's new employment opportunities would trigger indirect population growth from persons moving into the region from other areas. The Draft EIR used unemployment figures provided by the California Employment Development Department for Alameda County and the City of Fremont to demonstrate that there is sufficient local labor available to fill the 20,000 new jobs that are estimated to be created by Community Plan uses. Since there were more than 50,000 unemployed persons in Alameda County as of October 2013, the Draft EIR reasonably concluded that the new employment opportunities could be filled by existing persons who reside in the region; therefore, substantial indirect population growth would not occur.

Further reinforcing this conclusion, the California Employment Development Department indicates that Santa Clara County had 52,700 unemployed persons as of December 2013. Since many of the population centers in Santa Clara County are as close as if not closer to the Community Plan areas than their counterparts in Alameda County, this provides additional evidence that the new employment opportunities could be filled by existing persons who reside in the region.

Regarding the issue of the skills and experience required for project jobs or the skills and experience of unemployed persons, it would be speculative to make any statements about either subject, given the absence of information.

*Response to UNITE-8*

The organization stated that the Draft EIR fails to consider the impact on the demand for various types of housing created by the project. The organization stated that there is no consideration of how low-wage jobs could impact the demand for affordable and subsidized housing.

As indicated in Response to UNITE-6, social and economic effects are outside the scope of the EIR's analysis. Moreover, it would be speculative to evaluate this phenomenon, given the absence of information about actual workers, wages, benefits, where they reside, etc.

Nonetheless, it should be noted that one of the objectives of the Community Plan is to locate housing opportunities near employment. As such, it would be expected that residential land uses proposed under the Community Plan would house some percentage of employees who work within the Community Plan area. This EIR evaluates the physical impacts on the environment from the development of these residential land uses. Thus, to the extent that this occurs, its impacts have been evaluated in the EIR.

*Response to UNITE-9*

The organization reiterated the points in its letter. Refer to Response to UNITE-2 through UNITE-8.



1212 Broadway, Suite 500  
Oakland, CA 94612

February 28, 2014

Nancy Hutar, Project Manager  
Fremont Community Development Dept.  
39550 Liberty Street (P.O. Box 5006)  
Fremont, CA 94537  
nhutar@fremont.gov

Re: Comments on the Warm Springs Draft EIR

Dear Ms Hutar,

Congregations Organizing for Renewal, Urban Habitat, and East Bay Housing Organizations are working with city residents to promote transit equity, quality jobs, and affordable housing for residents of Fremont and the greater South Alameda County region. We submit these comments on Fremont's draft Environmental Impact Report for the Warm Springs/South Fremont Community Plan.

1

We support the plan's focus on economic development and housing for the Warm Springs project area. Specifically, we endorse the plan's principles:

- Innovation Hub that builds on the city's "advanced manufacturing, clean technology and biomedical technology," and provides "education opportunities;" and
- Diversity of Uses to create a "healthy jobs/ housing balance." (WSCP, p10)

The plan will further goals and policies enumerated in the city's General Plan, including:

- Goal 2-3: Complete Neighborhoods: Compact, walkable, and diverse neighborhoods, each with an array of housing types; and
- Policy 11-10.1: South Fremont as an Employment Center: Support the continued development of South Fremont as a major employment center. Future development in this area should enhance the city's tax base, create jobs for Fremont residents, maximize economic opportunities to be created by the new BART station, and contribute to the city's overall quality of life. (WSCP, p106)

2

However, we believe the final plan should identify additional strategies and mitigations to address affordable housing and transportation-related impacts; to enhance quality of life and ensure resilience in the face of climate change; and to provide environmental remediation of sites with hazardous contamination. We recommend the city:

1. Affordable Housing: Set explicit goals for affordable housing in the project area to advance the principle of a "healthy jobs/housing balance;"
2. Transportation: Recognize the importance that affordable housing plays in mitigating traffic impacts;
3. Infrastructure and utilities: Invest public funds in green infrastructure to address climate change and protect and restore water resources; and
4. Hazardous Materials: Implement the highest level of environmental remediation of contaminated sites in the project area to protect the health of project area workers and residents.

These additional strategies and mitigations will better address the environmental impacts of the Warm Springs Community Plan, and help the city meet its goals and principles for the project area. In addition, we urge the city to partner with private sector developers, property owners and businesses to ensure Fremont has a trained, skilled workforce by establishing a local job training program and placement center in the project area; and instituting a “local hire” policy and project-labor agreements.

These steps will ensure the availability of a skilled workforce to implement city policy on green infrastructure and site remediation, and to fill employment needs of advanced manufacturing businesses locating in Warm Springs. This workforce will help Fremont restore its urban ecosystem to mitigate the effects of and adapt to climate change. Local businesses and workers involved in brownfield remediation and green infrastructure development will be positioned to meet growing demand for these services as future development in California is concentrated in urban infill sites that will require remediation and ecological restoration. Just as important, these strategies will differentiate Warm Springs from competing development sites, ensuring “Innovation Way” is more than a street name.

2  
CONT

**Affordable Housing and Transportation, Draft EIR Section 3.11**

The draft EIR identifies traffic as the one “significant unavoidable impact” that will result from the Community Plan. It identifies a number of mitigations to manage traffic and congestion, but fails to recognize importance of affordable workforce housing for those who will work in project area.

In addition, the Community Plan fails to establish an affirmative plan for affordable housing in the project area, thus it is inconsistent with General Plan **Policy 6-1.6, Jobs-Housing Balance**. The Draft EIR incorrectly states the Community Plan is consistent with this policy, as is evident by the determination that the plan will result in the development of up to 4,000 new residential units,” without explicit commitment to affordable housing. (DEIR Section 3.8, Table 3-8.4)

3a

The draft proposes specific improvements to roadways and intersections, and transportation demand management strategies, MM TRANS-1a to 1e, and MM TRANS-2a to 2d, but concludes, “due to the uncertainty surrounding the ability of the TDM to reduce peak hour trips to acceptable levels and the feasibility of certain improvements,” the level of significance after mitigation is “significant unavoidable impact.”

The draft EIR fails to make the link between traffic and affordable workforce housing. While Fremont is a job-rich community, the vast majority of residents commute outside city limits for work, traveling on average 29 minutes to work. (US Census) At the same time, about two-thirds of the jobs located in Fremont are filled by workers commuting into the city.

To mitigate the transportation impacts of the Community Plan, we propose the following mitigations that begin to address the city’s housing–jobs imbalance by ensuring the development of affordable workforce housing for employees at all economic levels, including those living below the federal poverty level:

3b

1. The development of at least 4,000 dwelling units, the maximum number envisioned in community plan;

2. Densities of 50-120 dwelling units per acre within one-half mile of the Warm Springs BART Station, as recommended by BART. (DEIR, Appendix A, p33)
3. At least 20 percent of the units should be affordable, available for low and very low-income residents;
4. Balance Fremont’s overproduction of high-income housing in recent years with the construction of more affordable rental housing—especially units for low to extremely low-income residents; and
5. Develop creative financing mechanism to fund affordable housing, such as a zoning overlay with a higher percentage of inclusionary housing, or increasing the housing impact and commercial linkage fees.

3c

About 7% of all Fremont residents are considered “extremely low income, yet the city fell far short of its goal for the development of affordable housing. According to the city’s Planning Division Fremont added fewer than 200 units of very low income housing, less than 20% of its goal, as established in its current Housing Element. During this same period, 2007 to 2013, the city added almost 2,000 units of above moderate-income housing, or 150% of its target. (From Housing Element Presentation at the February 5<sup>th</sup>, 2014 Town Hall Meeting, and based on the ABAG Regional Housing Needs Allotment)

3d

These additional mitigations ensure the Community Plan is consistent with goals of the city’s General Plan, specifically:

- Goal 2-3:** Complete Neighborhoods. Compact, walkable, and diverse neighborhoods, each with an array of housing types and shopping choices, with parks, schools, and amenities that can be conveniently accessed by all residents;
- Policy 4-3.9:** Multi-Family Residential Areas. Design new multi-family housing in a way that creates attractive, quality living environments for a variety of household types and contributes to the overall visual quality of Fremont; and
- Policy 6-1.6:** Jobs-Housing Balance. Support economic growth that provides quality employment opportunities in order to balance Fremont’s jobs with its housing supply, resulting in a more sustainable City.

**Public Investment in Green Infrastructure**

Draft EIR Sections 3.7 Hydrology, 3.8 Land Use, 3.12 Utilities.

Fremont will make a significant investment in infrastructure, which, coupled with zoning changes, will increase value of property in project area. Residents should receive commensurate community benefits in the form of environmental restoration and improvements to the public realm; job training and local hiring policies; and as noted above, housing affordable to residents of all income levels.

4a

Chapter 4, Site and Building Design, of the Community Plan sets performance standards for private development, including low-impact development and building performance, but neither the Community Plan nor the draft EIR set similar standards for the public roadways, utilities, and open space.

4b

Nowhere is this more important than with reference to the project area’s surface and groundwater. The conservation chapter of the city’s General Plan specifically calls for the

“preservation and restoration” of Fremont’s water resources. General Plan Policies 7-2.1 and 7-3.1 state:

“Water resources such as the Niles Cone Groundwater Basin, wetlands, flood plains, recharge zones, riparian areas, open space and native habitats should be identified, preserved and restored as valued assets for flood protection, water quality improvement, groundwater recharge, habitat, and overall long term water resource sustainability;” and

“Protect and improve water quality in all Fremont’s creeks, streams, water courses and water bodies.”

We challenge the draft EIR conclusion that the hydrological impacts of the Community Plan will be less than significant after mitigations (DEIR Sec. 3.7), We believe this faulty conclusion is, in part, the result of the mischaracterization of the project area as “mostly developed:”

“The proposed Community Plan would alter development types in the area, but is not anticipated to significantly increase the quantity of impervious surfaces.” (DEIR Section 3.12, Utilities)

In fact, most of Areas 3, 4, 8 and 9, and portions of Areas 6 and 10 are open space with permeable surfaces. We argue that the current open space, approximately 150 acres or 17% of the project area, represents a significant portion of the 879 acres.

Further, Fremont’s General Plan designates the area’s creeks and drainage channels as “Open Space-Resource Conservation/Public,” (DEIR Section 2.1.4, Land Use Designations and Zoning) but neither the community plan nor the draft EIR offer strategies or mitigations to “protect and improve” these water resources.

To mitigate the significant increase in impervious surface, we recommend additional strategies that are consistent with the plan’s vision and principles, and offer additional co-benefits to city residents:

1. Establish a network of “greenways” for pedestrian and bicycle use along the project area’s creeks and drainage channels, and where feasible, daylight creeks that are currently diverted into underground culverts.
2. Development of additional public parks and plazas with permeable surfaces, bioswales, and other LID methods to infiltrate stormwater.

The General Plan Chapter 8, Parks and Recreation, establishes a standard for park acquisition and development of five acres per one thousand residents. At build out, the Community Plan envisions as many as 12,000 new residents in the project area, but only establishes one new four-acre park adjacent to the new school.

The General Plan also calls for improvements to bike and pedestrian networks connect Warm Springs to South and Central Fremont (Policies 11-10.7 and 11-11.5 ), and to:

“Enhance bicycle circulation, access, and safety throughout Fremont, particularly in the City Center, the Town Centers, around existing and planned BART stations, and near schools and other public facilities.” (Policies 3-2.3 Pedestrian Networks and 3-2.4 Improving Bicycle Circulation) and

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These strategies will help mitigate the unavoidable transportation impacts through additional measures to

“Support land use choices and transportation investments which reduce the necessity of driving and create a community that is more walkable and serviceable by public transportation” (Policy 3-2.1 Coordinating Land Use and Transportation); and  
“Improve the ability to travel through Fremont and between Fremont’s neighborhoods on foot or by bicycle.” (Policy 4-2.2 Connectivity)

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CONT

Finally, the city can address the principles and goals of the General and Community plans of maximizing educational and economic opportunities for Fremont residents by establishing a new job training facility and local job training and employment development programs, and local hiring policies.

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### **Hazards and Hazardous Materials**

Draft EIR Section 3.6 Hazards and Hazardous Materials

We agree with the draft EIR’s conclusion that each proposed development within the project area will need to undertake its own Phase I Environmental Site Assessment, and a Phase II ESA, if warranted. We recommend the city engage in an active oversight role to ensure safe working conditions for those employed in site evaluation and remediation, and the highest quality work to protect the health of the project area’s residents and employees. This is consistent with Cal/EPA’s recognition of the Fremont Fire Department for implementation and enforcement of hazardous material regulations as a Certified Unified Program Agency (CUPA). (DEIR Section 3.6.3, Regulatory Framework)

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As a Certified Unified Program Agency, Fremont is responsible for such programs as the Hazardous Materials Business Plan, California Accidental Release Prevention, Underground and Aboveground Storage Tanks, and Hazardous Waste Generator, and Hazardous Waste Tiered-Permitting. We recommend the city ensure the highest quality remediation by leveraging its oversight and its partnerships with contractors, developers and property owners to provide specialized job training, and employment opportunities for city residents. This strategy will help meet the General Plan’s Policy 10-6.1, Hazardous Material Regulation, to “Maintain sufficient regulation of land use and construction to minimize potential health and safety risks associated with future, current or past use of hazardous materials in Fremont.”

### **Warm Springs as an Innovation District**

We support Fremont’s vision for Warm Springs as an Innovation Hub that “supports and attracts the most talented employers, inventors, researchers, workers, and forward thinkers from around the world.” (General Plan Policy 11-10.3, Innovation as a Community Design Theme) We believe that our recommendations will enhance Fremont’s ability to differentiate Warm Springs from other California cities, while ensuring that residents receive community benefits commensurate with the city’s public investment.

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We believe that a jobs–housing balance is key to Fremont’s success. We reiterate our support for local job training and career development, a targeted local hire policy and an ordinance that “bans the box” so that those returning from prison have equal opportunity for employment, and project-labor agreements to ensure the availability of a skilled workforce and to help ensure this benefit supports all Fremont and the surrounding area’s workers. This local workforce will help

Fremont restore its urban ecosystem to mitigate the effects of and adapt to climate change. This workforce and businesses involved in brownfield remediation and green infrastructure development can meet the region's growing demand as business and residential development in California is concentrated in urban infill sites that will require remediation and restoration.

It is incumbent on the city to guide the development of the project area through its Community Plan, and maximize educational and employment opportunities for city residents through a partnership with contractors, developers, property owners, business to train and place skilled workforce in growing sectors of green infrastructure, brownfield remediation, and advanced manufacturing. This meets the General Plan's policies 9.9, "Quality educational opportunities and facilities available to the community;" and 11-10.1, "create jobs for Fremont residents, maximize economic opportunities to be created by the new BART station."

Finally, we urge the city to implement additional strategies to mitigate the transportation impacts of the Community Plan through the inclusion of affordable workforce housing for employees at all economic levels. Specifically, we support the development of at least 4,000 dwelling units, at densities of 50-120 dwelling units per acre within one-half mile of the Warm Springs BART Station; and at least 20 percent of the units should be affordable, including units for low and very low-income residents.

Yours Truly,

Bob Allen  
Acting Executive Director  
Urban Habitat

Allison Lasser  
Executive Director  
Communities Organizing for Renewal

Gloria Bruce  
Deputy Director  
East Bay Housing Organizations

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CONT

## **Urban Habitat (URBAN)**

### *Response to URBAN-1*

The organization provided introductory remarks to open the letter. No response is necessary.

### *Response to URBAN-2*

The organization expressed support for the Community Plan’s focus on economic development and housing for the Warm Springs project area and stated the final plan should identify additional strategies and mitigation to: (1) address affordable housing and transportation-related impacts; (2) enhance the quality of life and ensure resilience in the face of climate change; and (3) to provide environmental remediation of sites with hazardous contamination.

The specific items mentioned by the organization will be addressed in Response to URBAN-3 through Response to URBAN-5.

### *Response to URBAN-3a*

The organization stated that although the Draft EIR identifies traffic as having “significant and unavoidable” impacts, it fails to recognize the importance of affordable housing in the project area. The organization stated that the Community Plan fails to establish an affirmative plan for affordable housing in the project area and that the Draft EIR fails to link traffic and affordable workforce housing.

The Draft EIR evaluated the trip generation of all Community Plan uses, including residential; refer to Table 3.11-9 (Trip Generation by Area – Summary). Residential trip generation is calculated on a per-dwelling-unit basis; it makes no difference if a dwelling unit is designated “affordable” or “market rate,” as the trip rate would be the same. Thus, the trip generation discussion appropriately remained silent on this matter. Moreover, as outlined in the Draft EIR Transportation section, Fehr & Peers evaluated traffic impacts using industry-accepted methodologies recognized by the City of Fremont and other transportation agencies such as Caltrans, ACTC, and VTA. Aside from expressing its opinion that affordable housing should have been accounted for in some manner in the traffic analysis, the organization has not presented any evidence demonstrating that the methodologies used were improper.

As for the statement that the Draft EIR fails to recognize the importance of affordable housing in the context of significant and unavoidable findings for traffic impacts, this suggested approach is neither necessary nor appropriate. The traffic analysis serves to: (1) identify significant traffic impacts; (2) evaluate feasible mitigation measures; and (3) determine the residual significance of the impact after application of mitigation. Discussing the importance of affordable housing has no bearing on any of these items; therefore, the EIR appropriately did not do so in the Transportation section.

### *Response to URBAN-3b*

The organization suggested mitigation to address the City’s housing-jobs imbalance, the first of which is to develop 4,000 dwelling units, the maximum number envisioned in the Community Plan.

The Draft EIR discloses that the Community Plan has a maximum buildout potential of 4,000 dwelling units. As such, dwelling unit count is a project characteristic and its environmental effects are evaluated in the Draft EIR. Moreover, in the event less than 4,000 dwelling units are developed, this

would not exacerbate the severity of the transportation impacts disclosed in the Draft EIR and, in fact, would lessen the severity of the impact by reducing the total number of trips. In summary, requiring full buildout of the Community Plan's residential uses would neither meet CEQA requirements for feasible mitigation measure nor lessen the severity of significant impacts.

*Response to URBAN-3c*

The organization suggested mitigation to address the City's housing-jobs imbalance, the second of which is to require residential densities of 50 to 120 dwelling units per acre within 0.5 mile of the Warm Springs/South Fremont BART Station as recommended by BART.

As indicated in Response to URBAN-3b, the residential unit count and densities set forth in the Community Plan are project characteristics and their environmental effects are evaluated in the Draft EIR. Moreover, in the event that residential uses are developed at densities of less than 50 dwelling units/acre, this would not exacerbate the severity of the transportation impacts disclosed in the Draft EIR and, in fact, would lessen the severity of the impact by reducing the total number of trips. In summary, requiring the densities suggested by the organization would neither meet CEQA requirements for feasible mitigation measure nor lessen the severity of significant impacts.

*Response to URBAN-3d*

The organization suggested mitigation to address the City's housing-jobs imbalance, including three approaches towards increasing the supply of affordable housing. The three specific measures consist of: (1) requiring that at least 20 percent of the units being affordable, available for low and very-low income residents; (2) encouraging the construction of more affordable rental housing—especially units for low to extremely low-income units; and (3) developing financing mechanisms to fund affordable housing, such as a zoning overlay with a higher percentage of inclusionary housing, or increasing the housing impact and commercial linkage fees.

This comment concerns the Community Plan and not the Draft EIR's analysis. As previously discussed in Response to URBAN-3a, whether residential units are affordable or market-rate would not materially alter any conclusions set forth in the Draft EIR. Accordingly, the three affordable approaches outlined by the organization would not serve to lessen the severity of any significant impacts disclosed in the Draft EIR.

*Response to URBAN-4a*

The organization provided general commentary on the merits of public investment in green infrastructure. The organizations specific remarks on the Community Plan and Draft EIR are addressed in Response to URBAN-4b through Response to URBAN-4f.

*Response to URBAN-4b*

The organization stated that neither the Community Plan nor the Draft EIR identifies performance standards for public roadways, utilities, or open space. The organization disputed the Draft EIR's conclusion that the hydrological impacts of the Community Plan are less than significant and asserted that the "faulty conclusion" is due to the mischaracterization of the project area as "mostly developed," when portions of the plan are considered "open space" with permeable surfaces. The organization stated that approximately 150 acres of the Community Plan are open space, which represents a significant portion.

To clarify, the Draft EIR does not characterize undeveloped land within the Community Plan area as “open space,” since this is privately owned land that has been contemplated for urban use for decades by the City of Fremont General Plan.

As acknowledged by the organization, 150 acres represents 17 percent of the 879-acre Community Plan area. By any objective standard, the Draft EIR’s statement that “most of the Community Plan area is covered with impervious surfaces” is accurate. Regardless, the amount of existing impervious or pervious surface coverage within the Community Plan is not a determining factor in the hydrology and water quality analysis, since the plan contemplates new uses within all areas of the plan area (developed and undeveloped) with the exception of Tesla Motors plant.

In recognition of the development potential of the Community Plan, the Draft EIR sets forth Mitigation Measures HYD-1a (short-term construction water quality mitigation) and HYD-1b (long-term operational water quality mitigation). These measures reflect the requirements of current state water quality standards. The organization has not provided any evidence that these mitigation measures would not fully mitigate the impact to a level of less than significant.

*Response to URBAN-4c*

The organization recommended mitigation measure strategies, one of which includes the establishment of a network of “greenways” for pedestrian and bicycle use along the project area’s creeks and drainage channels and, where feasible, daylight creeks that are currently diverted to underground culverts.

As discussed in Response to SIERRA-9, the Draft EIR set forth seven mitigation measures to reduce hydrology and water quality impacts to a level of less than significant: Mitigation Measures HYD-1a, HYD-1b, HYD-2, HYD-3, HYD-4a, HYD-4b, and HYD-5. Several hydrology impact discussions specifically reference the undeveloped acreage within the plan area and the development activities that would occur within these areas; refer to pages 3.7-12, 3.7-15, and 3.7-16. The organization did not provide any specific comments about why these mitigation measures would not fully mitigate impacts to a level of less than significant. As such, there is no legal basis to impose additional mitigation measures for these impacts.

*Response to URBAN-4d*

The organization recommended mitigation measure strategies, one of which includes the development of additional public parks and plazas with permeable surfaces, bioswales, and other Low Impact Development (LID) methods to infiltrate stormwater.

Mitigation Measure HYD-1b requires new development that occurs within the Community Plan boundaries to incorporate site design and BMPs described within the Alameda County Water Program, C.3 Stormwater Technical Guidance manual. C.3 requires the incorporation of site design, source control, and stormwater treatment measures into development projects in order to minimize the discharge of pollutants in stormwater runoff and non-stormwater discharges to prevent increases in runoff flows. LID methods are the primary mechanism for implementing such controls, thereby effectively mitigating stormwater impacts. As such, the items referenced by the organization are reflected in this mitigation measure.

*Response to URBAN-4e*

The organization stated that only one new four-acre park is planned adjacent to the new school to serve the additional 12,000 residences in the project area, despite the City's General Plan establishing a standard for park acquisition and development of five acres per 1,000 residents.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

*Response to URBAN-4f*

The organization suggested that the principles and goals of the General Plan and Community Plan can be addressed by maximizing educational and economic opportunities for Fremont residents by establishing a new job training facility and local job training and employment development programs and local hiring process.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

*Response to URBAN-5*

The organization expressed agreement with the Draft EIR's conclusion that each proposed development within the Community Plan area will require its own Phase 1 Environmental Site Assessment. The organization recommends that the City engage in active oversight to ensure safe working conditions and the highest quality remediation.

The City intends to ensure that all hazardous materials remediation activities that occur pursuant to the Community Plan would comply with applicable federal and state health and safety requirements.

*Response to URBAN-6*

The organization provided commentary on Warm Springs serving as an innovation district and reiterated its prior comments about affordable housing, job-housing balance, hydrology and water quality, and hazardous materials. Refer to Response to URBAN-3a through URBAN-5.

## Nancy Hutar

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**From:** Percy Bhesania <pbhesania@yahoo.com>  
**Sent:** Friday, February 28, 2014 3:12 PM  
**To:** Nancy Hutar  
**Subject:** WS development

Hi,

We have been residents of Warm Springs for several years. We live on Sentinel Drive, Fremont.

As Warm Springs develops with additional housing units, Bart Station, please add the following:

- a. New Elementary School. Warm Spings Elementary is already overcrowded by a factor of 2 or more.
- b. New Middle/High School. They are overcrowded by a factor of 3 or more.
- c. More recreation parks.
- d. More playgrounds.
- e. More open space
- f. A cricket (sport) playing field with several playing pitches. WS is predominantly Indian and Cricket is the top sport played by Indians.
- h. Library in Warm Springs.
- i. Have Developers donate and build an International Community Center since WS is predominantly Asian and Indian Culture.
- j. Have Developers donate and build a Sports Center with indoor Swimming Pools.
- k. Build a Community College (through donations by developers) or a UC facility for WS/Silicon Valley.
- l. Lastly, leave more Open space everywhere so that folks can play, bike, walk, run, meet and socialize or just soak it in.

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Thanks

Percy Bhesania



## Individuals

### ***Percy Bhesania (BHESANIA)***

#### *Response to BHESANIA-1*

The author provided introductory remarks to preface the letter. No response is necessary.

#### *Response to BHESANIA-2*

The author expressed concern about overcrowding at existing elementary, middle, and high schools.

Refer to Master Response 2 (Schools).

#### *Response to BHESANIA-3*

The author indicated the desire for more parks, playgrounds, open space, and a cricket playing field.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

#### *Response to BHESANIA-4*

The author indicated the desire for a new library, sports center with indoor swimming pool, and a community college or a University of California facility.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

Please note that post-secondary education is provided by agencies other than the City of Fremont (for example, Ohlone Community College District and the University of California). At the time of this writing, no post-secondary educational institution has expressed an interest in locating a campus within the Community Plan area; therefore, it would be speculative for the Draft EIR to evaluate such a use.

#### *Response to BHESANIA-5*

The author expressed a desire for the plan to leave more open space where individuals can recreate.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).



**Nancy Hutar**

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**From:** Sujit Chaubal <sujit.chaubal@gmail.com>  
**Sent:** Friday, February 28, 2014 3:45 PM  
**To:** Nancy Hutar  
**Subject:** Feedback on the Warm Springs development plan

I hope I have reached the correct person to give feedback on the new Warm springs plan.

I am sure that you and fremont city administrators have spent a significant time and effort in development plan for warm springs area.

Fremont has a lot of families and I hope to see families continue to enjoy the new warm springs area. In particular I would like to see

1. Bike lanes from **existing** warm springs area to Bart and beyond
2. electric charging stations
3. Bus or shuttle options for **existing** warm springs residents till milipatas border. The area south of Warren / bordering with Milpitas is like no man's land. Very few buses from Alameda and none from VTA and no shuttles in the current plan. Please include the existing warm springs neighborhood in the shuttle plans.
4. I just see a school in the plans. I hope to see a middle school in the area.
5. If Irvington remains the high school, I would like to see easy access to Irvington high school where parents and students do not spend a lot of time commuting or waiting at traffic lights.
6. There are parks in Fremont, but with 4000 more units, I would like to see more open spaces. (Already Warm Springs community center and park are like a zoo / over crowded)
7. The Fremont main library is too far. Warm springs residents need one closer.
8. An indoor sports center (like the Milpitas sports center)
9. A medical facility - would be great to see please urgent care facility.

Warm Regards,  
Sujit Chaubal  
Warm Springs resident,  
Fremont, CA



**Sujit Chaubal (CHAUBAL)**

*Response to CHAUBAL-1*

The author provided introductory remarks to preface the letter and stated that he would like to see bike lanes from Warm Springs to the BART station and other destinations.

The Community Plan contemplates a network of off-street paths (Class I facilities), on-street bike lanes (Class II facilities), and shared bicycle/motor vehicle facilities (Class III facilities); refer to Exhibit 3.11-10 (Proposed Bicycle Facilities) and the associated discussion on page 3.11-118. These facilities would provide connections within the Warm Springs area to the Warm Springs/South Fremont BART station.

*Response to CHAUBAL-2*

The author would like to see the addition of electric charging stations.

The Community Plan is intended to facilitate the development of transit-oriented employment-generating and residential uses in proximity to the Warm Springs/South Fremont BART station over a more than 20-year period. Individual development proposals would be submitted to the City of Fremont following adoption of the Community Plan. There are no provisions in the Community Plan that preclude the use of electric charging stations; however, whether individual development proposals include such facilities would depend on the type of use and the needs of the users.

*Response to CHAUBAL-3*

The author would like to see the addition of bus and shuttle options for “existing warm springs residents” to the Milpitas border.

The Draft EIR discusses existing transit services within the Community Plan area on pages 3.11-21 through 3.11-25, shows proposed transit routes within the Community Plan area in Exhibit 3.11-9 (Proposed Transit Facilities), and evaluates potential impacts on transit providers on pages 3.11-117 and 3.11-118. As shown on Exhibit 3.11-3 (Existing Transit Facilities) and Exhibit 3.11-9, there is existing bus service on Warm Springs Boulevard between the Community Plan area and Milpitas (AC Transit Route 217), which would not be altered by the proposed project. Additionally, shuttle service may be provided within the Community Plan area (i.e., between the BART station and employment centers).

To the extent that existing transit service between the Warm Springs area and Milpitas is not viewed as adequate by local residents, this is an existing condition and would not be altered by the proposed project. As such, this subject is outside the scope of the EIR.

*Response to CHAUBAL-4*

The author would like to see a middle school in the space designated for a school.

Refer to Master Response 2 (Schools).

*Response to CHAUBAL-5*

The author expressed concern regarding commute times to Irvington High School.

The Draft EIR evaluated impacts on roadways within the Community Plan area in Section 3.11, Transportation. These roadways include Warm Springs Boulevard, Osgood Road, and Auto Mall Parkway, which would be commonly used routes to travel to and from Irvington High School. Using the intersection of Grimmer Boulevard/Warm Springs Boulevard/Osgood Road as a representative example, this intersection operates at LOS E under existing conditions during the AM peak hour, which coincides with the morning school drop-off period. The same intersection would operate at LOS E under Background Plus Project conditions during the AM peak hour, which represents full buildout of the Community Plan plus planned improvements to the roadways in the area. Accordingly, there would be no difference in LOS during the AM peak hour at this location, and it is reasonable to conclude that commute times to and from Irvington High School would not be significantly exacerbated by the proposed project.

*Response to CHAUBAL-6*

The author expressed a desire to see additional open space.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

*Response to CHAUBAL-7*

The author stated that the Fremont library is too far away and expressed a desire to see a new library in Warm Springs.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

*Response to CHAUBAL-8*

The author expressed a desire to see an indoor sports center.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

*Response to CHAUBAL-9*

The author expressed a desire to see a medical facility.

The Community Plan does not contemplate a medical facility. Moreover, no evidence has been presented that the proposed Community Plan would result in overcrowding at other medical facilities in the region such that new or expanded facilities would be required. As such, the Draft EIR appropriately did not require the provision of a medical facility as a mitigation measure.

**Nancy Hutar**

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**From:** Gaytri K <gaytrik@gmail.com>  
**Sent:** Friday, February 28, 2014 3:55 PM  
**To:** Nancy Hutar  
**Subject:** WS Development - Concerns & Ask

Hi Nancy,

We are Warm Springs residents for 7+ years now, We bought a single family home in this area bcoz we felt it was an awesome community and will continue to stay like this. However we are afraid that new housing units is going overburden everything that we liked about this area resulting in reduced quality of service. We have been paying a good size property tax and we ask for one more elementary school, more police force, better water plan at the minimum. We should put some plan together to improve the existing community experience which is getting deteriorated as each year passing by and we want that back with your support.

This is not just us most of our friends and neighbors in the area have shared the same concern, So pls hear us and do something about it.

Thanks in advance for your support !!

--  
Best !  
Gaytri (G)



**Gaytri K. (GAYTRI)**

*Response to GAYTRI-1*

The author was introduced and expressed general concern with a reduced quality of public services that would be caused by additional housing units. The author specifically mentions the need for additional school capacity, more police, and a better water plan.

The Draft EIR evaluated impacts on police protection in Section 3.10, Public Services and Recreation (pages 3.10-7 and 3.10-8).

Refer to Master Response 2 (Schools).

Section 3.12, Utility Systems addresses future water supply. ACWD prepared a Water Supply Assessment (Draft EIR Appendix H) that evaluated project impacts on water supply. The Draft EIR requires new development within the Community Plan area to comply with ACWD water conservation guidelines in order to reduce the impact to a level of less than significant. Refer to Draft EIR pages 3.12-14 through 3.12-17 for further discussion.



**Nancy Hutar**

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**From:** Janet@fitzcominc.com  
**Sent:** Friday, February 28, 2014 4:52 PM  
**To:** Nancy Hutar  
**Subject:** Re: DEIR for WS Development Plan - Important

Dear Mrs. Hutar,

I think it should be noted in the report that at the last Warm Springs community meeting held at Warm Springs Community Center, The facilitator made it clear she did not want to hear any oral comments or questions from community members -Only City leaders. The actual community citizens were told instead to restrict their ideas to the written form. This I believe was a disservice to all the community members. It left a clear message the leaders were in charge of communication. And that the community members were merely second- tier folks. In light of the fact that 90% of Warm Springs residents are Asians - who may not be as out-spoken as American born residents, This was a particularly insensitive and overly-controlling method of gathering feedback. I hope this comment will be included in the above report. To be fair to those who were given the wrong message - One way to make things right might be to extend the deadline of the EIR feedback. I also recommend not using that consultancy again.

Thank you,

Janet FitzGerald  
Address above

Janet

Sent from my iPhone  
Please excuse typos

On Feb 28, 2014, at 11:28 AM, Janet FitzGerald <[janet@fitzcominc.com](mailto:janet@fitzcominc.com)> wrote:

Dear Ms. Hutar,

I'd like to ask that the following concerns plus constructive ideas be added to the Warm Springs Development Plan's DEIR.

I regret to say the current plan lacks inspiration and foresight. Housing units, stores, businesses, and one elementary school (added only after citizens and FUSD spoke up) can't be the best we can do during such a chance-of-a-lifetime moment for Fremont, can it? Especially given the negative impact to our open spaces, to increasing traffic, to our schools, our safety, our environment overall, and our water supply. Speaking of water, what is the plan for water supply for the WS Dev. Plan area?

Besides needing more schools for all levels, **where are the needed 60 acres of open recreational space?** Are you sure four acres is all we get? What percent is that? Can we please go back to the drawing board and google, "Model cities - improving citizens' health?" Healthier citizens of all ages compute to a more vibrant and more productive city. We can do this. Other cities have - why not ours?

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Here's some good news: We have before us a fabulous possibility of restoring / "up-grounding" the Laguna and Agua Caliente Creeks in the WS Dev. area - and laying down beautiful bike pathways and pedestrian green-ways that would make a huge difference to the health and quality of our environment, and the lives of all our citizens, as well as allow more wildlife to co-exist with us, as they should. We could also potentially end up with bike paths connecting essentially from the Mission Peak area to our Downtown! Not only would this lessen air pollution, it could help offset your unmitigated traffic problem. Take a look at other places / cities where this has been done, and get re-inspired. We can do this - just give it a serious look. And picture the new and far more beautiful life it would give our whole city for decades to come!

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Thank you,

Janet FitzGerald  
Hopeful Citizen of Warm Springs' Future  
and mother of an 11 yr. old who wants to make our world a better place

797 Towhee Ct.  
Fremont, CA 94539  
510 252 1995

**Janet FitzGerald (FITZGERALD)**

*Response to FITZGERALD-1*

The author provided comments on a Community Meeting regarding the Warm Springs/South Fremont Community Plan and expressed objection to a statement made by the meeting facilitator that indicated that comments should be limited to written form and no verbal comments were being accepted. The author stated that this was insensitive and an “overly-controlling” method of gathering feedback and the City should extend the public comment period for the Draft EIR to rectify this matter.

The author appears to be referring to the Community Meeting held at the Warm Springs Community Center on Thursday, January 16, 2014. This meeting was structured into two components: (1) an open house in which members of the public were given the opportunity to visit various stations and ask City staff and consultants questions about the Community Plan and Draft EIR; and (2) a presentation provided by the City staff and the consultant team introducing the Community Plan and Draft EIR. Because of the agenda and format of the Community Meeting, accepting verbal comments would have been problematic from a logistical and timing perspective. Instead, meeting attendees were advised to submit comments in written form to the City of Fremont. Note that the City received written comments from 14 individuals (including the author), which serves to indicate that members of the public were able to avail themselves of this format.

Finally, the Community Meeting coincided with the second day the Draft EIR public review period; therefore, audience members had a full five weeks to review the document and submit written comments. For these reasons, the City of Fremont did not extend the Draft EIR review period beyond the statutory 45-day period.

*Response to FITZGERALD-2*

The author expressed concerns about a lack of “inspiration and foresight” as well as adverse impacts to open spaces, traffic, schools and safety, overall environment, and water supply.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

Section 3.12, Utility Systems addresses future water supply. ACWD prepared a Water Supply Assessment (Draft EIR Appendix H) that evaluated project impacts on water supply. The Draft EIR requires new development within the Community Plan area to comply with ACWD water conservation guidelines in order to reduce the impact to a level of less than significant. Refer to Draft EIR pages 3.12-14 through 3.12-17 for further discussion.

*Response to FITZGERALD-3*

The author indicated the need for more schools and 60 acres of open recreational space.

Refer to Master Response 2 (Schools) and Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

As discussed on Draft EIR pages 2-12, 2-17 and 2-18, the purpose of the Community Plan is to facilitate the development of transit-oriented employment-generating and residential uses in proximity to the Warm Springs/South Fremont BART station. Such uses require minimum levels of

density in order to support transit services and urban form. The Community Plan envisions open space and recreational uses taking the form of public plazas and bicycle and pedestrian facilities. Developing large parks or open space areas within the Community Plan area would conflict with the plan objectives, and would not represent the highest-and-best use for an area that has supported commercial and industrial uses for more than 50 years, has convenient freeway and transit access, and is served with urban infrastructure.

*Response to FITZGERALD-4*

The author expressed the possibility of restoring Laguna Creek and Agua Creek as well as adding bike and pedestrian pathways.

Both Laguna Creek and Agua Creek are channelized or culverted within the Community Plan area. The Community Plan does not propose any changes to these facilities.

The Community Plan contemplates a network of off-street paths (Class I facilities), on-street bike lanes (Class II facilities), and shared bicycle/motor vehicle facilities (Class III facilities); refer to Exhibit 3.11-10 (Proposed Bicycle Facilities).

**Nancy Hutar**

---

**From:** Tanmaykishore <Tanmaykishore@yahoo.com>  
**Sent:** Friday, February 28, 2014 5:03 PM  
**To:** Nancy Hutar  
**Subject:** DEIR

Dear Nancy,

Good evening! I am writing this mail to you to express my frustration regarding the construction proposal of a large number of residential houses ( I am told ~4000) coming up near Warm Springs BART station in Fremont. I disapprove this because of the following reasons:

- increased load on elementary/junior/high schools serving the residents of this area. I know you do appreciate that our schools already are facing a lot resource crunch. Adding more students will make the situation even worse.

- Increase in traffic volume. A mere drive on Warm Springs blvd during peak hours will give you an idea of how crowded it is. 4000 additional families will make matters even worse.

- additional load on health care facilities

- lack of community parks/recreational area for the new households.

Having said that, I am wondering how the builders or the city is going to address these problems of the community? Without any clarity, I am sure all my community neighbors must be wondering on the same lines. I, therefore, request you to consider this email as my disapproval of the above proposition. Hope the city considers our concerns and scraps this plan.

Tanmay kishore.

Sent via the Samsung Galaxy S™III, an AT&T 4G LTE smartphone



**Tanmay Kishore (KISHORE)**

*Response to KISHORE-1*

The author expressed general frustration.

No response is necessary.

*Response to KISHORE-2*

The author is concerned about increased demands on local schools.

Refer to Master Response 2 (Schools).

*Response to KISHORE-3*

The author is concerned about increased traffic on Warm Springs Boulevard.

Draft EIR Section 3.11, Transportation, addresses traffic congestion on Warm Springs Boulevard. Table 3.11-12 (Summary of Intersection Mitigation Measures) on page 3.11-74 shows various mitigation measures for Warm Spring Boulevard. This includes the description of Transportation Demand Management on pages 3.11-74 and 3.11-75.

*Response to KISHORE-4*

The author is concerned about increased demand of healthcare facilities.

Healthcare facilities are typically private companies, the impacts on which are not required to be analyzed in environmental documents. No response is necessary.

*Response to KISHORE-5*

The author is concerned about the “lack of community parks/recreational area” for new households.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

*Response to KISHORE-6*

The author is concerned about the problems of the community.

The author was not specific with the problems of the community. Therefore, their concerns cannot be addressed.



**Nancy Hutar**

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**From:** plknight@comcast.net  
**Sent:** Friday, February 28, 2014 4:31 PM  
**To:** Nancy Hutar  
**Subject:** Warm Springs EIR

I am responding to the proposal for the Warm Springs development EIR. My major concern is that everybody is being asked (or told) to conserve water during our current drought. My family is already conserving water as much as possible using methods we learned in the droughts of the late 1970's and the late 1080's, e.g., if it is yellow, it is mellow but if it is brown flush it down. We cannot cut our water use any more without giving up bathing entirely. The new development will mean more water users drawing on our dwindling water supply. This development should not be started until after the drought ends. When it is started, it should use the most water-efficient technology available.

1

Sincerely,

Paul L. Knight  
41436 Timber Creek Terrace  
Fremont, CA 94539



**Paul Knight (KNIGHT)**

*Response to KNIGHT-1*

The author is concerned about demand on water due to additional residential development.

Section 3.12, Utility Systems addresses future water supply. ACWD prepared a Water Supply Assessment (Draft EIR Appendix H) that evaluated project impacts on water supply. The Draft EIR requires new development within the Community Plan area to comply with ACWD water conservation guidelines in order to reduce the impact to a level of less than significant. Refer to Draft EIR pages 3.12-14 through 3.12-17 for further discussion.



**Nancy Hutar**

---

**From:** Robert Murtha <parner642@sbcglobal.net>  
**Sent:** Friday, February 28, 2014 2:42 PM  
**To:** Nancy Hutar; Bob Murtha  
**Subject:** Comment concerning EIR Report Warm Springs / South Fremont

To - Nancy Hutar  
From - Robert Murtha, 642 Venus Ct. Fremont, CA Ph. 510-226-1131  
Sub. - Comment on EIR Report Warm Springs / South Fremont  
Date - 2/28/14

**Summary:**

As a resident of South Warm Springs ) South Mission Blvd. between HWY 880 and HWY 680) I am particularly focused on traffic at the intersections of Warm Springs / Mission Blvd. and Warren Ave. Traffic sections ES-3 through ES-33-73 continual warn of "unacceptable traffic operations, adverse impacts, at the intersections referenced above. The EIR rates the these intersections as unacceptable D, E, and F values for congestion and wait times. There are no verified remedies have been identified or being pursued at this time. The quality of live of the current Warm Springs residents need to balanced with the development of South Fremont area near BART. This issue must be addressed! The City Council cannot just say tough just live with it to the residents of South Warm Springs!

**Options:**

- Addition of an on / off ramp at HWY 680 / East Grimmer overpass thus allowing another entry / exit (4th) into the Warm Spring / South Fremont Development (at BART) reducing congestion at Mission / Warm Springs. There are currently only there entries / exits to this area are Warm Springs Blvd / South Mission Blvd, Fremont Blvd. / West Grimmer and Auto Mall / Warm Springs.

- Flyover between HWY 880 / HWY 680: would remove East bound traffic on South Mission allowing free flow of traffic (no stoplights) between the two. This has been talked about in the past years, what is the status?

- Cut back on the housing (keeping density at 30 per acre not 50 or 70) and office density, limit job creation to 10k VS 20k.

- Limit the size of the proposed convention center.



**Robert Murtha (MURTHA)**

*Response to MURTHA-1*

The author expressed concerned about the traffic at Warm Springs/Mission Boulevard and Warren Avenue.

Draft EIR Section 3.11, Transportation evaluated impacts to the intersection of Mission Boulevard/Warm Springs Boulevard and several intersections on Warren Avenue. Mitigation measures are proposed to lessen project impacts. Refer to Section 3.11, Transportation for further discussion.

*Response to MURTHA-2*

The author proposed an on/off ramp at the intersection of I-680 and Grimmer Boulevard.

The Caltrans Highway Design Manual requires new freeway interchanges to be located at least one mile from existing interchanges. The Grimmer Boulevard undercrossing is located 0.6 mile from the I-680/ Durham Road interchange and, therefore, would not meet Caltrans minimum spacing requirements. As such, it is not considered feasible mitigation for the proposed project's transportation impacts.

*Response to MURTHA-3*

The author proposed a flyover between I-880 and I-680.

At the time of this writing, neither the City of Fremont nor Caltrans contemplates the development of a flyover between I-880 and I-680. Such an improvement would be extremely costly and would likely require the acquisition of a significant amount of property. Moreover, the improvement would likely irreversibly alter the character of the Mission Boulevard corridor in a negative manner. Because such improvement is not recognized by any of the agencies with jurisdiction over it, it is not considered feasible mitigation for the proposed project's transportation impacts.

*Response to MURTHA-4*

The author proposes to limit housing density, office density, and job creation.

The Draft EIR evaluated alternatives to the proposed project, including a Reduced Plan Area Alternative and a Nonresidential Community Plan Alternative. The former alternative would reduce the Community Plan to 247 acres and eliminate 5.7 million square feet of development (and associated employment), while the latter alternative would eliminate all residential uses (and associated population growth). Both alternatives were found to result in significant unavoidable impacts on transportation and, therefore, would not avoid the impacts. Refer to Section 5, Alternatives to the Proposed Project for further discussion.

*Response to MURTHA-5*

The author proposes the City limit the size of the proposed convention center.

Refer to Response to MURTHA-4.



**Nancy Hutar**

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**From:** Sunil Pandey <supady@hotmail.com>  
**Sent:** Friday, February 28, 2014 4:46 PM  
**To:** suzannelchan@gmail.com; Suzanne Chan; Nancy Hutar  
**Cc:** Bill Harrison; Anu Natarajan; Vinnie Bacon; Suzanne Chan; Raj Salwan; Kelly Kline; cof  
**Subject:** Warm Springs development

Hi Nancy,

At present, **I drive 5 miles each way to drop and pick up my kid for middle and high school.** Without any Development plan as suggested by Fremont city, There is certainly need for the middle and high school at South fremont. I was surprise to see those not being there and only Elementary school.

Are the Fremont city council thinking that there will be **high dropout rate for middle/high school.** I do not understand this plan.

Does this means that next City Council will develop another plan for Middle/High school and other infrastructures....

Thanks,

Sunil Pandey  
E-mail:supady@hotmail.com



**Sunil Pandey (PANDEY)**

*Response to PANDEY-1*

The author stated that the Community Plan should include a middle school or high school.

Refer to Master Response 2 (Schools).



**Nancy Hutar**

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**From:** Venkat Ramakrishnan <venkatkr@gmail.com>  
**Sent:** Friday, February 28, 2014 3:04 PM  
**To:** Nancy Hutar  
**Subject:** South Fremont/Warm Springs Development

Hello:

I am a resident of the WS area and I would like to submit my impact comments for South Fremont/Warm Springs Development. | 1

As part of this development, I would like to see the following facilities added for the benefit of the community. |

1/ Fully equipped public library that is open 12 hours a day (9am to 9pm). It must have a mini-auditorium for public use. Please see the milipitas public library on Main St. for reference. | 2

2/ Two Public swimming pools (olympic sized with 8 lanes minimum) with lifeguards, one pool with dive board. | 3

3/ Wide Bike lanes and pedestrian walkways (The perdestrian walkways must be wide enough for two strollers to pass in opposite direction | 4

4/ Public school (all the way from K-12). | 5

5/ Quite places for meditation, public water bodies, public drinking water fountains | 6

6/ Dog parks for pet owners | 7

7/ Self cleaning public restrooms at all intersections. |

The developers and the city must make provisions to have these amenities | 8

Regards,  
Venkat

94539.



**Venkat Ramakrishnan (RAMAKRISHNAN)**

*Response to RAMAKRISHNAN-1*

The author provided introductory remarks. No response is necessary.

*Response to RAMAKRISHNAN-2*

The author expressed a desire for a public library with mini-auditorium.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

*Response to RAMAKRISHNAN -3*

The author expressed a desire for two Olympic sized swimming pools.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

*Response to RAMAKRISHNAN -4*

The author expressed a desire for bike lanes and walkways that are wide enough for “two strollers to pass in opposite direction.”

The Community Plan contemplates a network of off-street paths (Class I facilities), on-street bike lanes (Class II facilities), and shared bicycle/motor vehicle facilities (Class III facilities); refer to Exhibit 3.11-10 (Proposed Bicycle Facilities).

*Response to RAMAKRISHNAN -5*

The author expressed a desire for additional public schools (K-12).

Refer to Master Response 2 (Schools).

*Response to RAMAKRISHNAN -6*

The author expressed a desire for places for meditation, “public water bodies,” and water fountains.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

*Response to RAMAKRISHNAN -7*

The author expressed a desire for dog parks.

Refer to Master Response 3(Parks, Recreation, Libraries, and Other Public Facilities).

*Response to RAMAKRISHNAN -8*

The author expressed a desire for self-cleaning public restrooms.

The type of public restroom facilities would be determined during the review process for individual development projects. Note that the Community Plan does not preclude the provision of self-cleaning public restrooms. Regardless, whether restrooms are self-cleaning or not does not alter any conclusions contained within the Draft EIR.



## Nancy Hutar

---

**From:** Rekha S <svrekha@gmail.com>  
**Sent:** Friday, February 28, 2014 4:36 PM  
**To:** Nancy Hutar  
**Subject:** Warm Springs development concerns

Hello Nancy,

I would like to voice my concern on the new Warm Springs development plan. We have been residents of this community for the last 10 years. Now, with the BART extension and new development, the entire area is congested, schools overcrowded (starting from elementary to high school). Not only that, the crime rate has been going up and there isn't enough police force to curb this.

1

I would like to request for an additional schools (elementary, middle and high school). We need more police and more parks. Definitely this place is not equipped for traffic. There is a big mess at Leitch and Warm Springs. We are currently not even able to address our own traffic. So, what is going to happen with more developments?

2

Regards,  
Rekha

'Be the change that you wish to see in the world.' - Mahatma Gandhi



**Rekha S. (REKHA)**

*Response to REKHA-1*

The author has concerns with current traffic, school, and safety conditions.

Refer to Master Response 2 (Schools). Traffic is addressed in Draft EIR Section 3.11, Transportation. Public safety is addressed in Draft EIR Section 3.10, Public Services and Recreation.

*Response to REKHA-2*

The author would like to see additional schools, more police, and more parks. The author is also concerned about additional traffic congestion.

Refer to Master Response 2 (Schools) and Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

The Draft EIR evaluated impacts on fire and police protection in Section 3.10, Public Services and Recreation (pages 3.10-6 through 3.10-8). Refer to that section for further discussion.

Draft EIR Section 3.11, Transportation evaluates traffic impacts and sets forth mitigation measures. Refer to that section for further discussion.



Nancy Hutar

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**From:** Ritesh Shah <ritushah@yahoo.com>  
**Sent:** Friday, February 28, 2014 2:56 PM  
**To:** Nancy Hutar  
**Subject:** Warm Springs/South Fremont Community Plan

Nancy,

I am a warm springs resident. I reviewed the plan at <http://www.fremont.gov/DocumentCenter/View/21154>

I'm concerned about the plan specially schools. Nearby schools are already overloaded and kids from new 4000 homes will make it worst. Please plan for extra school to accomodate new students.

Regards,  
Ritesh  
C: 510-205-6291



**Ritesh Shah (SHAH)**

*Response to SHAH-1*

The author expressed concerned about school capacity and indicated a desire to see additional schools.

Refer to Master Response 2 (Schools).



## Nancy Hutar

---

**From:** Vimi Sinha <vimisinha@yahoo.com>  
**Sent:** Friday, February 28, 2014 4:26 PM  
**To:** Nancy Hutar  
**Subject:** DEIR

When we vote for our leaders we expect them to do their best for the citizens and their country. If they say yes to developers for 4000 housing units, they should understand how it is going to affect the people in that area. All we need is just common sense to understand that if we add that many houses we will also need more schools, hospitals, parks etc. If we have to monitor every move the leaders make because they are not capable of making the correct decision then they don't deserve to be leaders.

1

Regards,  
Vimi



**Vimi Sinha (SINHA)**

*Response to SINHA-1*

The author expressed a desire for more schools, hospitals, and parks in the Community Plan.

Refer to Master Response 2 (Schools) and Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

The Community Plan does not contemplate a medical facility. Moreover, no evidence has been presented that the proposed Community Plan would result in overcrowding at other medical facilities in the region such that new or expanded facilities would be required. As such, the Draft EIR appropriate did not require the provision of a medical facility as a mitigation measure.



**Nancy Hutar**

---

**From:** Santhosh Soman <sanssoman@yahoo.com>  
**Sent:** Friday, February 28, 2014 3:26 PM  
**To:** Nancy Hutar  
**Subject:** Warm Springs/South Fremont Community Plan

Hi Nancy,

We are the residents of "47493, Towhee St, Fremont 94539". We would like to make sure that the new residential units would not overload our current,

\*) schools (Elementary, Middle and High).

\*) traffic

\*) police

\*) water

\*) sewage

\*) bike path

\*) park

\*) community centre

\*) open spaces

Hope our concerns will be taken into consideration during the planning and evaluation of the new project.

- Thanks & Regards,  
Santhosh & Soumya

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***Santhosh and Soumya Soman (SOMAN)***

*Response to SOMAN-1*

The authors expressed concern about schools.

Refer to Master Response 2 (Schools).

*Response to SOMAN-2*

The authors expressed concerns about traffic.

Draft EIR Section 3.11, Transportation evaluates traffic impacts and sets forth mitigation measures. Refer to that section for further discussion.

*Response to SOMAN-3*

The authors expressed concerns about police.

The Draft EIR evaluated impacts on police protection in Section 3.10, Public Services and Recreation. Refer to Draft EIR pages 3.10-7 and 3.10-8 for further discussion.

*Response to SOMAN-4*

The authors expressed concerns about water.

Section 3.12, Utility Systems addresses future water supply. ACWD prepared a Water Supply Assessment (Draft EIR Appendix H) that evaluated project impacts on water supply. Refer to Draft EIR pages 3.12-14 through 3.12-17 for further discussion.

*Response to SOMAN-5*

The authors expressed concerns about sewage.

The Draft EIR evaluated impacts on sewers in Section 3.12, Utilities and Service Systems. Refer to Draft EIR pages 3.12-17 and 3.10-18 for further discussion.

*Response to SOMAN-6*

The authors expressed concerns about bike paths.

The Community Plan contemplates a network of off-street paths (Class I facilities), on-street bike lanes (Class II facilities), and shared bicycle/motor vehicle facilities (Class III facilities); refer to Exhibit 3.11-10 (Proposed Bicycle Facilities) and the associated discussion on page 3.11-118.

*Response to SOMAN-7*

The authors expressed concerns about parks.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

*Response to SOMAN-8*

The authors expressed concerns about the community center.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

*Response to SOMAN-9*

The authors expressed concerns about open spaces.

Refer to Master Response 3 (Parks, Recreation, Libraries, and Other Public Facilities).

**Nancy Hutar**

---

**From:** PAVAN Vedere <pvedere@yahoo.com>  
**Sent:** Friday, February 28, 2014 3:21 PM  
**To:** Nancy Hutar  
**Cc:** pavan1 vedere  
**Subject:** No signal connection between 880 and 680 to reduce traffic congestion in warm springs

Hi,

I am a Warm Springs resident for the past 12 years. Traffic on Warm Springs blvd between Scott Creek and Mission has increased a lot in this time. Especially in the last couple of years since new houses came on the corner of Warm Springs and Scott Creek. In the evenings it take 15 - 20 mins to go from intersection of Scott Creek to Mission on Warm Springs. This road is the lifeline for Warm Springs residents and congestion on this road is adversely affecting quality of life. Especially on Thu and Fri evenings, we don't even want to take the kids to library or other activities as the traffic on Warm springs is going to be bad. We are afraid of going out anywhere in the weekday evenings because of this.

With the proposed new development near Warm Springs Bart, Warm Springs Blvd will become bad to worse and all the residents there will suffer. I believe that a lot of this traffic clogs up because priority is given (in terms of signal timings) for traffic on Mission blvd who are trying to go from 880 to 680 or vice versa. If we can provide a signal free route for 880 < - > 680 commuters, it will greatly help the traffic on warm springs. As part of the new development happening in this area, can you please work with Caltrans to make this dream project happen. If we can get Mission to go over Warm springs Intersection, it will not only help Warm springs, but it will help 680 <-> 880 commuters also. I think we should have done this when grade separation projects were happening on Warren, Kato, ..... I think this gives us another chance to make this happen and give something to Warm Springs residents who will have to put up with a lot more things which they wouldn't want to because of all the new development.

Thanks  
- Pavan



***Pavan Vedere (VEDERE)***

*Response to VEDERE-1*

The author provided introductory remarks and expressed concerns about existing traffic conditions.

The Draft EIR evaluated existing traffic conditions, baseline plus project conditions, and Cumulative 2035 conditions in Section 3.11, Transportation.

*Response to VEDERE-2*

The author listed various concerns about future traffic congestion, including the Warm Springs Boulevard and connection between I-680 and I-880.

To clarify, the author appears to be referring to Mission Boulevard (SR-262), which provides a connection between I-680 and I-880.

The Draft EIR evaluated existing traffic conditions, baseline plus project conditions, and Cumulative 2035 conditions on Mission Boulevard in Section 3.11, Transportation. Mitigation measures are identified to reduce project contributions to unacceptable levels of service. The author did not provide specific comments on this analysis; therefore, no further response can be provided.



## SECTION 4: CHANGES TO THE DRAFT EIR

The following are revisions to the Draft EIR for the Warm Springs/South Fremont Community Plan. These revisions are minor modifications and clarifications to the document and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

### 4.1 - Changes to Draft EIR Text

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**Section ES, Executive Summary**

**Page ES-3, Significant Unavoidable Adverse Impacts**

The discussion of significant unavoidable adverse impacts has been revised to provide clarification.

- **Background Traffic Conditions:** Buildout of the Community Plan would result in significant impacts at four intersections, unless the City changes the minimum acceptable LOS standard to LOS E or F for the Community Plan area intersections to ~~LOS E or F~~ where one or no intersections would result in significant impacts, respectively. Conceptual

improvements are identified for each location; however, such improvements may not be feasible because they may be in conflict with the City of Fremont General Plan’s and Community Plan’s vision for the area. As such, at a minimum, the implementation of a Transportation Demand Management (TDM) program would be required and certain physical improvements could be implemented if deemed feasible. However, due to the uncertainty surrounding the ability of TDM to reduce peak-hour trips to acceptable levels and the feasibility of certain improvements, the residual significance is significant and unavoidable.

- **2035 Traffic Conditions:** Buildout of the Community Plan would result in significant impacts at 14 intersections, unless the City changes the minimum acceptable LOS standard to LOS E or F for the Community Plan area intersections to LOS E or F where ~~nine or no~~ intersections would result in significant impacts. Certain intersections are projected to operate at LOS F and no feasible improvements are available. For other locations, conceptual improvements are identified; however, such improvements may not be feasible because they may be in conflict with the City of Fremont General Plan’s and Community Plan’s vision for the area. As such, at a minimum, the implementation of a TDM program would be required and certain physical improvements could be implemented if deemed feasible. However, due to the uncertainty surrounding the ability of TDM to reduce peak-hour trips to acceptable levels and the feasibility of certain improvements, the residual significance is significant and unavoidable.

## Section 2, Project Description

### **Page 2-7, Exhibit 2-3**

Exhibit 2-3 has been revised to: (1) change the boundaries of Planning Area 4 and Planning Area 5 such that Planning Area 4 has been extended southward to incorporate all of what was Planning Area 5, except for the area east of Lopes Court, and is now a Mix C of uses; and (2) show a more precise location for the school and public open space. These changes are intended to provide more land use flexibility, since Planning Area 4 is the largest, single-owned parcel in the Community Plan (outside of the Tesla Motors property). In addition, Mix C focuses non-residential uses on research and development, rather than industrial uses.

### **Page 2-17, Planning Areas Bulleted List**

The Planning Areas bulleted list has been revised to reflect the name changes to Areas 4 and 5.

1. Fremont Boulevard
2. Old Warm Springs Boulevard - North
3. Old Warm Springs Boulevard - South
4. Innovation Way ~~Grimmer Boulevard South~~
5. Lopes Court ~~Innovation Way and Lopes Court~~
6. Southwestern
7. Grimmer Boulevard - North
8. BART Area
9. Warm Springs Boulevard - East

## 10. Warm Springs Court

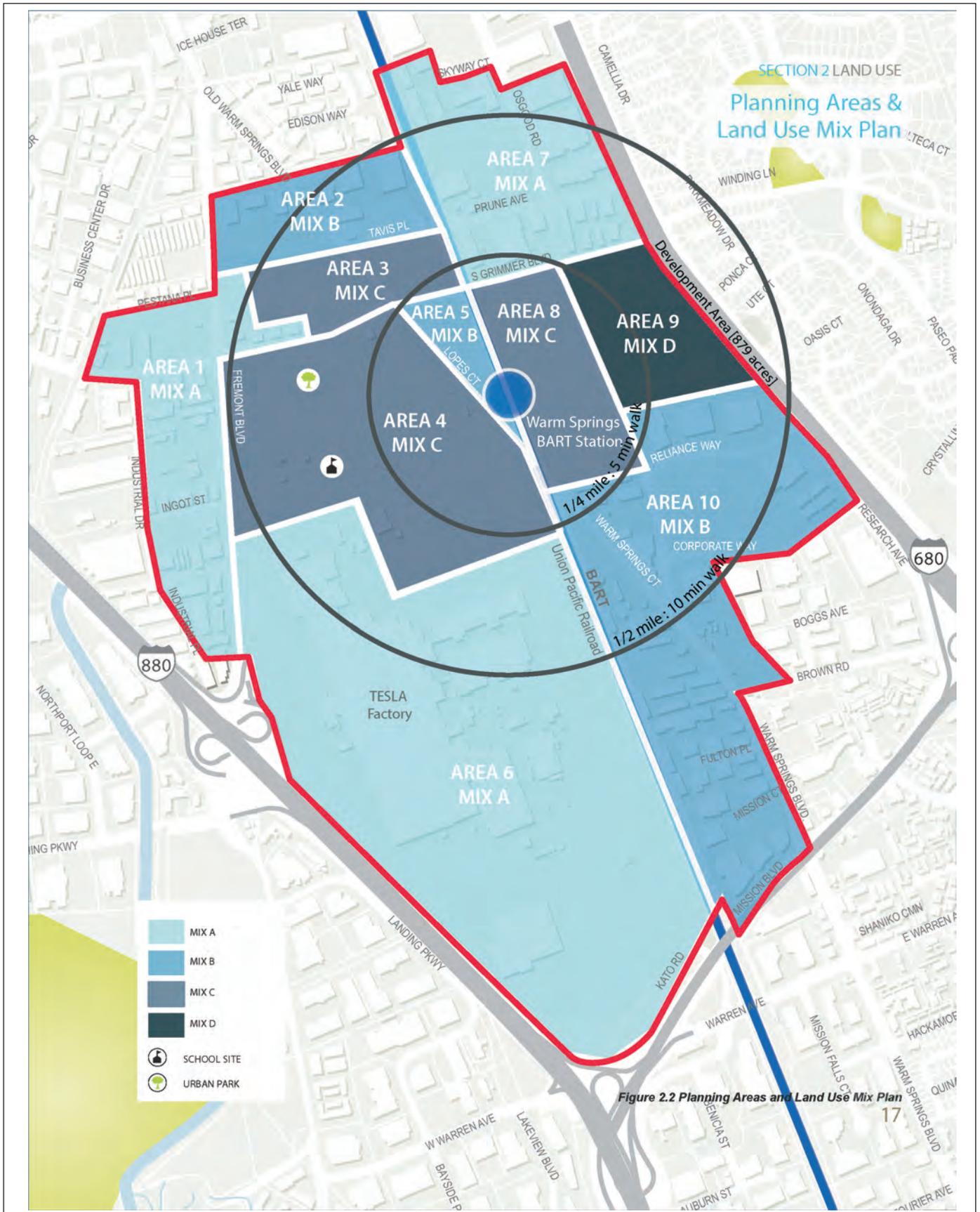
**Page 2-18, Last Bullet**

The discussion of parking standards has been revised to correct an erroneous statement in response to the BART-2 comment.

- **Parking Standards:** Parking ratios are based on numbers of parking stalls per one thousand gross square feet (1,000 GSF) of building area for non-residential uses, total number of dwelling units for residential uses, total number of guest bedrooms for hotel uses and total number of employees for school uses. ~~Ratios of parking maximums for each individual land use are provided in Exhibit 2-5.~~

**Page 2-19, Exhibit 2-5**

Exhibit 2-5 has been revised to reflect changes to the Warm Springs/South Fremont Community Plan. The revised exhibit indicates that a school would be allowed within Mix C and hotel jobs are based on 0.35 employee per room.



## Exhibit 2-3 Planning Areas and Land Use Mix Plan



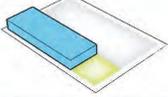
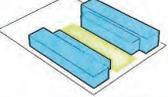
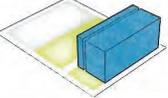
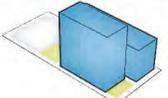
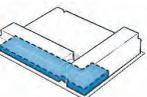
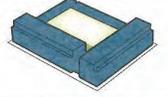
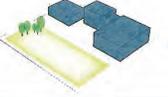
Land Uses	Land Use Mix and Land Use Standards				Land Use Intent
	MIX A	MIX B	MIX C	MIX D	
<b>Industrial</b> Land uses including in the process of making products by using machinery and factories.		<b>Minimum Building Intensity</b> 0.35 FAR <b>Maximum parking</b> 3/1000 SF <b>Jobs Factor</b> 10-20 Jobs / Acre			This Land Use Type is intended to create an optimum setting for industrial land uses such as, but not limited to: high technology, life science and advanced manufacturing.
<b>Research &amp; Development</b> Land uses including research, routine product testing, experimental production and the training of personnel.			<b>Minimum Building Intensity</b> 0.5 FAR <b>Maximum parking</b> 3/1000 SF <b>Jobs Factor</b> 35 Jobs / Acre		This Land Use Type is intended to support uses involved in scientific and technological discoveries and the creation new products, processes, and services.
<b>Office &amp; Convention</b> Land uses including professional, administrative, or business related services, conference centers and other collaborative venues.			<b>Minimum Building Intensity</b> 1.5 FAR <b>Maximum parking</b> 3/1000 SF <b>Jobs Factor</b> Within 1/4 Mile of Transit: 58-60 Jobs / Acre Outside 1/4 Mile of Transit: 22-37 Jobs / Acre		This Land Use Type is intended to support office uses that have a higher intensity of use than other jobs-focused land uses and provide a setting for a convention center and other collaborative venues.
<b>Hotel</b> Land uses including temporary rented rooms for paying guests, meeting spaces and food service.				<b>Minimum Building Intensity</b> 1.5 FAR <b>Maximum parking</b> 1/guest room <b>Jobs Factor</b> 0.35 Job / guest room	This Land Use Type is intended to provide lodging and hospitality uses for workers, residents and visitors.
<b>Retail &amp; Entertainment</b> Land uses including the sale of goods to the public for use or consumption and uses that provide a venue for entertainment.				<b>Minimum Intensity</b> 2000 SF / Acre <b>Maximum parking</b> 3/1000 SF <b>Jobs Factor</b> 1 Job / 300 SF	This Land Use Type is intended to provide locally serving retail, services and amenities for workers, residents and visitors.
<b>Residential</b> Land uses including for sale or rented places to live and related uses including childcare facilities, recreational facilities, private outdoor space and other residential related uses.				<b>Minimum Intensity</b> Within 1/4 mile of transit: 50 DU/Acre Outside 1/4 mile of transit: 30 DU/Acre <b>Maximum parking</b> Within 1/4 mile of transit: 1.5 spaces/unit Within 1/2 mile of transit: 2.0 spaces/unit	This land use designation is intended to promote a mix of residential uses and related uses.
<b>School</b> Uses involved in providing instruction, especially to children. This land use type is reserved for an elementary school.				<b>Minimum Area</b> 5 to 10 Acre Site +/- 5 Acres: School <b>Maximum parking</b> 1/employee plus visitor spaces	The size of the school property will be determined by the State Board of Education and will be approximately 5 to 10 acres.
<b>Public Open Space and Public Facilities</b> An area of land that is developed for outdoor passive and active recreation and gathering which is accessible to the public.				<b>Minimum Area</b> Indicated in Figure 3.4 Project Targets and Section 3.3 Open Space	This land use type is intended to provide conveniently located, publicly accessible open space.

Figure 2.3 Land Use Matrix

NOTE: Floor Area Ratios and Residential Densities are calculated based on net site areas.



**Pages 2-21 through 2-23, Introductory Paragraph, Table 2-3, and Table 2-4**

The introductory paragraph has been revised, Table 2-3 has been replaced with a new table, and Table 2-4 and its introductory text have been stricken to reflect changes to the Warm Springs/South Fremont Community Plan.

Table 2-3 summarizes the Community Plan project targets by land use Mix Category and Planning Area. Table 2-4 summarizes the Community Plan project targets by Planning Area. Exhibit 2-3 depicts the planning areas and land use mix plan.

**Table 2-3: Community Plan Project Targets – Mix Categories and Planning Areas**

<u>Mix Category</u>	<u>Planning Area</u>	<u>Gross Acreage</u>	<u>Maximum Gross Floor Area/Maximum Dwelling Units</u>	<u>Estimated Jobs</u>
<u>A</u>	<u>1</u>	<u>74.0</u>	<u>1,203,342 square feet</u>	<u>1,416</u>
	<u>6</u>	<u>319.0</u>	<u>=</u>	<u>4,500</u>
	<u>7</u>	<u>79.0</u>	<u>1,315,517 square feet</u>	<u>1,634</u>
	<u>Subtotal</u>	<u>472.0</u>	<u>2,518,859 square feet</u>	<u>7,550</u>
<u>B</u>	<u>2</u>	<u>38.0</u>	<u>827,640 square feet</u>	<u>837</u>
	<u>5</u>	<u>10.5</u>	<u>449,990 square feet</u>	<u>1,084</u>
	<u>10</u>	<u>122.0</u>	<u>2,306,601 square feet</u>	<u>2,665</u>
	<u>Subtotal</u>	<u>170.5</u>	<u>3,584,231 square feet</u>	<u>4,586</u>
<u>C</u>	<u>3</u>	<u>27.0</u>	<u>294,030 square feet</u>	<u>952</u>
	<u>4</u>	<u>129.5</u>	<u>1,878,800 square feet</u>	<u>4,092</u>
	<u>8</u>	<u>44.0</u>	<u>1,815,740 square feet</u>	<u>2,190</u>
	<u>Subtotal</u>	<u>200.5</u>	<u>3,988,570 square feet</u> <u>2,999 dwelling units</u>	<u>7,234</u>
<u>D</u>	<u>9</u>	<u>36.0</u>	<u>6,000 square feet</u> <u>1,001 dwelling units</u>	<u>20</u>
	<u>Subtotal</u>	<u>36.0</u>	<u>6,000 square feet</u> <u>1,001 dwelling units</u>	<u>20</u>
<u>Total</u>	<u>=</u>	<u>879.0</u>	<u>10,097,660 square feet</u> <u>4,000 dwelling units</u>	<u>19,390</u>

Source: City of Fremont, 2013.

**Table 2-3: Community Plan Project Targets—Mix Categories**

Mix Category	Gross Acreage	Minimum Gross Floor Area/Minimum Dwelling Units	Jobs
A	472	2,627,038 square feet	3,387
B	254	7,286,102 square feet	13,698
C	71	1,571,786 square feet 550 dwelling units (minimum)	2,773
D	82	36,600 square feet 2,150 dwelling units (minimum)	142
<b>Total</b>	<b>879</b>	<b>11,521,526 square feet</b> <b>2,700 dwelling units (minimum)</b> <b>4,000 dwelling units (maximum)</b>	<b>20,000</b>

Source: City of Fremont, 2013.

**Table 2-4: Community Plan Project Targets—Planning Areas**

Planning Area	Category	Gross Acreage	Minimum Gross Floor Area/Minimum Dwelling Units	Jobs
1—Fremont Boulevard (Mix A)	Industrial	62.50	952,875 square feet	1,241
	Research and Development	11.50	358,651 square feet	512
	<i>Subtotal</i>	<i>74.00</i>	<i>1,311,526 square feet</i>	<i>1,753</i>
2—Old Warm Springs Boulevard North (Mix B)	Research and Development	38.00	827,640 square feet	837
3—Old Warm Springs Boulevard South (Mix D)	Research and Development	13.80	430,382 square feet	615
	Residential	13.20	450 dwelling units	—
	<i>Subtotal</i>	<i>27.00</i>	<i>430,382 square feet</i> <i>450 dwelling units</i>	<i>615</i>
4—Grimmer Boulevard South (Mix D)	Residential	34.00	900 dwelling units	—
	School	5.00	—	—
	Open Space	4.00	—	—
	<i>Subtotal</i>	<i>43.00</i>	<i>900 dwelling units</i>	<i>—</i>
5—Innovation Way and Lopes Court (Mix B)	Research and Development	50.00	1,089,000 square feet	2,923
	Office and Convention	44.00	2,874,960 square feet	6,650
	Retail and Entertainment	—	188,000 square feet	623
	<i>Subtotal</i>	<i>94.00</i>	<i>4,151,960 square feet</i>	<i>10,196</i>

**Table 2-4 (cont.): Community Plan Project Targets – Planning Areas**

Planning Area	Category	Gross Acreage	Minimum-Gross Floor Area/Minimum Dwelling Units	Jobs
6—Southwest	—	319.00	—	—
7—Grimmer Boulevard North (Mix A)	Industrial	62.00	945,252 square feet	1,000
	Research and Development	17.00	370,260 square feet	634
	<i>Subtotal</i>	<i>79.00</i>	<i>1,315,512 square feet</i>	<i>1,634</i>
8—BART Area (Mix C)	Research and Development	24.33	529,907 square feet	653
	Office and Convention	8.67	566,497 square feet	1,300
	Hotel	4.00	600 rooms	55
	Retail and Entertainment	—	45,000 square feet	150
	Residential	4.00	100 dwelling units	—
	BART Station	3.00	—	—
	<i>Subtotal</i>	<i>44.00</i>	<i>1,141,404 square feet 100 dwelling units</i>	<i>2,158</i>
9—Warm Springs Boulevard East (Mix D)	Retail	—	36,600 square feet	122
	Hotel	2.00	300 rooms	20
	Residential	37.00	1,250 dwelling units	—
	<i>Subtotal</i>	<i>39.00</i>	<i>36,600 square feet 1,250 dwelling units</i>	<i>142</i>
10—Warm Springs Court (Mix B)	Industrial	87.00	1,326,402 square feet	932
	Research and Development	30.00	653,400 square feet	1,093
10—Warm Springs Court (Mix B) (cont.)	Office and Convention	5.00	326,700 square feet	640
	<i>Subtotal</i>	<i>122.00</i>	<i>2,306,502 square feet</i>	<i>2,665</i>
<b>Total</b>	—	<b>879.00</b>	<b>11,521,526 square feet 2,700 dwelling units (minimum) 4,000 dwelling units (maximum)</b>	<b>20,000</b>
<p>Note: “Planning Area” corresponds with areas shown on Exhibit 2-3. Source: City of Fremont, 2013.</p>				

**Page 2-25, Exhibit 2-6**

Exhibit 2-6 has been revised to reflect the changes to the Warm Springs/South Fremont Community Plan. The revised exhibit shows that the new north/south street, between South Grimmer Boulevard and Innovation Way, is an Urban Street instead of a Local Street.

**Page 2-28, Discretionary and Ministerial Actions**

A statement has been added to the end of this discussion acknowledging that the need for additional environmental review would be determined pursuant to CEQA Guidelines Section 15168 or other applicable CEQA Guidelines sections, as appropriate, in response to the TOLL-3c comment.

**2.5.1 - Discretionary and Ministerial Actions**

The following discretionary approvals are being sought:

- General Plan Amendment
- Zoning Amendment
- Community Plan, Design Guidelines, and Public Improvement Plan Specifications

Subsequent discretionary and ministerial actions would be required for the implementation of the Community Plan, including, but not limited to, phased master plans, subdivision maps, design review, and issuance of grading and building permits for individual projects.

Should changes occur to the Community Plan after adoption by the City of Fremont, the need for additional environmental review would be determined pursuant to CEQA Guidelines Section 15168 or other applicable CEQA Guidelines sections, as appropriate.

**Section 3.2, Air Quality/Greenhouse Gas Emissions****Page 3.2-26, Impact AIR-1**

The Impact AIR-1 impact statement has been revised to provide clarification.

**Air Quality Plan Consistency**


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<b>Impact AIR-1:</b>	<b>Implementation of the Community Plan <u>would not</u> <del>may</del> conflict with or obstruct implementation of the applicable air quality plan.</b>
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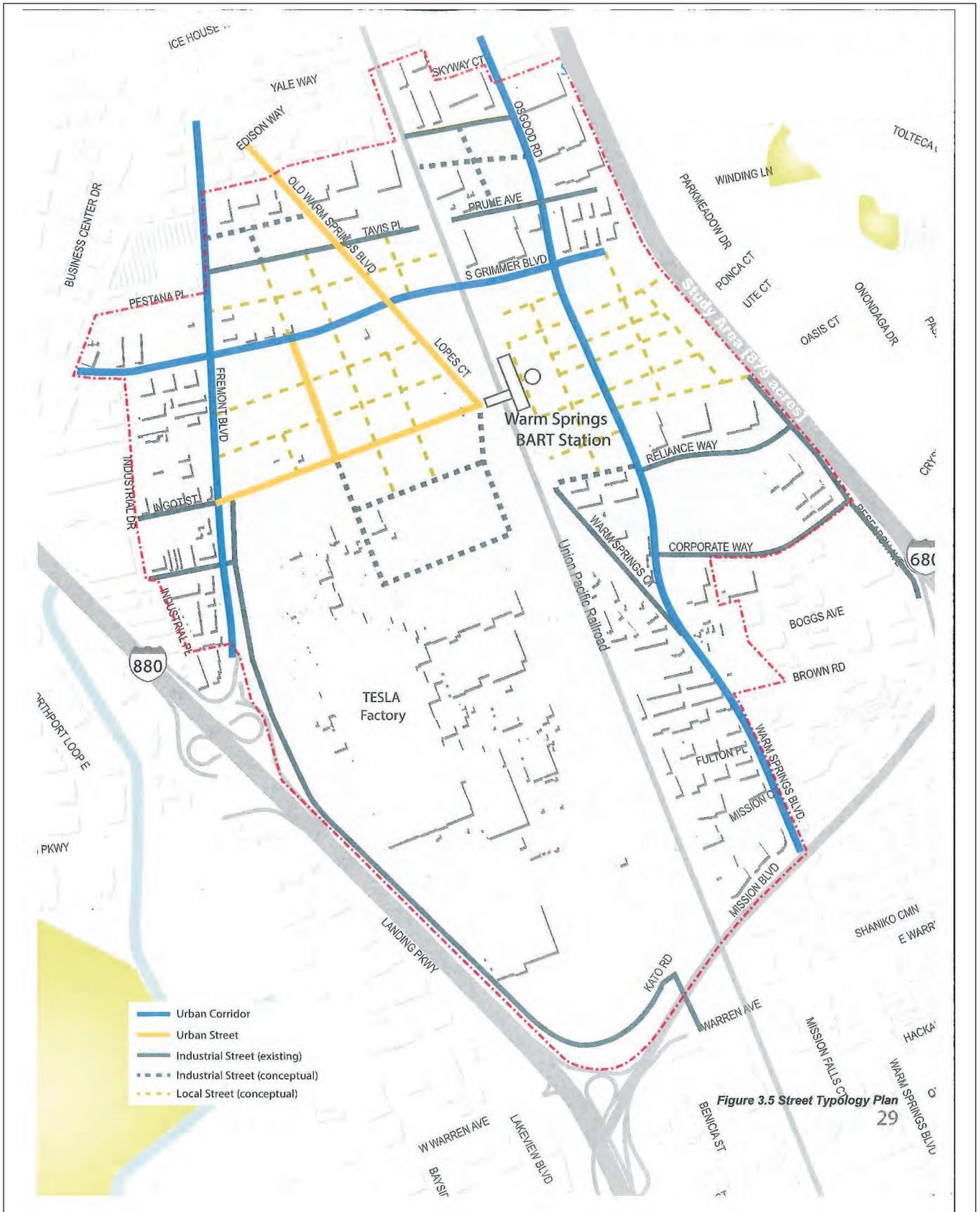


Figure 3.5 Street Typology Plan 29



## Section 3.4, Cultural Resources

### Page 3.4-15, Mitigation Measure CUL-3

Mitigation Measure CUL-3 has been amended to include a provision that waives monitoring requirements in response to the TOLL-7 comment.

**MM CUL-3** If the proposed project involves excavation activities at depths of more than 10 feet below ground surface, prior to issuance of grading permits, the project applicant shall retain a qualified paleontologist to prepare and submit a paleontologic mitigation monitoring program to the City of Fremont for review and approval. The program shall at a minimum contain the following elements: (1) require monitoring by a qualified paleontologist of excavation activities below 10 feet; (2) empower monitor(s) to temporarily halt or divert equipment to allow removal of abundant or large specimens; and (3) identify steps for fossil salvaging. For the latter item, salvaged specimens shall be appropriately preserved, including curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage, as appropriate. At the conclusion of monitoring, the paleontologist shall prepare and submit a report of findings to the City of Fremont with an appended, itemized inventory of specimens and confirmation of the curation of recovered specimens into an established, accredited museum repository. This mitigation measure does not apply if excavation activities are limited to no more than 10 feet below ground surface. The monitoring requirements set forth in this mitigation measure do not apply if an applicant submits documentation prepared by a qualified cultural resources professional to the City of Fremont as part of the grading permit application demonstrating that paleontological resources are not present under the ground surface.

## Section 3.6, Hazards and Hazardous Materials

### Page 3.6-2, Last Paragraph and Page 3.6-3, First Paragraph

The references to “threat radius” have been changed to “zone(s) of vulnerability” to provide clarification.

Worst-case release scenario modeling indicated that there is a potential for releases that could pose a health and safety risk to future sensitive receptors within the plan area. A “zone of vulnerability” ~~“threat radius”~~ was identified for each of the 11 sources for each type of potential hazardous materials incident; they ranged from 219 feet for the Western Digital facility at 44100 Osgood Road to greater than one mile at the Glacier Ice Company at 43960 Fremont Boulevard. Absent mitigation, development within these distances of the sources could expose persons to a potential hazardous materials upset. The zones of vulnerability ~~threat radii~~ for the pipelines ranged from 317 to 858 feet; as pipelines traverse the plan area from north to south, worst-case releases from the pipelines could potentially affect parcels within a significant portion of the plan area.

**Page 3.6-7, Hazardous Materials Business Plan Program**

The description of the Hazardous Materials Business Plan Program thresholds have been corrected to provide clarification.

**Hazardous Materials Business Plan Program.** Any facility storing aggregate quantities of any hazardous materials equal to or greater than 55 ~~10~~ gallons of liquids, 500 ~~50~~ pounds of solids, or 200 cubic feet of gases (Standard Temperature Pressure) is required to report their chemical inventories to the Fire Department by preparing a Hazardous Materials Business Plan. A Hazardous Materials Business Plan must include measures for safe storage, transportation, use, and handling of hazardous materials. The Hazardous Materials Business Plan must also include a contingency plan that describes the facility’s response procedures in the event of a hazardous materials release. This informs the community on chemical use, storage, handling, and disposal practices. It is also intended to provide essential information to fire fighters, health officials, planners, elected officials, workers, and their representatives so that they can plan for and respond to potential exposures to hazardous materials.

**Page 3.6-10, Mitigation Measure HAZ-1**

The text of Mitigation Measure HAZ-1 has been amended to identify potential mitigation measures that would reduce potential exposure to hazardous materials releases to provide clarification.

**MM HAZ-1** Prior to issuance of building permits for any new use within the Community Plan area that proposes to use large quantities of hazardous materials, the City of Fremont shall review the project application for compatibility with existing and planned land uses. The review process shall focus on the location of existing and planned sensitive receptors (e.g., residential uses and schools) and whether the proposed hazardous material usage would expose such uses to unacceptable safety risks. If necessary, the City shall condition the proposed hazardous materials user to incorporate appropriate protection measures (e.g., containment facilities). Such mitigation measures may include, but not be limited to: setbacks, walls, earthen berms, building orientation, building ventilation shutdown system devices, and building materials that can withstand the effects of hazardous materials release (such as blast, fire, etc.).

**Page 3.6-10, Third to Last Paragraph**

The references to “threat radius” has been changed to “zone(s) of vulnerability” to provide clarification.

Worst-case release scenario modeling indicated that there is a potential for releases that could pose a health and safety risk to future sensitive receptors within the plan area. A “zone of vulnerability” ~~“threat radius”~~ was identified for each of the 11 sources for each type of potential hazardous materials incident; they ranged from 219 feet for the Western Digital facility at 44100 Osgood Road to greater than one mile at the Glacier Ice Company at 43960 Fremont Boulevard. Absent mitigation, development within these distances of the sources

could expose persons to a potential hazardous materials upset. The zones of vulnerability threat radii for the pipelines ranged from 317 to 858 feet; as pipelines traverse plan area from north to south, worst-case releases from the pipelines could potentially affect parcels within a significant portion of the plan area.

**Page 3.6-11, Mitigation Measure HAZ-2a**

The text of Mitigation Measure HAZ-2a has been amended to state: (1) that each residential development proposal is required to perform its own site-specific hazardous materials risk analysis; and (2) to identify potential mitigation measures that would reduce potential exposure to hazardous materials releases, in response to the TOLL-24b and TOLL-24c comments.

**MM HAZ-2a** Prior to issuance of a building permit for all a proposed residential projects pursuant to the Community Plan, the project applicant shall submit a hazardous materials risk analysis to the City of Fremont for review and approval. The risk analysis shall incorporate information from the plan area Hazardous Materials User Study or a site-specific risk analysis performed by a qualified professional and reflect the characteristics of the proposed residential use. The risk analysis shall describe potential hazardous materials incident risks and describe mitigation from the Hazardous Materials User Study or site-specific risk analysis that would protect future site users from those risks. Such mitigation measures may include, but not be limited to: setbacks, walls, earthen berms, building orientation, building ventilation shutdown system devices, and building materials that can withstand the effects of hazardous materials release (such as blast, fire, etc.). The mitigation shall be incorporated into the project plans.

**Section 3.7, Hydrology and Water Quality**

**Section 3.7-10, Last Paragraph**

The discussion of Alameda County Water District (ACWD) requirements has been revised to reflect text edits provided by the agency, in response to the ACWD-2 comment.

**Alameda County Water District**

The Alameda County Groundwater Protection act authorizes the ACWD to take action to protect the quality of the local groundwater supply within the ACWD service area by adopting, updating, and revising regulations and standards. Under the Replenishment Assessment Act, the ACWD also has authority to collect fees for water extracted from water supply wells or other sources of groundwater, and, ~~dewatering wells, and water quality monitoring/treatment wells.~~ The ACWD uses the fees to manage and replenish the Niles Cone Groundwater Basin. ACWD Ordinance No. 2010-01 requires a permit to be obtained for the construction, repair, inactivation, or destruction of any well or exploratory hole, or any excavation that has the potential to impact a groundwater aquifer. The Groundwater Management Policy, as well as the ACWD Groundwater Protection Act, requires that property owners or developers inform the ACWD of proposed developments or land use changes so that the ACWD can conduct a field and records search for abandoned wells

(ACWD 2001). The destruction of any abandoned wells located by the search is a condition of approval for any proposed development or land use change.

**Page 3.7-17, Last Paragraph and Page 3.7-18, Mitigation Measure HYD-4b**

The discussion of clean-up sites has been revised to reflect current site titles in response to the ACWD-3 comment.

**Impact Analysis**

There are at least 26 monitoring wells associated with environmental investigations of contaminated or potentially contaminated sites located within the Community Plan area. There may also be abandoned groundwater wells and private groundwater wells. Development activities, particularly grading activities, under the Community Plan could damage these wells. A damaged well can provide a preferential flow path for surface water runoff, which may contain contaminants, to enter the subsurface. Similarly, drilling activities carried out for wells, exploratory holes, or other excavations as part of projects under the Community Plan could also create preferential flow paths for surface water runoff. This is a potentially significant impact.

Hazardous materials have been, and will continue to be, handled within the Community Plan area. Historic release of hazardous materials have impacted groundwater quality at several locations. It is possible that future uses of hazardous materials would cause impacts to groundwater quality. As such, Mitigation Measure HYD-4a is proposed requiring applicants to verify with ACWD whether any wells exist within their properties and, if so, properly abandon any wells prior to construction activities. Additionally, Mitigation Measure HYD-4b is proposed requiring development activities at Leaking Underground Storage Tank (LUST) sites or ~~Spills, Leaks, Investigation, and Cleanup (SLIC)~~ Site Cleanup Program (SCP) sites to coordinate with appropriate agencies to ensure that they do not interfere with ongoing remediation efforts. Impacts would be less than significant.

**MM HYD-4b** Prior to the issuance of grading permits for any development projects at Leaking Underground Storage Tank (LUST) sites or ~~Spills, Leaks, Investigation, and Cleanup (SLIC)~~ Site Cleanup Program (SCP) sites, the applicant shall consult with ACWD or with the Regional Water Quality Control Board to identify measures to ensure that cleanup and investigation activities of the site are not interrupted by construction or dewatering activities. Any agency recommended measures shall be identified on construction plans.

**Section 3.8, Land Use**

**Page 3.8-5, Third Paragraph**

The discussion of the General Industrial land use designation has been revised to clarify that different floor area ratios (FARs) would apply to warehouse uses.

**General Industrial**

This is the broadest of the three industrial designations, accommodating such uses as heavy manufacturing, warehousing, recycling facilities, and corporation yards. These areas have been mapped to recognize the greater potential of these uses to generate offsite impacts, including noise, odors, vibration, and truck traffic. General industrial uses may also require extensive areas for outdoor storage. Buffering and screening may be required to enhance public rights-of-way and ensure land use compatibility. General Industrial areas support a wide range of jobs, generate a significant amount of revenue, and provide essential services that underpin the local and regional economies. A permitted FAR of 0.35 applies for all uses except warehouse, where 0.45 is allowed.

**Section 3.9, Noise**

**Page 3.9-49, Mitigation Measure NOI-4a**

Mitigation Measure NOI-4a has been revised to correct a typographical error.

**MM NOI-4a** Plans submitted for building and/or grading permits shall include an acoustical analysis that verifies that the ~~they~~ project would meet applicable noise standards. Projects determined to have the potential to generate or expose noise-sensitive uses to noise levels exceeding the City of Fremont noise standards or result in a substantial (3 to 5 dB or greater) permanent increase in ambient noise levels shall include noise attenuation measures such as use of sound-rated door and window assemblies, mechanical ventilation, orientation of buildings away from roadways, sound barriers (walls or berms), or other methods to reduce noise levels to acceptable standards.

**Section 3.11, Transportation**

**Page 3.11-22, Table 3.11-7**

The rows in Table 3.11-7 that pertain to BART have been revised to correct the frequency of service in response to the BART-16 comment.

**Table 3.11-7: Existing Transit Service**

Route	From	To	Weekdays		Weekends	
			Operating Hours	Peak Headway (minutes)	Operating Hours	Headway (minutes)
<b>Bay Area Rapid Transit (BART)<sup>2</sup></b>						
BART <sup>3</sup>	Fremont	Richmond/Daly City	4:00 a.m.– 12:00 a.m.	10	5:54 a.m.– 12:00 a.m.	15

**Table 3.11-7 (cont.): Existing Transit Service**

Route	From	To	Weekdays		Weekends	
			Operating Hours	Peak Headway (minutes)	Operating Hours	Headway (minutes)
BART <sup>3</sup>	Fremont	Richmond	4:00 a.m.– 12:00 a.m.	15	5:54 a.m.– 12:00 a.m.	20
	Fremont	Daly City	4:00 a.m.– 7 p.m.	15	4:00 a.m.– 7 p.m. (Saturday Only)	20

**Page 3.11-22, Final Paragraph**

The paragraph has been revised to strike an incorrect statement and note that full service is not expected to occur to the Warm Springs/South Fremont Bart Station until 2017, due to a shortage of cars, in response to the BART-17 comment.

**Bay Area Rapid Transit**

The Bay Area Rapid Transit (BART) District operates train service throughout the San Francisco Bay Area. There are two BART lines that serve Fremont: the Richmond-Fremont Line and the Daly City-Fremont Line; the Fremont station is the current terminus of those lines, ~~although both will extend to the Warm Springs/South Fremont station once open in 2015.~~ Because of a shortage of cars, full service on both lines will not occur initially, but it is expected to occur in 2017 when new cars are delivered. On weekdays, BART operates trains every five to 15 minutes.

**Page 3.11-25, First Paragraph, First Sentence**

The paragraph has been revised to strike an incorrect word in response to the BART-18 comment.

The Fremont-Daly City line does not operate on ~~weekday~~ evenings or Sundays.

**Page 3.11-29, Third Paragraph**

The paragraph has been revised to clarify the discussion thresholds used by Alameda County Transportation Commission in response to the ACTC-3 comment.

**Alameda County Transportation Commission**

The Alameda CTC developed LOS standards for roadways on the designated CMP network for biennial monitoring activities; however, it does not have specific LOS thresholds for the purposes of CEQA. The CMP facilities in the plan area are Mission Boulevard, I-880, and I-680. The CMP service level standard is LOS E, except at locations that were operating at F when the standards were established, in which case the standard is LOS F. In the study area,

all roadway segments have an LOS E standard, with the exception of the following segment that has an LOS F standard:

**Page 3.11-35, Before First Paragraph**

The following text has been added to explain how the changes to the Warm Springs/South Fremont Community Plan do not materially alter the transportation conclusions or mitigation measures.

**Revised Trip Generation Analysis**

Fehr & Peers performed a trip generation analysis to determine whether revisions to the Warm Springs/South Fremont Community Plan made after publication of the Draft EIR would materially alter any conclusions or mitigation measures set forth in Section 3.11, Transportation. The Trip Generation Memo is provided in Appendix J and summarized as follows.

The trip generation estimates were developed according to the steps used to estimate trips for the Draft EIR:

- First, base vehicle trip estimates were derived based on rates and equations in the Institute of Transportation Engineers’ Trip Generation, 9th Edition.
- Next, Fehr & Peers’ MXD+ model was used to determine the amount of trip internalization due to the mix of uses and reductions to account for pedestrian, bicycle and bus transit/shuttle trips.
- Finally, because of the proximity of the Warm Springs/South Fremont BART station, estimates of BART trips were based on surveys of BART transit-oriented developments.

This analysis presents the resulting daily, AM peak hour, and PM peak hour estimates for the entire plan area and for each sub-area and compares them with the estimates in the Draft EIR. The results were used to determine whether the revised land use plan would result in any new impacts.

**Revised Land Use Plan Trip Generation Estimates**

Trip generation estimates were developed for the revised land use plan using the same assumptions as the Draft EIR estimates. The results are presented in Table 3.11-9a. Areas 4 and 5 are combined in the new plan, except for the area east of Lopes Court, which remains as Area 5. Future Tesla jobs (Area 6) were previously included in the Area 4 and 5 job total. Therefore, trip estimates for Areas 4, 5, and 6 are summed together for comparison purposes.

**Table 3.11-9a: Revised Trip Generation By Area Summary**

Area	Daily			AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Area 1	1,382	1,382	2,765	234	47	280	55	224	279
Area 2	574	574	1,147	148	24	173	16	144	160
Area 3	2,202	2,202	4,405	220	232	452	194	260	454
Area 4 + 5 + 6	14,102	14,102	28,203	2,156	990	3,146	968	2,108	3,076
Area 7	1,452	1,452	2,904	276	52	327	54	265	319
Area 8	3,697	3,697	7,394	582	171	753	230	543	772
Area 9	2,000	2,000	3,999	64	239	304	217	130	348
Area 10	2,213	2,213	4,425	497	83	580	87	468	555
<b>Total Vehicle Trips Added*</b>	<b>27,621</b>	<b>27,621</b>	<b>55,243</b>	<b>4,177</b>	<b>1,838</b>	<b>6,015</b>	<b>1,820</b>	<b>4,142</b>	<b>5,962</b>

Note:  
\* Sum of area subtotals may differ slightly than the totals shown due to rounding.  
Source: Fehr & Peers, 2014.

**Trip Generation Comparison**

The differences in trip estimates between the new land use plan and the previous plan are presented in Table 3.11-9b. The new plan would generate more daily trips. However, it would generate slightly fewer AM and PM peak hour vehicle trips.

**Table 3.11-9b: Additional Trips By Area Summary**

Area	Daily			AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Area 1	2	2	5	(8)	(1)	(10)	(1)	(6)	(7)
Area 2	26	26	54	6	1	8	1	6	7
Area 3	(376)	(376)	(751)	(6)	(52)	(58)	(46)	(17)	(63)
Area 4 + 5 + 6	2,859	2,859	5,717	(84)	195	111	178	(70)	108
Area 7	18	18	36	(2)	(1)	(4)	(1)	(1)	(2)
Area 8	(177)	(177)	(354)	14	(32)	(18)	(27)	(10)	(38)
Area 9	(607)	(607)	(1,215)	(20)	(80)	(99)	(70)	(38)	(107)
Area 10	67	67	133	10	1	11	0	5	5
<b>Total Vehicle Trips Added*</b>	<b>1,811</b>	<b>1,811</b>	<b>3,623</b>	<b>(90)</b>	<b>31</b>	<b>(59)</b>	<b>33</b>	<b>(131)</b>	<b>(98)</b>

Note:  
\* Sum of area subtotals may differ slightly than the totals shown due to rounding.  
Source: Fehr & Peers, 2014.

### **Assessment of Potential Impacts**

Roadway impacts are evaluated during the AM and PM peak hours when overall traffic volumes are highest. Therefore, the new plan would have similar overall impacts to the surrounding roadway system.

The only area with a higher vehicle trip generation is the combined Areas 4, 5, and 6. With the increased number of dwelling units, the number of outbound trips in the AM peak hour and inbound trips in the PM peak hour would be higher. Therefore, the potential for new intersection impacts was investigated by reviewing projected intersection operations and conducting intersection level of service calculations for intersections operating at LOS D under Project Conditions in the vicinity of those areas. The results indicate that there would be no new impacts. For these reasons, the conclusions and mitigation measures (as revised) set forth in this Final EIR remain unchanged.

### **Page 3.11-54, After Eighth Bulleted Item**

The following text has been added to describe and provide clarification regarding the relationship between the Existing plus Project Conditions scenario and the Background Conditions scenario:

#### **Existing plus Project Conditions**

Existing plus Project Conditions represent traffic generated by complete buildout of the Warm Springs/South Fremont Community Plan (and its transportation improvements) added to the Existing Conditions. These conditions are unlikely to occur, since buildout of the Community Plan will take several, if not many, years and other developments will be constructed and add traffic to the surrounding roadway system within that time frame. Therefore, for the purposes of identifying project impacts, Background Conditions, which include Existing Conditions plus traffic generated by approved but not yet constructed development projects and funded transportation system improvements, were selected to represent baseline conditions for this study. Background and Background plus Project Conditions are described in Impact TRANS-1.

However, since Existing plus Project Conditions may provide some useful information to decision makers, a qualitative description is provided. The land uses envisioned in the Community Plan are anticipated to generate new vehicular traffic as discussed in the previous chapter. The addition of this traffic to the surrounding roadway system will increase congestion and degrade levels of service. In addition, the land uses will result in increased walking, bicycling and transit usage.

While some intersections would retain their existing levels of service, operations at some intersections would degrade in their service levels due to project vehicle trips. Most of these degradations would be one service level; however, a few are projected to degrade two service levels. As a result, a few more intersections would operate at unacceptable levels of service during the AM and PM peak hours.

More detailed analyses, impacts, and mitigation measures are described under Background plus Project Conditions. Measures that would mitigate project impacts with Background Conditions set as the baseline would also mitigate impacts under Existing plus Project Conditions. Therefore, project impacts and mitigation measures will be fully disclosed.

### ***Page 3.11-55, Roadways and Freeway Segments***

The Roadways and Freeway Segments discussion has been revised to clarify the respective thresholds of ACTC and VTA in response to the ACTC-3 comment.

#### **Roadway and Freeway Segments**

##### **Alameda County**

Alameda CTC does not have a policy for determining a threshold of significance. For the purposes of this analysis, the project has a significant impact if it causes an MTS roadway or freeway segment to exceed its LOS standard. If a segment operates unacceptably without the project, the impact of the proposed project is considered significant if the contribution of project traffic is at least 5 percent of the total traffic on that segment.

##### **Santa Clara County**

The LOS standard for CMP freeway segments in Santa Clara County is LOS E. Traffic impacts on a CMP freeway segment occur when the addition of project traffic causes:

- Freeway segment operations to deteriorate from an acceptable level (LOS E or better) under Existing Conditions to an unacceptable level (LOS F); or
- An increase in traffic of more than 1 percent of the capacity of a segment that operates at LOS F under Existing Conditions.

~~According to the Alameda County Transportation Commission 2012 LOS Monitoring Report and 2007 Technical and Policy Guidelines, the LOS standard for CMP roadway network analysis is LOS E, except where LOS F was the LOS of a segment when originally measured as part of the CMP, in which case the standard shall be LOS F. Therefore, the project has a significant impact if it causes a segment to exceed its LOS threshold. Alameda CTC does not have a policy for determining a threshold of significance for segments operating unacceptably without the project. Therefore, for the purposes of this analysis, if a segment operates unacceptably without the project, the impacts of the proposed project are considered significant if the contribution of project traffic is at least 5 percent of the total traffic.~~

### ***Page 3.11-73, Last Four Paragraphs; Page 3.11-74, First Paragraph; and Table 3.11-12***

Table 3.11-12, as well as the text before Table 3.11-12, has been revised to clarify the types of mitigation measures that would mitigate impacts. TDM programs were deleted only in those instances where mitigation would not be adequate to achieve less than significant impacts.

## Impacts and Mitigation

The following signalized intersections would operate at unacceptable LOS under Background Plus Project:

- Mission Boulevard/Warm Springs Boulevard (AM and PM)
- Grimmer Boulevard/Warm Springs Boulevard/Osgood Road (AM)
- Auto Mall Parkway/Fremont Boulevard (AM and PM)
- Auto Mall Parkway/Osgood Road (AM and PM)

Physical mitigation measures were investigated to improve intersection levels of service to acceptable operating conditions and/or to reduce the increase in delay to a less than significant level. ~~However, recognizing the City’s effort to enhance the roadway system and promote the concept of “Complete Streets”, the recently adopted General Plan proposes more flexible LOS standards. Under the new General Plan, peak hour LOS E or F may be acceptable at locations within the City Center, Town Center, and Irvington and Warm Springs/South Fremont BART station areas (General Plan Policy 3-4.2). The shift for flexible LOS standards can help achieve the City’s goal of encouraging transit ridership, bicycling, and walking.~~

Mitigation measures are presented in Table 3.11-12 and discussed in detail after the table. As a result of the General Plan and proposed policies in the Community Plan, there are policy options that could be considered to mitigate or reduce the magnitude of intersection impacts instead of constructing physical improvements to reduce or eliminate intersection impacts. They include ~~adopting the proposed LOS criteria in the General Plan and Warm Springs/South Fremont Community Plan~~ or requiring specific TDM levels for new development within the Community Plan area, where mitigation levels would be reduced. These options are discussed below.

**Table 3.11-12: Summary of Intersection Mitigation Measures**

Intersection	Mitigation	Finding
Mission Boulevard/Warm Springs Boulevard	<del>Implement TDM program for employment uses with minimum 20% trip reduction (Mitigation Measure TRANS-1a) Add eastbound left turn lane and receiving lane Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for Plan area intersections (Mitigation Measure TRANS-1b)</del>	✓*
Grimmer Boulevard/Warm Springs Boulevard-Osgood Road	<del>Implement TDM program for employment uses with minimum 20% trip reduction (Mitigation Measure TRANS-1a) <u>and add a second northbound through lane, convert the northbound shared right/through lane to a right-turn lane, add a second westbound through lane, and add a second eastbound through lane</u> Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for Plan area intersections (Mitigation Measure TRANS-1c)</del>	✓

**Table 3.11-12 (cont.): Summary of Intersection Mitigation Measures**

Intersection	Mitigation	Finding
Auto Mall Parkway/ Fremont Boulevard	Implement TDM program for employment uses with minimum 20% trip reduction (Mitigation Measure TRANS-1a) <u>and convert the southbound shared through/right-turn lane to a right-turn lane, add a southbound through lane, convert the westbound shared through/right-turn lane to a right-turn lane, add a westbound through lane, convert the northbound shared through/right-turn lane to a right-turn lane, add a northbound through lane, and implement right-turn-on-red reduction to the westbound right turn</u> Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for Plan area intersections (Mitigation Measure TRANS-1d)	✓*
Auto Mall Parkway/Osgood Road	Implement TDM program for employment uses with minimum 20% trip reduction Add a second westbound through lane and convert the westbound shared through/right-turn lane to a right-turn lane, and convert <u>the southbound shared through/right-turn lane into a right-turn lane, and add a southbound through lane</u> Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for Plan area intersections (Mitigation Measure TRANS-1e)	✓*
<p>Notes:                      WB = Westbound EB = Eastbound NB = Northbound SB = Southbound SE = Southeast                      - No modification necessary: intersection operates at its standard or better                      ✓ Improves vehicular operations to the intersection’s LOS standard or below the four second criteria when compared to without Project Scenarios.                      * Modification may not be feasible due to additional right-of-way acquisition, jurisdiction, or other factors.                      Source: Fehr &amp; Peers, 2013.</p>		

**Pages 3.11-74 and 3.11-75, Mitigation Measures TRANS-1b through TRANS-1e**

Mitigation Measures TRANS-1b through TRANS-1e have been revised to clarify various provisions of the mitigation measures in response to the TOLL-18, Toll-19, and TOLL-20 comments.

**MM TRANS-1b** ~~Prior to issuance of the first building permit for the Community Plan area, the The City of Fremont shall implement one of the following improvement options for the intersection of Mission Boulevard/Warm Springs Boulevard:~~

- Add a third eastbound left-turn lane.

This improvement would result in a third receiving lane at the northern leg of the intersection and would require right-of-way acquisition. This mitigation measure may require amendment of the City’s Capital Improvement Program.

- 1) Amend the City's Capital Improvement Program to include adding a third eastbound left turn lane. This improvement would result in a third receiving lane at the northern leg of the intersection and require right-of-way acquisition. New developments that occur pursuant to the Community Plan would be required to contribute fair share fees to this improvement.
- 2) Receive approval from Caltrans to exempt this intersection from the City's LOS D standard. Under this option, no further improvements would be required. However, the TDM program contemplated by Mitigation Measure TRANS 1a would be required under this option.

**MM TRANS-1c** Prior to issuance of the first building permit for the Community Plan area, ~~the~~ The City of Fremont shall implement ~~one of the following improvements options~~ for the intersection of Grimmer Boulevard/Warm Springs Boulevard-Osgood Road:

- (a) Add a second northbound through lane;
- (b) Convert the northbound shared right/through lane to a right-turn lane;
- (c) Add a second westbound through lane; and
- (d) Add a second eastbound through lane.

This mitigation measure may require amendment of the City's Capital Improvement Program.

- 1) Amend the City's Capital Improvement Program to include:
  - ~~(a) Adding a second northbound through lane;~~
  - ~~(b) Converting the northbound shared right/through to a right-turn lane;~~
  - ~~(c) Adding a second westbound through lane; and~~
  - ~~(d) Adding a second eastbound through lane.~~

~~New developments that occur pursuant to the Community Plan would be required to contribute fair share fees to these improvements.~~

- 2) Change the minimum acceptable standard for this intersection to LOS E. Under this option, no further improvements would be required. However, the TDM program contemplated by Mitigation Measure TRANS 1a would be required under this option.

**MM TRANS-1d** Prior to issuance of the first building permit for the Community Plan area, ~~the~~ The City of Fremont shall implement ~~one of the following improvements options~~ for the intersection of Auto Mall Parkway/Fremont Boulevard:

- (a) Convert the southbound shared through/right-turn lane to a right-turn lane;
- (b) Add a southbound through lane;
- (c) Convert the westbound shared through/right-turn lane to a right-turn lane;

- (d) Add a westbound through lane;
- (e) Convert the northbound shared through/right-turn lane to a right-turn lane;
- (f) Add a northbound through lane; and
- (g) Implement right-turn-on-red reduction to the westbound right turn.

The TDM program contemplated by Mitigation Measure TRANS-1a would be required. This mitigation measure may require amendment of the City's Capital Improvement Program.

- 1) Amend the City's Capital Improvement Program to include:
  - (a) Converting southbound shared through/right turn lane to a right turn lane;
  - (b) Adding a southbound through lane;
  - (c) Converting westbound shared through/right turn lane to a right turn lane;
  - (d) Adding a westbound through lane;
  - (e) Converting northbound shared through/right turn lane to a right turn lane;
  - (f) Adding a northbound through lane; and
  - (g) Implementing right turn on red reduction to the westbound right turn.

~~New developments that occur pursuant to the Community Plan would be required to contribute fair share fees to these improvements. The TDM program contemplated by Mitigation Measure TRANS 1a would be required under this option.~~

- 2) ~~Change the minimum acceptable standard for this intersection to LOS E. Under this option, no further improvements would be required. However, the TDM program contemplated by Mitigation Measure TRANS-1a would be required under this option.~~

**MM TRANS-1e** ~~Prior to issuance of the first building permit for the Community Plan area, the~~ The City of Fremont shall implement one of the following improvements options for the intersection of Auto Mall Parkway/Osgood Road:

- (a) Add a second westbound through lane and convert the westbound shared through/right-turn lane to a right-turn lane;
- (b) Convert the southbound shared through/right-turn lane to a right-turn lane; and
- (c) Add a southbound through lane.

This mitigation measure may require amendment of the City's Capital Improvement Program.

- 1) Amend the City’s Capital Improvement Program to include:
  - (a) Adding a second westbound through lane and converting the westbound shared through/right-turn lane to a right-turn lane;
  - (b) Converting the southbound shared through/right-turn lane to a right-turn lane; and
  - (c) Adding a southbound through lane.

— New developments that occur pursuant to the Community Plan would be required to contribute fair share fees to these improvements. The TDM program contemplated by Mitigation Measure TRANS-1a would be required under this option.
- 2) Change the minimum acceptable standard for this intersection to LOS E. Under this option, no further improvements would be required. However, the TDM program contemplated by Mitigation Measure TRANS-1a would be required under this option.

**Pages 3.11-101 and 3.11-102, Table 3.11-15**

Table 3.11-15 has been revised to clarify the types of mitigation measures that would mitigate impacts. TDM programs were deleted only in those instances where mitigation would not be adequate to achieve less than significant impacts, and other mitigation measures were deleted where there was no mechanism for prioritizing the funding and timing of implementation.

**Table 3.11-15: Summary of Intersection Mitigation Measures**

Intersection	Mitigation	Finding
Mission Boulevard/Warm Springs Boulevard	<u>None</u> Implement TDM program for employment uses with minimum 20% trip reduction (Mitigation Measure TRANS-1a) Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections	No Feasible Mitigation
Warren Avenue/Kato Road	Implement TDM program for employment uses with minimum 20% trip reduction (Mitigation Measure TRANS-1a), <u>or</u> Add a second northbound left-turn lane (Mitigation Measure TRANS-2a), <u>or</u> Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections.	✓
Warm Springs Boulevard/Warren Avenue	<u>None</u> Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections.	<u>No Feasible Mitigation</u> ✓

**Table 3.11-15 (cont.): Summary of Intersection Mitigation Measures**

Intersection	Mitigation	Finding
Grimmer Boulevard/Warm Springs Boulevard-Osgood Road	<p><u>None</u>                      Implement TDM program for employment uses with minimum 20% trip reduction (Mitigation Measure TRANS-1a).                      Add a second northbound through lane; convert the northbound shared right/through to a right turn lane;                      Add a second westbound through lane; and</p>	No Feasible Mitigation
	<p>Add a second eastbound through lane (Mitigation Measure TRANS-1c).                      Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections.</p>	
Grimmer Boulevard/Fremont Boulevard	<p><u>None</u>                      Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections.</p>	No Feasible Mitigation
Grimmer Boulevard/Old Warm Springs/Lopes Court	<p><u>None</u>                      Implement TDM program for employment uses with minimum 20% trip reduction (Mitigation Measure TRANS-1a).                      Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections.</p>	<p><u>No Feasible Mitigation</u>                      ↙</p>
Fremont Boulevard/I-880 Northbound Ramps	<p><u>None</u>                      Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections.</p>	<p><u>No Feasible Mitigation</u>                      ↙</p>
Fremont Boulevard/I-880 Southbound Ramps	<p><u>Construct fourth southbound through lane</u>                      Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections.</p>	<p>✓*                      No Feasible Mitigation</p>
Auto Mall Parkway/South Grimmer Boulevard	<p><u>None</u>                      Implement TDM program for employment uses with minimum 20% trip reduction (Mitigation Measure TRANS-1a).                      Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections.</p>	No Feasible Mitigation
Auto Mall Parkway/Fremont Boulevard	<p><u>None</u>                      Implement TDM program for employment uses with minimum 20% trip reduction (Mitigation Measure TRANS-1a).                      Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections.</p>	No Feasible Mitigation

**Table 3.11-15 (cont.): Summary of Intersection Mitigation Measures**

Intersection	Mitigation	Finding
Auto Mall Parkway/Osgood Road	<u>None</u> Implement TDM program for employment uses with minimum 20% trip reduction (Mitigation Measure TRANS-1a). Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections.	No Feasible Mitigation
Auto Mall Parkway/I-680 Southbound Ramps	<u>None</u> Adopt Warm Springs/South Fremont Community Plan allowing modified LOS standard (LOS E) for plan area intersections.	No Feasible Mitigation
Fremont Boulevard/Old Warm Springs Boulevard	Signalize the intersection, convert northbound shared through/right-turn lane to right-turn lane, and add two northbound through lanes (Mitigation Measure TRANS-2b).	✓* —
Grimmer Boulevard/Paseo Padre Parkway	Signalize intersection, convert eastbound and westbound lanes to shared through/right-turn lane, and add a left-turn lane in the eastbound and westbound directions (Mitigation Measure TRANS-2c).	✓*
Mission Boulevard/Mohave Drive	<u>None</u> Implement TDM program for employment uses with minimum 20% trip reduction (Mitigation Measure TRANS-1a).	<u>No Feasible Mitigation</u> ↙
Fremont Boulevard/Ingot Street/Innovation Way	Add third southbound through lane (Mitigation Measure TRANS-2d).	✓
<p>Notes:</p> <ul style="list-style-type: none"> <li>✓ Improves vehicular operations to the intersection’s LOS standard or below the 4-second criteria when compared to without Project Scenarios.</li> <li>* Modification may not be feasible due to additional right-of-way acquisition, jurisdiction, or other factors.</li> </ul> <p>Source: Fehr &amp; Peers, 2013.</p>		

**Page 3.11-107, Mitigation Measures TRANS-2a through TRANS-2d**

Mitigation Measures TRANS-2a through TRANS-2d have been revised to clarify various provisions of the mitigation measures.

**MM TRANS-2a** ~~Prior to issuance of the first building permit for development that occurs pursuant to the Community Plan, the The City of Fremont shall amend its Capital Improvement Plan to identify improvements for the intersection of Warren Avenue/Kato Road. The improvements shall consist of adding a second northbound left-turn lane. New developments that occur pursuant to the Community Plan would be required to contribute fair share fees to this improvement. This mitigation measure may require amendment of the City’s Capital Improvement Program. When monitoring determines that the~~

intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.

- MM TRANS-2b** ~~Prior to issuance of the first building permit for development that occurs pursuant to the Community Plan, the~~ The City of Fremont shall ~~amend its Capital Improvement Plan to identify improvements for the intersection of Fremont Boulevard/Old Warm Springs Boulevard. The improvements shall consist of (1) signaling the intersection; (2) converting the northbound shared through/right-turn lane to a right-turn lane; and (3) adding two northbound through lanes. New developments that occur pursuant to the Community Plan would be required to contribute fair share fees to this improvement.~~ This mitigation measure may require amendment of the City's Capital Improvement Program. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.
- MM TRANS-2c** ~~Prior to issuance of the first building permit for development that occurs pursuant to the Community Plan, the~~ The City of Fremont shall ~~amend its Capital Improvement Plan to identify improvements for the intersection of Grimmer Boulevard/Paseo Padre Parkway. The improvements shall consist of (1) signaling the intersection; (2) converting the eastbound and westbound lanes to shared through/right-turn lane; and (3) adding a left-turn lane in the eastbound and westbound directions. New developments that occur pursuant to the Community Plan would be required to contribute fair share fees to this improvement.~~ This mitigation measure may require amendment of the City's Capital Improvement Program. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.
- MM TRANS-2d** ~~Prior to issuance of the first building permit for development that occurs pursuant to the Community Plan, the~~ The City of Fremont shall ~~amend its Capital Improvement Plan to identify improvements for the intersection of Fremont Boulevard/Ingot Street/Innovation Way. The improvements shall consist of adding a third southbound through lane. New developments that occur pursuant to the Community Plan would be required to contribute fair share fees to this improvement.~~ This mitigation measure may require amendment of the City's Capital Improvement Program. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.

***Page 3.11-109, Last Three Paragraphs and Page 3.11-110, All Bulleted Items***

The discussion of freeway impacts has been revised to address comments provided by Caltrans (Caltrans-2 comment), ACTC (ACTC-4 comment), and VTA (VTA-3 and VTA-5c comments).

Mitigations for roadway and freeway segment impacts would require adding travel lanes and widening roadways throughout the City. As the City of Fremont is predominantly built out, there is little opportunity to widen roadways within the available right-of-way. Therefore, any widening would require property acquisition, which would affect numerous properties and has not been evaluated for feasibility. Moreover, I-680, I-880, and portions of Mission Boulevard are under the jurisdiction of Caltrans; thus, the City of Fremont does not have the ability to implement improvements to these facilities without the cooperation of this state agency. For these reasons, widening is not considered a feasible improvement at the time of this writing.

Methods to improve freeway operations include high occupancy toll (express) lanes, ramp metering, and Intelligent Transportation Systems. Express lanes require additional lanes and have the same issues as freeway widening. Operational improvements would not be sufficient provide acceptable levels of service.

The TDM program required by Mitigation Measure TRANS-1a would serve to partially alleviate the severity of this impact; however, in the absence of feasible improvements, impacts would be significant and unavoidable.

### ***Santa Clara County***

The results of the VTA freeway segment analysis are presented in Table 3.11-16. The mixed-flow freeway segments operating at LOS F where the project traffic is one percent or more of the capacity or where the addition of project traffic causes LOS F operations are:

#### **I-880 Northbound**

- US 101 to Brokaw (AM)
- Great Mall to Calaveras (PM)
- Calaveras to Dixon Landing (PM)

#### **I-880 Southbound**

- Dixon Landing to Calaveras (AM)
- Calaveras to Great Mall (AM)
- Great Mall to Montague (AM)
- Montague to Brokaw (PM)
- Brokaw to US-101 (PM)

#### **I-680 Southbound**

- Yosemite to Montague (PM)
- Montague to N. Capitol (PM)
- N. Capitol to Hostetter (PM)
- Hostetter to Berryessa (PM)

All of the HOV-lane segments operate at acceptable levels with the addition of project traffic.

**Pages 3.11-111 and 3.11-112 , Table 3.11-16**

Table 3.11-16 has been modified to include some rows that were erroneously omitted in response to the VTA-5a and VTA-5b comments. Table 3.11-16 is identical to Table 15 in the Transportation Impact Analysis (Draft EIR Appendix G); therefore, this simply reproduces information previously provided elsewhere in the Draft EIR.

**Table 3.11-16: VTA Freeway Segment Analysis**

Freeway Segment	Peak Hour	LOS		Project Trips		Project LOS		LOS degrades to F?		Ex LOS F and adds >1% vol?	
		MF	HOV	MF	HOV	MF	HOV	MF	HOV	MF	HOV
<b>I-880 NB</b>											
US-101 to E Brokaw Rd	AM	E	—	160	0	F	—	YES	—	—	—
	PM	E	—	40	0	E	—	—	—	—	—
E Brokaw Rd to Montague Expy	AM	D	—	300	0	D	—	—	—	—	—
	PM	D	—	80	0	D	—	—	—	—	—
Montague Expy to Great Mall Pkwy	AM	C	—	420	0	C	—	—	—	—	—
	PM	E	—	160	0	E	—	—	—	—	—
Great Mall Pkwy to W Calaveras Blvd (SR 237)	AM	C	—	560	0	D	—	—	—	—	—
	PM	F	—	220	0	F	—	—	—	YES	—
W Calaveras Blvd (SR 237) to Dixon Landing Rd	AM	C	A	724	76	C	A	—	—	—	—
	PM	F	D	306	54	F	D	—	—	YES	—
<b>I-880 SB</b>											
Dixon Landing Rd to W Calaveras Blvd (SR 237)	AM	F	E	306	54	F	E	—	—	YES	—
	PM	C	B	680	120	D	B	—	—	—	—
W Calaveras Blvd (SR 237) to Great Mall Pkwy	AM	F	—	220	0	F	—	—	—	YES	—
	PM	C	—	560	0	D	—	—	—	—	—
Great Mall Pkwy to Montague Expy	AM	D	—	160	0	D	—	—	—	—	—
	PM	E	—	420	0	F	—	YES	—	—	—
Montague Expy to E Brokaw Rd	AM	D	—	80	0	D	—	—	—	—	—
	PM	F	—	300	0	F	—	—	—	YES	—
E Brokaw Rd to US-101	AM	D	—	40	0	D	—	—	—	—	—
	PM	F	—	160	0	F	—	—	—	YES	—
<b>I-680 SB</b>											
Scott Creek Rd to Jacklin Rd	AM	C	B	127	23	C	B	—	—	—	—
	PM	D	A	363	17	D	A	—	—	—	—

**Table 3.11-16 (cont.): VTA Freeway Segment Analysis**

Freeway Segment	Peak Hour	LOS		Project Trips		Project LOS		LOS degrades to F?		Ex LOS F and adds >1% vol?	
		MF	HOV	MF	HOV	MF	HOV	MF	HOV	MF	HOV
Jacklin Rd to E Calaveras Blvd	AM	D	A	108	12	D	A	—	—	—	—
	PM	D	A	303	17	D	A	—	—	—	—
E Calaveras Blvd to Yosemite Dr	AM	E	—	60	0	E	—	—	—	—	—
	PM	D	—	260	0	D	—	—	—	—	—
Yosemite Dr to Montague Expy	AM	D	—	60	0	D	—	—	—	—	—
	PM	F	—	260	0	F	—	—	—	YES	—
Montague Expy to N Capitol Ave	AM	C	—	40	0	C	—	—	—	—	—
	PM	F	—	260	0	F	—	—	—	YES	—
N Capitol Ave to Hostetter Rd	AM	B	—	40	0	B	—	—	—	—	—
	PM	F	—	200	0	F	—	—	—	YES	—
Hostetter Rd to Berryessa Rd	AM	C	—	20	0	C	—	—	—	—	—
	PM	F	—	140	0	F	—	—	—	YES	—
Berryessa Rd to McKee Rd	AM	C	—	0	0	C	—	—	—	—	—
	PM	E	—	60	0	E	—	—	—	—	—
<u>McKee Rd to Alum Rock Ave</u>	<u>AM</u>	<u>C</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>PM</u>	<u>F</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>F</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>Alum Rock Ave to S Capitol Ave</u>	<u>AM</u>	<u>C</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>PM</u>	<u>C</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>S Capitol Ave to King Rd</u>	<u>AM</u>	<u>F</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>F</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>PM</u>	<u>D</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>D</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>King Rd to US—101</u>	<u>AM</u>	<u>F</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>F</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>PM</u>	<u>C</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<b><u>I-680 NB</u></b>											
<u>US-101 to King Rd</u>	<u>AM</u>	<u>C</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>PM</u>	<u>D</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>D</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>King Rd to E Capitol Expy</u>	<u>AM</u>	<u>D</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>D</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>PM</u>	<u>D</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>D</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>E Capitol Expy to Alum Rock Ave</u>	<u>AM</u>	<u>F</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>F</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>PM</u>	<u>C</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>Alum Rock Ave to McKee Rd</u>	<u>AM</u>	<u>F</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>F</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>PM</u>	<u>C</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>McKee Rd to Berryessa Rd</u>	<u>AM</u>	<u>E</u>	<u>—</u>	<u>60</u>	<u>0</u>	<u>E</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>PM</u>	<u>C</u>	<u>—</u>	<u>0</u>	<u>0</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>Berryessa Rd to Hostetter Rd</u>	<u>AM</u>	<u>D</u>	<u>—</u>	<u>140</u>	<u>0</u>	<u>D</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>PM</u>	<u>B</u>	<u>—</u>	<u>20</u>	<u>0</u>	<u>B</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>Hostetter Rd to N Capitol Ave</u>	<u>AM</u>	<u>D</u>	<u>—</u>	<u>200</u>	<u>0</u>	<u>D</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
	<u>PM</u>	<u>C</u>	<u>—</u>	<u>40</u>	<u>0</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

**Table 3.11-16 (cont.): VTA Freeway Segment Analysis**

Freeway Segment	Peak Hour	LOS		Project Trips		Project LOS		LOS degrades to F?		Ex LOS F and adds >1% vol?	
		MF	HOV	MF	HOV	MF	HOV	MF	HOV	MF	HOV
N Capitol Ave to Montague Expy	AM	D	=	200	0	D	=	=	=	=	=
	PM	C	=	40	0	C	=	=	=	=	=
Montague Expy to Yosemite Dr	AM	C	=	260	0	C	=	=	=	=	=
	PM	C	=	60	0	C	=	=	=	=	=
Yosemite Dr to E Calaveras Blvd	AM	C	=	260	0	C	=	=	=	=	=
	PM	C	=	60	0	C	=	=	=	=	=
E Calaveras Blvd to Jacklin Rd	AM	D	=	320	0	D	=	=	=	=	=
	PM	C	=	120	0	C	=	=	=	=	=
Jacklin Rd to Scott Creek Rd	AM	D	=	380	0	C	=	=	=	=	=
	PM	D	=	150	0	D	=	=	=	=	=

Source: Fehr & Peers, 2013

**Page 3.11-113, First Six Paragraph**

The discussion of freeway impacts has been revised to address comments provided by Caltrans (CALTRANS-2 comment), ACTC (ACTC-4 comment), and VTA (VTA-3 and VTA-5c comments).

The results in Tables F-1 through F-4 in Appendix G indicate that the Community Plan would result in significant traffic impacts at the following roadway segments:

**I-880 Northbound**

- ~~Great Mall to Calaveras (PM)~~
- ~~Calaveras to Dixon Landing (PM)~~

**I-880 Southbound**

- ~~Dixon Landing to Calaveras (AM)~~
- ~~Calaveras to Great Mall (AM)~~
- ~~Montague to Brokaw (PM)~~
- ~~Brokaw to US-101 (PM)~~

**I-680 Southbound**

- ~~Yosemite to Montague (PM)~~
- ~~Montague to N. Capitol (PM)~~
- ~~N. Capitol to Hostetter (PM)~~
- ~~Hostetter to Berryessa (PM)~~

Mitigation for ~~freeway roadway~~ segment impacts would require adding travel lanes and widening roadways throughout the city. As the areas bordering these freeways are predominantly built out, there is little opportunity to widen ~~them roadways~~ within the available right-of-way. Therefore, any widening would require property acquisition, which

would affect numerous properties and has not been evaluated for feasibility. Moreover, I-680 and I-880 are under the jurisdiction of Caltrans; thus, the City of Fremont does not have the ability to implement improvements to these facilities without the cooperation of this state agency. For these reasons, widening is not considered a feasible improvement at the time of this writing.

Methods to improve freeway operations include high occupancy toll (express) lanes, ramp metering, and Intelligent Transportation Systems. Express lanes require additional lanes and have the same issues as freeway widening. Operational improvements would not be sufficient provide acceptable levels of service.

The TDM program required by Mitigation Measure TRANS-1a would serve to partially alleviate the severity of this impact; however, in the absence of feasible improvements, impacts would be significant and unavoidable.

**Page 3.11-117 Last Paragraph and Page 3.11-118, First Paragraph**

The paragraph has been revised to note that each rider represents one entry and one exit in response to the BART-26 comment.

In 2010, the Fremont BART station recorded an average of just over 6,900 weekday riders (13,800 entries and exits). The daily BART ridership expected to be generated by the Community Plan for the Warm Springs/South Fremont BART station is 7,000 daily riders (14,000 entries and exits). With a combined 52 daily lines between Fremont and Daly City and 76 daily lines between Fremont and Richmond, the Warm Springs/South Fremont BART station and lines serving it would operate under its maximum capacity.

**Section 3.12, Utility Systems**

**Page 3.12-12, Final Paragraph and Page 3.12-13, First Paragraph**

The discussion of Alameda County Water District (ACWD) requirements has been revised to reflect text edits provided by the agency in response to the ACWD-2 comment.

**Alameda County Water District**

The Alameda County Groundwater Protection act authorizes the ACWD to take action to protect the quality of the local groundwater supply within the ACWD service area by adopting, updating, and revising regulations and standards. Under the Replenishment Assessment Act, the ACWD also has authority to collect fees for water extracted from ~~water supply wells or other sources of groundwater, and, dewatering wells, and water quality monitoring/treatment wells.~~ The ACWD uses the fees to manage and replenish the Niles Cone Groundwater Basin. ACWD Ordinance No. 2010-01 requires a permit to be obtained for the construction, repair, inactivation, or destruction of any well or exploratory hole, or any excavation that has the potential to impact a groundwater aquifer. The Groundwater Management Policy, as well as the ACWD Groundwater Protection Act, requires that property owners or developers inform the ACWD of proposed developments or land use changes so that the ACWD can conduct a field and records search for abandoned wells

(ACWD 2001). The destruction of any abandoned wells located by the search is a condition of approval for any proposed development or land use change.

**Section 5, Alternatives to the Proposed Project**

**Page 5-16, Table 5-6**

The discussion of the Skysailing Airport Site in Table 5-6 has been revised to note that the site is located within the boundaries of the Don Edwards San Francisco Bay National Wildlife Refuge.

**Table 5-6: Alternative Location Feasibility Analysis**

Location	Description	Feasibility Analysis
<p>Skysailing Airport Site</p>	<p>Approximately 175 acres located on the west side of I-880 south of Pacific Commons and north of Cushing Parkway. <u>The site contains undeveloped land.</u> <del>This site previously supported the Skysailing Airport and was the subject of a baseball stadium proposal that did not advance.</del> This site is designated Tech Industrial and Resource Conservation by the City of Fremont General Plan and zoned P-2000-214 by the Fremont Zoning Ordinance.</p>	<p><b>Not Feasible:</b> The acreage of this site (175 acres) is 20 percent of the acreage of the Community Plan area (879 acres) and, thus, is too small to accommodate the level of development contemplated by the proposed project. <u>The project site is located within the boundaries of the Don Edwards San Francisco Bay National Wildlife Refuge and is protected in perpetuity.</u> <del>Even if the site were available for development, it contains a significant wetland area, which would need to be either avoided or minimally impacted, thereby reducing the developable acreage.</del> <u>Additionally, the project site contains a significant wetland area, which would need to be either avoided or minimally impacted, which would reduce the developable acreage.</u> Finally, a key objective of the proposed Community Plan is to develop transit-oriented uses around the Warm Springs/ South Fremont BART station. The Creekside Landing site is 1 mile west of the BART station and located on the opposite side of I-880. Thus, it is too far to be considered transit-oriented development. Developing the proposed project at the Skysailing Airport site would be contrary to this objective. These factors preclude the possibility of developing the project at this location.</p>



**FINAL**  
**Environmental Impact Report**  
**Warm Springs/South Fremont Community Plan**  
**City of Fremont, Alameda County California**

State Clearinghouse No. 2013032062

**APPENDIX J**

Prepared for:

**City of Fremont**



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Grant Gruber, Project Manager

June 19, 2014



**Appendix J:  
Trip Generation Memo**





## MEMORANDUM

Date: June 17, 2014

To: Nancy Hutar, City of Fremont  
Dennis Dornan, Perkins + Will  
Grant Gruber, First Carbon Solutions

From: Jane Bierstedt, Katie Leung and Matt Haynes, Fehr & Peers

**Subject: Vehicle Trip Generation Estimates for Warm Springs/South Fremont Community Plan Revised Land Uses**

*SJ13-1422*

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This memorandum presents the revised trip generation estimates for the Warm Springs/South Fremont Community Plan based on a revised land use plan. The trip generation estimates were developed according to the steps used to estimate trips for the Draft Environmental Impact Report (DEIR):

- First, base vehicle trip estimates were derived based on rates and equations in the Institute of Transportation Engineers' *Trip Generation*, 9<sup>th</sup> Edition
- Next Fehr & Peers' MXD+ model was used to determine the amount of trip internalization due to the mix of uses and reductions to account for pedestrian, bicycle and bus transit/shuttle trips
- Finally, BART trips, due to the close proximity of the Warm Springs/South Fremont BART station, were estimated based on surveys of BART transit oriented developments (TODs)

This memorandum presents the resulting daily, AM peak hour, and PM peak hour estimates for the entire plan area and for each sub-area and compares them to the estimates in the DEIR. The results are used to determine whether the revised land use plan would result in any new impacts.



## LAND USE PLAN

The revised land uses in each area and in the Community Plan as a whole are summarized in **Table 1**. The map showing the locations of the subareas is attached.

**TABLE 1: FREMONT WARM SPRINGS COMMUNITY PLAN AREAS AND USES**

Area Designation	Ground Total Area (Acres)	Land Uses							
		Employment (Jobs)					School (Students)	Hotel (Room)	Residential
		Industrial	R+D	Office	Hotel	Retail/Restaurant			
1	79	1,241	175						
2	38		837						
3	22		952						900
4 + 5	43		1,423	3,650		104	700		2,200
6	319	4,500							
7	79	1,000	634						
8	44		653	1,300	210	27		600	
9	39				20				1,000
10	122	932	1,093	640					
<b>Subtotal</b>		<b>7,673</b>	<b>5,767</b>	<b>5,590</b>	<b>230</b>	<b>131</b>	<b>700</b>	<b>600</b>	<b>4,000</b>
<b>Total</b>				<b>19,391</b>			<b>700</b>	<b>600</b>	<b>4,000</b>

## DEIR TRIP GENERATION ESTIMATES

The vehicle trip generation estimates from the DEIR for each area of the Community Plan are summarized in **Table 2**.



**TABLE 2: DEIR TRIP GENERATION BY AREA SUMMARY**

Area	Daily			AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
<b>Area 1</b>	1,380	1,380	2,760	242	48	290	56	230	286
<b>Area 2</b>	548	548	1,096	142	23	165	15	138	153
<b>Area 3</b>	2,578	2,578	5,156	226	284	510	240	277	517
<b>Area 4</b>	3,220	3,220	6,440	234	492	726	364	218	582
<b>Area 5</b>	8,023	8,023	16,046	2,006	303	2,309	426	1,960	2,386
<b>Area 6 (TESLA)</b>									
<b>Area 7</b>	1,434	1,434	2,868	278	53	331	55	266	321
<b>Area 8</b>	3,874	3,874	7,748	568	203	771	257	553	810
<b>Area 9</b>	2,607	2,607	5,214	84	319	403	287	168	455
<b>Area 10</b>	2,146	2,146	4,292	487	82	569	87	463	550
<b>TOTAL Vehicle Trips Added*</b>	<b>25,810</b>	<b>25,810</b>	<b>51,620</b>	<b>4,267</b>	<b>1,807</b>	<b>6,074</b>	<b>1,787</b>	<b>4,273</b>	<b>6,060</b>

\*Sum of area subtotals may differ slightly than the totals shown due to rounding.  
Source: Fehr & Peers, 2013.

## REVISED LAND USE PLAN TRIP GENERATION ESTIMATES

Trip generation estimates were developed for the revised land use plan using the same assumptions as the DEIR estimates. The results are presented in **Table 3**. Areas 4 and 5 are combined in the new plan. Future Tesla jobs (Area 6) were previously included in the Area 4 and 5 job total. Therefore trip estimates for Areas 4, 5, and 6 are summed together for comparison purposes.



**TABLE 3: REVISED TRIP GENERATION BY AREA SUMMARY**

Area	Daily			AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
<b>Area 1</b>	1,382	1,382	2,765	234	47	280	55	224	279
<b>Area 2</b>	574	574	1,147	148	24	173	16	144	160
<b>Area 3</b>	2,202	2,202	4,405	220	232	452	194	260	454
<b>Area 4 + 5 + 6</b>	14,102	14,102	28,203	2,156	990	3,146	968	2,108	3,076
<b>Area 7</b>	1,452	1,452	2,904	276	52	327	54	265	319
<b>Area 8</b>	3,697	3,697	7,394	582	171	753	230	543	772
<b>Area 9</b>	2,000	2,000	3,999	64	239	304	217	130	348
<b>Area 10</b>	2,213	2,213	4,425	497	83	580	87	468	555
<b>TOTAL Vehicle Trips Added*</b>	<b>27,621</b>	<b>27,621</b>	<b>55,243</b>	<b>4,177</b>	<b>1,838</b>	<b>6,015</b>	<b>1,820</b>	<b>4,142</b>	<b>5,962</b>

\*Sum of area subtotals may differ slightly than the totals shown due to rounding.  
Source: Fehr & Peers, 2014.

## TRIP GENERATION COMPARISON

The differences in trip estimates between the new land use plan and the previous plan are presented in **Table 4**. The new plan will generate more daily trips. However, it will generate slightly fewer AM and PM peak hour vehicle trips.



**TABLE 4: ADDITIONAL TRIPS BY AREA SUMMARY  
(REVISED TRIP GENERATION – DEIR TRIP GENERATION)**

Area	Daily			AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
<b>Area 1</b>	2	2	5	-8	-1	-10	-1	-6	-7
<b>Area 2</b>	26	26	51	6	1	8	1	6	7
<b>Area 3</b>	-376	-376	-751	-6	-52	-58	-46	-17	-63
<b>Area 4 + 5 + 6</b>	2,859	2,859	5,717	-84	195	111	178	-70	108
<b>Area 7</b>	18	18	36	-2	-1	-4	-1	-1	-2
<b>Area 8</b>	-177	-177	-354	14	-32	-18	-27	-10	-38
<b>Area 9</b>	-607	-607	-1,215	-20	-80	-99	-70	-38	-107
<b>Area 10</b>	67	67	133	10	1	11	0	5	5
<b>TOTAL Vehicle Trips Added*</b>	<b>1,811</b>	<b>1,811</b>	<b>3,623</b>	<b>-90</b>	<b>31</b>	<b>-59</b>	<b>33</b>	<b>-131</b>	<b>-98</b>

\*Sum of area subtotals may differ slightly than the totals shown due to rounding.  
Source: Fehr & Peers, 2014.

## ASSESSMENT OF POTENTIAL IMPACTS

Roadway impacts are evaluated during the AM and PM peak hours when over traffic volumes are highest. Therefore the new plan will likely have similar overall impacts to the surrounding roadway system.

The only area with a higher vehicle trip generation is the combined Area 4, 5, and 6. With the increased number of dwelling units the number of outbound trips in the AM peak hour and inbound trips in the PM peak hour will be higher. Therefore the potential for new intersection impacts was investigated by reviewing projected intersection operations and conducting a few intersection level of service calculations for intersections operating at LOS D under Project Conditions in the vicinity of those areas. The results indicate that there would be no new impacts.



## CONCLUSIONS

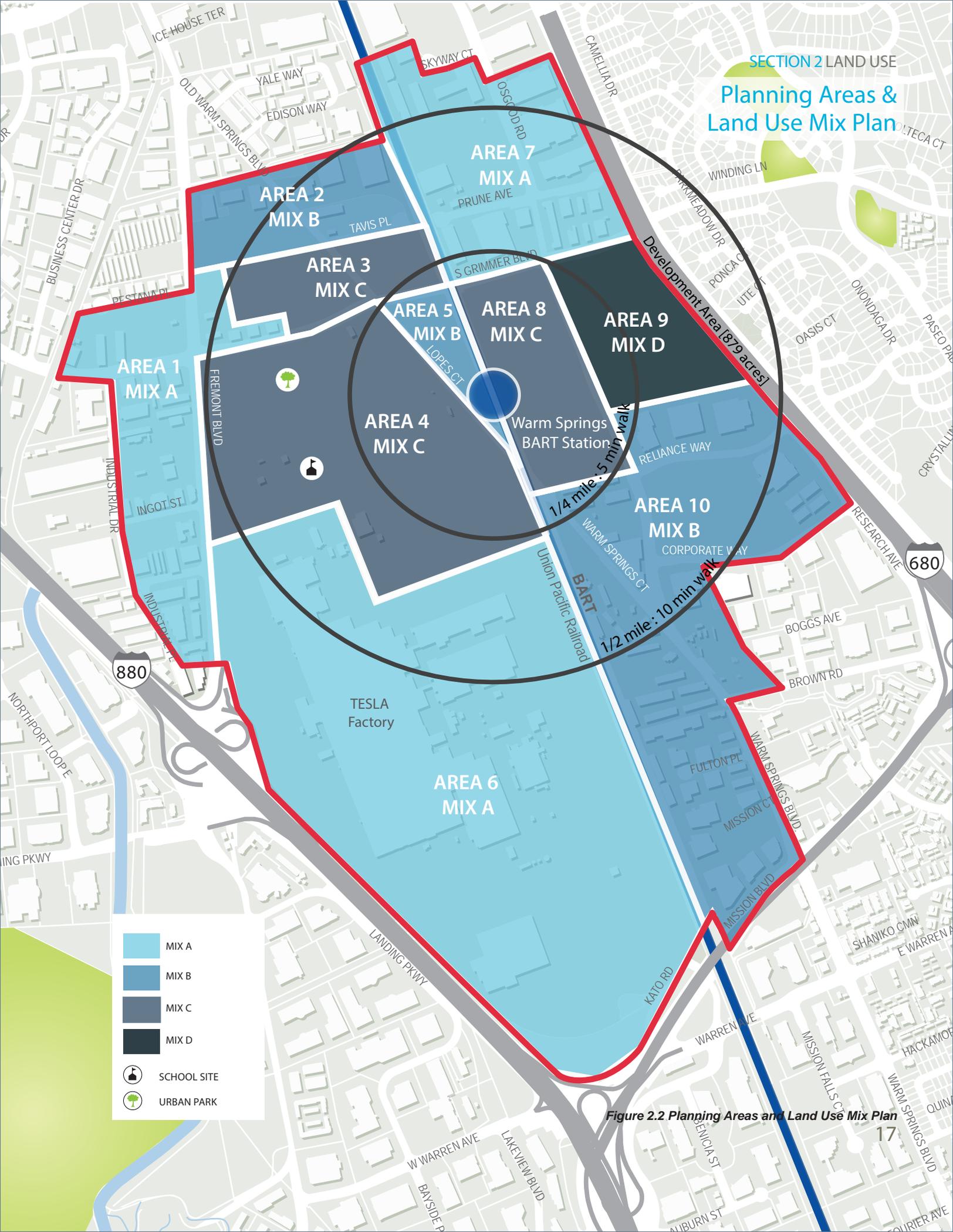
The new plan will generate more daily trips but slightly fewer AM and PM peak hour vehicle trips. Roadway impacts are evaluated during the AM and PM peak hours when traffic volumes are highest. Therefore the new plan will likely have similar overall impacts to the surrounding roadway system. Intersection operations were reviewed near the combined Area 4, 5, and 6 since they have a higher vehicle trip generation than the previous plan. The results indicate that the revised land use plan would have no new impacts.

Nancy Hutar  
Dennis Dornan  
Grant Gruber  
June 17, 2014  
Page 7 of 8



## **ATTACHMENTS**

SECTION 2 LAND USE  
**Planning Areas &  
 Land Use Mix Plan**



- MIX A
- MIX B
- MIX C
- MIX D
- SCHOOL SITE
- URBAN PARK

Figure 2.2 Planning Areas and Land Use Mix Plan