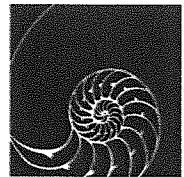


FINAL
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
State Clearinghouse Number: 2010072001

DOWNTOWN COMMUNITY PLAN

PREPARED FOR:
CITY OF FREMONT



PREPARED BY:
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JUNE 2012

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PREFACE

PURPOSE OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

The California Environmental Quality Act of 1970, as amended (CEQA) requires Environmental Impact Reports (EIRs) to be prepared for all projects which may have a significant impact on the environment. An EIR is an information document, the purposes of which, according to CEQA Guidelines, are "...to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which such significant effects can be mitigated or avoided." The information contained in this Supplemental EIR is intended to be objective and impartial, to enable the reader to arrive at an independent judgment regarding the probable character and significance of the environmental impacts associated with implementation of the Downtown Community Plan.

In accordance with the requirements of CEQA, this FINAL Supplemental EIR formally consists of the responses to comments on the DRAFT Supplemental EIR and revisions of those portions of the DRAFT Supplemental EIR which have been modified. The FINAL Supplemental EIR includes copies of all written comments received during the 45-day public review period following publication of the DRAFT Supplemental EIR and provides responses to those comments. In some cases, revisions to the DRAFT Supplemental EIR have been made, and all such changes are reflected in this document. As required by CEQA, this document addresses those comments received during the public review period that relate directly to the adequacy and completeness of the DRAFT Supplemental EIR. The FINAL Supplemental EIR does not address those comments about the merits of the Downtown Community Plan that do not implicate the DRAFT Supplemental EIR's analysis of the environmental issues associated with the Project.

The Supplemental EIR (which is comprised of the DRAFT Supplemental EIR and the FINAL Supplemental EIR) is intended to be certified as a complete and thorough program-level record of the types of environmental impacts that may be associated with implementation of the Downtown Community Plan. Certification of the Supplemental EIR as adequate and complete must take place prior to any formal Lead Agency action on adopting the Downtown Community Plan, and certification of the Supplemental EIR does not equate to approval of the Downtown Community Plan.

The Supplemental EIR has been prepared pursuant to CEQA as amended (commencing with Section 21000 of the California Public Resources Code), and the CEQA Guidelines.

ORGANIZATION OF THE FINAL EIR

The FINAL Supplemental EIR consists of the following major sections:

Preface – outlines the objectives of the Supplemental EIR and important preliminary information.

Revisions of the DRAFT Supplemental EIR – contains revisions to the DRAFT Supplemental EIR text and graphics.

Comments and Responses – contains letters of comment on the DRAFT Supplemental EIR and verbal comments recorded during the study session on the DRAFT Supplemental EIR, along with responses to these comments.

This FINAL Supplemental EIR has been prepared for the Lead Agency (City of Fremont) by Lamphier-Gregory, Urban Planning and Environmental Analysis. Each participant in the preparation of the Supplemental EIR has extensive experience and knowledge in their respective fields. The information in the Supplemental EIR has been compiled from a variety of sources, including published studies, applicable maps and independent field investigations. Unless otherwise noted, all background documents are available for inspection at the City of Fremont, Community Development Department, 39550 Liberty Street, Fremont, California, 94537-5006.

PUBLIC REVIEW PROCESS

The DRAFT Supplemental EIR was circulated for public review between February 10, 2012 and April 2, 2012. The DRAFT Supplemental EIR was available for review at the City of Fremont Community Development Department offices and on the City's website. Copies of the DRAFT Supplemental EIR were made available through the City of Fremont.

At the close of the public review period, all comments received were compiled, and responses to these comments were prepared and presented in a FINAL Supplemental EIR. The FINAL Supplemental EIR also incorporates any necessary revisions to the DRAFT Supplemental EIR made in response to comments received. The Planning Commission will review the Supplemental EIR (comprised of the DRAFT Supplemental EIR and FINAL Supplemental EIR) and make a recommendation to the City Council, and the City Council will then independently consider whether or not to certify the Supplemental EIR as adequate and complete.

After reviewing the DRAFT Supplemental EIR and the FINAL Supplemental EIR, and following action to certify the Supplemental EIR as adequate and complete, the City Council

will be in a position to determine whether the Downtown Community Plan should be adopted as proposed, revised, or rejected. This determination will be based upon information presented on the Downtown Community Plan, impacts and probable consequences, and the possible alternatives and mitigation measures available.

Where potentially significant and unavoidable environmental impacts have been identified in the Supplemental EIR, the Lead Agency (City of Fremont) will be required to make a written statement of overriding considerations. In accordance with CEQA Guidelines, Section 15093 [a], a decision-making agency must balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable”.

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REVISIONS OF THE DRAFT SUPPLEMENTAL EIR

On DSEIR page 2-1, the following text has been amended for consistency with the Project Description:

“PROJECT UNDER REVIEW

The vision of the Downtown Community Plan is a vibrant, mixed-use urban destination with street level commercial activities and mid-rise office and residential buildings. Under the Downtown Community Plan, a range of uses would be allowed, and the Plan will establish form-based design guidelines for future development. The Plan will provide development flexibility for individual sites so that they may support either residential or non-residential uses when consistent with the overall design intent of the Plan. In order to promote relatively high development densities in this section of Fremont, the Downtown Community Plan will require a minimum site development floor area ratio (FAR) of 0.80 to assure achievement of urban design and Transit Oriented Development (TOD) goals. The Plan incorporates LEED United States Green Building Council Leadership in Energy and Environmental Design (LEED) Neighborhood Development (ND) principles, making the Plan eligible for LEED certification and will ultimately be a certified LEED ND Plan.”

On DSEIR page 2-11, in the first bulleted paragraph under “**ALTERNATIVES TO THE DOWNTOWN COMMUNITY PLAN**”, the text has been modified to read as follows:

“No Project Alternative, which considers development that would currently be permitted consistent with the current City of Fremont ~~Berkeley~~ General Plan and the current Fremont zoning ordinance;”

On DSEIR pages 2-20 and 2-21, the text of the “Well Protection/Destruction” paragraph in **Mitigation HYD-3** has been modified as follows:

“Well Protection/Destruction: In order to protect the groundwater basin, all wells must be identified within the Downtown District, and each well must be either protected or properly destroyed prior to construction activities be in compliance with ACWD Ordinance No. 2010-01. If the well(s) are to remain, a letter so indicating must be sent to ACWD documenting the status of each well must be sent to ACWD”

~~and will require a permit for inactive classification if the wells will not be used for a period of twelve (12) months. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in compliance with the City of Fremont Well Ordinance. In addition, a~~Any abandoned wells located within the Downtown area must be properly destroyed prior to grading and/or construction activities.

On DSEIR page 4-84, the text of the last bullet on the page has been modified to read as follows:

“Eastbound 8800 from Mowry Avenue to Stevenson Boulevard with Maximum Buildout scenario (2015 & 2035 PM)”

On DSEIR page 4-143, the text of the “Well Protection/Destruction” paragraph in **Mitigation HYD-3** has been modified as follows:

“Well Protection/Destruction: In order to protect the groundwater basin, all wells must be identified within the Downtown District, and each well must ~~be either protected or properly destroyed prior to construction activities~~ be in compliance with ACWD Ordinance No. 2010-01. ~~If the well(s) are to remain, a letter so indicating must be sent to ACWD~~ documenting the status of each well must be sent to ACWD and will require a permit for inactive classification if the wells will not be used for a period of twelve (12) months. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in compliance with the City of Fremont Well Ordinance. In addition, aAny abandoned wells located within the Downtown area must be properly destroyed prior to grading and/or construction activities.”

On DSEIR page 6-10, in the first sentence in the first bulleted paragraph near the top of the page, the text has been modified to read as follows:

“Development that would be enabled under the ~~West Berkeley Project~~ Downtown Community Plan would have no adverse effects on federally-protected wetlands.”

COMMENTS AND RESPONSES

This chapter contains written comments on the DRAFT Supplemental EIR on the Downtown Community Plan. Each letter is marked to identify distinct comments on the DRAFT Supplemental EIR. Responses to these comments are provided following each letter.

Several points to keep in mind in reviewing the comments received on the DRAFT Supplemental EIR are presented in Section 15204 of the CEQA Guidelines (as revised on October 28, 1998) which states that a Lead Agency need not “conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.”, in Section 15003 (h) which states that “CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass on the correctness of an EIR’s environmental conclusions, but only determines if the EIR is sufficient as an informational document.”, and in Section 15003 (j), which states: “CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement.”

The letters received on the DRAFT Supplemental EIR are listed below. Each letter has been marked to identify each specific comment in the right-hand margin (i.e., A-1, C-2, etc.). Following each letter, the response to each identified comment in that letter is presented sequentially (for example, the first comment on the DRAFT Supplemental EIR identified in **LETTER A** is identified as A-1 in the right-hand margin of the letter, and the corresponding response immediately following **LETTER A** is coded as **RESPONSE A-1**).

LIST OF LETTERS	Page
LETTER A: Robert Shaver, Assistant General Manager – Engineering, Alameda County Water District, March 28, 2012	C&R-3
LETTER B: Matt Vander Sluis, Senior Field Representative, East Bay, Greenbelt Alliance, April 2, 2012	C&R-7
LETTER C: Beth Walukas, Deputy Director of Planning, Alameda County Transportation Commission, April 2, 2012	C&R-15

LETTER D: Gary Arnold, District Branch Chief, Local Development - C&R-19
Intergovernmental Review, California Department of Transportation,
April 2, 2012



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STEVE PETERSON
Manager of Operations and Maintenance

MARTIN L. KOLLER

ALTARINE C. VERNON

PAUL SETHY

Manager of Administrative Services

March 28, 2012

Mr. Kelly Diekmann
Senior Planner
City of Fremont
Community Development Department
Planning Division
39550 Liberty Street
Fremont, CA 94536

Dear Mr. Diekmann:

Subject: Draft Supplemental Environmental Impact Report for Midtown Community Plan

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) for the Midtown Community Plan (Project).

ACWD has reviewed the Draft SEIR and would appreciate your consideration of the following comment:

Mitigation HYD-3: Since the Notice of Preparation for the Midtown Community Plan was released in July 2010, ACWD's regulatory authority regarding wells and subsurface drilling activities has changed. On January 1, 2010, the Alameda County Water District Groundwater Protection Act was codified as Article 9.3 (commencing with Section 31142.20) to Chapter 1 of Part 5 of Division 12 of the California Water Code. The Act authorizes ACWD to adopt, by ordinance, regulations deemed necessary or proper to carry out the purposes of the Act. On December 9, 2010, ACWD adopted Ordinance No. 2010-01, "Ordinance of the Alameda County Water District to Regulate Wells, Exploratory Holes, and Other Excavations within the Cities of Fremont, Newark, and Union City." The ACWD Well Ordinance provides a guide for implementing the regulatory authority provided in the Act, incorporates modified or updated portions of the City of Fremont Well Ordinance, and addresses the changes that have occurred since the City of Fremont Well Ordinance was first adopted.

A-1



Mr. Kelly Diekmann

Page 2

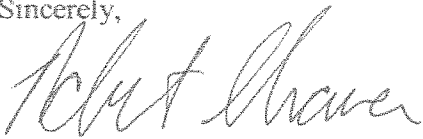
March 28, 2012

Therefore, ACWD requests the paragraph under "Well Protection/Destruction" be changed to the following:

"In order to protect the groundwater basin, all wells must be identified within the Downtown District and each well must be in compliance with ACWD Ordinance No. 2010-01. If the wells are to remain, a letter documenting the status of each well must be sent to ACWD and will require a permit for inactive classification if the wells will not be used for a period of twelve (12 months). Any abandoned wells located within the Downtown area must be properly destroyed prior to grading and/or construction activities."

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

Sincerely,



Robert Shaver

Assistant General Manger – Engineering

cc: Steven Inn, ACWD

Michelle Myers, ACWD

LETTER A: Robert Shaver, Assistant General Manager – Engineering, Alameda County Water District, March 28, 2012.

COMMENT A-1: Mitigation HYD-3: Since the Notice of Preparation for the Midtown Community Plan was released in July 2010. ACWD’s regulatory authority regarding wells and subsurface drilling activities has changed. On January 1, 2010, the Alameda County Water District Groundwater protection Act was codified as Article 9.3 (commencing with Section 31142.20) to Chapter 1 of Part 5 of Division 12 of the California Water Code. The Act authorizes ACWD to adopt, by ordinance, regulations deemed necessary or proper to carry out the purpose of the Act. On December 9, 2010, ACWD adopted Ordinance No. 2010-01, “Ordinance of the Alameda County Water District to Regulate Wells, Exploratory Holes, and Other Excavations within the Cities of Fremont, Newark, and Union City.” The ACWD Well ordinance provides a guide for implementing the regulatory authority provided in the Act, incorporates modified or updated portions of the City of Fremont Well Ordinance, and addresses the changes that have occurred since the City of Fremont Well ordinance was first adopted.

Therefore, ACWD requests the paragraph under “Well Protection/Destruction” be changed to the following:

“In order to protect the groundwater basin, all wells must be identified within the Downtown District and each well must be in compliance with ACWD Ordinance No. 2010-01. If the wells are to remain, a letter documenting the status of each well must be sent to ACWD and will require a permit for inactive classification if the wells will not be used for a period of twelve (12 months). Any abandoned wells located within the Downtown area must be properly destroyed prior to grading and/or construction activities.”

RESPONSE A-1: As requested, the text of the “Well Protection/Destruction” paragraph in **Mitigation HYD-3** (DSEIR pages 2-20 – 2-21, and DSEIR page 4-143) has been modified as follows:

“Well Protection/Destruction: In order to protect the groundwater basin, all wells must be identified within the Downtown District, and each well must be ~~either protected or properly destroyed prior to construction activities~~ be in compliance with ACWD Ordinance No. 2010-01. If the well(s) are to remain, a letter ~~so indicating must be sent to ACWD~~ documenting the status of each well must be sent to ACWD and will require a permit for inactive classification if the wells will not be used for a period of twelve (12) months. ~~If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in compliance with the City of Fremont Well Ordinance. In~~

addition, ~~a~~Any abandoned wells located within the Downtown area must be properly destroyed prior to grading and/or construction activities.”



April 2, 2012

Kelly Diekmann, Senior Planner
City of Fremont
Community Development Department
Planning Division
39550 Liberty Street
Fremont, CA 94537-5006
Submitted electronically to: kdiekmann@fremont.gov

RE: Downtown Community Plan and Draft Supplemental EIR

Dear Ms. Diekmann,

Thank you for this opportunity to comment on the February 2012 Downtown Community Plan and Draft Supplemental Environmental Impact Report (hereafter "DEIR").

We are pleased to see the city pursuing a vision of a vibrant mixed-use urban environment in its downtown. Achieving this vision will help create a healthier, more sustainable, and economically successful city, while reducing development pressure on our open space lands. It will provide more choices for current and future Fremont residents, which in turn results in more desirable, attractive neighborhoods that serve all segments of the population. It will also help the city fulfill its commitment to "serve as a national model of how an auto-oriented suburb can evolve into a sustainable, strategically urban, modern city."

Greenbelt Alliance has long championed the many benefits of well-planned infill development. Our publications on this topic include *Smart Infill* (2008) and *Greening Your Cities Blueprint* (2010). As part of our infill project endorsement process, we have developed "Compact Development Guidelines" for Neighborhood-Scale Infill Projects (attached). We encourage the city to identify the extent to which the policies, mitigation measures, and alternatives in the Downtown Plan and DEIR meet the recommendations of these publications. This analysis can help determine if all feasible measures have been adopted to mitigate or avoid any anticipated significant environmental impacts.

B-1

We also encourage the city to examine the 2011 Environmental Impact Report for the City of Mountain View's General Plan, which found that increasing densities reduced the negative environmental effects of the plan. (<http://www.greenbelt.org/advocacy/more-is-less-more-homes-in-mountain-view-lead-to-fewer-environmental-impacts/>)

B-2

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info@greenbelt.org • www.greenbelt.org

We encourage the city to further strengthen the plan to fully capitalize on the potential environmental, economic, and social equity benefits of a strong development plan for the downtown. To that end, we recommend that the following issues be addressed:

Densities:

The city should explore how a higher Floor Area Ratio than the proposed 0.8 to 1.5 could reduce the project's environmental impacts.

Parking:

The inclusion of parking demand management measures such as cash-out will greatly improve the pedestrian environment and support the economic impact of the project. The city should explore how additional parking management policies, including the removal of parking minimums, could reduce the project's environmental impacts.

Affordable Housing:

The city should explore how additional affordable housing and anti-displacement policies could improve the plan and reduce the project's environmental impact. For example, allowing more residents to live near where they work could substantially reduce vehicle miles traveled.

Conclusion

Thank you again for this opportunity to comment on the Downtown Plan and Supplemental DEIR. We look forward to your responses. Together we can create a world-class community that strengthens the local economy and allows residents more choices for healthy, sustainable lifestyles.

Sincerely,



Matt Vander Sluis
Senior Field Representative, East Bay
Greenbelt Alliance
(925) 932-7776
mvandersluis@greenbelt.org



Greenbelt Alliance Compact Development Guidelines

Neighborhood-Scale Infill Projects

Neighborhood-scale infill plans and projects are a compelling opportunity to accommodate a community's needs for homes, jobs, services and parks. These projects and plans also serve as a tool for protecting the Bay Area's greenbelt. By directing significant growth to appropriate existing urban areas, they reduce the pressure to develop natural areas and working farms. At the same time, neighborhood-scale infill can change the character of neighborhoods and set precedents for infill in a community or even for the Bay Area as a whole. Therefore, these developments warrant special attention to ensure they proceed in ways that best utilize our region's limited infill sites and create the greatest benefit for existing and future residents and business owners.

Neighborhood-scale infill plans and projects include specific plans, neighborhood plans, master plans, and other plans and projects that occupy multiple city blocks and may have a considerable impact on the surrounding neighborhood. Actual housing unit count, square footage or acreage of these plans and projects may vary from city to city depending on city size and surrounding areas.

The following are guidelines for evaluating neighborhood-scale infill projects and plans. Each evaluation will consider the context of the project or plan (location, demographics, public funding, publicly owned land, planning and legal context, etc.). The project's neighborhood and regional impact will be evaluated, based upon the guidelines described below. The guidelines may be applied and weighted differently depending on the context. The guidelines will be used as a lens through which reviewers will look at proposals, rather than as a checklist of criteria for projects and plans to meet. Final endorsement is at the discretion of Greenbelt Alliance.

1. **Location:** The project or plan must be within an existing urban area, and not in the regional greenbelt or any other important natural resource area.
2. **Compactness:** Projects within a ½ mile of a transit station should have an overall density of at least 20 units per acre and be at the upper quartile of the allowable density range. Projects at transit stations should be striving for densities greater than 20 units per acre. Projects not within ½ mile of a major transit station and that meet other guidelines for endorsement **must** have an overall density of at least 15 dwelling units per acre and be significantly higher (at least double) the average local density and still in character with the surrounding neighborhood. Significant infill opportunity sites should have a correspondingly high level of density. Density is defined as the number of dwelling units divided by the total land area devoted to residential uses, including associated parking and private driveways, private yards, ancillary buildings, and non-public parks and play structures associated with the residential uses.

3. **Affordability:** Housing and mixed-use proposals must make an effort to address affordable housing needs of moderate to low and/or very low-income households as identified in the jurisdiction's Housing Element. The plan or project must meet the local inclusionary housing requirement, at a minimum. Around the Bay Area, inclusionary housing ordinances typically require between 10 and 20 % of units to be sold or rented at below-market rates. We expect projects to exceed local affordability requirements if they are ineffective or insufficient (in comparison to neighboring jurisdictions) in promoting the amount or type of units needed. This includes, but is not limited to, making a fixed percentage of the units affordable to moderate-, low-, and very low-income households or dedicating land or other resources to affordable housing within the plan or project area. The amount of affordable housing expected will vary, depending on the context. Higher percentages, lower income targets, long-term affordability, and mixed-income development are encouraged. Affordable units should include some 3-bedroom or larger units to accommodate families. The following are suggested minimums of below-market-rate units (based on Area Median Income, or AMI) that a project or plan should provide:
- 10% for Moderate Income and 10% for Low Income, or
 - 10% for Low Income and 5% for Very Low Income, or
 - 10% for Very Low Income

(Moderate Income = affordable to households earning 81-120% of AMI. Low Income = affordable to households earning 51-80% of AMI. Very Low Income = affordable to households earning less than 51% of AMI).

4. **Pedestrian-Oriented Design and Transportation Options:** The plan or project's design should integrate with existing street patterns, walkways, and bicycle paths, preferably in a grid pattern, and provide easy connection to services and public transportation. The plan or project should be pedestrian-oriented rather than auto-oriented and should include elements such as bike paths and facilities, pedestrian amenities, street furniture, buildings fronted to the sidewalks with little or no setbacks, and pedestrian mitigations for large, busy roads. The plan or project should incorporate a mix of uses beyond housing, including but not limited to retail, office, light industrial, services, public parks and other recreational spaces. The plan or project's design should mix these uses throughout the area as appropriate, rather than creating segregated uses. Retail uses within the plan or project should be neighborhood-serving and support a pedestrian environment and transit activity.

Projects should provide or be adjacent to a range of transportation modes, including transit, shuttle, carshare, carpool, biking, and walking. A mix of uses within the neighborhood facilitates walking, biking, and transit ridership as alternatives to driving. The project must be within 1/2 mile (10 min. walk) from major transit service (bus, rail or ferry), a job center (minimum 5,000 jobs), commercial center (minimum 500,000 square feet), or an urban downtown area. Major transit service is defined as a rail stop (existing or planned with significant funding established), ferry stop, or a bus stop served by 6 or more buses per hour during the peak commute period. The plan or project should ensure the majority of people using the project have easy access to transit and encourage transit use, through bulk passes and shuttles to stations when necessary.

5. **Parking:** The developer and/or jurisdiction should seek ways to minimize the site area devoted to parking, such as tandem, shared or stacked parking. The project should reduce

the visual and safety impacts of surface parking by screening and/or locating it away from pedestrian areas. For projects under existing zoning codes, the number of parking spaces should not exceed minimums set by the jurisdiction's zoning code. For new specific plans, we encourage establishing policies that reduce the number of parking spaces in the area, including replacing minimum parking ratios with maximum parking ratios and "unbundling" parking costs from the cost of renting or purchasing a home. Parking requirements for new specific plans should be based on parking demand studies that consider the expected occupants, transportation options and parking reduction strategies to be used in the project. We support developers in seeking reduced parking requirements for transit-oriented developments.

6. **Community Input:** The developer or jurisdiction should involve local stakeholders in the planning and design process, through creative approaches, including direct outreach to residents and business owners. The developer or jurisdiction should make efforts to address neighborhood concerns about the plan or project, contributing amenities and services that meet the needs of local residents when feasible. Municipalities and developers should consider holding specific public meetings in the community, during evening or weekend hours and providing childcare and translation as necessary.
7. **Environmental Considerations:** In addition to issues addressed in the EIR or other environmental review, Greenbelt Alliance will consider a project's provision of parks/open space, preservation of heritage trees, creek restoration and/or daylighting, and protection and/or mitigation of important habitat that would be directly or indirectly affected by the project.
8. **City Policies:** Greenbelt Alliance encourages the project application to share any significant City Policy, General Plan designation, City Code, or political pressures that prevented or inhibited the developer from submitting a project that better aligns with Greenbelt Alliance guidelines. The applicant should explain how and why a particular policy was limiting, and how the project would have been different had these policies or pressures not existed. The applicant should list significant directions given by City officials that prevented the project from better aligning with these guidelines.
9. **Green Building:** The built environment is a leading contributor to greenhouse gas emissions. Developers seeking Greenbelt Alliance endorsement may greatly increase their chances of securing endorsement by pursuing green building technologies. By employing green building practices, developers can: improve public perception of a development; take full advantage of city incentives such as priority permitting; generate cost savings in construction and maintenance; and market a project with increasing success post-construction. Developers can also enjoy the obvious benefit of reducing the carbon footprint of new development. Greenbelt Alliance encourages developers to seek LEED certification through the U.S. Green Building Council, www.usgbc.org, and to fulfill Build it Green's Multifamily Green Building Guidelines, available at www.multifamilygreen.org.
10. **Bayside Land:** Projects and plans that redevelop bayside land should balance the need for housing and jobs with public open space access to the Bay and protection of environmentally sensitive lands around the waterfront. Developments on these lands should be careful not to negatively impact the Bay and should integrate existing and new uses, through design, transit and walkability, extending or complementing the Bay Trail whenever

possible.

11. **Community Services:** The plan or project should incorporate facilities and services to meet needs of local residents relative to the plan or project's expected impact on the community and the amount of public funding for the plan or project. These may include childcare facilities, health clinics, schools, jobs for local residents, or grocery stores and other neighborhood-serving retail. The developer and local jurisdiction are encouraged to conduct community participation processes so that relevant stakeholders (developer, jurisdiction, residents, business owners, etc.) jointly identify the needed community services to be included in the project or plan.
12. **Mitigating Displacement:** The developer should provide replacement units at an equivalent level of affordability for all housing units lost as a direct result of the development, or shall address displacement by some other equally effective means, including but not limited to in lieu provisions or providing permanent relocation benefits. Inclusionary units may not count as replacement units. The developer and jurisdiction should take steps to provide stability for residents during relocation and to maintain some level of stability for residents in the surrounding neighborhood.
13. **Parks and Open Space:** The plan or project should include parks and open space and recreation facilities and amenities to meet the needs of existing and future residents of the affected area. To the extent possible, these facilities and amenities should be planned and located to overcome existing deficiencies in the project area and the community as a whole. Public open space should be designed for convenient access from the surrounding area. The plan or project should also ensure the preservation of important natural habitats and important recreational land, and incorporate these areas into the open space network of the plan or project.
14. **Cultural and Historic Preservation:** The plan or project should preserve significant cultural and historic resources as appropriate, particularly those designated by a public landmarks body.
15. **Existing Uses and Plans:** Proposed plans and projects will be compared to existing uses and existing plans, zoning and regulations governing the planning or project area. Proposed plans and projects should enhance the existing neighborhood and should, in general, either comply with existing plans, zoning and regulations or be denser, more mixed use, more transit-oriented, and provide more public open space and services than the existing neighborhood, plans, or zoning.

Commercial Projects (Non-Residential)

Greenbelt Alliance will also consider non-residential projects that demonstrate efficient use of land, innovative design, pedestrian orientation, integration with public transit, and those that support downtown revitalization or make appropriate re-use of a brownfield (contaminated) site.

LETTER B: Matt Vander Sluis, Senior Field Representative, East Bay, Greenbelt Alliance, April 2, 2012.

COMMENT B-1: Greenbelt Alliance has long championed the many benefits of well-planned infill development. Our publications on this topic include *Smart Infill* (2008) and *Greening Your Cities Blueprint* (2010). As part of our infill project endorsement process, we have developed “Compact Development Guidelines” for Neighborhood-Scale Infill Projects (attached). We encourage the city to identify the extent to which the policies, mitigation measures, and alternatives in the Downtown Plan meet the recommendations of these publications. This analysis can help determine if all feasible measures have been adopted to mitigate or avoid any anticipated significant environmental impacts.

RESPONSE B-1: Specific application of the referenced literature to the potentially significant impacts identified in the DSEIR of implementing an infill development plan were not identified for further evaluation. Recommendation that the City review Greenbelt Alliance publications is noted.

COMMENT B-2: We also encourage the city to examine the 2011 Environmental Impact Report of Mountain View’s General Plan, which found that increasing densities reduced the negative environmental effects of the plan. (<http://www.greenbelt.org/advocacy/more-is-less-more-homes-in-mountain-view-lead-to-fewer-environmental-impacts/>)

RESPONSE B-2: Recommendation that the City review the Mountain View General Plan EIR is noted. The City has already identified the benefits of infill transit-oriented design (TOD) development through adoption of its own General Plan with TOD Overlays and Priority Development Areas (PDA) and uses the proposed Downtown Community Plan as an implementation measure to reach such goals.

COMMENT B-3: We encourage the city to further strengthen the plan to fully capitalize on the potential environmental, economic, and social equity benefits of a string development plan for the downtown. To that end, we recommend that the following issues be addressed:

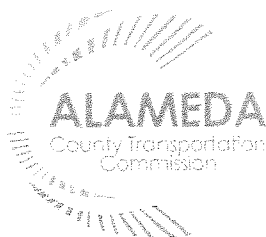
Densities: The city should explore how a higher Floor Area Ratio than the proposed 0.8 to 1.5 could reduce the project’s environmental impacts.

Parking: The inclusion of parking demand management measures such as cash-out will greatly improve the pedestrian environment and support the economic impact of the project. The city should explore how additional parking management policies, including the removal of parking minimums, could reduce the project’s environmental impacts.

Affordable Housing: The city should explore how additional affordable housing and anti-displacement policies could improve the plan and reduce the project’s environmental impact.

For example, allowing more residents to live near where they work could substantially reduce vehicle miles traveled.

RESPONSE B-3: Recommendation that the City examine the extent to which increasing Floor Area Ratios and further modifying parking requirements could reduce potential environmental effects associated with implementation of the Downtown Community Plan is noted. The City allows for individual projects to propose adjusting the FAR requirement as applied to individual sites on a case-by-case basis, The City has included a modified parking standard within the Plan that is well below typical standards and is supportive of concepts of reduced automobile ownership and usage in this area, and allows for further reductions on case-by-case evaluation. Recommendation that the City explore how adding affordable housing and anti-displacement policies to the Downtown Community Plan could reduce the environmental impacts associated with implementation of the Plan is noted. The DSEIR did not identify impacts related to housing displacement and the comment is not applicable. The City has a state-certified Housing Element addressing the housing needs of the community and already has an Affordable Housing Ordinance in place to address social issues of housing equality throughout the City. The Plan, by its own nature, include additional housing opportunities added to the City in close proximity to jobs and transit in support of the commenter's concern.



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Arthur L. Dao

April 2, 2012

Mr. Kelly Diekmann
Senior Planner
City of Fremont
Community Development
39550 Liberty Street
Fremont, CA 94537-5006
kdiekmann@ci.fremont.ca.us

SUBJECT: Comments on the Draft Supplemental Environmental Impact Report for Downtown Community Plan, City of Fremont, California, PLN 2010-0030

Dear Mr. Diekmann:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (Draft SEIR) for the Downtown Community Plan in Fremont, California. The Plan is intended to guide future development through 2030 in an approximately 110-acre area bounded by Fremont Boulevard, Mowry Avenue, Paseo Padre Parkway and Walnut Avenue. The project encourages redevelopment and development to an average floor area ratio of 1.5 with a mixture of commercial, office, residential, and government/civic uses. Generally, the plan contemplates development of an additional one million square feet of commercial/office development and 2,500 housing units; however, it is flexible to allow a wide range and mixture of uses on throughout the Downtown area. The buildout is expected to be phased over several years.

The Alameda County Transportation Commission has the following comments:

- P. 4-84, last bullet refers to Eastbound I-800. This should be corrected to I-880 C-1
- Based on Table F-4, CMP PM Analysis Summary 2035, two segments would decline from LOS E to a maximum of LOS F by 2035 with the project: C-2
 - 1) Fremont Blvd Eastbound from I-880 to Thornton Avenue (which is also referenced in Impact TRA-5 without a feasible mitigation measure cited) and
 - 2) Northbound Mowry Avenue from I-80 to Fremont Blvd. This segment does not appear to be referenced and discussed in the impacts section. A discussion of impacts and

appropriate measures to mitigate the impacts should be developed, as feasible.

- Impacts TRA-4, TRA-5, TRA-6, TRA-7, TRA-8, TRA-9 and TRA-10 on CMP roadway segments do not include mitigation measures due to unavailability of right-of-way needed for improvements. However, the project description on p. 3-7 references developing a Transportation Demand Management Program (TDM) and establishing a Transportation Management Association (TMA) that would collect fees to fund it. It is recommended that mitigation measures be added that include implementing the Transportation Demand Management (TDM) program, including parking demand management and vehicle trip reduction strategies to encourage use of alternative travel modes such as transit, biking, and walking, and that a funding mechanism, such as developing a Transportation Management Association (TMA), is included to implement it.

C-3

Thank you for the opportunity to comment on this Draft SEIR. Please do not hesitate to contact me at 510/208-7400 if you require additional information.

Sincerely,



Beth Walukas
Deputy Director of Planning

cc: Diane Stark, Senior Transportation Planner
file: CMP - Environmental Review Opinions - Responses - 2012

LETTER C: Beth Walukas, Deputy Director of Planning, Alameda County Transportation Commission, April 2, 2012

COMMENT C-1: P. 4-84, last bullet refers to Eastbound I-800. This should be corrected to I-880.

RESPONSE C-1: Comment noted. On DSEIR page 4-84, the text of the last bullet on the page has been modified to read as follows:

“Eastbound 8800 from Mowry Avenue to Stevenson Boulevard with Maximum Buildout scenario (2015 & 2035 PM)”

COMMENT C-2: Based on Table F-4, CMP PK Analysis Summary 2035, two segments would decline from LOS E to a maximum of LOS F by 2035 with the project:

- 1) Fremont Blvd Eastbound from I-880 to Thornton Avenue (which is also referenced in Impact TRA-5 without a feasible mitigation measure cited) and
- 2) Northbound Mowry Avenue from I-880 to Fremont Blvd. This segment does not appear to be referenced and discussed in the impacts section. A discussion of impacts and appropriate measures to mitigate the impacts should be developed, as feasible.

RESPONSE C-2: Impacts associated with Fremont Boulevard Eastbound from I-880 to Thornton Avenue were addressed in the discussion related to **Impact TRA-5** on DSEIR pages 4-85 and 4-86. This discussion indicates that widening the roadway to accommodate additional travel lanes is not feasible, and in the absence of this mitigation, roadway segment impacts are considered significant and unavoidable.

Impacts associated with the Northbound Mowry Avenue segment between I-880 and Fremont Boulevard were addressed in the discussion related to **Impact TRA-9** on DSEIR page 4-87. This discussion indicates that widening the roadway to accommodate additional travel lanes is not feasible, and in the absence of this mitigation, roadway segment impacts are considered significant and unavoidable.

COMMENT C-3: Impacts TRA-4, TRA-5, TRA-6, TRA-7, TRA-8, TRA-9 and TRA-10 on CMP roadway segments do not include mitigation measures due to unavailability of right-of-way needed for improvements. However, the project description on p. 3-7 references developing a Transportation Demand Management Program (TDM) and establishing a Transportation Management Association (TMA) that would collect fees to fund it. It is recommended that mitigation measures be added that include implementing the Transportation Demand Management (TDM) program, including parking demand

management and vehicle trip reduction strategies to encourage use of alternative travel modes such as transit, biking, and walking, and that a funding mechanism, such as developing a Transportation Management Association (TMA), is included to implement it.

RESPONSE C-3: As indicated on DSEIR page 3-7, the Downtown Community Plan includes Transportation Demand Management (TDM) implementation programs to reduce vehicle travel and parking demand to the maximum extent feasible, including City assistance in the formation and management of a Transportation Management Association (TMA). The Downtown Community Plan (pages 46 and 47) indicates that the TMA is to be funded by development impact fees, parking in-lieu fees, and required pro rata membership dues for new Downtown businesses based on the number of employees. The TMA would be responsible for implementation of district-wide vehicle trip reduction strategies, which could include subsidized transit passes, a carsharing program, guaranteed ride home, free trolley bus shuttle and transit, pedestrian and bicycle improvements.

The City has reviewed the feasibility of instituting a mandatory program at this time and has not found it to be feasible to incorporate a mitigation measure that goes beyond the program description of the Plan. The Plan area's current attributes of good public transit service of AC Transit and BART, lack of large employment base (excepting the City), no pending applications for intensification of uses, and current City budget deficit and service reductions do not support having the City institute a mandatory program that provides little or no benefit of increased transit ridership beyond the available services. The City will continue to work within the framework of the Plan to incorporate TDM over time as the project area develops.

DEPARTMENT OF TRANSPORTATION

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April 2, 2012

ALA084444
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 SCH#2010072001

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

Dear Mr. Diekmann:

Downtown Community Plan – Draft Environmental Impact Report

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

Transportation Impact Fees

In the DEIR, *Impact TRA-4 - Unacceptable Plan-Related Congestion Impacts on Eastbound I-880 from Mowry Avenue to Stevenson Boulevard* is considered “Significant and Avoidable.” Although it may be difficult to fully and directly mitigate traffic impacts to State facilities, identifying mitigation measures or the equivalent cost of mitigation is necessary to determine the total traffic impact fee to accurately determine fair share funding by individual projects, either directly or based on their increments toward cumulative impacts. Therefore, as previously stated, the projects’ fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the projects’ traffic mitigation fees should be specifically identified in the project-level analysis within the Downtown Community Plan.

D-1

Transportation Demand Management

To better support the Plan’s goal of more compact, mixed-use development, the parking maximums should be reduced. This will promote public transit use, walking, and bicycling and reduce impacts on the state highway. We suggest that the parking maximum ratios be reduced to 3.00 parking spaces per 1,000 sqft for office and 2.50 parking spaces per 1,000 sqft for retail. These ratios are the recommended amount for a Suburban Center / Town Center location in, *Reforming Parking Policies to Support Smart Growth*, an MTC study funded by the Department. We recommend that the City refer to this report for additional sample parking ratios and strategies that support compact growth and Transit Oriented Development.

D-2

Further, to enhance connectivity between Fremont BART Station and the Hub, the Department recommends the City and other stakeholders (i.e. private businesses) consider providing a shuttle

D-3

Mr. Kelly Diekmann/City of Fremont
April 2, 2012
Page 2

that serves between BART and Fremont downtown, providing services similar to those of "Emery GoRound" in Emeryville or the Free Broadway Shuttle in Oakland.

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

Sincerely,



GARY ARNOLD
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

LETTER D: Gary Arnold, District Branch Chief, Local Development - Intergovernmental Review, California Department of Transportation, April 2, 2012

COMMENT D-1: Transportation Impact Fees. In the DEIR, *Impact TRA-4 – Unacceptable Plan-Related Congestion Impacts on Eastbound I-880 from Mowry Avenue to Stevenson Boulevard* is considered “Significant and Avoidable.” Although it may be difficult to fully and directly mitigate traffic impacts to State facilities, identifying mitigation measures or the equivalent cost of mitigation is necessary to determine the total traffic impact fee to accurately determine fair share funding by individual projects, either directly or based on their increments toward cumulative impacts. Therefore, as previously stated, the projects’ fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the projects’ traffic mitigation fees should be specifically identified in the project-level analysis within the Downtown Community Plan.

RESPONSE D-1: As I-880 is a State facility that serves regional traffic demand, the development of a regional program intended to raise funds to be used in addressing regional transportation problems would require the cooperation of all jurisdictions within the region under the auspices of a regional agency such as the Metropolitan Transportation Commission, rather than action by a single municipality (Fremont). Impacts of this project are also consistent with previous environmental analysis results of the City’s General Plan and regional travel models. However, the City of Fremont already participates in cooperation with MTC and ACTC for the purpose of addressing regional congestion and viability of funding either the construction of additional roadway facilities or lowering travel demand with offsetting supportive improvements for transit, bikes, and pedestrians. No specific capital improvements of plans have been identified for the City to participate in beyond its current levels, no additional feasible mitigation to potentially significant impacts has been identified.

COMMENT D-2: Transportation Demand Management. To better support the Plan’s goal of more compact, mixed-use development, the parking maximums should be reduced. This will promote public transit use, walking, and bicycling and reduce impacts on the state highways. We suggest that the maximum parking ratios be reduced to 3.00 parking spaces per 1,000 sqft for office and 2.50 parking spaces per 1,000 sqft for retail. These ratios are the recommended amount for a Suburban Center/Town Center location in, *Reforming Parking Policies to Support Smart Growth*, and MTC study funded by the Department. We recommend that the City refer to this report for additional sample parking ratios and strategies that support compact growth and Transit Oriented Development.

RESPONSE D-2: As indicated on DSEIR page 3-7 (Parking Ratios), the Downtown Community Plan includes Transportation Demand Management (TDM) implementation programs to reduce vehicle travel and parking demand to the maximum extent feasible, with

minimum (non-exclusive use), minimum (exclusive use) and maximum off-street parking ratio requirements as shown on that page. However, projects wishing to provide less parking than the required minimum may elect to secure off-site parking through an agreement, pay an in-lieu fee, or if proposed reduce their minimum parking burden by an agreement to provide non-exclusive parking. Projects wishing to exceed the maximum parking shall contribute to an annual impact fee used to assist with Transportation demand Management Programs within the District. Suggestion regarding modification of the maximum parking ratios identified in the Downtown Community Plan is noted; however, the suggested ratios are already similar to the standards of the Plan, and the Plan has even lower potential parking rates than suggested. Recommendation that City staff review *Reforming Parking Policies to Support Smart Growth* in re-evaluating parking ratios identified in the Downtown Community Plan is noted.

COMMENT D-3: Further, to enhance connectivity between Fremont BART Station and the Hub, the Department recommends the City and other stakeholders (i.e. private businesses) consider providing a shuttle that serves BART and Fremont downtown, providing services similar to those of “Emery GoRound” in Emeryville or the Free Broadway Shuttle in Oakland.

RESPONSE D-3: Recommendation that the City and other stakeholders consider the implementation of shuttle service between the Fremont BART station and the southern portion of the Downtown area is noted. As indicated on DSEIR page 3-7, a Transportation Management Association may explore the feasibility of a trolley bus shuttle which would circulate in the Downtown District when development has created sufficient demand.