

DRAFT MITIGATED NEGATIVE DECLARATION

The following proposed project has been reviewed, pursuant to the provisions of Resolution No. 3231, as amended, of the City Council of the City of Fremont for the purpose of determining the likelihood of a significant adverse environmental impact occurring as a result of project completion.

NAME OF PROJECT: Oliveira Farm Cottages

PROJECT NO.: PLN2018-00292

DESCRIPTION OF PROJECT: The applicant is proposing a Rezoning of the site from R-1-6 to Preliminary and Precise Planned District P-2018-292, Vesting Tentative Tract Map No. 8477, and a Private Street entitlement for a new eight unit residential development at 39392 Blacow Road. The proposed project would be accessed via a new private street connecting to a new extension of the Blacow Road frontage into the site. The subdivision would consist of two commonly-owned parcels (one of which would consist of the private street, and one would contain the stormwater treatment area), and eight single-family lots.

LOCATION OF PROJECT: 39392 Blacow Road, Fremont, Alameda County, CA 94536 (APN: 531-12-125-2)

GEOGRAPHIC LOCATION WITHIN CITY: Irvington Community Plan Area

NAME OF APPLICANT/AUTHORIZED AGENT: DRG Builders, Inc. (Doyle Heaton – agent)

MAILING ADDRESS OF APPLICANT/AGENT: 3496 Bushkirk Avenue, Suite 104, Pleasant Hill, CA 94523

ENTITLEMENTS BEING SOUGHT: Rezoning to Preliminary and Precise Planned District P-2018-292, Vesting Tentative Tract Map (No. 8477) and Private Street

EXPLANATION OF REASONS FOR THE FINDING: A finding is proposed that this project will not have a significant effect on the environment. The proposal would allow a redevelopment project in an urbanized area where all necessary utilities and services are already in place and capable of serving the proposed development. Furthermore, the project includes specific mitigation measures which address potentially-significant impacts to air quality from emissions from idling heavy equipment during construction, possible exposure to the public of hazardous materials resulting from the demolition of the existing buildings, and to future occupants of the project from exposure to noise generated by vehicular traffic along the adjacent roadway.

Public Hearing: The City's Planning Commission is currently scheduled to consider the project on Thursday, December 13, 2018. All Planning Commission meetings are held in the Council Chambers located at 3300 Capitol Avenue, Fremont, CA 94538. All environmental documents are available for review by the public at the Planning Division office located at 39550 Liberty Street, Fremont, CA 94538.

Any comments as to whether the Draft Mitigated Negative Declaration should become final or whether an EIR should be prepared for the project must be submitted within 20 days of the posting of this Draft Mitigated Negative Declaration. **The comment period begins November 21, 2018 and ends at 5:00 PM on December 11, 2018.**

If this Draft Mitigated Negative Declaration becomes final by any approval agency other than the City Council, any person who wishes to protest such final action must do so within ten days of the date it becomes final by the filing of a written protest with the City Clerk and by payment of the required protest fee. If this Draft Mitigated Negative Declaration becomes final by City Council action, any person who disagrees with Council action may seek judicial review.

Posted in the City of Fremont Development Services Center on November 16, 2018.

Notice of Determination to be sent to:

- | | | | |
|-------------------------------------|---|-------------------------------------|---------------|
| <input checked="" type="checkbox"/> | Posting of Notice | <input checked="" type="checkbox"/> | County Clerk |
| <input type="checkbox"/> | Mailed to owners of contiguous property | <input type="checkbox"/> | Clearinghouse |
| <input type="checkbox"/> | Publish notice | | |

IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:

James Willis	Associate Planner	510-494-4449
NAME	TITLE	PHONE NUMBER

Mitigation Monitoring and Reporting Program
 PLN2018-00292 – Oliveira Farm Cottages

Impacts	Mitigation Description	Implementation	Monitoring Responsibility	Status / Timing
<p>Air Quality: Demolition, grading and construction activities for the project could impact air quality through the generation tailpipe emissions from operating and idling heavy equipment.</p>	<p>AIR-1: Selection of equipment during construction to minimize emissions. The project applicant shall develop a plan that demonstrates that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 83 percent reduction in particulate matter exhaust emissions or greater.</p> <p>A feasible plan to achieve this reduction would be to require that all diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters¹⁰ or equivalent. The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement. Alternatively, the use of equipment that includes electric or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less-than-significant.</p> <p>Prior to issuance of a grading permit, the applicant shall provide a copy of the Plan to the Planning Division for review and approval and written documentation that the appropriate equipment has been secured.</p>	<p>Demolition, Civil and/or General Contractors</p>	<p>City of Fremont Public Works Department and Building Division</p>	<p>During all grading & construction activities.</p>
<p>Hazardous Materials: Demolition of the existing buildings could result in the accidental release of hazardous materials into the environment which could pose a public health hazard.</p>	<p>HAZ-1: Prior to issuance of a demolition permit for the existing structure, testing for asbestos-containing materials and lead-based paint shall be conducted by a certified environmental professional. If asbestos-containing materials or lead-based paint are detected, then an asbestos operations and maintenance plan or lead-based paint management plan shall be developed for the structures by said professional and submitted to the Planning Manager for review and approval. The Plans shall demonstrate how these hazardous materials would be properly disposed of in accordance with federal and state law, including BAAQMD Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing) as a condition of the demolition permit. Following completion of removal activities, the applicant shall submit documentation to the City verifying that all hazardous materials were properly removed and disposed.</p>	<p>Demolition Contractor</p>	<p>City of Fremont Planning and Building Divisions</p>	<p>Prior to issuance of demolition permits for any existing structures.</p>

Impacts	Mitigation Description	Implementation	Monitoring Responsibility	Status / Timing
<p>Noise: The project's occupants could be exposed to noise levels that exceed the City's acceptable thresholds for residential uses.</p>	<p>NOISE-1: To reduce potential traffic noise impacts, the following measures shall be implemented by the applicant/developer for the homes located on lots 1 and 8:</p> <ul style="list-style-type: none"> a) Glazing shall have a sound transmission class (STC) rating of 35. b) Exterior finish shall be three-coat stucco or system with equivalent weight per square foot. c) Interior gypsum at exterior walls shall be 5/8" Type X or Type C. d) Ceiling gypsum shall be 5/8" Type X or Type C. e) Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical insulation. f) As an alternative to the above-listed interior noise control measures, the applicant may provide a detailed analysis of interior noise-control measures once building plans become available. The analysis should be prepared by a qualified noise control engineer and shall outline the specific measures required to meet the City's 45dB Ldn interior noise level standards. 	Developer	City of Fremont Planning and Building Divisions	Prior to issuance of building permit(s).