



## Recreation Commission Agenda and Report

### General Order of Business

1. Preliminary
  - A. Call to Order
  - B. Salute to the Flag
  - C. Roll Call
2. Consent Calendar
3. Approval of Minutes
4. Public Communications
5. Staff Presentations/Ceremonial Items
6. Action Items
7. Commission Referrals
8. Commission and Staff Communications
9. Adjournment

### Order of Discussion

Generally, the order of discussion after introduction of an item by the Chair will include comments and information by staff followed by Recreation Commission questions or inquiries. The applicant, or their authorized representative, or interested citizens may then speak on the item. At the close of public discussion, the item will be considered by the Recreation Commission and action taken.

### Consent Calendar

Items on the Consent Calendar (printed on separate sheet) are considered to be routine by the Recreation Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner or citizen so requests, in which event the item will be removed from the Consent Calendar and considered in its normal sequence on the agenda.

### Addressing the Recreation Commission

Any person may speak on any item under discussion by the Recreation Commission after receiving recognition by the Chair. Speaker cards will be available at the speaker's podium prior to and during the meeting. To address the Commission, a card must be submitted to the Clerk indicating name, address and the number of the item upon which a person wishes to speak. Speakers are required to line up to conserve time between speakers. When addressing the Recreation Commission, please walk to the rostrum located directly in front of the Commission. State your name and address. In order to ensure all persons have the opportunity to speak, a time limit may be set by the Chair for each speaker. In the interest of time, please limit your comments to new material; do not repeat what a prior speaker has said.

### Public Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Public Communications section. Please be aware provisions of California Government Code Section 54954.2(b) prohibit the Recreation Commission from taking any immediate action on an item which does not appear on the agenda, unless it meets stringent requirements. The Chair may limit the length of your presentation.



Agenda and Report



Fremont Recreation Commission Meeting



May 15, 2019

See Agenda for Meeting Location

See Reverse

## **Assistance**

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the Community Services Department at (510) 494-4347.

## **Information**

For Information on current agenda items please contact the Community Services Department at (510) 494-4347.

Copies of the Agenda and Report are available at the Community Services Department administrative office at 3300 Capitol Avenue, Building B and are available at each Commission meeting. In addition, complete agenda packets will be available for review at the Commission meeting or at the Community Services Department office three days prior to Commission meetings.

Information about the City or items scheduled on the Agenda and Report may be referred to:

**Tracey Leung, Executive Assistant  
Community Services Department  
3300 Capitol Avenue, Building B  
Fremont, California 94538  
Telephone: (510) 494-4347**

*Your interest in the conduct of your City's business is appreciated.*

### **Recreation Commission**

Jannet Benz  
Robby Gill  
Brian Hughes  
Mia Mora  
Larry Thompson  
Pavan Vedere  
Elissa Winters

### **Department Staff**

Suzanne Wolf, Community Services Director  
Kim Beranek, Community Services Deputy Director  
Juan Barajas, Park Superintendent  
Kathy Cote, Environmental Services Manager  
Esther deLory, Management Analyst II  
Jimmy Dilks, Waterpark Revenue & Sales Manager  
Andrew Freeman, Business Manager  
Matt Herzstein, Waterpark Operations Manager  
Irene Jordahl, Recreation Superintendent I  
Mark Mennucci, Senior Landscape Architect  
Ernie Moreira, Urban Landscape Manager  
Ken Pianin, Solid Waste Administrator  
Roger Ravenstad, Parks Planning & Design Manager  
Michael Sa, Recreation Superintendent I  
Lance Scheetz, Recreation Superintendent I

**AGENDA  
FREMONT RECREATION COMMISSION  
SPECIAL MEETING  
CITY COUNCIL CHAMBERS  
3300 CAPITOL AVENUE, BUILDING "A"  
FREMONT, CALIFORNIA 94538  
MAY 15, 2019  
7:00 P.M.**

- 1. PRELIMINARY**
  - A. Call to Order**
  - B. Salute to the Flag**
  - C. Roll Call**
  
- 2. CONSENT CALENDAR**
  
- 3. APPROVAL OF MINUTES**
  - April 3, 2019
  
- 4. PUBLIC COMMUNICATIONS**
  
- 5. STAFF PRESENTATIONS/CEREMONIAL ITEMS**
  
- 6. ACTION ITEMS**
  - 6.1 RECOMMEND TO THE CITY COUNCIL ADOPT THE DUSTERBERRY NEIGHBORHOOD PARK MASTER PLAN, RECOMMEND THE NAMING OF THE PARK, AND AUTHORIZATION FOR STAFF TO SUBMIT A GRANT APPLICATION TO THE STATE OF CALIFORNIA FOR A \$6,375,000 IN GRANT FUNDING AND APPROVAL OF THE CEQA (PWC8581)**

**Recommend to the City Council Approval of the Master Plan for Dusterberry Neighborhood Park, Recommend to the City Council to Name the New Park "Dusterberry Neighborhood Park", and Authorize the City Manager to submit a Grant Application to the State of California for an Additional \$6,375,000 of Statewide Park Development and Community Revitalization Program (SPP); and Finding that, pursuant to CEQA Guidelines Section 15074.1(b)(2) and CEQA Guidelines Section 15074.1(c), the Project Mitigated Negative Declaration (MND), previously adopted by the City Council on November 17, 1998, in accordance with the requirements of CEQA, is acceptable, and does not need to be re-approved.**
  
- 7. COMMISSION REFERRALS**
  
- 8. COMMISSION AND STAFF COMMUNICATIONS**
  
- 9. ADJOURNMENT**

**FREMONT RECREATION COMMISSION  
CITY COUNCIL CHAMBERS  
3300 CAPITOL AVENUE, BUILDING “A”, FREMONT, CA 94538  
SPECIAL MEETING | May 15, 2019 | 7:00 P.M.**

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**STAFF REPORT**

**6.1 RECOMMEND TO THE CITY COUNCIL ADOPT THE DUSTERBERRY NEIGHBORHOOD PARK MASTER PLAN, RECOMMEND THE NAMING OF THE PARK, AND AUTHORIZATION FOR STAFF TO SUBMIT A GRANT APPLICATION TO THE STATE OF CALIFORNIA FOR A \$6,375,000 IN GRANT FUNDING AND APPROVAL OF THE CEQA (PWC8581)**

**Recommend to the City Council Approval of the Master Plan for Dusterberry Neighborhood Park, Recommend to the City Council to Name the New Park “Dusterberry Neighborhood Park”, and Authorize the City Manager to submit a Grant Application to the State of California for an Additional \$6,375,000 of Statewide Park Development and Community Revitalization Program (SPP); and Finding that, pursuant to CEQA Guidelines Section 15074.1(b)(2) and CEQA Guidelines Section 15074.1(c), the Project Mitigated Negative Declaration (MND), previously adopted by the City Council on November 17, 1998, in accordance with the requirements of CEQA, is acceptable, and does not need to be re-approved.**

**Contact Persons:**

Name:	Mark Mennucci	Roger Ravenstad
Title:	Senior Landscape Architect	Parks Planning and Design Manager
Dept.:	Community Services	Community Services
Phone:	510-494-4530	510-494-4723
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**Executive Summary:** The Recreation Commission recommend to the City Council approval of the Dusterberry Neighborhood Park Master Plan; recommend to City Council that the new park at the corner of Dusterberry Way and Peralta Boulevard, be named “Dusterberry Neighborhood Park”; authorization for staff to submit an application to the State of California for \$6,375,000 in Statewide Park Development and Community Revitalization Program (SPP) funds; and, finding that, pursuant to CEQA Guidelines Section 15074.1(b)(2), new Mitigation Measure Haz-1 is equivalent or more effective in mitigating or avoiding potential significant effects due to release of hazardous substances and exposure of people to existing sources of potential health hazards than the previously approved hazardous materials mitigation and the substitute mitigation measure in itself will not cause any potentially significant effect on the environment and that, pursuant to CEQA Guidelines Section 15074.1(c), the Mitigated Negative Declaration (MND) that was adopted for the park by the City Council on November 17, 1998, need not be recirculated because the new mitigation measure shall be made a condition of project approval.

**BACKGROUND:** In 1999, the City of Fremont purchased two adjacent parcels from the Salvation Army, totaling approximately 3.6 acres in size, for the purpose of developing a neighborhood park. In 2002, an additional 0.2 acres was dedicated by the developer of the residential neighborhood to the south of the proposed park site, along Westminster Circle. This

park site is located at the southeast corner of Peralta Boulevard and Dusterberry Way.

The site is currently improved with buildings that housed two former automobile dealerships, containing a total of approximately 32,000 square feet. The original building was constructed in 1968, with significant additions occurring around 1980. A portion of the building space is rented, on a month-to-month basis, to a used car dealership. The other portions used as storage for various City departments, including Public Works and Community Services.

The need for indoor recreation space to accommodate City recreation programs and classes has increased dramatically. In 2007, the City Council directed staff to analyze the feasibility and anticipated costs of two options – renovation or replacement – as an indoor public recreational facility to be programmed and operated by the Parks and Recreation Department.

On December January 27, 2009, the City Council decided to not provide further consideration of either renovating the existing buildings (estimated at \$13,900,000 total project cost in 2009 dollars) or building a new recreation center (estimated at \$14,040,000 total project cost in 2009 dollars).

In October of 2017, the Governor of California signed State Senate Bill SB178 into law, which requires the City to develop the 4 acre Dusterberry Park site by no later than June 1, 2023. This legislation identifies the construction of Dusterberry Neighborhood Park as part of the mitigation related to the development of a new elementary school at the existing Centerville Community Park site.

The upcoming CIP for FY 2019-2023 recommends allocating the final funding of an additional \$1,650,000 to the existing funding of \$5,650,000, for a total project allocation of \$7,300,000 in funding. City Council has also identified a source of funding for maintenance at Dusterberry Neighborhood Park for the next 25 years. The allocation for maintenance is also recommended in the upcoming CIP for FY 2019-2023.

On June 5, 2018, voters passed Proposition 68 with a majority vote of 58%. Proposition (Prop) 68, also known as the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018, authorizes \$4 billion in general obligation bonds for the creation and rehabilitation of state and local parks; natural resources protection projects; climate adaptation projects; water quality and supply projects; and flood protection projects. The Statewide Park Development and Community Revitalization Program (SPP) is the largest park related grant program in California's history, and possibly U.S. history, with over \$1 billion in funding between the 2018 Proposition 68 and 2006 Proposition 84 Bond Acts. SPP legislation is found in Public Resources Code §§5640 through 5653. Approximately \$650,275,000 will be distributed throughout multiple application rounds. The Dusterberry Neighborhood Park project is uniquely suited to the current round of grant funding due to the extensive community process that was conducted and location of the site, which has been identified by the State as a park deficient area of Fremont. Applications for this round are due on August 5, 2019.

### **DISCUSSION/ANALYSIS:**

As previous noted above, the project site is currently owned by the City, and 3 of the 6 buildings on site are used by the City as storage for surplus materials. The stored material will be removed by January 2020 and relocated to a new storage building at the City Corporation Yard. One of the

existing buildings is rented month-to-month as a used car dealership, and the other 2 buildings are empty. Before the City purchased these buildings, the entire site was used as an auto dealership, and prior to that, the site was agricultural. Removal of the stored materials, and vacation by the tenant, will facilitate building and site demolition in the spring 2020.

The Statewide Park Development and Community Revitalization Program (SPP) grant cycle deadline is August 5, 2019. In preparation for the grant deadline, staff has coordinated and developed a public process in order to develop a conceptual plan that meet grant requirements, and was ready for recommendation by the Recreation Commission, and approval by City Council, by the beginning of the new fiscal year 2019/20. The following is a summary of the public engagement process conducted for the Dusterberry Neighborhood Park.

**Meeting 1** - In November and December 2018, staff began to develop an initial on-line survey questionnaire, and developed a rough schedule to have four (4) public meeting to gather information and input from the public in the Dusterberry-Peralta neighborhood to help develop a conceptual plan. Survey #1 asked general questions such as how close people lived to the park location; transportation to the park; family demographics; favorite park activities; park styles such as park space dominated by big shade, urban space with lots of concrete, or grassy mounds and open play; general features people would prefer; social aspects of a park; and, types of art. The City received 292 responses to the initial project survey.

The January 12, 2019 meeting was advertised with two (2) separate mailings to approximately 4000 properties throughout the neighborhood surrounding the park site. Additional advertisements were through the City website, social media and small flyers placed at businesses in the Centerville district.

The meeting was at the Centerville Presbyterian Church, 1 block from the project site, and was attended by approximately 48 people from the neighborhood and business district. The meeting consisted of presenting the proposed meeting date of the planned public process, the upcoming design charrette, a presentation by health-related Community Partner from Washington Hospital, which addressed health & wellness and the importance of parks to a neighborhood; discussion of the City-wide Park system and the unique role of a Neighborhood Park; site analysis information for the Dusterberry park site, a dot survey of interests; and concluded with a field trip walk to the site to look at the potential development challenges and opportunities.

**Meeting 2** - On Saturday, February 9, 2019, the City held a public design charrette at the nearby Artist Walk. The design charrette was attended by approximately 18 members of the community, including high school students.

The attendees were divided into 5 groups. Each group was led by a City of Fremont Landscape Architect. The results were 5 different bubble diagram concepts, which included the various design ideas and facilities residents wished to see included in the future design. Each group of residents reported out to the larger audience their proposed diagram.

The second survey was developed and opened for public input on February 6, 2019 and closed February 15, 2019. In total, there were 106 respondents to the second project survey. To summarize, survey #2 asked general questions, such as, the importance of a design theme and type of theme; playground types and equipment such as nets, towers, climbers, traditional equipment,

types of slides, swings and climbers; types of adult fitness equipment; open group fitness areas; the inclusion of shade structures; and, interactive art . The survey asked for individual comments regarding equipment beyond the basic programmed survey questions, which allowed people to comment freely. Some suggestions generated from the independent comments included natural features like fake rocks, geometric dome climbers, basketball hoops, adult fitness, grass mounds to run up and down, and others.

Staff contacted neighbors about subsequent meetings and on-line surveys by utilizing the mailing list generated from the 1<sup>st</sup> meeting, as well as email addresses obtained from the various people that took the first survey.

**Meeting 3** – On Wednesday, March 6, 2019, a 3<sup>rd</sup> public meeting was held to present 3 concepts developed by staff. The community designed charrette diagrams from the second meeting were used by the Landscape Architecture staff to develop the 3 concepts that were presented to the 11 attendees from the neighborhood at meeting.

All three concepts have common design features, based on comments from the February 9 meeting, and from information received through our second on-line survey. Common design features include open grassy areas, multiple access points, visually open, centralized play, earthen berms, fencing, walking loop, central gathering space/plaza, native planting, shade trees, art, book exchange, quiet space, basketball courts (½ court or full), group table picnic areas with BBQ, single table picnic areas with BBQ, group bench seating, single bench seating, arbors, entry signs, and the incorporation of themes such as railroad or nature. Each conceptual design has a few features to make them unique from each other. Each concept developed by staff can be seen on the City website at [www.fremont.gov/dusterberry](http://www.fremont.gov/dusterberry).

**Meeting 4** – On Wednesday April 17, 2019, Staff presented a Final Conceptual Plan, based on all public input received from the various meetings. There were 8 attendees from the neighborhood that attended this meeting. Through all the meetings, residents were asked to identify, prioritize and select the types of recreation features they wanted in the park. The design charrette and the public meetings in March and April help to facilitate the design ideas, and locating those facilities and ideas within the new park space. Comments from the 3<sup>rd</sup> survey were evenly distributed between each of the three Concept Plans, with no single Plan that overwhelmingly stood out above another. Staff kept all the common design features and tried to include the main features from each concept that people found most appealing, based on survey comments and input at the previous meeting #3.

**Proposed Master Plan** – The proposed master plan is dominated by a grand entry of tree rows ending at a circular conversation area with a yet to be determined sculpture centered on a sunburst paving design. Benches evenly line the sides of the entry to allow for shaded seating under the flowering trees. A user can follow a looping path around the park starting from the central conversation area. At the crosswalk, a series of bollards and boulders will be placed to deter vehicles from accidentally entering the space. There is also a book exchange placed along the edge of the main entry plaza at the corner of a minor path leading to the playground. This will give park users the opportunity to grab a book and sit and read, or exchange books, if they choose.

The darker arms of the sunburst paving pattern are aligned with the four (4) cardinal points (north, south, east, west), which will be denoted on the ground plane. The art work is the focal centerpiece when coming down the main plaza walkway. Also within the central gathering space

are trellises and benches that act as a backdrop to the entry way and provide dappled shade. Behind the art piece and conversation area is a large specimen Beech tree, which, one day, will be a local landmark highlighting the backdrop of the Fremont Hills.

From the central gathering space, a user can follow any of the radial arms out of the space toward the open lawn area, toward the playground, or toward the adult fitness area, and other areas.

Mounding and earthen berms, approximately 2 feet in height, are proposed between the existing sidewalk and the proposed inner loop sidewalk. These mounds create a buffer to give the park a “sunken” feel to allow park users an enhanced feeling of separation from the busy street. Incorporated into the mounding, immediately at the back of the existing sidewalk is a proposed perimeter split rail fence, providing further security to the park. Native grasses and low water plants are proposed to be used along the perimeter mounded areas to reduce mowing and maintenance, yet keep a natural aesthetic. All existing street trees along Peralta and at the corner of Westminster and Dusterberry are preserved.

The looped path will be 10 feet wide and encompass the entire park to promote walking and exercise.

Approximately 20 individual benches will be placed along the looped path to encourage passive use of the park. At the center of the site is a large informal lawn area for pickup sports and un-programmed play. A number of drop in picnic tables are included throughout the park and adjacent to use areas. Some areas will have barbeques.

At the north corner of the site a ½ basketball court is proposed, aligned true north. A biotreatment planter is placed adjacent to the basketball court to treat run off and meet clean water requirements. Biotreatment is being placed adjacent to, or incorporated into, the natural park area, the central gathering space, and the other children’s play areas. The various biotreatment areas will utilize plants that can tolerate periodic inundation, and grow together to suppress weed growth and reduce intensive maintenance.

In an effort to separate tot play from school aged children’s play, the natural play area was created as a tot area based on comments from the public. This play area includes a variety of climbing and agility play features to mimic natural components such as fallen logs, boulder climbing, small wall climbing, a double slide and expression swing. Adjacent and connected to the swing and slide area is the passive lawn area that serves as a place for tots and school age children to run back and forth between the play areas, or for users to sit and enjoy the sun.

As the loop path moves toward the school aged playground, there is a grove of flowering trees, planted in rows. This represents orchard plantings that to mimic a time in Fremont’s history when agricultural was a large part of the City economy.

The school aged playground consists of three (3) offset circles south of the central gathering plaza. Between the plaza and play area, the landscape will be mounded up to the edge of the play areas to create an earthen berm. Seat walls will be placed along this edge, creating additional seating areas, and holding back earthen berm. Within the seat wall areas, two picnic table areas will be included to allow for parent seating, picnics, or other gatherings that need proximity to the play equipment. The playground surfacing will be rubberized or synthetic turf and may include



mounding and other colorized shapes to encourage creative and imaginative play without having to utilize the playground equipment. The equipment will be a mix of a net climbing feature, a group see saw or other type of group spring equipment, traditional play structure that would include a slide, spinners and other climbing features, a type of swing, either traditional or a group-type net swing; and a group spinner, or merry go round type equipment.

There are two (2) other major entry points. One entry point is off Westminster Circle, and the other entry at the crosswalk from the Peralta Boulevard intersection. Each entrance is emphasized with a large entry arbor. These arbors will match the architecture of the trellis in the main gathering plaza.

**Park Name** – As part of the on-line surveys, the question was asked of the public for preferred park names. Several suggestions were made, but the overwhelming favorite was Dusterberry Neighborhood Park. Staff suggests that the Recreation Commission recommend to City Council that the new park at the corner of Dusterberry Way and Peralta Boulevard, be named “Dusterberry Neighborhood Park”.

**Statewide Park Development and Community Revitalization Program (SPP)** – In the fall 2018, the Office of Grants and Local Services announced an updated “Draft Application Guide” (Guide) for the Statewide Park Development and Community Revitalization Grant Program (SPP). This clarified the State’s intent to allocate \$254.9 million Statewide through SPP, to create new parks and recreational opportunities in underserved communities across California. The type of project the SPP envisions is one that involves development or a combination of acquisition and development to: 1) create a new park; 2) expand and existing park; or 3) renovate an existing park.

Project Selection Criteria require all applications to achieve a maximum point value for 9 different criteria, totaling 100 points maximum. Criteria include: 1) Critical Lack of Park Space; 2) Significant poverty; 3) Type of Project; 4) Community Based Planning; 5) Employment or Volunteer Opportunities; 6) Partnerships or Committed Funding; 7) Environmental design; 8) Public Use Fees and Hours of Operation; and, 9) Community Challenges, Project Benefits and Readiness.

The Dusterberry Neighborhood Park (PWC8581) is currently funded for \$7,300,000 using Park Development Fees (Fund 540) as of July 1, 2019. The City’s grant application will be around \$6,000,000. If this amount, or less, is awarded, it will allow the City to utilize a portion of the Park development fees to supplement the grant, and reprogram this money to other priority projects. If a grant is not awarded, the project is still fully funded.

The grant due date is Monday August 5, 2019, and once submitted, the State will inform all applicants if they are receiving awards within 4 months. Without the grant, staff will still proceed with construction documentation and, if awarded, all construction and demolition expenditures can be back-charged to the grant, back to July 2018. If awarded, the grant performance period is July 1, 2018 – June 30, 2022, therefore, the project must be complete and open to the public by spring 2022.

Staff believes that Dusterberry Neighborhood Park will be a highly competitive application, and should score between 80-90 points, if not better, based on the project selection criteria and how

the design and the public process meet the grant requirements. Criteria include: 1) Critical Lack of Park Space; 2) Significant poverty; 3) Type of Project; 4) Community Based Planning; 5) Employment or Volunteer Opportunities; 6) Partnerships or Committed Funding; 7) Environmental design; 8) Public Use Fees and Hours of Operation; and, 9) Community Challenges, Project Benefits and Readiness.

In this neighborhood, the ratio of park acreage per 1,000 residents within ½ mile of this proposed park site is .5 per 1000 residents, therefore it is one of the most underserved areas in Fremont, thus meeting criteria #1 for Critical Lack of Park Space and scoring the maximum amount of points for this category.

**PROJECT SCHEDULE:**

Kick off Public Meeting	January 2019
Public Design Charrette	February 2019
Presentation of 3 Concepts	March 2019
Presentation of Final Concept	April 2019
Recreation Commission	May 15, 2019
City Council Approval	June 18, 2019
Grant Application Due:	Monday, August 5, 2019
Building Demolition	Spring/Summer 2020
Park Development	Spring/Summer 2021
Park Opens	Winter/Spring 2022

**FISCAL IMPACT:**

**Project Budget and Funding:** City Council allocated \$200,000 to the project in the 2007/08 – 2011/12 Capital Improvement Program to study use of the buildings for recreational programming; allocated \$400,000 to the project in the 2009/10-2013/14 Capital Improvement Program budget for a then current project allocation of \$4,110,000; allocated \$1,540,000 of Park Development Impact Fees to the project in the Capital Improvement Program budget for a then current project allocation of \$5,650,000; and allocated \$1,650,000 of Park Development Impact Fees to the project in the 2019/20-2023/24 for a total project allocation of \$7,300,000.

1.	Total funds appropriated to the project (current):	
	540 Park Facilities Development Impact Fees (PWC8581)	\$5,650,000
2.	Total funds recommended for appropriation to the project (Available July 1, 2019):	
	540 Park Facilities Development Impact Fees (PWC8581)	\$1,650,000
	<b>Total funds</b>	<b>\$7,300,000</b>
3.	Estimated Project Design Expenditures:	
	• Conceptual & Preliminary Design, Construction Documents	\$500,000
	• Environmental Phase 1, Phase 2 Reporting	\$152,000
	• Project & Construction Management	\$425,000
	• Consultants and Utility Fees	\$197,000
	<b>Subtotal funds</b>	<b>\$1,274,000</b>
4.	Estimated Construction Expenditures:	
	• Building Demolition and Phase II Mitigations	\$1,500,000
	• Park Development	\$4,526,000

**Subtotal funds    \$6,026,000**  
**Fund Remaining at Project Completion        \$0**

**MAINTENANCE IMPACT:** Council has identified a funding source for this project that will fund maintenance specifically for approximately 25 years. This will allow the Park Maintenance Division to either add staff, or add this park to the current maintenance contracts in place so it becomes part of the daily maintenance rotation for those and future companies. The scope of maintenance, and the various daily responsibilities of staff, or their contractors, such as mowing, or trash pick-up will be determined as the project gets closer to completion.

**ENVIRONMENTAL REVIEW:** An Initial Study was prepared for the proposed project (previously named Centerville Neighborhood Park) in accordance with the California Environmental Quality Act (CEQA) (see Informational Item #1). The Initial Study determined that the project could cause a potential significant impact due to release of hazardous substances and exposure of people to existing sources of potential health hazards, due to prior agricultural and automotive repair uses at the project site. The Initial Study (Centerville Neighborhood Park IS) includes mitigation measures to address the stated potential impacts and to ensure they would be mitigated to a less than significant level. As such, a Mitigated Negative Declaration (MND) was adopted by the City Council on November 17, 1998, in accordance with the requirements of CEQA (included with Informational Item #1). The project site remains as it was in 1998, a predominantly paved site with a cluster of connected buildings that have not since been expanded; however, as the prior Phase I Environmental Site Assessment was prepared more than one year ago, a new Phase I Environmental Site Assessment to identify potential hazardous materials impacts was prepared. No new impacts or more severe impacts than those previously disclosed in the 1998 MND were identified. Nevertheless, a more robust hazardous materials mitigation measures is recommended for substitution with the measure previously adopted in 1998, to ensure current best practices for hazardous materials mitigation shall be implemented and potential impacts are reduced to a level of less-than-significant based on current significance thresholds.

As discussed in the Centerville Neighborhood Park IS, a Preliminary Environmental Survey of the site for hazards was conducted and a Preliminary Phase I Environmental Site Assessment (ESA) was prepared. The report recommended that buildings be surveyed for asbestos and lead-based paint, that soil be sampled at the location of the hydraulic lifts (associated with prior auto dealership uses), and that further investigation be done to determine whether underground fuel tanks on the site were previously removed, though the Initial Study notes that the site was not included on the July 1992 Hazardous Waste and Substances Sites List. As provided in the Centerville Neighborhood Park IS, mitigation measures to address potential hazardous material impacts involved removal of asbestos and lead-based paint (if found), soil sampling at the location of the hydraulic lifts, inspection of floor drains and separator sumps, and inspection of the locations of the underground tanks to determine whether or not the tanks were removed. Additionally, because there is some possibility that pesticides/herbicides associated with prior agricultural uses at the site may be present, the Centerville Neighborhood Park IS included a requirement that shallow soil sampling be conducted. The Centerville Neighborhood Park IS concluded that implementation of these mitigation measures would reduce the identified impacts to a less-than-significant level.

Due to the age of the prior Phase I Report referenced in the Centerville Neighborhood Park IS and to ensure that the project complies with current standards regarding hazardous materials identification and remediation, a new Phase I ESA has been prepared for the project, dated April 4, 2019 (2019

Phase I ESA). Consistent with the findings of the prior Phase I ESA outlined in the Centerville Neighborhood Park IS, the 2019 Phase I ESA identifies concerns related to potential underground contamination associated with the potential use of pesticides during agricultural activities as the site, petroleum hydrocarbons associated with hydraulic lifts, volatile organic compounds and total petroleum hydrocarbon associated with floor drains and sump, and contamination from underground storage tanks. In regard to the underground storage tanks, the 2019 Phase I ESA, like the Centerville Neighborhood Park IS, indicates that no underground storage tanks (USTs) containing petroleum products or hazardous substances have been identified on the site. None were observed by the consultant's staff during a March 6, 2019 site visit and a search of environmental records, including the "Cortese List" of data resources that includes the Department of Toxic Substances Control (DTSC) EnviroStor database and the State Water Board's GeoTracker database, yielded any indication that the site has underground storage tanks. The 2019 Phase I ESA does, however, cite concerns related to documented leaking underground storage tank (LUST) sites near but not on the project site. Because at least two of those sites are most likely located hydro-geologically up gradient of the project site and there has been no subsurface environmental characterization done for the project site in the last 20 years, the 2019 Phase I ESA identifies this as a Recognized Environmental Concern (REC) to be further investigated with soil sampling and analysis. Soil sampling and soil analysis is already requirement of the proposed project, per the 1998 IS/MND. The soil sampling and analysis required per the 2019 Phase I ESA is considered equivalent or more effective than that required per the 1998 IS/MND and may be substituted in accordance with CEQA Guidelines Section 15074.1(b)(2). A written finding that the new measure is equivalent or more effective at mitigating or avoiding the potential significant hazardous materials effect and it in itself would not cause a potentially significant effect on the environment is attached as Exhibit "B" to this staff report. Furthermore, CEQA Guidelines Section 15074.1(c) provides that no recirculation of the 1998 IS/MND is required where the new mitigation measure is made a condition of project approval. The applicant has agreed to implement the substitute hazardous materials mitigation measure to ensure that the impact identified would be reduced to a less-than-significant level.

Since the time of the adoption of the MND Centerville Neighborhood Park in 1998, CEQA has been updated to include a new class of resources – Native American Tribal Cultural Resources – and to establish a consultation process with all California Native American Tribes on a list maintained by the Native American Heritage Commission (NAHC). Notification letters were sent to each Native American Contact on January 25, 2019 and no requests for consultation were received. Additionally, the City has adopted standard development requirements to address resource protection (Fremont Municipal Code Chapter 18.218), which would be implemented by the proposed project. In particular, best management practices to reduce air quality and noise impacts during construction, as well as measures to ensure protection of special status species and cultural resources would be required.

#### **FINDING:**

The following finding is made on the basis of information presented at the public hearings before the Recreation Commission and City Council and contained in staff reports to the Recreation Commission dated May 15, 2019, and City Council dated June 18, 2019, incorporated hereby:

In accordance with Section 15074.1(b)(2) of the CEQA Guidelines, new Mitigation Measure Haz-1 is equivalent or more effective in mitigating or avoiding potential significant effects and the substitute mitigation measure in itself will not cause any potentially significant effect on the environment. Specifically, the substitute mitigation measure includes more detailed protocols for soil sampling and analysis for hazardous materials than the existing mitigation

measure. This soil sampling and analysis would ensure that the potential significant impact due to release of hazardous substances and exposure of people to existing sources of potential health hazards from prior agricultural and automotive repair uses at the project site and leaking underground storage tanks in the project vicinity, would comply with current requirements and would reduce the impact to a less-than-significant level.

#### Hazardous Materials Mitigation

Conduct subsurface investigation to determine presence of hazardous materials in the environment associated with the Recognized Environmental Concerns (RECs) identified in the Phase I Environmental Site Assessment for Dusterberry Neighborhood Park, dated April 4, 2019.

A Soil Management Plan (SMP) shall be developed to provide guidelines for the appropriate handling and management of soil with known contaminants or Recognized Environmental Condition (REC) concentrations above the screening levels recommended in the Phase I Environmental Site Assessment for Dusterberry Neighborhood Park, dated April 4, 2019.

Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or RECs at the subject property shall be implemented to the satisfaction of the Alameda County Water District (ACWD), City of Fremont Fire Department, California Department of Toxic Substance Control (DTSC), or other appropriate agency having jurisdiction, depending on the location (e.g., depth) and the type of REC found and the jurisdictional purview of the agencies. Completion of the remediation work and procurement of an appropriate closure document or written statement that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the satisfaction of the City of Fremont Community Development Department. Compliance with this mitigation may require the applicant or their agent to complete a Preliminary Endangerment Report, Voluntary Cleanup Agreement or other documentation as determined by the appropriate agency, and receive concurrence that the site's RECs have been resolved.

#### **ATTACHMENTS:**

Exhibit A – Proposed Master Plan, Dusterberry Neighborhood Park

Exhibit B - Finding for Substitution of Hazardous Materials Mitigation Measures

Informational Item #1 – EIA-99-24 (IS/MND)

#### **RECOMMENDATION:**

1. Recommend the City Council direct staff to submit an application to the State of California for a grant allocation of \$6,375,000 in Proposition 68 Funding;
2. Recommend the City Council find that the proposed substitution mitigation measure shown in Exhibit "B" is more effective in mitigating potential significant impacts related to hazardous materials and it will not in itself cause any potential significant impacts. As such, a Mitigated Negative Declaration (MND) was adopted by the City Council on November 17, 1998, in accordance with the requirements of CEQA (included with Informational Item #1) and does not need to be re-approved.

3. Recommend the City Council Adopt the Proposed Master Plan for Dusterberry Neighborhood Park as shown in Exhibit A.
4. Recommend to the City Council that the new park at the corner of Dusterberry Way and Peralta Boulevard, be named “Dusterberry Neighborhood Park”.