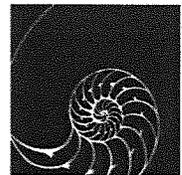


**DRAFT**  
**SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**  
State Clearinghouse Number: 2010072001

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**DOWNTOWN COMMUNITY PLAN**

PREPARED FOR:  
CITY OF FREMONT



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

**FEBRUARY 2012**

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# INTRODUCTION

## PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The California Environmental Quality Act and the Guidelines promulgated thereunder (together “CEQA”) require an Environmental Impact Report (EIR) to be prepared for any project that may have a significant impact on the environment. An EIR is an informational document, the purposes of which, according to CEQA are “...to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” The information contained in this EIR is intended to be objective and impartial, and to enable the reader to arrive at an independent judgment regarding the significance of the environmental impacts resulting from the proposed project. An EIR does not control the agency’s ultimate discretion on the Project. However, as required under CEQA, the agency must respond to each significant effect identified in the EIR by making findings and, if necessary, by making a statement of overriding considerations. In accordance with California law, the EIR on the Project must be certified before any action on the Project can be taken.

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. This EIR evaluates the potential environmental impacts that may be associated with implementation of the Downtown Community Plan, which is intended to guide future development within an approximately 110-acre area bounded by Fremont Boulevard, Mowry Avenue, Paseo Padre Parkway and Walnut Avenue through 2035. Adoption of the Downtown Community Plan would require an amendment of the City’s General Plan and zoning ordinance. The Downtown Community Plan is available for review at [www.fremont.gov/planning](http://www.fremont.gov/planning).

## SUPPLEMENTAL EIR REVIEW PROCESS

This DRAFT EIR is a Supplement to the Fremont General Plan Update EIR (SCH #2010082060), which was certified as adequate and complete by the City of Fremont on December 13, 2011. Under CEQA Guidelines Section 15163, the Lead Agency may choose

to prepare a supplement to an EIR when only minor additions or changes would be necessary to make the previous EIR adequately apply to the project. In this instance, the types of environmental effects associated with implementation of the Fremont General Plan 2035 (as addressed in the Fremont General Plan Update EIR) are generally similar to those associated with implementation of the Downtown Community Plan. However, this Supplement to the EIR provides additional detail regarding environmental effects within the Downtown area which may be anticipated as a result of implementing both the Fremont General Plan 2035 and the proposed Downtown Community Plan. Where setting, impacts and mitigation measures which would apply to the discussion of the environmental effects associated with implementation of the Downtown Community Plan have already been adequately addressed in the Fremont General Plan Update EIR, reference to the Fremont General Plan Update EIR will be made in this DRAFT Supplement to the EIR (DSEIR). Where appropriate, mitigation measures identified in the Fremont General Plan Update EIR will also be applied to development projects proposed under the Downtown Community Plan. Generally, the cumulative effects of development are addressed in the General Plan Update EIR and the project near term conditions are addressed in this Supplement to the EIR.

During the 45-day review period for this DRAFT Supplemental EIR, interested individuals, organizations and agencies may offer their comments on its evaluation of Project impacts. The comments received during this public review period will be compiled and presented together with responses to these comments in the FINAL Supplemental EIR (FSEIR). Together, this DRAFT Supplemental EIR (DSEIR) and the Final Supplemental EIR (FSEIR) will constitute the Supplemental EIR (SEIR) for the Downtown Community Plan. The Fremont City Council will review the SEIR documents and will determine whether or not the SEIR provides a full and adequate appraisal of the Project and its alternatives.

In reviewing the DSEIR, readers should focus on the sufficiency of the document in identifying and analyzing the possible environmental impacts associated with the Project. Readers are also encouraged to review and comment on ways in which significant impacts associated with this Project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate significant environmental impacts. Reviewers should explain the basis for their comments and, whenever possible, should submit data or references in support of their comments.

**The 45-day review period for the DRAFT Supplemental EIR extends to April 2, 2012.** Comments should be submitted in writing during this review period to:

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

Phone: 510-494-4540  
Fax: 510-494-4402  
Email: [kdiekmann@fremont.gov](mailto:kdiekmann@fremont.gov)

Please contact Kelly Diekmann (510) 494-4540 if you have any questions. After reviewing this DRAFT Supplemental EIR and the FINAL Supplemental EIR, and after reviewing the recommendation of the City of Fremont Planning Commission regarding the certification of the SEIR as adequate and complete, the City Council will be in a position to determine whether or not the SEIR should be certified, and whether the Downtown Community Plan as currently proposed should be adopted, revised, or rejected. This determination will be based upon information presented on the entirety of the Project, its impacts and probable consequences, and the possible alternatives and mitigation measures available.

## CONTENT AND ORGANIZATION OF THIS DSEIR

A Notice of Preparation (NOP) was issued in July of 2010, to solicit comments from public agencies and the public regarding the scope of the environmental evaluation for the Project known as the Midtown Community Plan. Subsequent to the NOP, the name of the project was changed to the Downtown Community Plan. At the time the NOP was issued, it was anticipated that the Downtown Community Plan EIR would be completed in advance of the Fremont Draft General Plan Update EIR. However, once it became evident that the Fremont Draft General Plan Update EIR would be completed prior to the Downtown Community Plan EIR, the Lead Agency decided that preparing a Supplement to the Fremont Draft General Plan Update EIR would be the most effective means of addressing the environmental effects associated with implementation of the Downtown Community Plan. The NOP and all written responses are presented in **Appendix A**. The responses to the NOP were taken into consideration during the preparation of the DSEIR.

Following this brief introduction to the DRAFT Supplemental EIR, the document's ensuing chapters include the following:

Chapter 2: Executive Summary and Impact Overview, which provides a summary of the significant impacts that would be anticipated with implementation of the Downtown Community Plan, and identifies mitigation measures recommended to reduce or avoid significant impacts.

Chapter 3: Project Description, which provides a brief description of the Downtown Community Plan, and identifies the level of future development anticipated under the Project.

Chapter 4: Setting, Impacts and Mitigation Measures, which describes existing conditions, identifies potentially significant environmental impacts, and recommends mitigation measures to reduce or avoid those impacts in each environmental topic area.

Chapter 5: Alternatives, which provides an evaluation of alternative development scenarios for the Downtown area and describes other alternatives that have been considered but not evaluated further in the DRAFT Supplemental EIR.

Chapter 6: Other CEQA Considerations, which provides the mandatory analysis of overall impacts of the Downtown Community Plan, including growth-inducement and significant unavoidable or irreversible environmental impacts.

Chapter 7: Report Preparation, which identifies those involved in the preparation of the DRAFT Supplemental EIR, a list of persons and agencies contacted, and reference documents reviewed and cited.

Appendices, including the Notice of Preparation, responses to the Notice of Preparation, the Water Supply Assessment, information related to the calculation of greenhouse gas emissions, and the traffic analysis conducted for the DSEIR (included as **Technical Appendix – Traffic Analysis**, available upon request in electronic version only).

## LEVEL OF REVIEW

The Supplemental EIR provides a “program-level” review of the types of environmental impacts that may be associated with implementation of the Downtown Community Plan. In accordance with CEQA Guidelines, Section 15168(b), a Program EIR:

- Provides an occasion for more exhaustive consideration of the effects and alternatives than would be practical in an EIR on an individual action;
- Ensures consideration of cumulative impacts that might be slighted in a case-by-case analysis;
- Avoids duplicative reconsideration of basic policy considerations;
- Allows the Lead Agency to have greater flexibility to deal with basic problems or cumulative impacts; and
- Allows reduction in paperwork.

The Program EIR identifies the general effects of development envisioned under the Downtown Community Plan. The degree of specificity in the Supplemental EIR reflects the level of detail provided in the Downtown Community Plan. This Supplemental EIR addresses the potential environmental impacts of subsequent actions to the extent possible, given the nature of the Downtown Community Plan. When subsequent individual development projects are proposed within the Downtown area, additional site-specific environmental review may be required to evaluate and disclose project-level peculiar impacts in accordance with CEQA, as well as to demonstrate conformance with the Downtown Community Plan. This approach is consistent with CEQA Guidelines Section 15168(c),

which states that “subsequent activities must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared.”

Future “infill” development and redevelopment within the affected zoning districts is already anticipated under the Fremont General Plan 2035. However, the provisions of the Downtown Community Plan would, if approved, modify the current zoning regulations to enable more intensive development in these areas than would be permitted under current zoning regulations. In evaluating the environmental effects associated with implementing the Downtown Community Plan, this Program EIR focuses on those types of impacts that would relate specifically to more intensive development in the affected zoning districts (e.g., possible increases in traffic, noise and air pollutants), with the understanding that the environmental effects associated with development already anticipated under the current zoning regulations have already been adequately addressed at a program level in the certified EIR for the City’s General Plan 2035 (2011).

It should be noted that the level of residential and non-residential development assumed for the purposes of this SEIR evaluation is much greater than the pace or amount of development that has actually taken place in the Downtown area in recent times, and represents an “upper limit” set of assumptions for development that could take place during the planning period to provide the basis for the assessment of potential environmental impacts at a “program” level. Development decisions are often driven by economic factors that may not be influenced in any substantive way by the Downtown Community Plan. Although the Downtown Community Plan would permit more intensive development than has been experienced in recent years, it is probable that actual development in the next 20 years will not reach the levels assumed for the purposes of the SEIR evaluation. As a result, actual environmental impacts associated with development in the Downtown area may ultimately turn out to be less than those described in this program-level SEIR, depending on the level of development that actually occurs in the Downtown area during that time.

## **INTENDED USES OF THE EIR**

This SEIR will be used to provide City of Fremont decision-makers and the general public with relevant environmental information to use in considering the following summary of actions:

- Amend the General Plan;
- Adopt Downtown Community Plan:
- Amend Zoning Districts
- Adopt Standard Specifications for Public Improvements; and

- Adopt Design Guidelines.
- Project Review

Specifically, this SEIR constitutes and is designated as a “program environmental impact report” for purposes of Public Resources Code Section 21090(a). Any new projects (such as private or public development activities) that might occur within the Downtown area following adoption of the Downtown Community Plan will be subject to subsequent environmental review pursuant to CEQA. Such review will determine whether:

- A project is exempt from further review;
- The activity is adequately covered by this SEIR, so that no further CEQA review is needed;
- A Negative Declaration, with or without mitigations, is required; or
- An EIR is required (including, for example, a Subsequent EIR, a Supplemental EIR or a new EIR).

As contemplated by CEQA, this program-level SEIR is intended to serve as the basis for further CEQA review that may be appropriate for specific new development projects in the Downtown area. Consistent with Public Resources Code 21083.3 and CEQA Guidelines Section 15168(c), subsequent activities must be examined in light of the Program EIR to determine whether an additional environmental review document must be prepared.