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FREMONT CITY COUNCIL REGULAR MEETING, MARCH 12, 1991
CITY GOVERNMENT BUILDING, 7:00 P.M.

1. PRELIMINARY

- 1.1 CALL TO ORDER
- 1.2 SALUTE TO THE FLAG
- 1.3 ROLL CALL
- 1.4 APPROVAL OF MINUTES – Regular Meeting of February 5, 1991

2. CEREMONIAL ITEMS – None

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- 4.1 WRITTEN COMMUNICATIONS – None
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- 5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER A PLANNING COMMISSION REFERRAL OF A REQUEST FOR GENERAL ABANDONMENT OF FIVE EASEMENTS USED FOR EMERGENCY VEHICLE ACCESS, SANITARY SEWER, PRIVATE STREET, PUBLIC UTILITY AND STORM DRAIN PURPOSES ON PROPERTY GENERALLY LOCATED AT 2000 PERALTA BOULEVARD (KENNETH GILBEAU, EA-91-1) (Fegley, 790-6644 – page 1)
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DISTRICT ATTORNEY

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STEVENSON CORPORATION/DALE SOBEK - STEVENSON BOULEVARD, EIR-87-85)
(Harbin, 790-6717 - page 6)

5.5 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER A PLANNING COMMISSION REFERRAL OF AN AMENDMENT TO THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION FROM INDUSTRIAL TO RETAIL COMMERCIAL FOR 12.5 ACRES LOCATED AT THE SOUTHWESTERLY CORNER OF STEVENSON BOULEVARD AND ALBRAE STREET (6000 S CORPORATION/DALE W. SOBEK - STEVENSON BOULEVARD, GPA-87-17) (Harbin, 790-6717 - page 13)

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8. ITEMS REFERRED BY COUNCIL - None

9. ADJOURNMENT

background and ceramic tile band, designed to match the retail center. The finish material for the exterior of the building will be a cement plaster smooth finish with textured paint. The body of the building will be painted the same light gray color as the retail center. A standing-seam metal, painted in Colonial Red, is proposed as the roofing material. This design and color palette are consistent with the previously approved Planned District.

The drive-through facility has a stacking lane which can accommodate up to eight vehicles. The proposed speaker box is oriented towards Ardenwood Boulevard. A total of 29 off-street parking spaces are provided.

Conformance with General Plan and Zoning: The General Plan land use designation for the project site is Thoroughfare Commercial. The fast-food restaurant use proposed by the applicant is a permitted use within the Thoroughfare Commercial land use designation. The site is currently zoned P (Planned District). Accordingly, the proposed Planned District application for approval of Thoroughfare Commercial land uses is in conformance with the zoning for this site.

As set forth in the Zoning Ordinance, a minimum setback of 15 feet is required for all buildings adjacent to roadways. The site plan submitted by the applicant shows the building adjacent to Ardenwood Boulevard has a setback distance of at least 25 feet.

Land Use Compatibility: This project, as well as all previously approved uses within the development, are permitted land uses within this zoning designation. Immediately adjacent to the north property line is an approved child day care center. Presently, there is a six-foot high wood fence constructed on this common property line. The owner of the day care center has submitted a letter to the City (copy enclosed) expressing concern about the need for a masonry wall and noise from the drive-through speaker box.

As with other commercial land uses adjacent to child day care centers, a condition of approval has been included requiring the applicant to construct a masonry wall, minimum six feet in height, along the common property lined shared with the child day care facility. With regard to the location of the speaker box, it has been sited to insure it is not pointed at the day care center, thereby reducing the potential for noise conflicts.

The applicant is proposing the construction of a structure similar in design to those approved for the surrounding development. The towers proposed for this project are larger in scale than those approved for the original Planned District. A condition of approval has been included, as well as annotations on Exhibit "B", which require the tower feature to be of similar size to the previously approved towers.

Site Plan and Architectural Review Board (SPARB): The proposed project was considered by the Site Plan and Architectural Review Board at its January 18, 1991 meeting. Concerns of the Board included the dominance of the towers in relationship to the building and the lack of trees within the planting areas. The Board recommended approval of the project, subject to the removal of the north tower, modification to the east tower, and the addition of more landscaping. These conditions have been included in the conditions of approval for this project, as well as being annotated on Exhibit "B".

EIA: EIA-90-105, an Initial Study and Draft Negative Declaration, has been prepared for this project. No adverse impacts were identified which would result from the implementation of the project. On this basis, the Planning Commission recommended a Draft Negative Declaration for consideration by the City Council.

Planning Commission Action: The proposed project was considered by the Planning Commission at its February 14, 1991 meeting. The Commission adopted a motion (7-0-0-0) to recommend the project, as amended, to the City Council.

Public Notification: A public hearing notification was published in The Argus newspaper on March 2, 1991.

Consultants: Foodmaker, Incorporated Architectural Staff.

ENCLOSURES: Exhibit "B" (Preliminary and Precise Site Plan, Floor Plans and Elevations), Exhibit "C" (Findings and Conditions of Approval); Exhibit "D" (Preliminary Landscape Plan); EIA-90-105 (Initial Study and Draft Negative Declaration); letter from Children's Galaxy, Incorporated, dated February 1, 1991; Site Plan and Architectural Review Board Staff Report and Minutes of January 18, 1991; Planning Commission Report and Unapproved Minutes of February 14, 1991.

RECOMMENDED ACTION:

1. Hold public hearing.
2. Find P-89-2B is in conformance with the relevant provisions contained in the City's existing General Plan. The project conforms to the goals and objectives of the Northern Plain Planning Area.
3. Find P-89-2B, as per Exhibit "B" and Exhibit "D", fulfills the applicable requirements set forth in the Fremont Municipal Code.
4. Accept as complete:
 - a. Exhibit 1 - Professional Team Endorsement
 - b. Exhibit 2 - Property Owner Consent Letter
 - c. Exhibit 3 - Property Description
5. Approve EIA-90-105, a Negative Declaration.
6. Waive full reading and introduce an ordinance for P-89-2B, as shown on Exhibit "B", (preliminary and precise site plan, floor plans and elevations), Exhibit "D" (Preliminary Landscape Plan) and Exhibit "E" (color and material board), based upon the findings and subject to the conditions set forth in Exhibit "C".

5.4 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER A PLANNING COMMISSION REFERRAL ON THE COMPLETENESS OF AN ENVIRONMENTAL IMPACT REPORT PREPARED FOR A GENERAL PLAN AMENDMENT FOR 41.85 ACRES LOCATED AT THE SOUTHWESTERLY CORNER OF STEVENSON BOULEVARD AND ALBRAE STREET (6000 S STEVENSON CORPORATION/DALE SOBEK - STEVENSON BOULEVARD, EIR-87-85)

Purpose: The purpose of this report is to summarize the significant impacts discussed in the Environmental Impact Report for a proposed General Plan Amendment, GPA-87-17, and the suggested mitigation measures developed by the EIR consultant. The overall purpose of an EIR is to provide information to decision makers. The basic decision the City must make regarding an EIR is whether the EIR is complete and accurate.

The EIR for the proposed project consists of the Draft EIR document, the Final Addendum to the Draft EIR (FEIR), and the public record of the associated hearings. These documents may be considered a Final EIR upon certification by the City Council the documents are complete and adequate under the California Environmental Quality Act (CEQA) and its guidelines.

BACKGROUND: The General Plan Amendment for which the EIR was prepared is on this agenda and proposes to change the land use designation on 12.5 acres at the southwesterly corner of Stevenson Boulevard and Albrae Street from Industrial to Retail Commercial. Since the original proposal was submitted, the applicant has reduced the acreage which would be included in the land use change from 41.85 acres to 12.5 acres, deleting approximately 29 acres on the southern portion of the property from the amendment request. The 29 acre portion would remain under an Industrial land use designation if the amendment is approved.

The applicant is also requesting a rezoning to P, Planned District (see agenda report for P-90-18) for the entire 41.85 acre site at this time. Presently, the Industrial designation and zoning of the property permits some retail uses; however, the applicant has requested the redesignation to allow a broader range of retail commercial uses.

It is anticipated the primary uses developed with the proposed project would be retail and wholesale outlets with associated warehouses. Because the exact mix of uses was not yet known, the following assumptions of the maximum buildout of the project were made by the consultant for the purposes of the EIR analysis:

- 40 percent site coverage by one-story buildings (35 feet maximum building height);
- 12 percent open space (including landscaped setbacks); and,
- 48 percent parking/internal roads (this provides three spaces per 1,000 gross square feet or 2,190 spaces @ 400 square feet per space).

The Draft EIR for the project was circulated for public and agency review for 45 days from March 20, 1990 to May 4, 1990. At the close of the review period, the EIR consultant responded fully to all written comments received. The comments are reproduced and responded to in the Final EIR document published July 31, 1990. Since publication of the Final EIR, staff has been working with the applicant to develop the specific uses to be permitted within the Planned District for the site in order to substantially reduce the anticipated environmental impacts of the land use change.

Environmental Impact Report - Impacts and Mitigation Measures: The environmental impact report (EIR-87-85) prepared by Wallace Roberts and Todd (WRT) identified several significant environmental impacts associated with the proposed project. Mitigation measures were suggested in the EIR to reduce or eliminate these impacts. Unavoidable significant adverse impacts for both project-related and cumulative development were found by the consultant in the areas of Traffic and Circulation, and Air Quality. The following sections list those impacts considered to be significant and the suggested mitigation measures identified in the EIR.

Unless otherwise indicated, the impacts and mitigation measures have been extracted from the Final EIR. Under the California Environmental Quality Act (CEQA), the City must make certain findings when approving projects for which significant impacts are identified. These findings, including a Statement of Overriding Considerations for those impacts which cannot be fully mitigated, are included as an exhibit to the staff report on the Planned District rezoning, P-90-18. Staff comments, where necessary for clarification, are indicated by brackets [] in the discussion below.

Human Health and Safety

1. **Impact:** The past use and current storage of hazardous materials on the site poses a potential threat to human health and safety.

Mitigation Measures: Site remediation is not contingent on approval of the proposed project; however, it should be implemented prior to any further development of the site and written approvals received from the Regional Water Quality Control Board, Alameda County Water District and the State Department of Health Services. While a mandated assessment has been prepared and clean-up work has begun for the site, it has not yet been completed. The following are measures recommended by the closure plan for the site prepared by Ensco Environmental Services. They are intended to ensure closure is accomplished in a manner which minimizes the need for further maintenance, and also minimizes or eliminates the threat to human health and the environment from post-closure contamination of groundwater, surface water or the atmosphere:

- 1) Removal and disposal of existing drummed and containerized hazardous material in Building 1 to a permitted off-site disposal facility, including the testing and removal of the soil underlying areas of potential contamination. [Since publication of the project EIR, the applicant has removed the drummed hazardous materials from the site];
- 2) Sampling and testing of stockpiled soil and foundry sand, including decontamination or removal for disposal for any contaminated materials;
- 3) The three existing deep wells on the northwest side of the property were closed properly in 1990 under the Alameda County Water District Standard Operating Procedures with approved permits; however, a report of this closure must still be filed by the applicant. [Additionally, the City's Environmental Protection Division, Building and Safety Department, has recommended long-term groundwater monitoring at the site];
- 4) Submittal and implementation of an appropriate plan for closure of the former location of California Oil Recyclers, including off-site disposal of contaminated stockpiled soil and foundry sand;
- 5) Sampling of the material in the 10,000 gallon aboveground storage tank on the site to determine whether the material is hazardous or nonhazardous. If the contents are hazardous, a closure plan for implementation should be submitted to the City of Fremont Environmental Protection division. If the contents are nonhazardous, the tank should be removed and disposed of properly. [This task has been completed since publication of the project EIR];
- 6) Any other mitigation measures or site closure actions required by regulatory agencies.

If all mitigation measures are fully implemented in compliance with State, Federal and local laws and regulatory procedures, the potentially significant adverse effects to human health and safety would be reduced to a level of nonsignificance.

[Comment: These mitigation measures, and those included in the Conditions of Approval for P-90-18, must be fully implemented to the satisfaction of the responsible agency or agencies, and the City Environmental Protection Division Manager, prior to any further development or introduction of new uses on the site, either in the presently developed portion or the vacant parcels.]

Traffic and Circulation

2. **Impact:** Project-generated traffic would degrade the performance of the I-880/Stevenson Boulevard southbound ramps by raising the AM peak hour vehicle-to-capacity (V/C) ratios

from 0.82 (LOS "D") to 0.92 (LOS "E"), and raising the PM peak hour V/C ratios from 1.00 (LOS "E") to 1.45 (LOS "F").

Mitigation Measures: Improvement plans for the I-880/Stevenson Boulevard overcrossing and ramps include the widening of the Stevenson Boulevard overcrossing to six lanes and the provision of two westbound turn lanes for the I-880 southbound off-ramp. Development of the project site should be delayed until completion of the planned interchange improvements as a mitigation measure.

[Comment: Staff has recommended a condition be included in the Conditions of Approval for the Planned District rezoning to disclose the expected traffic conditions in the area to future tenants and business owners, rather than delay further development until interchange improvements are completed, for which timing is uncertain.]

- 3. Impact:** Project-generated traffic would degrade the performance at the Albrae Street/Stevenson Boulevard intersection by raising the PM peak hour ratio from 0.83 (LOS "D") to 1.20 (LOS "F"), and raising the Saturday afternoon peak hour V/C ratios from LOS "E" to 1.28 (LOS "F").

Mitigation Measures: The addition of a fourth eastbound through lane on Stevenson Boulevard and a third southbound left turn lane on Balentine Drive (continuation of Albrae Street within the City of Newark) are recommended. The applicant should be required to contribute a pro-rata share toward these improvements. If the Citywide Traffic Impact Fee is adopted by the City Council, the applicant would be required to pay the new fee prior to development, instead of this pro-rata contribution. Other recommended mitigation measures are: a) modify the proposed project to allow lower traffic-generating uses; and, b) develop alternative access points from Encyclopedia Circle.

- 4. Impact:** Project-generated traffic would degrade the performance of the I-880/Stevenson Boulevard northbound ramps by raising the PM peak hour V/C ratios from 0.89 (LOS "C") to 1.24 (LOS "F").

Mitigation Measures: Presently planned improvements for the overcrossing include a loop on-ramp, which should improve the performance of the I-880/Stevenson Boulevard northbound ramps. Development of the project site should be delayed until completion of the planned interchange improvements [see Comment for Mitigation Measure #2, above].

- 5. Impact:** When the traffic generated from the proposed project is added to that generated by cumulative buildout, the impact on PM peak hour traffic at the Albrae Street/Stevenson Boulevard intersection, and both the AM and PM peak hour traffic at the I-880/Stevenson Boulevard southbound ramps would be significant (LOS "E" or worse).

Mitigation Measures: Cumulative conditions and impacts at this intersection cannot be mitigated with roadway improvements, even without the 6000 S Corporation project. Because of the high cumulative traffic volumes which will result at buildout of the industrial area in Fremont west of I-880 and in adjacent Newark, the amount of development (square footage) on the project site should either be reduced, or lower traffic-generating land uses (such as residential) should be considered for the entire Albrae Street/Stevenson Boulevard area. The reduced scale retail commercial project recommended would consist of an addition of approximately 71,500 square feet of retail space.

Another suggested mitigation measure to reduce vehicle trips is extensive promotion of transit use, including provision of a park-and-ride lot. To aid in the use of the park-and-ride facility,

the applicant should include sidewalk installation in the final project for pedestrian access to the site. Additionally, access to the project site from Encyclopedia Circle should be considered.

[Comment: The reduced scale alternative project is discussed further under Alternatives to the Project, below. Both the reduced scale retail commercial project, and 500 single family dwelling units or 714 apartment units would generate the equivalent PM peak hour trips to those generated by the current industrial land use.]

Air Quality

6. **Impact:** Clearing and grading of the project site, excavation for utilities and vehicle travel on unpaved surfaces would create fugitive dust during the construction process.

Mitigation Measures: Construction contract specifications should include the following: a) periodical cleaning of construction-related dirt on site approach routes; b) use of adequate watering techniques to control dust particulates; c) cover dirt transported to or from the area; and, d) spray wheels and lower portions of transport trucks with water before leaving construction area.

7. **Impact:** Combustion emissions would temporarily result from onsite construction equipment and from offsite trucks hauling excavated dirt, concrete, steel and other building materials.

Mitigation Measures: To the maximum extent feasible, trucks should be routed away from residential areas during hauling activities, and the queuing of idling trucks near occupied dwellings should be minimized or prohibited.

8. **Impact:** Buildout of the proposed project would exceed emission standards set by BAAQMD for ozone precursors (hydrocarbons and oxides of nitrogen) and, in association with development activity in the area, would have a significant cumulative impact on the existing air quality in the Bay Area air basin. However, emission increases associated with the project only represent a very small increase in total regional emissions.

Mitigation Measures: Implementation of traffic flow improvements should reduce, but not completely eliminate, emission of ozone precursors. To further reduce the total number of vehicle trips, a transportation system management plan, transit improvements, transit incentives, variable work hours and ridesharing measures should be implemented. Without this implementation, ozone-precursor emissions from the project and cumulative development would create an unavoidable significant adverse impact.

Public Services

9. **Impact:** The proposed project would increase the demand for fire protection and emergency response services as provided by the City of Fremont Fire Department.

Mitigation Measures: The developer should be subject to the current fire service impact fee which contributes toward the capital costs of fire protection service in the City.

10. **Impact:** The Fremont Fire Department anticipates that the traffic congestion from retail commercial development of the site and the limited site access could result in increasing the emergency response time beyond the citywide goal of five minutes. Additionally, the Fremont Police Department anticipates the proposed development and limited access could also result in traffic enforcement problems.

Mitigation Measures: The traffic mitigation measures in the Traffic and Circulation section would reduce the adverse impacts related to the provision of fire and police services.

Cultural Resources

11. Impact: Land alteration activities associated with development could unearth archaeological deposits which exist below the surface.

Mitigation Measures: An archaeologist should be retained to monitor earthmoving activities during site development if those activities would consist of subsurface excavation. The archaeologist should have authority to halt disturbance of any archaeological resources long enough to assess the situation, conduct testing, and implement mitigation measures in accordance with Appendix K of the CEQA Guidelines.

Alternatives to the Project: CEQA requires an EIR identify and analyze alternatives to the proposed project or its location, which could substantially reduce or eliminate any significant environmental effects, while still obtain the basic objectives of the project. The EIR considered four alternatives to the proposed project: Alternative 1, the No Project alternative; Alternative 2, Industrial Buildout; Alternative 3, the Reduced-Scale Project; and, Alternative 4, the Offsite Alternative. These four alternatives and their associated environmental impacts are summarized below:

- **No Project:** The No Project alternative represents the continuation of the existing use of the site with no additional development, and therefore, no General Plan land use designation change. Preclusion of further development on the site would eliminate the adverse environmental impacts associated with the proposed project, related to traffic congestion, air quality, water and waste water services, and fire and police services. Even without additional development on the site, acceptable mitigation of the health and safety impacts associated with the past and present hazardous materials use and storage on the site would be mandatory.
- **Industrial Buildout:** The Industrial Buildout alternative assumes development of the site would occur under the existing General Plan designation, and those retail, commercial and light industrial uses allowed under the present General Plan designation and zoning district would continue to be permitted. This alternative was determined by the EIR consultant to be environmentally superior to the proposed project because the magnitude of the environmental impacts was substantially less than those of the proposed project.

Industrial use of the property would maintain the existing level of compatibility with the surrounding land uses, which consist of light industrial and retail commercial. The demand for police and fire services, water and waste water treatment services would be considerably less under the Industrial use than the proposed use. During the AM peak hours, traffic at all three study intersections (Albrae Street/Stevenson Boulevard, and the I-880 north- and southbound ramps at Stevenson Boulevard) would be 1.5 - 1.7 times greater with the proposed project than with this alternative. Additionally, during the PM peak hours, traffic at these intersections would be more than four times greater with the proposed project than this alternative. In terms of indirect impacts related to automobile emissions, the alternative project would generate 2.5 times less carbon monoxide, hydrocarbons, and oxides of nitrogen than the proposed project.

- **Reduced-Scale Project:** The Reduced-Scale Project is the proposed project reduced in size or in intensity of land use. Retail development consisting of an additional 71,500 square feet of space, 500 single-family dwelling units, or 714 apartment units would generate the equivalent

PM peak hour trips to those generated by the current general plan designation and zoning. With the retail commercial addition, the applicant would be able to develop the proposed use on a smaller scale, but the site would be under-utilized when compared to its buildout potential of 340,000 square feet of new retail space. Another option suggested by the EIR would be to retain the present Industrial designation on the site, but rezone to I-R, Restricted Industrial, to accommodate research and development, light manufacturing, commercial services, industrial sales and office uses. Residential or mixed-use alternatives were not considered desirable at the site location due to the surrounding industrial and commercial uses.

- **Offsite Alternative:** The Offsite Alternative is the development of the project on another site, either in Fremont or in another jurisdiction. No parcels comparable to the size of the 6000 S Corporation property and zoned for Retail Commercial or Office Commercial use were found in Fremont. However, two potential sites for the project were located in Union City. A 36 acre area in the Decoto Industrial Park Study Area (Alvarado-Niles Road) is being studied by the City of Union City for a General Plan Amendment to change the designation from industrial to commercial use. This property could accommodate region-serving retail commercial use similar to the 6000 S Corporation proposal. However, no action has been taken by Union City to change the area designation, and full environmental review must still be performed to address environmental issues, particularly those related to traffic congestion and impacts. An alternative location in Union City would be the 104 acre Dyer Street Triangle, which is commercially zoned and available for retail commercial development.

Planning Commission Action: On February 14, 1991, the Planning Commission adopted a motion (6-0-0-1) to recommend the City Council certify the EIR as complete for the project as proposed.

Conclusion: The EIR appears to be complete in relation to the proposed project. The amount of acreage to be redesignated for Retail Commercial use has been substantially reduced in order to lessen the anticipated environmental impacts of the project. The Council should certify the EIR (consisting of the Draft and Final EIR, and the public hearing testimony) as complete for the proposed project. Such action does not commit the Council to approve the project.

Applicant's letter dated March 1, 1991: Dale Sobek submitted a letter to staff dated March 1, 1991, with an attachment addressed to the City Clerk (dated February 27, 1991). The letter was received on March 4, 1991 (see enclosure) and requests a continuance of P-90-18 and GPA-87-17 for 90 days to resolve and clarify issues outlined in his letter. However, he has requested EIR-87-85 be considered and certified on March 12, 1991, by the City Council as scheduled. On the advice of the City Attorney Office, all the related development applications (EIR-87-85, GPA-87-17, and P-90-18) should be considered at the same time. These three applications are interrelated, and the EIR is merely an informational document for the actual projects which are the General Plan Amendment and the Planned District rezoning. Therefore, the EIR should not be considered at another meeting prior to consideration of the related projects. (See enclosures for P-90-18 for letter.)

Public Notification: Public hearing notification is applicable. Notices mailed to owners of property within a minimum radius of 300 feet of the site on February 26, 1991. Public hearing notice was published in the Argus on March 2, 1991.

Consultant: Wallace, Roberts & Todd, EIR Consultants

ENCLOSURES: Planning Commission agenda report and minutes of February 14, 1991. The Draft EIR and Final EIR were previously delivered to the Mayor and City Councilmembers.

RECOMMENDATION:

1. Hold public hearing.
2. Certify EIR-87-85 to be complete for the project as proposed.

5.5 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER A PLANNING COMMISSION REFERRAL OF AN AMENDMENT TO THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION FROM INDUSTRIAL TO RETAIL COMMERCIAL FOR 12.5 ACRES LOCATED AT THE SOUTHWESTERLY CORNER OF STEVENSON BOULEVARD AND ALBRAE STREET (6000 S CORPORATION/DALE W. SOBEK - STEVENSON BOULEVARD, GPA-87-17)

BACKGROUND: Dale Sobek applied for the General Plan Amendment for the 6000 S Corporation property in late 1987. It was determined an Environmental Impact Report (EIR) should be prepared due to concerns related to traffic congestion in the Stevenson Boulevard/Albrae Street area and the past use and storage of hazardous materials on the property. Preparation of the EIR began in January 1988 by the environmental consulting firm Wallace, Roberts and Todd. The Draft and Final EIR have been completed (see agenda report on EIR-87-85). Additionally, staff has been working with the applicant to develop an acceptable reduced-scale land use alternative plan, as suggested by the EIR, which would reduce the significant environmental effects associated with the land use proposal.

The most recent reduced-scale land use alternative plan developed by staff and the applicant is discussed in the agenda report for the Planned District, P-90-18. The applicant has informed staff he is satisfied with the plan and the uses which would be permitted in the Planned District.

Proposal: The applicant is requesting a General Plan Amendment to change the land use designation on 12.5 acres at the southwesterly corner of Stevenson Boulevard and Albrae Street from Industrial to Retail Commercial. The applicant's original proposal, and the proposal considered in the EIR analysis, was to change the land use designation on the entire 41.85 acre site at 6000 Stevenson Boulevard. The applicant has now revised the proposal to exclude from the land use change an area totaling approximately 29 acres on the southeastern portion of the property, adjacent to Stewart Avenue and the Santa Fe railroad spur between Encyclopedia Circle and Albrae Street. This area of the site would remain under an Industrial General Plan land use designation. [Note: Mr. Sobek has applied for subdivision of the site into five separate parcels (Tentative Parcel Map No. 4853). In the report for the Planned District rezoning, this 29 acre area which would remain under an Industrial land use designation is comprised of Parcels 4, 5 and 6 on the tentative map.] The General Plan change therefore applies only to the 12.5 acres.

The applicant is concurrently requesting a rezoning to "P", Planned District (see agenda report for P-90-18) for the entire 41.85 acre site. Presently, the Industrial designation and G-I, General Industrial, zoning of the property permits some retail uses, many of which are currently in place on the site such as Home Depot, Sofabed Warehouse and the Sawmill. However, the applicant has requested the General Plan redesignation and rezoning to provide a broader range of retail commercial uses on this highly visible site.

Analysis: The site is currently occupied by five buildings, four of which were used by Pullman Trailmobile Company until 1976. Subsequent uses of the buildings and various portions of the site included manufacturing and warehousing. Four buildings are now used as retail outlets for large sized home furnishings, and the fifth building adjacent to Stevenson Boulevard is used by the applicant as an office. Approximately 10 acres of parking lots, loading areas and internal roads are also located on the property.

The remainder of the project site consists of two vacant or underutilized areas. One area in the western corner of the site, previously used as a parking lot, consists of 5.9 acres. The other vacant area is approximately 13 acres and is located along the southeast edge of the property adjacent to the Santa Fe railroad tracks. This area is presently used by an auto auction as a vehicle storage area. Current access to the site is provided by three entrances on Albrae Street and two entrances from Stevenson Boulevard.

Land uses south and west of the site are generally light industrial uses such as administrative offices, business equipment sales and services, communications and research services, and wholesaling, storage and distribution services. Properties immediately east of the project site, between Albrae Street and I-880, are developed for retail and commercial purposes such as furniture and carpet stores, and a restaurant. The Reynolds Recycling Plant lies southeast of the project site and is under light industrial use.

The area immediately north of the project site between Stevenson Boulevard and Mowry Avenue is located within the city limits of Newark. This large area is devoted to retail commercial uses, a large regional shopping mall (NewPark Mall), and the Hilton Hotel. Directly across Stevenson Boulevard from the 6000 S Corporation property is the former Grossman's hardware store site. This property was recently approved by the City of Newark for redevelopment to a retail shopping area, including a restaurant.

Land Use Compatibility: The General Plan land use designation change and accompanying planned district rezoning proposed by the applicant would provide a combination of G-I and C-R uses over the 12.5 acre portion of the site fronting on Stevenson Boulevard, and G-I uses exclusively on the approximately 29 acre portion adjacent to Stewart Avenue. It is anticipated the primary uses developed with approval of the proposed project would be retail and wholesale outlets with associated warehouses. In general, the proposed project would be compatible with the surrounding land uses which consist of light industrial and a variety of retail commercial uses. The retail and commercial uses proposed with the project would also be compatible with the existing light industrial uses across the railroad tracks and Stewart Avenue, and along Encyclopedia Circle.

Development activity in the industrial area in the vicinity of the 6000 S Corporation site has been similar to that proposed by the project. The recent approval of the 88 acre Fremont Auto Mall will introduce a mix of retail commercial uses with industrial uses, much like the proposed development. The development would also be consistent with General Plan principles and policies related to Industrial land use areas by providing compatible non-industrial uses in an existing mixed-use area. Additionally, due to the site's accessible location from the freeway and a major thoroughfare, retail commercial uses would serve both industrial and community users.

A wider variety of retail and commercial uses on the project site would potentially change the land use from a relatively low intensity (industrial) use to a high intensity (retail commercial) use. This change would generate a substantial increase in vehicle trips and traffic congestion. Although the proposed use would be compatible with the surrounding development in the area, this land use change would create adverse impacts on the traffic circulation in the Stevenson Boulevard/Albrae Street and I-880 intersection area. However, the traffic impacts discussed in the EIR for 41.85 acres of retail commercial land use would be substantially reduced with the present project proposal for redesignation of only 12.5 acres for retail commercial use. These impacts are discussed in more detail in the Traffic Concerns section below.

Traffic Concerns: The site buildout potential under a Retail Commercial land use designation analyzed in the project EIR, based on C-R zoning district regulations (41.85 acres retail), is estimated at 729,000 square feet. This buildout potential takes into consideration the existing

wholesale/retail use on the site consisting of 229,000 square feet of space, and an additional 500,000 square feet of new retail space. The EIR demonstrates that the originally proposed 41.85 acre General Plan amendment would result in 200 additional a.m. peak hour trips and 1750 additional p.m. peak hour trips. This is due to the greater traffic generation rate of retail development compared to industrial development. These rates are from widely accepted actual traffic generation studies and have been confirmed by local observations by the City of Fremont Transportation Engineering section.

The additional trips from the originally proposed 41.85 acre General Plan amendment have significant traffic impacts, as indicated by the level of service evaluation of the impacts of this proposal on nearby intersections. Level of service (LOS) is determined by evaluating an intersection's volume-to-capacity ratio and assigning that ratio a rating of "A" through "F". An "A" rating indicates excellent operating conditions; an "F" indicates failure. The consequences of an "F" rating will be heavy traffic delay at one or more movements to the intersection. The long-term consequences of a level of service "F" rating at an intersection are not entirely predictable. Other non-traffic-related factors are involved. A number of consequences are possible, as follows:

- **All projected traffic may attempt to go through the intersection.** Under this scenario, vehicle delays would be extensive, starting at 2 to 4 minutes per vehicle for some traffic movements, and growing exponentially worse through the duration of the peak period.
- **Traffic may divert to other routes.** Although some drivers may wish to use the Stevenson/Albrae intersection, they may find the delay to be intolerable and divert to the Durham/I-880 interchange. This decision will depend on the ultimate destination of the driver. For drivers wishing to go south on I-880, this route makes sense. For drivers wishing to go north, it may not. These decisions are modeled to some extent in the computerized Citywide Traffic Model and are reflected in the results presented in the EIR. City staff does not believe that significant additional diversion will occur.
- **Some vehicle trips may be postponed.** If drivers are aware of the recurrent congestion at this intersection, they may choose not to make trips through the intersection. Trips to commercial areas, in particular, are discretionary trips. Drivers making such trips may choose to shop at other times. (It should be noted that the EIR for this project demonstrates Saturday afternoon operating conditions are similar to p.m. peak hour operating conditions. Sunday conditions were not studied.)
- **Some vehicle trips may avoid this area.** Because commercial trips are discretionary trips, drivers may choose to avoid this area and shop at other less congested locations.
- **The anticipated level of development may never materialize.** A common feature of successful businesses is good access. Business owners may choose not to locate in this area if they believe it has poor access.

There is a certain amount of risk in assuming any one of these scenarios will occur and therefore stave off projections of severe congestion at the Stevenson/Albrae intersection. For this reason, the City of Fremont targets intersection operating conditions at no worse than a mid-"D" level of service, which corresponds to a v/c ratio of 0.85.

In the near term, if the full retail commercial development potential of this site were to be developed, the EIR demonstrates the following intersections will exceed this threshold:

- The a.m. peak hour volume-to-capacity (v/c) ratio for the Stevenson/I-880 SB ramp will increase from 0.82 (LOS "D") to 0.92 (LOS "E").
- The p.m. peak hour v/c ratio at Albrae/Stevenson will increase from 0.83 (LOS "D") to 1.20 (LOS "F").
- The p.m. peak hour v/c ratio at the Stevenson/I-880 SB ramps will increase from 1.00 (LOS "E") to 1.45 (LOS "F").
- The p.m. peak hour v/c ratio at the Stevenson/I 880 NB ramps will increase from 0.89 (LOS "D") to 1.24 (LOS "F").
- The Saturday afternoon peak-hour v/c ratio at Albrae/Stevenson will increase from 0.87 (LOS "D") to 1.28 (LOS "F").

The planned reconstruction of the I 880/Stevenson interchange will result in improved operating conditions at the interchange. This work is not scheduled to be completed until 1995. However, the improved operating conditions may be short-lived depending on the timing of other development in the area. The EIR contains the following comparison of the intersection level service results between industrial and retail uses for the unutilized portions of the 6000 Stevenson site in the cumulative (buildout) condition:

<i>Intersection</i>	Cumulative - Industrial Zoning		Cumulative - Retail Zoning	
	<i>AM</i>	<i>PM</i>	<i>AM</i>	<i>PM</i>
Albrae/Stevenson	D (0.81)	F (1.59)	D (0.84)	F (1.94)
I-880 SB Ramps/ Stevenson	E (0.91)	E (1.00)	E (0.95)	F (1.24)
I-880 NB Ramps/ Stevenson	C (0.79)	D (0.85)	C (0.80)	D (0.88)

It should be noted these results are for buildout conditions (Year 2035) and for the City of Fremont's existing General Plan. In the General Plan update (GPU) process, City staff created a Year 2010 traffic forecasting model. For the intersection of Stevenson Boulevard/Albrae Street, the p.m. peak hour v/c ratio and level of service is projected to be 1.06 (LOS "F"), as opposed to 1.59, shown above. If the originally proposed General Plan amendment were approved, the resulting Year 2010 GPU v/c ratio and level of service would be 1.41 (LOS "F"), as opposed to 1.94 buildout figure, shown above. This demonstrates the degree of resulting change ($1.94 - 1.59 = 0.35$ & $1.41 - 1.06 = 0.35$) to this intersection's level of service would be the same even with the preliminary Draft General Plan.

Because of the buildout potential of the site and the magnitude of the associated traffic impacts which cannot be minimized or reduced to an acceptable level, the project EIR recommended a reduced scale project as a project alternative. The reduced scale project alternative would consist of the proposed project reduced in size or in intensity of land use. Retail development consisting of an additional 71,500 square feet of space, 500 single family dwelling units, or 714 apartment units would generate the equivalent p.m. peak hour trips to those generated by the current industrial General Plan designation and zoning. With the retail commercial addition, the applicant would

be able to develop the proposed use on a smaller scale. Residential or mixed-use alternatives were not considered desirable at the site location due to the surrounding industrial and commercial uses.

Based on the findings in the EIR, staff worked with the project applicant to develop a project alternative that would create less traffic impacts. In evaluating the alternatives, the Year 2010 p.m. peak hour level of service for the intersection of Stevenson Boulevard and Albrae Street was used as a benchmark. It is estimated this intersection, even with additional improvements, can only accommodate an additional 3600 trips before the capacity of this intersection is exceeded. If development were to occur according to the City of Fremont's and Newark's General Plans, an additional 4000 p.m. peak hour trips are projected to go through this intersection. In other words, the demand to use this intersection would exceed its capacity by 400 vehicles per hour.

If the remainder of the 6000 S Corporation site were developed with industrial uses, as per the existing zoning, approximately 500 new p.m. peak hour trips would be generated. City staff viewed this number as the least amount of traffic the project applicant is entitled to generate. If the site were allowed only this amount of traffic, the Year 2010 p.m. peak hour v/c ratio would be 1.06.

Limiting the site traffic to 500 new vehicle trips per p.m. peak hour was considered unacceptable by the project applicant. City staff proposed allowing the addition of 850 new vehicle trips with the condition that additional points of access to the site be developed from Encyclopedia Circle and Stevenson Boulevard. Without this access, all of these vehicle trips would be forced to use Albrae Street, and the Year 2010 p.m. peak hour v/c ratio would increase from 1.06 to 1.13.

By providing this additional access, drivers are given the option of not having to make turns at the Stevenson/Albrae intersection. It is the addition of turning movements at this intersection which most exacerbates congestion. A turning movement at this intersection has approximately three times the impact of a through movement. Providing other points of access can convert some turning movements to through movements. The resulting v/c ratio will, therefore, be somewhere between 1.06 and 1.13, depending upon how much traffic uses these other points of access. (It should be noted that the City of Newark approved the intensification of retail development on the Grossman's site at the Stevenson/Albrae intersection, despite a traffic study demonstrating that the v/c ratio would increase from 1.06 to 1.09.)

Staff also recommends the applicant promote alternate means of transportation to the project site. This is to be done by the installation of sidewalks around the periphery of the site and the installation of safe, unobstructed pedestrian routes within the site itself. The applicant should also apply other reasonable Transportation Demand Management (TDM) actions appropriate to the site, such as the installation of bicycle racks and the dissemination of public transit information.

Other Traffic Mitigation Measures and Fees: Other mitigation measures are suggested for the project and include the following: (1) notification to future business owners about the expectation of future traffic conditions in this area, and (2) payment of pro-rata off-site street improvement costs. The first mitigation measure is intended to fully disclose expected traffic conditions in this area to future business owners to avoid any future misunderstandings, and was determined by staff to be more equitable and fair than delaying any further site development until the I-880 interchange is improved (as suggested by the EIR). The project applicant is comfortable with this requirement.

The project applicant has requested special consideration be given in regards to the payment of any off-site traffic improvement costs. A letter from the project applicant describes the justification for this request (see enclosure for P-90-18, letter from Dale Sobek dated February 4, 1991). The applicant argues any off-site traffic improvement fees should be waived. This item is discussed in the report on P-90-18 on this agenda.

Hazardous Materials Use and Storage: The past use and current storage of hazardous materials on the site was found by the project EIR to pose a potential threat to human health and safety. While a mandated assessment has been prepared and clean-up work has begun for the site, it has not yet been completed. (Closure measures recommended by Ensco Environmental Services are summarized in the EIR agenda report). Site remediation and closure are required by State and Federal law whether this particular project is approved or denied.

Implementation of acceptable site closure measures must be completed to the satisfaction of the responsible agency or agencies, and the City Chief Building Official, prior to any further development or introduction of new uses on the site, either in the presently developed portion or the vacant parcels. Written approvals are required from the Regional Water Quality Control Board, Alameda County Water District and the State Department of Health Services. A memo from the Environmental Protection Division, Building and Safety Department, discussing concerns related to future development and uses on the site has been included as an enclosure to this report. If *all mitigation measures* are fully implemented in compliance with State, Federal and local laws and regulatory procedures, the potentially significant adverse effects to human health and safety would be reduced to a level of non-significance.

Environmental Impact Report: EIR-87-85, a full Environmental Impact Report consisting of a Draft and Final EIR, has been prepared for the General Plan Amendment. The potential significant impacts of the project are summarized in the agenda report for EIR-87-85. Because the General Plan Amendment which incorporates a reduced-scale project, as suggested by the EIR, is recommended for approval, the EIR is recommended to be certified as complete for the proposed project. The appropriate EIR findings are contained in Exhibit "D" to the Planned District rezoning, P-90-18, including the specific conditions imposed on the development to mitigate or reduce environmental impacts. Because the proposed project has reduced, but has not eliminated the anticipated adverse impacts related to traffic, a Statement of Overriding Considerations must also be adopted in conjunction with the EIR findings (included in Exhibit "D" for P 90-18).

The EIR Mitigation/Monitoring Reporting Program developed for the project is addressed in the planned district Conditions of Approval and the related agenda report.

Comparison of Existing General Plan and Proposed General Plan: This proposal was first submitted in late 1987. This date was prior to commencement of the General Plan Update Program. The State Office of Planning and Research authorized Fremont to continue consideration of the project.

To accommodate the potential of this project being approved by the City, the Environmental Impact Report prepared for the General Plan Update considered the proposed land use change in a broad fashion. Due to the complex issues on-site, a site-specific EIR would have been required whether this project was approved prior to the GPU adoption by City Council or after.

Staff has reviewed this proposal in light of the existing General Plan and the proposed draft General Plan. The staff and Planning Commission recommended reduced-scale project is compatible with both the existing and the proposed Plans.

Under State law, the City is allowed to amend the General Plan a maximum of four times a calendar year. Numerous individual changes can be made each time, as long as the total number of scheduled General Plan Amendment hearing dates in one year does not exceed four. The General Plan Update itself will count as one of the four amendment hearings. Additionally, the Avalon project (Mission Peak Development Company) and Catellus project, if approved, would

each count as one time. *It is possible by May 1991, Fremont will have expended the maximum number of times it can amend the General Plan.*

Staff proposes the City leave at least one General Plan hearing time open, beyond those needed for the Avalon and Catellus projects, to consider other changes or modifications to the General Plan. This would provide one remaining hearing during 1991 for consideration of some of the proposed study areas and study features noted in the proposed Plan.

To retain this "opening" for a subsequent General Plan Amendment hearing, staff recommends Council approve this applicant's General Plan change request and Planned District rezoning in concept only. The map change will be made concurrently with the action on the overall General Plan. This is scheduled in approximately six weeks, on April 30, 1991. Final approval of the General Plan Amendment and the first reading of the Planned District rezoning ordinance would occur on April 30, 1991.

Planning Commission Action: On February 14, 1991, the Planning Commission adopted a motion (6-0-0-1) to recommend approval of the General Plan Amendment to the City Council.

Conclusion: Staff is recommending conceptual approval of the General Plan Amendment, Planned District rezoning with conditions, and actual certification of the EIR prepared for the project. The EIR Findings have been prepared for adoption based on the Planned District rezoning action. If the Council approves only the General Plan Amendment and not the Planned District, the findings will require revision by staff for adoption with the amendment. Therefore, the Council would need to refer the EIR Findings back to staff for revision if only the General Plan Amendment is to be approved.

Applicant's letter dated March 1, 1991: Dale Sobek submitted a letter to staff dated March 1, 1991, with an attachment addressed to the City Clerk (dated February 27, 1991). The letter was received on March 4, 1991 (see enclosure) and requests a continuance of P-90-18 and GPA-87-17 for 90 days to resolve and clarify issues outlined in his letter. However, he has requested EIR-87-85 be considered and certified on March 12, 1991, by the City Council as scheduled. On the advice of the City Attorney Office, all the related development applications (EIR-87-85, GPA-87-17, and P-90-18) should be considered at the same time. These three applications are interrelated, and the EIR is merely an informational document for the actual projects which are the General Plan Amendment and the Planned District rezoning. Therefore, the EIR should not be considered at another meeting prior to consideration of the related projects. (Applicant's letter is enclosed with P-90-18.)

Public Notification: Notices were mailed to owners of property within a minimum radius of 300 feet of the site on February 26, 1991. Public hearing notice was published in the Argus on March 2, 1991.

Consultants: Wallace, Roberts & Todd, EIR Consultants

ENCLOSURES: Planning Commission report and minutes of February 14, 1991; Exhibit "A", General Plan Amendment; memo to Council from Planning Director regarding letter to Newark on traffic congestion; and, memo from Linda Vrabel, Environmental Protection Division, dated February 6, 1991.

RECOMMENDATION:

1. Hold public hearing.

2. Direct staff to study the application of a credit toward the cost of off-site traffic improvement fees with a report returning to Council for final determination.
3. Approve in concept GPA-87-17 to amend the General Plan designation from Industrial to Retail Commercial for 12.5 acres in conformance with Exhibit "A", with the actual action to occur concurrently with the overall General Plan Update.

5.6 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER A PLANNING COMMISSION REFERRAL OF A REZONING FROM G-I (INDUSTRIAL) TO P (PLANNED DISTRICT) AND A PRELIMINARY AND PRECISE SITE PLAN FOR A 41.85 ACRE SITE LOCATED AT THE SOUTHWESTERLY CORNER OF STEVENSON BOULEVARD AND ALBRAE STREET (6000 S CORPORATION/DALE W. SOBEK, P-90-18)

BACKGROUND: The site is currently occupied by five buildings, four of which were built by Pullman Trailmobile Company in 1963 for the construction of truck trailers and similar transportation equipment. In 1976, Pullman Trailmobile moved its operations to another location, and in 1978, sold the site to the present owner and applicant.

Subsequent uses of the buildings and various portions of the site included an auto auction yard, waste oil recycling, foam insulation manufacturing, and general warehousing. Four of the buildings on the project site are used as retail outlets for large-sized home furnishings. The retail users include Elegant Windows, MMM Carpets, Sofabed Warehouse, Home Depot, and several furniture discount stores. Currently, the original trailer warehouse is not completely occupied and is partially used as a warehouse and as a retail furniture outlet. A fifth building, a one-story structure on the northwest boundary adjacent to Stevenson Boulevard is used by the applicant as an office. More than 10 acres of parking lots, loading areas and internal roads are used in association with the five buildings.

The remainder of the project site consists of two undeveloped or under-utilized areas. One area (5.9 acres), located in the west corner of the site, is asphalted from a previous use as a parking lot and is enclosed by cyclone fencing. The second area is approximately 13 acres and is located along the southeast edge of the property adjacent to the Sante Fe railroad tracks. This area is presently being used by an auto auction company as a vehicle storage area.

On December 7, 1988, the applicant received approval of a tentative parcel map (TPM 4853) to subdivide the 41.85 acre site into six parcels. The bulk of the existing development and improvements are located on parcels #2, 3, 4, and 5. The vacant or under-utilized portions of the site are on parcels #1 and 6, with an area of 5.9 acres and 13.1 acres, respectively. The applicant has submitted a request for an extension of time on the approval of tentative parcel map (TPM 4853). The extension of time was granted on November 30, 1990 and will expire on December 7, 1991 unless another extension is granted or the final map is consummated. Because this is the first extension for TPM 4853, two additional one-year extensions may be granted for a total of five years.

As part of the overall development plan for the site, the applicant has submitted a request for a General Plan Amendment (GPA-87-17 and EIR-87-85) to amend the General Plan designation from Industrial to Retail Commercial. His initial request in regards to GPA-87-17 was to change the entire site from Industrial to the Retail Commercial designation. To coincide with this rezoning/planned district proposal, the extent of the General Plan Amendment has been reduced. [Note: For further information regarding GPA-87-17, refer to the related report on this agenda.]

Proposal: The applicant's original submittal was for a rezoning under Z-88-1 of the entire 41.85 acre site from G-I General Industrial District to C-R Regional Commercial District. However, to utilize a combination of land uses allowed under the C-G, I-R, G-I and C-R Districts, the applicant

is now requesting the consideration of a planned district under P-90-18 instead of a rezoning under Z-88-1. The planned district process will be used to establish specific land uses for the site. Site and architectural plans are proposed to be submitted under a separate application as an amendment to the Planned District.

The applicant has filed a letter with staff formally requesting a planned district proposal be considered. Based on this request, staff has taken steps to cancel the rezoning project (Z-88-1) and open a planned district project application (P-90-18).

The composition of the planned district proposed by the applicant is as follows:

Parcel #1:

- a. Apparel & Accessory Stores (retail)
- b. Auto & Home Stores (retail)
- c. Candy-Nut Stores (retail)
- d. Furniture & Accessories (retail)
- e. Hardware (retail)
- f. Antique stores (retail)
- g. Miscellaneous Retail, except used merchandise stores, nonstore retailers, fuel & ice dealers, adult book stores and head shops.
- h. Paint & Glass Stores (retail)
- i. Eating places such as a sandwich shop or restaurant, except for drive-in facilities. Sales of alcoholic beverages in conjunction with an eating place shall be permitted, provided the sales of alcoholic beverages is incidental to primary restaurant function.
- j. Travel Agency
- k. Pet Stores (retail sales of pets and supplies)
- l. Camera and Photo supply
- m. Jewelry Stores
- n. Services related to retail (such as accounting, tax preparers, mailing and packaging services, marketing services).

Parcel #2:

- a. Offices (such as legal, accounting, insurance, administrative and executive offices, and real estate, etc.)
- b. Auto Sales (combined wholesale and retail sales), except public or private auction yards
- c. Furniture Stores (retail)
- d. Health Club
- e. Eating places (minimum 5000 square feet floor area), except for drive-in facilities. Sales of alcoholic beverages in conjunction with an eating place shall be permitted, provided the sales of alcoholic beverages is incidental to primary restaurant function.
- f. Miscellaneous Retail, except for used merchandise stores, nonstore retailers, fuel & ice dealers, adult book stores and head shops.

Parcel #3:

- a. Warehousing/Manufacturing in combination with retail sales
- b. Furniture Sales (combined retail and wholesale sales)
- c. Health Club
- d. Hardware (retail sales)
- e. Miscellaneous Retail, except for used merchandise stores, nonstore retailers, fuel & ice dealers, adult book stores and head shops

- f. Retail sales of large items (such as outdoor furniture, household furniture, gardening equipment)

Parcel #4:

- a. Combined use of retail sales, manufacturing & warehousing such as large items, wholesale sales, retail sales and bulk purchase.
- b. Warehousing
- c. Health Club
- d. All Permitted Uses listed under following subsections of Section 8-21601 of the G-I District:
[Note: See enclosure for excerpt of Zoning Ordinance on the G-I District.]
 - (a) Construction
 - (b) Manufacturing as follows: (1) thru (20)
 - (c) Transportation; communications; electric, gas and sanitary services as follows:
(1) thru (6)
 - (d) Wholesale trade, except those listed as conditional uses.
 - (e) Retail trade as follows: (1) thru (5)
 - (f) Services: (1) a, b, & f; (2) a, b, g, h, j, k, m, o, p, v & w
 - (h) The retail sales of goods which are manufactured, processed or assembled (improved or developed to a higher use by machine or by hand) on the premises, not exceeding a total 16,000 square foot floor area.
- e. Teen Center

Parcel #5:

- a. Combined retail and wholesale sales (including retail sales of items which are assembled on the premises; and wholesale sales and distribution of assembled items to other sites and retail sales of assembled products as allowed in the G-I District); and, retail sales and wholesale sales of large items such as household goods, mechanical equipment, tires, and construction equipment).
- b. Manufacturing (as listed under Section 8-21601 - Permitted uses of the G-I District).
- c. Health club
- d. Lumber and other building material dealer, including home improvement centers.
- e. Warehousing

Parcel #6:

- a. Warehousing
- b. Manufacturing and wholesale uses as permitted in the G-I District under Section 8-21601 (A), (B), (C), & (D) of the G-I District.

Staff is recommending a minor amendment be required for uses such as the teen center, health club, and eating places with alcoholic beverages to regulate the intensity of these uses.

Planned District Justification: The applicant is proposing a reduced scale alternative as the justification for the use of a planned district. By utilizing a reduced scale alternative, he would be able to develop his site with a variety of retail, service and industrial uses which would have lower traffic volumes than with uses in a standard zoning district. Staff is supportive of the planned district proposal because of the need to mitigate traffic impacts associated with development on the site; and because the planned district would require a more cohesive design for development of the site.

Analysis: The site is currently designated Industrial on the General Plan. In order to allow C-R Regional Commercial District uses and retail uses from the C-G General Commercial District on Parcels #1, 2, and 3, the General plan designation for these parcels must first be amended to Retail Commercial [see GPA-87-17 report for details]. In addition, the selected uses from the C-G District may be located on property holding an Industrial General Plan designation. The uses from G-I General Industrial and I-R Restricted Industrial District of Parcel #6 would be consistent with the Industrial General Plan designation and need not be included in the General Plan Amendment request. Under the planned district process, the applicant may develop his site under the C-G, C-R, I-R, or G-I Districts standards and land uses provided these districts are applied to those parcels holding the appropriate General Plan designation (i.e., C-R and C-G Districts with Retail Commercial, or I-R, G-I, and C-G Districts with Industrial).

The current land uses located on the site are, in summary, retail/wholesales sales, office, warehousing and retail furniture outlet, and home furnishings. The applicant is requesting Parcels #1, 2, and 3 be allowed to have retail and service uses permitted in the C-R and C-G Districts. Parcels #4, 5, and 6 are to have retail, service, warehouse, and manufacturing uses permitted in the C-G, I-R and G-I Districts. By selecting land uses from the four districts, the applicant would be able to retain the existing businesses located on the site as well as add new uses which would complement these existing businesses.

Site Standards: The current proposal is restricted to establishing land uses and site standards proposed for the site. Architectural and site design are not proposed with this submittal. If this proposal is approved, a major amendment to the planned district would be required when new construction is proposed [see condition #5]. The processing under the major amendment would allow for site plan and architectural review and would serve to update the precise site plan for the development.

The majority of the site was developed under the G-I General Industrial District standards. Parcels #2 through 5 are currently developed, and Parcel #1 and 6 remain undeveloped at this time. The site is adjacent to property zoned C-R and G-I. To provide a transition between these two districts, staff is recommending Parcels #1, 2, and 3 be developed under the C-R District standards, in keeping the land use composition of the three parcels land use similar to that of adjacent properties. Parcels #4, 5, and 6 should be developed under the G-I District standards because of their geographic location adjacent to G-I zoned properties and uses.

Relative to the existing development, exceptions to the requirements specifically listed under the C-R District or the G-I District may be allowed under the Planned District process to provide the transition between the commercial uses and the industrial uses existing and proposed for the site. If the proposal requested by the applicant is approved, this concern would be required to be addressed at the time when a precise site plan amendment is proposed.

Traffic: Because of the magnitude of the existing level of service (further outlined in the report for EIR-87-85 and in GPA-87-17), staff worked with the project applicant to develop a project that would have lesser traffic impacts. This effort was an on-going, evolving process that looked at a number of different alternate combination of uses for the project site. To evaluate these various alternatives, the Year 2010 p.m. peak hour level of service for the intersection of Stevenson Boulevard and Albrae Street was used as a benchmark.

It is estimated that this intersection, even with additional improvements, can only accommodate an additional 3600 trips before the capacity of this intersection is exceeded. If development were to occur according to the City of Fremont's and Newark's General Plans, an additional 4000 p.m.

peak hour trips are projected to go through this intersection. In other words, the demand to use this intersection exceeds its supply by 400 vehicles per hour.

If the remainder of the 6000 S site were developed with industrial uses, as per the existing zoning, approximately 500 new p.m. peak hour trips would be generated. City staff viewed this number as the least amount of traffic the project applicant is entitled to generate. If the site were allowed only this amount of traffic, the Year 2010 p.m. peak hour v/c ratio would be 1.06.

Limiting the site traffic to 500 new vehicle trips per p.m. peak hour was considered unacceptable by the project applicant. City staff proposed allowing the addition of 850 new vehicle trips with the condition that additional points of access to the site be developed from Encyclopedia Circle and Stevenson Boulevard. Without this access, all of these vehicle trips would be forced to use Albrae Street, and the Year 2010 p.m. peak hour v/c ratio would increase from 1.06 to 1.13.

The project applicant was given p.m. peak hour trip rate information to design a mix of land uses that would not exceed the 850 new vehicle trips per hour cap. The project applicant's design is summarized below:

<u>Parcel</u>	<u>Building Use</u>	<u>Building Size</u>	<u>Expected Traffic</u>
# 1	Retail-Commercial	100,000	450
# 4	Retail-Commercial	50,000	225
# 4	Health Club	26,000	36*
# 4	Teen Center	12,000	**
# 4	Warehouse	60,000	36
# 6	Warehouse	217,000	130
Total:			877

*Net increase in traffic; an existing, smaller health club is relocating to this site.

**Unknown, but likely to be negligible during P.M. peak hour.

Although the total expected new traffic exceeds 850, staff does not consider this excess to be significant.

If all of this traffic were forced to use Albrae Street, the Year 2010 p.m. peak hour v/c ratio is expected to increase from 1.06 to 1.13. To mitigate this impact, staff recommends the following actions be taken:

- Alternate means of access should be provided from Encyclopedia Circle and Stevenson Boulevard. By providing this additional access, drivers are given the option of not having to make turns at the Stevenson/Albrae intersection. It is the addition of turning movements at this intersection which most exacerbates congestion. A turning movement at this intersection has approximately three times the impact of a through movement. Providing these other points of access can convert some turning movements to through movements. The resulting v/c ratio will be between 1.06 and 1.13, depending upon how much traffic uses these other points of access. It should be noted the City of Newark approved the intensification of retail development on the Grossman's site at the Stevenson/Albrae intersection, despite a traffic study demonstrating that the v/c ratio would increase from 1.06 to 1.09 (refer to enclosure for GPA-87-17, memo to Council).

- Staff also recommends the applicant promote alternate means of transportation to the project site. This is to be done by the installation of sidewalks around the periphery of the site and the installation of safe, unobstructed pedestrian routes within the site itself. The applicant should also apply other reasonable Transportation Demand Management (TDM) actions appropriate to the site, such as the installation of bicycle racks and the dissemination of public transit information.
- Notification to future business owners about the expectation of future traffic conditions in this area. This is intended to fully disclose expected traffic conditions in this area to future business owners to avoid any future misunderstandings.
- Proposals to replace existing uses should be subject to an amendment of the Planned District to ascertain their traffic impacts. It was assumed in the analysis that traffic from existing uses would remain the same. If any of the existing uses were to be replaced by higher traffic generators, traffic impacts would increase.
- Payment of pro-rata off-site street improvement costs.

Request for Waiver of Off-Site Street Improvement Fees: As a traffic mitigation measure, the Transportation Engineering division has recommended the project applicant pay a pro-rata share toward off-site street improvement costs. In a letter from the applicant dated February 4, 1991 (see enclosure), the applicant argues any off-site traffic improvement fees should be waived for the following reasons:

- Project development has been delayed for 2-1/2 years due to EIR processing.
- The applicant must bear financial hardship in the magnitude of \$500,000 to \$1,000,000 per year due to the reduced development potential of parcels 1 and 6 on his site.
- The applicant is willing to construct a new roadway from Stewart Street to Encyclopedia Circle to reduce traffic impacts.

The preparation of the ETR has taken a long time. This is due to the complex traffic and on-site hazardous materials issues associated with the project. Staff has been trying to work with the applicant to find a solution to the traffic issues. Extensive debate on hazardous materials issues have taken place. All of these conversations and work meetings required time on both sides.

With regard to the first item, the time for the EIR processing has been commensurate with the unusual complexity of resolving site-specific hazardous materials and traffic issues. With regard to the second item, staff is recommending a development plan that increases the developability of the site above the current zoning potential. Additionally, the applicant is projecting an expected return on a potential project that may or may not be realistic.

The third item may have some merit as a credit if it can be demonstrated this improvement lessens traffic impacts at planned street improvement locations. Under direction from the Planning Commission, the applicant's request for waiver of fees is being referred to the Council for direction. Rather than a complete waiver, staff recommends the possibility of applying a credit towards traffic mitigation. A new roadway does appear to have some potential for alleviating traffic congestion at the Stevenson/Albrae intersection. A credit based on the reduction of traffic impacts to the Stevenson/Albrae intersection would appear to be in order. Any credit for fees should be applied only after the new roadway extension is built in order to maintain the incentive for constructing the extension. If fees have been paid, then a refund would be given. No credit would be given for normal street improvement obligations along Encyclopedia Circle.

Staff would request Council approve the credit before it is applied. The Council may wish to add a condition #44 to the following effect: "Upon construction of a new public roadway connecting Stewart Avenue to Encyclopedia Circle, City staff shall evaluate the application of a credit towards other off-site traffic mitigation requirements. This credit will be based on the ability of the new roadway to reduce traffic impacts at planned street improvement locations. The credit may be applied retroactively to fees paid as of the date of approval of the planned district."

Hazardous Materials: The Environmental Protection Division (EPD) has identified the site as containing hazardous materials and is currently working with the applicant to facilitate clean-up of the site. Prior to further development of the site, the clean-up will need to be completed to the satisfaction of the EPD. At this time, although some clean-up measures have been completed, the EPD does not have sufficient data to determine the potential risks associated with either total site development or individual unit development. The EPD is concerned about the issue of acceptable risk, if proposed uses on this property involve sensitive receptors (i.e. schools, day care facilities, medical facilities, etc.). The issue of acceptable risk would then have to be satisfactorily addressed in an adequate Risk Assessment submitted to the EPD for review and approval. This assessment would have to address risk issues associated with known and suspected hazardous substances, materials and/or wastes on-site, as well as chemical usage in the surrounding industrial area.

The City of Fremont Hazardous Materials Management Ordinance, Article III, Chapter 12, Section 3-12401(12) establishes regulations pertaining to facility closure. Permittees are required to properly terminate the handling of hazardous materials including wastes to eliminate a need for further maintenance; control, to the extent possible, any threat to public health or safety or to the environment from residual hazardous materials; and demonstrate that hazardous materials/wastes have been removed, disposed, neutralized, or reused in an appropriate manner.

In addition, submittal of a Post Closure Report/Work Plan to the EPD is required no more than 30 days after completion of closure activities to ensure confirmation of compliance to the Closure Plan/Addendums/Work Plans. Report contents shall include, but may not be limited to, analytical laboratory results for all samples collected and appropriate documentation associated with the disposition of all hazardous materials. In the event information presented to date changes or additional information becomes available, the EPD, the Alameda County Water District (AVWD), the Regional Water Quality Control Board (RWQCB), and/or the Alameda County Environmental Health (ACEH) may require further actions associated with the mitigation of this site. At some point development (either staged or total) of this site may be feasible, but only after the EPD has sufficient knowledge of site conditions.

Additional information regarding hazardous materials on the site may be found in the reports on the Full Environmental Impact Report (EIA-87-85) and the General Plan Amendment (GPA-87-17) listed earlier on this agenda.

Site Plan and Architectural Review Board (SPARB): The applicant is proposing to present the site plan and architectural design for the further development of the site at a later date. If the planned district proposal is approved, the site design and architecture would be required to be compatible with the surrounding industrial and commercial developments. The plans for each parcel would be required to be prepared by a design team which would include a qualified licensed architect by the State of California, a landscape architect, and engineer. The plans would be required to be reviewed by the Site Plan and Architectural Review Board for compatibility with the adjacent development.

General Plan Conformity: The General Plan Amendment, GPA-87-17, is under consideration on this March 12, 1991 agenda prior to this item. Staff is recommending conceptual approval for

GPA-87-17. If GPA-87-17 is denied, the planned district proposal or the rezoning to C-R Regional Commercial would not be consistent with the existing General Plan because the entire site would remain under the existing Industrial General Plan designation. If GPA-87-17 is approved, the uses proposed under the planned district would be consistent with the retail commercial and industrial designation proposed under the general plan amendment.

Land Use Compatibility: The compatibility of the land uses proposed under the planned district is discussed in depth under the General Plan Amendment, GPA-87-17.

EIR Findings: EIR-87-85, a full environmental impact report prepared for the proposed project, identified a number of significant impacts and mitigation measures related to various issues such as hazardous materials, traffic, air quality, public services, and cultural resources. In accordance with the State CEQA Guidelines pursuant to the California Environmental Quality Act (CEQA), the approving agency (City Council) must adopt a specific finding for each significant impact, and include the rationale for approval in light of the identified effect. Section 15091 of CEQA contains the following requirement:

- (a) "No public agency shall approve or carry out a project for which an Environmental Impact Report has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more of the following written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding."
1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 3. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.***."

If the unavoidable adverse impacts of a project are outweighed by the benefits resulting from it, the adverse impacts may be considered acceptable. If the City allows the occurrence of significant effects identified in the EIR without at least substantially reducing those effects, a statement providing the reasons supporting that action must be made. This statement is known as the "Statement of Overriding Considerations". Due to the current traffic conditions existing for the Stevenson Boulevard/Albrae Street interchange and the I-880/Stevenson Boulevard interchange, it would be impossible to completely reduce the impacts associated with the current development of the surrounding area and the project development to a level of insignificance. On this basis, the "Statement of Overriding Considerations" must be made by the City and supported by substantial evidence in the record.

The findings required for approval of the proposed project, including the basis and rationale for the findings, and the "Statement of Overriding Considerations" are addressed in Exhibit "D" (Findings, Facts in support of Findings and Statement of Overriding Considerations regarding the Environmental Impact Report). These findings are accompanied with details of the mitigation measures suggested in the EIR and the recommended conditions. Additionally, the recommended mitigation measures have been incorporated into the Conditions of Approval (Exhibit "C").

Conclusion: The intent of this planned district is to allow a variety of uses which are permitted in the C-R, C-G, I-R, and G-I Districts with a General Plan designation of Retail Commercial and Industrial. The uses for the Planned District, P-90-18, were selected on the basis of traffic generation and land use compatibility.

Comparison of Existing General Plan and Proposed General Plan: This proposal was first submitted in late 1987. This date was prior to commencement of the General Plan Update Program. The State Office of Planning and Research authorized Fremont to continue consideration of the project.

Staff has reviewed this proposal in light of the existing General Plan and the proposed draft General Plan. The staff and Planning Commission recommend reduced-scale project is compatible with both the existing and the proposed Plans.

Under State law, the City is allowed to amend the General Plan a maximum of four times a calendar year. Numerous individual changes can be made each time, as long as the total number of scheduled General Plan Amendment hearing dates in one year does not exceed four. The General Plan Update itself will count as one of the four amendment hearings. Additionally, the Avalon project (Mission Peak Development Company) and Catellus project, if approved, would each count as one time. *It is possible that by May 1991, Fremont will have expended the maximum number of times it can amend the General Plan.*

Staff proposes the City leave at least one General Plan hearing time open, beyond those needed for the Avalon and Catellus projects, to consider other changes or modifications to the General Plan. This would provide one remaining hearing during 1991 for consideration of some of the proposed study areas and study features noted in the proposed Plan.

To retain this "opening" for a subsequent General Plan Amendment hearing, staff recommends Council approve this applicant's Planned District rezoning, and the related General Plan amendment, in concept only. The map change will be made concurrently with the action on the overall General Plan. This is scheduled in approximately six weeks, on April 30, 1991. Final approval of the General Plan amendment and the first reading of the Planned District rezoning ordinance would occur on April 30, 1991.

Planning Commission Action: On February 14, 1991, the Planning Commission considered the proposed project. At that meeting, the applicant expressed concern regarding the off-site traffic improvement fees, and requested the fees be waived. Mr. Sobek also requested those conditions related to the clean-up of hazardous materials on-site be eliminated due to the high cost of the required tasks; however, the clean-up work is required by law and the various tasks cannot be eliminated.

The Commission determined an addition was needed to Condition 6 to exclude the serving of alcoholic beverages in conjunction with the dance hall use (proposed Teen Center) on the property. The Commission adopted a motion (6-0-0-1) to recommend the project for approval, with the revision to Condition 6, to the City Council. Additionally, the Commission agreed to refer the request for waiver of off-site traffic improvement fees to the Council for consideration.

Conclusion: The intent of this planned district is to allow a variety of uses which are permitted in the C-R, C-G, I-R, and G-I Districts with a General Plan designation of Retail Commercial and Industrial. The uses for the Planned District, P-90-18, were selected on the basis of traffic generation and land use compatibility.

Applicant's letter dated March 1, 1991: Dale Sobek submitted a letter to staff dated March 1, 1991, with an attachment addressed to the City Clerk (dated February 27, 1991). The letter was received on March 4, 1991 (see enclosure) and requests a continuance of P-90-18 and GPA-87-17 for 90 days to resolve and clarify issues outlined in his letter. However, he has requested EIR-87-85 be considered and certified on March 12, 1991, by the City Council as scheduled. On the advice of the City Attorney Office, all the related development applications (EIR-87-85, GPA-87-17, and P-90-18) should be considered at the same time. These three applications are interrelated, and the EIR is merely an informational document for the actual projects which are the General Plan Amendment and the Planned District rezoning. Therefore, the EIR should not be considered at another meeting prior to consideration of the related projects. (See enclosures for letter.)

Public Notification: Notices were mailed to owners of property within a minimum radius of 300 feet of the site on February 26, 1991. Public hearing notice was published in the Argus on March 2, 1991.

Consultants: Wallace, Roberts & Todd, EIR Consultants.

ENCLOSURES: Exhibit "A" (General Plan and Zoning Maps); Exhibit "B" (Preliminary and Precise Site Plan); Exhibit "C" (Findings and Conditions of Approval); and, Exhibit "D" (Findings, Facts in support of Findings and Statement of Overriding Considerations regarding the Environmental Impact Report; Planning Commission report and approved minutes of February 14, 1991; letter from the applicant requesting waiver of fees dated February 4, 1991; letter dated January 3, 1991 from the applicant listing proposed land uses for P-90-18; Tentative Parcel Map 4853 (Informational); excerpts of Zoning Ordinance for C-G, C-R, I-R and G-I districts; and letter dated March 1, 1991 from applicant.

RECOMMENDATION:

1. Hold public hearing.
2. Find P-90-18, as per Exhibit "B" (Preliminary and Precise Site Plan), fulfills the applicable requirements set forth in the Fremont Municipal Code.
3. Adopt a resolution adopting EIR findings per Exhibit "D", Findings, Facts in support of Findings and Statement of Overriding Considerations regarding the Environmental Impact Report.
4. Accept as complete:
 - a. Exhibit 1 - Property Owner Consent Letter
 - b. Exhibit 2 - Property Description
5. Add condition #44 and direct staff to study application of a credit toward the cost of off-site traffic improvement fees returning to Council for final determination.
6. Approve in concept P-90-18, as shown on Exhibit "A" (General Plan and Zoning Maps) and Exhibit "B" (Preliminary and Precise Site Plan), based upon the findings and subject to the conditions set forth in Exhibit "C". Direct first reading of the ordinance on April 30, 1991.

6. REPORT FROM CITY ATTORNEY

6.1 ACCEPTANCE AND COMPLETION OF STREET IMPROVEMENTS

6.1.1 TRACT 6002 AND TRACT 5895 - MISSION RIDGE COURT

BACKGROUND: On June 13, 1989, a contract for public street improvements was entered into with Pan Cal Investment Company, as developer, to improve and dedicate street improvements for Tract 6002 and Tract 5895, located on the east side of Mission Boulevard and the south side of Mission Ridge Court in the Mission San Jose area (map enclosed). The improvement work consists of full street improvements and has been satisfactorily completed. The developer is to post a maintenance bond (20% of performance bond) in the amount of \$10,000.00 to guarantee repair of any deficiencies in materials or workmanship during the one-year warranty period. Street lights have been installed and tested by the developer and energized by PG&E.

Engineering Consultant: Nowack & Associates.

Developer: Pan Cal Investment Company.

ENCLOSURE: Location Map.

RECOMMENDATION: Adopt resolution accepting the completed street improvements in Tract 6002 and Tract 5895.

6.1.2 TRACT 6069 - CRYSTAL GLEN, MISSION BOULEVARD AT PICKERING

BACKGROUND: On August 15, 1989, a contract for public street improvements was entered into with Civitaf One Development Company, as developer, to improve and dedicate street improvements for Tract 6069, located near the northeasterly corner of Mission Boulevard and Pickering Avenue in the Niles District (map enclosed). The improvement work consists of full street improvements and has been satisfactorily completed. The developer is to post a maintenance bond (20% of performance bond) in the amount of \$42,800 to guarantee repair of any deficiencies in materials or workmanship during the one-year warranty period. Street lights have been installed and tested by the developer and energized by PG&E.

Engineering Consultant: Louis & Diederich.

Developer: Civitaf One Development Company.

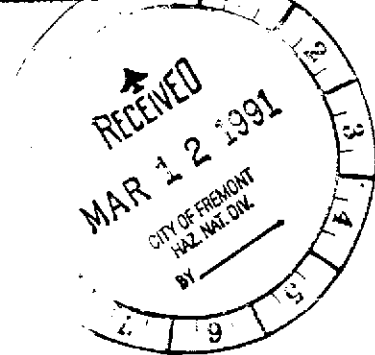
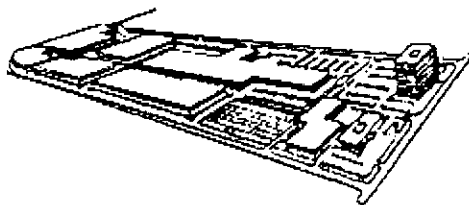
ENCLOSURE: Location Map.

RECOMMENDATION: Adopt resolution accepting the completed street improvements in Tract 6069.

6.2 ACCEPTANCE OF SITE GRADING

6.2.1 TRACT 5127 - (FORMER PROPOSED LOCAL IMPROVEMENT DISTRICT NO. 22 SITE) - CATELLUS

BACKGROUND: On November 4, 1986, the developer of Tract 5127 entered into an agreement and posted a Performance Bond in the amount of \$50,000 to guarantee site



6000 S CORPORATION
 42080 OSGOOD ROAD
 FREMONT, CA 94539
 (415) 657-7633
 FAX (415) 657-8010

DATE 3/11/91 TIME 5:05 A.M. P.M. NUMBER OF PAGES 3
 (Including Cover Letter):

NOTE: If you did not receive all of the pages or if you have a question, please call the verifying number (below).

TO: Ms. Elizabeth Stowe FROM: Dale W. Sobek

CO. NAME City of Fremont/Hazardous Materials Division	NAME 6000 S Corporation
ADDRESS 39572 Stevenson Place, Suite 125	SUBJECT Disposal Air Vents and Chemicals
ATTENTION Ms. Elizabeth Stowe	FAX NO.
FAX NO. (415) 791-4143	VERIFYING NO.

FAX Transmission

REMARKS:

91 MAR 19 AM 10:14