

EXECUTIVE SUMMARY

Purpose

This Draft Environmental Impact Report (Draft EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Warm Springs/South Fremont Community Plan (State Clearinghouse No. 2013032062). This document has been prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.).

The purpose of this Draft EIR is to inform decision makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed project. This Draft EIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided.

Project Summary

Project Location

The project site is located in the City of Fremont, Alameda County, California. The 879-acre plan area is generally bounded by Interstate 880 (I-880) (west); Auto Mall Parkway (north); Interstate 680 (I-680) (east); and Mission Boulevard (State Route 262) (south). The plan area is located on the Niles and Milpitas, California, United States Geological Survey 7.5-minute topographic quadrangle maps, Township 5 South, Range 1 West, Sections 11 and 14 (Latitude 37°30' 16" North; Longitude 121°56' 10" West).

Project Description

The City of Fremont adopted a comprehensive update of its General Plan in December 2011 that identified an approximately 879-acre area around the Warm Springs/South Fremont BART Station as a special Study Area and acknowledged it as a Priority Development Area (PDA). The City of Fremont General Plan calls for a Community Plan to be developed for this area. A Priority Development Area (formally Station Area Plans) is a locally identified, in-fill development opportunity area within an existing community. They are generally areas of at least 100 acres where there is a local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in pedestrian-friendly environment serviced by transit. Priority Development Areas are encouraged by FOCUS, a regional development and conservation strategy that promotes more compact land use pattern for the Bay Area. It unites four regional planning agencies into a single program spearheaded by four regional bay area agencies: the Association of Bay Area Governments, the Metropolitan Transportation Commission, the Bay Area Air Quality Management District and the Bay Conservation and Development Commission.

The existing area has a substantial job base of approximately 15,000 industrial and commercial jobs and one or two residential units. The proposed Community Plan identifies potential new development and redevelopment of properties to accommodate approximately 11,521,526 square feet of light industrial, research and development, office, retail, and hotel uses that would generate as many as 20,000 new jobs. In addition, the Community Plan would provide for between 2,700 and 4,000 residential units and an elementary school. (For the purposes of this EIR, it will be assumed the full 4,000 dwelling units would be developed). The plan assumes TOD principles for land use densities that are supportive of transit services and an urban form. Development throughout the study area would focus employment generating uses, including hotels, light industrial, research and development, and office uses nearest the BART station and promote high-density residential development between 30 and 70 units per acre with the potential for mixed-use retail and commercial uses. Development of individual sites would vary in intensity and height, based upon the targeted use and location within the plan area.

The plan includes associated infrastructure improvements and public facility needs, as well as transportation and circulation network improvements. Multi-modal circulation improvements would include evaluation of street right-of-way and trail opportunities and a new pedestrian bridge overcrossing from the BART station extending to the east over existing rail lines. The Community Plan has a general buildout assumption of development through the year 2035.

Project Objectives

The City of Fremont and the Metropolitan Transportation Commission developed the following project objectives:

1. Promote economic growth through new capital investment, the creation of new jobs and business opportunities, the development of new housing opportunities, and expansion of the tax base.
2. Facilitate the development of higher and better uses within the Community Plan area with an emphasis on high-density, transit- and pedestrian-oriented uses.
3. Promote the use of BART and other transit services by developing complementary residential and non-residential uses in proximity of the Warm Springs/South Fremont BART station.
4. Capitalize on the adjacency of Tesla Motors and other technology-oriented businesses in Fremont and Silicon Valley in order to facilitate the development of Innovation Way as a destination for technology entrepreneurship.
5. Expand the range of residential uses within Fremont to include high-density, transit-oriented uses.
6. Enhance all modes of circulation within the plan area and connectivity to surrounding land uses.

7. Promote land use compatibility between the proposed residential land uses and the adjoining commercial, industrial, and transportation land uses through the use of site planning techniques.
8. Develop a bicycle/pedestrian linkage between Innovation Way and the Warm Springs/South Fremont BART station that serves as non-motorized “spine” within the plan area.
9. Provide workforce housing close to employment centers.
10. Minimize adverse impacts to sensitive uses through the use of site planning and design techniques.

Significant Unavoidable Adverse Impacts

The proposed project would result in the following significant unavoidable impacts:

- **Background Traffic Conditions:** Buildout of the Community Plan would result in significant impacts at four intersections, unless the City changes the minimum acceptable standard for the Community Plan area intersections to LOS E or F where one or no intersections would result in significant impacts, respectively. Conceptual improvements are identified for each location; however, such improvements may not be feasible because they may be in conflict with the City of Fremont General Plan’s and Community Plan’s vision for the area. As such, at a minimum, the implementation of a Transportation Demand Management (TDM) program would be required and certain physical improvements could be implemented if deemed feasible. However, due to the uncertainty surrounding the ability of TDM to reduce peak-hour trips to acceptable levels and the feasibility of certain improvements, the residual significance is significant and unavoidable.
- **2035 Traffic Conditions:** Buildout of the Community Plan would result in significant impacts at 14 intersections, unless the City changes the minimum acceptable standard for the Community Plan area intersections to LOS E or F where nine or no intersections would result in significant impacts. Certain intersections are projected to operate at LOS F and no feasible improvements are available. For other locations, conceptual improvements are identified; however, such improvements may not be feasible because they may be in conflict with the City of Fremont General Plan’s and Community Plan’s vision for the area. As such, at a minimum, the implementation of a TDM program would be required and certain physical improvements could be implemented if deemed feasible. However, due to the uncertainty surrounding the ability of TDM to reduce peak-hour trips to acceptable levels and the feasibility of certain improvements, the residual significance is significant and unavoidable.
- **Congestion Management Plan:** Buildout of the Community Plan would result in significant impacts on various Congestion Management Plan-designated roadway and freeway facilities. Certain facilities are projected to operate at unacceptable levels and no feasible improvements are available. Furthermore, certain facilities are outside of the jurisdictional control of the City of Fremont; therefore, there is uncertainty as to whether feasible improvements could be implemented, if determined to be available. The TDM program would serve to partially alleviate the severity of this impact, but it would not fully reduce impacts to

a level of less than significant. Therefore, the residual significance is significant and unavoidable.

Summary of Project Alternatives

Below is a summary of the alternatives to the proposed project considered in Section 5, Alternatives to the Proposed Project.

No Project Alternative

Under the No Project Alternative, the proposed Warm Springs/South Fremont Community Plan would not be implemented and the existing land use activities within the plan area would continue for the foreseeable future. No increase in existing buildout potential would occur.

Reduced Plan Area Alternative

Under the Reduced Plan Area Alternative, the Warm Springs/South Fremont Community Plan boundaries would be reduced to encompass Areas 3, 4, 5, 8, and 9 (those areas closest to the future BART station) and remove Areas 1, 2, 6, 7, and 10. The buildout potential of this alternative would be up to 4,000 dwelling units and 5,760,346 square feet of nonresidential uses (research and development, office, retail, and hotel). The Reduced Plan Area is the Environmentally Superior Alternative.

Nonresidential Community Plan Alternative

Under the Nonresidential Community Plan Alternative, the Community Plan would consist entirely of nonresidential uses including industrial, research and development, office, retail, and hotel. The buildout potential of this alternative would be 16,032,010 square feet of nonresidential uses (industrial, research and development, office, retail, and hotel).

Areas of Controversy

Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the lead agency, including issues raised by agencies and the public, and it must also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

A Notice of Preparation (NOP) for this EIR was issued on March 21, 2013. The NOP describing the original concept for the project and issues to be addressed in the EIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from March 21, 2013, through April 20, 2013. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Aesthetics, Light, and Glare
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Land Use
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Utility Systems

Disagreement Among Experts

This Draft EIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions, although the City of Fremont is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision makers to make an informed judgment about the environmental consequences of the proposed project.

Potentially Controversial Issues

Below is a list of potentially controversial issues that may be raised during the public review and hearing process of this Draft EIR:

- Aesthetics/Visual Character
- Air Quality/Greenhouse Gases
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Population Growth
- Traffic

It is also possible that evidence will be presented during the 45-day statutory Draft EIR public review period that may create disagreement. Decision makers would consider this evidence during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the most environmentally preferable viewpoint. Decision makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision makers must consider comments received concerning the adequacy of the Draft EIR. However, decision makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Draft EIR, and can certify the Final EIR without needing to resolve disagreements among experts.

Public Review of the Draft EIR

Upon completion of the Draft EIR, the City of Fremont filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (Public Resources Code, Section 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and

trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the City of Fremont Planning Division office and the Fremont Main Library. The address for each location is provided below:

City of Fremont	Fremont Main Library
Planning Division	2400 Stevenson Boulevard
39550 Liberty Street	Fremont, CA 94538
Fremont, CA 94537	Phone: (510) 745-1424
Hours ¹ :	Hours ² :
Monday–Thursday: 8 a.m. to 4 p.m.	Monday, Tuesday: 1 p.m. to 9 p.m.
Friday: 8 a.m. to 12 p.m.	Wednesday: 11 a.m. to 9 p.m.
	Thursday, Friday: 11 a.m. to 6 p.m.
	Saturday: 10 a.m. to 5 p.m.
	Sunday: Closed

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period. Written comments on this Draft EIR should be addressed to:

Ms. Kristie Wheeler, Planning Manager
City of Fremont
Planning Division
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006
Phone: 510-494-4540
Fax: 510-494-4457
Email: kwheeler@fremont.gov

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the City of Fremont on the project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the project.

Executive Summary Matrix

Table ES-1 below summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed project. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this EIR. Table ES-1 is included in the EIR as required by CEQA Guidelines Section 15123(b)(1).

¹ Fremont City Hall will be closed on Monday, January 20, 2014; and Monday, February 17, 2014.

² The Fremont Main Library will be closed on Monday, January 20, 2014; Wednesday, February 12, 2014; and Monday, February 17, 2014.

Table ES-1: Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section 3.1 – Aesthetics, Light, and Glare			
Impact AES-1: Development and land use activities contemplated by the Community Plan would not have a substantial adverse effect on a scenic vista.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact AES-2: Development and land use activities contemplated by the Community Plan would not degrade scenic resources within the viewshed of a State Scenic Highway.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact AES-3: Development and land use activities contemplated by the Community Plan would not degrade the visual character of the Community Plan area or its surroundings.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact AES-4: Development and land use activities contemplated by the Community Plan would not create new sources of light and glare that may adversely affect views.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.2 – Air Quality/Greenhouse Gases			
Impact AIR-1: Implementation of the Community Plan may conflict with or obstruct implementation of the applicable air quality plan.	Potentially significant impact.	Implement Mitigation Measure AIR-2a, AIR-2b, and AIR-4.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact AIR-2: Implementation of the Community Plan may violate air quality standards or contribute substantially to an existing or projected air quality violation.</p>	<p>Potentially significant impact.</p>	<p>MM AIR-2a: To reduce fugitive dust (PM10) emissions from construction activity, the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. • Cover all hauling trucks or maintain at least two feet of freeboard. • Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. • Limit traffic speeds on any unpaved roads to 15 mph. • Replant vegetation in disturbed areas as quickly as possible. • Suspend construction activities that cause visible dust plumes to extend beyond the construction site. • Post a publicly visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations. 	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>MM AIR-2b: To reduce exhaust emissions from off-road construction equipment, the following measures shall be implemented:</p> <ul style="list-style-type: none"> • The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that heavy-duty off-road vehicles to be used in the construction project, including owned, leased, and/or subcontractor vehicles, shall meet or exceed United States Environmental Protection Agency Tier 3 off-road emissions standards when more than five pieces of off-road diesel equipment with a horsepower greater than 70 per piece of equipment would operate on one day. The plan shall include quantification of air pollutant emissions demonstrating that the project would not exceed the BAAQMD’s thresholds of significance for project construction. • Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site. • The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors). • Properly tune and maintain equipment for low emissions. 	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact AIR-3: Implementation of the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors).</p>	<p>Less than significant impact.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact AIR-4: Implementation of the Community Plan may expose sensitive receptors to substantial pollutant concentrations.</p>	<p>Potentially significant impact.</p>	<p>MM AIR-4: Prior to issuance of building permits for any sensitive receptor use (e.g., residential areas, elementary school, daycare centers, etc.) that would be developed pursuant to the Community Plan, the applicant shall prepare and submit plans to the City of Fremont that demonstrates the use of air filtration with a minimum efficiency reporting value (MERV) of 13 or greater. The approved plan shall be incorporated into the development.</p>	<p>Less than significant impact.</p>
<p>Impact AIR-5: Implementation of the Community Plan would not create objectionable odors affecting a substantial number of people.</p>	<p>Less than significant impact.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact AIR-6: Implementation of the Community Plan would generate direct and indirect GHG emissions; however, these emissions would not result in a significant impact on the environment.</p>	<p>Less than significant impact.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact AIR-7: Implementation of the project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce the emissions of GHGs.</p>	<p>Less than significant impact.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section 3.3 –Biological Resources			
<p>Impact BIO-1: Development and land use activities contemplated by the Warm Springs/South Fremont Community Plan may have an adverse effect on special-status wildlife species.</p>	<p>Potentially significant impact.</p>	<p>MM BIO-1a: Prior to grading or any other ground disturbing activity, a qualified biologist shall conduct a survey for burrowing owls to determine if suitable burrows (greater than 3.5 inches diameter) are present in and adjacent to the area of ground disturbance. Surveys shall be conducted consistent with the procedures in outlined in the “California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation.”</p> <p>If burrowing owl(s) are observed onsite during the pre-construction clearance survey, consultation with CDFW shall occur to determine the next appropriate steps. Additional focused surveys may be warranted as determined by CDFW to determine the quantity and location of nesting/migrating burrowing owls. Areas currently occupied by burrowing owls shall be avoided for the duration of residing onsite and/or nesting period. If burrowing owls cannot be avoided by the proposed project, then additional measures such as passive relocation during the non-breeding season may be utilized to reduce any potential impacts. Burrow exclusion involves the installation of one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows after verifying burrows are empty by site monitoring and scoping. Existing or artificial burrows situated less than 75 meters from the project site is the ideal scenario for successful passive relocation. Additional factors for successful passive relocation are included in the</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist is able to determine that burrowing owls are no longer occupying the project site and passive relocation deemed successful, construction activities may continue.</p> <p>MM BIO-1b: Prior to any tree or vegetation removal during the nesting season (February 1 through August 31), a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, the biologist shall determine an appropriate buffer that shall be required around the nests. No vegetation removal or ground disturbance would occur within this buffer. For raptor species—birds of prey such as hawks and owls—this buffer would generally be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor. Tree or vegetation removal activities that occur outside of the nesting season (September 1 through January 31) are not subject to the requirements of this mitigation measure.</p>	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact BIO-2: Development and land use activities contemplated by the Warm Springs/South Fremont Community Plan would not have an adverse effect on sensitive natural communities or riparian habitat.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact BIO-3: Development and land use activities contemplated by the Warm Springs/South Fremont Community Plan would not have an adverse effect on wetland resources.	No impact.	No mitigation is necessary.	No impact.
Impact BIO-4: Development and land use activities contemplated by the Warm Springs/South Fremont Community Plan would not substantially interfere with wildlife movement.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact BIO-5: Development and land use activities contemplated by the Community Plan would not conflict with local policies or ordinances protecting biological resources.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.4 –Cultural Resources			
Impact CUL-1: Development and land use activities contemplated by the Community Plan have the potential to adversely impact historic resources.	Potentially significant impact.	MM CUL-1a: Prior to issuance of grading or building permits for development on vacant or unbuilt parcels within the Community Plan area, a qualified archaeologist shall undertake a field survey of the proposed project site following State Historic Preservation Officer guidelines associated with Phase 1 archaeological surveys. The results of the survey, a list of prehistoric discoveries made (if any), and proposed mitigation measures, must be incorporated into the conditions of approval for the development proposal.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>MM CUL-1b: If potentially significant cultural resources are encountered during subsurface earthwork activities for the project, all construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be evaluated for significance in accordance with California Environmental Quality Act (CEQA) criteria by a qualified archaeologist and, if significant, recorded on appropriate California Department of Parks and Recreation forms. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive report and file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials.</p>	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact CUL-2: Development and land use activities contemplated by the Community Plan have the potential to adversely impact archaeological resources.</p>	<p>Potentially significant impact.</p>	<p>Implement Mitigation Measure CUL-1b.</p>	<p>Less than significant impact.</p>
<p>Impact CUL-3: Development and land use activities contemplated by the Community Plan have the potential to adversely impact paleontological resources.</p>	<p>Potentially significant impact.</p>	<p>MM CUL-3: If the proposed project involves excavation activities at depths of more than 10 feet below ground surface, prior to issuance of grading permits, the project applicant shall retain a qualified paleontologist to prepare and submit a paleontologic mitigation monitoring program to the City of Fremont for review and approval. The program shall at a minimum contain the following elements: (1) require monitoring by a qualified paleontologist of excavation activities below 10 feet; (2) empower monitor(s) to temporarily halt or divert equipment to allow removal of abundant or large specimens; and (3) identify steps for fossil salvaging. For the latter item, salvaged specimens shall be appropriately preserved, including curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage, as appropriate. At the conclusion of monitoring, the paleontologist shall prepare and submit a report of findings to the City of Fremont with an appended, itemized inventory of specimens and confirmation of the curation of recovered specimens into an established, accredited museum repository. This mitigation measure does not apply if excavation activities are limited to no more than 10 feet below ground surface.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact CUL-4: Development and land use activities contemplated by the Community Plan have the potential to adversely impact human remains or burial sites.</p>	<p>Potentially significant impact.</p>	<p>MM CUL-4: In the event of the accidental discovery or recognition of any human remains, all activities shall cease within 50 feet of the find and the following procedures shall be implemented, as applicable:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Alameda County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the County Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: <ul style="list-style-type: none"> • The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the NAHC. 	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. 	
Section 3.5 – Geology, Soils, and Seismicity			
<p>Impact GEO-1: Buildout of the Community Plan may expose persons or structures to seismic hazards.</p>	Potentially significant impact.	<p>MM GEO-1: Prior to issuance of the first building permit for each development pursuant to the Community Plan, the project applicant shall submit a design-level geotechnical report to the City of Fremont for review and approval. The design-level investigation shall be prepared in accordance with California Building Code Standards and Fremont Municipal Code standards and address the potential for seismic hazards to occur onsite and identify abatement measures to reduce the potential for such an event to acceptable levels. The recommendations of the approved design-level geotechnical report shall be incorporated into the project plans.</p>	Less than significant impact.
<p>Impact GEO-2: Buildout of the Community Plan may result in substantial soil erosion or the loss of topsoil.</p>	Potentially significant impact.	Implement Mitigation Measure HYD-1a in Section 3.7, Hydrology and Water Quality.	Less than significant impact.
<p>Impact GEO-3: Buildout of the Community Plan may expose persons or structures to hazards associated with unstable geologic units or soils.</p>	Potentially significant impact.	Implement Mitigation Measure GEO-1.	Less than significant impact.
<p>Impact GEO-4: Buildout of the Community Plan may expose persons or structures to hazards associated with expansive soils.</p>	Potentially significant impact.	Implement Mitigation Measure GEO-1.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section 3.6 – Hazards and Hazardous Materials			
<p>Impact HAZ-1: Buildout of the Community Plan may expose the public or the environment to hazardous materials from routine transport, use, or disposal of hazardous materials.</p>	<p>Potentially significant impact.</p>	<p>MM HAZ-1: Prior to issuance of building permits for any new use within the Community Plan area that proposes to use large quantities of hazardous materials, the City of Fremont shall review the project application for compatibility with existing and planned land uses. The review process shall focus on the location of existing and planned sensitive receptors (e.g., residential uses and schools) and whether the proposed hazardous material usage would expose such uses to unacceptable safety risks. If necessary, the City shall condition the proposed hazardous materials user to incorporate appropriate protection measures (e.g., containment facilities).</p>	<p>Less than significant impact.</p>
<p>Impact HAZ-2: Buildout of the Community Plan may expose the public or environment to hazardous materials from reasonably foreseeable upset and accident conditions.</p>	<p>Potentially significant impact.</p>	<p>MM HAZ-2a: Prior to issuance of a building permit for a proposed project pursuant to the Community Plan, the project applicant shall submit a hazardous materials risk analysis to the City of Fremont for review and approval. The risk analysis shall incorporate information from the plan area Hazardous Materials User Study or a site-specific risk analysis performed by a qualified professional. The risk analysis shall describe potential hazardous materials incident risks and describe mitigation from the Hazardous Materials User Study or site-specific risk analysis that would protect future site users from those risks. The mitigation shall be incorporated into the project plans.</p> <p>MM HAZ-2b: Prior to issuance of a building permit for a proposed project pursuant to the Community Plan, a Phase I Environmental Site Assessment (Phase I ESA) shall be prepared to American Society for Testing and</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>Materials standards for the project. If the Phase I ESA identifies the potential for soil or groundwater contamination to be present at the site, a Phase II ESA shall be prepared by a qualified environmental professional.</p> <p>If contamination is identified during Phase I and II investigations, projects undertaken under the Community Plan shall incorporate any necessary measures to ensure that any potential added health risks to construction workers, maintenance and utility workers, site residents and workers, and the general public as a result of hazardous materials are reduced to a cumulative risk of less than one in one million for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or as otherwise required by a regulatory oversight agency. The risk evaluation and any required response actions would be a condition of approval for construction, demolition, or grading permits and would be subject to review and/or approval by regulatory oversight agencies. These agencies could also require additional site investigation to more fully delineate the extent of contaminants of concern at the site. If extensive onsite excavation and/or soil off-haul is determined to be the appropriate response action for a site, additional CEQA review may be required to evaluate potential impacts for the response related to air quality, noise and traffic.</p> <p>MM HAZ-2c: Hazardous building materials surveys shall be conducted by a qualified and licensed professional for all structures, not previously inspected or abated, proposed for demolition or renovation as</p>	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		part of a project undertaken under the Community Plan. All loose and peeling lead-based paint and asbestos-containing material shall be abated by certified contractor(s) in accordance with local, state, and federal requirements. All other hazardous materials shall be removed from buildings prior to demolition in accordance with California Department of Industrial Relations, Division of Occupational Safety and Health regulations. The completion of the abatement activities shall be documented by a qualified environmental professional(s) and submitted to the City for review with applications for issuance of construction and demolition permits.	
Impact HAZ-3: Buildout of the Community Plan would not expose students and teachers at the proposed new school to hazardous materials or emissions.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact HAZ-4: Buildout of the Community Plan may expose future construction workers, residents, and other users to hazardous materials from listed hazardous material sites.	Potentially significant impact.	Implement Mitigation Measure HAZ-2b.	Less than significant impact.
Impact HAZ-5: Buildout of the Community Plan would not interfere with existing emergency evacuation or response plans.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section 3.7 – Hydrology and Water Quality			
<p>Impact HYD-1: Development and land use activities associated with the Community Plan may have the potential to degrade surface water quality in downstream water bodies.</p>	<p>Potentially significant impact.</p>	<p>MM HYD-1a: Prior to issuance of grading permits for new development projects that that would disturb one or more acre of land within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity; and (4) stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.</p> <p>The SWPPP shall be prepared by a qualified SWPPP preparer. The SWPPP shall include the minimum BMPs required for the identified risk level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate, depending on the project risk level, sampling of site effluent and receiving waters. A qualified SWPPP practitioner shall be responsible for implementing the BMPs at a project site. The practitioner shall also be responsible for performing all required monitoring, BMP inspection, and maintenance and repair activities.</p> <p>In addition to the SWPPP requirement, each development project implemented under the Community Plan shall fully comply with the City of Fremont Grading, Erosion, and Sediment Control Ordinance (Chapter 18.205) and Stormwater Management and Discharge Control Ordinance (Chapter 18.210).</p> <p>MM HYD-1b: Prior to issuance of building permits for new development projects within the Community Plan area, the City of Fremont shall verify that the project applicant has prepared operational stormwater quality control measures that comply with the requirements of the current Municipal Regional Permit. Responsibilities include, but are not limited to, designing BMPs into project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff (i.e., hydromodification) associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings. Specifically, the final design shall include</p>	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>measures designed to mitigate potential water quality degradation and hydromodification of runoff from all portions of completed developments.</p> <p>New development under the Community Plan shall incorporate site design and BMPs described in the current version of Alameda County Clean Water Program, C.3 Stormwater Technical Guidance manual. Low Impact Development (LID) features, including minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source, shall be used at each development covered by the Municipal Regional Permit. Funding for long-term maintenance of all BMPs shall be specified (as the City will not assume maintenance responsibilities for BMPs within private developments). For each development project, the project applicant shall establish a self-perpetuating Operation and Maintenance of Stormwater Treatment Systems Plan (Municipal Regional Permit provision C.3.h). This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Municipal Regional Permit. Reports documenting inspections and any remedial action conducted shall be submitted regularly to the City for review and approval. In addition to the Municipal Regional Permit, each development project implemented under the Community Plan will fully comply with the City of Fremont Stormwater Management and Discharge Control Ordinance (Chapter 18.210).</p>	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact HYD-2: Implementation of the Community Plan could create or contribute runoff that exceeds the capacity of existing or planned stormwater drainage systems.</p>	<p>Potentially significant impact.</p>	<p>MM HYD-2: Prior to issuance of building permits for new development projects within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a storm drainage and hydraulic study in accordance with City requirements. The storm drainage and hydraulic study shall quantify the increase in stormwater runoff peak flow rates and volumes resulting from the project, and identify the potential to exceed the conveyance and storage capacity of the local storm drainage system. The study shall incorporate the stormwater treatment controls and LID measures that will be designed to capture and treat runoff. The analysis shall verify whether the existing drainage infrastructure is adequate to receive and convey runoff from a project implemented under the Community Plan. If the findings of the analysis reveal that implementation of a proposed project would create runoff beyond the capacity of the existing stormwater drainage systems, the project shall be required to upgrade undersized components or adopt a different form of stormwater runoff management. Prior to approval of a proposed project, the final design drainage plans shall be reviewed and approved by the City of Fremont Public Works Department and the Alameda County Flood Control and Water Conservation District (ACFCWC). Any project that involves work within the ACFCWC right-of-way or that requires construction, modification, or connection to ACFCWC facilities shall obtain a Flood Encroachment Permit and shall comply with ACFCWC standards and specifications.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact HYD-3: Implementation of the Community Plan may deplete groundwater supplies.</p>	<p>Potentially significant impact.</p>	<p>MM HYD-3: Prior to issuance of grading permits for any new development project within the Community Plan area that involves dewatering, the City of Fremont shall verify that the applicant has consulted with Alameda County Water District (ACWD). Such consultation shall include evaluation of alternatives to dewatering when practicable to minimize the amount of dewatering, and to maximize the reuse of pumped groundwater when dewatering is not avoidable. In accordance with ACWD Ordinance No. 2010-01, a drilling permit shall be obtained prior to the start of the drilling of any exploratory borings or groundwater wells, or any excavations that have the potential to impact a groundwater aquifer. In compliance with the Replenishment Assessment Act, the project applicant shall meter all groundwater pumped and shall pay all applicable replenishment assessment fees. ACWD uses the fees to manage and replenish the Niles Cone Groundwater Basin and to recharge the basin through percolation in Alameda Creek and the adjacent recharge ponds in the Quarry Lakes Regional Recreational Area.</p>	<p>Less than significant impact.</p>
<p>Impact HYD-4: Implementation of the Community Plan could adversely affect groundwater quality by damaging active or abandoned groundwater wells or through drilling of new wells.</p>	<p>Potentially significant impact.</p>	<p>MM HYD-4a: Prior to the development of any property within the Community Plan area, the project applicant shall notify the ACWD. ACWD shall conduct a records and field search and provide a letter documenting the locations of any wells identified on the property. The project applicant shall either protect or properly destroy the well(s) before the start of construction activities.</p> <p>If a well is to be destroyed, the project applicant shall first notify ACWD. Well destruction shall be carried out</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>in accordance with the standards of ACWD. If a well is to be protected, the project applicant shall submit a letter to ACWD identifying the well and explaining how the well will be protected during construction activities. A permit for inactive classification shall be obtained for protected wells that will not be used for a 12-month period. In accordance with ACWD Ordinance No. 2010-01, a drilling permit shall be obtained prior to the start of the drilling of exploratory borings or groundwater wells, or any excavations that may have the potential to impact groundwater resources.</p> <p>MM HYD-4b: Prior to issuance of grading permits for any development projects at Leaking Underground Storage Tank (LUST) sites or Spills, Leaks, Investigation, and Cleanup (SLIC) sites, the applicant shall consult with ACWD or with the Regional Water Quality Control Board to identify measures to ensure that cleanup and investigation activities of the site are not interrupted by construction or dewatering activities. Any agency recommended measures shall be identified on construction plans.</p>	
<p>Impact HYD-5: Development and land use activities contemplated by the Community Plan could place structures within a 100-year flood hazard area.</p>	<p>Potentially significant impact.</p>	<p>MM HYD-5: Prior to issuance of grading permits for any development project located within a 100-year hazard flood zone, the applicant shall prepare and submit building plans to the City of Fremont that demonstrate compliance with the City of Fremont Flood Damage Prevention Ordinance (Chapter 18.200). The Ordinance specifies the standards required for the construction of buildings in all areas of special flood hazards and requires that all new structures be at least</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>one foot above the 100-year flood elevation. The standards include, but are not limited to, requirements for anchoring, construction materials and methods, elevation, and floodproofing. In addition, the standards state that no new construction or redevelopment shall occur in a FEMA designated 100-year flood zone unless certification by a registered professional engineer or architect is provided that shows that the activity would not result in an increase in flood levels during the occurrence of the base flood discharge. The project applicant shall also comply with Policy 10-3.1 of the City of Fremont General Plan, which requires that the cumulative effects of other encroachments onto the 100-year flood zone be considered in the analysis.</p>	
<p>Impact HYD-6: Implementation of the Community Plan would not expose people or structures to a significant risk of flooding as a result of the failure of a dam or levee.</p>	<p>Less than significant impact.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Section 3.8 – Land Use</p>			
<p>Impact LU-1: The Community Plan would not physically divide an established community.</p>	<p>Less than significant impact.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact LU-2: The proposed Community Plan would be consistent with applicable provisions of the City of Fremont General Plan.</p>	<p>Less than significant impact.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact LU-3: The proposed project would not conflict with any of the applicable provisions of the City of Fremont Municipal Code.</p>	<p>Less than significant impact.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Section 3.9 – Noise</p>			

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact NOI-1: Construction activities associated with the proposed project may expose sensitive receptors to noise levels in excess of adopted standards or cause a substantial temporary increase in ambient noise levels.</p>	<p>Potentially significant impact.</p>	<p>MM NOI-1: The following measures shall be implemented as part of construction activities within the Community Plan area, in order to reduce the effects of noise levels generated from construction operations.</p> <ul style="list-style-type: none"> • Construction operations and related activities within the plan area shall comply with the operational hour limitations for construction as outlined in the City of Fremont Municipal Code. For projects located within 500 feet of one or more residences, lodging facilities, nursing homes or inpatient hospitals, construction shall be limited to the weekday hours of 7:00 a.m. to 7:00 p.m. and the Saturday or holiday hours of 9:00 a.m. to 6:00 p.m., while Sunday construction is not allowed. For projects located beyond 500 feet of the facilities named above, construction hours shall be limited to the weekday hours of 6:00 a.m. to 10:00 p.m. and the weekend or holiday hours of 8:00 a.m. to 8:00 p.m.. The City of Fremont shall have the discretion to permit construction activities to occur outside of allowable hours if compelling circumstances warrant such an exception. • Construction equipment and vehicles shall be fitted with efficient, well-maintained mufflers that reduce equipment noise emission levels at the project site. Internal combustion powered equipment shall be equipped with properly operating noise suppression devices (e.g., mufflers, silencers, wraps) that meet or exceed manufacture specifications. Mufflers and noise suppressors shall be properly maintained and tuned to ensure proper fit, function, and minimization of noise. 	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> • Pumps that are not submerged and aboveground conveyor systems shall be located within acoustically treated enclosures. • Portable and stationary site support equipment (such as generators, compressors, rock crushers, and cement mixers) shall be located as far as possible from nearby noise-sensitive receptors. • Impact tools shall have the working area/impact area shrouded or shielded, with intake and exhaust ports on power equipment muffled or suppressed. This may necessitate the use of temporary or portable, application specific noise shields or barriers. • Construction equipment shall not be idled for extended periods (e.g., 15 minutes or longer) of time in the immediate vicinity of noise-sensitive receptors. • A disturbance coordinator shall be designated by the general contractor, which will post contact information in a conspicuous location near the entrance of the subject construction sites so that it is clearly visible to nearby receivers most likely to be disturbed. The coordinator shall manage complaints resulting from the construction noise. Reoccurring disturbances shall be evaluated by a qualified acoustical consultant retained by the project proponent to ensure compliance with applicable standards. 	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact NOI-2: Construction and operational activities associated with the proposed project may generate excessive groundborne vibration in the Community Plan area.</p>	<p>Potentially significant impact.</p>	<p>MM NOI-2: Prior to issuance of building permits for any vibration sensitive uses within 200 feet of the Union Pacific Railroad centerline, the applicant shall retain a qualified acoustical/vibration consultant to perform a site-specific groundborne noise and vibration assessment. The assessment shall be prepared in accordance with Federal Transit Administration and Caltrans guidelines and identify whether the proposed uses would be exposed to excessive vibration. No vibration sensitive uses shall be located within 100 feet of the railroad centerline unless it can be demonstrated that such uses would not be exposed to excessive vibration. The recommendations of the assessment shall be incorporated into the development plans.</p>	<p>Less than significant impact.</p>
<p>Impact NOI-3: The proposed project would not cause a long-term increase in traffic noise levels at existing noise-sensitive receptors.</p>	<p>Less than significant impact.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact NOI-4: Long-term operational noise associated with the proposed project may result in noise levels in excess of applicable standards at off-site sensitive receptors.</p>	<p>Potentially significant impact.</p>	<p>MM NOI-4a: Plans submitted for building and/or grading permits shall include an acoustical analysis that verifies that they project would meet applicable noise standards. Projects determined to have the potential to generate or expose noise-sensitive uses to noise levels exceeding the City of Fremont noise standards or result in a substantial (3 to 5 dB or greater) permanent increase in ambient noise levels shall include noise attenuation measures such as use of sound-rated door and window assemblies, mechanical ventilation, orientation of buildings away from roadways, sound barriers (walls or berms), or other methods to reduce noise levels to acceptable standards.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>MM NOI-4b: Specific development of proposed land uses shall be designed so that onsite mechanical equipment (e.g., HVAC units, compressors, generators, etc) and area source operations (e.g., loading docks, parking lots, and recreational use areas) are located at the furthest distance from and/or shielded from nearby noise-sensitive land uses.</p> <p>MM NOI-4c: Loading, unloading and delivery areas of commercial and industrial uses shall be located so that buildings shield nearby noise-sensitive land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise-sensitive uses. Loading dock activity and delivery truck activity at the commercial uses developed within the Plan Area shall only occur between the hours of 7 a.m. and 10 p.m., in order to prevent evening and nighttime sleep disturbance at nearby noise-sensitive land uses.</p>	
<p>Impact NOI-5: Proposed noise-sensitive receptors associated with the proposed project may be exposed to transportation noise levels in excess of applicable standards.</p>	<p>Potentially significant impact.</p>	<p>MM NOI-5a: Plans submitted for building and/or grading permits shall include an acoustical analysis that verifies that they project would meet applicable noise standards.</p> <p>MM NOI-5b: Projects determined to have the potential to expose noise-sensitive uses to noise levels exceeding the City of Fremont noise standards shall incorporate site-specific design considerations to reduce exterior noise exposure levels. Site design includes, but is not limited to the following measures:</p> <ul style="list-style-type: none"> Distances between noise sources and noise-sensitive uses shall be maximized through the use 	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>of noise buffers/setbacks. Setback areas can take the form of open space, frontage roads, recreational areas, storage yards, or other City approved setback.</p> <ul style="list-style-type: none"> • Common outdoor activity areas, such as play structures, swimming pools, or other outdoor congregation areas included in multi-family residential and/or mixed-use developments shall be located such that the building(s) serve as a sound barrier to the nearest predominant noise source whenever feasible. • Noise barriers shall be constructed to provide shielding of noise-sensitive uses and outdoor activity areas. Barriers may include man-made walls, earthen berms, a combination of walls and berms, and other structures breaking line of sight from noise source to receptor. Barriers shall be located in close proximity to either the noise source or the sensitive receptor. • A site-specific acoustical analysis shall be performed to determine noise level exposure, and determine effectiveness of various site design measures based on detailed project construction plans. The acoustical analysis shall verify that incorporation of the mitigation measures into the project design would reduce exterior noise level exposures to comply with applicable City of Fremont noise standards. 	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section 3.10 – Public Services and Recreation			
Impact PSU-1: Development and land use activities contemplated by the Community Plan would not result in a need for new or expanded fire facilities or adverse impacts on fire protection.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact PSU-2: Development and land use activities contemplated by the Community Plan would not result in a need for new or expanded police facilities or adverse impacts on police protection.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact PSU-3: Development and land use activities contemplated by the Community Plan may result in a need for new or expanded school facilities.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact PSU-4: Development and land use activities contemplated by the Community Plan would not result in a need for new or expanded park, trail, or community facilities beyond those included in the Community Plan.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Section 3.11 – Transportation			
Impact TRANS-1: Buildout of the Community Plan may contribute to unacceptable traffic operations under Background Traffic Conditions.	Potentially significant impact.	MM TRANS-1a: Prior to issuance of the first certificate of occupancy for each individual development that occurs pursuant to the Community Plan, the project applicant shall submit a Transportation Demand Management (TDM) Program to the City of Fremont for review and approval. The TDM Program shall be prepared by a qualified transportation consultant/engineer and identify TDM measures. (Note that applicants shall have the option of participating in a	Significant unavoidable impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>previously approved TDM Program in lieu of preparing a new one.) The TDM Program shall contain the following provisions:</p> <ol style="list-style-type: none"> 1) A goal of reducing AM peak-hour and PM peak-hour trips by a minimum of 20 percent. 2) Annual review (or more frequently if needed) to determine that it reflects the needs and priorities of residents, employees, tenants, etc. Changes shall be made on an as-needed basis in order to ensure that the TDM program can readily attain the 20 percent reduction goal. 3) Include but not be limited to the following measures: <ul style="list-style-type: none"> • Subsidized transit passes • Carsharing/Vanpool program • Guaranteed Ride Home via taxi vouchers or similar provisions • Preferential carpool parking • Parking cash-out programs <p>MM TRANS-1b: Prior to issuance of the first building permit for the Community Plan area, the City of Fremont shall implement one of the following options for the intersection of Mission Boulevard/Warm Springs Boulevard:</p> <ol style="list-style-type: none"> 1) Amend the City’s Capital Improvement Program to include adding a third eastbound left-turn lane. This improvement would result in a third receiving lane at the northern leg of the intersection and require right-of-way acquisition. New developments that occur pursuant to the Community Plan would be required to contribute fair-share fees to this improvement. 	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>2) Receive approval from Caltrans to exempt this intersection from the City’s LOS D standard. Under this option, no further improvements would be required. However, the TDM program contemplated by Mitigation Measure TRANS-1a would be required under this option.</p> <p>MM TRANS-1c: Prior to issuance of the first building permit for the Community Plan area, the City of Fremont shall implement one of the following options for the intersection of Grimmer Boulevard/Warm Springs Boulevard-Osgood Road:</p> <p>1) Amend the City’s Capital Improvement Program to include:</p> <ul style="list-style-type: none"> (a) Adding a second northbound through lane; (b) Converting the northbound shared right/through to a right-turn lane; (c) Adding a second westbound through lane; and (d) Adding a second eastbound through lane. <p>New developments that occur pursuant to the Community Plan would be required to contribute fair-share fees to these improvements.</p> <p>2) Change the minimum acceptable standard for this intersection to LOS E. Under this option, no further improvements would be required. However, the TDM program contemplated by Mitigation Measure TRANS-1a would be required under this option.</p> <p>MM TRANS-1d: Prior to issuance of the first building permit for the Community Plan area, the City of Fremont shall implement one of the following options for the intersection of Auto Mall Parkway/Fremont Boulevard:</p>	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>1) Amend the City’s Capital Improvement Program to include:</p> <ul style="list-style-type: none"> (a) Converting southbound shared through/right-turn lane to a right-turn lane; (b) Adding a southbound through lane; (c) Converting westbound shared through/right-turn lane to a right-turn lane; (d) Adding a westbound through lane; (e) Converting northbound shared through/right-turn lane to a right-turn lane; (f) Adding a northbound through lane; and (g) Implementing right-turn-on-red reduction to the westbound right turn. <p>New developments that occur pursuant to the Community Plan would be required to contribute fair-share fees to these improvements. The TDM program contemplated by Mitigation Measure TRANS-1a would be required under this option.</p> <p>2) Change the minimum acceptable standard for this intersection to LOS E. Under this option, no further improvements would be required. However, the TDM program contemplated by Mitigation Measure TRANS-1a would be required under this option.</p> <p>MM TRANS-1e: Prior to issuance of the first building permit for the Community Plan area, the City of Fremont shall implement one of the following options for the intersection of Auto Mall Parkway/Osgood Road:</p> <ul style="list-style-type: none"> 1) Amend the City’s Capital Improvement Program to include: <ul style="list-style-type: none"> (a) Adding a second westbound through lane and converting the westbound shared through/right-turn lane to a right-turn lane; 	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>(b) Converting the southbound shared through/right-turn lane to a right-turn lane; and (c) Adding a southbound through lane.</p> <p>New developments that occur pursuant to the Community Plan would be required to contribute fair-share fees to these improvements. The TDM program contemplated by Mitigation Measure TRANS-1a would be required under this option.</p> <p>2) Change the minimum acceptable standard for this intersection to LOS E. Under this option, no further improvements would be required. However, the TDM program contemplated by Mitigation Measure TRANS-1a would be required under this option.</p>	
<p>Impact TRANS-2: Buildout of the Community Plan may contribute to unacceptable traffic operations under 2035 Traffic Conditions.</p>	<p>Potentially significant impact.</p>	<p>Implement Mitigation Measures TRANS-1a and TRANS-1d, and:</p> <p>MM TRANS-2a: Prior to issuance of the first building permit for development that occurs pursuant to the Community Plan, the City of Fremont shall amend its Capital Improvement Plan to identify improvements for the intersection of Warren Avenue/Kato Road. The improvements shall consist of adding a second northbound left-turn lane. New developments that occur pursuant to the Community Plan would be required to contribute fair-share fees to this improvement. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.</p> <p>MM TRANS-2b: Prior to issuance of the first building permit for development that occurs pursuant to the</p>	<p>Significant unavoidable impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>Community Plan, the City of Fremont shall amend its Capital Improvement Plan to identify improvements for the intersection of Fremont Boulevard/Old Warm Springs Boulevard. The improvements shall consist of (1) signalizing the intersection; (2) converting the northbound shared through/right-turn lane to a right-turn lane; and (3) adding two northbound through lanes. New developments that occur pursuant to the Community Plan would be required to contribute fair-share fees to this improvement. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.</p> <p>MM TRANS-2c: Prior to issuance of the first building permit for development that occurs pursuant to the Community Plan, the City of Fremont shall amend its Capital Improvement Plan to identify improvements for the intersection of Grimmer Boulevard/Paseo Padre Parkway. The improvements shall consist of (1) signalizing the intersection; (2) converting the eastbound and westbound lanes to shared through/right-turn lane; and (3) adding a left-turn lane in the eastbound and westbound directions. New developments that occur pursuant to the Community Plan would be required to contribute fair-share fees to this improvement. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.</p> <p>MM TRANS-2d: Prior to issuance of the first building permit for development that occurs pursuant to the</p>	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Community Plan, the City of Fremont shall amend its Capital Improvement Plan to identify improvements for the intersection of Fremont Boulevard/Ingot Street/Innovation Way. The improvements shall consist of adding a third southbound through lane. New developments that occur pursuant to the Community Plan would be required to contribute fair-share fees to this improvement. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.	
Impact TRANS-3: Buildout of the Community Plan may conflict with an applicable congestion management program.	Potentially significant impact.	Implement Mitigation Measure TRANS-1a.	Significant unavoidable impact.
Impact TRANS-4: Buildout of the Community Plan would not substantially increase hazards due to a design feature.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact TRANS-5: Buildout of the Community Plan would not result in inadequate emergency access.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.
Impact TRANS-6: Buildout of the Community Plan would not conflict with adopted policies, plans or programs supporting public transit, bicycles, and pedestrians.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section 3.12 – Utilities and Service Systems			
<p>Impact US-1: The proposed Community Plan may not be served with sufficient water supplies or require the construction of new water treatment facilities or expansion of existing facilities.</p>	<p>Potentially significant impact.</p>	<p>MM US-1: Prior to issuance of building permits for development projects that occur pursuant to the Community Plan, the City of Fremont shall require applicants to prepare and submit building plans that demonstrate that water efficient plumbing fixtures and irrigation systems are incorporated into project plans in accordance with Alameda County Water District guidelines. The approved plans shall be incorporated into each individual development project.</p>	<p>Less than significant impact.</p>
<p>Impact US-2: Development and land use activities contemplated by the Community Plan would not require or result in the construction of new water or wastewater treatment facilities or expansion of offsite facilities.</p>	<p>Less than significant impact.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact US-3: Development and land use activities contemplated by the Community Plan would not result in a need for a new or expanded offsite storm drainage facility.</p>	<p>Less than significant impact.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact US-4: Development and land use activities contemplated by the Community Plan would generate substantial amounts of solid waste that may result in the unnecessary use of regional landfill capacity.</p>	<p>Potentially significant impact.</p>	<p>MM US-4a: Prior to the issuance of demolition or building permits (which ever comes first), applicants within the Community Plan area shall submit a Construction and Demolition Debris Recycling Plan to the City of Fremont. The plan shall identify the procedures by which construction and demolition debris would be salvaged and recycled to the maximum extent feasible. The plan shall include proof that a construction and demolition debris recycler is under contract to the applicant to perform this work.</p> <p>MM US-4b: Prior to the issuance of occupancy permits, project applicants within the Community Plan</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>area shall submit a Recycling and Waste Reduction Plan to the City of Fremont identifying practices they and their tenants would implement during project operations that demonstrate at least 50 percent diversion. Operation recycling and waste reduction practices shall include but not be limited to:</p> <ul style="list-style-type: none"> • Contracting with one or more City-licensed commercial recycling providers to serve all project commercial uses. Recyclable materials collection containers shall be provided in common commercial tenant disposal areas and be equipped to accept aluminum, cardboard, glass, green waste, mixed paper, and plastic materials, and, where feasible, food scraps. • Compliance with City of Fremont’s Waste Handling Guidelines. • Installation of common recycling facilities in all multi-family residential uses. These facilities shall be equipped to accept aluminum, cardboard, glass, mixed paper, and plastic materials and contain signage clearly identifying accepted materials. • Periodic notification of residents and commercial tenants about the location of recycling facilities and accepted materials. • Installation of recyclable materials receptacles in public places. Recycling receptacles shall be of high-quality design and shall display signage clearly identifying accepted materials. • Common commercial and residential disposal areas shall be designed with sufficient space to accommodate separate containers for solid waste, recyclables, organics, and—for restaurants—tallow, subject to approval of the franchise waste provider 	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		and City of Fremont. Plans should include adequate and safe access for solid waste and recycling vehicles to access and collect materials.	
Impact US-5: Development and land use activities contemplated by the Community Plan would not result in the unnecessary, wasteful, or inefficient use of energy.	Less than significant impact.	No mitigation is necessary.	Less than significant impact.