

SECTION 1: INTRODUCTION

1.1 - Overview of the CEQA Process

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.). This Draft EIR is intended to serve as an informational document for public agency decision makers and the public regarding the proposed project.

1.1.1 - Overview

The proposed project consists of implementation of the Warm Springs/South Fremont Community Plan, which encompasses approximately 879 acres in the City of Fremont. The Community Plan seeks to facilitate Transit Oriented Development (TOD) around the future Warm Springs/South Fremont Bay Area Rapid Transit (BART) Station. The Community Plan has a buildout potential of up to 4,000 dwelling units; 11,521,526 square feet of light industrial, research and development, office, retail, and hotel uses; and an elementary school. The Community Plan also contemplates circulation and infrastructure improvements. Section 2, Project Description provides a complete description of the project.

1.1.2 - Purpose and Authority

This Draft EIR evaluates the potential environmental effects of the Warm Springs/South Fremont Community Plan. The environmental impacts of the proposed project are analyzed in the EIR to the degree of specificity, in accordance with CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be associated with the planning, construction, or operation of the project. It also identifies appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid these impacts.

CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements are contained in this Draft EIR and include:

- Table of Contents
- Executive Summary
- Introduction
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts
- Alternatives to the Proposed Project
- Growth-Inducing Impacts

- Effects Found Not To Be Significant
- Areas of Known Controversy

1.1.3 - Lead Agency Determination

The City of Fremont is designated as the lead agency for the project. CEQA Guidelines Section 15367 defines the lead agency as “. . . the public agency, which has the principal responsibility for carrying out or approving a project.” Other public agencies may use this Draft EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process.

This Draft EIR was prepared by FirstCarbon Solutions, an environmental consultant. Prior to public review, it was extensively reviewed and evaluated by the City of Fremont. This Draft EIR reflects the independent judgment and analysis of the City of Fremont as required by CEQA. Lists of organizations and persons consulted and the report preparation personnel are provided in Section 8 of this Draft EIR, respectively.

1.2 - Scope of the EIR

This Draft EIR addresses the potential environmental effects of the proposed project. The City of Fremont issued a Notice of Preparation (NOP) for this EIR on March 21, 2013, which was circulated between March 21, 2013, and April 20, 2013 for the statutory 30-day public review period. The scope of this Draft EIR includes the potential environmental impacts identified in the NOP and issues raised by agencies and the public in response to the NOP. The NOP is contained in Appendix A of this Draft EIR.

Eleven comment letters were received in response to the NOP. They are listed in Table 1-1 and provided in Appendix A of this Draft EIR.

Table 1-1: NOP Comment Letters

Status	Affiliation	Signatory	Date
Public Agencies	Alameda Local Agency Formation Commission	Mona Palacios, Executive Officer	April 9, 2013
	Alameda County Public Works Agency	Rosemarie De Leon, Assistant Engineer	April 11, 2013
	Alameda County Water District	Robert Shaver, Assistant General Manager – Engineering	April 18, 2013
	Alameda County Transportation Commission	Beth Walukas, Deputy Director of Planning	April 22, 2013
	Bay Area Rapid Transit District	Val Menotti, Manager BART Planning	April 22, 2013
	City of San Jose	Andrew Crabtree, Division Manager	April 22, 2013

Table 1-1 (cont.): NOP Comment Letters

Status	Affiliation	Signatory	Date
Public Agencies (cont.)	Santa Clara Valley Transportation Authority	Roy Molseed, Senior Environmental Planner	April 22, 2013
	Union Sanitary District	Al Bunyi, Associate Engineer	April 22, 2013
	California Department of Transportation, District 4	Erik Alm, District Branch Chief	April 23, 2013
Private Parties	Briscoe, Ivester, & Bazel LLP (on behalf of Warm Springs Station Group)	Alicia Guerra, Partner	April 22, 2013
	Dannis, Woliver, Kelly (on behalf of Fremont Unified School District)	Jessika Johnson, Attorney at Law	April 22, 2013

Source: City of Fremont, 2013.

1.2.1 - Scoping Meeting

Pursuant to CEQA Guidelines Section 15082(c)(1), the City of Fremont held an EIR scoping meeting for the proposed project on Wednesday, April 10, 2013, at the City of Fremont Development Services Center in the Niles Room at 39550 Liberty Street, Fremont, California, 94538.

1.2.2 - Environmental Issues Determined Not To Be Significant

The NOP identified topical areas that were determined not to be significant. An explanation of why each area was determined not to be significant is provided in Section 7, Effects Found Not To Be Significant of this Draft EIR. These topical areas are as follows:

- Agricultural and Forest Land Resources
- Mineral Resources
- Population and Housing

In addition, certain subjects within topical areas were determined not to be significant. Other potentially significant issues are analyzed in these topical areas; however, the following issues are addressed in Section 7, Effects Found Not To Be Significant:

- Habitat, Natural Community, or Other Conservation Plan (Section 3.3, Biological Resources)
- Septic or Alternative Wastewater Disposal Systems (Section 3.5, Geology, Soils, and Seismicity)
- Airports (Section 3.6, Hazards and Hazardous Materials)
- Private Airstrips (Section 3.6, Hazards and Hazardous Materials)
- Wildland Fire Hazards (Section 3.6, Hazards and Hazardous Materials)
- Seiches, Tsunamis, or Mudflows (Section 3.7, Hydrology and Water Quality)
- Conservation Plans (Section 3.8, Land Use)
- Aviation Noise (Section 3.9, Noise)
- Air Traffic Patterns (Section 3.12, Transportation)

Potentially Significant Environmental Issues

The NOP found that the following topical areas may contain potentially significant environmental issues that require further analysis in the EIR. These sections are as follows:

- Aesthetics, Light, and Glare
- Air Quality/Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services and Recreation
- Transportation
- Utilities and Service Systems

1.3 - Organization of the EIR

This Draft EIR is organized into the following main sections:

- **Section ES: Executive Summary.** This section includes a summary of the proposed project, significant unavoidable adverse impacts, and alternatives addressed in the Draft EIR. A brief description of the areas of controversy and a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also included in this section.
- **Section 1: Introduction.** This section provides an introduction and overview describing the purpose of this Draft EIR, its scope and components, and its review and certification process.
- **Section 2: Project Description.** This section includes a detailed description of the proposed Community Plan, including its location, site, and project characteristics. A discussion of the project objectives, intended uses of the Draft EIR, responsible agencies, and approvals that are needed for the proposed project are also provided.
- **Section 3: Environmental Impact Analysis.** This section analyzes the environmental impacts of the proposed project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology, significance criteria, impacts, mitigation measures, and significance after mitigation. The specific environmental topics that are addressed within Section 3 are as follows:
 - **Section 3.1 – Aesthetics, Light, and Glare:** Addresses potential visual impacts of development intensification and the overall increase in illumination produced by the project.
 - **Section 3.2 – Air Quality/Greenhouse Gases:** Addresses potential air quality impacts associated with project implementation, as well as consistency with the Bay Area Air Quality Management District’s Clean Air Plan. In addition, the section also evaluates project emissions of greenhouse gases.

- **Section 3.3 – Biological Resources:** Addresses the project’s potential impacts on habitat, vegetation, and wildlife; the potential degradation or elimination of important habitat; and impacts on listed, proposed, and candidate threatened and endangered species.
 - **Section 3.4 – Cultural Resources:** Addresses potential impacts on historical resources, archaeological resources, paleontological resources, and burial sites.
 - **Section 3.5 – Geology, Soils, and Seismicity:** Addresses the potential impacts the project may have on soils and assesses the effects of project development in relation to geologic and seismic conditions.
 - **Section 3.6 – Hazards and Hazardous Materials:** Addresses the potential for the presence of hazardous materials or conditions within the plan area that may have the potential to impact human health.
 - **Section 3.7 – Hydrology and Water Quality:** Addresses potential impacts of the project on local hydrological conditions, including drainage areas, and changes in the flow rates.
 - **Section 3.8 – Land Use:** Addresses potential land use impacts associated with division of an established community and consistency with the City of Fremont General Plan and Municipal Code.
 - **Section 3.9 – Noise:** Addresses potential noise impacts during construction and at project buildout from mobile and stationary sources. The section also addresses the impact of noise generation on neighboring uses.
 - **Section 3.10 – Public Services:** Addresses potential impacts upon public services, including fire protection, law enforcement, schools, parks, and recreational facilities.
 - **Section 3.11 – Transportation:** Addresses impacts on the local and regional roadway system, public transportation, bicycle, and pedestrian access.
 - **Section 3.12 – Utilities and Service Systems:** Addresses potential impacts upon service providers, including fire protection, law enforcement, water supply, wastewater, solid waste, and energy providers.
- **Section 4: Cumulative Effects.** This section discusses the cumulative impacts associated with the proposed project, including the impacts of past, present, and probable future projects.
 - **Section 5: Alternatives to the Proposed Project.** This section compares the impacts of the proposed project with three land-use project alternatives: the No Project Alternative, the Reduced Plan Area Alternative, and the Nonresidential Community Plan Alternative. An environmentally superior alternative is identified. In addition, alternatives initially considered but rejected from further consideration are discussed.
 - **Section 6: Other CEQA Considerations.** This section provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts. In addition, the proposed project’s energy demand is discussed.
 - **Section 7: Effects Found Not To Be Significant.** This section contains analysis of the topical sections not addressed in Section 3.
 - **Section 8: Organizations and Persons Consulted/List of Preparers.** This section contains a full list of persons and organizations that were consulted during the preparation of this Draft EIR, as well as the authors who assisted in the preparation of the Draft EIR, by name and affiliation.

- **Section 9: References.** This section contains a full list of references that were used in the preparation of this Draft EIR.
- **Appendices:** This section includes all notices and other procedural documents pertinent to the Draft EIR, as well as all technical material prepared to support the analysis.

1.4 - Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft EIR has referenced several technical studies, analyses, and previously certified environmental documentation. Information from the documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s). The relationship between the incorporated part of the referenced document and the Draft EIR has also been described. The documents and other sources that have been used in the preparation of this Draft EIR include, but are not limited to:

- City of Fremont General Plan
- Fremont Municipal Code
- Alameda County Water District Urban Water Management Plan

These documents are specifically identified in Section 9, References, of this Draft EIR. In accordance with CEQA Guidelines Section 15150(b), the General Plan, Fremont Municipal Code, and the referenced documents and other sources used in the preparation of the Draft EIR are available for review at the City of Fremont Planning Division at the address shown in Section 1.6 below.

1.5 - Documents Prepared for the Project

The following technical studies and analyses were prepared for the proposed project:

- Air Quality/Greenhouse Gas Modeling Analysis prepared by FirstCarbon Solutions. (The analysis is wholly contained in Section 3.2, Air Quality/Greenhouse Gas Emissions; modeling output is provided in Appendix B.)
- Biological Resources Analysis prepared by FirstCarbon Solutions. (The analysis is wholly contained in Section 3.3, Biological Resources; supporting information is provided in Appendix C.)
- Phase I Cultural Resources Assessment prepared by FirstCarbon Solutions (Appendix D).
- Hazardous Materials User Study prepared by TRC Solutions, Inc. (Appendix E.1)
- Phase I Environmental Site Assessment prepared by BASELINE Environmental Consulting (Appendix E.2)
- Noise Analysis prepared by Extant Acoustical Consulting, Inc. (The analysis is wholly contained in Section 3.9, Noise; modeling output is provided in Appendix F.)
- Transportation Impact Analysis prepared by Fehr & Peers (Appendix G)
- Water Supply Assessment prepared by Alameda County Water District (Appendix H)

1.6 - 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. The address for each location is provided below:

City of Fremont
Planning Division
39550 Liberty Street
Fremont, CA 94537
Hours¹:

Monday–Thursday: 8 a.m. to 4 p.m.
Friday: 8 a.m. to 12 p.m.

Fremont Main Library
2400 Stevenson Boulevard
Fremont, CA 94538
Phone: (510) 745-1424
Hours²:

Monday, Tuesday: 1 p.m. to 9 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.

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.

