DRAFT
Niles Mixed-Use Project
Initial Study/Mitigated Negative Declaration
City of Fremont, Alameda County, California

Prepared for:
City of Fremont
3300 Capitol Avenue
Fremont, CA 94537
510.284.4017
Contact: Clifford Nguyen, Urban Initiatives Manager

Prepared by:
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.3562

Contact: Jason Brandman, Project Director
Grant Gruber, Project Manager

Report Date: December 15, 2014

THIS PAGE INTENTIONALLY LEFT BLANK

Table of Contents

List of Tables

List of Exhibits

SECTION 1: INTRODUCTION

1.1 - Purpose

The purpose of this Initial Study/Mitigated Negative Declaration (IS/MND) is to identify any potential environmental impacts from implementation of the Niles Mixed-Use Project in Fremont, California. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the City of Fremont (City) is the Lead Agency in the preparation of this IS/MND and any additional environmental documentation required for the project. The City has discretionary authority over the proposed project. The intended use of this document is to determine the level of environmental analysis required to adequately prepare the project IS/MND and to provide the basis for input from public agencies, organizations, and interested members of the public.

The remainder of this section provides a brief description of the project location and the characteristics of the project. Section 2 includes an environmental checklist giving an overview of the potential impacts that may result from project implementation and elaborates on the information contained in the environmental checklist.

1.2 - Project Location

The 6.07-acre project site is located at 37899 Niles Boulevard in the Niles District of the City of Fremont, Alameda County, California (Exhibit 1). The project site is surrounded by single-family residential uses (west), Niles Boulevard (north and east), and Alameda Creek (south) (Exhibit 2). The project site is located on the Niles 7.5 minute topographic quadrangle map, Township 4 South, Range 1 West, Section 21 (Latitude 37° 34’ 27” North; Longitude 121° 58’ 24” West).

1.3 - Environmental Setting

The semi-triangular project site is located in the Niles District of Fremont. The Niles District is a historic town center that predated the incorporation of the City of Fremont in 1956.

The semi-triangular project site is located along the south and west sides of Niles Boulevard near the “Gateway Entry” into the Niles District from Mission Boulevard[1]. The Union Pacific Railroad tracks sit atop a raised embankment on the opposite side of Niles Boulevard. Alameda Creek (and the associated Alameda Creek Trail) are located south of the project site.

The project site contains remnants for the former Henkel/Shuckl Cannery and was used for variety of industrial land use activities including a foundry, cannery, herbicide manufacturing, metal treatment, and chemical manufacturing between the early 1900s and 2002. All structures associated with the previous industrial uses were demolished in 2009 and remnants of the building foundations are all that remain. Debris piles containing soil, broken paving materials, and discarded items are located

[1] Along the project frontage, Niles Boulevard curves 90 degrees from north-south to east-west and continues towards Mission Boulevard. A dead-end segment of roadway continues south at the 90-degree curve and is also referred to as “Niles Boulevard.”

throughout the site. Prior to demolition of the buildings, an EIR was prepared that analyzed the effects of demolishing the buildings on-site.

The site was a source of soil and groundwater contamination for acids, metals, and petroleum hydrocarbons and remediation efforts were pursued under the auspices of the San Francisco Bay Regional Water Quality Control Board (RWQCB). A "No Further Action" Letter was issued by the RWQCB in May 2013 signifying that residential development could be pursued onsite with conditions. At the time of this writing, the applicant is pursuing additional remediation efforts under the auspices of the RWQCB with the intent of removing or amending several restrictions associated with the previous remediation efforts that would better allow the development of residential uses on the project site. In October 2014, the RWQCB approved the "Supplemental Site Characterization Report" and "Removal Action Work Plan" for the site to perform additional remediation of contaminated soil identified in supplemental investigations to prepare the site for the planned development project.

Vehicular access is currently taken from the dead end segment of Niles Boulevard. Curb, gutter, and sidewalk are located along the northern portion of the project frontage with Niles Boulevard. The project frontage with the dead end segment of Niles Boulevard is unimproved.

Vegetation on the site consists of ornamental trees and shrubs located around the perimeter and weedy vegetation within the center of the site. The Tree Survey Report indicates that there are a total of 56 trees onsite, with eucalyptus being the most common species (19 trees). Other common species include Tree-of-Heaven (8), Italian stone pine (7), almond (5), and black walnut (5).

The project site was previously served with potable water service provided by Alameda County Water District and sewer service provided by the Union Sanitary District.

The site is designated Industrial – Service in the General Plan, with a "Special Study Area" Overlay, which is an interim overlay land use designation and signifies that the project site is anticipated to transition to a different land use designation in the future. The site is currently zoned "Light Industrial (IL) – Historical Overlay District."

Exhibit 3 provides photographs of the project site.

1.4 - Project Description

The project applicant (Valley Oak Partners, LLC) is proposing to develop 98 dwelling units and 3,620 square feet of non-residential uses. The 98 dwelling units would consist of 89 townhomes and nine "Creative-Retail-Artist-Flex-Tenancy" (CRAFT) units. The 3,620 square feet of non-residential uses would consist of 2,400 square feet of retail/restaurant uses and 1,220 square feet of community space. In total, 196,212 square feet of buildings are proposed to be developed on the 6.07-acre site. Table 1 summarizes the project characteristics. Exhibit 4 illustrates the site plan.

Source: Census 2000 Data, The CaSIL, FCS GIS 2013.

FirstCarbon SOLUTIONS

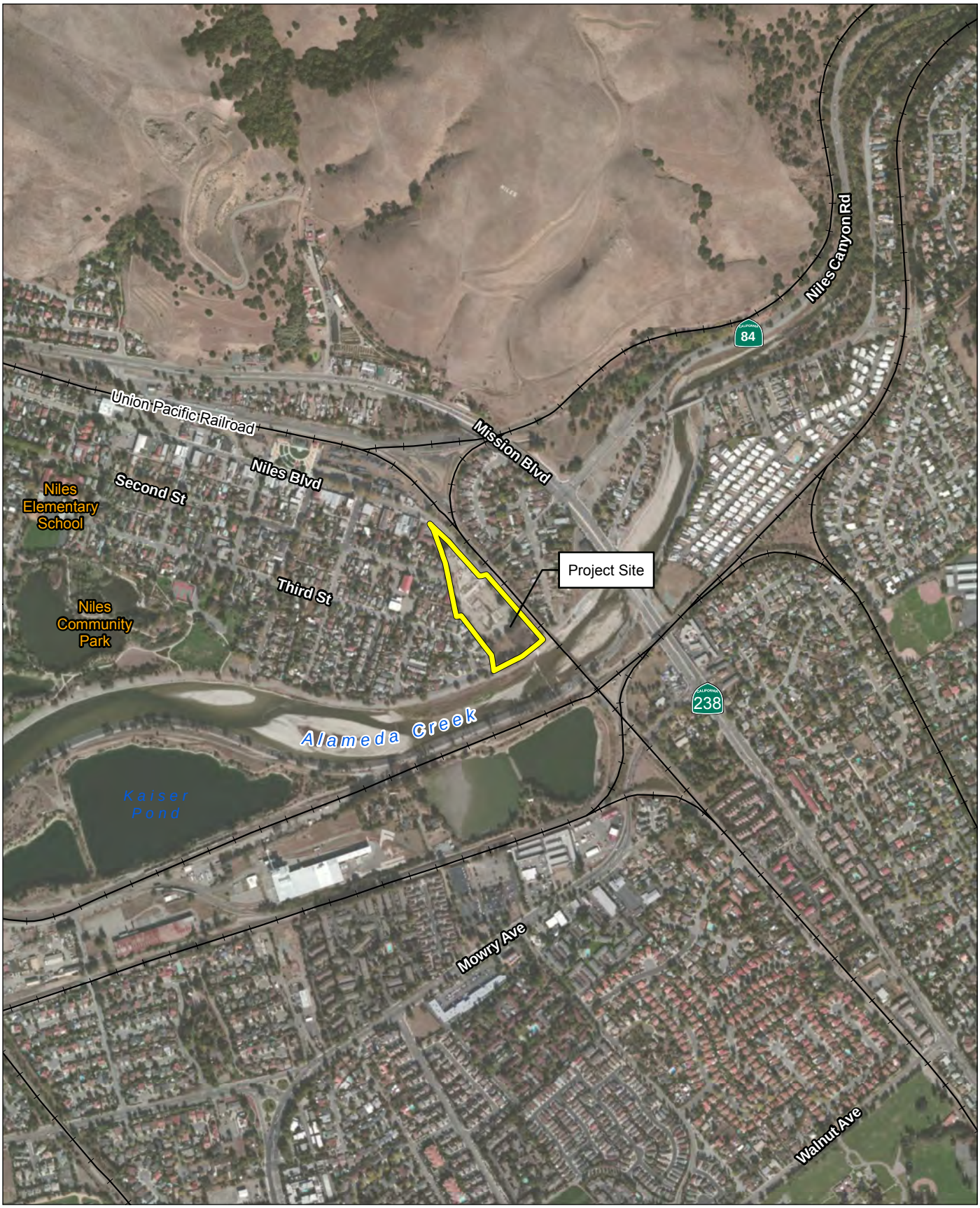
5 2.5 0 5 Miles

Exhibit 1
Regional Location Map

31790005 • 08/2014 | 1_regional.mxd

CITY OF FREMONT • NILES MIXED-USE PROJECT
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

THIS PAGE INTENTIONALLY LEFT BLANK



Source: ESRI Imagery

FirstCarbon SOLUTIONS

1,000 500 0 1,000 Feet

Exhibit 2
Local Vicinity Map
Aerial Base

THIS PAGE INTENTIONALLY LEFT BLANK

Photograph 1: View of the southern portion of the project site from Niles Boulevard.

Photograph 2: View of the central portion of the project site from Niles Boulevard.

Photograph 3: View of the northern portion of the project site from Niles Boulevard.

Photograph 4: View of the interior of the project site.

Source: FirstCarbon Solutions, 2013.

FirstCarbon® SOLUTIONS

Exhibit 3
Site Photographs

THIS PAGE INTENTIONALLY LEFT BLANK

Source: StudioT Sq. 2014

FirstCarbon® SOLUTIONS

Exhibit 4
Illustrative Site Plan

THIS PAGE INTENTIONALLY LEFT BLANK

Table 1: Niles Mixed-Use Project Summary

Use	Unit Type	Count	Square Feet
CRAFT Units	A1	1	775
	A2	1	709
	B1	4	7,552
	B2	3	1,977
	B3	2	3,452
	2B	2	8,220
	Subtotal	*13*	*22,685*
Townhomes	1	29	55,651
	2B	24	49,320
	3	15	32,085
	3X	11	23,265
	4	6	9,666
	Subtotal	*85*	*169,987*
Non-Residential	Retail/Restaurant	—	2,400
	Community Space	—	1,220
Subtotal		—	*3,620*
Grand Total			**196,292**
Source: Valley Oak Partners, LLC, 2014.			

The non-residential uses and CRAFT units would be located along the Niles Boulevard frontage, with the townhome uses located to the south. A "Gateway Palm Court" entry feature would face the intersection of Niles Boulevard/Niles Canyon Road and serve to divide the non-residential uses/ CRAFT units from the townhome uses. The gateway is depicted in Exhibit 5a and the CRAFT units are depicted in Exhibit 5b.

Primary vehicular access would be taken from a new roadway connection to Niles Boulevard and secondary vehicular access would be taken from Chase Court. The dead end portion of Niles Boulevard that extends south from Niles Canyon Road would be converted to a 0.72-acre linear park, which would provide a bicycle/pedestrian connection to the Alameda Creek Trail. The linear park and townhomes are depicted in Exhibit 5c.

Project buildings would employ contemporary architectural design elements such as large picture windows, roll-up doors (CRAFT units), wall projections, trellises, and awnings. Materials would include stucco, metal, and brick. Colors would include earth tones such as shades of off-white, light green, black, grey, and beige. Exhibit 5d provides a perspective of the townhomes.

The proposed project would install an onsite storm drainage system consisting of a network of bioretention areas, inlets, and underground piping. Runoff would be conveyed to an existing storm drainage line within the Niles Boulevard dead end segment that discharges into Alameda Creek.

The proposed project would connect to the existing Alameda County Water District potable water lines and Union Sanitary District sewer lines located along the western project site boundary or within Niles Boulevard.

The project requires approval of General Plan Amendment (to re-designate the site to "Commercial – Town Center" and "Residential – Medium"), a Rezoning (to "Planned Development"), a Vesting Tentative Tract Map, a General Vacation (to convert the Niles Boulevard street right-of-way frontage into a linear park), Design Review, Preliminary Grading Plan, a Preliminary Grading Plan, and Tree Removal Permits.

1.5 - Required Discretionary Approvals

The proposed project would require the following discretionary approvals from the City of Fremont:

- General Plan Amendment from Industrial – Service with a "Special Study Area" overlay to "Commercial – Town Center" and "Residential – Medium"
- Rezone from "Light Industrial – Historical Overlay District" to "Planned Development" including Preliminary and Precise Planned District
- Vesting Tentative Map
- General Vacation
- Design Review
- Private Street and Preliminary Grading Plan
- Tree Removal Permits

1.6 - Intended Uses of this Document

This IS/MND has been prepared to determine the appropriate scope and level of detail required in completing the environmental analysis for the proposed project. This document will also serve as a basis for soliciting comments and input from members of the public and public agencies regarding the proposed project. The Draft IS/MND will be circulated for a minimum of 30 days, during which period comments concerning the analysis contained in the IS/MND should be sent to:

Mr. Clifford Nguyen, Urban Initiatives Manager
City of Fremont
3300 Capitol Avenue
Fremont, CA 94537-5006
Phone: 510.284.4017
Fax: 510.284.4001
Email: cnguyen@fremont.gov

GATEWAY CORNER AT NILES BLVD AND NILES CANYON RD

Source: StudioT Sq. 2014

FirstCarbon® SOLUTIONS

Exhibit 5a
Perspective - Gateway

THIS PAGE INTENTIONALLY LEFT BLANK

"CRAFT" BUILDING ON NILES BOULEVARD

Source: StudioT Sq. 2014

FirstCarbon® SOLUTIONS

Exhibit 5b
Perspective - CRAFT Units

THIS PAGE INTENTIONALLY LEFT BLANK

Source: StudioT Sq. 2014

FirstCarbon® SOLUTIONS

Exhibit 5c
Perspective - Linear Park and Townhomes

THIS PAGE INTENTIONALLY LEFT BLANK

Source: StudioT Sq. 2014

FirstCarbon® SOLUTIONS

Exhibit 5d
Perspective - Townhomes

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 2: ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

Environmental Factors Potentially Affected					
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.					
☐	Aesthetics, Light, and Glare	☐	Agriculture and Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology/Soils
☐	Greenhouse Gas Emissions	☐	Hazards/Hazardous Materials	☐	Hydrology/Water Quality
☐	Land Use/Planning	☐	Mineral Resources	☐	Noise
☐	Population/Housing	☐	Public Services	☐	Recreation
☐	Transportation/Traffic	☐	Utilities/Services Systems	☐	Mandatory Findings of Significance

Environmental Determination

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: _____ Signed: _____

Clifford Nguyen, Urban Initiatives Manager

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Aesthetics, Light, and Glare *Would the project:*				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Environmental Evaluation

Would the project:

a) Have a substantial adverse effect on a scenic vista?

Less than significant impact. The City of Fremont General Plan identifies hillsides and shorelines as scenic resources. The Mission Hills are visible from the project site and surrounding land uses; however, the San Francisco Bay shoreline is not visible from the project vicinity. The proposed project consists of the development of 2- and 3-story buildings that would stand approximately 30 feet above finished grade. The buildings would be setback a minimum of 50 feet from the nearest property line. Since the building height would be designed in a manner to be compatible with other existing buildings in the neighborhood, and through a combination of varying roof heights and maintaining minimum setback distances, it would be expected that surrounding uses would still have views of the Mission Hills after development of the proposed project. Impacts would be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?

No impact. State Route 84 (SR-84) is an officially designated State Scenic Highway east of Mission Boulevard within Niles Canyon. This segment of SR-84 is more than 900 feet east of the project site and is visually obstructed by the Union Pacific Railroad overcrossing. As such, the project site is not visible from a state scenic highway and would not have the potential to impact scenic resources within view of such a roadway. No impact would occur.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less than significant impact. The project site previously supported industrial development for more than 100 years and remnants of these uses exist onsite. The project site also contains debris piles and overgrown vegetation. Generally, the site exhibits a dilapidated, unsightly visual appearance.

The proposed project consist of the development of 98 dwelling units and 3,620 square feet of non-residential uses. The 98 dwelling units would consist of 85 townhomes and 13 live-work or "Creative-Retail-Artist-Flex-Tenancy" (CRAFT) units. The 3,620 square feet of non-residential uses would consist of 2,400 square feet of retail/restaurant uses and 1,220 square feet of community space

The non-residential uses and CRAFT units would be located along the Niles Boulevard frontage, with the townhome uses located to the south. Primary vehicular access would be taken from a new roadway connection to Niles Boulevard and secondary vehicular access would be taken from Chase Court. A proposed 0.72-acre linear park along the north side of the project site would provide a bicycle/pedestrian connection between Niles Boulevard and the Alameda Creek Trail.

Project buildings would employ contemporary architectural design elements such as large picture windows, roll-up doors (CRAFT units), wall projections, trellises, and awnings. Materials would include stucco, metal, and brick. Colors would include earth tones such as shades of off-white, light green, black, grey, and beige. Exhibits 5a through 5d provide perspective of the project buildings.

The project is located in the Niles Historic Overlay District, although not in the core area of the district. The proposed project would be visually compatible with surrounding development and consistent with the vision for Niles, as outlined in the Historic Overlay District design guidelines, to revitalize the area as an attractive and lively destination for visitors and residents alike, to strengthen its pedestrian scale, its small town character, and its local economy. The proposed buildings and landscapes reinforce the gateways and the strong sense of place found in Niles.

Overall, the proposed project would redevelop a site with poor visual attributes with modern residential and non-residential uses. This would be considered an improvement in the visual appearance of the project site. As such, impacts in this regard would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than significant impact. There are no existing light sources within the project site; however, street lighting is present along the segment of Niles Boulevard adjacent to the project site. Additional sources of lighting in the project vicinity include motor vehicle and train headlights and exterior lighting associated with the surrounding residential uses.

As previously discussed, project buildings would consist of 2- and 3-story buildings that would stand approximately 30 feet above finished grade. The buildings would be setback a minimum of 50 feet from the nearest property line. All exterior lighting fixtures would be fully shielded or directed downward to limit or prevent light spillage onto adjoining properties. Compliance with exterior

lighting requirements of the City's zoning ordinance would ensure that the proposed project would not create new sources of substantial light or glare on adjacent properties. Impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
2. Agriculture and Forestry Resources *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:*				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Environmental Evaluation

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and

forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No impact. The Farmland Mapping and Monitoring Program maps the project site as "Urban and Built-Up Land," which is a non-agricultural land use designation. This condition precludes the possibility of the conversion of Important Farmland to non-agricultural use. No impact would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No impact. The project site is currently zoned "Light Industrial – Historic Overlay District," which is a non-agricultural zoning designation. The site was previously developed with light industrial building used for manufacturing. The proposed project would rezone the site to "Planned Development," which is also a non-agricultural zoning designation. Additionally, the project site does not support agricultural land use activities and, therefore, is not eligible for a Williamson Act contract. This condition precludes the possibility of conflicts with agricultural zoning or a Williamson Act contract. No impact would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No impact. The project site is currently zoned "Light Industrial – Historic Overlay District," which is a non-forest zoning designation. The proposed project would rezone the site to "Planned Development," which is also a non-forest zoning designation. This condition precludes the possibility of conflicts with forest zoning. No impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No impact. The project site previously supported industrial development for more than 100 years and does not contain forest land or support timber harvesting activities. This condition precludes the possibility of conversion of forest land to non-forest use. No impact would occur

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No impact. Both the project site and all surrounding land uses are designated "Urban and Built-Up Land" by the Farmland Mapping and Monitoring Program. This condition precludes the possibility of the project creating changes to the environment that would result in the conversion of farmland to non-agricultural uses or forest land to non-forest uses. No impact would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. Air Quality *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.* *Would the project:*				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Environmental Evaluation

The analysis in this section is based on Air Quality modeling prepared by FirstCarbon Solutions. The modeling data is provided in Appendix A.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. The project site is located in the City of Fremont, which is within the San Francisco Bay Area Basin (Air Basin). The applicable air quality management district for the Air Basin is the Bay Area Air Quality Management District (BAAQMD).

The BAAQMD updated their Air Quality Guidelines in June 2010 to include new screening levels and thresholds of significance (2010 Thresholds) for construction-related criteria pollutants (exhaust particulate matter [PM_{10} and $PM_{2.5}$]), ozone precursors (reactive organic gases [ROG] and oxides of nitrogen [NOx]), toxic air contaminants (TACs). The 2010 Thresholds included new operational-related cumulative TACs. In addition, the 2010 Thresholds included reduced criteria pollutant thresholds for operational criteria pollutants and ozone precursors, to provide a more conservative threshold. Although the BAAQMD may not legally recommend the 2010 Thresholds due to ongoing litigation, the City of Fremont has opted to use the 2010 Thresholds based on the substantial

evidence in the record. The BAAQMD's 2011 Air Quality Guidelines, which include the 2010 Thresholds, is used to assess the following impacts.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than significant impact with mitigation incorporated. The Air Basin is designated as nonattainment for state standards for 1-hour and 8-hour ozone, 24-hour and annual respirable particulate matter (PM_{10}), and annual fine particulate matter ($PM_{2.5}$). The area is also designated nonattainment for federal standards for 8-hour ozone and 24-hour $PM_{2.5.}$

The BAAQMD's 2010 Clean Air Plan (2010 CAP) is the regional air quality plan for the Air Basin. The 2010 CAP accounts for projections of population growth provided by Association of Bay Area Governments and vehicle miles traveled provided by the Metropolitan Transportation Commission, and it identifies strategies to bring regional emissions into compliance with federal and State air quality standards. The BAAQMD's Guidance provides two criteria for determining if a plan-level project is consistent with the 2010 CAP control measures. However, the BAAQMD does not provide a threshold of significance for project-level consistency analysis. Therefore, the following criteria will be used for determining a project's consistency with the 2010 CAP.

- Criterion 1: Does the project support the primary goals of the 2010 CAP?
- Criterion 2: Does the project include applicable control measures from the 2010 CAP?
- Criterion 3: Does the project disrupt or hinder implementation of any 2010 CAP control measures?

Criterion 1

The primary goals of the 2010 Plan, the current air quality plan for the Air Basin, are to:

- Attain air quality standards;
- Reduce population exposure to unhealthy air and protecting public health in the Bay area; and
- Reduce greenhouse gas emissions and protect the climate.

The project supports the primary goals of the 2010 CAP by providing a mixed-use project with new housing and food and retail services on-site that would also be close to other existing food and retail related services within the surrounding area, thereby reducing vehicles miles traveled and greenhouse gas emissions in the community. The project would also include bicycle parking spaces, green areas, and sidewalks to facilitate pedestrian activity.

As discussed under questions b), c), d), and e) on the following pages, the project would not create a localized violation of state or federal air quality standards, significantly contribute to cumulative nonattainment pollutant violations, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors affecting a substantial number of people after incorporation of mitigation measures. Specifically, Mitigation Measure AIR-1 reduces the project's

potential construction-generated fugitive dust impact to less than significant. Mitigation Measure AIR-2 reduces the project's potential construction-generated health risk impact (maximum annual $PM_{2.5}$ concentrations and total increased cancer risks for a child) to less than significant. The proposed project therefore, is consistent with criterion 1 after incorporation of Mitigation Measures AIR-1 and AIR-2.

Criterion 2

The 2010 CAP contains 55 control measures aimed at reducing air pollution in the Bay Area. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2010 CAP contains a number of new control measures designed to protect the climate and promote mixed use, compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile sources.

None of the 18 stationary source control measures are applicable to the project. In addition, none of the 10 mobile source measures or six land use and local impact measures applies to the project. Of the transportation control measures, TCM D (Support Focused Growth), measures D-1 through D-3, apply to the project. The project would comply with these measures through providing sidewalks within the project and connecting the interior of the project to the exterior, also including bicycle parking within the project site.

Relative to the Energy and Climate measures contained in the 2010 CAP, the project would be consistent with all applicable measures:

- **Energy Efficiency:** The project applicant would be required to conform to the energy efficiency requirements of the California Building Standards Code, also known as Title 24. Specifically, the project must meet the requirements of the most recent version of Title 24, known as the 2013 Title 24 Standards. The 2013 Title 24 Standards are approximately 25 percent more efficient than the prior 2008 Title 24 Standards for residential development. In addition, the 2013 Title 24 Standards were adopted, in part, to meet an Executive order in the Green Building Initiative to improve the energy efficiency of buildings through aggressive standards.
- **Renewable Energy.** Pacific Gas and Electric Company (PG&E) provides electricity and natural gas service to the City. PG&E facilities include nuclear, natural gas, and hydroelectric facilities. PG&E's 2012 power mix consisted of nuclear generation (21.0 percent), large hydroelectric facilities (11.0 percent) and renewable resources (19.0 percent), such as wind, geothermal, biomass and small hydro. The remaining portion came from natural gas (27.0 percent), and unspecified sources (21.0 percent). In addition, PG&E is increasing the percent of energy obtained through renewable resources in order to meet California's Renewable Portfolio (RPS) requirements. The RPS requires energy providers in California to obtain 33 percent of energy from renewable resources by year 2020.
- **Urban Heat Island Mitigation and Shade Tree Planting.** The project would implement landscaping including trees onsite.

- **Bicycle Parking.** The project would bicycle parking spaces onsite for residents and employees. This measure is consistent with Transportation Control Measure D1 Bicycle Access and Facilities Improvements.
- **Pedestrian Access.** The project vicinity has complete sidewalk coverage, with sidewalks providing access along all roadways. In addition, the project site would be designed to facilitate pedestrian access, and creation of a linear park that would provide pedestrian access to the Alameda Creek Trail. This measure is consistent with Transportation Control Measure D2 Pedestrian Access and Facilities Improvements.

In summary, the project would comply with all applicable rules and regulations. Additionally, the project would not impede attainment because its emissions do not exceed the BAAQMD regional significance thresholds as assessed in impact discussion c).

Criterion 3

The project will not preclude extension of a transit line or bike path, propose excessive parking beyond parking requirements, or otherwise create an impediment or disruption to implementation of any 2010 CAP control measures. Indeed, as shown above, the project incorporates several 2010 CAP control measures as project design features.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less than significant impact with mitigation incorporated. This impact relates to localized criteria pollutant impacts. Potential localized impacts would be exceedances of State or federal standards for particulate matter (PM_{10}) or CO emissions. PM_{10} is of concern during construction because of the potential to emit fugitive dust during earth-disturbing activities. CO emissions are of concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion. Each impact topic is discussed separately below.

Construction Fugitive Dust (PM_{10})

Construction activities associated with development activities contemplated by the project would include grading, building construction, and paving. Generally, the most substantial air pollutant emissions would be dust generated from site grading. If uncontrolled, these emissions could lead to both health and nuisance impacts. Construction activities would also temporarily create emissions of equipment exhaust and other air contaminants. The project's potential impacts from equipment exhaust are assessed separately in discussion c), below.

The BAAQMD does not recommend a numerical threshold for fugitive, dust-related particulate matter emissions. Instead, the BAAQMD bases the determination of significance for fugitive dust on a consideration of the control measures to be implemented. If all appropriate emissions control measures recommended by the BAAQMD are implemented for a project, then fugitive dust emissions during construction are not considered significant. Mitigation Measure AIR-1 includes the emission control measures recommended by the BAAQMD, thereby reducing this impact to less than significant.

MM AIR-1 During construction activities, the following air pollution control measures shall be implemented:

- Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All roadways, driveways, and sidewalks shall be paved as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.

Operational CO Hotspot

CO emissions from traffic generated by the project would be of concern at the local level, since congested intersections with a large volume of traffic have the potential to have high localized concentrations of CO.

The BAAQMD recommends a screening analysis to determine if a project has the potential to significantly contribute to a CO hotspot. The screening criteria identify when site-specific CO dispersion modeling is necessary. The project would result in a less than significant impact to air quality for local CO if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; or
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

As indicated in Section 16, Transportation/Traffic, the project is found to be consistent with the Alameda County Congestion Management Program, thereby satisfying the first screening criteria. As identified in the Traffic Impact Analysis prepared by Hexagon Transportation Consultants, the anticipated cumulative plus project peak-hour traffic volumes at the most impacted intersection of Mission Boulevard and Niles Boulevard are estimated to be 738 AM peak hour trips, and 655 PM peak hour trips. The peak hour trips anticipated for the most-impacted intersection is well below the screening criteria of 44,000 vehicles per hour. Furthermore, the adjacent roadways are not located in an area where vertical or horizontal mixing is substantially limited (such as an urban canyon or tunnel). The project would not exceed the BAAQMD's screening criteria for a CO hotspot assessment and, therefore, would not significantly contribute to an existing or projected CO hotspot.

Conclusion

In summary, the project would not generate a localized exceedance of the PM_{10} standard from project construction after the implementation of mitigation, and would not generate a localized exceedance of the CO standard from project operation; therefore, the project would not substantially contribute to an existing or projected localized air quality violation. Impacts would be less than significant.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

Less than significant impact with mitigation incorporated. This impact is related to regional criteria pollutant impacts. Nonattainment pollutants of concern for this impact are ozone, PM_{10} and $PM_{2.5}$. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable in light of emissions from other existing and future projects. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Project construction and operational impacts are assessed separately as follows.

Construction Emissions

Section 3 of the BAAQMD's 2011 Air Quality Guidelines provides screening criteria for determining if a project could potentially result in significant air quality impacts. The screening is used to indicate whether a project's construction-related air pollutants or precursors could potentially exceed the BAAQMD's regional thresholds of significance. The construction of the project would result in a less than significant impact to air quality if the following screening criteria are met:

1. The project is below the applicable screening level (see Table 2).
2. All Basic Construction Standard Conditions would be included in the project design and implemented during construction.
3. Construction-related activities would not include any of the following:

a) Demolition activities inconsistent with BAAQMD Regulation 11, Rule 2: Asbestos Demolition, Renovation, and Manufacturing;

b) Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);

c) Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development);

d) Extensive site preparation (i.e., greater than default assumptions used by the Urban Land Use Emissions Model [URBEMIS] for grading, cut/fill, or earth movement); or

e) Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

Table 2: Criteria Air Pollutant and Precursors Screening for Construction Emissions

Land Use	BAAQMD Screening Level	Proposed Project	Project's Percent of Screening Size
Condo/Townhome	240 dwelling units	98 dwelling units	40.8%
Retail/Restaurant/ Community Space	277,000 square feet	3,620 square feet	1.3%
		Total Project Percent Screening Size	**42.1%**
Source: Bay Area Air Quality Management District 2011.			

The proposed project is consists of developing 98 dwelling units and 3,620 square feet of non-residential uses that would include retail/restaurant and community space uses. As shown in Table 2, the project development would be less than the BAAQMD's screening levels. In addition, MM AIR-1 requires implementation of the basic construction standard conditions identified by the BAAQMD.

Demolition activities of the existing remnants of the previous building footings would be required to comply with BAAQMD Regulation 11, Rule 2: Asbestos Demolition, Renovation, and Manufacturing. The project would not involve simultaneous occurrences of more than two construction phases. The project would not involve extensive site preparation or material transport. The project may involve simultaneous construction of more than one land use type; however, the cumulative contribution of each land use compared to the BAAQMD's screening criteria was assessed through Table 2. As shown in Table 2, the combination of residential and nonresidential land uses would be less than half of the BAAQMD's land use-based screening levels. Therefore, the proposed project meets the BAAQMD screening criteria after implementation of Mitigation Measure AIR-1. The project's construction activity would generate a less than significant after mitigation.

Operational Emissions

In general, long-term air quality emissions related to the project could result from the operation of vehicles and stationary sources (such as heating and cooling devices and generators). As discussed

above, the BAAQMD's 2011 Air Quality Guidelines provide screening criteria developed for criteria pollutants and precursors. As stated by the 2011 Air Quality Guidelines:

> If the project meets the screening criteria, the project would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds of significance shown in Table 2-2. Operation of the proposed project would result in a less-than-significant cumulative impact to air quality from criteria air pollutant and precursor emissions.

The BAAQMD's applicable operational screening level from the BAAQMD's 2011 Air Quality Guidelines is provided in Table 3. As shown in the table, the project's proposed land use is less than the BAAQMD's screening size for operational criteria air pollutants and precursors. Therefore, the project would have a less than significant impact with respect to criteria pollutants and ozone precursors.

Table 3: Criteria Air Pollutant and Precursors Screening for Operational Emissions

Land Use	BAAQMD Screening Level	Proposed Project	Project's Percent of Screening Size
Condo/Townhome	451 dwelling units	98 dwelling units	21.7%
Retail/Restaurant/ Community Space	47,000 square feet	3,620 square feet	7.7%
Total Project Percent Screening Size			**29.4%**
Source: Bay Area Air Quality Management District 2011.			

Conclusion

In summary, construction and operational emissions would not result in a cumulatively considerable net increase of criteria pollutants for which the project region is nonattainment after implementation of Mitigation Measure AIR-1. As such, impacts would be less than significant after mitigation.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact with mitigation incorporated. This discussion addresses whether the project would expose sensitive receptors to construction-generated fugitive dust, construction-generated health risks, operational-related health risks, or operational CO hotspots.

The BAAQMD considers a sensitive receptor to be any facility or land use that includes members of the population who are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas. The project may be considered a sensitive receptor because some of the residents could be elderly or children who are sensitive to the effects of air pollution. Sensitive receptors also exist near the project site. The nearest sensitive receptor land uses to the project site are the existing single-family residences located immediately west of the project site.

Construction Generated Fugitive Dust

Dust emissions from grading, trenching, or land clearing can create nuisances and localized health impacts related to fugitive dust. As shown in discussion c) above, the project would result in a less than significant impact for construction-generated fugitive dust after incorporation of mitigation. Appropriate dust control measures would be implemented during construction through inclusion of Mitigation Measure AIR-1, as recommended by the BAAQMD. Therefore, the project would not expose receptors to substantial fugitive dust concentrations from construction activities after implementation of mitigation.

Construction Generated Health Risk

Studies have demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. The project would generate diesel exhaust, a source of DPM, during project construction. Onsite emissions of DPM would occur during construction from the operation of heavy-duty construction equipment and from vendor trucks that operate on the project site.

In addition to DPM, project construction would emit ROG. ROG are defined as any compound of carbon—excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate—that participates in atmospheric photochemical reactions. Constituents of ROG include a number of TACs. The TAC constituents of ROG that are included in the risk analysis are provided in Appendix A. Specifically, risks from ROG would be an acute non-cancer hazard.

The California Emissions Estimator Model (CalEEMod) was used to estimate construction-generated air pollutant emissions for the project. The emissions analysis assumed that construction would start in January 2015, and approximately 1,947 tons of debris would be exported from the project site. The CalEEMod default construction activity and construction phase durations for the project's land uses were utilized.

The emissions quantities estimated from CalEEMod were then entered into FirstCarbon Solutions' Construction Health Risk Assessment Screening Tool in order to estimate health risk impacts associated with the $PM_{2.5}$ and ROG emissions from project construction. The output from CalEEMod and the Construction Health Risk Assessment Screening Tool are included in Appendix A.

The Construction Health Risk Assessment Screening Tool was developed using the recommended health risk guidance from BAAQMD and by running an air dispersion model for multiple different scenarios with a variety of construction area sizes and distances to the sensitive receptor. Specifically, the air dispersion model was run for construction areas ranging from 0.5 acre to 20 acres and receptor distances from the project fence line to 984 feet (300 meters) from the boundary of the construction area. The meteorological data used in the dispersion model runs is from the BAAQMD and is specific to Fremont, CA.

For the project analysis, the Construction Health Risk Assessment Screening Tool was utilized using the following parameters: construction area of 7 acres, receptors located along the project boundary (fenceline). All receptor location quadrants were analyzed and the highest impacts where found in the southwestern quadrant due to dominant wind direction. Table 4 below gives a summary of the

construction health risk assessment for the southeastern quadrant. As shown in the table, project construction would not exceed the thresholds for chronic or acute non-cancer hazard index, or total increased cancer risk for an adult. However, the project construction would exceed the threshold for maximum annual $PM_{2.5}$ concentration and total increased cancer risk for a child.

Table 4: Construction-Generated Health Risk Assessment Summary

Pollutant or Type of Cancer Risk	Project Result	Significance Threshold	Project Exceeds Threshold?
Maximum Annual $PM_{2.5}$ Concentration	0.66 µg/m^3	0.3 µg/m^3	**Yes**
Total Increased Cancer Risk for a Child	60.28 risk per million	10 risk per million	**Yes**
Total Increased Cancer risk for an Adult	3.13 risk per million	10 risk per million	**No**
Chronic Non-Cancer Hazard Index	0.13	1	**No**
Acute Non-Cancer Hazard Index	0.47	1	**No**
Source: FirstCarbon Solutions, 2014.			

Mitigation Measure AIR-2 requires that the use of cleaner-burning Tier 4 engines for all diesel-fueled construction equipment powered by engines of 50 horsepower or more. The potential health risk after implementation of Mitigation Measure AIR-2 was analyzed by estimating the mitigated emissions through the CalEEMod computer program, and utilizing the Construction Health Risk Assessment Screening Tool to quantify potential health risks for the adjacent sensitive receptors. The mitigated health risk is provided in Table 5. As shown in the table, the project would not exceed any BAAQMD health risk threshold after implementation of mitigation. As such, construction-generated health risks are less than significant with mitigation incorporated.

Table 5: Construction-Generated Health Risk Assessment Summary After Mitigation

Pollutant or Type of Cancer Risk	Project Result	BAAQMD Significance Threshold	Project Exceeds Threshold?
Maximum Annual PM2.5 Concentration	0.11 µg/m^3	0.3 µg/m^3	**No**
Total Increased Cancer Risk for a Child	9.78 risk per million	10 risk per million	**No**
Total Increased Cancer risk for an Adult	0.51 risk per million	10 risk per million	**No**
Chronic Non-Cancer Hazard Index	0.02	1	**No**
Acute Non-Cancer Hazard Index	0.45	1	**No**
Source: FirstCarbon Solutions, 2014.			

MM AIR-2 During construction activities, the project applicant shall require that all off-road diesel-powered construction equipment greater than 50 horsepower meet United States Environmental Protection Agency Tier 4 off-road emissions standards. A copy

of each unit's certified tier specification shall be provided to the City of Fremont at the time of grading permit issuance. During all construction activities, off-road diesel-powered equipment may be in the "on" position not more than 8 hours per day. There are no time restrictions for non-diesel equipment.

Operational Health Risk

The project would result in the construction of a sensitive receptor land use. The project is not a land use known to generate toxic air contaminants (TACs) in substantial quantities; therefore, risks to adjacent receptors from the project would be less than significant. This impact analysis focuses on the potential impacts to on-site residents from nearby sources of TACs and $PM_{2.5}$. The BAAQMD provides three tools for use in screening potential sources of TACs and $PM_{2.5}$. These tools are:

- Stationary Source Risk and Hazard Screening Tool. The BAAQMD prepared a Google Earth file that contains the locations of all stationary sources within the Bay Area that have BAAQMD permits. For each emissions source, the BAAQMD provides conservative cancer risk and $PM_{2.5}$ concentration increase values.
- Surface Street Screening Tables. The BAAQMD pre-calculated potential cancer risk and $PM_{2.5}$ concentration increases for each county within their jurisdiction. The look-up tables are used for roadways that meet the BAAQMD's 'major roadway' criteria of 10,000 vehicles or 1,000 trucks per day. Risks are assessed by roadway volume, roadway direction, and distance to sensitive receptor.
- Freeway Screening Analysis Tool. The BAAQMD prepared a Google Earth file that contains pre-estimated cancer risk, hazard index, and $PM_{2.5}$ concentration increases for highways within the Bay Area. Risks are provided by roadway link and are estimated based on elevation and distance to the sensitive receptor.

The BAAQMD recommends the use of these three tools in a screening process to identify whether further environmental review of potential TAC or $PM_{2.5}$ concentration risk for a project is warranted. Specifically, emissions sources within 1,000 feet of the project boundary should be evaluated. Therefore, the area within 1,000 feet of the project boundary is the study area.

For project-level analysis, BAAQMD specifies both individual and cumulative-level thresholds of significance for risks and hazards. The BAAQMD's individual cancer risk threshold of significance is 10-in-a-million, and the cumulative risk threshold is 100-in-a-million. For projects that are considered new sources of TACs or $PM_{2.5}$ (such as stationary sources, industrial sources, or roadway projects), it is generally appropriate to use both the project-level and cumulative-level thresholds because the project-level threshold identifies said project's individual contribution to risk, while the cumulative threshold assesses said project's cumulative contribution to risk. However, for projects that consist of new receptors, it is generally appropriate to use only the cumulative-level threshold because the project itself is not a source of TACS and, thus, the individual project-level threshold is not relevant. The cumulative risk threshold accounts for all potential sources of TACs and $PM_{2.5}$ in proximity to the new receptors on the project site. Because the impact being assessed is to the residential development on the project site, this analysis is focused to the cumulative impact of nearby sources of TACs and $PM_{2.5}$ to the project.

Permitted Stationary Sources

The BAAQMD database for permitted stationary sources indicates that there are no permitted sources of air pollutants within the 1,000-foot zone of influence of the project.

Mobile Sources

There is one highway within the study area, Mission Boulevard. Additionally, Niles Boulevard is located immediately adjacent to the project site and meets the BAAQMD's 'major roadway' criteria of 10,000 average annual daily trips (AADT) or 1,000 trucks per day. Niles Boulevard has a traffic volume of 16,000 AADT (CEHTP 2014). Project plans indicate that the closest residents for the project would be more than 750 feet from Mission Boulevard, and 10 feet from Niles Boulevard. The potential health risk from the identified mobile sources is provided in Table 6. As shown in the table, cumulative risk from highways and major roadways is less than the BAAQMD's thresholds of significance.

Table 6: Operational Health Risk Screening Analysis

Source	Lifetime Excess Cancer Risk (in a million)	Chronic Hazard Index	$PM_{2.5}$ Concentration ($\mu g/m^2$)
Mission Boulevard[1]	2.49	0.00	0.02
Niles Boulevard[2]	5.01	—	0.20
Total Risk from All Sources	7.50	0.00	0.22
BAAQMD's Cumulative Risk Threshold	100	10	0.8
Exceeds Threshold?	**No**	**No**	**No**

Notes:
1. Mission Boulevard risks estimated at 750 feet from roadway, with an exposure elevation at 6 feet.
2. Niles Boulevard risk estimated at 10 feet from the roadway, with a roadway volume of 20,000 annual average daily trips in Alameda County.

$\mu g/m^2$ = micrograms per meter squared
Source: FirstCarbon Solutions, 2014.

In addition, the project would locate receptors within 1,000 feet of the existing Union Pacific Railroad tracks. Residences would be located between approximately 95 feet and 150 feet from the railroad tracks. However, BAAQMD does not have a tool for risks from railroads, nor is there another source of pre-estimated risks for the rail line. Therefore, the ARB's Land Use Handbook was reviewed to qualitatively assess the potential health risk to onsite residences from the rail traffic. The ARB Air Quality and Land Use Handbook contains recommendations that will "help keep California's children and other vulnerable populations out of harm's way with respect to nearby sources of air pollution" (ARB 2005), including recommendations for distances between sensitive receptors and certain land uses. The Land Use Handbook identifies rail yards as a source of health risk. Rail yards accommodate a large volume of rail activity, as well as attract heavy truck traffic. The Land Use Handbook recommendations for siting sensitive receptors relative to rail yards are:

- Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard.
- Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.

The adjacent railroad track is a single track that is not a part of a major service or maintenance rail yard. The nearest rail yard is more than 3.5 miles north of the project. In addition, there are no major service or maintenance rail yards within 1,000 feet of the project. Because the project is not located within a 1 mile of a rail yards, the nearby railroad track is a single track not part of a major service or maintenance rail yard, and the existing quantified health risk to residences on the project site is demonstrated to be a fraction of the relevant health risk thresholds, the incremental increase in health risks to receptors on the project site from operation of the railroad track is considered nominal and less than significant.

The project will result in less than significant impacts for exposing onsite sensitive receptors to substantial pollutants from nearby sources of air-pollutant generated health risks.

Operational CO Hotspot

Traffic congestion and idling or slow-moving vehicles could create a potential CO hotspot. As discussed in section 3 b), the project would generate a less than significant impact for operational CO. Therefore, the project would not expose receptors to substantial CO concentrations.

Conclusion

The project would result in a less than significant impact for exposing sensitive receptors to substantial concentrations of construction-generated dust. The project would result in a less than significant impact from project construction equipment exhaust after implementation of MM AIR-2. The project would result in a less than significant impact for exposing onsite sensitive receptors to substantial health risks from adjacent sources of air pollutants during project operations. Finally, the project would not expose receptors to substantial CO concentrations during operations. Therefore, the project's risk of exposing sensitive receptors to substantial concentrations of air pollutants is less than significant after mitigation.

e) Create objectionable odors affecting a substantial number of people?

Less than significant impact. As stated in the BAAQMD 2010 Air Quality Guidelines, odors are generally regarded as an annoyance rather than a health hazard and the ability to detect odors varies considerably among the populations and overall is subjective.

The proposed project consists of demolishing remaining facilities on the project site and replacing it with a new retail and residential development. Land uses typically considered associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations. The project does not contain land uses typically associated with emitting objectionable odors.

Project Construction

Diesel exhaust and VOCs would be emitted during construction of the project, which are objectionable to some; however, emissions would disperse rapidly from the project site and therefore not create objectionable odors affecting a substantial number of people

Project Operation

Offsite land uses may impact residents on the project site. The BAAQMD's 2010 Air Quality Guidelines provide a table with odor screening distances recommended by BAAQMD for a variety of land uses. Such land uses include wastewater treatment plants, solid waste facilities and landfills, refineries, coffee roasters, and agricultural facilities (e.g. feed lots). The proposed project's residential and non-residential uses would not fall within the odor-generating identified by the BAAQMD. Additionally, the proposed project would not be located within 2 miles of any odor-generating facility. Odor impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. Biological Resources *Would the project:*				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Environmental Evaluation

The analysis in this section is based on the Tree Survey Report prepared by Arbor Resources, dated December 6, 2013. The report is provided in Appendix B.

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less than significant impact with mitigation incorporated. The project site is in a highly disturbed state and contains remnants of past industrial use (i.e., foundations), debris piles, overgrown ornamental vegetation (trees and shrubs), and weedy vegetation. The only special status species with the potential to occur on site are nesting birds protected by the Migratory Bird Treaty Act. As such, Mitigation Measure BIO-1 is proposed requiring standard pre-construction nesting bird surveys to be conducted prior to any vegetation removal during the nesting season. (Vegetation removal outside of the nesting season would not require a pre-construction survey). With the implementation of mitigation, impacts would be less than significant. Note that the burrowing owl has a low potential to occur onsite because of the presence of impervious surfaces onsite and its location within an urbanized area.

MM BIO-1 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.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No impact. The project site is in a highly disturbed state and contains remnants of past industrial use (i.e., foundations), debris piles, overgrown ornamental vegetation (trees and shrubs), and weedy vegetation. As such, it does not support sensitive natural communities. Additionally, there are no waterways within the project site that could potentially support riparian habitat. No impacts would occur.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. The project site is in a highly disturbed state and contains remnants of past industrial use (i.e., foundations), debris piles, overgrown ornamental vegetation (trees and shrubs), and weedy

vegetation. There are no waterways or isolated water features within the project site that could potentially support federally protected wetlands. No impacts would occur.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

No impact. The project site is in a highly disturbed state and contains remnants of past industrial use (i.e., foundations), debris piles, overgrown ornamental vegetation (trees and shrubs), and weedy vegetation. The project site is fenced and urban uses/infrastructure surround the project site on three sides. These conditions preclude the possibility of the project site serving as a fish or wildlife movement corridor. No impacts would occur.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than significant impact. The Tree Survey Report indicates that the project site contains 56 trees, with eucalyptus being the most common species (19 trees). Other common species include Tree-of-Heaven (8), Italian stone pine (7), almond (5), and black walnut (5). Approximately 37 trees are ranked as low suitability for preservation (i.e., weakened health or defects beyond recovery).

Fremont Municipal Code Chapter 18.215 sets forth the City's Tree Preservation Ordinance. Applicants proposing tree removal activities are required to apply for a permit from the City. As part of the application, mitigation must be identified and must consist of one 24-inch box replacement tree for each tree removed (or a 15-gallon replacement tree for a single-family residential property for each tree removed) or an in-lieu of fee to the City for an offsite replacement planting elsewhere. Compliance with the City's Tree Preservation Ordinance would be required for future development projects and would mitigate impacts resulting from tree removal. Thus, impacts would be less than significant.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No impact. The project site is not within the boundaries of an adopted Habitat Conservation Plan or Natural Community Conservation Plan. This condition precludes the possibility of conflicts in this regard. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
5. Cultural Resources *Would the project:*				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Environmental Evaluation

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Less than significant impact with mitigation incorporated. Although all previous structures on the project site were removed, ground-disturbing activities have the potential to yield undiscovered historic resources. Mitigation Measure CUL-1 requires implementation of inadvertent discovery procedures in the event such resources are encountered. With the implementation of this mitigation measure, impacts on historical resources would be reduced to a level of less than significant.

MM CUL-1 During all subsurface earthwork activities, a qualified archaeologist shall be present onsite. 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.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less than significant impact with mitigation incorporated. Ground-disturbing activities have the potential to yield undiscovered archaeological resources. Mitigation Measure CUL-1 requires implementation of inadvertent discovery procedures in the event such resources are encountered. With the implementation of this mitigation measure, impacts on archaeological resources would be reduced to a level of less than significant.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than significant impact. Paleontological resources (i.e., fossils) are typically found at depths of 10 feet or more. The proposed project's earthwork activities would generally be limited to the upper soil layers and project buildings would be constructed using slab-on-grade construction, which would avoid the need for deep excavations. A previous paleontological resources study conducted for the site in 2008 indicated that due to the substantial grading, filling, and excavation that has previously occurred in the project site, the possibility of finding or affecting intact buried paleontological resources is low. For these reasons, paleontological resources would not be expected to be encountered during construction. Impacts would be less than significant.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less than significant impact with mitigation incorporated. Ground-disturbing activities have the potential to yield human remains or burial sites. Mitigation Measure CUL-2 requires implementation of inadvertent discovery procedures in the event human remains or burial sites are encountered. With the implementation of this mitigation measure, impacts on human remains or burial sites would be reduced to a level of less than significant.

MM CUL-2 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:

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:

   - 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.
   - 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.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. Geology and Soils *Would the project:*				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Environmental Evaluation

The analysis in this section is based on the Preliminary Geotechnical Investigation prepared by Cornerstone Earth Group, dated August 30, 2013. The report is provided in Appendix C.

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No impact. The Preliminary Geotechnical Investigation indicated that there are no earthquake faults within the project site boundaries. This condition precludes the possibility of fault rupture. No impacts would occur.

ii) Strong seismic ground shaking?

Less than significant impact with mitigation incorporated. The Preliminary Geotechnical Investigation indicated that the Hayward Fault is located 0.2 mile from the project site. As such, the proposed project's structures could potential be subject to strong ground shaking during a seismic event. Accordingly, Mitigation Measure GEO-1 is proposed requiring the applicant to submit a design-level geotechnical prepared in accordance with the latest adopted edition of the California Building Code Standards and Fremont Municipal Code standards that would address the potential for seismic hazards to occur onsite and identify abatement measures to reduce potential significant effects of such an event to acceptable levels. With the implementation of Mitigation Measure GEO-1, impacts would be less than significant.

MM GEO-1 Prior to issuance of the first building permit for the proposed project, the project applicant shall submit a design-level geotechnical report to the City of Fremont for review and approval. The design-level report shall be prepared in accordance with the latest adopted edition of the 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.

iii) Seismic-related ground failure, including liquefaction?

Less than significant impact with mitigation incorporated. The Preliminary Geotechnical Investigation indicated the project site is located within a State-designated Liquefaction Hazard Zone. As such, the proposed project's structures could potentially be subject to seismic related ground failure during a seismic event. Accordingly, Mitigation Measure GEO-1 is proposed requiring the applicant to submit a design-level geotechnical prepared in accordance with the latest adopted edition of the California Building Code Standards and Fremont Municipal Code standards that would address the potential for seismic hazards to occur onsite and identify abatement measures to reduce potential significant effects of such an event to acceptable levels. With the implementation of Mitigation Measure GEO-1, impacts would be less than significant.

iv) Landslides?

No impact. The project site contains flat relief and is not near any slopes capable of failing during a seismic event. This condition precludes the possibility of landslides adversely impacting the proposed project. No impacts would occur.

b) Result in substantial soil erosion or the loss of topsoil?

Less than significant impact with mitigation incorporated. Development of the proposed project would include construction activities that would expose soils and could potentially result in substantial erosion. As discussed in Section 9, Hydrology and Water Quality, the State Water Resources Control Board adopted a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended in 2011 (Construction General Permit). To obtain coverage under the Construction General Permit, a project applicant must submit various documents, including a Notice of Intent and a Storm Water Pollution Prevention Plan (SWPPP). Activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground, such as grubbing or excavation.

The purpose of the SWPPP is to identify the sources of sediment and other pollutants that could affect the quality of stormwater discharges and to describe and ensure the implementation of Best Management Practices to reduce or eliminate sediment and other pollutants in stormwater as well as non-stormwater discharges resulting from construction activity. Implementation of Mitigation Measure HYD-1 would reduce this impact to a level of less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than significant impact with mitigation incorporated. The Preliminary Geotechnical Investigation indicated the project site is located within a State-designated Liquefaction Hazard Zone. As such, the proposed project's structures could potential be subject to liquefaction-related phenomena (e.g., lateral spreading, subsidence, or liquefaction) during a seismic event. Accordingly, Mitigation Measure GEO-1 is proposed requiring the applicant to submit a design-level geotechnical prepared in accordance with the latest adopted edition of the California Building Code Standards and Fremont Municipal Code standards that would address the potential for seismic hazards to occur onsite and identify abatement measures to reduce potential significant effects of such an event to acceptable levels. With the implementation of mitigation, impacts would be less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Less than significant impact. The Preliminary Geotechnical Investigation included laboratory soil testing that indicated that the soils within the project site have very low expansion potential. As such, the proposed project would not be exposed to expansive soil hazards. Impacts would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No impact. The proposed project would be served with sanitary sewer service provided by Union Sanitary District; no septic systems or alternative wastewater disposal systems would be employed. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. Greenhouse Gas Emissions *Would the project:*				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Environmental Evaluation

The analysis in this section is based on Greenhouse Gas modeling prepared by FirstCarbon Solutions. The modeling data is provided in Appendix A.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. The project site is located in the City of Fremont, which is within the San Francisco Bay Area Basin (Air Basin). The applicable air quality management district for the Air Basin is the Bay Area Air Quality Management District (BAAQMD).

The BAAQMD updated its Air Quality Guidelines in June 2010 to include new screening levels and thresholds of significance (2010 Thresholds) for operational greenhouse gas generation. Although the BAAQMD may not legally recommend the 2010 Thresholds due to ongoing litigation, the City of Fremont has opted to use the 2010 Thresholds based on the substantial evidence in the record. The BAAQMD's 2011 Air Quality Guidelines, which include the 2010 Thresholds, is used to assess the following impacts.

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than significant impact. The BAAQMD provides multiple threshold options for project-level greenhouse gas impact analysis. A significant impact would occur if the project would exceed all of the significance thresholds. Accordingly, the impact would be less than significant if the project was below any of the thresholds. The BAAQMD's 2010 Thresholds for operational greenhouse gas emissions are:

- Compliance with Qualified Greenhouse Gas Reduction Strategy, or
- 1,100 metric tons of carbon dioxide equivalent ($MTCO_2e$) annually, or
- 4.6 $MTCO_2e$/Service Population/Year

The threshold of 1,100 $MTCO_2e$ is used in this impact assessment. The BAAQMD does not identify a significance threshold for project-generated greenhouse gases. However, the BAAQMD does recommend that lead agencies quantify and disclose construction-related greenhouse gas emissions. Therefore, the project's construction emissions were quantified, amortized over an assumed operational lifespan, and added to operational greenhouse gas emissions in order to determine the project's potential impact.

Greenhouse gas emissions were estimated for project construction and operation using the California Emissions Estimator model version 2013.2.2 (CalEEMod). The emissions modeling output is available in Appendix A.

Project Construction

The project would generate greenhouse gas emissions during construction activities. Specifically, greenhouse gases would be emitted from onsite heavy-duty construction vehicle exhaust, exhaust from vehicles hauling materials to and from the project site, and vehicle exhaust from construction worker trips.

The emissions analysis assumed that construction would start in January 2015, and approximately 1,947 tons of debris would be exported from the project site. The CalEEMod default construction activity and construction phase durations for the project's land uses were utilized.

Project construction emissions are shown in Table 7. As shown in the table, project construction is estimated to generate approximately 467.61 $MTCO_2e$. When annualized over the assumed 30-year project lifespan, project construction would generate 15.59 $MTCO_2e$ per year. As stated above, the project's construction-generated impact is assessed in combination with the project's operational emissions.

Table 7: Construction Greenhouse Gas Emissions

Year	Emissions ($MTCO_2e$)
2015	442.63
2016	24.98
Total	**467.61**
Annualized over 30 Years	**15.59**

Note:
$MTCO_2e$ = metric tons of carbon dioxide equivalents
Source: FirstCarbon Solutions 2014.

Project Operations

Operational or long-term emissions occur over the life of the project. Sources for operational emissions include:

- Motor Vehicles: Exhaust from the cars and trucks that would travel to and from the project site.
- Natural Gas: Emissions from natural gas burned on the project site. Natural gas uses include heating water, space heating, dryers, stoves, or other uses.
- Indirect Electricity: Offsite emission from power plants to supply electricity required for the project.
- Water Transport: Exhaust from electricity generation that is required to transport and treat the water to be used on the project site.
- Waste: Emissions from decomposing waste generated by the project.

Operational greenhouse gas emissions were estimated for the year 2020 because 2020 is the target year for AB 32's emission reduction goals. CalEEMod assumes compliance with some, but not all applicable rules and regulations regarding energy efficiency, vehicle fuel efficiency, renewable energy usage, and other greenhouse gas reduction policies, as described in the CalEEMod User's Guide. The default CalEEMod emission intensity factors for energy consumption were modified to reflect the Renewable Portfolio Standards. Specifically, the Renewable Portfolio Standards require electricity providers to include a minimum of 33 percent renewable energy in their portfolios by year 2020.

The operational emissions and annualized construction emission are provided in Table 8. As shown in the table, the project's annual emissions are estimated to be less than the BAAQMD's threshold of significance. Therefore, impacts from construction and operational greenhouse gas emissions are less than significant.

Table 8: Greenhouse Gas Operational Emissions

Emissions Source	Annual Emissions ($MTCO_2e$)
Area Sources	5.51
Energy	228.89
Mobile (Vehicles)	485.74
Waste	21.50
Water	16.95
Annualized Construction Emissions	15.59
Total Emissions*	**774.18**
Significance Threshold	**1,100**
Does project exceed threshold?	**No**

Notes:
* Based on non-rounded emissions output
$MTCO_2e$ = metric tons of carbon dioxide equivalent
Source: FirstCarbon Solutions 2014.

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Less than significant impact. The City of Fremont's has adopted a Climate Action Plan (CAP). The City's CAP identifies policies that will achieve a reduction target of 25 percent below emissions expected under a "business-as-usual" scenario. The Climate Action Plan provides goals and associated measures, where each goal is tied to a specific reduction of GHG emissions as well as energy use, transportation, and waste reductions. However, as disclosed in the Climate Action Plan, the City's CAP is not considered a qualified greenhouse gas reduction strategy by the BAAQMD. Therefore, compliance with the City's CAP will not be applied to check for consistency for this impact discussion. Instead, California's AB 32 emission reduction goals and the ARB's adopted Climate Change Scoping Plan are used to determine the project's consistency with an adopted greenhouse gas reduction strategy.

ARB adopted the Climate Change Scoping Plan (Scoping Plan), which outlines actions recommended to obtain emission reduction goals contained in AB 32. The Scoping Plan states, "The 2020 goal was established to be an aggressive, but achievable, mid-term target, and the 2050 GHG emissions reduction goal represents the level scientists believe is necessary to reach levels that will stabilize climate" (ARB 2008, page 4). The year 2020 goal of AB 32 corresponds with the mid-term target established by Executive Order S-3-05, which aims to reduce California's fair-share contribution of GHGs in 2050 to levels that will stabilize the climate. The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors. Therefore, the majority of measures are not directly applicable or implementable at the project level. However, the project would increase energy efficiency, conserve water, and reduce waste pursuant to design features.

As provided by BAAQMD:

> BAAQMD's approach to developing a Threshold of Significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move us towards climate stabilization. If a project would generate GHG emissions above the threshold level, it would be considered to contribute substantially to a cumulative impact, and would be considered significant.

Therefore, if a project is less than BAAQMD's threshold of significance for GHGs, it stands to reason that the project would not substantially conflict with existing California legislation adopted to reduce statewide GHG emissions. As shown in impact discussion a) above, the project would not exceed BAAQMD's threshold of significance for GHG emissions and would result in a less than significant impact. Therefore, the project would not substantially conflict with the emission reduction requirements of AB 32. ARB's Scoping Plan was adopted to implement the emission reduction requirements of AB 32. Therefore, the project would not conflict with the Scoping Plan.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. Hazards and Hazardous Materials *Would the project:*				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Environmental Evaluation

This section is based on the Phase I Environmental Site Assessment (Phase I) prepared by ENGEO, dated September 12, 2014. The report is provided in Appendix D. A letter from the RWQCB is also provided in Appendix B.

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than significant impact. The proposed project would develop townhome uses, CRAFT units, retail/restaurant uses, and community space uses. The CRAFT units would function as live-work spaces for artists, designers, and similar endeavors, and would not be suited for uses that may involve large quantities of hazardous materials (e.g., auto repair, manufacturing, research and development, etc.). The retail/restaurant uses would be expected to use small quantities of commonly used hazardous materials such as cleaning solvents, coolants, degreasers, and mechanical fluids, whose routine use would not be considered a risk to human health or the environment. The townhome uses and community space uses would not be large quantity users of hazardous materials. Overall, the project uses would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than significant impact. The proposed project would develop townhome uses, CRAFT units, retail/restaurant uses, and a community space uses. The CRAFT units would function as live-work spaces for artists, designers, and similar endeavors, and would not be suited for uses that may involve large quantities of hazardous materials (e.g., auto repair, manufacturing, research and development, etc.). The retail/restaurant uses would be expected to use small quantities of commonly used hazardous materials such as cleaning solvents, coolants, degreasers, and mechanical fluids, whose routine use would not be considered a risk to human health or the environment. The townhome uses and community space uses would not be large quantity users of hazardous materials. Overall, the project uses would not create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No impact. Niles Elementary School, the closest school to the project site, is located 0.5 mile to the west. This condition precludes the project exposing schools located within 0.25 mile of the project site to hazardous emissions, materials, or substances. No impacts would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than significant impact. The project site previously supported industrial land use activities for approximately 100 years and is listed as a Cleanup Program Site, due to the presence of petroleum hydrocarbons, pesticides, herbicides, and metals. The site underwent cleanup treatment under the supervision of the RWQCB from approximately 2006 to 2011. A "No Further Action" Letter was issued by the RWQCB in May 2013 signifying that residential development could be pursued onsite with conditions. At the time of this writing, the applicant is pursuing additional remediation efforts under the auspices of the RWQCB with the intent of removing or amending several restrictions associated with the previous remediation efforts that would better allow the development of residential uses on the project site. In October 2014, the RWQCB approved the "Supplemental Site Characterization Report" and "Removal Action Work Plan" for the site to perform additional remediation of contaminated soil identified in supplemental investigations to prepare the site for the planned development project. Mitigation Measure HAZ-1 is proposed requiring the project applicant obtain approval of a remediation plan for the project site from the RWQCB. Note that site remediation efforts are independent of the proposed project and, therefore, the intent of the mitigation measure is to ensure that the proposed project would impair or conflict with these efforts. With the implementation of mitigation, impacts would be less than significant. Finally, the Phase I ESA indicated that the 0.72-acre linear park site does not contain any Recognized Environmental Conditions (i.e., hazardous materials contamination) that would preclude development of that site for park use.

MM HAZ-1 Prior to issuance of building or grading permits for site development (whichever comes first), remediation work to remove known contaminants or Recognized Environmental Conditions (RECs) at the subject property shall be implemented to the satisfaction of the Regional Water Quality Control Board (RWQCB) and the City of Fremont Community Development Department. Completion of the remediation work and procurement of an appropriate closure document or certification in written form from RWQCB evidencing its determination that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the City of Fremont Community Development Department.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No impact. Hayward Executive Airport, located 9.4 miles to the northwest, is the closest airport to the project site. This distance precludes the proposed project from creating aviation safety hazards for persons residing or working in the project area. No impacts would occur.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No impact. There are no private airstrips located within the project vicinity. This condition precludes the proposed project from creating aviation safety hazards for persons residing or working in the project area. No impacts would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than significant impact. The proposed project would be served via two points of vehicular access: one point on Niles Boulevard and one point on Chase Court. This would meet California Fire Code requirements for the provision of a minimum of two vehicular access points. Additionally, the proposed project would not involve any permanent road closures, lane reductions, or other modifications that could impair emergency response or evacuation in the project vicinity. Impacts would be less than significant.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No impact. The project site is surrounded by urban uses/infrastructure on three sides and Alameda Creek on the fourth. The condition precludes potential exposure to wildland fire hazards. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. Hydrology and Water Quality *Would the project:*				
a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☒	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☒	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Environmental Evaluation

Would the project:

a) Violate any water quality standards or waste discharge requirements?

Less than significant impact with mitigation incorporated. Development activities associated with the proposed project could result in the discharge of pollutants and could impact the quality of receiving waters during construction activities and during the operational phase. Each phase is discussed separately on the pages that follow.

Construction-Period

Development activities would involve demolition, grading, construction, and paving. During these activities, there would be the potential for surface water runoff from construction sites to carry sediment and pollutants into stormwater drainage systems and local waterways.

Grading and the exposure of shallow soils related to grading could result in erosion and sedimentation. The accumulation of sediment could result in the blockage of flows, potentially causing increased localized ponding or flooding. Construction activities would require the use of gasoline and diesel-powered heavy equipment, such as bulldozers, backhoes, water pumps, and air compressors. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances could be used during construction. An accidental release of any of these substances could degrade the quality of the surface water runoff and adversely affect receiving waters. As such, Mitigation Measure HYD-1 is proposed requiring the implementation of stormwater quality control measures during construction activities to prevent pollutants from entering downstream waterways. Impacts would be less than significant.

MM HYD-1 Prior to issuance of the grading permit, 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.

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.

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.

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).

Operation-Period

The development of new impervious surfaces on the project site could result in the discharge of associated pollutants. Leaks of fuel or lubricants, tire wear, brake dust, and fallout from exhaust contribute petroleum hydrocarbons, heavy metals, and sediment to the pollutant load in runoff being transported to receiving waters. Runoff from new landscaped areas may contain residual pesticides and nutrients. The development of residential units and public open spaces could increase the amount of trash and debris entering the stormwater drainage system. As such, Mitigation Measure HYD-2 is proposed requiring the implementation of stormwater quality control measures during operational activities to prevent pollutants from entering downstream waterways. Impacts would be less than significant.

MM HYD-2 Prior to issuance of building permits, 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 measures designed to mitigate potential water quality degradation and hydromodification of runoff from all portions of completed developments.

The proposed project 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). 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, the proposed project shall comply with the City of Fremont Stormwater Management and Discharge Control Ordinance (Chapter 18.210).

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?

Less than significant impact. The proposed project would be served with potable water service provided by Alameda County Water District. The water agency would supply the project from existing water supply; no new wells would be drilled. Additionally, the project site is not used for groundwater recharge and, therefore, would not interfere with these activities. Impacts would be less than significant.

c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Less than significant impact with mitigation incorporated. Development of the proposed project would include construction activities that would expose soils and could potentially result in substantial erosion. As discussed previously, the State Water Resources Control Board adopted a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended in 2011 (Construction General Permit). To obtain coverage under the Construction General Permit, a project applicant must submit various documents, including a Notice of Intent and a Storm Water Pollution Prevention Plan (SWPPP). Activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground, such as grubbing or excavation.

The purpose of the SWPPP is to identify the sources of sediment and other pollutants that could affect the quality of stormwater discharges and to describe and ensure the implementation of Best Management Practices to reduce or eliminate sediment and other pollutants in stormwater as well as non-stormwater discharges resulting from construction activity. Implementation of Mitigation Measure HYD-1 would reduce this impact to a level of less than significant.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less than significant impact. The proposed project would install an onsite storm drainage system consisting of a network of bioretention areas, inlets, and underground piping. Runoff would be conveyed to an existing storm drainage line within the Niles Boulevard dead end segment that discharges into Alameda Creek. The drainage system would comply with Fremont Municipal Code requirements concerning control and release of runoff into downstream waterways. As such, the proposed project would not result in downstream flooding. Impacts would be less than significant.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than significant impact. The proposed project would install an onsite storm drainage system consisting of a network of bioretention areas, inlets, and underground piping. Runoff would be conveyed to an existing storm drainage line within the Niles Boulevard dead end segment that discharges into Alameda Creek. The drainage system would comply with Fremont Municipal Code requirements concerning control and release of runoff into downstream waterways. As such, the proposed project would not result in downstream flooding. Impacts would be less than significant.

f) Otherwise substantially degrade water quality?

Less than significant impact with mitigation incorporated. The proposed project's construction and operational activities have the potential to result in pollutants entering downstream waterways. Implementation of Mitigation Measure HYD-1 and Mitigation Measure HYD-2 would reduce impacts to a level of less than significant.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No impact. The project site is located outside of a 100-year flood hazard zone. This condition precludes the placement of structures within this area. No impacts would occur.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No impact. The project site is located outside of a 100-year flood hazard zone. This condition precludes the placement of structures within this area. No impacts would occur.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less than significant impact. The project site is not located in an area protected by a levee and, therefore, is not susceptible to flooding related to levee overtopping or failure.

The project site is located within the dam failure inundation areas of the Calaveras, Turner, and Del Valle dams. A new dam is being constructed immediately downstream of the Calaveras Dam and the Calaveras Reservoir is being kept at less than 40 percent of the normal operating levels in order to reduce the risk of dam failure until the construction of the new dam is completed. Dam failure is a low probability event that can be caused by a seismic event. Existing dams are subject to both federal and state laws addressing dam safety and are periodically inspected to ensure that they are adequately maintained and that any identified deficiencies are corrected. Regular inspections and required maintenance of the dams substantially reduce the potential for catastrophic failure. The construction of a new dam at the Calaveras Reservoir with a concurrent reduction in Calaveras Reservoir water storage would limit the potential inundation hazards from dam failure to a less than significant level.

j) Inundation by seiche, tsunami, or mudflow?

No impact. The project site is not located adjacent to any lakes or reservoirs and, therefore, would not be susceptible to inundation by seiche. Additionally, the project site is more than 7 miles from San Francisco Bay, a condition that precludes inundation by tsunami. Finally, the project site is surrounded by flat relief and, thus, would not be inundated by mudflow. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. Land Use and Planning *Would the project:*				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	☐	☐	☐	☒

Environmental Evaluation

Would the project:

a) Physically divide an established community?

No impact. The project site previously supported industrial uses for 100 years; however, those uses have been demolished and the site currently contains remnants of those uses (i.e., foundations), debris piles, and overgrown vegetation. The project site does not contain any dwelling units or other uses that could be considered to constitute an established community. As such, the proposed project would not physically divide an established community. No impacts would occur.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less than significant impact. This impact will address project consistency with the City of Fremont General Plan and Zoning Ordinance. Each is addressed separately as follows.

General Plan

The City of Fremont General Plan designates the site as "Industrial – Service" with a "Special Study Area" overlay. The project applicant is proposing to re-designate the site to "Commercial – Town Center" and "Residential – Medium" to correspond with the proposed land use activities.

The "Commercial – Town Center" allows a Floor Area Ratio (FAR) of 0.5 for non-residential projects and 1.25 for mixed-use projects with ground floor commercial and residential uses. The proposed

CRAFT units and non-residential uses would total 26,287 square feet and occupy 0.64 acre, which equates to a FAR of 0.94. Because ground floor commercial and residential uses are proposed, the applicable FAR is 1.25.

The "Residential – Medium" land use designation permits residential densities of 14.6 to 29.9 dwelling units per acre. The proposed 85 townhomes would occupy 5.43 acres of the site for a density of 15.6 dwelling units per acre.

In summary, the proposed project's uses would be consistent with both proposed General Plan land use designations. Impacts would be less than significant.

Zoning Ordinance

The Fremont Zoning Ordinance zones the site "Light Industrial (IL) – Historical Overlay District."

The project applicant is proposing to rezone the site to "Planned Development." The Zoning Ordinance states that the "Planned Development" district is intended "to encourage and provide a means for effectuating desirable development, redevelopment, rehabilitation and conservation in the city, which features variations in siting, mix of land uses and/or varied dwelling types." The proposed project consists of a mix of uses (townhomes, CRAFT units, retail/restaurants, and community space) within a 6.07-acre site and, therefore, meets the Zoning Ordinance's criteria for the use of a "Planned Development" district. Impacts would be less than significant.

c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?

No impact. The project site is not within the boundaries of an adopted Habitat Conservation Plan or Natural Community Conservation Plan. This condition precludes the possibility of conflicts in this regard. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
11. Mineral Resources *Would the project:*				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Environmental Evaluation

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No impact. The project site has not previously supported mineral extraction operations and is not designated as a Mineral Resource Zone by the State of California. This condition precludes the loss of mineral resources of value to the region or state. No impact would occur.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No impact. The City of Fremont General Plan does not designate the project site as a locally important mineral resource recovery site. This condition precludes the loss of locally important mineral resources. No impact would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. Noise *Would the project result in:*				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Environmental Evaluation

This section is based on the Environmental Noise and Groundborne Vibration Assessment prepared by Illingworth & Rodkin, Inc., dated June 6, 2014. The report is provided in Appendix E.

Would the project:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than significant impact with mitigation incorporated. The City of Fremont General Plan establishes 60 dBA L_{dn} as the maximum "normally acceptable" standard for outdoor residential noise levels in residential developments where outdoor use is a major consideration. When the City determines that providing an outdoor L_{dn} of 60 dB(A) or lower cannot be achieved after application of appropriate mitigation measures, an L_{dn} of 65 dB(A) may be permitted at the discretion of the City

Council. The General Plan establishes that indoor noise levels should not exceed an L_{dn} of 45 dB(A) in new housing units. Noise measurements and analysis performed by Illingworth & Rodkin, Inc. indicated that ambient noise levels in the vicinity of the project site were 60 dBA L_{dn}. Illingworth & Rodkin, Inc. indicated that, at the northern portion of the site, noise levels along Niles Boulevard are projected to increase by 2 dBA L_{dn} in the future and that traffic and railroad noise levels at the buildings proposed to front on Niles Boulevard would be considered conditionally unacceptable. As such, measures are necessary to reduce interior noise to 45 dBA L_{dn} or less in accordance with City standards.

The Illingworth and Rodkin study also measured instantaneous maximum noise levels for compliance with Noise Implementation Policy 10-8.1.A(4), which stipulates that typical maximum instantaneous noise level in bedrooms at night should not exceed 50 dB(A) and in other rooms should not exceed 55 dB(A). Noise measurements taken indicate the typical maximum noise level was 83 dB(A) measured 150 feet from the railroad tracks. At the nearest building façade proposed about 100 feet from the tracks, the level is calculated to be 87 dB(A). The building façades nearest Niles Boulevard would need to reduce single event noise by 37 dB(A) at bedrooms and 32 dB(A) in other rooms.

Mitigation Measure NOI-1 is proposed requiring the project applicant to provide forced-air mechanical ventilation for all dwelling units to allow occupants to keep the windows closed to control noise. Additionally, Mitigation Measure NOI-1 requires the use of sound-rated window and door assemblies on the east, north, and south facing facades in the five buildings nearest the railroad tracks and Niles Boulevard to achieve an outdoor to indoor noise reduction of at least 37 dB(A) in bedrooms and 32 dB(A) in other rooms. With the implementation of this mitigation measure, interior noise standards would be reduced to acceptable levels and, therefore, impacts would be less than significant.

The Noise Assessment also indicates that future noise levels in the open spaces located between buildings in the southern area of the site near Niles Boulevard were calculated to be a maximum of 60 dB(A) L_{dn}, which falls within the "normally acceptable" category for outdoor noise levels in residential development.

MM NOI-1 Prior to issuance of building permits for the proposed project, the project applicant shall prepare a noise insulation study conforming to the California Building Code and submit plans to the City of Fremont demonstrating that all dwelling units are equipped with forced-air mechanical ventilation and the five buildings nearest the railroad tracks and Niles Boulevard employ sound-rated window and door assemblies on the east, north, and south facing facades to meet interior noise standards outlined in the General Plan. The approved plans shall be incorporated into the project.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less than significant impact. Because the project site is within 150 feet of the Union Pacific Railroad tracks, the City of Fremont General Plan requires that a vibration study be performed. Vibration

measurements performed by Illingworth & Rodkin, Inc. indicated that vibration levels at the project site were 74 Vdb. The City of Fremont General Plan uses the Federal Transit Administration's vibration guidance as the basis for establishing acceptable vibration levels. Based on the frequency of train activity on the Union Pacific Railroad line, the maximum allowable standard would be 80 Vdb. As such, vibration levels would be within acceptable standards. Impacts would be less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than significant impact. The primary sources of ambient noise in the project vicinity are from vehicles traveling on roadways and train activity on the Union Pacific Railroad.

The proposed project would generate 785 daily trips, including 45 AM peak hour trips and 69 PM peak hour trips. For comparison purposes, the segment of Niles Boulevard immediately adjacent to the project site carries 6,550 daily trips, 738 AM peak hour trips, and 655 PM peak hour trips. Thus, the proposed project's trips would represent 12 percent, 6 percent, and 11 percent increases relative to existing traffic volumes on Niles Boulevard during each respective time period.

The City uses a change of 3 dB(A) in ambient noise levels as the threshold for determining whether mitigation would be necessary to reduce noise impacts. In order to achieve a 3-dB increase, traffic volumes must be doubled or there must be a 7-mile-per-hour increase in average speed. A 12 percent increase in traffic volumes on Niles Boulevard would not have the potential to double traffic volumes or alter average roadway speeds by 7 miles per hour. Moreover, the proposed project would not alter the frequency of rail activity and, therefore, not change this aspect of the existing ambient noise environment. The noise study completed for the proposed project projects a noise increase of 2 dB(A) at the northern portion of the project site along Niles Boulevard. The study also assumes railroad noise levels will remain the same in future years. Thus, the proposed project would have a *de minimis* contribution to ambient noise levels and potential impacts would be less than significant.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than significant impact with mitigation incorporated. Construction activities would involve the use of heavy equipment on the project site and, therefore, have the potential expose nearby sensitive receptors to substantial temporary increases in ambient noise levels. The closest noise-sensitive receptors are the single-family residences located immediately west of the project site and noise levels of up to 89 dBA may be observed at these receptors during construction.

The most effective approach to mitigating construction noise is to erect a permanent or temporary noise barrier along the property line with the adjoining residences. The existing residences that adjoin the project site have 6-foot tall wood fences that are in various states of repair. Mitigation Measure NOI-2 requires the applicant to offer to replace existing fences with a new permanent, 6

foot tall wood or masonry block barrier prior to construction. The new barrier would be expected to attenuate construction noise levels by 15 dB at the nearest residence.

Additionally, in recognition that construction management practices can also limit the severity of temporary noise impacts, Mitigation Measure NOI-3 requires construction activities to comply with the Fremont Municipal Code's limitations on construction activities and employ the use of noise reduction equipment and practices.

In summary, construction noise would be temporary and cease once the project is completed. With the implementation of mitigation, impacts would be reduced to a level of less than significant.

MM NOI-2 Prior to demolition or grading activities for the proposed project (whichever comes first), the project applicant shall offer to replace the existing residential fences that adjoin the project site with a permanent 6-foot-tall wood or masonry block barrier that provides a minimum surface density of 3 pounds per square foot of sound attenuation. The replacement barriers shall be completed prior to the commencement of construction activities that involve the use of heavy equipment.

MM NOI-3 During demolition and construction activities, the following noise abatement measures shall be implemented:

- Construction activities shall be limited to the hours between 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. on Saturdays and holidays. (Construction is prohibited on Sundays.) 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 (e.g., weather conditions necessary to pour concrete).
- All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. If no noise reduction features were installed by the manufacturer, then the contractor shall require that at least a muffler be installed on the equipment.
- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 100 feet from the nearest residence, unless safety or technical factors take precedence (e.g., a heavy equipment breakdown).

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. Hayward Executive Airport, located 9.4 miles to the northwest, is the closest airport to the project site. This distance precludes the proposed project from exposing persons residing or working in the project area to excessive noise levels. No impacts would occur.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No impact. There are no private airstrips located within the project vicinity. This condition precludes the proposed project from creating aviation safety hazards for persons residing or working in the project area. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. Population and Housing *Would the project:*				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Environmental Evaluation

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than significant impact. The proposed project would develop 98 dwelling units and 3,620 square feet of non-residential uses on the project site. Using the City of Fremont's 2014 persons per household figure of 3.08, the proposed project would add 302 persons to the City's population. This figure represents 0.1 percent of the City of Fremont's 2014 population estimate of 223,972 (as provided by the California Department of Finance). Using a standard industry assumption of 1 job per 500 square feet, the proposed project's new non-residential square footage would add 7 new jobs. Accordingly, the population and employment growth attributable to the proposed project would not directly induce substantial population growth. Finally, the project site is served with urban infrastructure including roads, water, sewer, and energy services; therefore, it would not require the extension of such services in a manner that could remove a barrier to growth. For these reasons, impacts would be less than significant.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No impact. The project site does not contain any existing dwelling units. This condition precludes the displacement of substantial numbers of dwelling units. No impacts would occur.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No impact. The project site does not contain any existing dwelling units. This condition precludes the displacement of substantial numbers of people. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. Public Services *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐

Environmental Evaluation

Would the project:

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

Less than significant impact. The proposed project would develop 98 dwelling units and 3,620 square feet of non-residential uses on the project site. The project site is 0.5 mile from Fremont Fire Station No. 2 and, therefore, would be served with adequate emergency response times. Additionally, the proposed project would be required to comply with the applicable provisions of the latest adopted edition of the California Fire Code, including those that pertain to emergency access, fire suppression systems, and fire detection/warning systems. For these reasons, no new or expanded fire protection facilities would be required. Impacts would be less than significant. Note that the proposed project would also be required to pay a Fire Service Development Impact fee, which would further sustain improvements needed as a result of new development.

b) Police protection?

Less than significant impact. The proposed project would develop 98 dwelling units and 3,620 square feet of non-residential uses on the project site. The project site is 2.4 miles from the Fremont Police Headquarters and, therefore, would be served with adequate emergency response times. Additionally, the proposed project would provide public safety measures such as exterior lighting and

fencing to deter criminal activity. For these reasons, no new or expanded police protection facilities would be required. Impacts would be less than significant.

c) Schools?

Less than significant impact. The proposed project would develop 98 dwelling units and 3,620 square feet of non-residential uses on the project site. Using a standard student generation rate of 0.5 student/dwelling unit, the proposed project would be expected to add 49 students to the Fremont Unified School District. Developers of any new residential units would be required to contribute school impact mitigation fees. The fees levied on a new development are intended to fund the facilities needed to provide schooling for the children that will be living in that development.

Government Code Section 65995 prohibits a local agency from either denying approval of a land use project because of inadequate school facilities or imposing school impact mitigation measures other than designated fees. Therefore, payment of development fees to the School District would address the proposed project's impacts on schools and ensure that impacts are less than significant.

d) Parks?

Less than significant impact. New development that occurs within the City would be required to dedicate park and recreational facilities to the City or pay in-lieu of fees to the City of Fremont, which would apply the funds to the development of parks and recreational facilities. The proposed project would also include a 0.72-acre linear park that would connect Niles Boulevard to the Alameda Creek Trail. (Note that the environmental impacts of the linear park are evaluated in this document). Impacts would be less than significant.

e) Other public facilities?

Less than significant impact. New development that occurs within the City would be required to dedicate public facilities to the City or pay a capital facilities in-lieu fee to the City of Fremont, which would apply the funds to the development of community facilities. In this case, the applicant would provide in-lieu of fees to the City of Fremont, which would satisfy its obligations in this regard. Impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Environmental Evaluation

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than significant impact. The addition of 98 new homes would slightly increase the demand for new recreation facilities; however, new development that occurs within the City would be required to dedicate park and recreational facilities to the City or pay in-lieu fees to the City of Fremont, which would apply the funds to the development of parks and recreational facilities. The proposed project would also include a 0.72-acre linear park that would connect Niles Boulevard to the Alameda Creek Trail. (Note that the environmental impacts of the linear park are evaluated in this document). Impacts would be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Less than significant impact. The proposed project would include a 0.72-acre linear park that would connect Niles Boulevard to the Alameda Creek Trail. (Note that the environmental impacts of the linear park are evaluated in this document.) Impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. Transportation/Traffic *Would the project:*				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐

Environmental Evaluation

This section is based on the Traffic Operations Report prepared by Hexagon Transportation Consultants, dated August 8, 2014. The report is provided in Appendix F.

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Less than significant impact. The proposed project would generate 785 daily trips, 45 AM peak hour trips, and 69 PM peak hour trips. To assess the significance of traffic impacts, the City of Fremont uses Level of Service (LOS), which is a is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. Signalized and unsignalized intersections are assessed separately due to differences in methodology.

Signalized Intersections

The City of Fremont utilizes TRAFFIX software and the Highway Capacity Manual (HCM) methodology to evaluate intersection operations. The HCM methodology evaluates intersection operations on the basis of average delay time for all vehicles at the intersection. This average delay can then be correlated to a level of service. The City of Fremont's acceptable level of service standard for intersections is LOS D.

Significance criteria are used to establish what constitutes an impact. According to City of Fremont standards, a project is said to create a significant adverse impact on traffic conditions at a signalized intersection if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under no project conditions to an unacceptable LOS E or LOS F under project conditions, or
2. If the intersection is already operating at an unacceptable LOS E or LOS F under no project conditions, the addition of the project causes the intersection average control delay to increase by more than 4 seconds per vehicle.

A significant impact at a signalized intersection is said to be satisfactorily mitigated when measures are implemented that would restore intersection levels of service to an acceptable LOS or restore the intersection to operating levels that are better than no project conditions.

Intersection levels of service were calculated for existing, background, and background plus project conditions. The results of the signalized intersection level of service analysis are summarized in Table 9. The level of service calculation sheets are included in Appendix F. The results show that under existing conditions and background conditions, the intersection of Mission Boulevard and Niles Boulevard and intersection of Mission Boulevard and Mowry Avenue operate at an unacceptable LOS E during at least one of the peak hours. The results show that under background plus project conditions the levels of service at these intersections would deteriorate to LOS F in the AM peak hour. However, the corresponding increases in average delay would be less than 4 seconds. The project would therefore not have a significant impact on these or any of the signalized study intersections. Impacts would be less than significant.

Table 9: Level of Service Summary – Signalized Intersections

Intersection	Peak Hour	Count Date	Existing Conditions		Background Conditions		Background Plus Project Conditions		Increase in Average Delay
			Delay	LOS	Delay	LOS	Delay	LOS	
Nursery Avenue/ Niles Boulevard	AM	5/13/2014	18.0	B	18.0	B	18.1	B	0.1
	PM	5/13/2014	23.5	C	23.5	C	23.8	C	0.3
Mission Boulevard/ Niles Boulevard	AM	5/6/2014	77.1	E	77.8	E	80.7	F	2.9
	PM	5/6/2014	74.1	E	74.5	E	75.4	E	0.9
Mission Boulevard/ Mowry Avenue	AM	5/6/2014	74.7	E	78.8	E	80.1	F	1.3
	PM	5/6/2014	34.1	C	35.7	D	36.3	D	0.6

Note:
Signalized intersection LOS and delays are reported for overall average delay. Delays are reported in seconds.
Source: Hexagon Transportation Consultants, 2014.

Unsignalized Intersections

The intersection of J Street and Niles Boulevard is unsignalized. The intersection is currently stop controlled on the J Street approach only. Unlike signalized intersections, which typically represent constraint points for the roadway network, unsignalized intersections generally do not limit the potential capacity of a roadway. The determination of appropriate improvements to unsignalized intersections typically includes a qualitative and quantitative analysis of movement delay, traffic signal warrants, movement traffic volumes, availability of alternate routes, and intersection safety. The City of Fremont does not apply significance thresholds to unsignalized intersections. For these reasons, improvements to unsignalized intersections, if any, are generally determined on the basis of professional judgment.

The analysis calculated the worst approach delays and LOS for the intersection of J Street and Niles Boulevard. A summary of the level of service results on the J Street approach is provided in Table 10.

Table 10: Level of Service Summary – Unsignalized Intersection

Intersection	Peak Hour	Existing Conditions		Background Conditions		Background Plus Project Conditions	
		Delay	LOS	Delay	LOS	Delay	LOS
J Street/Niles Boulevard	AM	12.3	B	12.4	B	12.7	B
	PM	13.1	B	13.2	B	13.4	B

Source: Hexagon Transportation Consultants, 2014.

An assessment was also conducted to determine whether the traffic volumes at the unsignalized intersection would warrant the installation of a traffic signal. This assessment was based on the Peak- Hour Volume Signal Warrant (Warrant No. 3) described in the California Manual on Uniform

Traffic Control Devices. This method does not evaluate intersection level of service, but simply provides an indication whether peak-hour traffic volumes are, or would be, sufficient to justify installation of a traffic signal. The analysis showed that the peak hour volume warrant would not be satisfied at the unsignalized study intersection of J Street and Niles Boulevard under any of the study scenarios during the AM and PM peak periods. Impacts would be less than significant.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less than significant impact. The intersections of Mission Boulevard/Niles Boulevard and Mission Boulevard/Mowry Avenue are part of the Alameda County Congestion Management Program. As previously discussed, the proposed project would not have a significant impact at these intersections. Impacts would be less than significant.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No impact. Hayward Executive Airport, located 9.4 miles to the northwest, is the closest airport to the project site. This distance precludes the proposed project from altering air traffic patterns or the frequency of air traffic such that it results in substantial safety risks. No impacts would occur.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than significant impact with mitigation incorporated. This impact will evaluate how changes to neighborhood travel patterns and site access could potential create safety hazards.

Changes in Neighborhood Travel Patterns

The proposed project would be served via two points of vehicular access: one point on Niles Boulevard and one point on Chase Court. By virtue of having access on both Niles Boulevard and Chase Court, the proposed project has the potential to slightly change travel patterns in the neighborhood south of the site. First, some project trips would travel through the neighborhood in order to reach destinations either in downtown Niles or west of downtown Niles. These trips would utilize 3rd Street and J Street. In addition, with the project, some existing neighborhood traffic would be diverted through the proposed project in order to reach destinations via Mission Boulevard. This would add trips to the project site and possibly reduce the volume of traffic on some streets in the neighborhood. It should be noted that in either case- where project trips travel through the neighborhood, or where neighborhood trips travel through the project site- these are all trips made by residents from the neighborhood that are traveling to or from their homes. The Chase Court access would not facilitate “cut-through” trips made by others who have no origin or destination within the neighborhood as the local roadway network would not provide this opportunity.

If the site is to be a gated community with gates closed during morning and afternoon commute hours, then neighborhood traffic would not divert through the site. The following discussion assumes the property would not be gated.

The change in the number of trips in the neighborhood was determined as part of the overall project trip assignment presented previously. These types of trips are expected to number 5 and 6 trips in the morning and afternoon peak commute hours, respectively. These trips would utilize 3rd Street east of J Street and J Street north of 3rd Street.

The number of trips from the existing neighborhood that is expected to travel through the project site was estimated based on a comparison of travel times from various points in the neighborhood to the location of the site driveway on Niles Boulevard. The neighborhood trips currently use the route along 3rd Street, J Street and Niles Boulevard. With the project, an alternate route would be made available through the site. The travel time through the project site was approximated by estimating the average travel speeds.

It was estimated that L Street at 3rd Street would be the point where the two routes produced an equal travel time. Thus, it is anticipated that residents living east of L Street would likely have reduced travel times by traveling through the site. The number of existing neighborhood peak-hour trips that would be diverted was estimated to be 15 trips in each of the peak hours. This number was derived independently using two different methods. The ITE per-residence peak-hour trip rate was applied to the number of houses located east of L Street. This produced approximately 15 peak-hour trips. The other method was to (1) estimate the proportion of acreage that the region east of L Street comprised of the total subject neighborhood and (2) apply that same proportion to the number of applicable peak-hour trips at the intersection of J Street and Niles Boulevard. This method similarly produced approximately 15 peak-hour trips.

The net changes in traffic were estimated as follows:

- Segment of 3rd Street east of L Street: there would be an increase of approximately 20 peak-hour trips after the project is built (15 re-routed trips from the existing neighborhood and 5 trips from the proposed project)
- Segment of 3rd Street between J Street and L Street: there would be a decrease of approximately 10 peak-hour trips after the project is built (minus 15 re-routed trips from the existing neighborhood and 5 trips from the proposed project).
- Segment of J Street between 3rd Street and Niles Boulevard: there would be a decrease of approximately 10 peak-hour trips after the project is built (minus 15 re-routed trips from the existing neighborhood and 5 trips from the proposed project).
- Project site: existing neighborhood traffic would add approximately 15 peak-hour trips.

Impacts would be less than significant.

Site Access

The proposed project would provide access to Niles Boulevard and Chase Court (located at the east end of 3rd Street). The driveway on Niles Boulevard would include one inbound lane and one outbound lane and would be located approximately 750 feet east of J Street and 350 feet west of the 90-degree bend in Niles Boulevard. During the AM peak hour, the driveway on Niles Boulevard would serve approximately 40 project trips (7 inbound/33 outbound). During the PM peak hour, the driveway would serve approximately 63 project trips (42 inbound/21 outbound). The driveway on Chase Court would include one inbound lane and one outbound lane and would be located approximately 110 feet from 3rd Street. During the AM peak hour, the driveway on Chase Court would serve approximately 5 project trips (1 inbound/4 outbound). During the PM peak hour, the driveway would serve approximately 6 project trips (4 inbound/2 outbound). It is expected that the project driveways also would serve some additional peak hour traffic from the adjacent neighborhood since the project would effectively provide the neighborhood with an alternate route to Mission Boulevard.

For the westbound left-turn movement from Niles Boulevard into the site, a left turn pocket warrant analysis was evaluated based on the National Cooperative Highway Research Program Report 348 – Access Management Guidelines for Activity Centers. The analysis considers the opposing traffic volume, operating speed of the roadway, and the number of vehicular left turns. According to the analysis, a left turn pocket would be warranted under background plus project conditions (see Appendix F for warrant). The volumes used in the analysis included both project trips and neighborhood trips using the project driveway. Near the project driveway, Niles Boulevard is approximately 36 feet wide (measured from the face of curbs). The minimum acceptable width of a left turn pocket is typically 10 feet. Assuming 13-foot wide curb lanes would be acceptable to the City, no widening would be required to install a left turn pocket.

Queuing storage was evaluated at the project driveway on Niles Boulevard. Outbound at the project driveway, the site would provide approximately 160 feet of clear queuing space before a backup would block driveway access to private residential units. Under background plus project conditions, the 95th percentile queue for outbound traffic would be one vehicle during the AM peak hour and one vehicle during the PM peak hour. This analysis was based on not just the project trips at the site driveway intersection, but included the previously described trips from the adjacent neighborhood.

A left-turn pocket is warranted at the intersection of the site driveway on Niles Boulevard. However, without a left turn pocket, this intersection would operate much like the existing intersections in downtown Niles, such as J Street and Niles Boulevard, where left-turn vehicles on Niles Boulevard share a single lane with the vehicles traveling through. The intersection at J Street and Niles Boulevard operates adequately, yet it has a greater number of left turns than those estimated for the site driveway. Having no left-turn pocket at the site driveway would help to slow down vehicles as they enter downtown Niles. Based on this evaluation, City staff have determined that a left turn pocket into the project site will not be required of the proposed project.

The sight distance for the project driveway was checked in the field to determine its adequacy. The posted speed limit on Niles Boulevard is 25 mph. According to the Caltrans sight distance requirements in the Highway Design Manual, the minimum acceptable sight distance would be 150

feet. Based on field review, the sight distance at the project driveway would be adequate provided that the site frontage west of the site driveway on Niles Boulevard is free of landscaping or man-made obstructions. As such, Mitigation Measure TRANS-1 is proposed requiring that he first parking stall west of the driveway be eliminated and that landscaping, signage, lighting, and other improvements located where the driveway intersects with Niles Boulevard be low-profile so as not to obstruct sight distance.

MM TRANS-1 Prior to issuance of the first building permit, the project applicant shall prepare and submit plans to the City of Fremont demonstrating that adequate sight distance is provided at the project driveway with Niles Boulevard. Adequate sight distance shall be accomplished by eliminating the first on-street parking stall on Niles Boulevard west of the driveway and providing low-profile landscaping, signage, lighting, and other improvements where the driveway intersects with Niles Boulevard. The approved plans shall be incorporated into the proposed project.

e) Result in inadequate emergency access?

Less than significant impact. The proposed project would be served via two points of vehicular access: one point on Niles Boulevard and one point on Chase Court. This would meet California Fire Code requirements for the provision of a minimum of two vehicular access points. Accordingly, the proposed project would be served with adequate emergency access. Impacts would be less than significant.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less than significant impact. The proposed project would develop a 0.72-acre linear park that would connect Niles Boulevard to the Alameda Creek Trail. Additionally, the existing sidewalk along the Niles Boulevard frontage would be replaced with an Americans With Disability Act-compliant facility. This would enhance bicycle and pedestrian mobility within the project vicinity.

AC Transit Route 216 travels on Niles Boulevard in the project vicinity. According to the U.S. Census, bus trips comprise approximately 2 percent of the total commute mode share in the City of Fremont. For the proposed project, this would equate to one new transit trip during each commute peak hour. This volume of riders would not exceed the carrying capacity of the existing bus service near the project site.

Impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
17. Utilities and Service Systems *Would the project:*				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Environmental Evaluation

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less than significant impact. Union Sanitary District would provide wastewater treatment to the proposed project. The proposed project is estimated to generate 5,660 gallons of effluent per day. Union Sanitary District's Alvarado Wastewater Treatment Plant treats an average of 26 million gallons per day of effluent under dry weather conditions. The proposed project's effluent would represent

less than 0.01 percent of average dry weather flow. As such, it would not exceed the wastewater treatment requirements of the plant. Impacts would be less than significant.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less than significant impact. As discussed in a) and d), both Alameda County Water District and Union Sanitary District would be able to serve the proposed project with water and wastewater service, respectively, using existing facilities. Accordingly, no new or expanded facilities would be required. Impacts would be less than significant.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less than significant impact. The proposed project would install an onsite storm drainage system consisting of a network of bioretention areas, inlets, and underground piping. Runoff would be conveyed to an existing storm drainage line within the Niles Boulevard dead end segment that discharges into Alameda Creek. The drainage system would comply with Fremont Municipal Code requirements concerning control and release of runoff into downstream waterways. As such, the proposed project would not require construction or new or expansion of existing downstream drainage facilities. Impacts would be less than significant.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less than significant impact. Alameda County Water District would serve the proposed project with potable water service. Using consumption rates provided in its Urban Water Management Plan, the proposed project's 98 dwelling units (150 gallons per unit/day) and 3,620 square feet (0.282 gallon per square foot/day) of non-residential uses would demand 15,721 gallons per day (0.4 acre-foot per day) and 5.7 million gallons per year (17.6 acre-feet per year). This latter figure represents less than 0.01 percent of Alameda County Water District total annual water supply under all water year scenarios between 2015 and 2035. As such, adequate water supplies would be available to serve the proposed project.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than significant impact. Union Sanitary District would provide wastewater treatment to the proposed project. The proposed project is estimated to generate 5,660 gallons of effluent per day. Union Sanitary District's Alvarado Wastewater Treatment Plant treats an average of 26 million gallons per day of effluent under dry weather conditions. The proposed project's effluent would represent less than 0.01 percent of average dry weather flow. As such, it would not exceed the wastewater treatment requirements of the plant. Impacts would be less than significant.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less than significant impact. Fremont is served by the Altamont Landfill, Newby Island Landfill, and Vasco Road Landfill, which have a combined remaining capacity of 73.8 million cubic yards.

The proposed project would develop 98 dwelling units and 3,620 square-feet of non-residential uses. Using construction solid waste generation rates provided by the United States Environmental Protection Agency, the proposed project is estimated to generate 596 cubic yards of solid waste. This would represent less than 0.01 percent of the available landfill capacity.

Using operational solid waste generation rates provided by Cal Recycle, the proposed project is estimated to generate 263 cubic yards of solid waste annually. This would represent less than 0.01 percent of the available landfill capacity.

Impacts would be less than significant.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less than significant impact. The proposed project would be required to comply with the City of Fremont's waste reduction and recycling requirements that pertain to construction/demolition and operations. These include minimum waste diversion requirements for construction waste and the provision of recycling and green waste facilities for the project uses. Impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
18. Mandatory Findings of Significance				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Environmental Evaluation

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Less than significant impact with mitigation incorporated. The proposed project may result in several impacts associated with biological resources and cultural resources that would be significant if left unmitigated. Mitigation Measures BIO-1, CUL-1, and CUL-2 would fully mitigate all potential impacts to levels of less than significant. With the implementation of these mitigation measures, the proposed project would have less than significant impacts.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than significant impact with mitigation incorporated. All cumulative impacts related to air quality, noise, and traffic are either less than significant after mitigation or less than significant and do not require mitigation. Mitigation Measures AIR-1, AIR-2, HAZ-1, NOI-1, NOI-2, NOI-3, and TRANS-1 would fully mitigate all potential impacts to levels of less than significant. Given the size of the project and its impacts and mitigation measures, the incremental effects of this project are not considerable relative to the effects of past, current, and probably future projects. As discussed previously, the project does not have a significant cumulative traffic impact. Therefore, the proposed project would not result in cumulatively considerable impacts on these areas. Impacts would be less than significant.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than significant impact. All impacts identified in this IS/MND are either less than significant after mitigation or less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human beings either directly or indirectly. Impacts would be less than significant.

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 3: REFERENCES

Arbor Resources. 2013. Tree Survey Report. December 6.

Bay Area Air Quality Management District (BAAQMD). 2012. California Environmental Quality Act Air Quality Guidelines – Risk and Hazard Screening Analysis Process Flow Chart.

Bay Area Air Quality Management District. 2010. Clean Air Plan. Website: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Plans/2010%20Clean%20Air%20Plan/Resource%20and%20Tec/Draft%202009%20CAP%20Control%20Strategy.ashx?la=en.

Bay Area Air Quality Management District. 2011. CEQA Guidelines. "Screening Criteria."

Bay Area Air Quality Management District. 2010. Air Toxics NSR Program Health Risk Screening Analysis (HRSA) Guidelines. Website: http://www.baaqmd.gov/~/media/Files/Engineering/Air%20Toxics%20Programs/hrsa_guidelines.ashx.

California Department of Conservation, Farmland Mapping and Monitoring Program. 2014. Alameda County Important Farmland Map – 2012.

California Department of Finance. 2014. E-5 City/County Population and Housing Estimates. May.

California Department of Public Health. CEHTP Traffic Linkage Service Demonstration. Website: http://www.ehib.org/traffic_tool.jsp. Accessed August 14, 2014.

California Department of Transportation. 2014. "Officially Designated State Scenic Highways." Website: http://www.dot.ca.gov/hq/LandArch/scenic_highways/.

City of Fremont. 2011. City of Fremont General Plan. December.

City of Fremont. 2014. Fremont Municipal Code.

Cornerstone Earth Group. 2013. Preliminary Geotechnical Investigation. August 30.

Hexagon Transportation Consultants. 2014. Traffic Operations Report for Niles Residential Development. August 8.

Illingworth & Rodkin, Inc. 2014. Environmental Noise and Groundborne Vibration Assessment. June 6.

San Francisco Bay Regional Water Quality Control Board. 2013. "Site Cleanup Program (SCP) - recovery of oversight costs at the Former Henkel Technologies Site, 37899 Niles Boulevard, Fremont, Alameda County." Website: http://geotracker.waterboards.ca.gov/regulators/deliverable_documents/7444547891/SCP%20CR%20-%20Lennar%20%28Henkel%29%2011-25-13.pdf.

San Francisco Bay Regional Water Quality Control Board. 2014. "Approval of Work Plan and Addendum for Site Characterization (Soil and Soil Vapor Assessment) Former Henkel Surface Technologies Facility, 37899 Niles Boulevard, Fremont, Alameda County." Website: http://geotracker.waterboards.ca.gov/regulators/deliverable_documents/4545667886/Lennar%20%28Henkel%29%20-%20approve%20data-gap%20workplan%202-12-14.pdf.

Studio-T-SQ. 2014. Henkel/Shuckl Cannery - Niles, Fremont, CA, Planning Submittal. June 6.

SECTION 4: LIST OF PREPARERS

FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
Phone: 925.357.2562
Fax: 925.357.2572

Project Director ..... Jason Brandman
Project Manager ..... Grant Gruber
Senior Air Quality Analyst ..... Dave Mitchell
Senior Air Analyst ..... Elena Nuño
Environmental Analyst ..... Lena Gold
Editor ..... Ed Livingston
GIS/Graphics ..... John DeMartino
Reprographics ..... Octavio Perez
Reprographics ..... Kevin Salguero

THIS PAGE INTENTIONALLY LEFT BLANK