Mitigation Monitoring and Reporting Program for the FINAL CEQA Environmental Compliance Checklist Warm Springs/S. Fremont Community Plan Planning Area 4 Master Plan (Lennar) City of Fremont, Alameda County California

State Clearinghouse No. 2013032062

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Table 1: WS/SF CP, Planning Area 4 Master Plan (Lennar) Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
2. Air Quality/Greenhouse Gases					
MM AIR-2a: To reduce fugitive dust (PM_{10}) emissions from construction activity, the following measures shall be implemented: • Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. • Cover all hauling trucks or maintain at least two feet of freeboard. • Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. • Limit traffic speeds on any unpaved roads to 15 mph. • Replant vegetation in disturbed areas as quickly as possible. • Suspend construction activities that cause visible dust plumes to extend beyond the construction site. • Post a publicly visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.	Notes on construction plans; site inspection	During construction	City of Fremont		

Table 1 (cont.): WS/SF CP, Planning Area 4 Master Plan (Lennar) Mitigation Monitoring and Reporting Program

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MM AIR-2b: To reduce exhaust emissions from off-road construction equipment, the following measures shall be implemented: • The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that heavy-duty off-road vehicles to be used in the construction project, including owned, leased, and/or subcontractor vehicles, shall meet or exceed United States Environmental Protection Agency Tier 3 off-road emissions standards when more than five pieces of off-road diesel equipment with a horsepower greater than 70 per piece of equipment would operate on one day. The plan shall include quantification of air pollutant emissions demonstrating that the project would not exceed the BAAQMD's thresholds of significance for project construction. • Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site. • The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors). • Properly tune and maintain equipment for low emissions.	Notes on construction plans; site inspection	During construction	City of Fremont		

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MM AIR-4: Prior to issuance of building permits for any sensitive receptor use (e.g., residential areas, elementary school, daycare centers, etc.) that would be developed pursuant to the Community Plan, the applicant shall prepare and submit plans to the City of Fremont that demonstrates the use of air filtration with a minimum efficiency reporting value (MERV) of 13 or greater. The approved plan shall be incorporated into the development.	Approval of plans	Prior to issuance of building permits for any sensitive receptor use (e.g., residential areas, elementary school, daycare centers, etc.)	City of Fremont		
3. Biological Resources					
MM BIO-1a: Prior to grading or any other ground disturbing activity, a qualified biologist shall conduct a survey for burrowing owls to determine if suitable burrows (greater than 3.5 inches diameter) are present in and adjacent to the area of ground disturbance. Surveys shall be conducted consistent with the procedures in outlined in the "California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation." If burrowing owl(s) are observed onsite during the pre-construction clearance survey, consultation with CDFW shall occur to determine the next appropriate steps. Additional focused surveys may be warranted as determined by CDFW to determine the quantity and location of nesting/migrating burrowing owls. Areas currently occupied by burrowing owls shall be avoided for the duration of residing onsite and/or nesting period. If burrowing owls cannot be avoided by the proposed project, then additional measures such as passive relocation during the non-breeding season may be utilized to reduce any potential impacts. Burrow exclusion involves the installation of one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows	Submittal of surveys	Prior to grading or any other ground disturbing activity	City of Fremont		

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after verifying burrows are empty by site monitoring and scoping. Existing or artificial burrows situated less than 75 meters from the project site is the ideal scenario for successful passive relocation. Additional factors for successful passive relocation are included in the California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist is able to determine that burrowing owls are no longer occupying the project site and passive relocation deemed successful, construction activities may continue.					
MM BIO-1b: Prior to any tree or vegetation removal during the nesting season (February 1 through August 31), a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, the biologist shall determine an appropriate buffer that shall be required around the nests. No vegetation removal or ground disturbance would occur within this buffer. For raptor species—birds of prey such as hawks and owls—this buffer would generally be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor. Tree or vegetation removal activities that occur outside of the nesting season (September 1 through January 31) are not subject to the requirements of this mitigation measure.	Submittal of documentation; notes on construction plans; site inspection	During construction activities	City of Fremont		

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4. Cultural Resources					
MM CUL-1a: Prior to issuance of grading or building permits for development on vacant or unbuilt parcels within the Community Plan area, a qualified archaeologist shall undertake a field survey of the proposed project site following State Historic Preservation Officer guidelines associated with Phase 1 archaeological surveys. The results of the survey, a list of prehistoric discoveries made (if any), and proposed mitigation measures, must be incorporated into the conditions of approval for the development proposal.	Submittal of documentation; notes on construction plans; site inspection	During construction activities	City of Fremont		
MM CUL-1b: If potentially significant cultural resources are encountered during subsurface earthwork activities for the project, all construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be evaluated for significance in accordance with California Environmental Quality Act (CEQA) criteria by a qualified archaeologist and, if significant, recorded on appropriate California Department of Parks and Recreation forms. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The	Submittal of documentation; notes on construction plans; site inspection	During construction activities	City of Fremont		

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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.					
MM CUL-3: If the proposed project involves excavation activities at depths of more than 10 feet below ground surface, prior to issuance of grading permits, the project applicant shall retain a qualified paleontologist to prepare and submit a paleontologic mitigation monitoring program to the City of Fremont for review and approval. The program shall at a minimum contain the following elements: (1) require monitoring by a qualified paleontologist of excavation activities below 10 feet; (2) empower monitor(s) to temporarily halt or divert equipment to allow removal of abundant or large specimens; and (3) identify steps for fossil salvaging. For the latter item, salvaged specimens shall be appropriately preserved, including curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage, as appropriate. At the conclusion of monitoring, the paleontologist shall prepare and submit a report of findings to the City of Fremont with an appended, itemized inventory of specimens and confirmation of the curation of recovered specimens into an established, accredited museum repository. This mitigation measure does not apply if excavation activities are limited to no more than 10 feet below ground surface. The monitoring requirements set forth in this mitigation measure do not apply if an applicant submits documentation prepared by a qualified cultural resources professional to the City of Fremont as part of the grading permit application demonstrating that paleontological resources are not present under the ground surface.	Submittal of documentation; notes on construction plans; site inspection	During construction activities	City of Fremont		

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MM CUL-4: In the event of the accidental discovery or recognition of any human remains, all activities shall cease within 50 feet of the find and the following procedures shall be implemented, as applicable: 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	Submittal of documentation; notes on construction plans; site inspection	During construction activities	City of Fremont		

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landowner.					
5. Geology, Soils, and Seismicity					
MM GEO-1: Prior to issuance of the first building permit for each development pursuant to the Community Plan, the project applicant shall submit a design-level geotechnical report to the City of Fremont for review and approval. The design-level investigation shall be prepared in accordance with California Building Code Standards and Fremont Municipal Code standards and address the potential for seismic hazards to occur onsite and identify abatement measures to reduce the potential for such an event to acceptable levels. The recommendations of the approved design-level geotechnical report shall be incorporated into the project plans.	Approval of plans	Prior to issuance of the first building permit	City of Fremont		
6. Hazards and Hazardous Materials					
MM HAZ-1: Prior to issuance of building permits for any new use within the Community Plan area that proposes to use large quantities of hazardous materials, the City of Fremont shall review the project application for compatibility with existing and planned land uses. The review process shall focus on the location of existing and planned sensitive receptors (e.g., residential uses and schools) and whether the proposed hazardous material usage would expose such uses to unacceptable safety risks. If necessary, the City shall condition the proposed hazardous materials user to incorporate appropriate protection measures. Such mitigation measures may include, but not be limited to: setbacks, walls, earthen berms, building orientation, building ventilation shutdown system devices, and building materials that can withstand the effects of hazardous materials release	Approval of plans	Prior to issuance of building permits for any new R&D use that proposes to use large quantities of hazardous materials	City of Fremont		

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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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(such as blast, fire, etc.).					
MM HAZ-2a: Prior to issuance of a building permit for a proposed project pursuant to the Community Plan, the project applicant shall submit a hazardous materials risk analysis to the City of Fremont for review and approval. The risk analysis shall incorporate information from the plan area Hazardous Materials User Study or a site-specific risk analysis performed by a qualified professional and reflect the characteristics of the proposed residential use. The risk analysis shall describe potential hazardous materials incident risks and describe mitigation from the Hazardous Materials User Study or site-specific risk analysis that would protect future site users from those risks. Such mitigation measures may include, but not be limited to: setbacks, walls, earthen berms, building orientation, building ventilation shutdown system devices, and building materials that can withstand the effects of hazardous materials release (such as blast, fire, etc.). The mitigation shall be incorporated into the project plans.	Completed	Completed	City of Fremont		
MM HAZ-2b: Prior to issuance of a building permit for a proposed project pursuant to the Community Plan, a Phase I Environmental Site Assessment (Phase I ESA) shall be prepared to American Society for Testing and Materials standards for the project. If the Phase I ESA identifies the potential for soil or groundwater contamination to be present at the site, a Phase II ESA shall be prepared by a qualified environmental professional. If contamination is identified during Phase I and II investigations, projects undertaken under the Community Plan shall incorporate any necessary measures to ensure that any potential added health risks to construction workers,	Completed	Completed (updates may be necessary if required by Fremont Fire)	City of Fremont		

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maintenance and utility workers, site residents and workers, and the general public as a result of hazardous materials are reduced to a cumulative risk of less than one in one million for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or as otherwise required by a regulatory oversight agency. The risk evaluation and any required response actions would be a condition of approval for construction, demolition, or grading permits and would be subject to review and/or approval by regulatory oversight agencies. These agencies could also require additional site investigation to more fully delineate the extent of contaminants of concern at the site. If extensive onsite excavation and/or soil off-haul is determined to be the appropriate response action for a site, additional CEQA review may be required to evaluate potential impacts for the response related to air quality, noise and traffic.					
MM HAZ-2c: Hazardous building materials surveys shall be conducted by a qualified and licensed professional for all structures, not previously inspected or abated, proposed for demolition or renovation as part of a project undertaken under the Community Plan. All loose and peeling lead-based paint and asbestos-containing material shall be abated by certified contractor(s) in accordance with local, state, and federal requirements. All other hazardous materials shall be removed from buildings prior to demolition in accordance with California Department of Industrial Relations, Division of Occupational Safety and Health regulations. The completion of the abatement activities shall be documented by a qualified environmental professional(s) and submitted to the City for review with applications for issuance of construction and demolition permits.	Submittal of hazardous materials building surveys	Prior to demolition or renovation for any structures	City of Fremont		

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7. Hydrology and Water Quality					
MM HYD-1a: Prior to issuance of grading permits for new development projects that that would disturb one or more acre of land within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity; and (4) stabilization BMPs installed to reduce or eliminate pollutants after construction are completed. 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	Approval of SWPPP; notes on construction plans	Prior to issuance of grading permits	City of Fremont		

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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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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).					
MM HYD-1b: Prior to issuance of building permits for new development projects within the Community Plan area, the City of Fremont shall verify that the project applicant has prepared operational stormwater quality control measures that comply with the requirements of the current Municipal Regional Permit. Responsibilities include, but are not limited to, designing BMPs into project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff (i.e., hydromodification) associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation and hydromodification of runoff from all portions of completed developments. New development under the Community Plan shall incorporate site design and BMPs described in the current version of Alameda County Clean Water Program, C.3	Approval of plans	Prior to issuance of building permits	City of Fremont		

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Stormwater Technical Guidance manual. Low Impact Development (LID) features, including minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source, shall be used at each development covered by the Municipal Regional Permit. Funding for long-term maintenance of all BMPs shall be specified (as the City will not assume maintenance responsibilities for BMPs within private developments). For each development project, the project applicant shall establish a self-perpetuating Operation and Maintenance of Stormwater Treatment Systems Plan (Municipal Regional Permit provision C.3.h). This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Municipal Regional Permit. Reports documenting inspections and any remedial action conducted shall be submitted regularly to the City for review and approval. In addition to the Municipal Regional Permit, each development project implemented under the Community Plan will fully comply with the City of Fremont Stormwater Management and Discharge Control Ordinance (Chapter 18.210).					
MM HYD-2: Prior to issuance of building permits for new development projects within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a storm drainage and hydraulic study in accordance with City requirements. The storm drainage and hydraulic study shall quantify the increase in stormwater runoff peak flow rates and volumes resulting from the project, and identify the potential to exceed the conveyance and storage capacity of the local storm drainage system. The study shall incorporate the stormwater treatment controls and LID measures that will be designed to capture and treat runoff. The analysis	Approval of study	Prior to issuance of building permits	City of Fremont		

Table 1 (cont.): WS/SF CP, Planning Area 4 Master Plan (Lennar) Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
shall verify whether the existing drainage infrastructure is adequate to receive and convey runoff from a project implemented under the Community Plan. If the findings of the analysis reveal that implementation of a proposed project would create runoff beyond the capacity of the existing stormwater drainage systems, the project shall be required to upgrade undersized components or adopt a different form of stormwater runoff management. Prior to approval of a proposed project, the final design drainage plans shall be reviewed and approved by the City of Fremont Public Works Department and the Alameda County Flood Control and Water Conservation District (ACFCWC). Any project that involves work within the ACFCWC right-of-way or that requires construction, modification, or connection to ACFCWC facilities shall obtain a Flood Encroachment Permit and shall comply with ACFCWC standards and specifications.					
MM HYD-3: Prior to issuance of grading permits for any new development project within the Community Plan area that involves dewatering, the City of Fremont shall verify that the applicant has consulted with Alameda County Water District (ACWD). Such consultation shall include evaluation of alternatives to dewatering when practicable to minimize the amount of dewatering, and to maximize the reuse of pumped groundwater when dewatering is not avoidable. In accordance with ACWD Ordinance No. 2010-01, a drilling permit shall be obtained prior to the start of the drilling of any exploratory borings or groundwater wells, or any excavations that have the potential to impact a groundwater aquifer. In compliance with the Replenishment Assessment Act, the project applicant shall meter all groundwater pumped and shall pay all applicable replenishment assessment fees. ACWD uses the fees to manage and	ACWD notification; issuance of permit (if required)	Prior to issuance of grading permits	City of Fremont; Alameda County Water District		

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replenish the Niles Cone Groundwater Basin and to recharge the basin through percolation in Alameda Creek and the adjacent recharge ponds in the Quarry Lakes Regional Recreational Area.					
MM HYD-4a: Prior to the development of any property within the Community Plan area, the project applicant shall notify the ACWD. ACWD shall conduct a records and field search and provide a letter documenting the locations of any wells identified on the property. The project applicant shall either protect or properly destroy the well(s) before the start of construction activities. If a well is to be destroyed, the project applicant shall first notify ACWD. Well destruction shall be carried out in accordance with the standards of ACWD. If a well is to be protected, the project applicant shall submit a letter to ACWD identifying the well and explaining how the well will be protected during construction activities. A permit for inactive classification shall be obtained for protected wells that will not be used for a 12-month period. In accordance with ACWD Ordinance No. 2010-01, a drilling permit shall be obtained prior to the start of the drilling of exploratory borings or groundwater wells, or any excavations that may have the potential to impact groundwater resources.	ACWD notification; issuance of permit	Prior to issuance of grading permits	City of Fremont; Alameda County Water District		

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MM HYD-4b: Prior to issuance of grading permits for any development projects at Leaking Underground Storage Tank (LUST) sites or Site Cleanup Program (SCP) sites, the applicant shall consult with ACWD or with the Regional Water Quality Control Board to identify measures to ensure that cleanup and investigation activities of the site are not interrupted by construction or dewatering activities. Any agency recommended measures shall be identified on construction plans.	Not applicable	Not applicable	City of Fremont; Regional Water Quality Control Board; Alameda County Water District		
MM HYD-5: Prior to issuance of grading permits for any development project located within a 100-year hazard flood zone, the applicant shall prepare and submit building plans to the City of Fremont that demonstrate compliance with the City of Fremont Flood Damage Prevention Ordinance (Chapter 18.200). The Ordinance specifies the standards required for the construction of buildings in all areas of special flood hazards and requires that all new structures be at least one foot above the 100-year flood elevation. The standards include, but are not limited to, requirements for anchoring, construction materials and methods, elevation, and floodproofing. In addition, the standards state that no new construction or redevelopment shall occur in a FEMA designated 100-year flood zone unless certification by a registered professional engineer or architect is provided that shows that the activity would not result in an increase in flood levels during the occurrence of the base flood discharge. The project applicant shall also comply with Policy 10-3.1 of the City of Fremont General Plan, which requires that the cumulative effects of other encroachments onto the 100-year flood zone be considered in the analysis.	Approval of plans	Prior to issuance of grading permits	City of Fremont		

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9. Noise					
MM NOI-1: The following measures shall be implemented as part of construction activities within the Community Plan area, in order to reduce the effects of noise levels generated from construction operations. • Construction operations and related activities within the plan area shall comply with the operational hour limitations for construction as outlined in the City of Fremont Municipal Code. For projects located within 500 feet of one or more residences, lodging facilities, nursing homes or inpatient hospitals, construction shall be limited to the weekday hours of 7:00 a.m. to 7:00 p.m. and the Saturday or holiday hours of 9:00 a.m. to 6:00 p.m., while Sunday construction is not allowed. For projects located beyond 500 feet of the facilities named above, construction hours shall be limited to the weekday hours of 6:00 a.m. to 10:00 p.m. and the weekend or holiday hours of 8:00 a.m. to 8:00 p.m.. The City of Fremont shall have the discretion to permit construction activities to occur outside of allowable hours if compelling circumstances warrant such an exception. • Construction equipment and vehicles shall be fitted with efficient, well-maintained mufflers that reduce equipment noise emission levels at the project site. Internal combustion powered equipment shall be equipped with properly operating noise suppression devices (e.g., mufflers, silencers, wraps) that meet or exceed manufacture specifications. Mufflers and noise suppressors shall be properly maintained and tuned to ensure proper fit, function, and minimization of noise. • Pumps that are not submerged and aboveground conveyor systems shall be located within acoustically treated enclosures.	Notes on construction plans; site inspection	During construction	City of Fremont		

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• Portable and stationary site support equipment (such as generators, compressors, rock crushers, and cement mixers) shall be located as far as possible from nearby noise-sensitive receptors. • Impact tools shall have the working area/impact area shrouded or shielded, with intake and exhaust ports on power equipment muffled or suppressed. This may necessitate the use of temporary or portable, application specific noise shields or barriers. • Construction equipment shall not be idled for extended periods (e.g., 15 minutes or longer) of time in the immediate vicinity of noise-sensitive receptors. • A disturbance coordinator shall be designated by the general contractor, which will post contact information in a conspicuous location near the entrance of the subject construction sites so that it is clearly visible to nearby receivers most likely to be disturbed. The coordinator shall manage complaints resulting from the construction noise. Reoccurring disturbances shall be evaluated by a qualified acoustical consultant retained by the project proponent to ensure compliance with applicable standards.					
MM NOI-2: Prior to issuance of building permits for any vibration sensitive uses within 200 feet of the Union Pacific Railroad centerline, the applicant shall retain a qualified acoustical/vibration consultant to perform a site-specific groundborne noise and vibration assessment. The assessment shall be prepared in accordance with Federal Transit Administration and Caltrans guidelines and identify whether the proposed uses would be exposed to excessive vibration. No vibration sensitive uses shall be located within 100 feet of the railroad centerline unless it can be	Not applicable	Not applicable	City of Fremont		

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demonstrated that such uses would not be exposed to excessive vibration. The recommendations of the assessment shall be incorporated into the development plans.					
MM NOI-4a: Plans submitted for building and/or grading permits shall include an acoustical analysis that verifies that the project would meet applicable noise standards. Projects determined to have the potential to generate or expose noise-sensitive uses to noise levels exceeding the City of Fremont noise standards or result in a substantial (3 to 5 dB or greater) permanent increase in ambient noise levels shall include noise attenuation measures such as use of sound-rated door and window assembles, mechanical ventilation, orientation of buildings away from roadways, sound barriers (walls or berms), or other methods to reduce noise levels to acceptable standards.	Approval of plans	Prior to issuance of building or grading permits	City of Fremont		
MM NOI-4b: Specific development of proposed land uses shall be designed so that onsite mechanical equipment (e.g., HVAC units, compressors, generators, etc) and area source operations (e.g., loading docks, parking lots, and recreational use areas) are located at the furthest distance from and/or shielded from nearby noise-sensitive land uses.	Approval of plans	Prior to issuance of building permits	City of Fremont		
MM NOI-4c: Loading, unloading and delivery areas of commercial and industrial uses shall be located so that buildings shield nearby noise-sensitive land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise-sensitive uses. Loading dock activity and delivery truck activity at the commercial uses developed within the Plan Area shall only occur between the hours of 7 a.m. and 10 p.m., in order to prevent evening and nighttime sleep disturbance at nearby	Approval of plans	Prior to issuance of building permits	City of Fremont		

Table 1 (cont.): WS/SF CP, Planning Area 4 Master Plan (Lennar) Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
noise-sensitive land uses.					
MM NOI-5a: Plans submitted for building and/or grading permits shall include an acoustical analysis that verifies that they project would meet applicable noise standards.			City of Fremont		
MM NOI-5b: Projects determined to have the potential to expose noise-sensitive uses to noise levels exceeding the City of Fremont noise standards shall incorporate site-specific design considerations to reduce exterior noise exposure levels. Site design includes, but is not limited to the following measures: • Distances between noise sources and noise-sensitive uses shall be maximized through the use of noise buffers/setbacks. Setback areas can take the form of open space, frontage roads, recreational areas, storage yards, or other City approved setback. • Common outdoor activity areas, such as play structures, swimming pools, or other outdoor congregation areas included in multi-family residential and/or mixed-use developments shall be located such that the building(s) serve as a sound barrier to the nearest predominant noise source whenever feasible. • Noise barriers shall be constructed to provide shielding of noise-sensitive uses and outdoor activity areas. Barriers may include man-made walls, earthen berms, a combination of walls and berms, and other structures breaking line of sight from noise source to receptor. Barriers shall be located in close proximity to either the noise source or the sensitive receptor. • A site-specific acoustical analysis shall be performed to determine noise level exposure, and determine effectiveness of various site design measures based on	Approval of plans	Prior to issuance of building permits	City of Fremont		

Table 1 (cont.): WS/SF CP, Planning Area 4 Master Plan (Lennar) Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
detailed project construction plans. The acoustical analysis shall verify that incorporation of the mitigation measures into the project design would reduce exterior noise level exposures to comply with applicable City of Fremont noise standards.					
11. Transportation					
MM TRANS-1a: Prior to issuance of the first certificate of occupancy for each individual development that occurs pursuant to the Community Plan, the project applicant shall submit a Transportation Demand Management (TDM) Program to the City of Fremont for review and approval. The TDM Program shall be prepared by a qualified transportation consultant/ engineer and identify TDM measures. (Note that applicants shall have the option of participating in a previously approved TDM Program in lieu of preparing a new one.) The TDM Program shall contain the following provisions: 1) A goal of reducing AM peak-hour and PM peak-hour trips by a minimum of 20 percent. 2) Annual review (or more frequently if needed) to determine that it reflects the needs and priorities of residents, employees, tenants, etc. Changes shall be made on an as-needed basis in order to ensure that the TDM program can readily attain the 20 percent reduction goal. 3) Include but not be limited to the following measures: • Subsidized transit passes • Carsharing/Vanpool program • Guaranteed Ride Home via taxi vouchers or similar provisions • Preferential carpool parking	Approval of TDM program and TDM Compliance Plan	Prior to issuance of the first certificate of occupancy	City of Fremont		

Table 1 (cont.): WS/SF CP, Planning Area 4 Master Plan (Lennar) Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• Parking cash-out programs					
MM TRANS-1b: The City of Fremont shall implement the following improvements for the intersection of Mission Boulevard/Warm Springs Boulevard: • Add a third eastbound left-turn lane. This improvement would result in a third receiving lane at the northern leg of the intersection and require right-of-way acquisition. This mitigation measure may require amendment of the City's Capital Improvement Program.	Installation of improvements	When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour	City of Fremont		
MM TRANS-1c: The City of Fremont shall implement the following improvements for the intersection of Grimmer Boulevard/Warm Springs Boulevard-Osgood Road: (a) Add a second northbound through lane; (b) Convert the northbound shared right/through to a right-turn lane; (c) Add a second westbound through lane; and (d) Add a second eastbound through lane. This mitigation measure may require amendment of the City's Capital Improvement Program.	Installation of improvements	When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour	City of Fremont		
MM TRANS-1d: The City of Fremont shall implement the following improvements for the intersection of Auto Mall Parkway/Fremont Boulevard: (a) Convert the southbound shared through/right-turn lane to a right-turn lane; (b) Add a southbound through lane; (c) Convert the westbound shared through/right-turn lane to a right-turn lane; (d) Add a westbound through lane; (e) Convert the northbound shared through/right-turn lane	Installation of improvements	When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour	City of Fremont		

Table 1 (cont.): WS/SF CP, Planning Area 4 Master Plan (Lennar) Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
to a right-turn lane; (f) Add a northbound through lane; and (g) Implement right-turn-on-red reduction to the westbound right turn. The TDM program contemplated by Mitigation Measure TRANS-1a would be required. This mitigation measure may require amendment of the City's Capital Improvement Program.					
MM TRANS-1e: The City of Fremont shall implement the following improvements for the intersection of Auto Mall Parkway/Osgood Road: (a) Add a second westbound through lane and converting the westbound shared through/right-turn lane to a right-turn lane; (b) Convert the southbound shared through/right-turn lane to a right-turn lane; and (c) Add a southbound through lane. This mitigation measure may require amendment of the City's Capital Improvement Program.	Installation of improvements	When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour	City of Fremont		
MM TRANS-2a: The City of Fremont shall identify improvements for the intersection of Warren Avenue/Kato Road. The improvements shall consist of adding a second northbound left-turn lane. This mitigation measure may require amendment of the City's Capital Improvement Program. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.	Installation of improvements	When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour	City of Fremont		

Table 1 (cont.): WS/SF CP, Planning Area 4 Master Plan (Lennar) Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-2b: The City of Fremont shall identify improvements for the intersection of Fremont Boulevard/Old Warm Springs Boulevard. The improvements shall consist of (1) signalizing the intersection; (2) converting the northbound shared through/right-turn lane to a right-turn lane; and (3) adding two northbound through lanes. This mitigation measure may require amendment of the City's Capital Improvement Program. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.	Installation of improvements	When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour	City of Fremont		
MM TRANS-2c: The City of Fremont shall identify improvements for the intersection of Grimmer Boulevard/Paseo Padre Parkway. The improvements shall consist of (1) signalizing the intersection; (2) converting the eastbound and westbound lanes to shared through/right-turn lane; and (3) adding a left-turn lane in the eastbound and westbound directions. This mitigation measure may require amendment of the City's Capital Improvement Program. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.	Installation of improvements	When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour	City of Fremont		
MM TRANS-2d: The City of Fremont shall identify improvements for the intersection of Fremont Boulevard/Ingot Street/Innovation Way. The improvements shall consist of adding a third southbound through lane. This mitigation measure may require amendment of the City's Capital Improvement Program. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall	Installation of improvements	When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour	City of Fremont		

Table 1 (cont.): WS/SF CP, Planning Area 4 Master Plan (Lennar) Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
install the improvements.					
12. Utilities and Service Systems					
MM US-1: Prior to issuance of building permits for development projects that occur pursuant to the Community Plan, the City of Fremont shall require applicants to prepare and submit building plans that demonstrate that water efficient plumbing fixtures and irrigation systems are incorporated into project plans in accordance with Alameda County Water District guidelines. The approved plans shall be incorporated into each individual development project.	Approval of plans	Prior to issuance of building permits	City of Fremont		
MM US-4a: Prior to the issuance of demolition or building permits (which ever comes first), applicants within the Community Plan area shall submit a Construction and Demolition Debris Recycling Plan to the City of Fremont. The plan shall identify the procedures by which construction and demolition debris would be salvaged and recycled to the maximum extent feasible. The plan shall include proof that a construction and demolition debris recycler is under contract to the applicant to perform this work.	Approval of plan	Prior to the issuance of demolition or building permits (whichever comes first)	City of Fremont		
MM US-4b: Prior to the issuance of occupancy permits, project applicants within the Community Plan area shall submit a Recycling and Waste Reduction Plan to the City of Fremont identifying practices they and their tenants would implement during project operations that demonstrate at least 50 percent diversion. Operation recycling and waste reduction practices shall include but not be limited to: • Contracting with one or more City-licensed commercial recycling providers to serve all project commercial uses. Recyclable materials collection containers shall be provided in common commercial tenant disposal areas and be	Approval of plan; site inspection	Prior to the issuance of occupancy permits	City of Fremont		

Table 1 (cont.): WS/SF CP, Planning Area 4 Master Plan (Lennar) Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
equipped to accept aluminum, cardboard, glass, green waste, mixed paper, and plastic materials, and, where feasible, food scraps. • Compliance with City of Fremont's Waste Handling Guidelines. • Installation of common recycling facilities in all multi-family residential uses. These facilities shall be equipped to accept aluminum, cardboard, glass, mixed paper, and plastic materials and contain signage clearly identifying accepted materials. • Periodic notification of residents and commercial tenants about the location of recycling facilities and accepted materials. • Installation of recyclable materials receptacles in public places. Recycling receptacles shall be of high-quality design and shall display signage clearly identifying accepted materials. • Common commercial and residential disposal areas shall be designed with sufficient space to accommodate separate containers for solid waste, recyclables, organics, and—for restaurants—tallow, subject to approval of the franchise waste provider and City of Fremont. Plans should include adequate and safe access for solid waste and recycling vehicles to access and collect materials.					

Warm Springs/South Fremont Community Plan
Planning Area 4 Master Plan (Lennar)
CEQA Environmental Compliance Checklist
City of Fremont, Alameda County, California

State Clearinghouse No. 2013032062

Prepared for:

City of Fremont
Community Development Department
39550 Liberty Street
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
Phone: 925.357.2562
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Contact: Jason Brandman, Project Director
Grant Gruber, Project Manager

Report Date: February 19, 2015

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SECTION 1: INTRODUCTION

In July 2014, the Fremont City Council adopted the Warm Springs/South Fremont Community Plan (WS/SF Community Plan) and certified the associated Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2013032062). The WS/SF Community Plan contemplated the development of transit-oriented mixed uses consisting of up to 4,000 dwelling units, 9,623,000 square feet of non-residential uses, a school, park and open space areas, and associated infrastructure on ±879 acres around the Warm Springs/South Fremont Community Plan BART station.

The project applicant (Lennar) is proposing to develop transit-oriented mixed uses, including residential, office/retail, school, park, research and development (R&D) uses on ±111 gross acres within Planning Area 4 of the WS/SF Community Plan. The following environmental analysis has been prepared for the proposed project pursuant to the requirements of the California Environmental Quality Act (CEQA).

CEQA Assessment

The following Environmental Checklist has been prepared pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) to determine if the proposed project requires additional environmental review.

CEQA Guidelines Section 15183 mandates that projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which a Final Environmental Impact Report (FEIR) was certified (in this case, the WS/SF Community Plan FEIR) shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

Summary of the Results

As concluded by the following Environmental Checklist, there are no new significant effects peculiar to the project or its site, no new significant effects, no new significant off-site or cumulative impacts, and no more severe adverse impacts than previously identified in the WS/SF Community Plan FEIR. The WS/SF Community Plan FEIR's programmatic mitigation measures are applicable to and adequate for the Planning Area 4 Master Plan, as described in each environmental topic below. This evaluation concludes the proposed Planning Area 4 Master Plan is within the scope of the WS/SF Community Plan FEIR, and that no further CEQA documentation is required.

The Warm Springs/South Fremont Community Plan FEIR is available at:

City of Fremont
Community Development Department
Planning Division
39550 Liberty Street
Fremont, CA 94537
Website: http://www.fremont.gov/430/Environmental-Review (see "Warm Springs South Fremont Community Plan" under the project list)

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SECTION 2: PROJECT DESCRIPTION

1. Project Title:	WS/SF Community Plan, Planning Area 4 (Lennar) Master Plan
2. Lead Agency Name and Address:	City of Fremont Community Development Department Planning Division 39550 Liberty Street Fremont, CA 94537
3. Contact Person and Phone Number:	Clifford Nguyen, Urban Initiatives Manager Phone: (510) 284-4017 Fax: (510) 284-4001 Email: cnguyen@ fremont.gov
4. Project Location:	The ±111 gross-acre project site is bounded by Fremont Boulevard (west), Grimmer Boulevard (north), Lopes Court (east), and the Tesla Factory (south).
5. Project Sponsor's Name and Address:	Lennar 6111 Bollinger Canyon Road, Suite 550 San Ramon, CA 94583
6. Existing General Plan Designation:	Innovation Center
7. Existing Zoning:	WSI 4 and 4a (Warm Springs Innovation District, Planning Areas 4 and 4a)

8. Existing Setting and Neighboring Land Uses:

The project site is located in the WS/SF Community Plan Area of the City of Fremont, Alameda County, California; refer to Exhibit 1. The ±111 gross-acre project site is bounded by Fremont Boulevard (west), Grimmer Boulevard (north), Lopes Court (east), and the Tesla Factory (south); refer to Exhibit 2. The under-construction Warm Springs/South Fremont Community Plan Bay Area Rapid Transit (BART) station is located east of the project site and is scheduled to open at the end of 2015.

The project site contains mostly undeveloped land and paved areas. Undeveloped land occupies the northern portion of the site and contains weedy vegetation that is regularly tilled for weed abatement purposes. A metal storage building and associated outdoor, fenced paved storage area is located in the northeastern portion of the site, with driveway access to Grimmer Boulevard. A railroad spur track parallels the west side of Lopes Court and terminates just south of Grimmer Boulevard.

A large blacktop paved area occupies the southern portion of the project site and is used for temporary vehicle storage associated with the Tesla Factory. A series of railroad spur tracks is located in the eastern portion of the paved area. A groundwater well is also located within this paved area.

A private driveway traverses the western and northern perimeter of the project site from South Grimmer Boulevard to Kato Road on property owned by Tesla. A total of 60 ornamental trees are located within the project boundaries, mostly along Kato Road and Grimmer Boulevard.

9. Description of Project:

The project applicant (Lennar) proposes a Master Plan for Planning Area 4 that would remove the existing uses and improvements, and redevelop the site with a mixed-use transit-oriented development consisting of 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre elementary school, a four-acre urban park, and public plazas. The proposed uses would be located as depicted in Exhibit 3 (Proposed WS/SF Community Plan, Planning Area 4 Land Use Plan). Innovation Way, an east-west street that would connect to Fremont Boulevard, would be the primary internal roadway. Three north-south roadways would connect to South Grimmer Boulevard. The private driveway that traverses through the western and northern perimeter of the site would be quitclaimed, and the spur tracks along the eastern portion would be relocated by City under an agreement with Union Pacific.

Discretionary Approvals

This Environmental Checklist has been prepared for the following discretionary approvals:

- Planning Area 4 Master Plan (Lennar)
- Development Agreement

Anticipated future discretionary approvals will include:

- Vesting Tentative Tract Map
- Design Review Permit
- Preliminary Grading Plan

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

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5 2.5 0 5 Miles

Exhibit 1
Regional Location Map

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Source: ESRI Aerial Imagery.

FirstCarbon SOLUTIONS

1,000 500 0 1,000
Feet

Exhibit 2
Local Vicinity Map
Aerial Base

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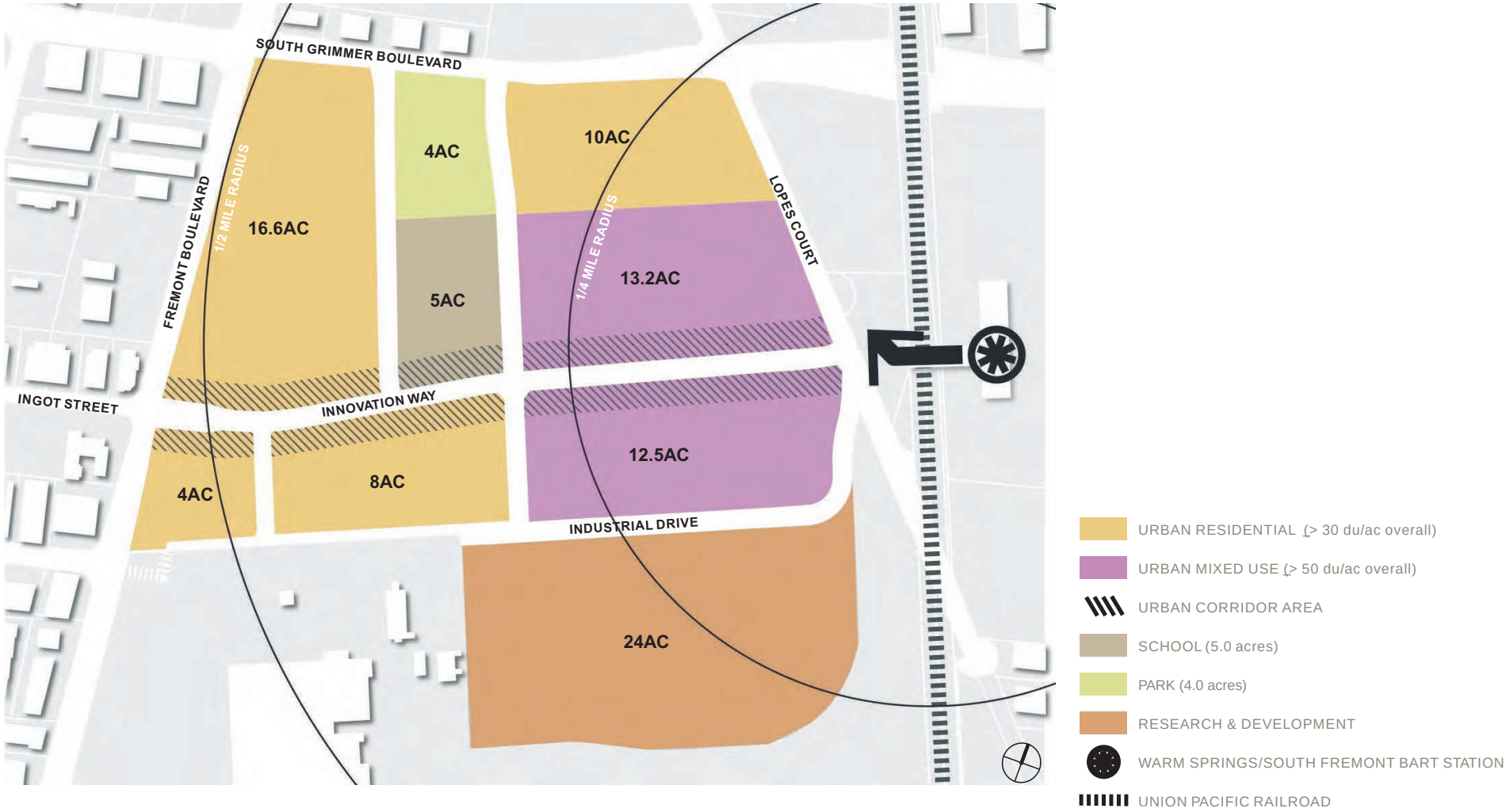

Source:KTGY, 2014

FirstCarbon® SOLUTIONS

Exhibit 3
Proposed WS/SF Community Plan, Planning Area 4 Land Use Plan

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SECTION 3: CEQA GUIDELINES SECTION 15183: PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING

CEQA Guidelines Section15183 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an FEIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

Proposed Project Qualifies for No Further Environmental Review Under CEQA Guidelines Section 15183

CEQA Section15183 applies to the project since it meets all of the following conditions.

(d)(1)(A) The project is consistent with a community plan adopted as part of a general plan.

The project is subject to the WS/SF Community Plan, a comprehensive, long-term planning document for the area surrounding the WS/SF BART Station. In accordance with the General Plan, the Community Plan shall be used to guide land use and development decisions through the application of its standards and design guidelines.

The Community Plan identifies the following estimated development targets for Planning Area 4 as summarized in Table 1. The proposed project would consist of 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, a four-acre urban park, urban plazas, and associated public infrastructure improvements.

Table 1: Planning Area 4 Development Targets

Land Use	Approximate Acreage	Estimated Dwelling Units/Estimated Floor Area/Number of Students
Residential (¼ mile from BART)	27.1	1,025 dwelling units
Residential (½ mile from BART)	51.4	1,175 dwelling units
Class A Office Space	10.5	686,070 square feet
Retail and Entertainment	0.6	27,500 square feet
Research and Development	24	686,070 square feet
Elementary School	Minimum 5.0	75,000 square feet and up to 1,100 students
Public Urban Park	Minimum 4.0	n/a

Table 1 (cont.): Planning Area 4 Development Targets

Land Use	Approximate Acreage	Estimated Dwelling Units/Estimated Floor Area/Number of Students
Notes: n/a = not applicable The Community Plan uses the phrases "Estimated Dwelling Units" and "Estimated Floor Area" to signify that these are not fixed limits but instead flexible values so long as the total development within the Community Plan area does not exceed 4,000 dwelling units and 9,623,000 square feet of non-residential uses. Source: City of Fremont, 2014.		

(d)(1)(B) The project is consistent with a zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development.

The project site is zoned "WSI 4 and 4a (Warm Springs Innovation District, Planning Areas 4 and 4a)." The "WSI 4 and 4a" zoning districts were established in conjunction with the adoption of the WS/SF Community Plan in order to implement the plan. Accordingly, it permits the uses contemplated by the WS/SF Community Plan, including transit-oriented mixed uses consisting of residential, office/retail, school, park, and R&D uses.

(d)(1)(C) The project is consistent with the City of Fremont General Plan.

The project site is designated "Innovation Center" by the City of Fremont General Plan. The "Innovation Center" land use designation reflects the uses contemplated by the WS/SF Community Plan, including transit-oriented mixed uses consisting of residential, office/retail, school, park, and R&D uses at the density proposed by the project.

(d)(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

Prior to adoption of the WS/SF Community Plan, the City Council certified an FEIR prepared in compliance with the requirements of CEQA.

SECTION 4: ENVIRONMENTAL CHECKLIST

CEQA Guidelines Section 15183(b) states that

> In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:
>
> (1) Are peculiar to the project or the parcel on which the project would be located;
>
> (2) Were not analyzed as significant effects in a prior FEIR on the zoning action, general plan, or community plan, with which the project is consistent;
>
> (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior FEIR prepared for the general plan, community plan or zoning action; or
>
> (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the FEIR was certified, are determined to have a more severe adverse impact than discussed in the prior FEIR.

The following pages of this document contain an Environmental Checklist that examines the project's potential environmental effects within the parameters outlined at CEQA Guidelines Section 15183(b). The "Prior FEIR" used for comparison is the WS/SF Community Plan FEIR certified by the City Council on July 22, 2014, including all impact determinations and significance thresholds utilized therein.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
1. Aesthetics, Light, and Glare *Would the project:*					
a) Have a substantial adverse effect on a scenic vista?	Less than significant impact	No	No	No	No
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	Less than significant impact	No	No	No	No
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	Less than significant impact	No	No	No	No
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	No	No	No	No

a) Scenic Vista

Would the project: *Have a substantial adverse effect on a scenic vista?*

Less than significant impact. The FEIR indicated that buildout of the WS/SF Community Plan would have a less than significant impact on views of the Mission Hills and San Francisco Bay because surrounding land uses would not have views of these scenic resources obstructed. Moreover, the FEIR concluded that the proposed project would create view corridors along the new public streets and new vantage points from the upper floors of project buildings.

The project site has views of the Mission Hills, but no views of San Francisco Bay. Surrounding land uses include Fremont Boulevard (west), South Grimmer Boulevard (north), Lopes Court (east), and the Tesla Factory (south). Of these land uses, Fremont Boulevard would be of most concern since views of the Mission Hills could be obstructed by the proposed project's buildings. However, the proposed project would create east-west view corridors along public streets (for example, Innovation Way) that would maintain views of the Mission Hills from Fremont Boulevard.

For these reasons, the proposed project would not result in significant impacts related to scenic vistas not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) State Scenic Highways

Would the project: *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?*

Less than significant impact. The FEIR indicated that buildout of the WS/SF Community Plan would have a less than significant impact on views from Interstate 680 (I-680) because its existing visual attributes would not be considered significant. The California Department of Transportation classifies I-680 between Fremont and Walnut Creek as an Officially Designated State Scenic Highway and identifies the "wooded hillsides and valleys" along the I-680 corridor as notable scenic attributes. The WS/SF Community Plan contains developed urban land uses and undeveloped land contemplated for urban development; no wooded hillsides, valleys, or other widely recognized scenic resources are located within the plan area.

The project site is not visible from I-680 because of its distance and the presence of intervening land uses (such as the WS/SF BART station). As such, development of the proposed project would not have any adverse impact on views from a state scenic highway.

For these reasons, the proposed project would not result in significant impacts related to state scenic highways not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Visual Character

Would the project: *Substantially degrade the existing visual character or quality of the site and its surroundings?*

Less than significant impact. The FEIR indicated that buildout of the WS/SF Community Plan would have a less than significant impact on visual character because the plan area does not contain any unique or notable visual attributes. Moreover, buildout of the WS/SF Community Plan would create a modern, vibrant, transit-oriented mixed-use district around the WS/SF BART station consistent with the City of Fremont General Plan's vision for the area.

The project site contains undeveloped land, paved areas, a storage building, a private driveway that connects to Kato Road, railroad spur tracks, and 60 ornamental trees. None of these existing features would be considered significant visual attributes. The development of the proposed project's residential, retail/office, school, park and open space, R&D uses and associated infrastructure would be consistent with the WS/SF Community Plan's vision for the area, which is reflective of the General Plan.

For these reasons, the proposed project would not result in significant impacts related to visual character not previously identified in the FEIR and no further environmental review is necessary for this topic.

d) Light or Glare

Would the project: *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Less than significant impact. The FEIR indicated that buildout of the WS/SF Community Plan would have a less than significant impact on light and glare because of provisions within the plan that limit light fixtures and compliance with the Municipal Code's lighting standards.

The development of the proposed project's residential, retail/office, school, park and open space, R&D uses and associated infrastructure would be subject to both the WS/SF Community Plan's lighting standards and applicable provisions of the Municipal Code. For example, the WS/SF Community Plan requires "pedestrian scaled lighting" along new and improved roadways, which would serve to limit the potential for lighting to spill over onto neighboring properties. Additionally, the Municipal Code prohibits "sky-reflected glare" from floodlights and states that "exterior lighting shall be diffused or concealed in order to prevent illumination of adjoining properties."

For these reasons, the proposed project would not result in significant impacts related to light and glare not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

None

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on aesthetics, light, and glare.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
2. Agriculture and Forest 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?	No impact	No	No	No	No
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No impact	No	No	No	No
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	No	No	No	No
d) Result in the loss of forest land or conversion of forest land to non-forest use?	No impact	No	No	No	No
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	No	No	No	No

a) Conversion of Important Farmland

Would the project: *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 FEIR indicated that the WS/SF Community Plan area is mapped as "Urban Built-Up" by the California Department of Conservation Farmland Mapping and Monitoring Program. No agricultural uses exist within the plan area. This condition precludes the possibility of the conversion of Important Farmland to non-agricultural use.

For these reasons, the proposed project would not result in significant impacts related to conversion of Important Farmland not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) Agricultural Zoning and Williamson Act Contracts

Would the project: *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

No impact. The WS/SF Community Plan area is zoned "Warm Springs Innovation," a non-agricultural zoning designation. There are no existing agricultural uses within the WS/SF Community Plan area, a condition that precludes the presence of a Williamson Act contract.

For these reasons, the proposed project would not result in significant impacts related to agricultural zoning or Williamson Act contracts not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Forest Zoning

Would the project: *Conflict with existing zoning for forest land or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

No impact. The WS/SF Community Plan area is zoned "Warm Springs Innovation," a non-forest zoning designation. This condition precludes the possibility of conflicts with forest zoning.

For these reasons, the proposed project would not result in significant impacts related to forest zoning not previously identified in the FEIR and no further environmental review is necessary for this topic.

d) Conversion of Forest Land

Would the project: *Result in the loss of forest land or conversion of forest land to non-forest use?*

No impact. The WS/SF Community Plan area contains developed urban land uses and undeveloped properties contemplated for urban use. No forest land exists within the WS/SF Community Plan area.

For these reasons, the proposed project would not result in significant impacts related to conversion of forest land not previously identified in the FEIR and no further environmental review is necessary for this topic.

e) Pressures to Convert Farmland or Forest Land

Would the project: *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. The FEIR indicated that the WS/SF Community Plan area and surrounding area are mapped as "Urban Built-Up" by the California Department of Conservation Farmland Mapping and Monitoring Program. There is no farmland or forest land within the WS/SF Community Plan area or near the WS/SF Community Plan area. This condition precludes the possibility of the proposed project creating pressures to convert farmland or forest land to urban use.

For these reasons, the proposed project would not result in significant impacts related to pressures to convert farmland or forest land not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

None

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on agricultural and forest resources.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse 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?	Less than significant impact after mitigation	No	No	No	No
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Less than significant impact after mitigation	No	No	No	No
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 after mitigation	No	No	No	No
d) Expose sensitive receptors to substantial pollutant concentrations?	Less than significant impact after mitigation	No	No	No	No
e) Create objectionable odors affecting a substantial number of people?	Less than significant impact	No	No	No	No

The analysis in this section is supported by the Type B Health Risk Assessment prepared by FirstCarbon Solutions (FCS) and documentation provided by the Bay Area Air Quality Management District regarding odor complaints. The Type B Health Risk Assessment is provided in Appendix A.1 and the odor complaint documentation is provided in Appendix A.2.

a) Air Quality Plan Conflict

Would the project: *Conflict with or obstruct implementation of the applicable air quality plan?*

Less than significant impact after mitigation. The FEIR analyzed the WS/SF Community Plan's consistency with the criteria set forth in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines for determining whether a project is consistent with the Clean Air Plan. The FEIR

found that implementation of the WS/SF Community Plan would support the primary goals of the BAAQMD Clean Air Plan, incorporate current control measures, and achieve a net reduction in vehicle miles traveled (VMT) relative to the Baseline scenario after implementation of Mitigation Measures AIR-2a, AIR-2b, and AIR-4. With implementation of mitigation, impacts would be reduced to a level of less than significant.

The proposed project involves similar development and operational activities as those contemplated in the FEIR. The proposed project contemplates 2,214 dwelling units, 1.4 million square feet of commercial and industrial uses, a five-acre school site, and a four-acre park site. As such, there would be no substantial difference in construction emissions, and Mitigation Measures AIR-2a and AIR-2b would be implemented to reduce impacts to a level of less than significant. As discussed in 16 a), the proposed project would have a slight increase in AM peak-hour trip generation and slight decrease in PM peak-hour trip generation relative to the FEIR's trip budget for the project site's planning area. These changes in trip generation would have a negligible effect on the amount of air emissions previously disclosed in the FEIR and, therefore, would not alter any prior conclusions. Finally, the proposed residential uses would be required to implement Mitigation Measure AIR-4, which requires the use of air filtration systems with a minimum efficiency reporting value of 13 or greater to reduce impacts to a level of less than significant. This precludes the potential for new impacts associated with conflicts with an air quality plan. As such, the conclusions set forth in the FEIR remain unchanged.

For these reasons, the proposed project would not result in significant impacts related to air quality plan conflicts not previously identified in the FEIR and no further environmental review is necessary for this topic.

b, c) Air Quality Standard, Criteria Pollutants

Would the project: (*b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation; or (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 after mitigation. The FEIR analyzed construction activities associated with buildout of the WS/SF Community Plan and noted that development projects that occur pursuant to the plan would be required to mitigate for reactive organic gases (ROG), oxides of nitrogen (NO_X), and particulate matter (PM_{10} and $PM_{2.5}$) emissions. As such, Mitigation Measures AIR-2a and AIR-2b were proposed requiring implementation of standard construction air emissions control measures to reduce impacts to a level of less than significant. The FEIR analyzed operational activities associated with buildout of the WS/SF Community Plan and found that it would achieve a net reduction in VMT relative to the Baseline scenario and, therefore, not contribute to an existing air quality violation. Accordingly, the FEIR concluded that operational emissions were less than significant.

The proposed project involves similar development and operational activities as those disclosed in the FEIR. The proposed project contemplates 2,214 dwelling units, 1.4 million square feet of commercial and industrial uses, a five-acre school site, and a four-acre park site. As such, there would be no substantial difference in construction emissions, and Mitigation Measures AIR-2a and AIR-2b would be implemented to reduce impacts to a level of less than significant. As discussed in 16 a), the proposed project would have a slight increase in AM peak-hour trip generation and slight decrease in PM peak-hour trip generation relative to the FEIR's trip budget for the project site's planning area. These changes in trip generation would have a negligible effect on the amount of air emissions previously disclosed in the FEIR and, therefore, would not alter any prior conclusions. This precludes the potential for new impacts associated with conflicts with an air quality plan. As such, the conclusions set forth in the FEIR remain unchanged.

For these reasons, the proposed project would not result in significant impacts related to air quality violations or the cumulatively considerable net increase of any criteria pollutant not previously identified in the FEIR and no further environmental review is necessary for this topic.

d) Sensitive Receptors

Would the project: *Expose sensitive receptors to substantial pollutant concentrations?*

Less than significant impact after mitigation. The FEIR analyzed exposure of future sensitive receptors associated with buildout of the WS/SF Community Plan to Toxic Air Contaminants (TACs). The analysis found that several existing air pollution sources were located within or close to the WS/SF Community Plan Area (i.e., I-680, I-880, Mission Boulevard, Fremont Boulevard, and the Union Pacific rail line) that had the potential to expose future sensitive receptors to unhealthful levels of TACs. As such, Mitigation Measure AIR-4 was proposed requiring the use of air filtration systems with a minimum efficiency reporting value of 13 or greater to reduce impacts to a level of less than significant.

Pursuant to the FEIR and City of Fremont's General Plan FEIR Mitigation Measure AIR-2, a Type B Health Risk Assessment was prepared to evaluate the project's sensitive receptor exposure to TACs (see Appendix A.1). The Type B Health Risk Assessment identified stationary sources (including but not limited to the Tesla Factory), major roadways (including I-880, I-680, Fremont Boulevard, and Grimmer Boulevard), and the Union Pacific Railroad and the results are shown in Table 2. As shown in the table, no single source exceeds 10 in one million additional cancer incidents and the combined emissions are well below the cumulative threshold of 100 in one million additional cancer incidents out of one million people. As such, project-related sensitive receptors would not be exposed to substantial pollutant concentrations. Nonetheless, Mitigation Measure AIR-4 would still be implemented to reduce impacts to a level of less than significant.

Table 2: Health Risk Screening Results

Source	Risk (Cancer Risk per Million)
Stationary Sources	1.72
Freeways	6.04
Roadways	3.99
Rail	0.65
Single source impacts greater than 10 in a million?	No
Total of Cumulative Sources	12.4
Cumulative Emissions greater than 100 in a million?	No
Note: Cancer risk units are number of additional cancer incidents out of one million people. Source: FirstCarbon Solutions, 2015.	

Additionally, the project's proposed uses (residential, commercial, school, and park) would not be sources of TAC emissions and, thus, would not have the potential to expose offsite sensitive receptors to substantial pollutant concentrations.

For these reasons, the proposed project would not result in significant impacts related to sensitive receptors not previously identified in the FEIR and no further environmental review is necessary for this topic.

e) Odors

Would the project: *Create objectionable odors affecting a substantial number of people?*

Less than significant impact. The FEIR indicated that buildout of the WS/SF Community Plan would have a less than significant impact on odors due to lack of confirmed odor complaints in the project vicinity for the period between 2010 and 2013. BAAQMD has an established standard that detailed analysis of odors is required if there are an average five confirmed complaints over a three-year period. In this case, there was only one confirmed odor complaint in the project vicinity between 2010 and 2013 and, therefore, odor impacts were found to be less than significant.

The proposed project would develop new residential, office/residential, school, park and open space, and R&D uses next to the Tesla Factory. The Tesla Factory has been alleged to be a source of odors from painting operations. Accordingly, FCS contacted BAAQMD in December 2014 regarding odor complaints associated with both NUMMI[1] and Tesla during the three-year period between 2011 and 2014. BAAQMD provided a written response dated December 2, 2014 indicating that no

[1] NUMMI (New United Motors Manufacturing, Inc.) was the previous name for the Tesla Factory, and, therefore, FCS requested a search for this specific name in the event odor complaints had been filed under this name.

complaints had been received for either NUMMI or Tesla during the period in question. Pursuant to BAAQMD guidance, no further investigation of odors is necessary and impacts would be less than significant.

For these reasons, the proposed project would not result in significant impacts related to odors not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

MM AIR-2a To reduce fugitive dust (PM_{10}) emissions from construction activity, the following measures shall be implemented:

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- Cover all hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on any unpaved roads to 15 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- Post a publicly visible sign or signs with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

MM AIR-2b To reduce exhaust emissions from off-road construction equipment, the following measures shall be implemented:

- The developer or contractor shall provide a plan for approval by the City or Bay Area Air Quality Management District (BAAQMD) demonstrating that heavy-duty off-road vehicles to be used in the construction project, including owned, leased, and/or subcontractor vehicles, shall meet or exceed United States Environmental Protection Agency Tier 3 off-road emissions standards when more than five pieces of off-road diesel equipment with a horsepower greater than 70 per piece of equipment would operate on one day. The plan shall include quantification of air pollutant emissions demonstrating that the project would not exceed the BAAQMD's thresholds of significance for project construction.

- Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
- Properly tune and maintain equipment for low emissions.

MM AIR-4 Prior to issuance of building permits for any sensitive receptor use (residential areas, elementary school, daycare centers, etc.) that would be developed pursuant to the Community Plan, the applicant shall prepare and submit plans to the City of Fremont that demonstrates the use of air filtration with a minimum efficiency reporting value (MERV) of 13 or greater. The approved plan shall be incorporated into the development.

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on air quality.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse 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?	Less than significant impact after mitigation	No	No	No	No
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?	Less than significant impact	No	No	No	No
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?	Less than significant impact	No	No	No	No
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?	Less than significant impact	No	No	No	No
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than significant impact	No	No	No	No
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	No	No	No	No

The analysis in this section is supported by the Tree Inventory prepared by Arborwell. The Tree Inventory is provided in Appendix B.

a) Special Status Species

Would the project: *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 after mitigation. The FEIR identified the burrowing owl and migratory birds as special status wildlife species with the potential to occur within the WS/SF Community Plan area. These species commonly occur on disturbed, undeveloped properties that contain grassy vegetation and trees within urban areas. Mitigation Measures BIO-1a and BIO-1b were proposed to reduce impacts to a level of less than significant.

The project site contains undeveloped land with grassy vegetation and 60 mature trees that may provide suitable habitat for the burrowing owl and migratory birds. Accordingly, Mitigation Measures BIO-1a and BIO-1b would apply to the proposed project and would reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to special status species not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) Riparian Habitat and Sensitive Natural Communities

Would the project: *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?*

Less than significant impact. The FEIR concluded that development activities associated with buildout of the WS/SF Community Plan would not result in adverse impacts to any existing waterways, notably the flood channel located near the Tesla Factory. Therefore, the proposed project would have a less than significant impact on riparian habitat or other sensitive natural communities.

The project site contains mostly disturbed undeveloped land and impervious surfaces, and does not contain any waterways including creeks or flood channels. As such, the proposed project would not have the potential to adversely impact riparian habitat or other sensitive natural communities.

For these reasons, the proposed project would not result in significant impacts related to riparian habitat and sensitive natural communities not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Federally Protected Wetlands

Would the project: *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?*

Less than significant impact. The FEIR concluded that development activities associated with buildout of the WS/SF Community Plan would not result in adverse impacts to any existing federally protected wetlands, because of the absence of such features within the plan area.

The project site contains mostly disturbed undeveloped land and impervious surfaces, and does not contain any federally protected wetlands including waterways or vernal pools. As such, the proposed project would not have the potential to adversely impact federally protected wetlands.

For these reasons, the proposed project would not result in significant impacts related to federally protected wetlands not previously identified in the FEIR and no further environmental review is necessary for this topic.

d) Fish or Wildlife Movement

Would the project: *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?*

Less than significant impact. The FEIR concluded that only the major drainage channels within the plan area have the potential to facilitate fish or wildlife movement; however, any fish or aquatic wildlife movement would most likely be limited to high flow periods associated with winter storms. Regardless, the WS/SF Community Plan does not include any changes to the drainage channels within the plan, which would preclude the possibility of related impacts.

The project site contains mostly disturbed undeveloped land and impervious surfaces, and does not contain any drainage channels that could facilitate fish or wildlife movement. As such, it would not have the potential to adversely impact fish or wildlife movement.

For these reasons, the proposed project would not result in significant impacts related to fish or wildlife movement not previously identified in the FEIR and no further environmental review is necessary for this topic.

e) Conflict with Local Policies or Ordinances

Would the project: *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Less than significant impact. The FEIR concluded that development activities associated with the WS/SF Community Plan would result in tree removal activities that would be subject to the City of

Fremont's Tree Preservation Ordinance. Such activities would be required to comply with the application requirements, including either onsite tree replanting or payment of in-lieu fee for tree replanting elsewhere.

The Tree Inventory indicated that there are 60 trees within the project boundaries that would be subject to the City's Tree Preservation Ordinance (i.e., six inches or greater in diameter at 54 inches above grade). Common tree species include Chinese pistache, coast live oak, coast redwood, Italian cypress, and Peruvian pepper. Accordingly, the project applicant would be required to submit an application to the City of Fremont for removal of the trees and identify which method of replanting would be pursued. The City's Tree Preservation Ordinance allows tree removal associated with development projects based upon certain site-specific development considerations. The City landscape architect has reviewed and approved the proposed landscape plan, including existing trees that would be removed. Consistent with ordinance requirements, replacement trees or payment of in-lieu fees are required to mitigate the removal of existing trees on the site. As such, compliance with the City's Tree Preservation Ordinance would ensure that the proposed project would not conflict with local ordinances protecting biological resources.

For these reasons, the proposed project would not result in significant impacts related to conflicts with local ordinances protecting biological resources not previously identified in the FEIR and no further environmental review is necessary for this topic.

f) Habitat Conservation Plan/Natural Community Conservation Plan

Would the project: *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 WS/SF Community Plan is not with the boundaries of an adopted Habitat Conservation Plan or Natural Community Conservation Plan. This condition precludes the possibility of related conflicts.

For these reasons, the proposed project would not result in significant impacts related to Habitat Conservation Plans or Natural Community Conservation Plans not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

MM BIO-1a Prior to grading or any other ground-disturbing activity, a qualified biologist shall conduct a survey for burrowing owls to determine if suitable burrows (greater than 3.5 inches in diameter) are present in and adjacent to the area of ground disturbance. Surveys shall be conducted consistent with the procedures in outlined in the "California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation."

If burrowing owl(s) are observed onsite during the pre-construction clearance survey, consultation with the California Department of Fish and Wildlife (CDFW)

shall occur to determine the next appropriate steps. Additional focused surveys may be warranted as determined by CDFW to determine the quantity and location of nesting/migrating burrowing owls. Areas currently occupied by burrowing owls shall be avoided for the duration of residing onsite and/or nesting period. If burrowing owls cannot be avoided by the proposed project, then additional measures such as passive relocation during the non-breeding season may be utilized to reduce any potential impacts. Burrow exclusion involves the installation of one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows after verifying burrows are empty by site monitoring and scoping. Existing or artificial burrows situated less than 75 meters from the project site is the ideal scenario for successful passive relocation. Additional factors for successful passive relocation are included in the California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist is able to determine that burrowing owls are no longer occupying the project site and passive relocation deemed successful, construction activities may continue.

MM BIO-1b Prior to any tree or vegetation removal during the nesting season (February 1 through August 31), a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, the biologist shall determine an appropriate buffer that shall be required around the nests. No vegetation removal or ground disturbance would occur within this buffer. For raptor species—birds of prey such as hawks and owls—this buffer would generally be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor. Tree or vegetation removal activities that occur outside of the nesting season (September 1 through January 31) are not subject to the requirements of this mitigation measure.

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on biological resources.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse 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?	Less than significant impact after mitigation	No	No	No	No
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Less than significant impact after mitigation	No	No	No	No
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Less than significant impact after mitigation	No	No	No	No
d) Disturb any human remains, including those interred outside of formal cemeteries?	Less than significant impact after mitigation	No	No	No	No

a) Historical Resources

Would the project: *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

Less than significant impact after mitigation. The FEIR concluded that only the Tesla Factory had the potential for listing on a national, state, or local historic register because of its historical significance to the City of Fremont. However, the FEIR's analysis noted that the Factory has been substantially modified since the early 1960s and the original structures may not exist anymore. Regardless, the WS/SF Community Plan does not propose any changes to the Tesla Factory, and impacts to this resource were found to be less than significant. Nonetheless ground-disturbing activities associated with buildout of the WS/SF Community Plan may result in the inadvertent discovery of buried historic resources. Accordingly, Mitigation Measures CUL-1a and CUL-1b were proposed to reduce impacts to a level of less than significant.

The proposed project would be built in proximity to the Tesla Factory, but would not affect the potential historical significance of this resource because it would not alter any existing structures or affect its operational characteristics. No impacts would occur.

The proposed project would result in ground-disturbing activities that have the potential to result in the inadvertent discovery of buried historic resources. Accordingly, Mitigation Measures CUL-1 and CUL-1b would apply to the proposed project and would serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to historic resources not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) Archaeological Resources

Would the project: *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Less than significant impact after mitigation. The FEIR concluded that ground-disturbing activities associated with buildout of the WS/SF Community Plan may result in the inadvertent discovery of buried archaeological resources. Accordingly, Mitigation Measure CUL-1b was proposed to reduce impacts to a level of less than significant.

The proposed project would result in ground-disturbing activities that have the potential to result in the inadvertent discovery of buried archaeological resources. Accordingly, Mitigation Measure CUL-1b would apply to the proposed project and would serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to archaeological resources not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Paleontological Resources

Would the project: *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less than significant impact after mitigation. The FEIR concluded that ground-disturbing activities associated with buildout of the WS/SF Community Plan may result in the inadvertent discovery of buried paleontological resources. Accordingly, Mitigation Measure CUL-3 was proposed to reduce impacts to a level of less than significant.

The proposed project would result in ground-disturbing activities that have the potential to result in the inadvertent discovery of buried paleontological resources. Accordingly, Mitigation Measure CUL-3 would apply to the proposed project and would serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to paleontological resources not previously identified in the FEIR and no further environmental review is necessary for this topic.

d) Human Remains

Would the project: *Disturb any human remains, including those interred outside of formal cemeteries?*

Less than significant impact after mitigation. The FEIR concluded that ground-disturbing activities associated with buildout of the WS/SF Community Plan may result in the inadvertent discovery of burial sites. Accordingly, Mitigation Measure CUL-4 was proposed to reduce impacts to a level of less than significant.

The proposed project would result in ground-disturbing activities that have the potential to result in the inadvertent discovery of burial sites. Accordingly, Mitigation Measure CUL-4 would apply to the proposed project and would serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to burial sites not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

MM CUL-1a Prior to issuance of grading or building permits for development on vacant or unbuilt parcels within the Community Plan area, a qualified archaeologist shall undertake a field survey of the proposed project site following State Historic Preservation Officer guidelines associated with Phase I archaeological surveys. The results of the survey, a list of prehistoric discoveries made (if any), and proposed mitigation measures must be incorporated into the conditions of approval for the development proposal.

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

MM CUL-3 If the proposed project involves excavation activities at depths of more than 10 feet below ground surface, prior to issuance of grading permits, the project applicant shall retain a qualified paleontologist to prepare and submit a paleontologic mitigation monitoring program to the City of Fremont for review and approval. The program shall at a minimum contain the following elements: (1) require monitoring by a qualified paleontologist of excavation activities below 10 feet; (2) empower monitor(s) to temporarily halt or divert equipment to allow removal of abundant or large specimens; and (3) identify steps for fossil salvaging. For the latter item, salvaged specimens shall be appropriately preserved, including curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage, as appropriate. At the conclusion of monitoring, the paleontologist shall prepare and submit a report of findings to the City of Fremont with an appended, itemized inventory of specimens and confirmation of the curation of recovered specimens into an established, accredited museum repository. This mitigation measure does not apply if excavation activities are limited to no more than 10 feet below ground surface. The monitoring requirements set forth in this mitigation measure do not apply if an applicant submits documentation prepared by a qualified cultural resources professional to the City of Fremont as part of the grading permit application demonstrating that paleontological resources are not present under the ground surface.

MM CUL-4 In the event of the accidental discovery or recognition of any human remains, all activities shall cease within 50 feet of the find and the following procedures shall be implemented, as applicable:

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.

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on cultural resources.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
6. Geology, Soils, and Seismicity *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?	Less than significant impact after mitigation	No	No	No	No
ii) Strong seismic ground shaking?	Less than significant impact after mitigation	No	No	No	No
iii) Seismic-related ground failure, including liquefaction?	Less than significant impact after mitigation	No	No	No	No
v) Landslides?	Less than significant impact after mitigation	No	No	No	No
b) Result in substantial soil erosion or the loss of topsoil?	Less than significant impact after mitigation	No	No	No	No
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 after mitigation	No	No	No	No
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 after mitigation	No	No	No	No

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
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	No	No	No	No

The analysis in this section is supported by the Preliminary Geotechnical Exploration prepared by ENGEO. The Preliminary Geotechnical Exploration is provided in Appendix C.

a) Earthquake Hazards

Would the project: *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; (ii) Strong Seismic Ground Shaking; (iii) Seismic-related ground failure, including liquefaction; or (iv) Landslides.*

i) Fault Rupture

Less than significant impact after mitigation. The FEIR concluded that development activities that occur pursuant to the WS/SF Community Plan may be susceptible to seismic hazards such as fault rupture. As such, Mitigation Measure GEO-1 was set forth to reduce this impact to a level of less than significant.

A Preliminary Geotechnical Exploration was prepared for the proposed project by ENGEO, which concluded that there are no known faults within the project site. Additionally, the project site is not located within an Earthquake Fault Special Study Zone. This condition precludes the possibility of fault rupture from occurring. No impact would occur.

For these reasons, the proposed project would not result in significant impacts related to fault rupture not previously identified in the FEIR and no further environmental review is necessary for this topic.

ii) Ground Shaking

Less than significant impact after mitigation. The FEIR concluded that development activities that occur pursuant to the WS/SF Community Plan may be susceptible to seismic hazards such as ground shaking. As such, Mitigation Measure GEO-1 was set forth to reduce this impact to a level of less than significant.

The Preliminary Geotechnical Exploration indicates that project buildings may be susceptible to strong ground shaking during a seismic event. Accordingly, Mitigation Measure GEO-1 would apply to the proposed project and serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to ground shaking not previously identified in the FEIR and no further environmental review is necessary for this topic.

iii) Ground Failure

Less than significant impact after mitigation. The FEIR concluded that development activities that occur pursuant to the WS/SF Community Plan may be susceptible to seismic hazards such as ground failure. As such, Mitigation Measure GEO-1 was set forth to reduce this impact to a level of less than significant.

The Preliminary Geotechnical Exploration indicates that the project site contains soils that are potentially liquefiable during a seismic event. Accordingly, Mitigation Measure GEO-1 would apply to the proposed project and serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to ground failure not previously identified in the FEIR and no further environmental review is necessary for this topic.

iv) Landslides

Less than significant impact after mitigation. The FEIR concluded that development activities that occur pursuant to the WS/SF Community Plan would not be susceptible to earthquake-induced landslides because the WS/SF Community Plan area contains flat relief. This condition precludes the possibility of the proposed project being exposed to earthquake-induced landslides during a seismic event.

For these reasons, the proposed project would not result in significant impacts related to landslides not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) Erosion

Would the project: *Result in substantial soil erosion or the loss of topsoil?*

Less than significant impact after mitigation. The FEIR concluded that development activities that occur pursuant to the WS/SF Community Plan may be susceptible to erosion. As such, Mitigation Measure HYD-1a was set forth to reduce this impact to a level of less than significant.

The proposed project would involve grading and other ground disturbing activities that may cause erosion. Accordingly, Mitigation Measure HYD-1b would apply to the proposed project and serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to erosion not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Unstable Soils or Geologic Units

Would the project: *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 landsliding, lateral spreading, subsidence, liquefaction, or collapse?*

Less than significant impact after mitigation. The FEIR concluded that development activities that occur pursuant to the WS/SF Community Plan may be susceptible to unstable soils or geologic units. As such, Mitigation Measure GEO-1 was set forth to reduce this impact to a level of less than significant.

The presence of unstable soils or geologic units could potentially damage future buildings and development on-site, which would represent a significant impact unless avoided by incorporating appropriate engineering into grading and foundation designs. The project would incorporate measures based on a design-level geotechnical report that would be subject to peer review in accordance with state laws. Accordingly, Mitigation Measure GEO-1 would apply to the proposed project and serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to unstable soils or geologic units not previously identified in the FEIR and no further environmental review is necessary for this topic.

d) Expansive Soils

Project results in: *Location on expansive soil, creating substantial risks to life or property?*

Less than significant impact after mitigation. The FEIR concluded that development activities that occur pursuant to the WS/SF Community Plan may be located on expansive soils. As such, Mitigation Measure GEO-1 was set forth to reduce this impact to a level of less than significant.

The project site may contain soils that are predominantly clayey and exhibit high shrink/swell potential. All proposed structures must be designed in conformance with geotechnical and soil stability standards as required by California Building Code. Conformance to the applicable Building Code standards would reduce safety impacts to the site, its occupants, and adjacent properties. Accordingly, Mitigation Measure GEO-1 would apply to the proposed project and serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to expansive soils not previously identified in the FEIR and no further environmental review is necessary for this topic.

e) Septic Tanks

Would the project: *Soils incapable of supporting the use of septic tanks or other alternative wastewater disposal systems where sewers are not available?*

No impact. The FEIR indicated that the WS/SF Community Plan area is currently served with sanitary service provided by the Union Sanitary District. All new uses developed pursuant to the WS/SF Community Plan would be required to be served with sanitary sewer service; no septic tanks or alternative wastewater disposal systems would be permitted.

The proposed project would be served with sanitary service provided by the Union Sanitary District. No septic tanks or alternative wastewater disposal systems would be used. This condition precludes the possibility of related impacts.

For these reasons, the proposed project would not result in significant impacts related to septic systems not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

MM GEO-1 Prior to issuance of the first building permit for each development pursuant to the Community Plan, the project applicant shall submit a design-level geotechnical report to the City of Fremont for review and approval. The design-level investigation shall be prepared in accordance with California Building Code Standards and Fremont Municipal Code standards and address the potential for seismic hazards to occur onsite and identify abatement measures to reduce the potential for such an event to acceptable levels. The recommendations of the approved design-level geotechnical report shall be incorporated into the project plans.

MM HYD-1a Prior to issuance of grading permits for new development projects that would disturb one or more acre of land within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity; and (4) stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.

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).

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on geology, soils, and seismicity.

Environmental Issues	CEQA §15183(b) Criteria				
	Prior FEIR Determination	Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse 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?	Less than significant impact	No	No	No	No
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	No	No	No	No

a) Greenhouse Gas Emissions

Would the project: *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less than significant impact. The FEIR evaluated the WS/SF Community Plan's consistency with the BAAQMD's threshold for plan-level greenhouse gas emissions, which is 6.6 metric tons of CO_2 equivalent per service population (employees and residents). The FEIR found that buildout of the WS/SF Community Plan would yield 4.18 metric tons of CO_2 equivalent per service population and, thus, would be below the threshold of 6.6 metric tons of CO_2 equivalent per service population. Impacts were found to be less than significant.

The proposed project would develop 2,214 dwelling units, ±1.4 million square feet of office/retail uses/R&D uses, a school, and an urban park,. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area and, therefore, would be in accordance with the 4.18 metric tons of CO_2 equivalent per service population figure that was disclosed in the FEIR.

For these reasons, the proposed project would not result in significant impacts related to greenhouse gas emissions not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) Greenhouse Gases Emissions Reduction Plan Conflict

Would the project: *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 FEIR evaluated the WS/SF Community Plan's consistency with the City of Fremont Climate Action Plan, which establishes a greenhouse gas emissions reduction objective of 25 percent relative to 2005 baseline levels by 2020. The FEIR indicated that buildout of the WS/SF Community Plan would be below the BAAQMD's threshold of 6.6 metric tons of CO_2 equivalent per service population and, therefore, would be consistent with both the City's and State's greenhouse gas emissions reduction targets. Impacts were found to be less than significant.

The proposed project would develop 2,214 dwelling units, ±1.4 million square feet of office/retail/R&D uses, a school, and an urban park. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area and, therefore, would be in accordance with the greenhouse gas emissions values that were disclosed in the FEIR. As such, the proposed project would not conflict with the City of Fremont Climate Action Plan.

For these reasons, the proposed project would not result in significant impacts related to greenhouse gas emissions reduction plan conflicts not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

None

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on greenhouse gas emissions.

Environmental Issues	CEQA §15183(b) Criteria				
	Prior FEIR Determination	Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse 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?	Less than significant impact after mitigation	No	No	No	No
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 after mitigation	No	No	No	No
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less than significant impact	No	No	No	No
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 after mitigation	No	No	No	No
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	No	No	No	No
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	No	No	No	No
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than significant impact	No	No	No	No

Environmental Issues	CEQA §15183(b) Criteria				
	Prior FEIR Determination	Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
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	No	No	No	No

The analysis in this section is supported by the Hazardous Materials Risk Analysis prepared by BASELINE Environmental Consulting; the Phase I Environmental Site Assessment prepared by ENGEO, the Phase II Environmental Site Assessment prepared by ENGEO, and the Underground Storage Tank Removal Letter Report prepared by Vesar, Inc. The Hazardous Materials Risk Analysis is provided in Appendix D.1, the Phase I Environmental Site Assessment is provided in Appendix D.2, the Phase II Environmental Site Assessment is provided in Appendix D.3, and the Underground Storage Tank Removal Letter Report is provided in Appendix D.4.

a) Routine Transport, Use, or Disposal of Hazardous Materials

Would the project: *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less than significant impact after mitigation. The FEIR concluded that future non-residential uses within the WS/SF Community Plan area may engage in the routine transport, use, or disposal of hazardous materials. Mitigation Measure HAZ-1 was proposed requiring new large-quantity hazardous materials users within the plan area to demonstrate land use compatibility with surrounding land uses.

With the exception of the R&D uses, the proposed project would not include large-quantity users of hazardous materials and, therefore, Mitigation Measure HAZ-1 would not apply to these uses. Future R&D uses proposed on the ±24-acre southerly portion of Planning Area 4 may include large-quantity users of hazardous materials and would be required to implement Mitigation Measure HAZ-1 at such time as they are proposed. The implementation of this mitigation measure in conjunction with compliance with the Warm Springs Innovation District standards and Fremont Municipal Code would reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to routine transport, use, or disposal of hazardous materials not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) Risk of Upset

Would the project: *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 after mitigation. The FEIR concluded that there were 11 potential sources of hazardous materials releases that could pose a health risk to future residents or workers in the WS/SF Community Plan area in the event of a worst-case scenario. Mitigation Measure HAZ-2a was proposed requiring evaluation of future WS/SF Community Plan development proposed to hazardous materials releases.

The project proposes to develop residential, office/retail, R&D, school, and urban park and plaza uses on the project site. As such, to address the requirements of Mitigation Measure HAZ-2a, BASELINE prepared a Hazardous Materials Risk Analysis study. The study indicated that the project site is approximately 300 feet from two petroleum product pipelines located within the Union Pacific Railroad right-of-way; approximately 900 feet from a metal plating facility that uses nitric acid; approximately 1,000 feet from a metals manufacturing facility that uses propane; and approximately 1,200 feet from a manufacturing facility that uses propane. BASELINE determined that the closest release that could occur to the project site would be from a 1-inch-diameter puncture of the petroleum product pipelines, which would result in a maximum threat zone distance of 45 feet from the puncture location. The radius of this threat zone would not encroach into the project site. BASELINE also concluded that the project vicinity is relatively flat and a release of hazardous liquids in the vicinity would not cause a preferential hazardous liquid flows toward the project area, and that typical meteorological conditions in the project area provide sufficient mixing to assist in the timely dispersion of airborne chemicals. Impacts would be less than significant.

For these reasons, the proposed project would not result in significant impacts related to risk of upset not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Exposure of Schools to Hazardous Materials or Emissions

Would the project: *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Less than significant impact. The FEIR concluded that there are no existing schools within 0.25 mile of the WS/SF Community Plan area, which precludes the possibility of the WS/SF Community Plan uses causing related impacts. The FEIR noted that the proposed school site would be subject to state requirements for school siting, including the preparation of a Phase I ESA for the school site that must be reviewed by the California Department of Toxic Substances Control School Property Evaluation and Cleanup Division. Compliance with these established requirements would reduce impacts to a level of less than significant.

The project applicant commissioned ENGEO to prepare a Phase I Environmental Site Assessment (Appendix D.2) and a Phase II Environmental Site Assessment (Appendix D.3) to determine if hazardous materials contamination is present on the project site. The Phase I Environmental Site Assessment found that the project site previously: (1) contained aboveground storage tanks (ASTs) and underground storage tanks (USTs) (and associated pump, fuel dispensers, and wastewater collection system) and residual petroleum hydrocarbons may be present; (2) has buildings that may contain asbestos and lead-based paint due to their age; and (3) was used for agricultural activities and, therefore, residual agricultural chemicals may be present. Accordingly, ENGEO investigated these issues further as part of the Phase II Environmental Site Assessment and found that the presence of potential hazardous substances in soil and groundwater were within acceptable levels. Regarding the buildings that that may contain asbestos and lead-based paint due to their age, Mitigation Measure HAZ-2c would be implemented requiring a hazardous materials building survey and any necessary remediation prior to demolition. Implementation of this mitigation measure would reduce impacts to a level of less than significant. In sum, the project site would be suitable for the development, including the proposed school.

For these reasons, the proposed project would not result in significant impacts related to exposure of schools to hazardous materials or emissions not previously identified in the FEIR and no further environmental review is necessary for this topic.

d) Hazardous Materials Sites

Would the project: *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 after mitigation. The FEIR concluded that there were more than 200 sites in or near the WS/SF Community Plan area listed on regulatory agency databases related to hazardous materials use, storage, disposal, or release. Mitigation Measure HAZ-2b was proposed requiring the preparation of a Phase I ESA and, if necessary, a Phase II ESA, to determine if hazardous materials contamination is present on any sites proposed for development. Implementation of Mitigation Measure HAZ-2b would reduce impacts to a level of less than significant.

As noted previously, the project applicant commissioned ENGEO to prepare a Phase I Environmental Site Assessment and a Phase II Environmental Site Assessment (to determine if hazardous materials contamination is present on the project site, and found that the presence of potential hazardous substances in soil and groundwater were within acceptable levels for development of the project with commercial/industrial, residential, school, and park uses. Regarding the buildings that that may contain asbestos and lead-based paint due to their age, Mitigation Measure HAZ-2c would be implemented requiring a hazardous materials building survey and any necessary remediation prior to demolition. Implementation of this mitigation measure would reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to hazardous materials sites not previously identified in the FEIR and no further environmental review is necessary for this topic.

e) Airports

Would the project: *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. Moffett Federal Airfield, located 7.5 miles to the southwest, is the closest airport to the WS/SF Community Plan area. This distance precludes the possibility of the proposed project creating aviation safety hazards for persons residing or working in the project area.

For these reasons, the proposed project would not result in significant impacts related to airports not previously identified in the FEIR and no further environmental review is necessary for this topic.

f) Private Airstrips

Would the project: *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 in the project vicinity. This distance precludes the possibility of the proposed project creating aviation safety hazards for persons residing or working in the project area.

For these reasons, the proposed project would not result in significant impacts related to private airstrips not previously identified in the FEIR and no further environmental review is necessary for this topic.

g) Emergency Response and Evacuation

Would the project: *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less than significant impact. The FEIR concluded that the WS/SF Community Plan's roadway network would be required to comply with the City of Fremont General Plan's street section standards and California Fire Code requirements for emergency access, which would serve to facilitate adequate emergency response and evacuation and reduce impacts to a level of less than significant.

The proposed project proposes a grid pattern street network that would connect to Fremont Boulevard, Grimmer Boulevard, and Lopes Court. All new public roadways would be required to be consistent with the street typologies of the WS/SF Community Plan and California Fire Code

requirements, which would serve to facilitate adequate emergency response and evacuation and reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to emergency response and evacuation not previously identified in the FEIR and no further environmental review is necessary for this topic.

h) Wildland Fires

Would the project: *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 FEIR concluded that the WS/SF Community Plan area is located within an urban, built-up area and is not near any areas susceptible to wildland fires (e.g., the Mission Hills). This condition precludes the possibility of related impacts.

For these reasons, the proposed project would not result in significant impacts related to wildland fires not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

MM HAZ-1 Prior to issuance of building permits for any new use within the Community Plan area that proposes to use large quantities of hazardous materials, the City of Fremont shall review the project application for compatibility with existing and planned land uses. The review process shall focus on the location of existing and planned sensitive receptors (e.g., residential uses and schools) and whether the proposed hazardous material usage would expose such uses to unacceptable safety risks. If necessary, the City shall condition the proposed hazardous materials user to incorporate appropriate protection measures. Such mitigation measures may include but not be limited to setbacks, walls, earthen berms, building orientation, building ventilation shutdown system devices, and building materials that can withstand the effects of hazardous materials release (such as blast, fire, etc.).

MM HAZ-2a Prior to issuance of a building permit for a proposed project pursuant to the Community Plan, the project applicant shall submit a hazardous materials risk analysis to the City of Fremont for review and approval. The risk analysis shall incorporate information from the plan area Hazardous Materials User Study or a site-specific risk analysis performed by a qualified professional and reflect the characteristics of the proposed residential use. The risk analysis shall describe potential hazardous materials incident risks and describe mitigation from the Hazardous Materials User Study or site-specific risk analysis that would protect future site users from those risks. Such mitigation measures may include but not be limited to setbacks, walls, earthen berms, building orientation, building ventilation

shutdown system devices, and building materials that can withstand the effects of hazardous materials release (such as blast, fire, etc.). The mitigation shall be incorporated into the project plans.

MM HAZ-2b Prior to issuance of a building permit for a proposed project pursuant to the Community Plan, a Phase I Environmental Site Assessment (Phase I ESA) shall be prepared to American Society for Testing and Materials standards for the project. If the Phase I ESA identifies the potential for soil or groundwater contamination to be present at the site, a Phase II ESA shall be prepared by a qualified environmental professional.

If contamination is identified during Phase I and II investigations, projects undertaken under the Community Plan shall incorporate any necessary measures to ensure that any potential added health risks to construction workers, maintenance and utility workers, site residents and workers, and the general public as a result of hazardous materials are reduced to a cumulative risk of less than one in one million for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or as otherwise required by a regulatory oversight agency. The risk evaluation and any required response actions would be a condition of approval for construction, demolition, or grading permits and would be subject to review and/or approval by regulatory oversight agencies. These agencies could also require additional site investigation to more fully delineate the extent of contaminants of concern at the site. If extensive onsite excavation and/or soil off-haul is determined to be the appropriate response action for a site, additional CEQA review may be required to evaluate potential impacts for the response related to air quality, noise, and traffic.

MM HAZ-2c Hazardous building materials surveys shall be conducted by a qualified and licensed professional for all structures, not previously inspected or abated, proposed for demolition or renovation as part of a project undertaken under the Community Plan. All loose and peeling lead-based paint and asbestos-containing material shall be abated by certified contractor(s) in accordance with local, state, and federal requirements. All other hazardous materials shall be removed from buildings prior to demolition in accordance with California Department of Industrial Relations, Division of Occupational Safety and Health regulations. The completion of the abatement activities shall be documented by a qualified environmental professional(s) and submitted to the City for review with applications for issuance of construction and demolition permits.

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on hazards and hazardous materials.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
9. Hydrology and Water Quality *Would the project:*					
a) Violate any water quality standards or waste discharge requirements?	Less than significant impact after mitigation	No	No	No	No
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 after mitigation	No	No	No	No
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 after mitigation	No	No	No	No
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 after mitigation	No	No	No	No
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 after mitigation	No	No	No	No
f) Otherwise substantially degrade water quality?	Less than significant impact after mitigation	No	No	No	No

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
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?	Less than significant impact after mitigation	No	No	No	No
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	Less than significant impact after mitigation	No	No	No	No
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	No	No	No	No
j) Inundation by seiche, tsunami, or mudflow?	No impact	No	No	No	No

a, f) Water Quality

Would the project: *(a) Violate any water quality standards or waste discharge requirements; or (f) Otherwise substantially degrade water quality?*

Less than significant impact after mitigation. The FEIR concluded development activities that occur pursuant to the WS/SF Community Plan would include the construction of residential, commercial, research and development, office, and industrial structures and associated infrastructure that could result in the discharge of pollutants and could impact the quality of receiving waters during construction activities and during operations. As such, Mitigation Measures HYD-1a and HYD-1b require the implementation of water pollution control measures during construction and operations. With the implementation of these mitigation measures, impacts would be less than significant.

The proposed project would involve construction and operational activities that have the potential to generate polluted runoff. Therefore, the proposed project would be subject to the provisions of Mitigation Measures HYD-1a and HYD-1b, which would reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to water quality not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) Groundwater

Would the project: *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 after mitigation. The FEIR concluded that there are at least 26 monitoring wells associated with environmental investigations of contaminated or potentially contaminated sites located within the WS/SF Community Plan area. Additionally, the FEIR concluded that historic releases of hazardous materials have impacted groundwater quality at several locations, and it is possible that future uses of hazardous materials would cause impacts to groundwater quality. As such, Mitigation Measure HYD-3 requires applicants to coordinate with the Alameda County Water District (ACWD) about dewatering activities; Mitigation Measure HYD-4a requires applicants to verify with ACWD whether any wells exist within their properties and, if so, properly abandon any wells prior to construction activities; and Mitigation Measure HYD-4b requires development activities at Leaking Underground Storage Tank sites or Spills, Leaks, Investigation, and Cleanup (SLIC) sites to coordinate with appropriate agencies to ensure that they do not interfere with ongoing remediation efforts. With the implementation of these mitigation measures, impacts would be less than significant.

The project site contains a groundwater well within the paved area used for temporary vehicle storage in the southern portion of the site. This well would need to be abandoned prior to grading activities. As such, Mitigation Measures HYD-3 and HYD-4a would apply and serve to reduce impacts to a level of less than significant.

Additionally, the project site previously contained underground storage tanks that were removed in 1985 and 2004. ENGEO conducted soil and groundwater sampling around the locations of the former underground storage tanks and determined that the presence of potential hazardous substances in soil and groundwater were within acceptable levels. As such, no further action is necessary and Mitigation Measure HYD-4b would not apply. Impacts would be less than significant.

For these reasons, the proposed project would not result in significant impacts related to groundwater not previously identified in the FEIR and no further environmental review is necessary for this topic.

c, d, e) Drainage

Would the project: *(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 within or outside of the planning area?*

(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 within or outside of the planning area?

(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 after mitigation. The FEIR concluded that implementation of the WS/SF Community Plan would involve the construction of new impervious surfaces that could alter drainage patterns in a manner that may exceed the capacity of portions of the existing stormwater drainage systems. Accordingly, Mitigation Measure HYD-2 requires development projects that occur pursuant to the WS/SF Community Plan to prepare and submit storm drainage and hydraulic studies to the City of Fremont for review and approval. With the implementation of mitigation, impacts would be less than significant.

The proposed project would introduce new impervious surfaces to a mostly pervious project site. Therefore, the proposed project would be subject to the provisions of Mitigation Measure HYD-2, which would serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to drainage not previously identified in the FEIR and no further environmental review is necessary for this topic.

g, h) 100-Year Flood Hazard Area

Would the project: *(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; or (h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

Less than significant impact after mitigation. The FEIR concluded that approximately 21 acres of the ±879-acre WS/SF Community Plan area are located in 100-year flood hazard areas and development that occurs within these areas could be subject to flooding during peak storm events. Accordingly, Mitigation Measure HYD-5 requires development projects located within 100-year flood hazard areas to comply with the Fremont Flood Damage Prevention Ordinance. With the implementation of mitigation, impacts would be less than significant.

The southwestern portion of the project site overlaps with a 100-year flood hazard area. Therefore, Mitigation Measure HYD-5 would apply to the project and serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to 100-year flood hazards not previously identified in the FEIR and no further environmental review is necessary for this topic.

i) Levee or Dam Failure

Would the project: *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 FEIR concluded that the potential for the WS/SF Community Plan area to be exposed to inundation from the catastrophic failure of Calaveras, Turner, or Del Valle dams was remote and unlikely, due to proactive measures taken by the agencies that oversee the facilities in question. Thus, impacts were found to be less than significant.

The project site is within the inundation area of the three dams. However, catastrophic failure of these dams is considered remote and unlikely for reasons stated previously. Thus, impacts were found to be less than significant.

For these reasons, the proposed project would not result in significant impacts related to dam and levee failure not previously identified in the FEIR and no further environmental review is necessary for this topic.

j) Seiche, Tsunami, Mudflow

Would the project: *Expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow?*

No impact. The FEIR concluded that the WS/SF Community Plan area was not susceptible to inundation by seiche, tsunami, or mudflow due to the absence of inland bodies of water and steep slopes within the plan area and the distance to the Pacific Ocean.

For these reasons, the proposed project would not result in significant impacts related to seiche, tsunami, or mudflow not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

MM HYD-1a Prior to issuance of grading permits for new development projects that would disturb one or more acre of land within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-

stormwater discharges from construction activity; and (4) stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.

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).

MM HYD-1b Prior to issuance of building permits for new development projects within the Community Plan area, the City of Fremont shall verify that the project applicant has prepared operational stormwater quality control measures that comply with the requirements of the current Municipal Regional Permit. Responsibilities include but are not limited to designing BMPs into project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff (i.e., hydromodification) associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation and hydromodification of runoff from all portions of completed developments.

New development under the Community Plan shall incorporate site design and BMPs described in the current version of Alameda County Clean Water Program, C.3 Stormwater Technical Guidance manual. Low Impact Development (LID) features, including minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source, shall be used at each development covered by the Municipal Regional Permit. Funding for long-term maintenance of all BMPs shall be specified (as the City will not assume maintenance responsibilities for BMPs within private developments). For each development project, the project applicant shall establish

a self-perpetuating Operation and Maintenance of Stormwater Treatment Systems Plan (Municipal Regional Permit provision C.3.h). This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Municipal Regional Permit. Reports documenting inspections and any remedial action conducted shall be submitted regularly to the City for review and approval. In addition to the Municipal Regional Permit, each development project implemented under the Community Plan will fully comply with the City of Fremont Stormwater Management and Discharge Control Ordinance (Chapter 18.210).

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

MM HYD-3 Prior to issuance of grading permits for any new development project within the Community Plan area that involves dewatering, the City of Fremont shall verify that the applicant has consulted with the Alameda County Water District (ACWD). Such consultation shall include evaluation of alternatives to dewatering when practicable to minimize the amount of dewatering, and to maximize the reuse of pumped groundwater when dewatering is not avoidable. In accordance with ACWD Ordinance No. 2010-01, a drilling permit shall be obtained prior to the start of the drilling of any exploratory borings or groundwater wells, or any excavations that have the potential to impact a groundwater aquifer. In compliance with the Replenishment Assessment Act, the project applicant shall meter all groundwater pumped and shall pay all applicable replenishment assessment fees. ACWD uses the fees to manage and replenish the Niles Cone Groundwater Basin and to recharge the

basin through percolation in Alameda Creek and the adjacent recharge ponds in the Quarry Lakes Regional Recreational Area.

MM HYD-4a Prior to the development of any property within the Community Plan area, the project applicant shall notify the ACWD. ACWD shall conduct a records and field search and provide a letter documenting the locations of any wells identified on the property. The project applicant shall either protect or properly destroy the well(s) before the start of construction activities.

If a well is to be destroyed, the project applicant shall first notify ACWD. Well destruction shall be carried out in accordance with the standards of ACWD. If a well is to be protected, the project applicant shall submit a letter to ACWD identifying the well and explaining how the well will be protected during construction activities. A permit for inactive classification shall be obtained for protected wells that will not be used for a 12-month period. In accordance with ACWD Ordinance No. 2010-01, a drilling permit shall be obtained prior to the start of the drilling of exploratory borings or groundwater wells, or any excavations that may have the potential to impact groundwater resources.

MM HYD-4b Prior to issuance of grading permits for any development projects at Leaking Underground Storage Tank (LUST) sites or Site Cleanup Program (SCP) sites, the applicant shall consult with ACWD or with the Regional Water Quality Control Board to identify measures to ensure that cleanup and investigation activities of the site are not interrupted by construction or dewatering activities. Any agency recommended measures shall be identified on construction plans.

MM HYD-5 Prior to issuance of grading permits for any development project located within a 100-year hazard flood zone, the applicant shall prepare and submit building plans to the City of Fremont that demonstrate compliance with the City of Fremont Flood Damage Prevention Ordinance (Chapter 18.200). The Ordinance specifies the standards required for the construction of buildings in all areas of special flood hazards and requires that all new structures be at least one foot above the 100-year flood elevation. The standards include but are not limited to requirements for anchoring, construction materials and methods, elevation, and floodproofing. In addition, the standards state that no new construction or redevelopment shall occur in a FEMA designated 100-year flood zone unless certification by a registered professional engineer or architect is provided that shows that the activity would not result in an increase in flood levels during the occurrence of the base flood discharge. The project applicant shall also comply with Policy 10-3.1 of the City of Fremont General Plan, which requires that the cumulative effects of other encroachments onto the 100-year flood zone be considered in the analysis.

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on hydrology and water quality.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
10. Land Use *Would the project:*					
a) Physically divide an established community?	Less than significant impact	No	No	No	No
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	No	No	No	No
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	No impact	No	No	No	No

a) Division of an Established Community

Would the project: *Physically divide an established community?*

Less than significant impact. The FEIR concluded that buildout of the WS/SF Community Plan would not divide an established community because of the limited existing residential uses and the lack of schools, parks, or other community gathering facilities. As such, the existing land use activities within the WS/SF Community Plan Area would not constitute an established community, which precludes the possibility of impacts.

The project site contains mostly undeveloped land, paved areas, a storage building, a private driveway (to Kato Road), and railroad spur tracks. There are no residential uses onsite. These conditions preclude the division of an established community.

For these reasons, the proposed project would not result in significant impacts related to division of an established community not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) General Plan and Zoning Consistency

Would the project: *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. The project site is designated "Innovation Center" by the City of Fremont General Plan. The "Innovation Center" land use designation is a unique designation limited to the WS/SF Community Plan area and is intended to facilitate the development of the uses contemplated by the WS/SF Community Plan. Accordingly, it permits the uses contemplated by the WS/SF Community Plan, including transit-oriented mixed uses consisting of residential, office/retail, school, park, and R&D uses.

The project site is zoned "WSI 4 and 4a (Warm Springs Innovation District, Planning Areas 4 and 4a)." The "WSI 4 and 4a" zoning districts were established in conjunction with the adoption of the WS/SF Community Plan in order to implement the plan. Accordingly, it permits the uses contemplated by the WS/SF Community Plan, including transit-oriented mixed uses consisting of residential, office/retail, school, park, and R&D uses.

For these reasons, the proposed project would not result in significant impacts related to conflicts with the General Plan and zoning not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Habitat Conservation Plan Conflict

Would the project: *Conflict with any applicable habitat conservation plan or natural communities conservation plan?*

No impact. The WS/SF Community Plan is not with the boundaries of an adopted Habitat Conservation Plan or Natural Community Conservation Plan. This condition precludes the possibility of related conflicts.

For these reasons, the proposed project would not result in significant impacts related to conflicts with habitat conservation plans not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

None

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on land use.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse 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?	No impact	No	No	No	No
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	No	No	No	No

a, b) Loss of Minerals Resources of Statewide or Local Importance

Would the project: *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?*

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 FEIR concluded that the WS/SF Community Plan area was not designated as a mineral resource zone by either the State or the City of Fremont General Plan. As such, buildout of the WS/SF Community Plan would not result in the loss of mineral resources of statewide or local significance. No impact would occur.

For these reasons, the proposed project would not result in significant impacts related to mineral resources not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

None

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on mineral resources.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse 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?	Less than significant impact after mitigation	No	No	No	No
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Less than significant impact after mitigation	No	No	No	No
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Less than significant impact after mitigation	No	No	No	No
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 after mitigation	No	No	No	No
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	No	No	No	No
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	No	No	No	No

a) Noise Levels in Excess of Adopted Standards

Would the project result in: *Exposure of person 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 after mitigation. The FEIR concluded that construction and operational activities associated with buildout of the WS/SF Community Plan had the potential to expose

persons to noise levels in excess of adopted standards. As such, Mitigation Measure NOI-1 was proposed to reduce construction noise to a level of less than significant, and Mitigation Measures NOI-4a through NOI-4c were proposed to reduce operation noise to a level of less than significant.

The nearest residential structure is the single-family residence located 350 feet to the east. The proposed project's construction activities would involve the use of heavy equipment that could generate noise levels of up to 84 dBA L_{eq} at the single-family residence. Accordingly, Mitigation Measures NOI-1 would apply to the proposed project and would reduce impacts to a level of less than significant.

Additionally, the proposed project involves the development of residential uses and non-residential uses (including commercial) that are close to each other. Noise from non-residential operational activities (HVAC units, air compressors, trash compactors, hydraulic lifts, loading/unloading activities, etc.) have the potential to adversely affect nearby residential receptors. As such, Mitigation Measures NOI-4a, NOI-4b, and NOI-4c would apply to the proposed project. Specifically, Mitigation Measure NOI-4a requires the applicant to prepare a site-specific noise study to determine that the proposed uses that can achieve the General Plan's noise levels; Mitigation Measure NOI-4b requires onsite noise sources (HVAC equipment, loading docks, etc.) be located as far as possible or be shielded from noise sensitive land uses; Mitigation Measure NOI-4c requires that loading dock areas be designed to minimize noise impacts and limitations be placed the hours at which deliveries can occur to minimize disturbance. With the implementation of these mitigation measures, impacts would be reduced to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to noise levels in excess of adopted standards levels not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) Groundborne Vibration

Would the project result in: Exposure *of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Less than significant impact after mitigation. The FEIR concluded that railroad operations on the Union Pacific Railroad line that bisects the WS/SF Community Plan area may result in exposure of nearby buildings to excessive groundborne vibration. Accordingly, Mitigation Measure NOI-2 requires a site-specific groundborne noise and vibration assessment for any vibration-sensitive uses that would be developed within 200 feet of the Union Pacific Railroad centerline. With the implementation of this mitigation measure, impacts would be less than significant.

The project site contains several railroad spur tracks associated with the Tesla Factory, most of which are inactive. The spur tracks would be relocated as part of a separate project completed by the City of Fremont, which would eliminate the potential for any railroad vibration within the project site. The centerline of Union Pacific Railroad main line is approximately 250 feet east of the project site and, thus, lies beyond the 200-foot distance threshold for which a vibration analysis would be

required. As such, Mitigation Measure NOI-2 would not apply to the proposed project and vibration impacts would be less than significant.

For these reasons, the proposed project would not result in significant impacts related to groundborne vibration not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Substantial Permanent Increase in Ambient Noise Levels

Would the project result in: *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less than significant impact after mitigation. The FEIR concluded that the WS/SF Community Plan Area may experience a substantial permanent increase in ambient noise levels from transportation noise (i.e., motor vehicles and rail). Traffic noise within the Community Plan area would result in 60 dBA L_{dn} roadway noise contours that overlap with areas proposed for residential development, which is considered a potentially significant impact. Additionally, rail activity associated with BART and Union Pacific would also have the potential to generate noise levels that exceed 60 dBA L_{dn} at residential receptors, which is considered a potentially significant impact. As such, Mitigation Measures NOI-5a and NOI-5b were proposed to reduce operation noise to a level of less than significant.

The proposed project involves the development of noise-sensitive residential uses near major roadway (e.g., Fremont Boulevard and S. Grimmer Boulevard) and the BART and Union Pacific rail lines. In particular, the 65 dBA L_{dn} and 60 dBA L_{dn} roadway noise contours from both Fremont Boulevard and S. Grimmer Boulevard would extend into the project site. As such, Mitigation Measures NOI-5a and NOI-5b would apply to the proposed project. Specifically, Mitigation Measure NOI-5a requires the applicant to prepare an acoustical analysis that verifies the project would meet applicable noise standards; and Mitigation Measure NOI-5b requires noise-sensitive uses that would be exposed to excessive noise levels to implement various site design measures, including setbacks, placement of noise-tolerant outdoor activity areas between major noise sources and residential uses, and use of noise barriers. With the implementation of these mitigation measures, impacts would be reduced to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to permanent increases in ambient noise levels not previously identified in the FEIR and no further environmental review is necessary for this topic.

d) Substantial Temporary or Periodic Increase in Noise Increase

Would the project result in: *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less than significant impact after mitigation. The FEIR concluded that construction activities associated with development activities associated with the WS/SF Community Plan would result in

substantial temporary increases in ambient noise levels. Operational noise levels for typical construction activities would generate maximum noise levels ranging from 80 to 90 dBA at a distance of 50 feet. Accordingly, Mitigation Measure NOI-1 requires the use of noise attenuation measures and practices during construction reduce noise levels to a level of less than significant.

The proposed project's construction activities would involve the use of heavy equipment that could generate noise levels of up to 90 dBA measured at a distance of 50 feet. Accordingly, Mitigation Measures NOI-1 would apply to the proposed project and would reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to temporary increases in ambient noise levels not previously identified in the FEIR and no further environmental review is necessary for this topic.

e) Airport Noise

Would the project result in: *For a project located 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. Moffett Federal Airfield, located 7.5 miles to the southwest, is the closest airport to the WS/SF Community Plan area. This distance precludes the possibility of the proposed project exposing persons residing or working in the project area to excessive aviation noise.

For this reason, the proposed project would not result in significant impacts related to aviation noise not previously identified in the FEIR and no further environmental review is necessary for this topic.

f) Private Airstrip Noise

Would the project result in: *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 in the project vicinity. This condition precludes the possibility of the proposed project exposing persons residing or working in the project area to excessive aviation noise.

For these reasons, the proposed project would not result in significant impacts related to aviation noise not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

MM NOI-1 The following measures shall be implemented as part of construction activities within the Community Plan area, in order to reduce the effects of noise levels generated from construction operations.

- Construction operations and related activities within the plan area shall comply with the operational hour limitations for construction as outlined in the City of Fremont Municipal Code. For projects located within 500 feet of one or more residences, lodging facilities, nursing homes or inpatient hospitals, construction shall be limited to the weekday hours of 7:00 a.m. to 7:00 p.m. and the Saturday or holiday hours of 9:00 a.m. to 6:00 p.m., while Sunday construction is not allowed. For projects located beyond 500 feet of the facilities named above, construction hours shall be limited to the weekday hours of 6:00 a.m. to 10:00 p.m. and the weekend or holiday hours of 8:00 a.m. to 8:00 p.m. The City of Fremont shall have the discretion to permit construction activities to occur outside of allowable hours if compelling circumstances warrant such an exception.
- Construction equipment and vehicles shall be fitted with efficient, well-maintained mufflers that reduce equipment noise emission levels at the project site. Internal combustion powered equipment shall be equipped with properly operating noise suppression devices (e.g., mufflers, silencers, wraps) that meet or exceed manufacture specifications. Mufflers and noise suppressors shall be properly maintained and tuned to ensure proper fit, function, and minimization of noise.
- Pumps that are not submerged and aboveground conveyor systems shall be located within acoustically treated enclosures.
- Portable and stationary site support equipment (such as generators, compressors, rock crushers, and cement mixers) shall be located as far as possible from nearby noise-sensitive receptors.
- Impact tools shall have the working area/impact area shrouded or shielded, with intake and exhaust ports on power equipment muffled or suppressed. This may necessitate the use of temporary or portable, application-specific noise shields or barriers.
- Construction equipment shall not be idled for extended periods of time (15 minutes or longer) in the immediate vicinity of noise-sensitive receptors.
- A disturbance coordinator shall be designated by the general contractor, which will post contact information in a conspicuous location near the entrance of the subject construction sites so that it is clearly visible to nearby receivers most likely to be disturbed. The coordinator shall manage complaints resulting from the construction noise. Reoccurring disturbances shall be evaluated by a qualified acoustical consultant retained by the project proponent to ensure compliance with applicable standards.

MM NOI-2 Prior to issuance of building permits for any vibration sensitive uses within 200 feet of the Union Pacific Railroad centerline, the applicant shall retain a qualified

acoustical/vibration consultant to perform a site-specific groundborne noise and vibration assessment. The assessment shall be prepared in accordance with Federal Transit Administration and Caltrans guidelines and identify whether the proposed uses would be exposed to excessive vibration. No vibration sensitive uses shall be located within 100 feet of the railroad centerline unless it can be demonstrated that such uses would not be exposed to excessive vibration. The recommendations of the assessment shall be incorporated into the development plans.

MM NOI-4a Plans submitted for building and/or grading permits shall include an acoustical analysis that verifies that the project would meet applicable noise standards. Projects determined to have the potential to generate or expose noise-sensitive uses to noise levels exceeding the City of Fremont noise standards or result in a substantial (3 to 5 dB or greater) permanent increase in ambient noise levels shall include noise attenuation measures such as use of sound-rated door and window assembles, mechanical ventilation, orientation of buildings away from roadways, sound barriers (walls or berms), or other methods to reduce noise levels to acceptable standards.

MM NOI-4b Specific development of proposed land uses shall be designed so that onsite mechanical equipment (e.g., HVAC units, compressors, generators) and area source operations (e.g., loading docks, parking lots, and recreational use areas) are located at the furthest distance from and/or shielded from nearby noise-sensitive land uses.

MM NOI-4c Loading, unloading and delivery areas of commercial and industrial uses shall be located so that buildings shield nearby noise-sensitive land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise-sensitive uses. Loading dock activity and delivery truck activity at the commercial uses developed within the Plan Area shall only occur between the hours of 7 a.m. and 10 p.m., in order to prevent evening and nighttime sleep disturbance at nearby noise-sensitive land uses.

MM NOI-5a Plans submitted for building and/or grading permits shall include an acoustical analysis that verifies that they project would meet applicable noise standards.

MM NOI-5b Projects determined to have the potential to expose noise-sensitive uses to noise levels exceeding the City of Fremont noise standards shall incorporate site-specific design considerations to reduce exterior noise exposure levels. Site design includes but is not limited to the following measures:

- Distances between noise sources and noise-sensitive uses shall be maximized through the use of noise buffers/setbacks. Setback areas can take the form of open space, frontage roads, recreational areas, storage yards, or other City approved setback.

- Common outdoor activity areas, such as play structures, swimming pools, or other outdoor congregation areas included in multi-family residential and/or mixed-use developments shall be located such that the building(s) serve as a sound barrier to the nearest predominant noise source whenever feasible.
- Noise barriers shall be constructed to provide shielding of noise-sensitive uses and outdoor activity areas. Barriers may include man-made walls, earthen berms, a combination of walls and berms, and other structures breaking line of sight from noise source to receptor. Barriers shall be located in close proximity to either the noise source or the sensitive receptor.
- A site-specific acoustical analysis shall be performed to determine noise level exposure, and determine effectiveness of various site design measures based on detailed project construction plans. The acoustical analysis shall verify that incorporation of the mitigation measures into the project design would reduce exterior noise level exposures to comply with applicable City of Fremont noise standards.

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on noise.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse 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)?	Less than significant impact	No	No	No	No
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	No impact	No	No	No	No
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	No impact	No	No	No	No

a) Growth Inducement

Would the project: *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 FEIR concluded that buildout of the WS/SF Community Plan would not induce either substantial direct or indirect population growth inducement because it constitutes planned growth envisioned by the City of Fremont General Plan.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. All of these uses are contemplated by the WS/SF Community Plan for Planning Area 4 and, therefore, this represents planned growth. As such, the proposed project would not result in substantial direct or indirect population growth inducement.

For these reasons, the proposed project would not result in significant impacts related to growth inducement not previously identified in the FEIR and no further environmental review is necessary for this topic.

b, c) Displacement of Persons or Housing

Would the project: *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

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

No impact. The Community Plan FEIR indicated that there was one rural residence located within the ±879-acre WS/SF Community Plan boundaries. The WS/SF Community Plan contemplates the ultimate transition of that property to higher density, transit-oriented mixed uses, which may result in the removal of that residence. However, the removal of one residence would not constitute the displacement of substantial numbers of people such that replacement housing would need to be constructed elsewhere.

The project site, however, does not contain any residences. As such, this condition precludes the possibility of displacement of people or housing.

For these reasons, the proposed project would not result in significant impacts related to displacement of persons or housing not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

None

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on population and housing.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse 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?	Less than significant impact	No	No	No	No
b) Police protection?	Less than significant impact	No	No	No	No
c) Schools?	Less than significant impact	No	No	No	No
d) Parks?	Less than significant impact	No	No	No	No
e) Other public services?	Less than significant impact	No	No	No	No

a) Fire Protection

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: Fire protection?*

Less than significant impact. The FEIR indicated that Fremont Fire Department currently serves the WS/SF Community Plan area with fire protection and emergency medical services. Buildout of the WS/SF Community Plan would include 4,000 dwelling units and more than 9.6 million square feet of non-residential uses within the 879-acre plan area. The FEIR noted that the WS/SF Community Plan area is located 1.5 miles from Fire Station 5 and, thus, would be served with adequate emergency response times. Additionally, future development that occurs pursuant to the WS/SF Community Plan would be required to meet Fire Code requirements for emergency access. The FEIR concluded that the WS/SF Community Plan would not create a need for new or expanded fire facilities, and, therefore, impacts would be less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area and, therefore, would not increase demand for fire protection beyond that disclosed in the FEIR. Additionally, the proposed project would be served with adequate emergency response times and the internal street network would comply with Fire Code requirements for emergency access. This precludes the potential for new impacts associated with new or expanded fire protection facilities. As such, the conclusions set forth in the FEIR remain unchanged.

For these reasons, the proposed project would not result in significant impacts related to fire protection not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) Police Protection

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: Police Protection?*

Less than significant impact. The FEIR indicated that the Fremont Police Department currently serves the WS/SF Community Plan area with police protection services. Buildout of the WS/SF Community Plan would include 4,000 dwelling units and more than 9.6 million square feet of non-residential uses within the 879-acre plan area. The FEIR noted that the Police Department estimated that the WS/SF Community Plan area as a whole would generate 2,000 calls for service annually, which would represent likely require one additional police officer at all hours and one additional traffic officer between 6 a.m. and 10 p.m.; however, no new police facilities would be necessary. The FEIR concluded that the project would not create a need for new or expanded police facilities and, therefore, impacts would be less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area and, therefore, would not increase demand for police protection beyond that disclosed in the FEIR. This precludes the potential for new impacts associated with new or expanded police protection facilities. As such, the conclusions set forth in the FEIR remain unchanged.

For these reasons, the proposed project would not result in significant impacts related to police protection not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Schools

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: Schools?*

Less than significant impact. The FEIR indicated that the Fremont Unified School District (FUSD) currently serves the WS/SF Community Plan area with K–12 education. The FEIR noted that buildout of the WS/SF Community Plan would increase student enrollment in the FUSD and indicated that the WS/SF Community Plan identified a five-acre elementary school site in Planning Area 4 that would serve to provide additional school capacity. Developers within the WS/SF Community Plan area would fund and construct the elementary school and would also provide school impact fees for improvements to existing junior and senior high schools that would also serve the WS/SF Community Plan area. The FEIR concluded that impacts would be less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area and, therefore, would not increase demand for schools beyond that disclosed in the FEIR. Moreover, this CEQA Checklist provides environmental clearance for the elementary school. This precludes the potential for new impacts associated with school facilities. As such, the conclusions set forth in the FEIR remain unchanged.

For these reasons, the proposed project would not result in significant impacts related to schools not previously identified in the FEIR and no further environmental review is necessary for this topic.

d, e) Parks and Other Public Facilities?

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: Parks? Other Public Services?*

Less than significant impact. The FEIR indicated that City of Fremont maintains parks, trails, and community facilities throughout the City. The FEIR noted that buildout of the WS/SF Community Plan would increase demand for parks and community facilities and indicated that the WS/SF Community Plan proposed a range of parks, public plazas, and a network of bicycle/pedestrian facilities that would provide new recreational opportunities for residents, employees, and visitors. The FEIR concluded that the project would not create a need for new or expanded parks or other public facilities and, therefore, impacts would be less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for Planning Area 4 and, therefore, would not increase demand for parks and other public facilities beyond that disclosed in the FEIR. This precludes the potential for new impacts associated with new or expanded parks or other public facilities. As such, the conclusions set forth in the FEIR remain unchanged.

For these reasons, the proposed project would not result in significant impacts related to parks and other public facilities not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

None

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on public services.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse 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?	Less than significant impact	No	No	No	No
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	No	No	No	No

a, b) Existing Neighborhood and Regional Parks and Recreational Facilities

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? 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 FEIR indicated that City of Fremont maintains parks, trails, and community facilities throughout the City. The FEIR noted that buildout of the WS/SF Community Plan would increase demand for parks and recreational facilities and indicated that the WS/SF Community Plan proposed a range of parks, public plazas, and a network of bicycle/pedestrian facilities were proposed that would provide new recreational opportunities for residents, employees, and visitors. The FEIR concluded that the project would not create a need for new or expanded parks or recreational facilities and, therefore, impacts would be less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre public urban park and other public plazas. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area and, therefore, would not increase demand for parks or recreational facilities beyond that disclosed in the FEIR. This precludes the potential for new impacts associated with new or expanded parks or recreational facilities. As such, the conclusions set forth in the FEIR remain unchanged.

For these reasons, the proposed project would not result in significant impacts related to parks or recreational facilities not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

None

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on recreation.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
16. Transportation *Would the project:*					
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Significant unavoidable impact	No	No	No	No
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?	Significant unavoidable impact	No	No	No	No
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	No	No	No	No
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.	No	No	No	No
e) Result in inadequate emergency access?	Less than significant impact.	No	No	No	No
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.	No	No	No	No

The analysis in this section is supported by a CEQA Consistency Analysis prepared for the proposed Master Plan by Fehr & Peers, dated February 13, 2015. The analysis is provided in Appendix E.

a) Measure of Effectiveness

Would the project: *Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

Significant unavoidable impact. The FEIR indicated that buildout of the WS/SF Community Plan had the potential to contribute to unacceptable intersection operations at four locations under Baseline Plus Project Conditions and 14 locations under Cumulative Plus Project Conditions. Mitigation Measures TRANS-1a through TRANS-1e were proposed to mitigate Baseline Plus Project Conditions, and Mitigation Measures TRANS-2a through TRANS-2d were proposed to mitigate Cumulative Plus Project Conditions. Mitigation Measure TRANS-1a requires the implementation of Transportation Demand Management (TDM) measures, while the other mitigation measures require specific physical improvements to various intersections (installation of additional turn lanes, installation of a signal, etc.). However, feasible mitigation was not available for all impacted intersections, and the City of Fremont is relying on the cooperation of third-party agencies for other improvements, which is not assured at the time of this writing. Therefore, the FEIR concluded that impacts would be significant and unavoidable.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre public urban park and other public plazas. To determine whether the traffic impacts of the proposed project (and associated mitigation measures) fall within the parameters of the conclusions set forth in the FEIR, Fehr & Peers prepared a CEQA Consistency Analysis for the proposed Master Plan.

Trip Generation

WS/SF Community Plan Trip Generation

Trip generation estimates for the WS/SF Community Plan were originally developed in 2013 and included as part of the DEIR published in January 2014. The original trip generation results by Planning Area are displayed in Table 3. Trip generation estimates for the WS/SF Community Plan EIR were developed according to the following steps:

- First, base vehicle trip estimates were derived based on rates and equations in the Institute of Transportation Engineers' Trip Generation Manual, 9th Edition.
- Next, Fehr & Peers's MXD+ model was used to determine the amount of trip internalization due to the mix of uses and reductions to account for pedestrian, bicycle, and bus transit/shuttle trips.

- Finally, estimates of BART trips, because of the proximity of the WS/SF BART station, were based on surveys of BART transit-oriented developments (TODs).

Table 3: Original WS/SF Community Plan EIR Trip Generation by Area Summary

Area	Daily			AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Area 1 Industrial	1,656	1,656	3,312	314	60	374	64	299	363
Area 2 Industrial	548	548	1,096	142	23	165	15	138	153
Area 3 Flex	2,302	2,302	4,604	154	272	426	232	208	440
Area 4 Mixed Use & 5 Innovation & 6 Industrial (Tesla)	11,243	11,243	22,486	2,240	795	3,035	790	2,178	2,968
Area 7 Industrial	1,434	1,434	2,868	278	53	331	55	266	321
Area 8 Flex	3,874	3,874	7,748	568	203	771	257	553	810
Area 9 Mixed Use	2,607	2,607	5,214	84	319	403	287	168	455
Area 10 Industrial	2,146	2,146	4,292	487	82	569	87	463	550
Total Vehicle Trips Added*	**25,810**	**25,810**	**51,620**	**4,267**	**1,807**	**6,074**	**1,787**	**4,273**	**6,060**

Note:
* Sum of Area subtotals may differ slightly than the total shown due to rounding.
Source: Fehr & Peers, 2015.

Prior to certification of the WS/SF Community Plan FEIR in July 2014, trip generation estimates were developed for minor revisions to land use plan using the same assumptions as the DEIR estimates. In should be noted that Planning Areas 4 and 5 were reconfigured in the revised plan (referred to as Planning Area 4 in the adopted WS/SF Community Plan) and future Tesla Motors jobs (Area 6) were separated from the Planning Areas 4 and 5 job totals. The revised trip generation estimates were adopted with the FEIR in July 2014.

Planning Area 4 Master Plan Project Trip Generation

In order to be consistent with the WS/SF Community Plan, trip generation for the proposed project was conducted according to the same methodology from the WS/SF Community Plan EIR. Table 4 presents the results of the updated trip generation analysis for the proposed project.

Table 4: Areas 4 + 5 Updated Trip Generation Compared with EIR Trip Generation

Area	Daily			AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Original EIR	11,243	11,243	22,486	2,240	795	3,035	790	2,178	2,968
Updated Project Trips	9,516	9,516	19,032	1,544	872	2,416	752	1,456	2,209
Total Change in Vehicle Trips	**(1,727)**	**(1,727)**	**(3,454)**	**(696)**	**77**	**(619)**	**(38)**	**(722)**	**(759)**

Source: Fehr & Peers, 2015.

The updated trip generation results were compared with DEIR totals, since the July 2014 land use revisions process did not require updated intersection analysis results. Therefore, for purposes of evaluating if the proposed project would result in any new transportation impacts, a comparison with the DEIR trip generation results is appropriate.

Table 5 presents the results of the updated trip generation analysis for all Community Plan Areas, inclusive of the proposed project's land uses in Planning Areas 4 and 5. The trip generation would change the area-wide trip generation by a small increment, as shown in Table 6.

Results indicate that area-wide, AM peak-hour trips would increase by 82 compared with the DEIR. PM peak-hour trips would decrease by 91 compared with the DEIR. As a result, while net trips would increase, trips in other areas would decrease slightly, due to updated trip generation rates based on area-wide, rather than individual area, land use totals. Thus, the refined land use mix for the proposed Master Plan would benefits other parts of the WS/SF Community Plan.

Table 5: Updated Trip Generation By Area Summary Including Proposed Project

Area	Daily			AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Area 1 Industrial	1,380	1,380	2,760	233	46	280	55	223	278
Area 2 Industrial	562	562	1,123	146	24	169	16	141	157
Area 3 Flex	2,189	2,189	4,378	217	231	448	194	256	450
Area 4 Mixed Use & 5 Innovation & 6 Industrial (Tesla)	14,094	14,094	28,188	2,279	1,022	3,301	939	2,159	3,098
Area 7 Industrial	1,443	1,443	2,886	274	51	325	53	263	316
Area 8 Flex	3,695	3,695	7,389	581	171	752	229	541	770
Area 9 Mixed Use	2,000	2,000	3,999	64	239	304	217	130	348
Area 10 Industrial	2,200	2,200	4,401	494	83	577	87	464	551
Total Vehicle Trips Added*	**27,562**	**27,562**	**55,124**	**4,288**	**1,868**	**6,156**	**1,790**	**4,179**	**5,969**

Note:
* Sum of Area subtotals may differ slightly than the total shown due to rounding.
Source: Fehr & Peers, 2015.

Table 6: Additional Trips By Area Summary (Revised Trip Generation – Original EIR Trip Generation)

Area	Daily			AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Area 1 Industrial	0	0	0	(9)	(2)	(10)	(1)	(7)	(8)
Area 2 Industrial	14	14	27	4	1	4	1	3	4

Table 6 (cont.): Additional Trips By Area Summary (Revised Trip Generation – Original EIR Trip Generation)

Area	Daily			AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Area 3 Flex	(389)	(389)	(778)	(9)	(53)	(62)	(46)	(21)	(67)
Area 4 Mixed Use & 5 Innovation & 6 Industrial (Tesla)	2,851	2,851	5,702	39	227	266	149	(19)	130
Area 7 Industrial	9	9	18	(4)	(2)	(6)	(2)	(3)	(5)
Area 8 Flex	(179)	(179)	(359)	13	(32)	(19)	(28)	(12)	(40)
Area 9 Mixed Use	(607)	(607)	(1,215)	(20)	(80)	(99)	(70)	(38)	(107)
Area 10 Industrial	54	54	109	7	1	8	0	1	1
Total Vehicle Trips Added*	**1,752**	**1,752**	**3,504**	**21**	**61**	**82**	**3**	**(94)**	**(91)**

Note:
* Sum of Area subtotals may differ slightly than the total shown due to rounding.
Source: Fehr & Peers, 2015.

Cumulative Trip Generation

The WS/SF Community Plan FEIR's Cumulative analysis scenario compared the WS/SF Community Plan with the City of Fremont's General Plan, and identified impacts based on the incremental growth of the WS/SF Community Plan over the General Plan. The DEIR trip generation was updated to reflect the refined land use assumptions for the proposed project. The results of this revised cumulative trip generation estimates compared with those from the DEIR are provided in Table 7. The revised trip generation would result in a slight decrease in trips compared with the DEIR results.

Table 7: WS/SF Community Plan Cumulative Trips Summary (Revised Cumulative Trip Generation – Original EIR Trip Generation)

Area	Daily			AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Original EIR Cumulative Net Incremental Trips Over General Plan	15,569	15,569	31,139	2,401	1,153	3,554	1,109	2,438	3,547
Revised Project Net Incremental Trips Over General Plan	17,285	17,285	34,569	2,293	1,181	3,474	1,153	2,363	3,516
Total Change in Vehicle Trips	**1,715**	**1,715**	**3,431**	**(109)**	**29**	**(80)**	**44**	**(74)**	**(31)**

Source: Fehr & Peers, 2015.

Intersection Evaluation

The following scenarios were evaluated by Fehr & Peers:

- Background No Project: Existing traffic conditions from counts plus traffic from approved but not yet constructed and unoccupied developments in the area for year 2015.
- Background plus Project: Background volumes plus traffic generated by the WS/SF Community Plan at full buildout (only Areas 1-3 and 6-10) and project trips generated by the proposed project (reconfigured Areas 4 and 5).
- Cumulative No Project: Year 2035 traffic estimates based on the City's General Plan.
- Cumulative plus Project: Cumulative volumes plus traffic generated by the WS/SF Community Plan at full buildout (only Areas 1-3 and 6-10) and project trips generated by the reconfigured Planning Areas 4 and 5.

All 25 study intersections studied under the WS/SF Community Plan were evaluated for the four scenarios outlined above.

The following roadway improvements were reflected in the previously studied Background No Project and Background plus Project scenarios for the WS/SF Community Plan EIR and carried over for the updated analysis for consistency:

- Signalization of intersection #24 Fremont/Ingot Street-Innovation Way intersection (unsignalized under existing conditions)
- Addition of a westbound right turn lane Ingot Street/Innovation Way (with split signal phasing east-west)

The following additional roadway improvements were added to this analysis to reflect land use refinements in Area 4 and 5, as shown in the proposed Master Plan provided by Lennar:

- Revised Industrial Drive to provide bi-directional access between A Street and Lopes Court and inbound only access between Kato Road and A Street. Changed the dual northbound left and dual westbound left turn lanes at South Grimmer Boulevard/Untitled North-South roadway in Area 4/5 to single left turn lanes instead.

Based on the proposed project's land uses and corresponding intersection volumes, it was determined that dual left turns are not needed at this location.

Findings

Background Conditions

Results of the LOS analysis are presented in Appendix E. Compared with the results from the WS/SF Community Plan FEIR, there would be no new intersection impacts under Background plus Project or Cumulative plus Project. As a result, the proposed project's trips, when added to the roadway network, would not cause any new significant transportation impacts.

Cumulative Conditions

Under Cumulative plus Project conditions, the FEIR identified a potentially significant impact at the Fremont Boulevard/Innovation Way-Ingot Street intersection in the AM peak period, which could be mitigated with implementation of Mitigation Measure TRANS-2d. This mitigation requires the addition of a third southbound through lane. With the addition of the proposed project's trips to the roadway network, this impact would remain and Mitigation Measure TRANS-2d would apply. As this impact was identified in the FEIR, it would not be a new impact.

Conclusion

The proposed project would not cause any new intersection operations impacts that were not previously disclosed in the FEIR. For these reasons, the proposed project would not result in significant impacts related to measures of effectiveness not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) Congestion Management Plan

Would the project: *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?*

Significant unavoidable impact. The FEIR indicated that buildout of the WS/SF Community Plan had the potential to contribute to unacceptable freeway and roadway operations on Congestion Management Plan roadways in Alameda County and Santa Clara County. The FEIR determined that the only feasible mitigation was implementation of Mitigation Measure TRANS-1a, which requires the establishment of a TDM Program. This TDM Program would serve to reduce peak-hour trip generation and, thus, serve to partially alleviate the WS/SF Community Plan's contribution to unacceptable freeway and roadway operations. The FEIR concluded that impacts would be significant and unavoidable.

As shown in Table 6 and Table 7, the proposed project's peak-hour trip generation would be 82 more trips during the Baseline AM peak hour, 91 fewer trips during the Baseline PM peak hour, 80 fewer trips during the Cumulative AM peak hour, and 31 fewer trips during the Cumulative PM peak hour. These changes in peak-hour trip generation relative to the values disclosed in the FEIR would not have the potential to materially alter LOS on Congestion Management Plan roadways and, therefore, would not materially alter any conclusions. As such, Mitigation Measure TRANS-1a through TRANS 1e and TRANS 2a through TRANS 2d would apply to the proposed project. For these reasons, the proposed project would not result in significant impacts related to congestion management plan roadways not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Air Traffic Patterns

Would the project: *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. Moffett Federal Airfield, located 7.5 miles to the southwest, is the closest airport to the Community Plan area. This distance precludes the possibility of the proposed project having the potential to change air traffic patterns.

For this reason, the proposed project would not result in significant impacts related to air traffic patterns not previously identified in the FEIR and no further environmental review is necessary for this topic.

d) Roadway Safety

Would the project: *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. The FEIR found that the WS/SF Community Plan contemplated a network of new and improved roadways that would be designed and constructed in accordance with the WS/SF Community Plan and City standards. Roadway improvements would be implemented as the WS/SF Community Plan area builds out and, thus, would serve to ensure that roadway safety hazards are not created. The FEIR concluded that impacts would be less than significant impact.

The proposed project contemplates an internal street network that is consistent with that envisioned by the WS/SF Community Plan. Innovation Way would be the primary internal roadway and extend east from Fremont Boulevard to Lopes Court. A series of north-south and east-west roadways would also facilitate internal circulation. All of these roadways would be constructed by the proposed project and would conform to the WS/SF Community Plan and City standards. Impacts would be less than significant.

For these reasons, the proposed project would not result in significant impacts related to roadway safety not previously identified in the FEIR and no further environmental review is necessary for this topic.

e) Emergency Access

Would the project: *Result in inadequate emergency access?*

Less than significant impact. The FEIR indicated that the WS/SF Community Plan contemplated a network of new and improved roadways that would be designed and constructed in accordance with the WS/SF Community Plan and City standards. Roadway improvements would be implemented as the WS/SF Community Plan area builds out and would be required to comply with emergency access requirements. The FEIR concluded that impacts would be less than significant impact.

All of these roadways would be constructed by the proposed project and would conform to the WS/SF Community Plan and City standards, including emergency access requirements. Impacts would be less than significant.

For these reasons, the proposed project would not result in significant impacts related to emergency access not previously identified in the FEIR and no further environmental review is necessary for this topic.

f) Public Transit, Bicycles, and Pedestrians

Would the project: *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 FEIR noted that the WS/SF Community Plan area would be served with existing and future transit service (BART, AC Transit, and VTA) and, thus, would be accessible to transit. Additionally, the WS/SF Community Plan contemplates a network of bicycle and pedestrian facilities that would facilitate safe and convenient access for these modes of transportation. The FEIR concluded that impacts would be less than significant.

The proposed project would be within walking distance of the WS/SF BART station and the associated bus stops at this location. Additionally, all streets would provide sidewalks and, if appropriate, bicycle facilities. Finally, a grade-separated pedestrian/bicycle bridge would provide a connection that would link the project site to the BART station to facilitate safe and convenient access. Impacts would be less than significant.

For these reasons, the proposed project would not result in significant impacts related to public transit, bicycles, and pedestrians not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

MM TRANS-1a Prior to issuance of the first certificate of occupancy for each individual development that occurs pursuant to the Community Plan, the project applicant shall submit a Transportation Demand Management (TDM) Program to the City of Fremont for review and approval. The TDM Program shall be prepared by a qualified transportation consultant/ engineer and identify TDM measures. (Note that applicants shall have the option of participating in a previously approved TDM Program in lieu of preparing a new one.) The TDM Program shall contain the following provisions:

1) A goal of reducing AM peak-hour and PM peak-hour trips by a minimum of 20 percent.
2) Annual review (or more frequently if needed) to determine that it reflects the needs and priorities of residents, employees, tenants, etc. Changes shall be made on an as-needed basis in order to ensure that the TDM program can readily attain the 20 percent reduction goal.
3) Include but not be limited to the following measures:
    - Subsidized transit passes

- Carsharing/Vanpool program
- Guaranteed Ride Home via taxi vouchers or similar provisions
- Preferential carpool parking
- Parking cash-out programs

MM TRANS-1b The City of Fremont shall implement the following improvements for the intersection of Mission Boulevard/Warm Springs Boulevard:

- Add a third eastbound left-turn lane.

This improvement would result in a third receiving lane at the northern leg of the intersection and require right-of-way acquisition. This mitigation measure may require amendment of the City's Capital Improvement Program.

MM TRANS-1c The City of Fremont shall implement the following improvements for the intersection of Grimmer Boulevard/Warm Springs Boulevard-Osgood Road:

(a) Add a second northbound through lane;
(b) Convert the northbound shared right/through to a right-turn lane;
(c) Add a second westbound through lane; and
(d) Add a second eastbound through lane.

This mitigation measure may require amendment of the City's Capital Improvement Program.

MM TRANS-1d The City of Fremont shall implement the following improvements for the intersection of Auto Mall Parkway/Fremont Boulevard:

(a) Convert the southbound shared through/right-turn lane to a right-turn lane;
(b) Add a southbound through lane;
(c) Convert the westbound shared through/right-turn lane to a right-turn lane;
(d) Add a westbound through lane;
(e) Convert the northbound shared through/right-turn lane to a right-turn lane;
(f) Add a northbound through lane; and
(g) Implement right-turn-on-red reduction to the westbound right turn.

The TDM program contemplated by Mitigation Measure TRANS-1a would be required. This mitigation measure may require amendment of the City's Capital Improvement Program.

MM TRANS-1e The City of Fremont shall implement the following improvements for the intersection of Auto Mall Parkway/Osgood Road:

(a) Add a second westbound through lane and converting the westbound shared through/right-turn lane to a right-turn lane;
(b) Convert the southbound shared through/right-turn lane to a right-turn lane; and
(c) Add a southbound through lane.

This mitigation measure may require amendment of the City's Capital Improvement Program.

MM TRANS-2a The City of Fremont shall identify improvements for the intersection of Warren Avenue/Kato Road. The improvements shall consist of adding a second northbound left-turn lane. This mitigation measure may require amendment of the City's Capital Improvement Program. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.

MM TRANS-2b The City of Fremont shall identify improvements for the intersection of Fremont Boulevard/Old Warm Springs Boulevard. The improvements shall consist of (1) signalizing the intersection, (2) converting the northbound shared through/right-turn lane to a right-turn lane, and (3) adding two northbound through lanes. This mitigation measure may require amendment of the City's Capital Improvement Program. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.

MM TRANS-2c The City of Fremont shall identify improvements for the intersection of Grimmer Boulevard/Paseo Padre Parkway. The improvements shall consist of (1) signalizing the intersection, (2) converting the eastbound and westbound lanes to shared through/right-turn lane, and (3) adding a left-turn lane in the eastbound and westbound directions. This mitigation measure may require amendment of the City's Capital Improvement Program. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.

MM TRANS-2d The City of Fremont shall identify improvements for the intersection of Fremont Boulevard/Ingot Street/Innovation Way. The improvements shall consist of adding a third southbound through lane. This mitigation measure may require amendment of the City's Capital Improvement Program. When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour, the City of Fremont shall install the improvements.

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on transportation.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
17. Utilities and Service Systems *Would the project:*					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Less than significant impact	No	No	No	No
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	No	No	No	No
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 after mitigation	No	No	No	No
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 after mitigation	No	No	No	No
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	No	No	No	No
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Less than significant impact after mitigation	No	No	No	No
g) Comply with federal, state, and local statutes and regulations related to solid waste?	Less than significant impact after mitigation	No	No	No	No

a) Wastewater Treatment Requirements

Would the project: *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

Less than significant impact. The FEIR concluded that Union Sanitary District currently serves the WS/SF Community Plan area with wastewater collection and treatment service, and buildout of the plan area would increase wastewater generation by 260 percent. The FEIR noted that the WS/SF Community Plan contemplated a network of new wastewater infrastructure that would serve to accommodate the increase in demand for wastewater generation and that Union Sanitary District would have adequate treatment capacity to serve the increase attributable to buildout of the plan area. For these reasons, impacts were found to be less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. The population growth attributable to the proposed project would be consistent with the Community Plan buildout projections for Planning Area 4 and, therefore, would not increase wastewater generation beyond that disclosed in the FEIR. This precludes the potential for new impacts associated with wastewater treatment requirements. As such, the conclusions set forth in the FEIR remain unchanged.

For these reasons, the proposed project would not result in significant impacts related to wastewater treatment not previously identified in the FEIR and no further environmental review is necessary for this topic.

b) New Water or Wastewater Treatment Facilities

Would the project: *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. Alameda County Water District and Union Sanitary District would serve the proposed project with potable water and wastewater service, respectively. The WS/SF Community Plan contemplates a network of new water and wastewater infrastructure that would serve future development within the area. The installation of this infrastructure was disclosed and evaluated in the FEIR. Impacts would be less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. The population growth attributable to the proposed project would be consistent with the Community Plan buildout projections for Planning Area 4 and, therefore, would not alter any conclusions regarding water and wastewater infrastructure disclosed in the FEIR. This precludes the potential for new impacts associated with water and wastewater infrastructure requirements. As such, the conclusions set forth in the FEIR remain unchanged.

For these reasons, the proposed project would not result in significant impacts related to new water or wastewater treatment facilities not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Storm Water Drainage Facilities

Would the project: *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 after mitigation. The FEIR concluded that implementation of the WS/SF Community Plan would involve the construction of new impervious surfaces that could alter drainage patterns in a manner that may exceed the capacity of portions of the existing stormwater drainage systems. Accordingly, Mitigation Measure HYD-2 would require development projects that occur pursuant to the WS/SF Community Plan to prepare and submit storm drainage and hydraulic studies to the City of Fremont for review and approval. With the implementation of mitigation, impacts would be less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. The proposed project would introduce new impervious surfaces to a mostly pervious project site. Therefore, the proposed project would be subject to the provisions of Mitigation Measure HYD-2, which would serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to drainage not previously identified in the FEIR and no further environmental review is necessary for this topic.

d) Water Supply

Would the project: *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 after mitigation. The FEIR indicated that Alameda County Water District currently serves the WS/SF Community Plan area with potable water service. Buildout of the WS/SF Community Plan would result in an annual water demand of 1,290 acre-feet and peak day water demand of 2.0 million gallons. The FEIR concluded that Alameda County Water District had adequate water supplies to serve the proposed project under the normal water year scenario, but demand management measures and supplemental supplies would be necessary under single-dry year and multiple dry year scenarios. Accordingly, Mitigation Measure US-1 requires future WS/SF Community Plan development proposals to implement water efficient plumbing fixtures and irrigation systems in accordance with Alameda County Water District guidelines. With the implementation of mitigation, impacts would be less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for Planning Area 4 and, therefore, Mitigation Measure US-1 would apply to the proposed project and serve to reduce impacts to a level of less than significant. This precludes the potential for new

impacts associated with water supply. As such, the conclusions set forth in the FEIR remain unchanged.

For these reasons, the proposed project would not result in significant impacts related to water supply not previously identified in the FEIR and no further environmental review is necessary for this topic.

e) Adequate Wastewater Treatment Capacity?

Would the project: *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. The FEIR concluded that Union Sanitary District currently serves the WS/SF Community Plan area with wastewater collection and treatment service and buildout of the plan area would increase wastewater generation by 260 percent. The FEIR noted that the WS/SF Community Plan contemplated a network of new wastewater infrastructure that would serve to accommodate the increase in demand for wastewater generation and that Union Sanitary District would have adequate treatment capacity to serve the increase attributable to buildout of the plan area. For these reasons, impacts were found to be less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. The proposed project would install a network of new wastewater collection infrastructure that would ultimately discharge effluent to the Union Sanitary District. The proposed project's wastewater generation are accounted for the in the overall WS/SF Community Plan's buildout wastewater numbers and, therefore, would yield the same conclusions as the FEIR. Impacts would be less than significant.

For these reasons, the proposed project would not result in significant impacts related to wastewater treatment not previously identified in the FEIR and no further environmental review is necessary for this topic.

f) Landfill Capacity

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

Less than significant impact after mitigation. The FEIR indicated that buildout of the WS/SF Community Plan would generate 43,637 cubic yards of construction waste (one time) and 48,932 cubic yards of operational waste (annually). This volume of cubic waste was found to have the potential to have a potentially significant impact on landfill capacity, and, therefore, Mitigation Measures US-4a and US-4b were proposed requiring implementation of recycling and waste reduction to reduce impacts to a level of less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for Planning Area 4, and, therefore, Mitigation Measures US-4a and US-4b would apply to the proposed project and serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to landfill capacity not previously identified in the FEIR and no further environmental review is necessary for this topic.

g) Solid Waste Statutes and Regulations

Would the project: *Comply with federal, state, and local statutes and regulations related to solid waste?*

Less than significant impact after mitigation. As indicated in 17 f), the FEIR indicated that waste generation associated with the WS/SF Community Plan had the potential to be in conflict with solid waste statutes and regulations and, therefore, set forth Mitigation Measures US-4a and US-4b to reduce impacts to a level of less than significant.

The proposed project would include 2,214 dwelling units, ±1.4 million square feet of commercial and industrial uses, a five-acre school, and a four-acre urban park. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for Planning Area 4 and, therefore, Mitigation Measures US-4a and US-4b would apply to the proposed project and serve to reduce impacts to a level of less than significant.

For these reasons, the proposed project would not result in significant impacts related to solid waste statutes and regulations not previously identified in the FEIR and no further environmental review is necessary for this topic.

FEIR Mitigation Measures

MM HYD-2 Prior to issuance of building permits for new development projects within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a storm drainage and hydraulic study in accordance with City requirements. The storm drainage and hydraulic study shall quantify the increase in stormwater runoff peak flow rates and volumes resulting from the project, and identify the potential to exceed the conveyance and storage capacity of the local storm drainage system. The study shall incorporate the stormwater treatment controls and LID measures that will be designed to capture and treat runoff. The analysis shall verify whether the existing drainage infrastructure is adequate to receive and convey runoff from a project implemented under the Community Plan. If the findings of the analysis reveal that implementation of a proposed project would create runoff beyond the capacity of the existing stormwater drainage systems, the project shall be required to upgrade undersized components or adopt a

different form of stormwater runoff management. Prior to approval of a proposed project, the final design drainage plans shall be reviewed and approved by the City of Fremont Public Works Department and the Alameda County Flood Control and Water Conservation District (ACFCWC). Any project that involves work within the ACFCWC right-of-way or that requires construction, modification, or connection to ACFCWC facilities shall obtain a Flood Encroachment Permit and shall comply with ACFCWC standards and specifications.

MM US-1 Prior to issuance of building permits for development projects that occur pursuant to the Community Plan, the City of Fremont shall require applicants to prepare and submit building plans that demonstrate that water-efficient plumbing fixtures and irrigation systems are incorporated into project plans in accordance with Alameda County Water District guidelines. The approved plans shall be incorporated into each individual development project.

MM US-4a Prior to the issuance of demolition or building permits (whichever comes first), applicants within the Community Plan area shall submit a Construction and Demolition Debris Recycling Plan to the City of Fremont. The plan shall identify the procedures by which construction and demolition debris would be salvaged and recycled to the maximum extent feasible. The plan shall include proof that a construction and demolition debris recycler is under contract to the applicant to perform this work.

MM US-4b Prior to the issuance of occupancy permits, project applicants within the Community Plan area shall submit a Recycling and Waste Reduction Plan to the City of Fremont identifying practices they and their tenants would implement during project operations that demonstrate at least 50 percent diversion. Operation recycling and waste reduction practices shall include but not be limited to:

- Contracting with one or more City-licensed commercial recycling providers to serve all project commercial uses. Recyclable materials collection containers shall be provided in common commercial tenant disposal areas and be equipped to accept aluminum, cardboard, glass, green waste, mixed paper, and plastic materials, and, where feasible, food scraps.
- Compliance with City of Fremont's Waste Handling Guidelines.
- Installation of common recycling facilities in all multi-family residential uses. These facilities shall be equipped to accept aluminum, cardboard, glass, mixed paper, and plastic materials and contain signage clearly identifying accepted materials.
- Periodic notification of residents and commercial tenants about the location of recycling facilities and accepted materials.
- Installation of recyclable materials receptacles in public places. Recycling receptacles shall be of high-quality design and shall display signage clearly identifying accepted materials.

- Common commercial and residential disposal areas shall be designed with sufficient space to accommodate separate containers for solid waste, recyclables, organics, and—for restaurants—tallow, subject to approval of the franchise waste provider and City of Fremont. Plans should include adequate and safe access for solid waste and recycling vehicles to access and collect materials.

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on utility and service systems.

Environmental Issues	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse 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?	Less than significant impact	No	No	No	No
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)?	Significant unavoidable impact	No	No	No	No
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	Less than significant impact	No	No	No	No

a) Potential Degradation to Environment and Examples of California History or Prehistory

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. The FEIR concluded that buildout of the WS/SF Community Plan would have less than significant impact on biological resources and cultural resources after implementation

of mitigation. The proposed project would be consistent with the WS/SF Community Plan's buildout assumptions and, therefore, would yield a similar conclusion. Impacts would be less than significant.

b) Cumulatively Considerable Impacts

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)?*

Significant unavoidable impact. The FEIR concluded that buildout of the WS/SF Community Plan would have significant impacts on Baseline Plus Project intersection operations, Cumulative Plus Project intersection operations and Congestion Management Plan roadway operations; refer to 16 a) and b). These impacts were found to be significant and unavoidable after mitigation. As noted in 16 a) and b), the proposed project's traffic impacts would be within the parameters of the impacts disclosed in the FEIR, and, therefore, would yield a similar conclusion. Impacts would be significant and unavoidable.

c) Adverse Effects on Human Beings?

Does the project: *Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less than significant impact. The FEIR concluded that buildout of the WS/SF Community Plan would have less than significant impacts on adverse effects on human beings after implementation of mitigation. The proposed project would be consistent with the WS/SF Community Plan's buildout assumptions and, therefore, would yield a similar conclusion. Impacts would be less than significant.

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