City of Fremont Initial Study

1. **Project title**: Parc 55 (PLN2014-00045)

2. **Lead Agency name and address (including e-mail address/fax no. as appropriate):**

   City of Fremont, Community Development Department
   39550 Liberty Street, 1st Floor
   Fremont, CA 94538

3. **Lead Agency contact person:**

   Stephen Kowalski, Associate Planner
   Phone: (510) 494-4532
   E-mail: skowalski@fremont.gov

4. **Project location:** 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard, Fremont, CA 94539 (APNs: 519-1691-004-00, 519-1691-005-00, 519-1691-006-00, 519-1691-007-00 and 519-1691-008-00) (refer to Project Vicinity Map)

5. **Project Sponsor's name and address:**

   East Warren Park LLC (John S. Wong, President)
   40480 Encyclopedia Circle
   Fremont, CA 94538
   Phone: 510-354-0888
   E-mail: John@missionpeakco.com

6. **Current General Plan Land Use Designation:** Tech Industrial
   Proposed General Plan Land Use Designation: Medium Density Residential (14.6-29.9 dwelling units per net acre), Urban Residential (30-70 units per net acre), and Public Facility

7. **Current Zoning:** I-R Restricted Industrial
   Proposed Zoning: Preliminary Planned District P-2014-45

8. **Description of Project:**

   The applicant is requesting approval of a Development Agreement, a General Plan Amendment to change the land use designation for a 23.5-acre site consisting of five separate parcels from Tech Industrial to Urban Residential, 30-70 units per net acre, Medium Density Residential, 14.6-29.9 units per net acre, and Public Facility, and a Rezoning of the same five parcels from I-R Restricted Industrial to a Preliminary Planned District (P-2014-45) to allow development of an age-restricted master planned community for seniors which would contain up to 497 residential units and an approximately 15,000-square-foot senior community center with approximately 66 parking spaces that would be open to the public. Of the 23.5 total acres, approximately 6.75 acres would be re-designated as Urban Residential, 15.25 acres would be re-designated as Medium Density Residential, and approximately 1.5 acres would be designated Public Facility. The proposed community would feature five villages, each containing a different type of housing product, including stacked and garden-style apartments that would be offered as rental units, and condominiums, townhomes and single-family cottages that would be offered for sale at market rate.

   The proposed Development Agreement would establish certain development rights, including applicable fees, policies and zoning requirements. The Development Agreement would grant the applicant vested rights to develop the property in accordance with the project approvals and exempt the project from changes in zoning, fees or other local regulatory requirements for the duration of the Development Agreement. It would also provide for certain public benefits, including the construction of a senior community center open to the public, a new traffic signal and new public sidewalks along the project's

frontages on Mission Falls Court, Mission Falls Lane and Warm Springs Boulevard, as well as along the frontages of adjacent properties along Warm Springs Boulevard that are not currently improved with public sidewalks.

As required for a Preliminary Planned District, plans for the project have been provided at a conceptual level. More detailed plans would be required subsequently for each of the project's villages when the applicant and/or subsequent developers have finalized their plans. In addition to the proposed Development Agreement, General Plan Amendment and Preliminary Planned District Rezoning, the project would require approval of future Tentative Tract Map(s), Private Street entitlement(s) and Precise Planned District Rezoning for each of the five villages.

While the project plans are still conceptual at this time, the anticipated housing unit mix is as follows:

- Ninety stacked apartments containing one and two bedrooms each, of which 89 would be offered for rent to extremely low income and very low income senior households earning 30 percent and 50 percent of the area median income, respectively. Seventy-four of the units would contain one bedroom and 15 would contain two bedrooms. One two-bedroom unit would be reserved for an on-site property manager.
- One hundred sixty nine garden-style apartments containing one to three bedrooms and ranging in size from 500-1,200 square feet. Each would be offered for rent at market rate.
- Ninety townhomes containing two to four bedrooms and ranging in size from 1,250-1,750 square feet each would be offered for ownership at market rate.
- Eighty detached single-family cottages containing three to four bedrooms and ranging in size from 1,700-2,200 square feet. Each would be offered for ownership at market rate.
- Sixty eight condominiums containing two to three bedrooms and ranging in size from 800-1,300 square feet. Each would be offered for ownership at market rate.

9. Existing Setting and Surrounding Land Uses:

The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard (see table below). The parcel at 47003 Mission Falls Court contains an existing 62,477-square-foot light industrial building that was constructed in 1984. The parcel at 47201 Mission Falls Court is currently vacant except for a ground-mounted solar tracker facility. The parcel at 47280-47317 Mission Falls Court contains a 108,208-square-foot light industrial building built in 1984, while the parcel located at 47320-47339 Mission Falls Court contains two separate light industrial buildings totaling a combined 78,962 square feet, both of which were constructed in 1985. The fifth and final parcel located at 47212-47214 Mission Falls Court contains an existing 42,416-square-foot light industrial building built in 1985. All of these existing buildings would be demolished to accommodate the proposed residential community.

Parcel Address(es)	Assessor's Parcel Number	Total Floor Area of Existing Buildings
47003 Mission Falls Ct.	519-1691-008-00	62,477 square feet
47201 Mission Falls Ct.	519-1691-007-00	vacant
47289-47317 Mission Falls Ct.	519-1691-006-00	108,208 square feet
47320-47339 Mission Falls Ct.	519-1691-005-00	78,962 square feet
47212-47214 Mission Falls Ct.	519-1691-004-00	42,416 square feet
	Total Square Footage:	292,063 square feet

The site is bounded by Warren Avenue and commercial and light industrial uses across the street to the north, Bay Area Rapid Transit (BART)/Valley Transportation Authority (VTA) and Union Pacific railroad tracks to the west with industrial uses on the opposite side of those tracks, light industrial,

educational and institutional uses to the south, and single-family residential uses as well as a fire station and Warm Springs Elementary School across Warm Springs Boulevard to the east.

Warren Avenue and Warm Springs Boulevard are both classified as arterial streets in the Mobility Element of the General Plan, with Warren Avenue classified as a Minor Arterial with three vehicular lanes and a bicycle lane in each direction fronting the project site and Warm Springs Boulevard classified as a Primary Arterial having two vehicular lanes and a bicycle lane in each direction, as well as a center left-turn lane. Mission Falls Court and Mission Falls Lane are both classified as Local streets, and contain one extra-wide lane (designed for heavy truck traffic) in each direction. The intersection of Mission Falls Court and Warren Avenue is controlled by a one-way "Stop" sign configuration, with through traffic in both directions along Warren Avenue and the stop sign located on Mission Falls Court. The intersection of Mission Falls Lane/Hackamore Lane and Warm Springs Boulevard is controlled by a two-way "Stop" sign configuration, with through traffic in both directions along Warm Springs Boulevard and stop signs on Mission Falls Lane and Hackamore Lane. The intersection of Mission Falls Lane and Mission Falls Court is controlled by a "Stop" sign configuration, with the stop sign on Mission Falls Lane.

10. Congestion Management Program - Land Use Analysis: The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

X	YES		NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
	YES	X	NO	A Notice of Preparation is being prepared for this project.
	YES	X	NO	An Environmental Impact Report is being prepared.

11. Other Public Agencies Requiring Approval: Alameda County Flood Control District (ACFCD), Alameda County Water District (ACWD), and Union Sanitary District (USD)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M."

	Aesthetics		Agriculture & Forest Resources	**M**	Air Quality
M	Biological Resources	**M**	Cultural Resources		Geology / Soils
M	Hazards & Hazardous Material		Hydrology / Water Quality		Land Use / Planning
M	Greenhouse Gas Emissions		Mineral Resources	**M**	Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic		Utilities / Service Systems		Mandatory Findings of Significance

PREVIOUS ENVIRONMENTAL ANALYSES: None

DETERMINATION BY THE CITY OF FREMONT: On the basis of this initial evaluation:

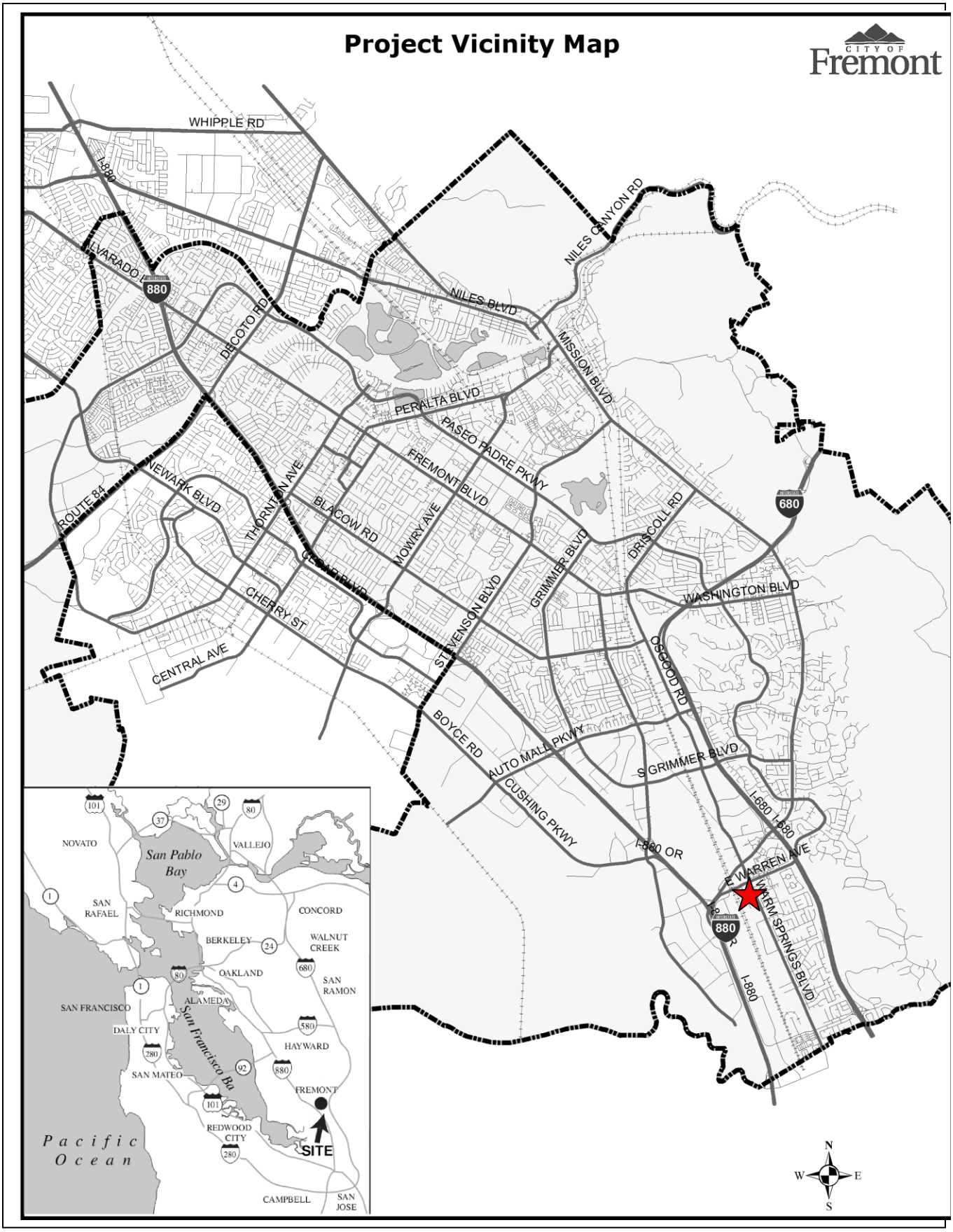
	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in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

	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: 12/23/15

Printed Name: Stephen Kowalski For: City of Fremont

Planning Manager Review: _____


Project Vicinity Map
CITY OF Fremont
WHIPPLE RD
I-880
ALVARADO
880
DECOTO RD
NILES CANYON RD
NILES BLVD
MISSION BLVD
PERALTA BLVD
PASEO PADRE PKWY
FREMONT BLVD
NEWARK BLVD
ROUTE 84
THORNTON AVE
BLACOW RD
MOWRY AVE
CEDAR BLVD
CHERRY ST
CENTRAL AVE
STEVENSON BLVD
GRIMMER BLVD
DRISCOLL RD
680
WASHINGTON BLVD
OSCOOD RD
BOYCE RD
AUTO MALL PKWY
CUSHING PKWY
S GRIMMER BLVD
I-680
I-880
I-880 OR
E WARREN AVE
WARM SPRINGS BLVD
880
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S
NOVATO
San Pablo Bay
VALLEJO
SAN RAFAEL
RICHMOND
CONCORD
BERKELEY
WALNUT CREEK
OAKLAND
SAN RAMON
SAN FRANCISCO
ALAMEDA
DALY CITY
San Francisco Ba
HAYWARD
SAN MATEO
FREMONT
REDWOOD CITY
SITE
Pacific Ocean
CAMPBELL
SAN JOSE

I. AESTHETICS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Have a substantial adverse effect on a scenic vista?			X		1, 8, 11
b	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		1, 8, 11
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X	1, 8, 11
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 8, 11

Environmental Setting

The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant, while the other four parcels are developed with one- and two-story light industrial buildings totaling a combined 292,063 square feet, as well as paved parking and circulation areas. All of the existing buildings were constructed in the mid-1980s.

Regulatory Framework

Local regulations that pertain to the proposed project related to aesthetics include:

- City of Fremont General Plan Community Character Element
- City of Fremont Municipal Code, Title 18, Planning and Zoning

Discussion/Conclusion/Mitigation

a-b) Would the project have a substantial adverse effect on a scenic vista? Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The General Plan does not identify any scenic resources in the vicinity of the project site and there are no scenic highways in the area. There are a total of 392 existing trees on and immediately adjacent to the project site, the majority of which would be removed as part of the project, but none of the trees are considered to be scenic resources or of historical significance, and the applicant would be required to replace each tree being removed in accordance with the 1:1 replacement requirement of the City's Tree Preservation Ordinance to the satisfaction of the City Landscape Architect. As such, impacts from the construction of the project on a scenic vista or scenic resources would be less than significant and no mitigation is required.

Potential Impact: Less than Significant Impact
Mitigation: None Required

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

Most of the project site is currently developed with one- or two-story industrial buildings with associated parking facilities and site landscaping. One of the parcels is currently vacant except for a ground-mounted solar tracker facility. The area surrounding the project site is developed with a mix of one- and two-story light industrial, commercial, educational and institutional uses, as well as single-family homes located across Warm Springs Boulevard to the east. As designed, the

proposed development would feature buildings ranging in height from one to three stories, with the tallest buildings (three-story townhomes and apartments) located along Mission Falls Court away from the single-family properties located across Warm Springs Boulevard. As such, the project would not be out of character with the existing development in the area or significantly degrade the visual character of the site or its surroundings, or impact the privacy of neighboring residential properties. No impacts would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

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

The project site is currently developed with light industrial buildings and associated parking facilities, and is surrounded by suburban development on three sides (as well as a railroad on the fourth side). Although the proposed project would result in new sources of light by adding residential units to areas of the site that do not currently contain any buildings or exterior lighting, it would be similar in nature and intensity to the existing conditions in the vicinity. The City's Zoning Ordinance requires that all exterior light sources within new development projects be designed so as not to create significant glare on adjacent properties through the use of concealed source and/or downcast light fixtures. Compliance with the exterior lighting requirements of the Zoning Ordinance would ensure that the project would not create a new source of substantial light and glare, and impacts would be less than significant. As such, no mitigation is required.

Potential Impact: Less than Significant Impact
Mitigation: None Required

II. 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 the Forest Protocols adopted by the California Air Resources Board. Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
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?				X	1, 8, 20
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code (PRC) Section 12220(g)) or timberland (as defined in PRC Section 4526)?				X	N/A

d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
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?				X	N/A

Environmental Setting

The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant, while the other four parcels are developed with light industrial buildings totaling a combined 292,063 square feet, as well as paved parking and circulation areas. All of the existing buildings were constructed in the mid-1980s. Prior to the mid-1980s, the subject parcels were used for agricultural purposes dating back as far as the 1930s (and possibly earlier), but agricultural activities ceased in the 1980s when all of the lots, except the vacant parcel at 47201 Mission Falls Court, were developed with light industrial buildings.

Regulatory Framework

State and local regulations that pertain to the proposed project related to agriculture and forest resources include:

- City of Fremont General Plan Conservation Element
- California Department of Conservation, Alameda County Farmland Map-Access via URL: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ala10.pdf

Discussion/Conclusion/Mitigation

a) Would the proposed 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?

According to the California Department of Conservation's 2010 Alameda County Farmland Map, the site is not Prime Farmland, Unique Farmland or Farmland of Statewide Importance. Therefore, no impact to such lands would result from the project.

Potential Impact: No Impact
Mitigation: None Required

b-e) Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract? Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? Would the proposed project result in the loss of forest land or conversion of forest land to non-forest use? Would the proposed 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?

The project site was historically used for agricultural purposes prior to the mid-1980s; however, it has not been used for such purposes for at least 30 years. From the mid-1980s through the present time, all of the subject parcels have been used for light industrial purposes except the parcel at 47201 Mission Falls Court, which has been occupied by a solar tracker facility.

As shown on the California Department of Conservation's 2010 Alameda County Farmland Map, the site is classified as "urban and built-up land." Furthermore, there are no agriculturally-zoned lands or existing Williamson Act contracts in the project area. In addition, the project would not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no agricultural resource or forest resource impacts would result from the development of the project, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

III. 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:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with or obstruct implementation of any applicable air quality plan?			X		1, 21, 22, H
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X			1, 21, 22, H
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)?			X		1, 21, 22, H
d.	Expose sensitive receptors to substantial pollutant concentrations?		X			1, 3, 6, 21, 22, H
e.	Create objectionable odors affecting a substantial number of people?			X		1, 3, 6

Environmental Setting
The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant, while the other four parcels are developed with light industrial buildings totaling a combined 292,063 square feet, as well as paved parking and circulation areas. All of the existing buildings were constructed in the mid-1980s. All of the parcels are accessed via individual driveways located off either Mission Falls Court, Mission Falls Lane, or Warm Springs Boulevard.

Regulatory Framework
Federal, state and local regulations that pertain to the proposed project related to air quality include:

- City of Fremont General Plan Conservation Element (Air Quality)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest such monitoring station is located at 935 Piedmont Road in San Jose. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NOx), and particulate matter (PM_{10} and

$PM_{2.5}$). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 pounds per day for ozone precursors.

- Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines

Discussion/Conclusion/Mitigation

a) Would the project conflict with or obstruct implementation of any applicable air quality plan?

In formulating its compliance strategies, BAAQMD relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with a general plan that has been deemed compliant with BAAQMD's *Clean Air Plan* and that project conforms to the general plan, then it would also be considered consistent with the *Clean Air Plan*. In the case of the proposed project, a General Plan Amendment would be required to change the land use designation of 23.5 acres from Tech Industrial to Urban Residential, 30-70 units per net acre, Medium Density Residential, 14.6-29.9 units per net acre, and Public Facility. Of the 23.5 total acres, approximately 8.2 acres would be re-designated Urban Residential, 14.3 acres would be re-designated Medium Density Residential, and the remaining one acre would be re-designated Public Facility.

A Transportation Impact Analysis was conducted for the project by Fehr & Peers in May 2015. At the time this analysis was conducted, the applicant was considering the development of up to 560 total units. However, he has since elected to reduce the total number of units to 497, or 63 less than the number that was analyzed in the Traffic Impact Analysis. The development of 560 new age-restricted residential units for seniors 55 years and older would be expected to generate 112 AM peak hour trips, 140 PM peak hour trips, and 1,926 total daily trips (reference: Land Use Code #252, Senior Adult Housing, from ITE Trip Generation Manual, 9th Edition), while a 15,000-square-foot senior community center would generate 31 AM peak hour trips, 41 PM peak hour trips, and 507 total daily trips (reference: Land Use Code #495, Recreational Community Center, from ITE Trip Generation Manual, 9th Edition). Thus, the combination of these two uses would be expected to generate 143 total AM peak hour trips, 181 total PM peak hour trips, and 2,433 total daily trips. If built out under the current Tech Industrial General Plan land use designation and fully occupied, the project site could have a total of 372,000 square feet of light industrial/office floor area. Such an amount of floor area would be expected to generate 580 AM peak hour trips, 554 PM peak hour trips, and 4,103 total daily trips (reference: Land Use Code #710, General Office Building, from ITE Trip Generation Manual, 9th Edition). Therefore, the trips generated by the project based on the proposed change in land uses would result in a net change of 437 (or 75 percent) fewer AM peak hour trips, 373 (or 67 percent) fewer PM peak hour trips, and 1,670 (or 41 percent) fewer total daily trips. Because the project would generate fewer vehicle trips, the primary source of operational air pollutants, than the existing allowed land use, the associated emissions would be less than those assumed in the General Plan. Therefore, the proposed project would not conflict with the *Clean Air Plan* and impacts would be less than significant.

Potential Impact: Less than Significant Impact
Mitigation: None Required

b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

To evaluate potential air quality impacts, an Air Quality & Greenhouse Gas Technical Report was prepared for the project by Ramboll Environ US Corporation in August 2015. This report

analyzed ambient air quality associated with construction and operation of the project in accordance with BAAQMD guidelines and methodologies.

Construction
For construction-related emissions from development projects of this nature, BAAQMD's screening criteria are as follows:

- Average daily ROG, $PM_{2.5}$ and NOx emissions greater than 54 lbs/day
- Average daily PM_{10} emissions greater than 82 lbs/day

According to the report, the proposed project of 560 dwelling units and a 15,000-square-foot senior community center would be expected to generate the following emissions volumes:

- Average daily ROG emissions of 17 lbs/day, $PM_{2.5}$ of 1.3 lbs/day and NO_x of 29 lbs/day
- Average daily PM_{10} emissions at 1.4 lbs/day

As this data shows, the estimated construction-related emissions would be substantially below BAAQMD's screening criteria, and, as such, would not generate significant amounts of air pollutants that would temporarily increase local pollutant levels. Although emissions would not exceed established thresholds, BAAQMD requires implementation of Basic Construction Mitigation Measures. Implementation of Mitigation Measure AIR-1, below, would ensure that impacts associated with construction of the proposed project would be less than significant.

Operations
According to the report, the screening criteria established by BAAQMD for operational emissions from development projects such as proposed are as follows:

- Average daily ROG, $PM_{2.5}$ and NOx emissions greater than 54 pounds per day (lbs/day)
- Average daily PM_{10} emissions greater than 82 lbs/day
- Maximum annual ROG, $PM_{2.5}$ and NOx emissions greater than 10 tons per year (tpy)
- Maximum annual PM_{10} emissions greater than 15 tpy

According to the report, the proposed project of 560 dwelling units and a 15,000-square-foot senior community center would be expected to generate the following emissions volumes:

- Average daily ROG emissions of 36 lbs/day, $PM_{2.5}$ of 4.8 lbs/day and NO_x of 26 lbs/day
- Average daily PM_{10} emissions at 13 lbs/day
- Maximum annual ROG emissions at 6.6 tpy, $PM_{2.5}$ at 0.87 tpy, and NOx at 4.8 tpy
- Maximum annual PM_{10} emissions at 2.3 tpy

As this data shows, the estimated operational emissions of the project would be substantially less than the screening criteria and, therefore, would not result in significant long-term air quality impacts.

Potential Impact: Less than Significant Impact with Mitigation Incorporated
Mitigation Measure AIR-1: Prior to issuance of a grading and/or building permit, whichever occurs first, the following best management practices shall be included in a dust control plan to limit particulate matter (fugitive dust emissions) and noted on construction plans with the contact information for a designated crewmember who will oversee on-site implementation of the plan:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. A publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints shall be posted. 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.

c) Would the project 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)?

According to BAAQMD, regional air pollution is largely a cumulative impact. No single project is sufficient in size to independently create regional nonattainment of ambient air quality standards. Rather, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. Therefore, if daily average or annual emissions of construction- or operational-related criteria air pollutants exceed any applicable threshold established by BAAQMD, the project would result in a cumulatively significant impact.[1] As identified in III.b., above, the proposed project would not exceed daily or annual emissions thresholds established by BAAQMD. Therefore, the project would not result in a cumulatively considerable contribution to regional air quality impacts, and the cumulative impact would be less than significant.

Potential Impact: Less than Significant Impact
Mitigation: None Required

d) Would the project expose sensitive receptors to substantial pollutant concentrations?

The Air Quality & Greenhouse Gas Technical Report prepared for the proposed project by Ramboll Environ included a Health Risk Assessment (HRA) to evaluate the estimated excess lifetime cancer risk, non-cancer and acute hazard indices (HIs), and $PM_{2.5}$ concentrations associated with construction and operation of the project on both on-site and off-site receptors. The cumulative analysis estimated concentrations that are attributable to off-site mobile and stationary sources within the "zone of influence" in addition to the effects from construction of the project on off-site receptors. The HRA also evaluates the cancer risk, HIs, and $PM_{2.5}$ concentrations from off-site and stationary sources on proposed on-site residents. Sensitive

[1] BAAQMD CEQA Air Quality Guidelines, May 2010

receptors include children, adults and seniors occupying or residing in residential dwellings, schools, daycare centers, parks, hospitals, and senior care facilities.

As documented in the HRA, the significance threshold established by BAAQMD for health risks and hazards are:

- An excess lifetime cancer risk of more than 10 in one million
- A non-cancer (chronic or acute) HI greater than 1.0
- An incremental increase in the annual average PM2.5 of greater than 0.3 micrograms per cubic meter.

The analysis in the HRA concluded that during construction the project would have potentially significant health impacts. However, implementation of Mitigation Measure AIR-2, below, restricting idling of all diesel powered construction equipment to a maximum of two minutes would achieve BAAQMD thresholds and reduce the impact to less than significant.

Potential Impact: Less than Significant Impact with Mitigation Incorporated
Mitigation Measure AIR-2: Plans submitted for grading and building permits shall stipulate that the maximum idling time of all diesel-powered construction equipment of two minutes. The applicant shall include this restriction in all construction contracts for the project.

e) Would the project create objectionable odors affecting a substantial number of people?

The proposed project would generate localized emissions of diesel exhaust during grading and construction activities due to equipment and truck operations. These emissions may be noticeable from time to time by nearby receptors. However, they would be of a temporary duration and would not affect a substantial number of people. In addition, there are no existing uses in the project vicinity that produce objectionable odors nor are any uses proposed that would produce objectionable odors. Therefore, impacts would be less than significant and no mitigation is required.

Potential Impact: Less than Significant Impact
Mitigation: None Required

IV. BIOLOGICAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
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 Wildlife or U.S. Fish and Wildlife Service?				X	1, 8
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X	1, 8

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?				X	1, 8
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 native wildlife nursery sites?		X			1, 8
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 3, 8
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?				X	1, 8

Environmental Setting

The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant, while the other four parcels are developed with light industrial buildings totaling a combined 292,063 square feet, as well as paved parking and circulation areas. All of the existing buildings were constructed in the mid-1980s. There are a total of 392 existing trees on the project site or immediately adjacent to it within the Mission Falls Court, Mission Falls Lane and Warm Springs Boulevard public right-of-ways, the majority of which would be removed to accommodate the project and replaced in accordance with the requirements of the City's Tree Preservation Ordinance.

Regulatory Framework

Federal, state, and local regulations that pertain to the proposed project related biological resources include:

- City of Fremont General Plan, Conservation Element
- City of Fremont Tree Preservation Ordinance
- Federal Migratory Bird Treaty Act
- California Department of Fish and Wildlife Code
- U.S. Fish and Wildlife Service laws and requirements

Discussion/Conclusion/Mitigation

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

The majority of the project site is developed with large light industrial buildings with associated paved parking and circulation areas and landscaping. One of the parcels (the property located at 47201 Mission Falls Court) is mostly vacant except for a solar tracker facility, but as it is

surrounded by fully-developed properties and adjacent to the Union Pacific railroad and ongoing BART extension construction project, it is unlikely to provide suitable habitat for candidate, sensitive or special-status terrestrial species.

There are a total of 392 existing trees within or immediately adjacent to the project site, many of which are expected to be proposed for removal when more detailed plans for the project are submitted for City review and approval. These trees could provide suitable nesting habitat for migratory birds and/or raptors. Active bird nests are protected by the federal Migratory Bird Treaty Act and the California Department of Fish and Wildlife. A mitigation measure is proposed in subsection (d), below, which would ensure that no migratory birds and/or raptors are using any of these trees for nesting purposes prior to the their removal or to the commencement of any construction-related activities. Furthermore, the project site does not support riparian habitat given that the majority of it has been developed with light industrial buildings, pavement, ornamental landscaping and other improvements since the mid-1980s, and there are no federally protected wetlands on or adjacent to the site. Thus, no impacts would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required.

d) 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 native wildlife nursery sites?

As noted above, there are 392 existing trees located within or immediately adjacent to the project site. Given that the project applications under consideration at this time include a Development Agreement, General Plan Amendment and Preliminary Planned District Rezoning, only conceptual plans have been provided to the City and, thus, it is not clear exactly how many of these trees would be removed to accommodate the proposed project. However, it is anticipated that the majority of the trees would eventually be proposed for removal when more detailed plans for each component of the project is submitted to the City for review and approval. Most of the existing trees are large enough to provide suitable nesting habitat for various species of migratory birds and/or raptors. Removal of trees containing active bird or raptor nests, as well as construction-related activities adjacent to trees containing active bird or raptor nests, could result in the abandonment of the nesting effort and, thus, pose a potentially significant impact to migratory birds and/or raptors. Active bird nests are protected by the federal Migratory Bird Treaty Act and the California Department of Fish and Wildlife. Implementation of Mitigation Measure BIO-1, below, would reduce impacts to any nesting migratory birds or raptors occupying any of the trees within or adjacent to the project's boundaries to a less-than-significant level.

Potential Impact: Less than Significant Impact with Mitigation Incorporated
Mitigation Measure BIO-1: If any tree removals or other project-related activities are scheduled to occur during the nesting season (February 1 through August 31) for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of such activities. If a lapse in project-related work of 15 days or longer occurs during the nesting season, another survey shall be required before project work can be re-initiated. If an active nest is found, the applicant or developer shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within

the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

e-f) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? 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?

There are 392 existing trees located within or immediately adjacent to the project site, the majority of which would likely be proposed for removal when more detailed plans for each component of the project are submitted for City review and approval. The trees were surveyed by HortScience, Inc., in August 2015. The survey determined that 42 percent of the trees (or 166 trees) were in good condition, 39 percent (or 153 trees) were in fair condition, and 19 percent (or 73 trees) were in poor condition. Most of the trees are located within private property on the five parcels comprising the project site, but several are also located within the public right-of-ways of Mission Falls Court, Mission Falls Lane and Warm Springs Boulevard. As public trees, these trees would be subject to protection under the City's Streets, Sidewalks and Public Property Ordinance (Title 12 of the Municipal Code). Private trees located on the five parcels are subject to protection under the City's Tree Preservation Ordinance. All trees to be removed, whether they be public or private, require replacement either in accordance with the street tree planting requirements of the Streets, Sidewalks and Public Property Ordinance for public trees, or in accordance with the Tree Preservation Ordinance, which requires private, protected trees to be replaced at a 1:1 ratio subject to the satisfaction of the City Landscape Architect. Any existing trees that are able to be preserved and incorporated into the final plans for each project component would be required to be saved by City staff at the time those plans are submitted for review and approval. Preservation of those existing trees, combined with compliance with the tree replacement requirements of the Tree Preservation Ordinance and the Streets, Sidewalks and Public Property Ordinance would result in no conflict with the City's policies protecting trees and impacts would be less than significant..

Development of the project site as proposed would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as none exist that affect the area.

Potential Impact: Less than Significant Impact
Mitigation: None Required.

V. CULTURAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?				X	1, 28, 29, F
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 28, 29, F
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			1, 28, 29, F
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X			1, 28, 29, F

Environmental Setting

The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant, while the other four parcels are developed with light industrial buildings totaling a combined 292,063 square feet, as well as paved parking and circulation areas. All of the existing buildings were constructed in the mid-1980s. Prior to the mid-1980s, the subject parcels were used for agricultural purposes dating back as far as the 1930s (and possibly earlier), but agricultural activities ceased in the 1980s when all of the lots except the vacant parcel at 47201 Mission Falls Court were developed with light industrial buildings.

Regulatory Framework

State and local regulations that pertain to the proposed project related to cultural resources include:

- City of Fremont General Plan Land Use Element (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012), Section 18.175 Historic Resources

Discussion/Conclusion/Mitigation

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?

Four of the five parcels comprising the project site were developed with light industrial buildings in the mid-1980s and are, thus, not old enough to be considered potentially historical resources. As such, the proposed demolition of these existing buildings and the construction of the proposed project would not cause a substantial adverse change to any historical resources and no impact would result.

Potential Impact: No Impact
Mitigation: None Required.

b-d) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Would the project disturb any human remains, including those interred outside of formal cemeteries?

The project site is not known to contain any archaeological or paleontological resources or human remains. However, there is a possibility that unrecorded resources exist on the site which could be unearthed during grading activities or other site disturbance activities. Implementation of Mitigation Measure CULT-1, below, would reduce any potential impacts to such resources to a less-than-significant level:

Potential Impact: Less than Significant Impact with Mitigation Incorporated
Mitigation Measure CULT-1: If any archaeological or paleontological resources or human remains are encountered during grading or site disturbance then all work shall cease within a 200-foot radius of the discovery until it can be evaluated by a qualified archaeologist and/or paleontologist. Work shall not continue until the archaeologist/paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. If avoidance is not feasible, an alternative archaeological/paleontological management plan shall be prepared that may include excavation. If human remains are discovered, the Alameda County Coroner's office shall be notified as required by state law. All excavation and monitoring activities shall be conducted in accordance

with the prevailing professional standards, as outlined in the CEQA Guidelines and by the California Office of Historic Preservation.

VI. GEOLOGY AND SOILS - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
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.			X		1, 5, 6, C
	ii) Strong seismic ground shaking?			X		1, 5, 6, C
	iii) Seismic-related ground failure, including liquefaction?			X		1, 5, 6, C
	iv) Landslides?				X	1, 5, 6, C
b.	Result in substantial soil erosion or the loss of topsoil?				X	1, 5, 6, 8, C
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 landslides, lateral spreading, subsidence, liquefaction or collapse?			X		1, 5, 6, C
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?				X	1, 5, 6, C
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	N/A

Environmental Setting:
The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant, while the other four parcels are developed with light industrial buildings totaling a combined 292,063 square feet, as well as paved parking and circulation areas. All five parcels comprising the project site are generally level, but the portion fronting Warm Springs Boulevard is approximately 6-7 feet below street level.

The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. According to the 2004 State of Geologic and Seismic Hazard Zones map, the project site is not located within any geologic hazard zones. However, as with any land in the San Francisco Bay Area, the project site could be subject to strong shaking during a major seismic event along one of the faults located in Northern California.

Regulatory Framework
State and local regulations that pertain to the proposed project related to geology and soils include:

- City of Fremont General Plan Safety Element (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- 2010 California Building Code

Discussion/Conclusion/Mitigation

a-e) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving a major seismic event? Would the project result in substantial soil erosion or the loss of topsoil? Would the project be located on a geologic unit or soil that is unstable or would become unstable as a result of the project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?

According to a Preliminary Geotechnical Investigation conducted by Cornerstone Earth Group on December 18, 2014, the project site is characterized by relatively stable soils having low to moderate expansion potential, and low potential for lateral spreading and seismic settlement. The investigation determined that the site does have the potential for liquefaction-induced settlement during an earthquake, but concluded that the likely building designs that would be utilized for the anticipated types of housing would be capable of being supported on shallow foundations such as conventional footings or rigid mat foundations. The report contains recommendations for the final design and construction of building foundations, pavement, utility trenches, drainage facilities and walls which would minimize the exposure risk of these improvements to damage caused by post-construction soil expansion and liquefaction-induced settlement from seismic shaking. Furthermore, all proposed structures would be required to be designed in conformance with geotechnical and soil stability standards as required by the 2013 California Building Code (CBC). Conformance to the recommendations of the Preliminary Geotechnical Investigation and all applicable 2013 CBC standards would reduce safety impacts to the dwellings and their occupants to a less-than-significant level. Additionally, an erosion control plan would be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion during grading and construction activities. As such, impacts associated with geology and soils would be less than significant and no mitigation is required.

Potential Impact: Less than Significant Impact
Mitigation: None Required

VII. GREENHOUSE GAS EMISSIONS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		H, 1, 3 8, 21, 22, 23
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X	H, 1, 3 8, 21, 22, 23

Environmental Setting

With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32), the State of California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million people by 2020. It also called for the State's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32's goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

GHG analysis uses carbon dioxide equivalents (CO_2e), measured in metric tons, to adjust for the different warming potential of a wide range of greenhouse gases, not just exclusively CO_2. The State 2005 GHG emission inventory was 479 million metrics tons of CO_2e. CARB projected that under business-as-usual conditions (no reduction effort) GHG emissions would grow to 596.4 million metric tons of CO_2e by the year 2020. According to the Scoping Plan, reducing GHG emissions to 1990 levels requires cutting approximately 30 percent from the business-as-usual emission levels projected for 2020, or about 15 percent from 2010 levels. The target amount for the 2020 goal is an emission level of no more than 427 million metric tons of CO_2e (the 1990 levels). On a per capita basis, this means reducing current annual emissions of 14 tons of CO_2e for every person in California down to about 10 tons per person by 2020. The City of Fremont GHG emission inventory estimate for 2010 was 1.99 million metric tons with a service population of jobs and residents of 304,489.

Regulatory Framework

State and local regulations that pertain to the proposed project related to GHG emissions include:

- City of Fremont General Plan Sustainability and Conservation Elements
- State Assembly Bill (AB) 32
- California Green Building Code (Mandatory)

Discussion/Conclusion/Mitigation

a-b) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? 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?

The BAAQMD CEQA Air Quality Guidelines contain methodologies and thresholds of significance for evaluating the potential impacts of GHG emissions from land use projects. BAAQMD thresholds were developed specifically for the Bay Area after considering the latest GHG inventory and the effects of AB 32 Scoping Plan measures that would reduce regional emissions. BAAQMD intends to achieve GHG reductions from new land use projects to close the gap between projected regional emissions with AB 32 Scoping Plan measures and AB 32 targets. BAAQMD does not have a significance threshold for construction GHG emissions but recommends reporting the emissions. For operational impacts, BAAQMD has established a threshold of 4.6 MT of CO_2e per service population per year. Projects with GHG emissions above this threshold would be considered to have an impact, which cumulatively, would be significant.

The Air Quality & Greenhouse Gas Technical Report prepared for the project by Ramboll Environ in August 2015 estimated that GHG emissions associated with project construction would be 1,812 MT of CO_2e. However, as noted above, there are no significance thresholds for construction emissions. Operational GHG emissions would result from project-generated traffic, energy and water use, and waste, and were estimated at 4.0 MT CO_2e per service population per year, which would be below the BAAQMD significance threshold of 4.6 CO_2e per service population per year. Therefore, the project would not generate GHG emissions at levels that would have a significant impact on the environment and would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. As such, impacts would be less than significant and no mitigation is required.

Potential Impact: Less than Significant Impact
Mitigation: None Required

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials?				X	1, 6, 7, D, F
b.	Create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials?			X		1, 6, 7, D, F
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	1, 3, D, F
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?				X	1, 18, D, F
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?				X	N/A
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?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7
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?				X	N/A

Environmental Setting:
The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant, while the other four parcels are developed with light industrial buildings totaling a combined 292,063 square feet. All of the existing buildings were constructed in the mid-1980s. Prior to the mid-1980s, the subject parcels were used for agricultural purposes dating back as far as the 1930s (and possibly earlier), but agricultural activities ceased in the 1980s when all of the lots except the vacant parcel at 47201 Mission Falls Court were developed with light industrial buildings. The project site is bordered to the west by the Union Pacific railroad and future BART tracks. A Chevron Corporation petroleum pipeline is located underground within the railroad right-of-way.

The closest residential units and school (Warm Springs Elementary) to the project site are located directly across Warm Springs Boulevard from the project site to the east.

Regulatory Framework
State and local regulations that pertain to the proposed project related to hazards and hazardous materials include:

- City of Fremont General Plan Land Use and Safety Elements

- City of Fremont Fire Code
- Department of Toxic and Substances Control (DTSC) Hazardous Waste and Substances Site List

Discussion/Conclusion/Mitigation

a, c) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? 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?

The proposed project would not involve the routine transport, use or disposal of hazardous materials beyond those commonly used for household cleaning and landscape maintenance nor would it emit hazardous emissions or handle hazardous materials given the residential nature of the proposal. Therefore, no impacts in this regard would result.

Potential Impact: No Impact
Mitigation: None Required

b) 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?

The project site is located in proximity to a number of industrial businesses located across the railroad tracks to the west, as well as on adjacent properties to the south located along Fourier Avenue and Westinghouse Drive. The Union Pacific railroad right-of-way bordering the site to the west also contains an underground petroleum pipeline owned and maintained by Chevron Corporation. A Screening Level Vicinity Hazardous Materials Risk Appraisal was conducted for the project by Cornerstone Earth Group on May 29, 2013, to analyze the risk of exposure of the project's occupants to the hazardous materials being used in proximity to the project site. The appraisal identified two specific uses that could have the potential to impact the health and safety of the project's future occupants: the Seagate Technology Building A, a semiconductor design/manufacturing facility located at 47050 Kato Road, and the underground Chevron petroleum pipeline. A third use, the Truck Rail Handling facility, which maintains a lease from Union Pacific to operate within the railroad right-of-way, operates immediately adjacent to the project site and historically involved the daily handling and transport of various hazardous materials, but which has since ceased such operations due to the extension of the BART system through the area. The hazardous materials portion of Truck Rail Handling's operations has since been relocated northwest to its other lease area adjacent to Old Warm Springs Road behind the Tesla Motors automotive factory.

The Seagate Technology Building A at 47050 Kato Road is located approximately 650 feet from the project site's western boundary. The hazardous material of concern that is used in this facility is chlorine gas, which is located in a ventilated cabinet. However, the appraisal determined that the potential significance of an accidental release would be reduced because exposure would be short in duration (approximately 10 minutes) and the presence of intervening structures between the facility and the site would act as obstacles. In addition, the chlorine is used in small amounts inside the facility according to the available Hazardous Materials Business Plan and, thus, a more likely scenario would be an interior release that would be passively mitigated by the building. It should also be noted that Seagate intends to relocate this particular operation from Building A to its new MRC2 facility located at 47488 Kato Road within the next year (by mid to late 2016). As such, this operation would no longer pose a potential hazard to the project's occupants after that time.

The underground Chevron petroleum pipeline is located approximately 10 feet from the project site's western boundary. It runs at a depth of approximately five feet below the ground surface along the southernmost 650 linear feet of the project's western boundary line, and approximately 80 feet below the ground surface along the remaining 1,150 linear feet of the boundary's approximately 1,800 total linear feet. The appraisal indicated that while an accidental release or explosion along this pipeline could have a potentially significant impact on the health and safety of the project's occupants, the very low risk of such an accident occurring would reduce this impact to a less-than-significant level, and be considered to be within the acceptable range of risks (at one chance in a million each year) which has been determined based on federal regulatory practice for the siting of industrial facilities with hazardous materials near sensitive populations throughout the United States.

Based on the above analysis, the project would not result in a significant hazard to the public through reasonably foreseeable upset and accident conditions involving hazardous materials and impacts would be less than significant.

Potential Impact: Less than Significant Impact
Mitigation: None Required

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?

The project site is not listed on the Department of Toxic Substance Control's Hazardous Waste and Substances Site List (Cortese List). Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

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? 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?

The project site is not located within an airport land use plan nor are there any public or private airports located near the site. No impact would result.

Potential Impact: No Impact
Mitigation: None Required

f-g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? 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?

The proposed project would not interfere with emergency response or evacuation plans and would be designed to meet all applicable federal, state and local fire safety codes. Emergency vehicle access would be provided throughout each future component of the project via private

streets designed in compliance with City Fire Department and Public Works Department standards, as well as Emergency Vehicle Access Easements (EVAEs) reserved across each parcel for the benefit of the City's Fire Department. Furthermore, the project is not located in an area susceptible to wildland fires. For these reasons, no significant impact to life safety would result from the project and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

IX. HYDROLOGY AND WATER QUALITY - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Violate any water quality standards or waste discharge requirements?			X		1, 6, 8, 14, 15, 16
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 pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X		1, 6, 8, 14, 15, 16
c.	Substantially alter the existing drainage pattern of the site or 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?			X		1, 6, 8, 14, 15, 16
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?				X	1, 6, 8, 14, 15, 16
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?				X	1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?			X		1, 6, 8, 14, 15, 16
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?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17
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?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Environmental Setting:
The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant, while the

other four parcels are developed with light industrial buildings totaling a combined 292,063 square feet, as well as paved parking and circulation areas. All five parcels comprising the project site are generally level, but the portion fronting Warm Springs Boulevard is approximately 6-7 feet below street level.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to hydrology and water quality include:

- City of Fremont General Plan Conservation Element (Water Quality)
- California Regional Water Quality Control Board, San Francisco Bay Region, Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, National Pollution Discharge Elimination System Permit No. CAS00229831(NPDES C.3)
- Federal Clean Water Act 1987

Discussion/Conclusion/Mitigation

a-c, f) Would the project violate any water quality standards or waste discharge requirements? 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 pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would the project substantially alter the existing drainage pattern of the site or 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? Would the project otherwise substantially degrade water quality?

The proposed development would not violate any water quality standards, deplete groundwater supplies, substantially alter the existing drainage pattern of the site, or substantially degrade water quality because the majority of the site is currently developed with light industrial buildings, pavement and other improvements, while the undeveloped parcel has been graded to conform to the grades of the adjacent developed parcels and connected to the public storm drain lines serving the area. In addition, the project would be required to comply with existing state, regional and local regulations that protect water quality. The project would connect to the existing public sanitary sewer line in Mission Falls Court and the storm drain lines in Mission Falls Court and Warren Avenue.

Because the project would replace in excess of 10,000 square feet of existing impervious surface area with new impervious surface, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulates the treatment of stormwater runoff on the site. The conceptual plans for the proposed project do not contain exact measurements for how much existing impervious surface area would be removed and replaced, but 18.2 of the 23.5 acres comprising the site are currently developed with buildings and parking and circulation areas, so the final figure would likely be at least 15 acres. As such, the applicant would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces in bio-retention planters before it is discharged into the public storm drain system. Compliance with the applicable C.3 requirements would ensure that impacts to water quality would be less than significant and no mitigation is required.

Potential Impact: Less than Significant Impact
Mitigation: None Required

d-e) Would the project 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? Would the project 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?

The proposed project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body because no streams or rivers are located on or near the site. Drainage from the project would be directed into landscape-based treatment areas located throughout the development (see response to questions IX, a-c and f, above), where its flow volumes would be metered and ultimately discharged into the existing public storm drain system via a new piped system that would be constructed throughout the project site. Because much of the site is currently developed with buildings and pavement, the proposed project would not create or contribute runoff that would exceed the capacity of the existing storm drain system. Thus, no impact would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

g-j) 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? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? 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? Inundation by seiche, tsunami, or mudflow?

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0442G, effective August 3, 2009. According to this FIRM, the project site is located within an Unshaded X zone and is, therefore, outside of the 100-year flood zone. The project site is also not situated within a Special Flood Hazard Area or an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir. Finally, the project site is not located in proximity to San Francisco Bay and would not be subject to inundation by seiche or tsunami. As such, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

X. LAND USE AND PLANNING - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Physically divide an established community?			X		1, 2, 3, 8
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?				X	1, 2, 3, 8
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3, 8

Environmental Setting
The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant except for a solar tracker facility, while the other four parcels are developed with light industrial buildings totaling a combined 292,063 square feet, as well as paved parking and circulation areas. All of the existing buildings were constructed in the mid-1980s. Prior to the mid-1980s, the subject parcels were used for agricultural purposes dating back as far as the 1930s (and possibly earlier), but agricultural activities ceased in the 1980s when all of the lots except the vacant parcel at 47201 Mission Falls Court were developed with light industrial buildings.

Regulatory Framework
State and local regulations that pertain to the proposed project related to land use and planning include:

- City of Fremont General Plan Land Use and Community Character Elements
- Habitat Conservation Programs, California Department of Fish and Wildlife

Discussion/Conclusion/Mitigation

a-c) Would the project physically divide an established community? 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? Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed project would not physically divide an established community in that it would replace existing, underutilized light industrial office park-type development with new single- and multi-family residential development in an area that is adjacent to a mix of existing commercial, institutional, single- and multi-family residential development to the south and directly across Warm Springs Boulevard to the east. Furthermore, it would not preclude the continued occupation and use of the industrial properties located across the railroad tracks with the existing industrial businesses occupying those properties to the west whose daily operations might be incompatible with the proposed residential use of the land.

In addition, the project would not conflict with General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect but would further the goals of providing additional housing opportunities for the senior population in an area that is well served by existing commercial, civic and recreational uses. Finally, there are no habitat conservation or natural community conservation plans adopted for the site. Therefore, no impact would result.

Potential Impact: Less than Significant Impact
Mitigation: None Required

XI. MINERAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
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?				X	8
b.	Result in the loss of availability of a locally-important				X	8

	mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?					

Environmental Setting

The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant, while the other four parcels are developed with light industrial buildings totaling a combined 292,063 square feet, as well as paved parking and circulation areas. All of the existing buildings were constructed in the mid-1980s. Prior to the mid-1980s, the subject parcels were used for agricultural purposes dating back as far as the 1930s (and possibly earlier), but all agricultural activities ceased in the 1980s when all of the lots except the vacant parcel at 47201 Mission Falls Court were developed with light industrial buildings.

Regulatory Framework

State and local regulations that pertain to the proposed project related to mineral resources include:

- City of Fremont General Plan Conservation Element
- Surface Mining and Reclamation Act (SMARA) 1975, California Department of Conservation

Discussion/Conclusion/Mitigation

a-b) 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? Would the project 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?

According to local and state mineral resources maps, there are no known mineral resources of importance to the state or region on the site or within the surrounding area. Therefore, no impact to such resources would result.

Potential Impact: No Impact
Mitigation: None Required

XII. NOISE - Would the project result in:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
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?		X			1, 3, 9, G
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X		1, 3, 9, G
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9, G
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			1, 3, 9, G
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?				X	N/A

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?				X	N/A

Environmental Setting

There are two significant noise sources that affect the project site: train noise from the Union Pacific railroad (and future BART) tracks which abut the site to the west, and roadway noise from vehicular traffic along Warm Springs Boulevard and Warren Avenue.

Regulatory Framework

State and local regulations that pertain to the proposed project related to noise include:

- City of Fremont General Plan Safety Element (Noise and Vibration)
- City of Fremont Municipal Code
- California Building Code

In accordance with Fremont General Plan Policy 10-8.1, the maximum acceptable outdoor noise level in residential areas is an Ldn of 60 dB(A); however, the maximum conditionally acceptable outdoor noise level is an Ldn of 65dB(A). These levels would be applicable to common open space areas in multi-family developments such as the one proposed, and are used as a guide to the design of developments. The maximum indoor noise level for residential projects is an Ldn of 45 dB(A), while the maximum instantaneous noise level from sudden noise sources such as horns or sirens should not exceed 50 dB(A) in bedrooms at night, or 55 dB(A) in bedrooms and other habitable rooms during the day. Regarding vibration exposure, the Noise Subsection of the Safety Element of the General Plan requires projects to meet the acceptable vibration exposure guidelines prescribed by the Federal Transit Administration.

Discussion/Conclusion/Mitigation

a) Would the project 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?

An Environmental Noise and Vibration Assessment was conducted for the proposed project by Illingworth & Rodkin, Inc. on December 19, 2014, to evaluate potential noise and vibration impacts to future project residents. The major noise sources affecting the project site are vehicle traffic along Warren Avenue and Warm Springs Boulevard located north and east of the site, respectively, and rail traffic on the Union Pacific Railroad (UPRR) tracks located west of the site. A noise monitoring survey of the project site was conducted that included both unattended long-term noise measurements and attended short-term noise measurements.

Long-term noise measurement LT-1 (as identified in the assessment) was located at the southeast corner of the site, approximately 55 feet from the center of Warm Springs Road and ten feet above the ground. Hourly average (L_{eq}) noise levels ranged from about 65 to 69 dBA L_{eq} during the daytime hours and dropped to about 61 to 66 dBA L_{eq} at night. The calculated day-night average noise level was 71 dBA L_{dn}. Long-term noise measurement LT-2 (as identified in the assessment) was located on the west property line of the site, approximately 165 feet from the center of the nearest active UPRR tracks and ten feet above the ground. The data indicates that up to four to six trains passed by during the measurement and resulted in L_{max} noise levels of 82 to 94 dBA L_{max}. Hourly average (L_{eq}) noise levels ranged from about 55 to 65 dBA L_{eq} during daytime hours and dropped to about 52 to 58 dBA L_{eq} at night. The calculated day-night average noise level was 63 dBA L_{dn}. Long-term noise measurement LT-3 was located on the north property line of the site, approximately 60 feet from the center of Warren Avenue and ten feet above the ground. Hourly average noise levels ranged from about 58 to 66 dBA L_{eq} during

daytime hours and ranged from about 58 to 61 dBA L_{eq} at night. The calculated day-night average noise level was 66 dBA L_{dn}]

Attended short-term noise measurements were made at four additional locations (ST-1 through ST-4) to complete the noise monitoring survey. Short-term noise measurement ST-1 was approximately 45 feet from the western property line, adjacent to the UPRR tracks. No trains passed by during the measurement. The ten-minute average noise level was 52 dBA L_{eq}. Short-term measurement ST-2 was located near the corner of Mission Falls Court and Mission Falls Lane, approximately 45 feet from the center of Mission Falls Court. The ten-minute average noise level was 53 dBA L_{eq}. Short-term measurement ST-3 was located along the southern property line of the site, adjacent to nearby office buildings. The ten-minute average noise level was 52 dBA L_{eq}. Short-term measurement ST-4 was located approximately 40 feet from the center of Mission Falls Lane. The ten-minute average noise level was 53 dBA $L_{eq.}$

Based on the conclusions of the assessment, the proposed residential land uses would be exposed to exterior and interior noise levels exceeding the compatibility standards specified in the General Plan (60 dBA L_{dn} and 45 dBA L_{dn}, respectively).

Exterior Noise
The future noise environment at the project site would be affected primarily from vehicular traffic along Warm Springs Boulevard and Warren Avenue, and railroad operations along the UPRR tracks and a future BART line. Based on a review of the conceptual project plans, the common outdoor use areas proposed for the affordable apartments, stacked flats, and garden apartments would be located in courtyards, which are partially shielded from the surrounding traffic and train noise sources by the project buildings. Private outdoor use areas proposed for the single-family duets and townhomes would be located in rear yards that would be exposed to future rail and traffic noise. Calculations made based on the traffic data provided in the Transportation Impact Analysis conducted for the project by Fehr & Peers indicate that a 3 dB increase in traffic noise levels above existing levels is anticipated under cumulative plus project conditions along Warm Springs Boulevard and Warren Avenue, resulting in future day-night average noise levels of 74 dBA L_{dn} and 69 dBA $L_{dn,}$ respectively. Railroad noise levels along the UPRR tracks are assumed to remain the same in future years; however, the BART extension is currently under construction along the western boundary of the project site. The BART Silicon Valley 2nd Supplemental Environmental Impact Report (EIR) (BART EIR) contains a summary of existing and future noise levels resulting from the BART extension within the Fremont city limits. At the western portion of the project site, noise levels along the BART extension are projected to increase by 6 dBA $L_{dn,}$ resulting in future day-night average noise levels of 72 dBA L_{dn}. Based on these projected levels, exterior noise levels throughout the project site would be considered "conditionally acceptable" and measures to reduce exterior noise in outdoor use areas would be required as specified in Mitigation Measure NOI-1, below.

Interior Noise
Residential buildings throughout the project site would be exposed to future noise levels greater than 60 dBA L_{dn}. In accordance with the Safety Element of the General Plan, interior noise levels in new residential development exposed to an exterior L_{dn} of 60 dBA or greater should also be limited to a maximum instantaneous noise level (e.g., train warning horns) in bedrooms of 50 dBA, and 55 dBA in all other habitable rooms. As described above, cumulative plus project traffic noise levels were calculated to be 3 to 6 dB higher than existing levels. Upper-level residences would typically be exposed to noise levels that are about 1 dBA higher than ground-level residences due to the lack of ground absorption between the traffic noise source and receptor location. The highest future noise exposures of up to 74 dBA L_{dn} at ground level and 75

dBA L_{dn} at upper stories would occur in the eastern portion of the site nearest Warm Springs Boulevard.

Interior noise levels would vary depending on the final design of the buildings (relative window area to wall area) and construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior to interior noise reduction assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces.

Where exterior noise environments range from 60 dBA L_{dn} to 65 dBA L_{dn}, interior noise levels can typically be maintained below City standards with the incorporation of an adequate forced air mechanical ventilation system in each residential unit. In noise environments of 65 dBA L_{dn} or greater, a combination of forced-air mechanical ventilation and sound-rated construction methods is often required to meet the interior noise level limit. Attaining the necessary noise reduction from exterior to interior spaces is readily achievable in noise environments less than 75 dBA L_{dn} with proper wall construction techniques, the selections of proper windows and doors, and the incorporation of forced-air mechanical ventilation systems.

Preliminary calculations indicate that this measure would be applicable to residences with a direct line-of-sight to transportation noise sources along Warm Springs Boulevard, Warren Avenue, UPRR, and BART. Preliminary calculations show that it is likely that windows/doors with ratings of STC 26 to 34 would be required in noise environments of 70 to 75 dBA L_{dn}. Noise-sensitive land uses adjacent to the rail corridor would be exposed to high maximum instantaneous noise during high-speed pass-bys or when warning horns are sounded. Noise-sensitive land uses (residences) proposed in the vicinity of the UPRR and BART corridor would likely require forced-air mechanical ventilation systems and sound-rated construction methods to reduce interior average and maximum noise level to acceptable levels. In some cases, high-performance noise insulation features such as stucco-sided staggered-stud or double-stud wall and sound-rated windows and doors may be required to maintain interior maximum instantaneous noise levels below 50 dBA in bedrooms and 55 dBA in other rooms. Mitigation Measure NOI-1, below, contains specifications which would mitigate noise impacts on the project to less-than-significant levels and enable the project to comply with the maximum interior and exterior noise level standards prescribed by the General Plan.

Potential Impact: Less than Significant Impact with Mitigation Incorporated
Mitigation Measure NOI-1: Plans submitted for building permits shall include the following measures to allow the project to meet the established noise criteria prescribed by the Safety Element of the General Plan:

- All project residential units shall be equipped with forced-air mechanical ventilation to allow occupants the option of keeping windows closed to control noise.
- Final building plans shall be reviewed by a qualified acoustical consultant to ensure that interior noise levels would be 45 dB(A) Ldn or less prior to issuance of building permits. Preliminary recommendations for exterior window and door Sound Transmission Class (STC) ratings are indicated in Table 7 of the Environmental Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc., dated December 19, 2014.
- Maximum instantaneous noise levels (Lmax) shall be reduced to 50 dB(A) in bedrooms and 55 dB(A) in other habitable rooms. The design of mitigation at properties adjoining the railroad shall consider the best available methods. These treatments include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical

caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible.

- A nine-foot masonry sound wall shall be provided along the rear yards of the units located adjacent to Warm Springs Boulevard, and a six-foot masonry wall shall be provided along the western project boundary adjacent to the Union Pacific railroad/BART tracks. The sound walls shall be provided as shown in Appendix B of the Environmental Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc., dated December 19, 2014, and shall be free of cracks or gaps over the face and along the base and be constructed of materials having a minimum surface weight of 3 lbs/ft^2.

b) Would the project exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The Illingworth & Rodkin Environmental Noise and Vibration Assessment included an evaluation of potential project exposure to groundbourne vibration from both construction-related activities associated with the development of the project, as well as from the adjacent railroad right-of-way. In accordance with the Safety Element of the General Plan, a significant impact would occur if the project would expose persons to vibration levels from either of these two sources in excess of Federal Transportation Administration (FTA) criteria for groundbourne vibration.

Construction-Related Vibration
The construction of the project could generate perceptible vibration to persons and buildings on adjacent properties when heavy equipment or impact tools (e.g. jackhammers, hoe rams, etc.) are used. Construction activities would include demolition of existing structures, excavation, site preparation work, foundation work, and new building framing and finishing. The California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, 0.3 in/sec PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a conservative limit of 0.08 in/sec PPV for ancient buildings or buildings that are documented to be structurally weakened. No old or historic buildings or buildings which have been documented to be structurally weakened abut the project site. Therefore, groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in a significant vibration impact.

Typical construction activities such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending upon soil conditions, construction methods, and equipment used. Vibration levels from typical construction activities would be expected to be 0.2 in/sec PPV or less at a distance of 25 feet, which would be below the 0.3 in/sec PPV significance threshold. Vibration generated by construction activities near the common property line would at times be perceptible off-site. However, it would not be expected to result in cosmetic damage to any of the neighboring buildings. As such, impacts from construction-related vibration would be less-than-significant, and no mitigation is required.

Railroad/BART-Related Vibration
The noise measurement data from the Environmental Noise and Vibration Assessment indicate that approximately 4-6 freight trains per 24-hour day passed the site. Data presented in the BART EIR indicates that the hours of operation of BART trains would be between 4:00 a.m. and

midnight, with peak hour operations occurring between 4:00 a.m. and 7:00 p.m. BART trains would run approximately every 12 minutes during peak hours and every 20 minutes during off-peak hours. This would place the level of train activity at the project site in the "frequent events" category, and, as such, the threshold is 72 VdB. The maximum vibration level at the approximate location of the nearest proposed residential structure is predicted to be approximately 71 VdB, 1 VdB below the threshold level. Therefore, the project would not expose new residential uses to vibration levels greater than the 72 VdB vibration limit for "frequent events," and the impact from groundbourne vibration from the railroad and BART tracks would be less than significant and no mitigation is required.

Potential Impact: Less than Significant Impact
Mitigation: None Required

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

The project site is surrounded by residential and office land uses. The development of the project would cause an increase in vehicular traffic on the street network. On-site operational noise sources include rooftop Heating Ventilating and Air Conditioning (HVAC) units. A project-related noise level increase is considered to be substantial if it were to cause the L_{dn} to increase by 5 dBA or more but remain below the normally acceptable noise threshold (60 dBA L_{dn} for single-family residential uses, 65 dBA L_{dn} for multi-family residential uses, 70 dBA L_{dn} for commercial uses), or cause the L_{dn} to increase by 3 dBA or more and exceed the normally acceptable noise threshold.

The noise exposure levels along Warm Springs Boulevard, Mission Boulevard, Warren Avenue, I-880 Ramps, Kato Road, Mission Falls Court, and Hackamore Lane were evaluated to determine whether or not the increased vehicular traffic would cause a substantial increase in the noise environment. Seven intersections were analyzed based on the Transportation Impact Analysis that was conducted for the project. Traffic noise along a street is logarithmically proportional to the volume of traffic. Based on the traffic volume data developed for this study, traffic noise levels along all of the roadways included in the traffic study are anticipated to increase by 1 dBA L_{dn} or less as a result of the project over Existing, Background and Cumulative conditions. This impact would be considered less than significant, and no mitigation is required.

HVAC units would be located on the rooftops of proposed residential buildings, set back 15 feet or more from the rooftop edge on any side. Residential HVAC units typically generate noise levels in the range of 65 to 70 dBA at a distance of 5 feet. Additional shielding would be provided by the building rooftops. At the nearest residential and commercial uses, this HVAC noise would be well below the noise thresholds and would likely be inaudible. As such, this impact would be considered less than significant, and no mitigation is required.

Potential Impact: Less than Significant Impact
Mitigation: None Required

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

The City of Fremont requires construction operations to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal

Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses would involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints would be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction lasts over extended periods of time.

Construction activities generate considerable amounts of noise, especially during earth moving activities when heavy equipment is used. The highest maximum noise levels generated by project construction would typically range from about 90 to 95 dBA at a distance of 50 feet from the noise source. Typical hourly average construction-generated noise levels are about 81 dBA to 88 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Hourly average noise levels generated by the construction of residential units would range from about 65 dBA to 88 dBA measured at a distance of 50 feet depending on the amount of activity at the site. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

The project is anticipated to require a total of about 18 months to demolish the existing buildings on the site and conduct heavy site work. Construction build-out is anticipated to take approximately four to five years in five phases. Individual phases of the project are anticipated to take from12 to 24 months to construct, depending on when individual residential units sell out. Once construction moves indoors, minimal noise would be generated at off-site locations. Noise generated by construction activities would temporarily elevate noise levels at adjacent noise sensitive receptors located to the east, but this would be considered a less-than-significant impact assuming that construction activities are conducted in accordance with the provisions of the City's Municipal Code and with the implementation of construction best management practices as specified in Mitigation Measure NOI-2, below.

Potential Impact: Less than Significant Impact with Mitigation Incorporated
Mitigation Measure NOI-2: The following measures shall be adhered to in order to limit noise generated by construction activities in accordance with the Safety Element of the General Plan and the Municipal Code:

- Limit all noise-generating activities at the construction site or in areas adjacent to the construction site to the hours between 7:00 a.m. and 7:00 p.m. during weekdays and from 9:00 a.m. and 6:00 p.m. on Saturdays and Holidays. No construction shall occur on Sunday.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Prohibit all unnecessary idling of internal combustion engines.

- Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent residential land uses;
- Acoustically shield adjacent sensitive uses from stationary equipment with temporary noise barriers or recycled demolition materials.
- Locate staging areas and construction material storage areas as far away as possible from adjacent noise sensitive land uses.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

e-f) 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? 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?

There are no public or private airports located in the City or vicinity. No impact would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

XIII. POPULATION AND HOUSING - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
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)?			X		1, 2, 4
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4

Existing Conditions

The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant, while the other four parcels are developed with light industrial buildings totaling a combined 292,063 square feet, as well as paved parking and circulation areas. All of the existing buildings were constructed in the mid-

1980s. Prior to the mid-1980s, the subject parcels were used for agricultural purposes dating back as far as the 1930s (and possibly earlier), but all agricultural activities ceased in the 1980s when all of the lots except the vacant parcel at 47201 Mission Falls Court were developed with light industrial buildings.

Regulatory Framework
Local regulations that pertain to the proposed project related to population and housing include:

- City of Fremont General Plan Land Use and Housing Elements (referencing City Housing Element, July 2009)

Discussion/Conclusion/Mitigation

a) 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)?

The proposed project would result in the construction of up to 497 residential units that would be age-restricted to occupants aged 55 years and older, as well as a senior community center. As such, it would directly result in population growth in an area that was formerly occupied by light industrial land uses. However, the population to which the project would provide housing opportunities would be restricted to seniors aged 55 years and older and, thus, household sizes would be smaller than a typical residential development. In addition, the project site is surrounded by a mix of industrial, commercial, institutional, and single- and multi-family residential development and would, therefore, not require the extension of new infrastructure or services or significant upgrades of existing infrastructure that could induce additional population growth in the area. As such, impacts would be less than significant.

Potential Impact: Less than Significant Impact
Mitigation: None Required

b-c) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The project site currently contains no existing dwelling units. Therefore, the project would not displace any residents necessitating the construction of replacement housing elsewhere. As such, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

XIV. PUBLIC SERVICES:

ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a. 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/Police protection?			X		1, 10
Schools?				X	1, 10

Parks?			X		1, 10
Other public facilities?			X		1, 10

Existing Conditions
The project site is located in a mixed industrial/commercial/residential area of the City of Fremont near the intersection of Warm Springs Boulevard and Warren Avenue, where all public utilities and services needed to serve the project are already in place.

Regulatory Framework
Local regulations that pertain to the proposed project related to public services include:

- City of Fremont General Plan Public Facilities Element
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

a) 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, police, schools, parks or other public facilities?

On September 3, 1991, the City of Fremont City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. These fees are required of any new development for which a building permit is issued on or after December 1, 1991. The concept of the impact fee program is to fund and sustain improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication In-lieu and Park Facilities Fees, Capital Facilities Fees, and Fire Service Fees.

The project site is located in an area of the City where emergency response facilities and services needed to serve the project are already in place. As the development would be restricted to seniors aged 55 years and older, the project would not generate a new student population that could impact school facilities in the area. The project would include the construction of a 15,000-square-foot public community center with approximately 66 parking spaces for seniors which would be open to all senior citizens residing in the City. The construction of this facility would be used to fulfill the project's obligation to pay Citywide Development Impact Fees for Capital Facilities. However, the applicant (and/or all subsequent developers) would be required to pay the other four categories of Development Impact Fees (Traffic Impact Fees, Park Dedication In-lieu Fees, Park Facilities Fees, and Fire Service/Facilities Fees). Payment of the required Development Impact Fees for each of these types of public services would be sufficient to offset the project's impacts to those services. As such, no impacts to public facilities or services would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

XV. RECREATION:

ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

			Mitigation Incorporated			
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?			X		1, 2, 3, 12
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?			X		1, A

Existing Conditions
The project site is located in a mixed residential/commercial/industrial area of the City. Warm Springs Community Park, an 11.67-acre full-service public park facility with a community center, ballfields, tennis courts and playgrounds, is located approximately 1,500 feet to the east of the project site and can be accessed via Hackamore Lane.

Regulatory Framework
Local regulations that pertain to the proposed project related to recreation include:

- City of Fremont General Plan Parks and Recreation Element

Discussion/Conclusion/Mitigation

a-b) 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?

The proposed project featuring up to 497 residential units for seniors aged 55 years and older would not result in a significant increase in the use of existing neighborhood and regional parks serving the project site. The project would include the construction of a 15,000-square-foot public community center for seniors which would also feature a small outdoor area that would provide active and passive recreational opportunities designed for senior users. The construction of this facility would be used to fulfill the project's obligation to pay Citywide Development Impact Fees for Capital Facilities. However, the applicant (and/or all subsequent developers) would be required to pay the required park dedication in-lieu and park facility fees for new residential development as described in Section XIV - Public Services, above. Payment of these fees would offset the increased demand for park facilities and land in accordance with applicable City ordinances and reduce the project's impacts to a less-than-significant level.

Potential Impact: Less than Significant Impact
Mitigation: None Required

XVI. TRANSPORTATION/TRAFFIC - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
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			X		1, 7, J

	freeways, pedestrian and bicycle paths, and mass transit?					
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X	1, 7, J
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?				X	1, 7, J
d.	Substantially increase hazards due to a design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses?				X	1, 7, J
e.	Result in inadequate emergency access?				X	1, 6, 7, J
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	1, 7, J

Existing Conditions

The project site is accessible via two major street intersections: (1) Warren Avenue and Mission Falls Court; and (2) Warm Springs Boulevard and Mission Falls Lane. The five parcels comprising the project site currently contain 292,063 total square feet of light industrial floor area within five separate buildings. Under the current General Plan, the five parcels are permitted up to a maximum of 372,000 square feet of light industrial floor area, with the majority of that additional square footage being accommodated on the lone vacant parcel at 47201 Mission Falls Court.

Regulatory Framework

Local regulations that pertain to the proposed project related to transportation/traffic include:

- City of Fremont General Plan Mobility Element

Discussion/Conclusion/Mitigation

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

A Transportation Impact Analysis was conducted for the project by Fehr & Peers in May 2015. At the time this analysis was conducted, the applicant was considering the development of up to 560 total units. However, the applicant has since elected to reduce the total number of units to 497, or 63 less than the number that was analyzed in the Traffic Impact Analysis. The analysis estimated that 560 new age-restricted residential units for seniors would generate 112 AM peak hour trips, 140 PM peak hour trips, and 1,926 total daily trips (reference: Land Use Code #252, Senior Adult Housing, from ITE Trip Generation Manual, 9th Edition), while a 15,000-square-foot senior community center would generate 31 AM peak hour trips, 41 PM peak hour trips, and 507 total daily trips (reference: Land Use Code #495, Recreational Community Center, from ITE Trip Generation Manual, 9th Edition). Thus, the combination of these two uses would be expected to generate 143 total AM peak hour trips, 181 total PM peak hour trips, and 2,433 total daily trips.

If built out in accordance with the current General Plan and zoning and fully occupied, the project site could have a total of 372,000 square feet of light industrial office park floor area. Such an amount of floor area would be expected to generate 580 AM peak hour trips, 554 PM peak hour trips, and 4,103 total daily trips (reference: Land Use Code #710, General Office Building, from ITE Trip Generation Manual, 9th Edition). Therefore, the trips generated by the project based on the proposed change in land uses would result in a net change of 437 (or 75 percent) fewer AM peak hour trips, 373 (or 67 percent) fewer PM peak hour trips, and 1,670 (or 41 percent) fewer total daily trips. Because the project is estimated to generate significantly fewer trips than the existing land use, it would not have a significant impact on the capacity of the existing circulation system nor would it conflict with the County Congestion Management Plan. Thus, no impacts would result and no mitigation is required.

The Transportation Impact Analysis also included a traffic signal warrants analysis to determine whether new traffic signals would be warranted at the two main intersections providing access to the project site based on the estimated traffic impacts from the project: (1) Warren Avenue and Mission Falls Court; and (2) Warm Springs Boulevard and Mission Falls Lane. Under existing conditions (all existing land uses remaining, without construction of the proposed project), the intersection of Warren Avenue and Mission Falls Court does not meet the signal warrant. Since the proposed project would result in an overall reduction in both daily and peak hour trips from the proposed change in land uses from light industrial to age-restricted residential, the warrant would still not be met under project conditions. Under existing conditions, the intersection of Warm Springs Boulevard and Mission Falls Lane currently meets the signal warrant. However, with the net reduction in trips that would result from the proposed change in land uses, the signal warrant would no longer be met under project conditions. Despite the overall reduction in trips that the proposed change in land uses would result in, the applicant is nevertheless proposing to install a traffic signal at the intersection of Warm Springs Boulevard and Mission Falls Lane to provide a safer environment for pedestrians who may choose to walk from the proposed residential community to the nearby commercial services located along Warm Springs Boulevard and Mission Boulevard/State Highway Route 262.

Potential Impact: No Impact
Mitigation: None Required

c-d) 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? 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)?

The proposed project would not have an impact on air traffic patterns as there are no airports in Fremont or near the project site. The design of the proposed project, including the anticipated entrances to each village and the senior community center, as well as all internal private streets, would be required to be designed in accordance with the applicable City standards.

The project would not increase any existing traffic hazards within or adjacent to the project site. Furthermore, the applicant would implement several safety improvements for vehicular and pedestrian traffic within the project boundaries as part of the project, including installing a new traffic signal at the intersection of Mission Falls Lane/Hackamore Lane and Warm Springs Boulevard to increase safety for pedestrians attempting to cross Warm Springs Boulevard, installing all new sidewalks where none currently exist along Mission Falls Court, Mission Falls Lane and Warm Springs Boulevard, installing crosswalks at the intersection of Mission Falls Court and Mission Falls Lane, and reducing the street width and cul-de-sac radius/width along the

length of Mission Falls Court from an industrial street width/section to a residential collector street width/section with bicycle lanes and on-street parallel parking in order to reduce vehicular traffic speeds and make the street more pedestrian-friendly. Thus, no impacts would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

e-f) Would the project result in inadequate emergency access? Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

While detailed plans for the project have not yet been prepared or submitted for City review, emergency vehicle access would be required throughout the project site. Future private streets would be required to record an emergency vehicle access easement (EVAE) benefiting the City's Fire Department. The project would also not conflict with any plans, policies or programs supporting alternative transportation in that it would not obstruct or otherwise impact any transit stops or bicycle lanes, and it would provide all new public sidewalks and a new traffic signal at the intersection of Warm Springs Boulevard and Mission Falls Lane to facilitate walking from within the project to the nearby commercial uses along Warm Springs Boulevard and Mission Boulevard/State Highway Route 262. Furthermore, the applicant anticipates offering a private shuttle service to transport the project's residents to popular destinations in the immediate and surrounding areas (such as shopping malls, concert halls, the future Warm Springs/South Fremont BART Station, etc.). Thus, no impact would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		10, agency notice
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?			X		10, agency notice
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		X			10, agency notice
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?			X		10, agency notice
f.	Be served by a landfill with sufficient permitted capacity to			X		10, 24

	accommodate the project's solid waste disposal needs?					
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	10, 24

Existing Conditions

The project site consists of five contiguous parcels totaling 23.5 acres located at 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard. One of the parcels is currently vacant, while the other four parcels are developed with industrial buildings totaling a combined 292,063 square feet, as well as paved parking and circulation areas. The site is located in a mixed industrial/commercial/residential area of the City where all public services needed for the project are already in place. The project would connect to existing public and private utilities, including water, sewer and storm drain facilities, via underground connections within the Mission Falls Court and Warm Springs Boulevard right-of-ways.

Regulatory Framework

Local regulations that pertain to the proposed project related to utilities and service systems include:

- City of Fremont General Plan Public Facilities Element
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

a-c,e) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? 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? Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? 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?

The proposed project would connect to the existing public sanitary sewer line in Mission Falls Court and the storm drain lines in Mission Falls Court and Warren Avenue, and obtain its water from the existing public water mains serving the site in Mission Falls Court and Warm Springs Boulevard. The utility companies that would provide wastewater and stormwater services to the proposed subdivision were notified of the project and did not indicate that it would generate an increase in wastewater or stormwater runoff levels that could exceed the capacity of the existing sewer and storm drain lines serving the area. As such, the existing sewer and storm drain lines serving the area need not be expanded to accommodate the proposed development and impacts to those utilities would be less than significant.

Potential Impact: Less than Significant Impact
Mitigation: None Required

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

The Alameda County Water District (ACWD), water service provider for the cities of Fremont, Newark and Union City, reviewed the proposed project to determine whether it would have sufficient water supplies to meet the estimated demands of the project’s future residential population. ACWD determined that the proposed change in land use from light industrial to a senior community with up to 497 residential units would increase water demand over existing levels for the current light industrial land uses. However, ACWD determined that the impacts

from the resulting increase in demand generated by the land use change would be less than significant with implementation of Mitigation Measure UTI-1, which would require the use of highly efficient water-conserving plumbing fixtures, laundry washing machines, and landscaping and irrigation.

Potential Impact: Less than Significant Impact with Mitigation Incorporated
Mitigation Measure UTI-1: Plans submitted for building permits shall include the following water conservation measures to maximize water use efficiency throughout the project:

- Ultra High Efficiency Toilets: All units shall be supplied with toilets with 1.0 gallons per flush (gpf) or less.
- Lavatory Faucets: All units shall be supplied with lavatory faucets that restrict flows to 1.0 gallons per minute (gpm).
- Showerheads: All units shall be supplied with showerheads that restrict flows to 1.5 gpm.
- Clothes Washers: All units shall be supplied with clothes washers that have a Water Factor less than 4.0 (3.99 and less).
- Landscaping and Irrigation: All landscaping/landscape plans shall comply with updated WELO (effective December 2015).

f-g) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The project would be served by the City's franchised waste hauler agreement with Republic Services in compliance with applicable standards for conventional residential waste products and recyclables. The agreement provides landfill capacity for anticipated growth within the City. The City's Environmental Services Division reviews proposals involving new development to ensure that the proposed use(s) would not generate unusually large volumes of solid waste that may not be able to be accommodated by the landfill space guaranteed the City under the franchise agreement. Because the City currently maintains a robust diversion rate for residential uses (including commingled recycling service and organics composting service for single-family and townhouse developments), the proposed project of 497 age-restricted residential units would not result in significant volumes of solid waste that could not be accommodated by the landfill facility with which the City maintains its waste disposal agreement. As such, impacts would be less than significant and no mitigation is required.

Potential Impact: Less than Significant Impact
Mitigation: None Required

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
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		X			See Previous

	examples of the major periods of California history or prehistory?					
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X		See Previous
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			See Previous

Discussion/Conclusion/Mitigation

Based on the analysis provided herein, the proposed project does not have the potential to 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.

Mitigation measures designed to minimize environmental effects on air quality, biological resources, cultural resources, noise and water resources are listed in previous sections. No significant operational impacts related to the project are anticipated. Any potential short-term increases in potential effects to the environment during construction or use would be reduced to a less-than-significant level by existing regulations and mitigation measures, as described throughout the Initial Study.

XIX. MITIGATION MEASURES:

Mitigation Measure AIR-1: Prior to issuance of a grading and/or building permit, whichever occurs first, the following best management practices shall be included in a dust control plan to limit particulate matter (fugitive dust emissions) and noted on construction plans with the contact information for a designated crewmember who will oversee on-site implementation of the plan:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. A publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints shall be posted. 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.

Mitigation Measure AIR-2: Plans submitted for grading and building permits shall stipulate that the maximum idling time of all diesel-powered construction equipment of two minutes. The applicant shall include this restriction in all construction contracts for the project.

Mitigation Measure BIO-1: If any tree removals or other project-related activities are scheduled to occur during the nesting season (February 1 through August 31) for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of such activities. If a lapse in project-related work of 15 days or longer occurs during the nesting season, another survey shall be required before project work can be re-initiated. If an active nest is found, the applicant or developer shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

Mitigation Measure CULT-1: If any archaeological or paleontological resources or human remains are encountered during grading or site disturbance then all work shall cease within a 200-foot radius of the discovery until it can be evaluated by a qualified archaeologist and/or paleontologist. Work shall not continue until the archaeologist/paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. If avoidance is not feasible, an alternative archaeological/paleontological management plan shall be prepared that may include excavation. If human remains are discovered, the Alameda County Coroner's office shall be notified as required by state law. All excavation and monitoring activities shall be conducted in

accordance with the prevailing professional standards, as outlined in the CEQA Guidelines and by the California Office of Historic Preservation.

Mitigation Measure NOI-1: Plans submitted for building permits shall include the following measures to allow the project to meet the established noise criteria prescribed by the Noise Subsection of the Safety Element of the General Plan:

- All project residential units shall be equipped with forced-air mechanical ventilation to allow occupants the option of keeping windows closed to control noise.
- Final building plans shall be reviewed by a qualified acoustical consultant to ensure that interior noise levels would be 45 dB(A) Ldn or less prior to issuance of building permits. Preliminary recommendations for exterior window and door Sound Transmission Class (STC) ratings are indicated in Table 7 of the Environmental Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc., dated December 19, 2014.
- Maximum instantaneous noise levels (Lmax) shall be reduced to 50 dB(A) in bedrooms and 55 dB(A) in other habitable rooms. The design of mitigation at properties adjoining the railroad shall consider the best available methods. These treatments include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible.
- A nine-foot masonry sound wall shall be provided along the rear yards of the units located adjacent to Warm Springs Boulevard, and a six-foot masonry wall shall be provided along the western project boundary adjacent to the Union Pacific railroad/BART tracks. The sound walls shall be provided as shown in Appendix B of the Environmental Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc., dated December 19, 2014, and shall be free of cracks or gaps over the face and along the base and be constructed of materials having a minimum surface weight of 3 lbs/ft^2.

Mitigation Measure NOI-2: The following measures shall be adhered to in order to limit noise generated by construction activities in accordance with the Safety Element of the General Plan and the Municipal Code:

- Limit all noise-generating activities at the construction site or in areas adjacent to the construction site to the hours between 7:00 a.m. and 7:00 p.m. during weekdays and from 9:00 a.m. and 6:00 p.m. on Saturdays and Holidays. No construction shall occur on Sunday.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Prohibit all unnecessary idling of internal combustion engines.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent residential land uses.
- Acoustically shield adjacent sensitive uses from stationary equipment with temporary noise barriers or recycled demolition materials.
- Locate staging areas and construction material storage areas as far away as possible from adjacent noise sensitive land uses.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Mitigation Measure UTI-1: Plans submitted for building permits shall include the following water conservation measures to maximize water use efficiency throughout the project:

- Ultra High Efficiency Toilets: All units shall be supplied with toilets with 1.0 gallons per flush (gpf) or less.
- Lavatory Faucets: All units shall be supplied with lavatory faucets that restrict flows to 1.0 gallons per minute (gpm).
- Showerheads: All units shall be supplied with showerheads that restrict flows to 1.5 gpm.
- Clothes Washers: All units shall be supplied with clothes washers that have a Water Factor less than 4.0 (3.99 and less).
- Landscaping and Irrigation: All landscaping/landscape plans shall comply with updated WELO (effective December 2015).

GENERAL SOURCE REFERENCES:

The following is a list of references used in the preparation of this document. Unless attached herein, copies of all reference reports, memorandums and letters are on file with the City of Fremont Department of Community Development. References to publications prepared by federal or state agencies may be found with the agency responsible for providing such information.

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2010
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

PROJECT RELATED REFERENCES:

A. Project plans prepared by KTGY Architecture + Planning, et al., dated January 2015
B. Site reconnaissance visit by City Planning Division, February 19, 2015
C. Preliminary Geotechnical Investigation prepared by Cornerstone Earth Group, dated December 18, 2014
D. Hazardous Materials Risk Appraisal prepared by Cornerstone Earth Group, dated May 29, 2013
E. Updated Tree Survey Report prepared by HortScience, Inc., dated August 2015
F. Phase I Environmental Site Assessment prepared by Aqua Science Engineers, Inc., dated February 26, 2015
G. Environmental Noise and Vibration Assessment by Illingworth & Rodkin, Inc., dated December 19, 2014
H. Air Quality & Greenhouse Gas Technical Report prepared by Ramboll Environ US Corporation, dated August 2015
J. Transportation Impact Analysis prepared by Fehr & Peers, dated May 2015