Mitigation Monitoring and Reporting Program
For the Final CEQA Environmental Compliance Checklist

Warm Springs/South Fremont Community Plan
Old Warm Springs Boulevard South Master Plan (Valley Oak Partners)

City of Fremont, Alameda County, California
State Clearinghouse No. 2013032062

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Table 1: WS/SF CP, Planning Areas 1 and 3 Master Plan (Valley Oak Partners – Old Warm Springs Boulevard South) Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
2. Air Quality/Greenhouse Gases					
MM AIR-2a: To reduce fugitive dust (PM10) emissions from construction activity, the following measures shall be implemented: • Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. • Cover all hauling trucks or maintain at least two feet of freeboard. • Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. • Limit traffic speeds on any unpaved roads to 15 mph. • Replant vegetation in disturbed areas as quickly as possible. • Suspend construction activities that cause visible dust plumes to extend beyond the construction site. • Post a publicly visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.	Notes on construction plans; site inspection	During construction	City of Fremont		

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MM AIR-2b: To reduce exhaust emissions from off-road construction equipment, the following measures shall be implemented: • The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that heavy-duty off-road vehicles to be used in the construction project, including owned, leased, and/or subcontractor vehicles, shall meet or exceed United States Environmental Protection Agency Tier 3 off-road emissions standards when more than five pieces of off-road diesel equipment with a horsepower greater than 70 per piece of equipment would operate on one day. The plan shall include quantification of air pollutant emissions demonstrating that the project would not exceed the BAAQMD's thresholds of significance for project construction. • Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site. • The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors). • Properly tune and maintain equipment for low emissions.	Notes on construction plans; site inspection	During construction	City of Fremont		
MM AIR-4: Prior to issuance of building permits for any sensitive receptor use (e.g., residential areas, elementary school, daycare centers, etc.) that would be developed pursuant to the Community Plan, the applicant shall prepare and submit plans to the City of Fremont that	Approval of plans	Prior to issuance of building permits for any sensitive receptor use (e.g., residential areas, elementary	City of Fremont		

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demonstrates the use of air filtration with a minimum efficiency reporting value (MERV) of 13 or greater. The approved plan shall be incorporated into the development.		school, daycare centers, etc.)			
3. Biological Resources					
MM BIO-1a: Prior to grading or any other ground disturbing activity, a qualified biologist shall conduct a survey for burrowing owls to determine if suitable burrows (greater than 3.5 inches diameter) are present in and adjacent to the area of ground disturbance. Surveys shall be conducted consistent with the procedures in outlined in the "California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation." If burrowing owl(s) are observed onsite during the preconstruction clearance survey, consultation with CDFW shall occur to determine the next appropriate steps. Additional focused surveys may be warranted as determined by CDFW to determine the quantity and location of nesting/migrating burrowing owls. Areas currently occupied by burrowing owls shall be avoided for the duration of residing onsite and/or nesting period. If burrowing owls cannot be avoided by the proposed project, then additional measures such as passive relocation during the non-breeding season may be utilized to reduce any potential impacts. Burrow exclusion involves the installation of one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows after verifying burrows are empty by site monitoring and scoping. Existing or artificial burrows situated less than 75 meters from the project site is the ideal scenario for successful passive relocation. Additional factors for successful passive relocation are included in the California Department of Fish and Wildlife 2012 Staff Report on	Submittal of surveys	Prior to grading or any other ground disturbing activity	City of Fremont		

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Burrowing Owl Mitigation. When a qualified biologist is able to determine that burrowing owls are no longer occupying the project site and passive relocation deemed successful, construction activities may continue.					
MM BIO-1b: Prior to any tree or vegetation removal during the nesting season (February 1 through August 31), a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, the biologist shall determine an appropriate buffer that shall be required around the nests. No vegetation removal or ground disturbance would occur within this buffer. For raptor species—birds of prey such as hawks and owls—this buffer would generally be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor. Tree or vegetation removal activities that occur outside of the nesting season (September 1 through January 31) are not subject to the requirements of this mitigation measure.	Submittal of documentation; notes on construction plans; site inspection	During construction activities	City of Fremont		
4. Cultural Resources					
MM CUL-1a: Prior to issuance of grading or building permits for development on vacant or unbuilt parcels within the Community Plan area, a qualified archaeologist shall undertake a field survey of the proposed project site following State Historic Preservation Officer guidelines associated with Phase 1 archaeological surveys. The results of the survey, a list of prehistoric discoveries made (if any), and proposed mitigation measures, must be incorporated into the conditions of approval for the development proposal.	Submittal of documentation; notes on construction plans; site inspection	During construction activities	City of Fremont		
MM CUL-1b: If potentially significant cultural resources	Submittal of	During construction	City of Fremont		

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are encountered during subsurface earthwork activities for the project, all construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be evaluated for significance in accordance with California Environmental Quality Act (CEQA) criteria by a qualified archaeologist and, if significant, recorded on appropriate California Department of Parks and Recreation forms. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive report and file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials	documentation; notes on construction plans; site inspection	activities			
MM CUL-3: If the proposed project involves excavation activities at depths of more than 10 feet below ground surface, prior to issuance of grading permits, the project applicant shall retain a qualified paleontologist to prepare and submit a paleontologic mitigation monitoring program to the City of Fremont for review and approval. The program shall at a minimum contain the following elements: (1) require monitoring by a qualified paleontologist of excavation activities below 10 feet; (2) empower monitor(s) to temporarily halt or	Submittal of documentation; notes on construction plans; site inspection	During construction activities	City of Fremont		

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divert equipment to allow removal of abundant or large specimens; and (3) identify steps for fossil salvaging. For the latter item, salvaged specimens shall be appropriately preserved, including curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage, as appropriate. At the conclusion of monitoring, the paleontologist shall prepare and submit a report of findings to the City of Fremont with an appended, itemized inventory of specimens and confirmation of the curation of recovered specimens into an established, accredited museum repository. This mitigation measure does not apply if excavation activities are limited to no more than 10 feet below ground surface. The monitoring requirements set forth in this mitigation measure do not apply if an applicant submits documentation prepared by a qualified cultural resources professional to the City of Fremont as part of the grading permit application demonstrating that paleontological resources are not present under the ground surface.					
MM CUL-4: In the event of the accidental discovery or recognition of any human remains, all activities shall cease within 50 feet of the find and the following procedures shall be implemented, as applicable: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Alameda County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the County Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant"	Submittal of documentation; notes on construction plans; site inspection	During construction activities	City of Fremont		

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(MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: • The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the NAHC. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.					
5. Geology, Soils, and Seismicity					
MM GEO-1: Prior to issuance of the first building permit for each development pursuant to the Community Plan, the project applicant shall submit a design-level geotechnical report to the City of Fremont for review and approval. The design-level investigation shall be prepared in accordance with California Building Code Standards and Fremont Municipal Code standards and address the potential for seismic hazards to occur onsite and identify abatement measures to reduce the potential for such an event to acceptable levels. The recommendations of the approved design-level geotechnical report shall be incorporated into the project plans.	Approval of plans	Prior to issuance of the first building permit	City of Fremont		
6. Hazards and Hazardous Materials					
MM HAZ-1: Prior to issuance of building permits for any	Not applicable	Not applicable	City of Fremont		

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new use within the Community Plan area that proposes to use large quantities of hazardous materials, the City of Fremont shall review the project application for compatibility with existing and planned land uses. The review process shall focus on the location of existing and planned sensitive receptors (e.g., residential uses and schools) and whether the proposed hazardous material usage would expose such uses to unacceptable safety risks. If necessary, the City shall condition the proposed hazardous materials user to incorporate appropriate protection measures. Such mitigation measures may include, but not be limited to: setbacks, walls, earthen berms, building orientation, building ventilation shutdown system devices, and building materials that can withstand the effects of hazardous materials release (such as blast, fire, etc.).					
MM HAZ-2a: Prior to issuance of a building permit for a proposed project pursuant to the Community Plan, the project applicant shall submit a hazardous materials risk analysis to the City of Fremont for review and approval. The risk analysis shall incorporate information from the plan area Hazardous Materials User Study or a site-specific risk analysis performed by a qualified professional and reflect the characteristics of the proposed residential use. The risk analysis shall describe potential hazardous materials incident risks and describe mitigation from the Hazardous Materials User Study or site-specific risk analysis that would protect future site users from those risks. Such mitigation measures may include, but not be limited to: setbacks, walls, earthen berms, building orientation, building ventilation shutdown system devices, and building materials that can withstand the effects of hazardous materials release (such as blast, fire, etc.). The mitigation shall be incorporated into the project plans.	Completed	Completed	City of Fremont		
MM HAZ-2b: Prior to issuance of a building permit for a	Completed	Completed (updates	City of Fremont		

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proposed project pursuant to the Community Plan, a Phase I Environmental Site Assessment (Phase I ESA) shall be prepared to American Society for Testing and Materials standards for the project. If the Phase I ESA identifies the potential for soil or groundwater contamination to be present at the site, a Phase II ESA shall be prepared by a qualified environmental professional. If contamination is identified during Phase I and II investigations, projects undertaken under the Community Plan shall incorporate any necessary measures to ensure that any potential added health risks to construction workers, maintenance and utility workers, site residents and workers, and the general public as a result of hazardous materials are reduced to a cumulative risk of less than one in one million for carcinogens and a cumulative hazard index of 1.0 for noncarcinogens, or as otherwise required by a regulatory oversight agency. The risk evaluation and any required response actions would be a condition of approval for construction, demolition, or grading permits and would be subject to review and/or approval by regulatory oversight agencies. These agencies could also require additional site investigation to more fully delineate the extent of contaminants of concern at the site. If extensive onsite excavation and/or soil off-haul is determined to be the appropriate response action for a site, additional CEQA review may be required to evaluate potential impacts for the response related to air quality, noise and traffic.		may be necessary if required by Fremont Fire)			
MM HAZ-2c: Hazardous building materials surveys shall be conducted by a qualified and licensed professional for all structures, not previously inspected or abated, proposed for demolition or renovation as part of a project undertaken under the Community Plan. All loose and peeling lead-based paint and asbestos-containing material shall be abated by certified contractor(s) in	Submittal of hazardous materials building surveys	Not applicable. No structures exist on site for demolition or renovation	City of Fremont		

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accordance with local, state, and federal requirements. All other hazardous materials shall be removed from buildings prior to demolition in accordance with California Department of Industrial Relations, Division of Occupational Safety and Health regulations. The completion of the abatement activities shall be documented by a qualified environmental professional(s) and submitted to the City for review with applications for issuance of construction and demolition permits.					
7. Hydrology and Water Quality					
MM HYD-1a: Prior to issuance of grading permits for new development projects that that would disturb one or more acre of land within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity; and (4) stabilization BMPs installed to reduce or eliminate pollutants after construction are completed. The SWPPP shall be prepared by a qualified SWPPP preparer. The SWPPP shall include the minimum BMPs required for the identified risk level. BMP implementation shall be consistent with the BMP	Approval of SWPPP; notes on construction plans	Prior to issuance of grading permits	City of Fremont		

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

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Specifically, the final design shall include measures designed to mitigate potential water quality degradation and hydromodification of runoff from all portions of completed developments. New development under the Community Plan shall incorporate site design and BMPs described in the current version of Alameda County Clean Water Program, C.3 Stormwater Technical Guidance manual. Low Impact Development (LID) features, including minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source, shall be used at each development covered by the Municipal Regional Permit. Funding for long-term maintenance of all BMPs shall be specified (as the City will not assume maintenance responsibilities for BMPs within private developments). For each development project, the project applicant shall establish a self-perpetuating Operation and Maintenance of Stormwater Treatment Systems Plan (Municipal Regional Permit provision C.3.h). This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Municipal Regional Permit. Reports documenting inspections and any remedial action conducted shall be submitted regularly to the City for review and approval. In addition to the Municipal Regional Permit, each development project implemented under the Community Plan will fully comply with the City of Fremont Stormwater Management and Discharge Control Ordinance (Chapter 18.210).					
MM HYD-2: Prior to issuance of building permits for new development projects within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a storm drainage and hydraulic study in accordance with City requirements. The storm drainage	Approval of study	Prior to issuance of building permits	City of Fremont		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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and hydraulic study shall quantify the increase in stormwater runoff peak flow rates and volumes resulting from the project, and identify the potential to exceed the conveyance and storage capacity of the local storm drainage system. The study shall incorporate the stormwater treatment controls and LID measures that will be designed to capture and treat runoff. The analysis shall verify whether the existing drainage infrastructure is adequate to receive and convey runoff from a project implemented under the Community Plan. If the findings of the analysis reveal that implementation of a proposed project would create runoff beyond the capacity of the existing stormwater drainage systems, the project shall be required to upgrade undersized components or adopt a different form of stormwater runoff management. Prior to approval of a proposed project, the final design drainage plans shall be reviewed and approved by the City of Fremont Public Works Department and the Alameda County Flood Control and Water Conservation District (ACFCWC). Any project that involves work within the ACFCWC right-of-way or that requires construction, modification, or connection to ACFCWC facilities shall obtain a Flood Encroachment Permit and shall comply with ACFCWC standards and specifications.					
MM HYD-3: Prior to issuance of grading permits for any new development project within the Community Plan area that involves dewatering, the City of Fremont shall verify that the applicant has consulted with Alameda County Water District (ACWD). Such consultation shall include evaluation of alternatives to dewatering when practicable to minimize the amount of dewatering, and to maximize the reuse of pumped groundwater when dewatering is not avoidable. In accordance with ACWD Ordinance No. 2010-01, a drilling permit shall be obtained prior to the start of the drilling of any exploratory borings or groundwater wells, or any	ACWD notification; issuance of permit (if required)	Prior to issuance of grading permits	City of Fremont; Alameda County Water District		

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excavations that have the potential to impact a groundwater aquifer. In compliance with the Replenishment Assessment Act, the project applicant shall meter all groundwater pumped and shall pay all applicable replenishment assessment fees. ACWD uses the fees to manage and replenish the Niles Cone Groundwater Basin and to recharge the basin through percolation in Alameda Creek and the adjacent recharge ponds in the Quarry Lakes Regional Recreational Area.					
MM HYD-4a: Prior to the development of any property within the Community Plan area, the project applicant shall notify the ACWD. ACWD shall conduct a records and field search and provide a letter documenting the locations of any wells identified on the property. The project applicant shall either protect or properly destroy the well(s) before the start of construction activities. If a well is to be destroyed, the project applicant shall first notify ACWD. Well destruction shall be carried out in accordance with the standards of ACWD. If a well is to be protected, the project applicant shall submit a letter to ACWD identifying the well and explaining how the well will be protected during construction activities. A permit for inactive classification shall be obtained for protected wells that will not be used for a 12-month period. In accordance with ACWD Ordinance No. 2010-01, a drilling permit shall be obtained prior to the start of the drilling of exploratory borings or groundwater wells, or any excavations that may have the potential to impact groundwater resources.	ACWD notification; issuance of permit	Prior to issuance of grading permits	City of Fremont; Alameda County Water District		
MM HYD-4b: Prior to issuance of grading permits for any development projects at Leaking Underground Storage Tank (LUST) sites or Site Cleanup Program (SCP) sites, the applicant shall consult with ACWD or with the Regional Water Quality Control Board to identify measures to ensure that cleanup and investigation activities of the site	Not applicable. Not a LUST of SCP site.	Not applicable. Not a LUST of SCP site.	City of Fremont; Regional Water Quality Control Board; Alameda County Water District		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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are not interrupted by construction or dewatering activities. Any agency recommended measures shall be identified on construction plans.					
MM HYD-5: Prior to issuance of grading permits for any development project located within a 100-year hazard flood zone, the applicant shall prepare and submit building plans to the City of Fremont that demonstrate compliance with the City of Fremont Flood Damage Prevention Ordinance (Chapter 18.200). The Ordinance specifies the standards required for the construction of buildings in all areas of special flood hazards and requires that all new structures be at least one foot above the 100-year flood elevation. The standards include, but are not limited to, requirements for anchoring, construction materials and methods, elevation, and floodproofing. In addition, the standards state that no new construction or redevelopment shall occur in a FEMA designated 100-year flood zone unless certification by a registered professional engineer or architect is provided that shows that the activity would not result in an increase in flood levels during the occurrence of the base flood discharge. The project applicant shall also comply with Policy 10-3.1 of the City of Fremont General Plan, which requires that the cumulative effects of other encroachments onto the 100-year flood zone be considered in the analysis.	Approval of plans	Prior to issuance of grading permits	City of Fremont		
9. Noise					
MM NOI-1: The following measures shall be implemented as part of construction activities within the Community Plan area, in order to reduce the effects of noise levels generated from construction operations. • Construction operations and related activities within the plan area shall comply with the operational hour limitations for construction as outlined in the City of Fremont Municipal Code. For projects located within 500 feet of one or more residences, lodging facilities, nursing homes or inpatient hospitals, construction	Notes on construction plans; site inspection	During construction	City of Fremont		

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shall be limited to the weekday hours of 7:00 a.m. to 7:00 p.m. and the Saturday or holiday hours of 9:00 a.m. to 6:00 p.m., while Sunday construction is not allowed. For projects located beyond 500 feet of the facilities named above, construction hours shall be limited to the weekday hours of 6:00 a.m. to 10:00 p.m. and the weekend or holiday hours of 8:00 a.m. to 8:00 p.m. The City of Fremont shall have the discretion to permit construction activities to occur outside of allowable hours if compelling circumstances warrant such an exception. • Construction equipment and vehicles shall be fitted with efficient, well-maintained mufflers that reduce equipment noise emission levels at the project site. Internal combustion powered equipment shall be equipped with properly operating noise suppression devices (e.g., mufflers, silencers, wraps) that meet or exceed manufacture specifications. Mufflers and noise suppressors shall be properly maintained and tuned to ensure proper fit, function, and minimization of noise. • Pumps that are not submerged and aboveground conveyor systems shall be located within acoustically treated enclosures. • Portable and stationary site support equipment (such as generators, compressors, rock crushers, and cement mixers) shall be located as far as possible from nearby noise-sensitive receptors. • Impact tools shall have the working area/impact area shrouded or shielded, with intake and exhaust ports on power equipment muffled or suppressed. This may necessitate the use of temporary or portable, application specific noise shields or barriers. • Construction equipment shall not be idled for extended periods (e.g., 15 minutes or longer) of time in the immediate vicinity of noise-sensitive receptors.					

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• A disturbance coordinator shall be designated by the general contractor, which will post contact information in a conspicuous location near the entrance of the subject construction sites so that it is clearly visible to nearby receivers most likely to be disturbed. The coordinator shall manage complaints resulting from the construction noise. Reoccurring disturbances shall be evaluated by a qualified acoustical consultant retained by the project proponent to ensure compliance with applicable standards					
MM NOI-2: Prior to issuance of building permits for any vibration sensitive uses within 200 feet of the Union Pacific Railroad centerline, the applicant shall retain a qualified acoustical/vibration consultant to perform a site-specific groundborne noise and vibration assessment. The assessment shall be prepared in accordance with Federal Transit Administration and Caltrans guidelines and identify whether the proposed uses would be exposed to excessive vibration. No vibration sensitive uses shall be located within 100 feet of the railroad centerline unless it can be demonstrated that such uses would not be exposed to excessive vibration. The recommendations of the assessment shall be incorporated into the development plans.	Approval of plans	Prior to issuance of building or grading permits	City of Fremont		
MM NOI-4a: Plans submitted for building and/or grading permits shall include an acoustical analysis that verifies that the project would meet applicable noise standards. Projects determined to have the potential to generate or expose noise-sensitive uses to noise levels exceeding the City of Fremont noise standards or result in a substantial (3 to 5 dB or greater) permanent increase in ambient noise levels shall include noise attenuation measures such as use of sound-rated door and window assembles, mechanical ventilation, orientation of buildings away from roadways, sound barriers (walls or berms), or other	Approval of plans	Prior to issuance of building or grading permits	City of Fremont		

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methods to reduce noise levels to acceptable standards.					
MM NOI-4b: Specific development of proposed land uses shall be designed so that onsite mechanical equipment (e.g., HVAC units, compressors, generators, etc.) and area source operations (e.g., loading docks, parking lots, and recreational use areas) are located at the furthest distance from and/or shielded from nearby noise-sensitive land uses.	Approval of plans	Prior to issuance of building or grading permits	City of Fremont		
MM NOI-4c: Loading, unloading and delivery areas of commercial and industrial uses shall be located so that buildings shield nearby noise-sensitive land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise-sensitive uses. Loading dock activity and delivery truck activity at the commercial uses developed within the Plan Area shall only occur between the hours of 7 a.m. and 10 p.m., in order to prevent evening and nighttime sleep disturbance at nearby noise-sensitive land uses	Approval of plans	Prior to issuance of building or grading permits	City of Fremont		
MM NOI-5a: Plans submitted for building and/or grading permits shall include an acoustical analysis that verifies that the project would meet applicable noise standards.	Approval of plans	Prior to issuance of building or grading permits	City of Fremont		
MM NOI-5b: Projects determined to have the potential to expose noise-sensitive uses to noise levels exceeding the City of Fremont noise standards shall incorporate site-specific design considerations to reduce exterior noise exposure levels. Site design includes, but is not limited to the following measures: • Distances between noise sources and noise-sensitive uses shall be maximized through the use of noise buffers/setbacks. Setback areas can take the form of open space, frontage roads, recreational areas, storage yards, or other City approved setback. • Common outdoor activity areas, such as play structures, swimming pools, or other outdoor congregation areas included in multi-family	Approval of plans	Prior to issuance of building or grading permits	City of Fremont		

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residential and/or mixed-use developments shall be located such that the building(s) serve as a sound barrier to the nearest predominant noise source whenever feasible. • Noise barriers shall be constructed to provide shielding of noise-sensitive uses and outdoor activity areas. Barriers may include man-made walls, earthen berms, a combination of walls and berms, and other structures breaking line of sight from noise source to receptor. Barriers shall be located in close proximity to either the noise source or the sensitive receptor. • A site-specific acoustical analysis shall be performed to determine noise level exposure, and determine effectiveness of various site design measures based on detailed project construction plans. The acoustical analysis shall verify that incorporation of the mitigation measures into the project design would reduce exterior noise level exposures to comply with applicable City of Fremont noise standards					
11. Transportation					
MM TRANS-1a: Prior to issuance of the first certificate of occupancy for each individual development that occurs pursuant to the Community Plan, the project applicant shall submit a Transportation Demand Management (TDM) Program to the City of Fremont for review and approval. The TDM Program shall be prepared by a qualified transportation consultant/ engineer and identify TDM measures. (Note that applicants shall have the option of participating in a previously approved TDM Program in lieu of preparing a new one.) The TDM Program shall contain the following provisions: 1) A goal of reducing AM peak-hour and PM peak-hour trips by a minimum of 20 percent. 2) Annual review (or more frequently if needed) to determine that it reflects the needs and priorities of	Approval of TDM program and TDM Compliance Plan	Prior to issuance of the first certificate of occupancy	City of Fremont		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
residents, employees, tenants, etc. Changes shall be made on an as-needed basis in order to ensure that the TDM program can readily attain the 20 percent reduction goal. 3) Include but not be limited to the following measures: • Subsidized transit passes • Carsharing/Vanpool program • Guaranteed Ride Home via taxi vouchers or similar provisions • Preferential carpool parking • Parking cash-out programs					
MM TRANS-1b: The City of Fremont shall implement the following improvements for the intersection of Mission Boulevard/Warm Springs Boulevard: • Add a third eastbound left-turn lane. This improvement would result in a third receiving lane at the northern leg of the intersection and require right-of-way acquisition. This mitigation measure may require amendment of the City's Capital Improvement Program.	Installation of improvements	When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour	City of Fremont		
MM TRANS-1c: The City of Fremont shall implement the following improvements for the intersection of Grimmer Boulevard/Warm Springs Boulevard-Osgood Road: (a) Add a second northbound through lane; (b) Convert the northbound shared right/through to a right-turn lane; (c) Add a second westbound through lane; and (d) Add a second eastbound through lane. This mitigation measure may require amendment of the City's Capital Improvement Program.	Installation of improvements	When monitoring determines that the intersection is approaching unacceptable operations during the AM or PM peak hour	City of Fremont		
MM TRANS-1d: The City of Fremont shall implement the following improvements for the intersection of Auto Mall Parkway/Fremont Boulevard:	Installation of improvements	When monitoring determines that the intersection is	City of Fremont		

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

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

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

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

Warm Springs/South Fremont Community Plan
Planning Area 3 Master Plan (Valley Oak Partners)
CEQA Environmental Compliance Checklist
City of Fremont, Alameda County, California

State Clearinghouse No. 2013032062

City of Fremont
Community Development Department
39550 Liberty Street
Fremont, CA 94537
510.284.4017
Contact: David Wage, Associate Planner

Checklist Date: January 11, 2016

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SECTION 1: INTRODUCTION

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

The project applicant (Valley Oak Partners) proposes a Master Plan to develop a vacant ±28.7-acre site with 785 residential units and 325,000 square feet of commercial floor area that includes research and development space, office space, neighborhood commercial uses, a hotel and restaurant, open space, public and private streets, and related infrastructure. The project site encompasses all of Planning Area 3 and an approximately ±4.5 acre portion of Planning Area 1 of the Warm Springs/South Fremont (WS/SF) Community Plan Area. The following environmental analysis has been prepared for the proposed project pursuant to the requirements of the California Environmental Quality Act (CEQA).

CEQA Assessment

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

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

Summary of the Results

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

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

City of Fremont
Community Development Department
Planning Division
39550 Liberty Street
Fremont, CA 94537

Website: http://www.fremont.gov/430/Environmental-Review (see "Warm Springs South Fremont Community Plan" under the project list)

SECTION 2: PROJECT DESCRIPTION

- **Project Title:** Old Warm Springs Boulevard South Master Plan
- **Lead Agency Name and Address:** City of Fremont
  Community Development Department
  Planning Division
  39550 Liberty Street
  Fremont, CA 94537
- **Contact Person and Phone Number:** David Wage, Associate Planner
  Phone: (510) 494-4447
  Fax: (510) 494-4457
  Email: dwage@fremont.gov
- **Project Location:** ±28.7-acre project site bounded by Fremont Boulevard (west), Tavis Place (north), UPRR/BART Corridor (east), and South Grimmer Boulevard (south).
- **Project Sponsor's Name and Address:** Valley Oak Partners, LLC
  734 The Alameda
  San Jose, CA 95126
- **Existing General Plan Designation:** Innovation Center
- **Existing Zoning:** Warm Springs Innovation District, Planning Area 3 and a portion of Area 1 (WSI – 1 and WSI-3)

- **Existing Setting and Neighboring Land Uses:**

The Warm Springs Station Development ("Project") site is located in the WS/SF Community Plan Area of the City of Fremont, Alameda County, California. Figures 1-4 show the Project site in relation to the Bay Area region, surrounding development and the WS/SF Community Plan Area. The ±28.7-acre project site includes all of Planning Area 3 of the WS/SF Community Plan Area and a ±4.5 acre portion of Planning Area 1.

The project site is bounded by Fremont Boulevard to the west, the existing and future extension of Tavis Place and an existing freight yard to the north, Union Pacific Railway and BART corridor to the east, and existing commercial buildings and South Grimmer Boulevard to the south. Old Warm Springs Boulevard bisects the project site between existing and future Tavis Place.

There is an existing truck and rail yard to the north (Snoboy). A metal finishing industrial use (Global Plating Inc.) is located to the west. There is an existing multi-tenant commercial development adjacent to the project site along South Grimmer Boulevard. The area opposite the project site on the south side of South Grimmer Boulevard currently is vacant and is anticipated to be developed with residential uses,

a park, and school as part of the WS/SF Community Plan Area. The Union Pacific Railway is located to the east.

The under-construction Warm Springs/South Fremont Bay Area Rapid Transit (BART) station and associated surface parking lot is located less than one-quarter mile southeast of the project site, on the east side of Old Warm Springs Boulevard, south of South Grimmer Boulevard. Figure 2 shows the Project site in relation to its immediate surroundings.

The project site consists of undeveloped and unpaved land, which gradually slopes from 30' above sea level at the southeast corner to 22' above sea level at the southwest corner. The site is mostly vacant; however, the western parcel contains a large metal and masonry-sided barn like structure in the southwest corner of the site, with a concrete driveway on Fremont Boulevard. There is a grove of trees immediately south of the barn. The eastern property contains a graveled former driveway from Old Warm Springs Boulevard leading to an abandoned house and adjacent shed/wellhouse near the southwest corner. There is a large overhead electrical tower near the southeastern-most corner of the site.

- **Description of Project:**

The project applicant (Valley Oak Partners) proposes a Master Plan to develop a vacant ±28.7-acre site with 785 residential units and 325,000 square feet of commercial development including office space, a hotel and a restaurant. A Master Plan is required by the WS/SF Community Plan for development of sites over five acres in size to show how applicable land use targets will be achieved. The proposed uses are described in greater detail below. The Master Plan organizes the project into four parcels, as shown in Figure 3 on page 13.

The Hotel and Restaurant (Parcel 1) - The project proposes a four to five story, 50,000 square foot hotel with 125-150 rooms located on a two acre site at the northwest corner of South Grimmer Boulevard and Old Warm Springs Boulevard. The hotel would be in a highly visible location and would be within walking distance of the BART station. The plan includes a 6,000 square foot ground floor restaurant with outdoor dining located at the corner of the intersection. Parking for the hotel would be internal to the building and vehicular access would be provided from Grimmer Boulevard.

The Spark – Collaborative Workspace (Parcel 2) - The Spark is a collaborative workspace located on a 0.3 acre site to the north of the hotel, on the west side of Old Warm Springs Boulevard. The Spark would include 5,000 square feet of collaborative workspace with shared work stations and small office rental spaces.

Urban Residential – High Density - 66 units/acre (Parcel 3a) - 524 rental units are proposed in multiple buildings on the eight acre site located on the east side of Old Warm Springs Boulevard, north of south Grimmer Boulevard. Of the 524 units, 102 would be affordable rental units. The buildings are anticipated to be approximately five stories in height. A parking garage would be constructed along the eastern edge of the site with units wrapped around the perimeter facing public streets. The Union Pacific Railway is located to the east of the project site. The garage would be utilized as a buffer to reduce the number of units adjacent to the railway. 8,000 square feet of ground floor commercial area is proposed in the buildings along Old Warm Springs Boulevard adjacent to the proposed Inspiration Plaza

and across from the hotel and The Spark. The commercial space would be designed to support cafes, restaurants and other neighborhood oriented commercial uses.

Urban Residential – Medium Density - 24 units/acre (Parcel 3b) - The project would include 261 market rate for sale units on a 10.8 acre parcel located west of Old Warm Springs Boulevard between the future extension of Tavis Place and South Grimmer Boulevard. The buildings would include a combination of townhomes and flats between three and four stories tall. A total of 6,000 square feet of live-work area is proposed on ground floor of select units. Vehicular access to the units will be provided from internal alleyways.

Innovation Office (Parcel 4) - 250,000 square feet of office space is proposed on a 4.5 acre site located in Planning Area 1 along Fremont Boulevard. The building would be up to 135 feet tall and oriented towards Fremont Boulevard. The building lobby would be transparent, which is intended to visually connect Fremont Boulevard with a large plaza located on the east side of the office building. The plaza design includes areas for outdoor seating, informal gathering spaces, and outdoor work opportunities. A multi-level parking structure is proposed next to the office building along Fremont Boulevard. The structure would be designed to accommodate active uses along the ground floor facing public streets. Vehicular access to the garage would be provided from Fremont Boulevard.

Open Space - These open spaces areas are shown in Figure 6, on page 14. All of the open spaces areas are proposed to be privately owned and maintained. The residential developments within the Master Plan area would include private common open space that is designed for the use of residents. The Master Plan area would also include privately owned public open space that includes plazas designed to support a variety of active and passive activities. The plazas are connected by pedestrian friendly public streets and privately owned and maintained open space that is open to the public.

Street Improvements - The project site is adjacent to existing public streets including Fremont Boulevard, Old Warm Springs Boulevard and South Grimmer Boulevard. The project will be responsible for improving the frontage of these streets in accordance with the WS/SF Community Plan Area. The project will also include intersection improvements at key intersections such as South Grimmer Boulevard/Old Warm Springs Boulevard and Fremont Boulevard/South Grimmer Boulevard.
The project proposes several new internal public streets in accordance with the street network established in WS/SF Community Plan. All of the streets would be designed as “complete streets,” which would support a wide range of transportation modes and contribute to the quality of life for the neighborhood. The primary new street in the Master Plan is the new east-west neighborhood road that connects Old Warm Springs Boulevard to Fremont Boulevard and provides key connections to open space, plazas, and the neighborhood. The new east –west street would provide a vehicular and pedestrian connection from Old Warm Springs Boulevard to a new internal north-south street. The east-west street would transition to a pedestrian and bike pathway west to Fremont Boulevard.

The Master Plan also proposes two new north-south streets that would connect the future extension of Tavis Place to South Grimmer Boulevard. The westerly north-south street would not connect to South Grimmer until the existing commercial center south of the project site redevelops.

Tavis Place would eventually be extended west of Old Warm Springs Boulevard and connect to Fremont Boulevard; however it would not be constructed as part of this project because the majority of the required right-of-way is located offsite. The project would construct the curb, gutter and sidewalk on the south side of Tavis Place adjacent to the project site and make a fair share contribution to the completion of the remainder of the street.

Phasing - The Master Plan indicates that the project would be built in three phases. The first phase would include public streets, infrastructure, and 683 market rate residential units, 8,000 square feet of commercial and 6,000 square feet of live-work space. The second phase would include the hotel and restaurant (70,000 square feet) and the 102 affordable housing units. The third phase would include 5,000 square feet of shared office space ("The Spark") and the 250,000 square foot office space and associated open space plaza at the western edge of the project site.

Parcel Map - The applicant has also submitted an application for a tentative parcel map in conjunction with the proposed Master Plan. The tentative parcel map would divide an existing parcel (±20.6 acres) on the west side of Old Warm Springs Boulevard, north of South Grimmer Boulevard into four parcels. The proposed parcels would range in size from 13.7 to 0.3 acres. The proposed parcel boundaries correspond to the different land uses in the Master Plan.

Tree Removal - There are 118 trees within the project boundaries that would be subject to the City's Tree Preservation Ordinance (i.e., six inches or greater in diameter at 54 inches above grade). Common tree species include White poplar and Chinese Pistache. As part of the design review process some of the trees may be preserved through relocation onsite. The project applicant would be required to submit a permit application to the City of Fremont for the removal of the trees.

- **Discretionary Approvals:**

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

- Master Plan
- Tentative Parcel Map
- Tree Removal Permit

Anticipated future discretionary approvals will include:

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

Figure 1: Regional Location Map

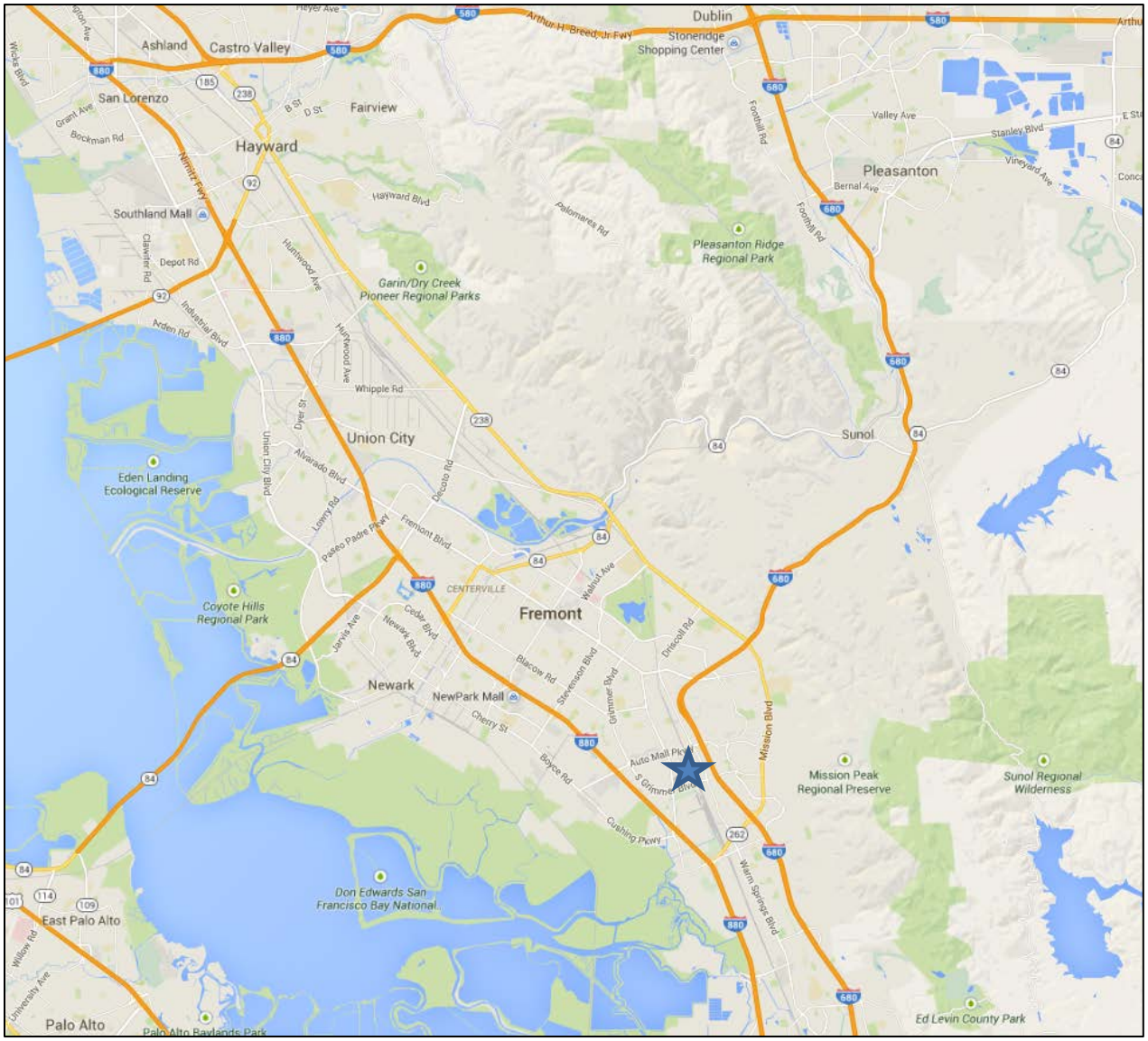
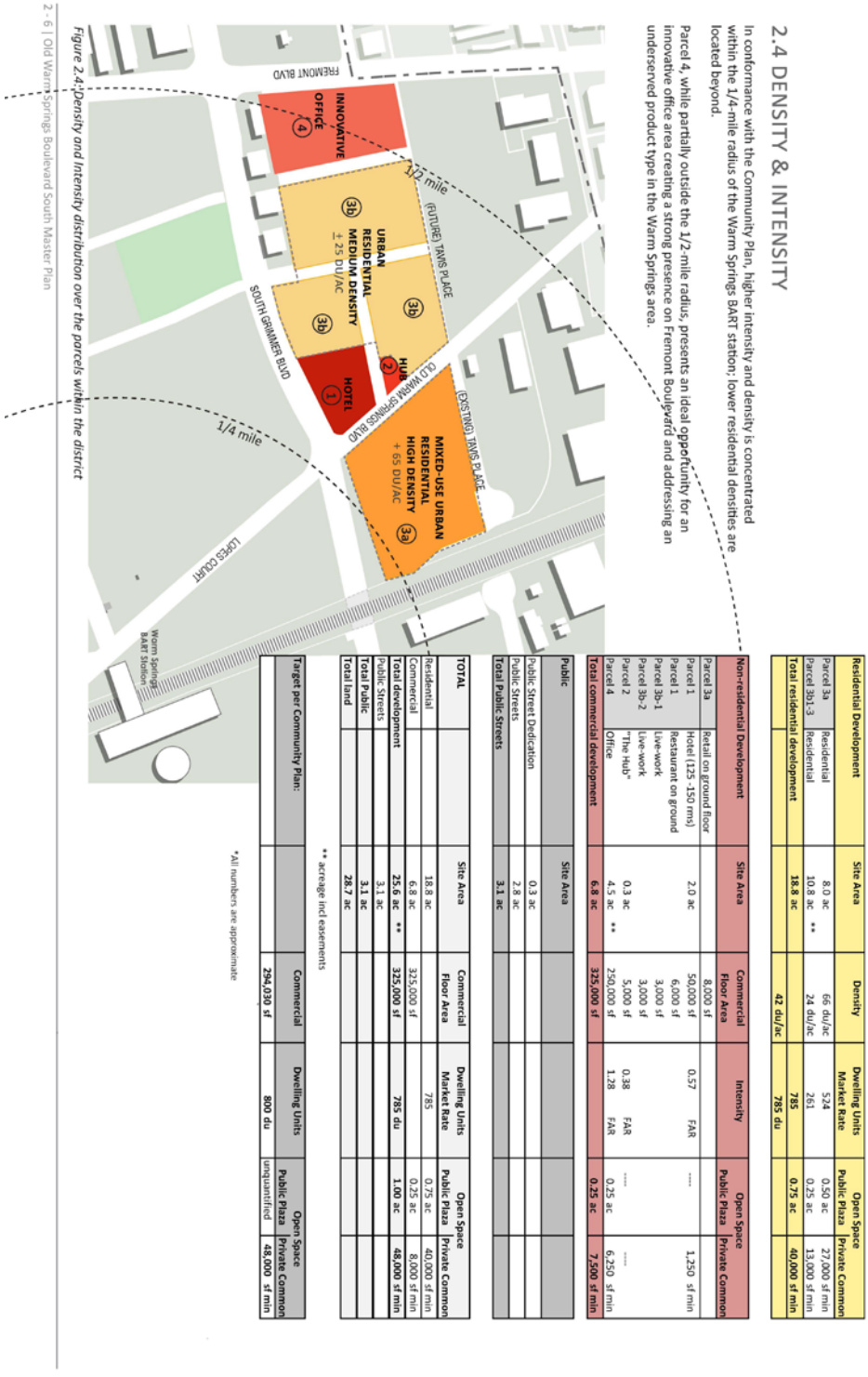


Figure 2: Local Vicinity Map Aerial Base

Figure 3: Proposed WS/SF Community Plan, Planning Area 9 Land Use Plan



2.4 DENSITY & INTENSITY

In conformance with the Community Plan, higher intensity and density is concentrated within the 1/4-mile radius of the Warm Springs BART station; lower residential densities are located beyond.

Parcel 4, while partially outside the 1/2-mile radius, presents an ideal opportunity for an innovative office area creating a strong presence on Fremont Boulevard and addressing an underserved product type in the Warm Springs area.

Residential Development		Site Area		Density	Dwelling Units Market Rate	Open Space Public Plaza	Open Space Private Common
Parcel 3a	Residential	8.0 ac		66 du/ac	524	0.50 ac	27,000 sf min
Parcel 3b1-3	Residential	10.8 ac	**	24 du/ac	261	0.25 ac	13,000 sf min
Total residential development		18.8 ac		42 du/ac	785	0.75 ac	40,000 sf min

Non-residential Development		Site Area		Commercial Floor Area	Intensity		Open Space Public Plaza	Open Space Private Common
Parcel 3a	Retail on ground floor			8,000 sf				
Parcel 1	Hotel (125 -150 rms)	2.0 ac		50,000 sf	0.57	FAR	----	1,250 sf min
Parcel 1	Restaurant on ground			6,000 sf				
Parcel 3b-1	Live-work			3,000 sf				
Parcel 3b-2	Live-work			3,000 sf				
Parcel 2	"The Hub"	0.3 ac		5,000 sf	0.38	FAR	----	----
Parcel 4	Office	4.5 ac	**	250,000 sf	1.28	FAR	0.25 ac	6,250 sf min
Total commercial development		6.8 ac		325,000 sf			0.25 ac	7,500 sf min

Public	Site Area
Public Street Dedication	0.3 ac
Public Streets	2.8 ac
Total Public Streets	3.1 ac

TOTAL	Site Area	Commercial Floor Area	Dwelling Units Market Rate	Open Space Public Plaza	Open Space Private Common
Residential	18.8 ac	785		0.75 ac	40,000 sf min
Commercial	6.8 ac	325,000 sf		0.25 ac	8,000 sf min
Total development	25.6 ac **	325,000 sf	785 du	1.00 ac	48,000 sf min
Public Streets	3.1 ac				
Total Public	28.7 ac				
Total land					

** acreage incl easements

Target per Community Plan:		Commercial	Dwelling Units	Open Space Public Plaza	Open Space Private Common
		294,030 sf	800 du	unquantified	48,000 sf min

*All numbers are approximate

Figure 2.4-1: Density and intensity distribution over the parcels within the district

Figure 4: Warm Springs/South Fremont Community Plan Context and Planning Areas

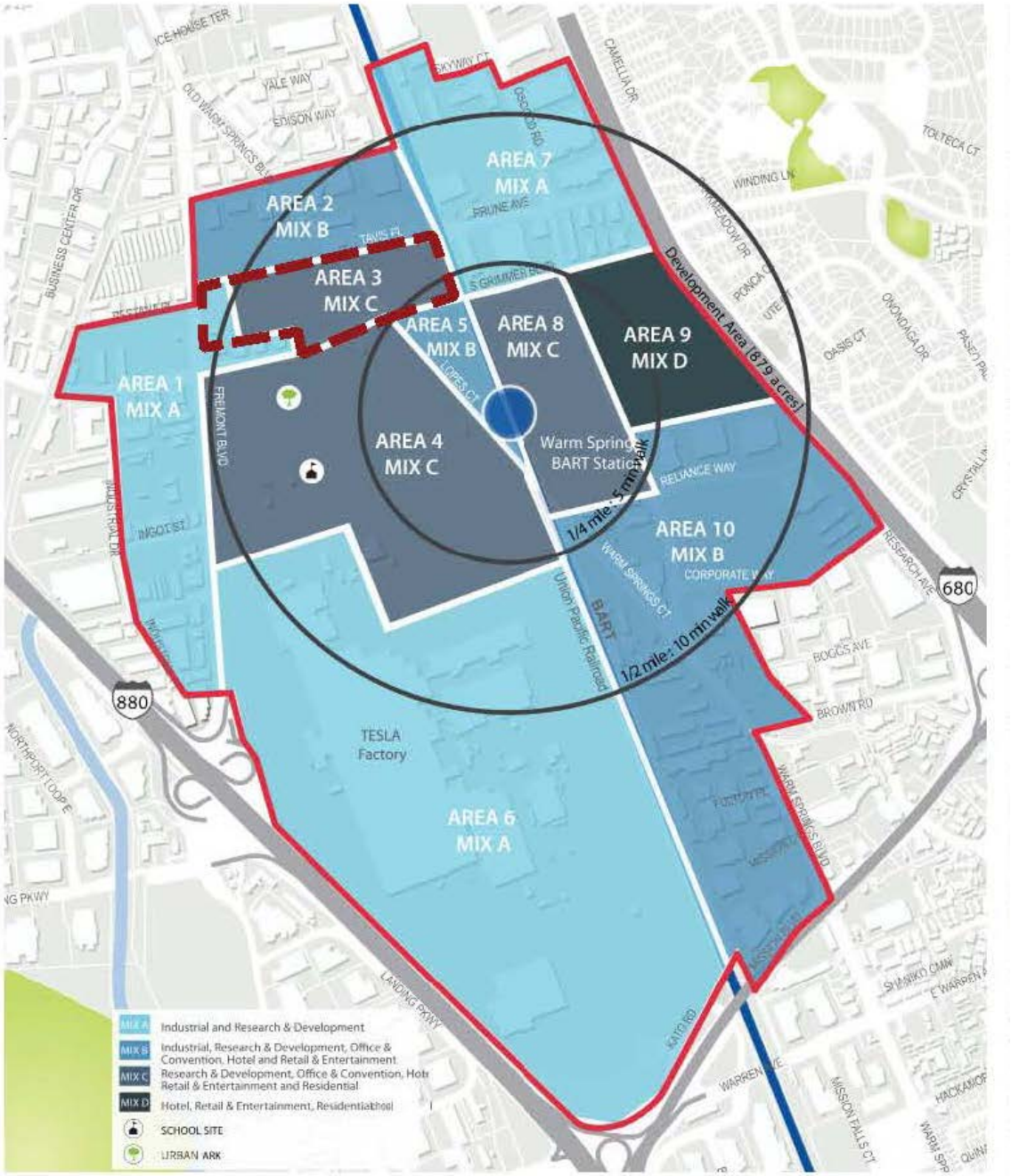


Figure 5: Tentative Parcel Map

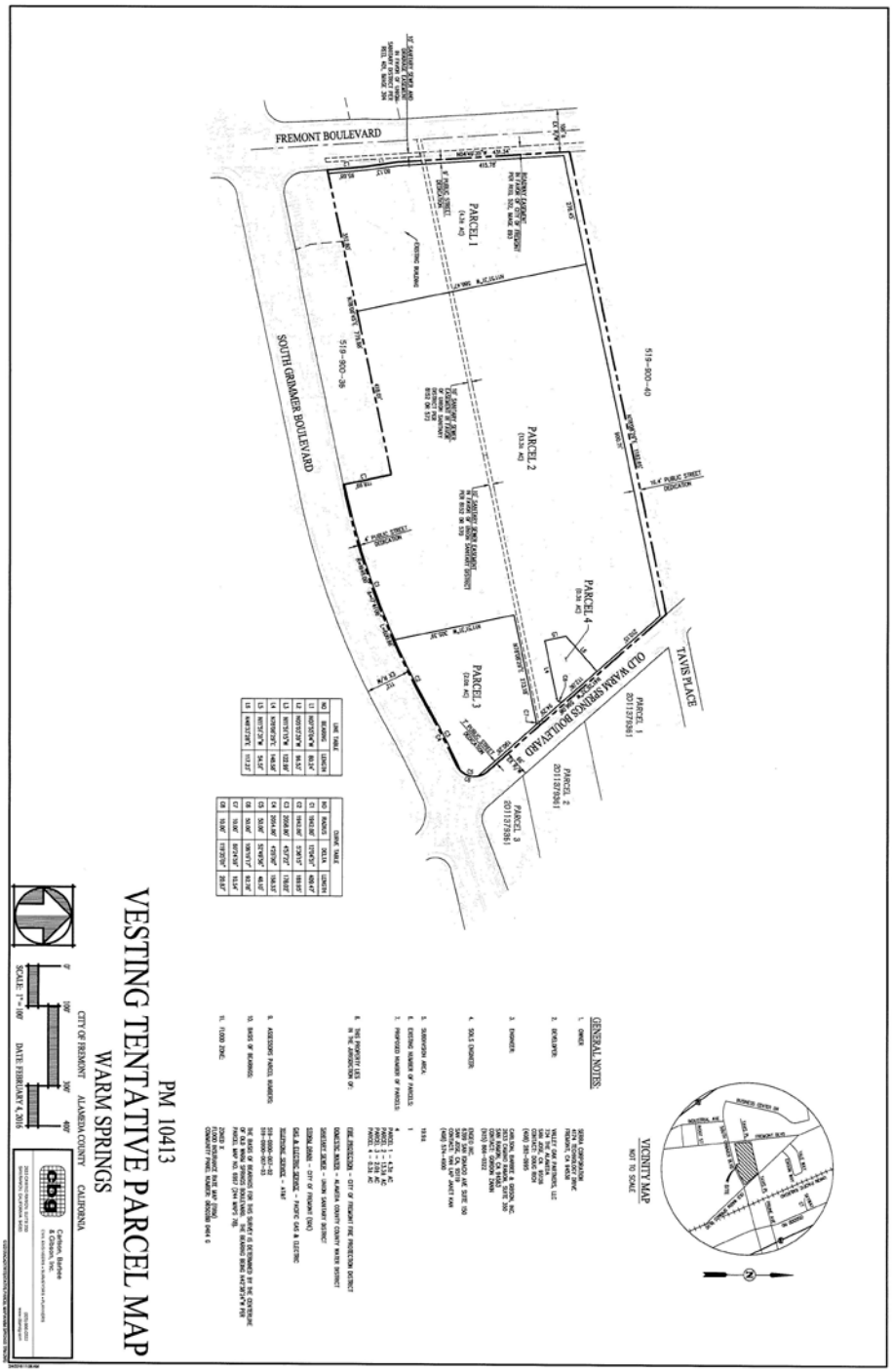
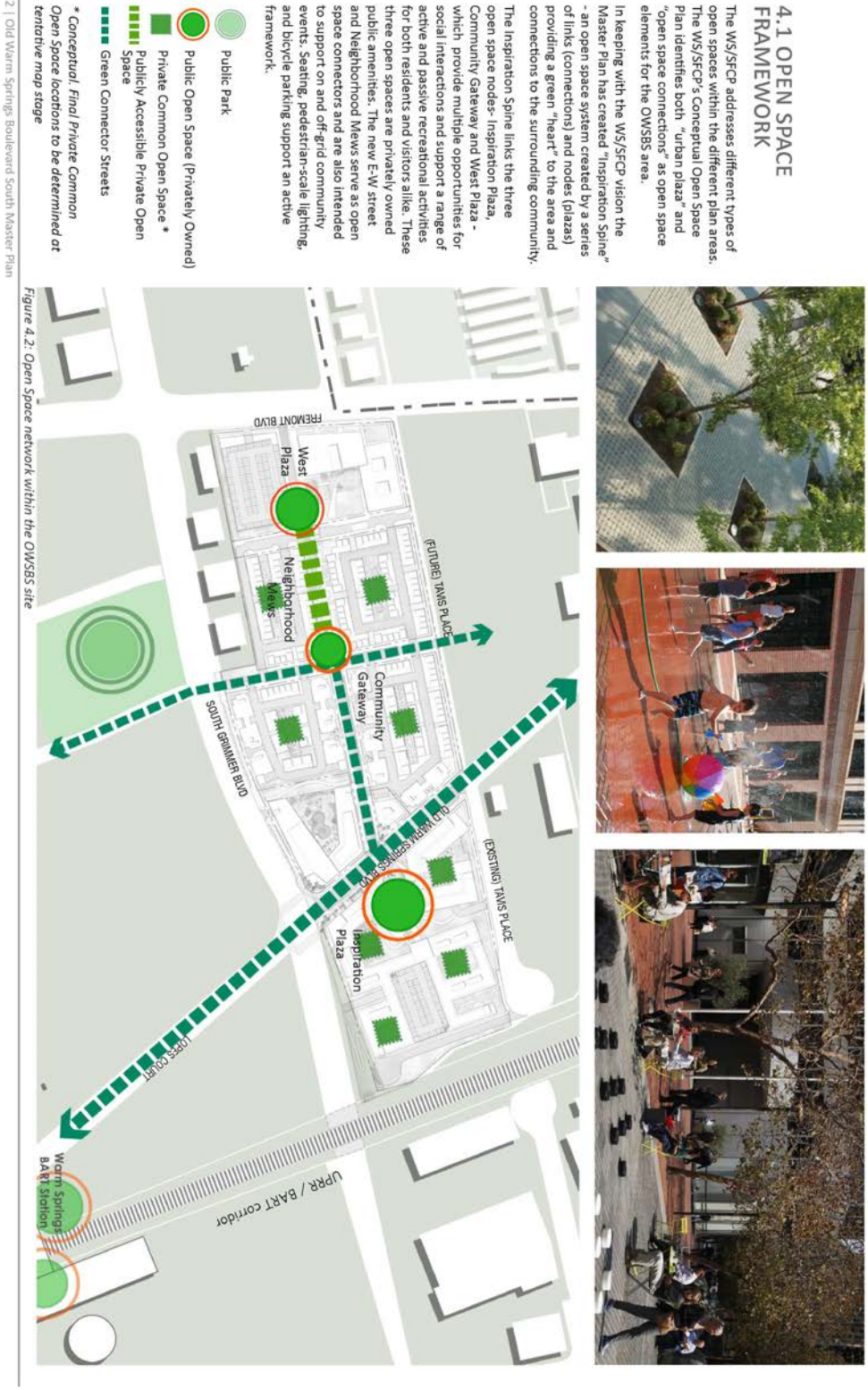


Figure 6: Open Space Exhibit



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

CEQA Guidelines Section 15183 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an FEIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects, which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

The Environmental Checklist below demonstrates that the Project (described above) qualifies for review under CEQA Guidelines Section 15183 and does not need additional environmental review since the WS/SF Community Plan FEIR, certified by the Fremont City Council in July of 2014, adequately addressed the Project's potential environmental effects.

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

CEQA Section 15183 applies to the project since it meets all of the following conditions.

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

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

The project site includes a 4.5 acre portion of Planning Area 1 within the WS/SF Community Plan Area. Planning Area 1 allows industrial and research and development uses. These general land use categories in the community plan are implemented through the Warm Springs Innovation District 1 (WSI-1). The portion of the proposed project located in Planning Area 1 is a 250,000 square foot "Innovation Office," which is a permitted use. The proposed office use is consistent with Planning Area 1 and the WSI-1 District. Table 1 below demonstrates that the proposal is consistent with the estimated development targets for Planning Area 1.

Table 1: Planning Area 1 Development Targets

Land Use	Estimated Dwelling Units/ Estimated Floor Area	Proposed Dwelling Units/ Estimated Floor Area
Non-residential	1,203,342	250,000
The Community Plan uses the phrases "Estimated Dwelling Units" and "Estimated Floor Area" to signify that these are not fixed limits but instead flexible values so long as the total development within the Community Plan area does not exceed 4,000 dwelling units and 9,623,000 square feet of non-residential uses. Source: City of Fremont, 2014.		

The project site includes all of Planning Area 3 in the WS/SF Community Plan Area. The Community Plan states that Planning Area 3 allows a mix of land uses including residential, and research and development. These general land use categories in the community plan are implemented through the Warm Springs Innovation District 3 (WSI-3). The proposed project consists of residential, live-work space, retail, restaurant, and a hotel, which are all consistent with Planning Area 3 and are permitted uses or a use allowed with a Zoning Administrator Permit in the WSI-3 District. Table 2 below demonstrates that the proposal is consistent with the estimated development targets for Planning Area 3.

Table 2: Planning Area 3 Development Targets

Land Use	Estimated Dwelling Units/ Estimated Floor Area	Proposed Dwelling Units/ Estimated Floor Area
Residential	800	785
Non-residential	294,030	75,000
The Community Plan uses the phrases "Estimated Dwelling Units" and "Estimated Floor Area" to signify that these are not fixed limits but instead flexible values so long as the total development within the Community Plan area does not exceed 4,000 dwelling units and 9,623,000 square feet of non-residential uses. Source: City of Fremont, 2014.		

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

The project site is zoned Warm Springs Innovation District, Planning Area 1 (WSI-1) and Planning Area 3 (WSI-3). The WSI-1 and WSI-3 zoning districts were established in conjunction with the adoption of the WS/SF Community Plan in order to implement the plan. Accordingly, it permits the uses contemplated by the WS/SF Community Plan, including residential, retail, and public open space uses.

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

The project site is designated "Innovation Center" by the City of Fremont General Plan. The "Innovation Center" land use designation reflects the uses contemplated by the WS/SF Community Plan, including mixed uses at the density and intensity proposed by the project.

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

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

SECTION 4: ENVIRONMENTAL CHECKLIST

CEQA Guidelines Section 15183(b) states that

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

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

AESTHETICS

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project:					
a) Have a substantial adverse effect on a scenic vista?	**Less than significant impact**	**No**	**No**	**No**	**No**
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	**Less than significant impact**	**No**	**No**	**No**	**No**
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	**Less than significant impact**	**No**	**No**	**No**	**No**
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	**Less than significant impact**	**No**	**No**	**No**	**No**

a) Scenic Vista. *Would the project have a substantial adverse effect on a scenic vista?*

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

The proposed project would place buildings in locations and at heights contemplated by the WS/SF Community Plan. The project site does not have existing views to San Francisco Bay. Views of the Mission Hills from Warm Springs Boulevard could be obscured by the proposed buildings, but east-west corridors within the project site (new east-west street) would preserve views of the Mission Hills. Additionally, the proposed project would create new opportunities to view the Mission Hills from inside of new buildings.

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

b) State Scenic Highways. *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

Less than significant impact. The FEIR indicated that buildout of the WS/SF Community Plan would have a less than significant impact on views from Interstate 680 (I-680) because its existing

visual attributes would not be considered significant. The California Department of Transportation classifies I-680 between Fremont and Walnut Creek as an Officially Designated State Scenic Highway and identifies the "wooded hillsides and valleys" along the I-680 corridor as notable scenic attributes. The WS/SF Community Plan Area contains developed urban land uses and undeveloped land contemplated for urban development; no wooded hillsides, valleys, or other recognized scenic resources along I-680 are located within the plan area.

The project site would be visible from I-680, but does not possess characteristics of a"wooded hillsides or valleys." The project site is a mostly vacant, unimproved lot within an existing urban area. A large farm shed exists in the southwest corner of the western parcel, and a few small abandoned residential structures also exist in the southwest corner of the eastern parcel. These structures are not considered scenic resources or historically significant. There are 118 trees on the project site that may be removed but none of these trees are considered to be scenic resources or of historical significance, and the applicant would be required to comply with the requirements specified in the biological resources section below.

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

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

Less than significant impact. The FEIR indicated that build-out of the WS/SF Community Plan would have a less than significant impact on visual character because the plan area does not contain any unique or notable visual attributes. The project site does not have any characteristics that would be considered significant visual attributes. A large farm shed exists in the southwest corner of the western parcel, and a few small abandoned residential structures also exist in the southwest corner of the eastern parcel. There are 118 trees on the project site that may be removed but none of these trees are considered to be scenic resources or of historical significance.

The existing character of the surrounding project area includes commercial and industrial uses, railways, and undeveloped land. The anticipated buildout of the WS/SF Community Plan would create a modern, vibrant, transit-oriented mixed-use district around the WS/SF BART station consistent with the vision for the area in the City of Fremont General Plan.

The proposed project would include the construction of a mixed use development that includes 325,000 of floor area on 28.5 acres. The development would be urban in character with variations in building design and scale. Building heights would range between three stories for townhouses and flats going to 135-foot-tall midrise buildings for offices and apartments. The project would include streetscape improvements, landscaping and public art throughout the project site and along Old Warm Springs Boulevard, South Grimmer Boulevard and Fremont Boulevard to enhance the visual quality of the site.

Existing development in the surrounding area includes commercial and industrial uses. There are no existing sensitive receptors surrounding the property. The surrounding property is anticipated to be developed with a combination of residential, school, park, retail, office, and research and development uses as described in the WS/SF Community Plan. Views of the project site by local motorists would change with construction of the project; however the project would be consistent with anticipated development in the surrounding WS/SF Community Plan Area.

The development of the proposed project's residential and commercial uses and associated infrastructure would be consistent with the WS/SF Community Plan's vision for the area, which is reflective of the General Plan.

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

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

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

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

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

FEIR Mitigation Measures

None

Conclusion

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

AGRICULTURE AND FOREST RESOURCES

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.					
Would the Project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	**No impact**	**No**	**No**	**No**	**No**
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	**No impact**	**No**	**No**	**No**	**No**
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	**No impact**	**No**	**No**	**No**	**No**
d) Result in the loss of forest land or conversion of forest land to non-forest use?	**No impact**	**No**	**No**	**No**	**No**
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	**No impact**	**No**	**No**	**No**	**No**
f) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	**No impact**	**No**	**No**	**No**	**No**

a) Conversion of Important Farmland. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

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

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

b) Agricultural Zoning and Williamson Act Contracts. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

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

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

c) Forest Zoning. *Would the project conflict with existing zoning for forest land or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

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

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

d) Conversion of Forest Land. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

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

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

e) Pressures to Convert Farmland or Forest Land. *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

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

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

FEIR Mitigation Measures

None

Conclusion

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

AIR QUALITY

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
Would the Project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
d) Expose sensitive receptors to substantial pollutant concentrations?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
e) Create objectionable odors affecting a substantial number of people?	**Less than significant impact**	**No**	**No**	**No**	**No**

The analysis in this section is supported by the Air Quality and Health Risk Assessment prepared by First Carbon Solutions in December 2015 and documentation provided by the Bay Area Air Quality Management District regarding odor complaints.

a) Air Quality Plan Conflict. *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

Less than significant impact after mitigation. The FEIR analyzed the WS/SF Community Plan's consistency with the criteria set forth in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines for determining whether a project is consistent with the Clean Air Plan. The FEIR found that implementation of the WS/SF Community Plan would support the primary goals of the BAAQMD Clean Air Plan, incorporate current control measures, and achieve a net reduction in vehicle miles traveled (VMT) relative to the Baseline scenario after implementation of Mitigation Measures AIR-2a, AIR-2b, and AIR-4. With implementation of the aforementioned mitigation measures, impacts would be reduced to a level of less than significant.

The proposed project involves similar development and operational activities as those contemplated in the FEIR. The proposed project contemplates 785 residential units and 325,000 square feet of commercial development including office space, a hotel and a restaurant, which is consistent with the land use mix, and estimated floor area for commercial uses and estimated number of residential dwelling units for Planning Areas 1 and 3 of the WS/SF Community Plan, as outlined in the land use targets for Areas 1 and 3 and also in the Land Use Mix and Standards Chart of the Plan. As such, there would be no substantial difference in construction emissions, and Mitigation Measures AIR-2a and AIR-2b would be implemented to reduce impacts to a level of less than significant. A memorandum from Fehr and Peers, dated February 19, 2016, determined that the proposed Project plus recent proposed developments is less than the trips analyzed in the FEIR. Therefore the project would not generate any potentially new significant impacts that were not analyzed in the original Warm Springs/South Fremont EIR. This analysis is discussed further under the Transportation section of this checklist below. These changes in trip generation would have a negligible effect on the amount of air emissions previously disclosed in the FEIR and, therefore, would not alter any prior conclusions. Finally, the proposed residential uses would be required to implement Mitigation Measure AIR-4, which requires the use of air filtration systems with a minimum efficiency reporting value of 13 or greater to reduce impacts to a level of less than significant. This precludes the potential for new impacts associated with conflicts with an air quality plan. As such, the conclusions set forth in the FEIR remain unchanged.

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

b, c) Air Quality Standard, Criteria Pollutants. *Would the project (b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation; or (c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors?*

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

The proposed project involves similar development and operational activities as those contemplated in the FEIR. The proposed project would include 785 residential units and 325,000 square feet of commercial development, which is consistent with the land use mix, and estimated floor area and dwelling units for Planning Areas 1 and 3 of the WS/SF Community Plan. As such, there would be no substantial difference in construction emissions, and Mitigation Measures AIR-2a and AIR-2b would be implemented to reduce impacts to a level of less than significant. A memorandum from Fehr and Peers, dated December 14, 2015, determined that the proposed project would have a slight increase in AM peak-hour trip generation (82 additional trips) and a

slight increase in PM peak-hour trip generation (126 additional trips) relative to the FEIR's trip budget for the project site's planning area. As previously mentioned, these increases are discussed further under the Transportation section of this checklist below. These changes in trip generation would have a negligible effect on the amount of air emissions previously disclosed in the FEIR and, therefore, would not alter any prior conclusions. This precludes the potential for new impacts associated with conflicts with an air quality plan. As such, the conclusions set forth in the FEIR remain unchanged.

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

d) Sensitive Receptors. *Would the project expose sensitive receptors to substantial pollutant concentrations?*

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

Pursuant to the FEIR and City of Fremont's General Plan FEIR Mitigation Measure AIR-2, a Health Risk Assessment was prepared to evaluate the project's sensitive receptor exposure to TACs. The Health Risk Assessment was prepared by First Carbon Solutions in December 2015. The Health Risk Assessment identified various industrial stationary sources such as Tesla Factory and major roadways (including I-680, Fremont Boulevard, and Grimmer Boulevard), and the Union Pacific Railroad. Cancer risk and $PM_{2.5}$ concentration were evaluated based on the project's site plan. The Health Risk Assessment determined the maximum cancer risk would be below 50 additional incidents per million, which would be below the BAAQMD and Fremont General Plan cumulative threshold of 100 additional incidents per million, and the $PM_{2.5}$ concentration would be below .76 $\mu g/m^3$, which would be below the BAAQMD threshold of 0.8 $\mu g/m^3$. Although the pollution levels and number of anticipated incidents is below adopted thresholds, Mitigation Measure Air-4 will be applied on the project site to ensure that sensitive uses on the project site remain compatible with existing and anticipate future R&D uses in the WS/SF Community Plan. As such, project-related sensitive receptors would not be exposed to substantial pollutant concentrations.

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

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

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

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

The proposed project would develop new residential, commercial, and park uses approximately 1,000 feet north of the Tesla Factory site. The Tesla Factory has been alleged to be a source of odors from painting operations. BAAQMD provided a written response dated December 2, 2014 which indicated that no complaints had been received for either NUMMI or Tesla during the three-year period between 2011 and 2014. Pursuant to BAAQMD guidance, no further investigation of odors is necessary and impacts would be less than significant.

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

FEIR Mitigation Measures

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

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

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

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

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

Conclusion

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

BIOLOGICAL RESOURCES

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**Less than significant impact**	**No**	**No**	**No**	**No**
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	**Less than significant impact**	**No**	**No**	**No**	**No**
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	**Less than significant impact**	**No**	**No**	**No**	**No**
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	**Less than significant impact**	**No**	**No**	**No**	**No**
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	**No impact**	**No**	**No**	**No**	**No**

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

Less than significant impact after mitigation. As part of the FEIR, a reconnaissance level survey was conducted by biologist/regulatory specialist from FirstCarbon Solutions on April 18, 2013. Information was also reviewed from the United States Fish and Wildlife Service special list and from query results from the California Natural Diversity Database and California Native Plant

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

The project site is a fallow field that is periodically disced for weed abatement. There are 118 mature trees on the site. The site may provide suitable habitat for burrowing owls or migratory birds. Mitigation Measures BIO-1a and BIO-1b, which requires surveys for burrowing owls and migratory birds in advance of construction activities and would apply to the proposed project and reduce impacts to less than significant levels.

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

b) Riparian Habitat and Sensitive Natural Communities. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

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

The project site does not contain any waterways including creeks or flood channels. As such, the proposed project would not have the potential to adversely impact riparian habitat or other sensitive natural communities.

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

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

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

The project site does not contain any federally protected wetlands including waterways or vernal pools. As such, the proposed project would not have the potential to adversely impact federally protected wetlands.

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

d) Fish or Wildlife Movement. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?*

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

The project site does not contain any drainage channels that could facilitate fish or wildlife movement. As such, it would not have the potential to adversely impact fish or wildlife movement.

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

e) Conflict with Local Policies or Ordinances. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Less than significant impact. The FEIR concluded that development activities associated with the WS/SF Community Plan would result in tree removal activities that would be subject to the City of Fremont's Tree Preservation Ordinance. Such activities would be required to comply with the application requirements, including either onsite tree replanting or payment of an in-lieu fee for tree replanting elsewhere.

The tree inventory indicated there are 118 trees within the project boundaries that would be subject to the City's Tree Preservation Ordinance (i.e., six inches or greater in diameter at 54 inches above grade). Common tree species include White poplar and Chinese Pistache. Accordingly, the project applicant would be required to submit a permit application to the City of Fremont for the removal of the trees. The City's Tree Preservation Ordinance allows tree removal associated with development projects based upon certain site specific development considerations. Consistent with ordinance requirements, replacement trees or payment of in-lieu fees are required to mitigate the removal of existing trees on the site. As such, compliance with the City's Tree Preservation Ordinance would ensure that the proposed project would not conflict with local ordinances protecting biological resources.

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

f) Habitat Conservation Plan/Natural Community Conservation Plan. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

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

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

FEIR Mitigation Measures

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

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

MM BIO-1b Prior to any tree or vegetation removal during the nesting season (February 1 through August 31), a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, the biologist shall determine an appropriate buffer that shall be required around the nests. No vegetation removal or ground disturbance would occur within this buffer. For raptor species—birds of prey such as hawks and owls—this buffer would generally be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor. Tree or vegetation removal activities that occur outside of the nesting season

(September 1 through January 31) are not subject to the requirements of this mitigation measure.

Conclusion

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

CULTURAL RESOURCES

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

a) Historical Resources. *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

Less than significant impact after mitigation. The FEIR concluded that only the Tesla Factory had the potential for listing on a national, state, or local historic register because of its historical significance to the City of Fremont. However, the FEIR's analysis noted that the Factory has been substantially modified since the early 1960s and the original structures may not exist anymore. Regardless, the WS/SF Community Plan does not propose any changes to the Tesla Factory, and impacts to this resource were found to be less than significant. The proposed project is not in close proximity to the Tesla Factory, and would not alter any of the factory's existing structures or affect its operational characteristics. No impacts would occur.

There is an existing metal barn on the western parcel that appeared between 1956 and 1961 based on historical photographs. On the eastern parcel there is an abandoned house, adjacent shed and wellhouse near the intersection of South Grimmer Boulevard and Old Warm Springs Boulevard. Historical photographs indicate these structures were constructed before 1946. The proposed project would result in the demolition of the structures. A site visit confirmed that the

structures were not eligible for listing on a national, state, or local historic register.[1] The demolition of the structures would not result in a new significant impact.

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

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

b) Archaeological Resources. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

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

In accordance with Mitigation Measure CUL-1a, Holman and Associates Archeological Consultants conducted an archeological records search, intensive surface reconnaissance and subsequent subsurface reconnaissance for the project site (Archeological Report). Surface reconnaissance and evidence documented in the report found no new evidence of prehistoric archeological resources in the project area. The Archeological report notes a very scant scatter of shell fragments as the only possibly prehistory cultural component of the site. These materials were described in the Primary and Site Records. There were no other types of artifacts or cultural materials found by any investigations of the location. No evidence of prehistoric archeological resources was found and no additional prehistoric archeological resources research was recommended. The Archeological Report concluded the project could proceed without affecting prehistoric resources; however, the report noted it is possible the site contains archeological subsurface deposits. Historic Maps, historical aerial photographs , and field observations lead to the conclusions that the eastern Project Area, between Old Warm Springs Boulevard and the railroad, was initially built upon as early as before 1906 and that by 1946, three other building complexes were built, as shown in the Figure below. It is therefore recommended that after the standing structures on the eastern portion are demolished, initial grading of the four old structural complex location in the eastern portion be monitored by a qualified archeologist to determine if possibly significant historic resources are present. If the trees on the eastern portion are to be removed by grubbing out, those operations should also be monitored.

[1] Site Visit on October 28, 2015 – David Wage, Associate Planner and Robert (Bruce) Anderson, Historic Consultant

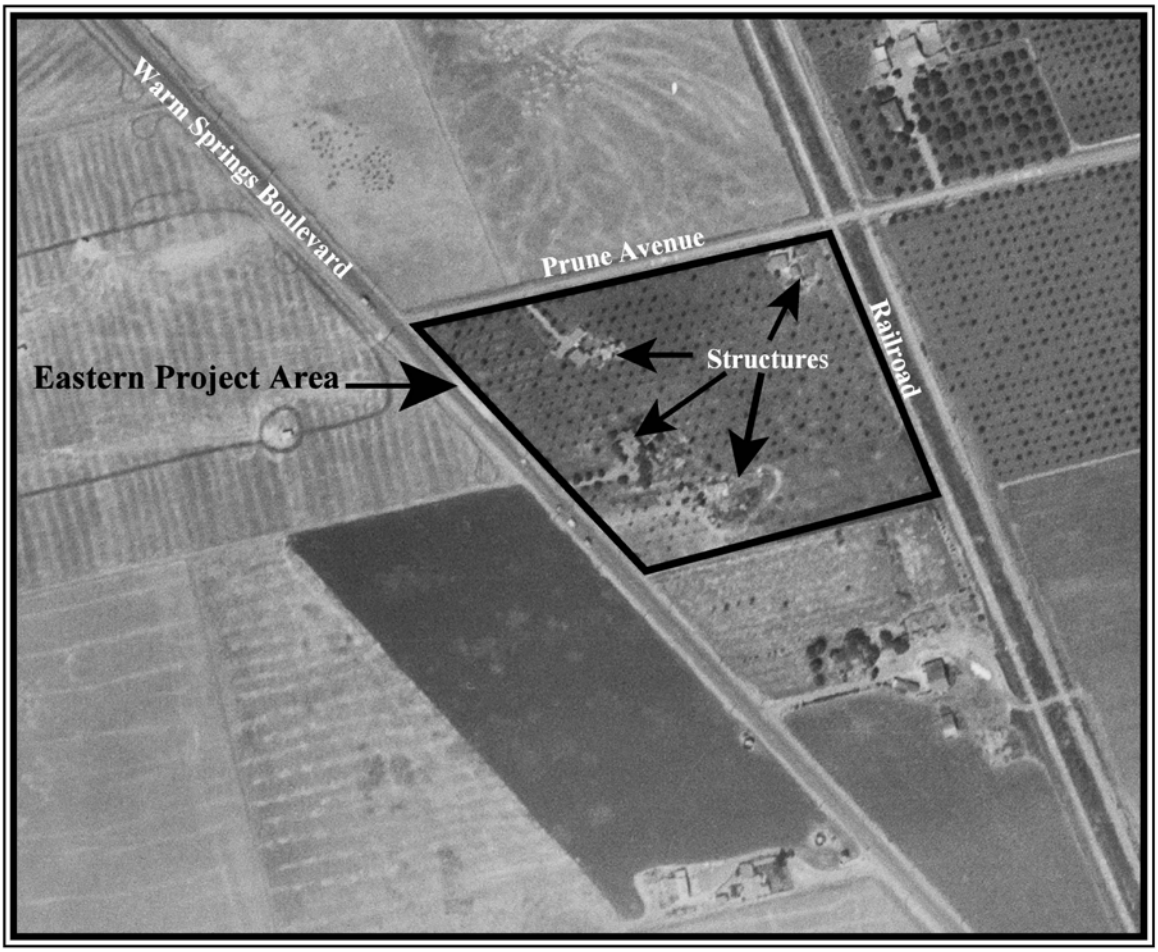


Figure 1: 1946 aerial photo showing development on eastern Old Warm Springs Project Area. (Source: EDR 2014)

The proposed project would include ground-disturbing activities that have the potential to result in the inadvertent discovery of buried archaeological resources. Accordingly, Mitigation Measures CUL-1a and CUL-1b would apply to the proposed project and would serve to reduce impacts to a level of less than significant. As part of implementation of Mitigation Measures CUL-1a and CUL-1b, the Archeological Report recommends the following as a condition of approval:

- A qualified archeologist should be present during grading and any tree removal involving excavations at the four locations of early historic development on the eastern portion of the project site to determine if possibly significant historic materials, features, or deposits are present, and if so, to record and recover archeological data as per Mitigation Measure CUL-1b, including formal recording of the archeological resources. The duration of the monitoring should be determined by the resulting of initial grading or tree grubbing. A port of monitoring must be completed and submitted to the Northwest Information Center at Sonoma State University NWIC for inclusion in the permanent State archives, and all other provisions of CUL-1b completed.

With the implementation of the mitigation measures in the FEIR and the recommendations included in the Archeological Report for the project site, the proposed project would not result in

significant impacts related to archaeological resources not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Paleontological Resources. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

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

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

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

d) Human Remains. *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

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

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

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

FEIR Mitigation Measures

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

MM CUL-1b If potentially significant cultural resources are encountered during subsurface earthwork activities for the project, all construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously

undiscovered resources found during construction shall be evaluated for significance in accordance with California Environmental Quality Act (CEQA) criteria by a qualified archaeologist and, if significant, recorded on appropriate California Department of Parks and Recreation forms. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive report and file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials.

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

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

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Alameda County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the County Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:
   - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the NAHC.
   - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Conclusion

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

GEOLOGY, SOIL, AND SEISMICITY

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project?					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
ii) Strong seismic ground shaking?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
iii) Seismic-related ground failure, including liquefaction?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
v) Landslides?	**No impact**	**No**	**No**	**No**	**No**
b) Result in substantial soil erosion or the loss of topsoil?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	**No impact**	**No**	**No**	**No**	**No**

Discussion: The analysis in this section is supported by the Preliminary Geotechnical Exploration prepared by ENGEO, dated September 14, 2012.

a) Earthquake Hazards. *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) Strong Seismic Ground Shaking; (iii) Seismic-related ground failure, including liquefaction; or (iv) Landslides.*

i) Fault Rupture

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

A Preliminary Geotechnical Exploration was prepared for the proposed project by ENGEO, which concluded that there are no known faults within the project site. Additionally, the project site is not located within a California Earthquake Fault Hazard Zone. This condition means that ground rupture is unlikely at the project site. No impact would occur.

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

ii) Ground Shaking

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

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

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

iii) Ground Failure

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

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

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

iv) Landslides

No Impact. The FEIR concluded that development activities that occur pursuant to the WS/SF Community Plan would not be susceptible to earthquake-induced landslides because the WS/SF Community Plan area contains flat relief. This condition precludes the possibility of the proposed project being exposed to earthquake-induced landslides during a seismic event.

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

b) Erosion. *Would the project result in substantial soil erosion or the loss of topsoil?*

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

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

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

c) Unstable Soils or Geologic Units. *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landsliding, lateral spreading, subsidence, liquefaction, or collapse?*

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

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

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

d) Expansive Soils. *Would the project be located on* ***expansive soil, creating substantial risks to life or property?***

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

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

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

e) Septic Tanks. *Would the project have soils incapable of supporting the use of septic tanks or other alternative wastewater disposal systems where sewers are not available?*

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

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

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

FEIR Mitigation Measures

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

MM HYD-1a Prior to issuance of grading permits for new development projects that would disturb one or more acre of land within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site

erosion, and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity; and (4) stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.

The SWPPP shall be prepared by a qualified SWPPP preparer. The SWPPP shall include the minimum BMPs required for the identified risk level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.

The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate, depending on the project risk level, sampling of site effluent and receiving waters. A qualified SWPPP practitioner shall be responsible for implementing the BMPs at a project site. The practitioner shall also be responsible for performing all required monitoring, BMP inspection, and maintenance and repair activities.

In addition to the SWPPP requirement, each development project implemented under the Community Plan shall fully comply with the City of Fremont Grading, Erosion, and Sediment Control Ordinance (Chapter 18.205) and Stormwater Management and Discharge Control Ordinance (Chapter 18.210).

Conclusion

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

GREENHOUSE GAS EMISSIONS

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project?					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	**Less than significant impact**	**No**	**No**	**No**	**No**
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	**Less than significant impact**	**No**	**No**	**No**	**No**

a) Greenhouse Gas Emissions. Would the project g*enerate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

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

The proposed project involves similar development and operational activities as those contemplated in the FEIR. The proposed project contemplates 785 dwelling units, and 325,000 square feet of commercial floor area, which is consistent with the land use mix, estimated floor area, and estimated dwelling units for Planning Areas 1 and 3 of the WS/SF Community Plan. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area, and would be in accordance with the 4.18 metric tons of CO_2 equivalent per service population figure that was disclosed in the FEIR.

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

b) Greenhouse Gases Emissions Reduction Plan Conflict. *Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

Less than significant impact. The FEIR evaluated the WS/SF Community Plan's consistency with the City of Fremont Climate Action Plan, which establishes a greenhouse gas emissions reduction objective of 25 percent relative to 2005 baseline levels by 2020. The FEIR indicated that buildout of the WS/SF Community Plan would be below the BAAQMD's threshold of 6.6 metric tons of CO_2

equivalent per service population and, therefore, would be consistent with both the City's and State's greenhouse gas emissions reduction targets. Impacts were found to be less than significant.

The proposed project involves similar development and operational activities as those contemplated in the FEIR. The proposed project contemplates 785 dwelling units, and 325,000 square feet of commercial floor area, which is consistent with the land use mix, estimated floor area, and estimated dwelling units for Planning Areas 1 and 3 of the WS/SF Community Plan. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area and the project would be in accordance with the greenhouse gas emissions values that were disclosed in the FEIR. As such, the proposed project would not conflict with the City of Fremont Climate Action Plan.

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

FEIR Mitigation Measures

None

Conclusion

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

HAZARDS AND HAZARDOUS MATERIALS

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	**Less than significant impact**	**No**	**No**	**No**	**No**
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	**No impact**	**No**	**No**	**No**	**No**
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	**No impact**	**No**	**No**	**No**	**No**
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	**Less than significant impact**	**No**	**No**	**No**	**No**
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	**No impact**	**No**	**No**	**No**	**No**

Discussion: The analysis in this section is supported by the Hazardous Materials Risk Analysis prepared by TRC, dated November 16, 2015 and a Modified Phase I Environmental Site Assessment prepared by ENGEO, dated July 17, 2014.

a) Routine Transport, Use, or Disposal of Hazardous Materials. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

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

The project contemplates 785 dwelling units, and 325,000 of commercial uses, including office, research and development, retail and a hotel. A research and development or industrial use in the Innovative Office Building at the west edge of the project site could involve routine transport, use, or disposal of significant quantities of hazardous materials. Mitigation Measure HAZ-1 would apply to the project and calls for the City of Fremont to review the project application for compatibility with existing and planned land uses. The review process shall focus on the location of existing and planned sensitive receptors (e.g., residential uses and schools) and whether the proposed hazardous material usage would expose such uses to unacceptable safety risks. If necessary, the City shall condition the proposed hazardous materials user to incorporate appropriate protection measures.

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

b) Risk of Upset. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less than significant impact after mitigation. The FEIR concluded that there were 11 potential sources of hazardous materials releases that could pose a health risk to future residents or workers in the WS/SF Community Plan area in the event of a worst-case scenario. Mitigation Measure HAZ-2a requires site specific evaluation of future WS/SF Community Plan development to describe potential risks to potential hazardous material releases and identify mitigations to reduce the risk from potential hazardous material releases.

A Site-Specific Hazardous Materials Risk Analysis was prepared by TRC on November 16, 2015, in accordance with Mitigation Measure HAZ-2a. TRC reviewed the source characteristics and associated potential chemical releases of the facilities of interest and the pipelines identified in the Hazardous Materials User Study (HMUS) prepared in support of the WS/SF Community Plan EIR. TRC performed site specific modeling for release scenarios based on chemical identities and quantities identified in the HMUS. The risk assessment determined whether hazardous materials users within the Study Area could expose individuals to a health and safety risk during a worst-case

release scenario (WCRS) or alternative release scenario (ARS).[2] The WCRS and ARS assessments concluded that the consequences of an offsite release are not anticipated to result in significant impacts within the project.

TRC also performed a pipeline risk analysis, including a pipeline safety hazards assessment evaluating the likelihood of a pipeline failure resulting in fatalities, for the proposed project. Two liquid petroleum pipelines operated by Chevron Pipeline Company (CPL) and Kinder Morgan Energy Partners (KMEP) operate within the study area. The CPL pipeline travels north-south along the UP rail corridor until it elbows east south of South Grimmer Boulevard. The KEMP pipeline travels along the rail corridor and the eastern perimeter of the project site. The Initial Study/FEIR did not establish mitigation requirements for siting sensitive receptors near pipelines due to the operation and maintenance requirements found in 49 CFR 195 et seq. (hazardous liquid pipeline safety laws) and the California Pipeline Safety Act. However, the FEIR did recommend potential measures to address pipeline release effects, including site design measures. TRC's risk analysis prepared in 2015 elaborates on project specific measures for the site and building design consistent with the FEIR to reduce potential impacts.

Given the low probability, but potentially significant consequence of a pipeline release and subsequent fire or explosion, TRC suggests that the proposed site development incorporate the following proactive design recommendations in accordance with Mitigation Measure HAZ-2a of the Warm Springs/South Fremont Community Plan Mitigation Monitoring and Reporting Program. These recommendations are intended to minimize potential thermal radiation impacts in the unlikely event of a petroleum release and fire within the Union Pacific Railroad right-of-way.

Setback Distance:

- Placement of access roads along the eastern portion of the proposed development to establish a minimum setback distance of 150 feet between the living space of occupied structures and the KMEP petroleum pipeline located within the Union Pacific right-of-way.

Siting and Building Design:

- Siting of parking structures along the eastern edge of the proposed development to establish a physical barrier between the KMEP petroleum pipeline and occupied structures associated with the proposed development. In addition to establishing a physical barrier, this recommendation would also reduce the number of occupied residences facing the KMEP petroleum pipeline in the eastern-most area. It should be noted that this recommendation would not require that a parking structure occupy the *entire* eastern edge of the property.

- Any exterior building corridors within the eastern portion of the proposed development that face the KMEP petroleum pipeline area should be enclosed by an exterior building

[2] The Alternative Release Scenario and associated assumptions are considered to be more reflective of releases and conditions that are more likely to occur. The potential impacts resulting from the ARS conditions are of more limited extent.

wall in order to provide a physical barrier that affords protection against potential thermal radiation impacts during building egress.

Building Materials:

- The eastern-most exterior building wall facing the KMEP petroleum pipeline area should be constructed of non-combustible or fire-resistant materials. Examples of suitable materials would include, but are not necessarily limited to, concrete, fiber-cement panels or siding, exterior fire-retardant treated wood siding or panels, stucco, masonry, or metal. The entire exterior wall assembly should have a minimum 1-hour fire-resistance rating tested in accordance with ASTM E119.

- Non-combustible or fire-resistant materials should also be used for trim boards around doors, windows, eaves, and corners of the eastern-most exterior building wall facing the KMEP petroleum pipeline area.

- The roofing system of structures located within 200 feet of the KMEP petroleum pipeline should be constructed of Class A roof covering materials or assembly as defined by UL 790 (ASTM E108) *Standard Test Methods for Fire Tests of Roof Coverings*.

The inclusion of the recommendations above would reduce the pipeline impacts to a less than significant level. The recommendations would be included as conditions of approval and incorporated into the project plans and detailed in architectural and engineering designs to be prepared.

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

c) Exposure of Schools to Hazardous Materials or Emissions. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

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

The project does not propose the construction of a school, and would not include uses which would involve the emission or handling of hazardous materials.

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

d) Hazardous Materials Sites. *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

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

A Modified Phase I Environmental Site Assessment was prepared by ENGEO for the project site to address Mitigation Measure HAZ-2b. The study included a review of local, state and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps and physical setting sources, a reconnaissance of the property to review site use and current conditions, to check for the storage, use, production or disposal of hazardous or potentially hazardous materials, and interviews with persons knowledgeable about current and past site uses.

The site reconnaissance and records review did not find documentation or physical evidence of significant soil or groundwater impairments associated with the use of the project site. A review of regulatory databases maintained by county, state, and federal agencies found no documentation of hazardous materials violations or discharge on the property. A review of regulatory agency records and available databases did not identify contaminated facilities within the appropriate ASTM search distances that would be expected to impact the site.

Given the historic use of the property for agricultural cultivation, a limited near-surface soil study was recommended. Soil samples collected as part of the limited soil sampling program reported consistent concentrations of organochlorine pesticides (OCPs), including DDD, DDE, DDT, chlordane, alpha-chlordane and gamma-chlordane. Discrete samples collected along the railroad spurs reported detectable concentrations of OCPs, including DDD, DDE, DDT, dieldrin, endrin and toxaphene), metallic analytes, TPH-d, and TPH-mo. However, all detected concentrations were below the current residential environmental screening levels. The test results show non-detect concentrations for arsenic for the select discrete samples; however, the detected concentrations of arsenic were within the typical range of background concentrations in the San Francisco Bay Area. ENGEO determined that shallow subsurface soils at the site do not present an environmental concern with respect to past agricultural use of the property. No recognized environmental conditions (RECs) and no historical RECs were identified for the property.

There are existing structures on the property and it is possible that asbestos-containing materials or lead based paint materials were used in its construction. This issue is addressed by FEIR MM HAZ-2c which calls for the completion of a hazard materials survey. The completion of the abatement activities are required be documented by a qualified environmental professional(s) and submitted to the City for review with applications for issuance of construction and demolition permits.

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

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

No impact. Moffett Federal Airfield, located 7.5 miles to the southwest, is the closest airport to the WS/SF Community Plan area. This distance precludes the possibility of the proposed project creating aviation safety hazards for persons residing or working in the project area.

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

f) Private Airstrips. *For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project Area?*

No impact. There are no private airstrips in the project vicinity. This distance precludes the possibility of the proposed project creating aviation safety hazards for persons residing or working in the project area.

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

g) Emergency Response and Evacuation. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

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

The new public roadways would be consistent with the street typologies of the WS/SF Community Plan with the exception of the proposed new east-west street that was shown as a connection between Fremont Boulevard and Old Warm Springs Boulevard in the WS/SF Community Plan. The proposed east-west street in the Master Plan would connect Old Warm Springs Boulevard to a new north-south street but it would terminate east of Fremont Boulevard. South Grimmer Boulevard would provide an alternative east-west vehicular route that is less than one-quarter mile away. The proposed project would still be required to meet California Fire Code requirements, which would serve to facilitate adequate emergency response and evacuation and reduce impacts to a level of less than significant.

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

h) Wildland Fires. *Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

No impact. The FEIR concluded that the WS/SF Community Plan area is located within an urban, built-up area and is not near any areas susceptible to wildland fires (e.g., the Mission Hills). This condition precludes the possibility of related impacts.

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

FEIR Mitigation Measures

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

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

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

If contamination is identified during Phase I and II investigations, projects undertaken under the Community Plan shall incorporate any necessary measures to ensure that any potential added health risks to construction workers, maintenance and utility workers, site residents and workers, and the general public as a result of hazardous materials are reduced to a cumulative risk of less than one in one million for carcinogens and a

cumulative hazard index of 1.0 for non-carcinogens, or as otherwise required by a regulatory oversight agency. The risk evaluation and any required response actions would be a condition of approval for construction, demolition, or grading permits and would be subject to review and/or approval by regulatory oversight agencies. These agencies could also require additional site investigation to more fully delineate the extent of contaminants of concern at the site. If extensive onsite excavation and/or soil off-haul is determined to be the appropriate response action for a site, additional CEQA review may be required to evaluate potential impacts for the response related to air quality, noise, and traffic.

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

Conclusion

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

HYDROLOGY AND WATER QUALITY

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project:					
a) Violate any water quality standards or waste discharge requirements?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
f) Otherwise substantially degrade water quality?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
i) Expose people or structures to a significant	**Less than**	**No**	**No**	**No**	**No**

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	**significant impact**				
j) Inundation by seiche, tsunami, or mudflow?	**No impact**	**No**	**No**	**No**	**No**

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

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

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

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

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

Less than significant impact after mitigation. The FEIR concluded that there are at least 26 monitoring wells associated with environmental investigations of contaminated or potentially contaminated sites located within the WS/SF Community Plan area. Additionally, the FEIR concluded that historic releases of hazardous materials have impacted groundwater quality at several locations, and it is possible that future uses of hazardous materials would cause impacts to groundwater quality. As such, Mitigation Measure HYD-3 requires applicants to coordinate with the Alameda County Water District (ACWD) about dewatering activities; Mitigation Measure HYD-4a requires applicants to verify with ACWD whether any wells exist within their properties and, if so, properly abandon any wells prior to construction activities; and Mitigation Measure HYD-4b requires development activities at Leaking Underground Storage Tank sites or Spills, Leaks,

Investigation, and Cleanup (SLIC) sites to coordinate with appropriate agencies to ensure that they do not interfere with ongoing remediation efforts. With the implementation of these mitigation measures, impacts would be less than significant.

The project site does not contain a groundwater well. There is no record of underground storage tanks at the project site.

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

c, d, e) Drainage. Would the project *(c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation within or outside of the planning area? (d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding within or outside of the planning area? (e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

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

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

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

g, h) 100-Year Flood Hazard Area. *Would the project (g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or (h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

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

The project site is not located within a 100-year flood hazard area. Therefore, Mitigation Measure HYD-5 would not apply to the project.

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

i) Levee or Dam Failure. *Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

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

The project site is not located within the inundation area of the three dams.

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

j) Seiche, Tsunami, Mudflow. *Would the project expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow?*

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

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

FEIR Mitigation Measures

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

The SWPPP shall be prepared by a qualified SWPPP preparer. The SWPPP shall include the minimum BMPs required for the identified risk level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.

The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate, depending on the project risk level, sampling of site effluent and receiving waters. A qualified SWPPP practitioner shall be responsible for implementing the BMPs at a project site. The practitioner shall also be responsible for performing all required monitoring, BMP inspection, and maintenance and repair activities.

In addition to the SWPPP requirement, each development project implemented under the Community Plan shall fully comply with the City of Fremont Grading, Erosion, and Sediment Control Ordinance (Chapter 18.205) and Stormwater Management and Discharge Control Ordinance (Chapter 18.210).

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

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

MM HYD-2 Prior to issuance of building permits for new development projects within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a storm drainage and hydraulic study in accordance with City requirements. The storm drainage and hydraulic study shall quantify the increase in stormwater runoff peak flow rates and volumes resulting from the project, and identify the potential to exceed the conveyance and storage capacity of the local storm drainage system. The study shall incorporate the stormwater treatment controls and LID measures that will be designed

to capture and treat runoff. The analysis shall verify whether the existing drainage infrastructure is adequate to receive and convey runoff from a project implemented under the Community Plan. If the findings of the analysis reveal that implementation of a proposed project would create runoff beyond the capacity of the existing stormwater drainage systems, the project shall be required to upgrade undersized components or adopt a different form of stormwater runoff management. Prior to approval of a proposed project, the final design drainage plans shall be reviewed and approved by the City of Fremont Public Works Department and the Alameda County Flood Control and Water Conservation District (ACFCWC). Any project that involves work within the ACFCWC right-of-way or that requires construction, modification, or connection to ACFCWC facilities shall obtain a Flood Encroachment Permit and shall comply with ACFCWC standards and specifications.

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

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

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

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

Conclusion

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

LAND USE

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project?					
a) Physically divide an established community?	**Less than significant impact**	**No**	**No**	**No**	**No**
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	**Less than significant impact**	**No**	**No**	**No**	**No**
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	**No impact**	**No**	**No**	**No**	**No**

a) Division of an Established Community. *Would the project physically divide an established community?*

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

The project site is vacant, and is bounded by Union Pacific Railway, Old Warm Springs Boulevard, Grimmer Boulevard and Tavis Place. There are existing industrial uses to the north and west. The site to the south (south side of South Grimmer Boulevard) is vacant and is anticipated to be developed with residential uses, a park and school as part of the Warm Spring Community Plan. The Union Pacific Railway is located to the east. These conditions preclude the division of an established community.

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

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

Less than significant impact. The project site is designated "Innovation Center" by the City of Fremont General Plan. The "Innovation Center" land use designation is a unique designation

limited to the WS/SF Community Plan area and is intended to facilitate the development of the uses contemplated by the WS/SF Community Plan. Accordingly, the designation permits the uses contemplated by the WS/SF Community Plan, including transit-oriented mixed uses consisting of residential, commercial, park, and R&D uses.

The project site totals 28.5 acres. 24 acres are zoned "WSI-3(Warm Springs Innovation District, Planning Area 3)." A 4.5 acre portion of the northwest portion of the site is located is WSI-1. The "WSI" zoning districts were established in conjunction with the adoption of the WS/SF Community Plan in order to implement the plan. Accordingly, these districts permit the uses contemplated by the WS/SF Community Plan, including residential units, a hotel, retail, research and development, and parks. Professional or business offices are currently only allowed in WSI-3; however there is a proposed pending Zoning Code Text Amendment to allow these office uses in WSI-1. The proposed 250,000 square foot Innovative Office building is located in WSI-1. Currently, the Innovation Office could be occupied with a variety of research and development or industrial uses. Professional or business offices could also be allowed if the pending Zoning Code Text Amendment is approved. The proposed project including related infrastructure are consistent with the anticipated development in WS/SF Community Plan and WSI Districts.

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

c) Habitat Conservation Plan Conflict. *Would the project conflict with any applicable habitat conservation plan or natural communities conservation plan?*

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

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

FEIR Mitigation Measures

None

Conclusion

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

MINERAL RESOURCES

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	**No impact**	**No**	**No**	**No**	**No**
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	**No impact**	**No**	**No**	**No**	**No**

a, b) Loss of Minerals Resources of Statewide or Local Importance. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

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

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

FEIR Mitigation Measures

None

Conclusion

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

NOISE

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	**No impact**	**No**	**No**	**No**	**No**
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	**No impact**	**No**	**No**	**No**	**No**

Illingwoth & Rodkin, Inc. completed a site specific acoustical analysis to determine if the project could meet applicable noise and vibration standards. The December 10, 2015, report includes analysis of the proposed development plan and results of a noise and vibration monitoring survey conducted on the project site to determine the expected future noise and vibration levels.

a) Noise Levels in Excess of Adopted Standards. *Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Less than significant impact after mitigation. The FEIR concluded that construction and operational activities associated with buildout of the WS/SF Community Plan had the potential to expose persons to noise levels in excess of adopted standards. No residential uses are located within the vicinity of the project site, but new residences could be occupied at the project site

while construction activity is occurring on other areas within the project site. There are existing commercial uses immediately south of the project site. Accordingly, Mitigation Measure NOI-1 would apply to the proposed project and would reduce construction impacts to a level of less than significant.

The proposed project would include development that introduces new uses to the site including, residential, office, research and development, and retail. In accordance with General Plan Policy 10-8.1.(Site Development Acceptable Noise Environment), new development projects are required to meet acceptable standards as defined by the State of California Building Code and local policies. The following is a summary of the analysis and findings included in acoustical report completed by Illingwoth & Rodkin, Inc. Mitigation Measures NOI-4a through NOI-4c were proposed to reduce operational noise to a level of less than significant.

The current noise environment at the site and surrounding areas results primarily from vehicular traffic along Fremont Boulevard and South Grimmer Boulevard. Local traffic along Old Warm Springs Boulevard also affects the noise environment. Trains along the UPRR tracks and aircraft associated with nearby airports are sources of intermittent noise at the project site. The future noise environment would be dominated by vehicular traffic along Fremont Boulevard and South Grimmer Boulevard, train traffic along the adjacent UPRR tracks, and BART Trains on the extension project. Several internal roadways would be constructed on the site, which would also contribute to the future noise environment.

Hotel and Restaurant

Exterior Noise

A hotel and restaurant is proposed at northwest corner of the intersection at South Grimmer Boulevard and Old Warm Springs Boulevard on Parcel 1 (see Land Use Plan, Figure 3 on page 13). There are two outdoor use areas at the proposed hotel: the pool area located on the interior of the site and the restaurant/lounge that may include an outdoor dining area located in the southeast corner of site. The pool area is shielded from traffic along Old Warm Springs Boulevard and partially shielded from traffic along South Grimmer Boulevard. The nearest setback from the South Grimmer Boulevard centerline would be approximately 175 feet. At this distance, and with the partial shielding provided by the proposed hotel façade, the future exterior noise levels would be 64 dBA L_{dn}. According to Table 10-4 in the City's General Plan, the exterior noise threshold for a hotel is 65 dBA L_{dn}. The future noise environment at the proposed pool area would meet the City's threshold and not require mitigation.

The proposed restaurant/lounge outdoor dining area would be positioned along ground floor of the east side of the building along Old Warm Springs Boulevard and away from the intersection of Old Warm Springs Boulevard and South Grimmer Boulevard. This outdoor use area would have direct line-of-sight to Old Warm Springs Boulevard and the intersection of Old Warm Springs Boulevard and South Grimmer Boulevard. This commercial outdoor use area would be set back from the centerline of Old Warm Springs Boulevard by 45 to 100 feet and would be at least 80 feet from the center of the intersection. At these distances, the future exterior noise levels would range from 68 to 69 dBA L_{dn}. Since the City's "normally acceptable" exterior noise threshold for commercial uses is 70 dBA L_{dn}, future noise levels would not exceed the City's threshold.

Interior Noise

According to the City's General Plan interior noise levels for a hotel shall be maintained at 45 dBA L_{dn} or less. The southern façade of the hotel building is setback from the centerline of South Grimmer Boulevard by 60 to 65 feet. At these distances, the hotel rooms would be exposed to exterior noise levels of 74 dBA L_{dn}. The eastern façade would have setbacks from South Grimmer Boulevard ranging from 130 to 300 feet and setbacks from Old Warm Springs Boulevard ranging from 50 to 115 feet. The rooms along this building façade would be exposed to exterior noise levels ranging from 67 to 70 dBA L_{dn}. The rooms along the western side of the proposed hotel would have setbacks from the centerline of South Grimmer Boulevard ranging from 60 to 340 feet, and at these distances, the exterior noise exposure would range from 63 to 74 dBA L_{dn}. The northern façade would be exposed to traffic noise from Old Warm Springs Boulevard and would have setbacks from the centerline ranging from 50 to 265 feet. At these distances, the exterior noise levels would range from below 60 to 67 dBA L_{dn} at the building exterior.

Projected interior noise levels for the proposed hotel on Parcel 1 would potentially be as high as 54 dBA L_{dn} at the rooms adjacent to South Grimmer Boulevard. Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard commercial hotel construction provides approximately 20 to 25 dBA of exterior-to-interior noise reduction, assuming windows are closed. For exterior noise environments ranging from 65 to 70 dBA L_{dn}, interior noise levels can typically be maintained below 45 dBA L_{dn} with the incorporation of an adequate forced-air mechanical ventilation system in each hotel room, allowing the windows to be closed. In noise environments of 70 dBA L_{dn} or greater, a combination of forced-air mechanical ventilation and sound-rated construction methods are often necessary to meet the interior noise level limit. In accordance with FEIR MM NOI-4a, the plans submitted for building and/or grading permits are required to include an acoustical analysis that verifies that the project design would meet applicable noise standards. With the incorporation of the design features described above, the future hotel interior noise levels would not exceed the City's threshold.

Residential/Mixed-Use Land Uses

Exterior Noise

Parcel 3A, which is located to the north of South Grimmer Boulevard between Old Warm Springs Boulevard and the UPRR tracks, would include approximately five-story tall apartment buildings with a parking garage, as well as retail space at the corner of South Grimmer Boulevard and Old Warm Springs Boulevard. Parcel 3A includes five courtyard areas and one plaza area (Inspiration Plaza) that could be used for outdoor activities.

The City's "normally acceptable" threshold for exterior noise exposure in parks is 65 dBA L_{dn}. Under the proposed project, the two courtyards on the southern half of Parcel 3A are completely shielded from vehicular traffic along the surrounding roadways and from train traffic on the adjacent tracks by the proposed apartment complex. Both of these courtyards would have future exterior noise levels below 60 dBA L_{dn}. According to the long-term noise measurement data taken at LT-4, the maximum instantaneous noise levels taken 100 feet from the UPRR tracks would be

84 dBA L_{max}, and according to the *HMMH*[3]study, the maximum instantaneous noise levels taken 200 feet from the BART tracks would be 77 dBA L_{max}. However, because the courtyard nearest the UPRR tracks would be shielded by the proposed apartment complex, maximum instantaneous noise levels are expected to be below 65 dBA L_{max} during both UPRR and the future BART pass-by events. While each of the courtyards on the northern half of Parcel 3A would be shielded from the train tracks, two of the three courtyards would have direct line-of-sight to Tavis Place. The future exterior noise levels along Tavis Place would be 62 dBA L_{dn} at a distance of 15 feet from the centerline. At 75 feet from the centerline, which would be the location of the nearest courtyard, the future exterior noise levels would be below 60 dBA L_{dn} for all three courtyards, with maximum instantaneous noise levels at the northeastern courtyard below 65 dBA L_{max}.

Inspiration Plaza is an open space area on private property that is accessible to the public from Old Warm Springs Boulevard. Located between the proposed buildings, the plaza would be shielded from traffic noise along South Grimmer Boulevard but would have direct line-of-sight to Old Warm Springs Boulevard. The center of the courtyard is set back from the centerline of the roadway by approximately 100 feet. At this distance, the future exterior noise level would be 64 dBA L_{dn}. As noted above, the City's "normally acceptable" threshold for exterior noise exposure in parks is 65 dBA L_{dn}; therefore, this would not be an impact.

Parcel 3B would consist of townhomes and flats with individual garages. The buildings adjacent to Old Warm Springs Boulevard, along the new east-west street would include live-work buildings, which have garages, lobbies, and office/retail space on the first floors and residential living space on the second floors. Parcel 3B would include common open space or courtyard areas that would be subject to the exterior noise threshold for residential. The townhomes would not have backyards or private outdoor use areas. Porches, patios, and balconies are typically not considered common outdoor use areas and would not require noise mitigation.

There are four courtyards and an open space (neighborhood mews) area located on Parcel 3B, which are located between townhome buildings. Due to the proposed setbacks and the shielding provided by the surrounding buildings, future exterior noise levels at each of the courtyards would be less than the 60 dBA L_{dn} threshold for residential outdoor use areas and would not require mitigation.

Interior Noise

The City of Fremont requires that interior noise levels be maintained at 45 dBA L_{dn} or less for residential land uses. Additionally, typical maximum instantaneous noise levels should not exceed 50 dBA L_{max} in bedrooms during nighttime hours and 55 dBA L_{max} in bedrooms during daytime hours, as well as in other rooms during daytime and nighttime hours.

The southern façade of the apartment complex on Parcel 3A would have setbacks from the centerline of South Grimmer Boulevard ranging from 80 to 105 feet, and at these distances, the apartments would be exposed to exterior noise levels ranging from 73 to 74 dBA L_{dn}. Along the eastern façade of the apartment complex, the apartments would be exposed to exterior noise from train pass-bys along the UPRR and BART tracks, as well as from traffic along South Grimmer Boulevard. South of the parking garage, the apartments would be setback from South Grimmer

[3] Draft Noise and Vibration Impact Assessment for the San Francisco Bay Area Rapid Transit District (BART) Warm Springs Extension Project, HMMH, Inc., February 2003.

Boulevard by 105 to 245 feet. The setbacks from the UPRR and BART tracks would be approximately 135 and 205 feet, respectively. The exterior noise exposure at these apartments would range from 68 to 73 dBA L_{dn} and have maximum instantaneous noise levels up to 82 dBA L_{max}. The apartments along the eastern façade of the building located north of the parking garage would have setbacks of 375 to 535 feet from the centerline of South Grimmer Boulevard and of 130 and 185 feet from the UPRR and BART tracks, respectively. At these setbacks, the apartments would be exposed to future exterior noise levels ranging from below 62 to 65 dBA L_{dn} with maximum instantaneous noise levels up to 82 dBA L_{max}. The western façade of the apartment building would be exposed to exterior noise levels ranging from 68 dBA L_{dn} in the northwestern corner of the parcel, which is dominated by traffic noise along Old Warm Springs Boulevard, to 74 dBA L_{dn} in the southwestern corner of the parcel, which is dominated by traffic along South Grimmer Boulevard. The apartments along the northern façade, which would be setback from the centerline of Tavis Place by approximately 25 to 65 feet, would have exterior noise exposure at or below 60 dBA L_{dn}, as would the apartments located on the interior of Parcel 3A.

The live-work buildings adjacent to South Grimmer Boulevard on Parcel 3B would consist of office/retail uses on the first floors and residential uses on the second floors. The proposed residences would be exposed to exterior noise levels of 73 dBA L_{dn}. Along the western boundary, the buildings would consist of residential land uses with setbacks from the centerline of South Grimmer Boulevard ranging from 175 to 295 feet. At these distances, both floors of the residences would be exposed to exterior noise levels ranging from 64 to 68 dBA L_{dn}. The townhomes along the eastern boundary of Parcel 3B would be setback from the centerline by approximately 160 to 265 feet, and at these distances, both floors would be exposed to exterior levels ranging from 65 to 68 dBA L_{dn}. Due to setbacks from Old Warm Springs Boulevard being 350 feet or more and shielding from South Grimmer Boulevard provided by the other proposed buildings on Parcel 3B, the residential spaces located on the upper floors of the shopkeeper buildings on the northern boundary of the parcel, as well as the townhomes located on the interior of the parcel would be exposed to exterior levels at or below 60 dBA L_{dn}.

For the residential uses located on the upper floors of the live-work buildings adjacent to Old Warm Springs Boulevard in the northeast portion of Parcel 3B, the residences would be exposed to exterior noise levels up to 67 dBA L_{dn}. Along the northern boundary, the building setbacks would range from 95 to 425 feet from the centerline of Old Warm Springs Boulevard. At these distances, the residences would be exposed to future exterior noise levels ranging from below 60 to 64 dBA L_{dn}. Due to setbacks and shielding provided by intervening buildings, the remaining residential uses on the northeast portion of Parcel 3B would be exposed to exterior noise levels at or below 60 dBA L_{dn}.

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 levels range from 60 to 65 dBA L_{dn}, the inclusion of adequate forced air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA L_{dn}, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion. In accordance with FEIR MM NOI-4a, the plans submitted for building

and/or grading permits are required to include an acoustical analysis that verifies that the project design would meet applicable noise standards. With the incorporation of the design features described above, the future interior noise levels would not exceed the City's threshold.

Office

Exterior Noise

The Spark – Parcel 2 is located to the north of the proposed hotel and restaurant along Old Warm Springs Boulevard, which would consist of shared office space with at-grade parking. The noise environment for this parcel would be dominated by traffic along Old Warm Springs Boulevard. At a setback of 35 feet from the centerline, future exterior noise levels would be 69 dBA L_{dn}, which would meet the City's threshold of 70 dBA L_{dn} for exterior noise environments at office buildings. Therefore, any potential outdoor use area proposed at Parcel 2 would be compatible for this land use.

Innovative Office - Parcel 4, which is located along Fremont Boulevard just north of the existing office buildings, would consist of office buildings with an adjacent parking garage. There is an outdoor use area (West Plaza) on Parcel 4 located to the east of the proposed buildings. The proposed office buildings and parking garage would provide partial shielding from traffic along Fremont Boulevard and South Grimmer Boulevard. Assuming each structure is at least one story tall, the future exterior noise levels at the outdoor use area would be below the 70 dBA L_{dn} threshold. No mitigation measure would be required at either office building parcel.

Interior Noise

The State of California requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite Sound Transmission Class (STC)[4] rating of at least 50 or a composite Outdoor-Indoor Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30, when the commercial property falls within the 65 dBA L_{dn} noise contour for an expressway. According to the Warm Springs/South Fremont Community Plan FEIR, Parcels 2 and 4 fall within the 65 dBA L_{dn} 2035 traffic noise contour lines for Old Warm Springs Boulevard and Fremont Boulevard, respectively. The State also requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at the proposed office building on both parcels.

A wall assembly with an STC rating of at least 50 and window assemblies with a STC rating of at least 40 would provide at least 35 to 40 dBA of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so windows may be kept closed at the occupant's discretion. The sound-rated construction materials established in the Cal Green Code in combination with forced-air mechanical ventilation would satisfy the threshold for both office buildings. In accordance with MM NOI-4a, the plans submitted for building and/or

[4] **Sound Transmission Class (STC)** A single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other. The STC is intended for use when speech and office noise constitute the principal noise problem.

grading permits are required to include an acoustical analysis that verifies that the project design would meet applicable noise standards.

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

b) Groundborne Vibration. *Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Less than significant impact after mitigation. The FEIR concluded that railroad operations on the Union Pacific Railroad line that bisects the WS/SF Community Plan area may result in exposure of nearby buildings to excessive groundborne vibration. Accordingly, Mitigation Measure NOI-2 requires a site-specific groundborne noise and vibration assessment for any vibration-sensitive uses that would be developed within 200 feet of the Union Pacific Railroad centerline. In accordance with the Mitigation Measure NOI-2 Illingwoth & Rodkin, Inc. completed a site specific acoustical analysis to determine if the project could meet applicable noise and vibration standards.

The City of Fremont has adopted the U.S. Department of Transportation, Federal Transit Administration's (FTA) vibration impact assessment criteria[5] for use in evaluating vibration impacts associated with development within 150 feet of rail lines. The FTA vibration impact criteria are based on maximum overall levels for a single event. The impact criteria for ground-borne vibration are shown in Table 5. Note that there are criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day).

[5]U.S. Department of Transportation, Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006, FTA-VA-90-1003-06.

TABLE 5 Ground-borne Vibration Impact Criteria

Land Use Category	Ground-borne Vibration Impact Levels (VdB re 1 µinch/sec, RMS)		
	Frequent Events[1]	Occasional Events[2]	Infrequent Events[3]
CATEGORY 1 Buildings where vibration would interfere with interior operations.	65 VdB[4]	65 VdB[4]	65 VdB[4]
CATEGORY 2 Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB
CATEGORY 3 Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB

Notes:

1. "Frequent Events" is defined as more than 70 vibration events of the same source per day. Most rapid transit projects fall into this category.
2. "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day. Most commuter trunk lines have this many operations.
3. "Infrequent Events" is defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines.
4. This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration sensitive manufacturing or research should always require detailed evaluation to define the acceptable vibration levels. Ensuring low vibration levels in a building requires special design of HVAC systems and stiffened floors.
5.

The future vibration environment at the project site would be affected by freight trains along the UPRR tracks and by passenger trains along the BART tracks. The train activity along the UPRR tracks is expected to be unaltered under future conditions, but the addition of the BART extension would increase the daily train pass-bys. Most rapid transit lines have more than 70 events per day (the trip threshold for Frequent Events).[6]

UPRR Tracks - The closest building façade on the project site is located 130-135 feet from the UPRR tracks. The daily freight trains along the UPRR tracks would be fewer than 30 and fall into the "infrequent events" category, which has a significant threshold of 80VdB. The maximum vibration

[6] Draft Noise and Vibration Impact Assessment for the San Francisco Bay Area Rapid Transit District (BART) Warm Springs Extension Project, HMMH, Inc., February 2003.

levels would reach 60VdB, which is below the threshold and is therefore considered a less than significant impact.

BART Tracks - The closest building façade on the project site is located 185 to 200 feet from the BART tracks. The future daily pass-by events along the BART tracks are anticipated to exceed 70 VdB, which means it would be considered a "frequent event." The significance threshold for frequent events is 72 VdB. The maximum vibration levels would reach 56VdB, which is below the threshold and is therefore considered a less than significant impact.

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

c) Substantial Permanent Increase in Ambient Noise Levels. *Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

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

The proposed project would include the development of the approximately 28.5 acre site with a mixture of uses that include residential, research and development, office, a hotel and open space. The anticipated land uses on the project site would not generate a significant amount of noise and would not result in a permanent increase in the ambient noise levels in the vicinity of the project. The project is consistent with the land use assumptions and analysis contained in the FEIR, therefore no further environmental review for this topic is needed.

d) Substantial Temporary or Periodic Increase in Noise Increase. *Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less than significant impact after mitigation. The FEIR concluded that construction activities associated with implementation of the WS/SF Community Plan would result in substantial temporary increases in ambient noise levels. Operational noise levels for typical construction activities would generate maximum noise levels ranging from 80 to 90 dBA at a distance of 50 feet. Accordingly, Mitigation Measure NOI-1 requires the use of noise attenuation measures and practices during construction to reduce noise levels to a level of less than significant.

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

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

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

No impact. Moffett Federal Airfield, located approximately 7.5 miles to the southwest, is the closest airport to the WS/SF Community Plan area. This distance precludes the possibility of the proposed project exposing persons residing or working in the project area to excessive aviation noise.

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

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

No impact. There are no private airstrips in the project vicinity. This condition precludes the possibility of the proposed project exposing persons residing or working in the project area to excessive aviation noise.

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

FEIR Mitigation Measures

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

- Construction operations and related activities within the plan area shall comply with the operational hour limitations for construction as outlined in the City of Fremont Municipal Code. For projects located within 500 feet of one or more residences, lodging facilities, nursing homes or inpatient hospitals, construction shall be limited to the weekday hours of 7:00 a.m. to 7:00 p.m. and the Saturday or holiday hours of 9:00 a.m. to 6:00 p.m., while Sunday construction is not allowed. For projects located beyond 500 feet of the facilities named above, construction hours shall be limited to the weekday hours of 6:00 a.m. to 10:00 p.m. and the weekend or holiday hours of 8:00 a.m. to 8:00 p.m. The City of Fremont shall have the discretion to permit construction activities to occur outside of allowable hours if compelling circumstances warrant such an exception.
- Construction equipment and vehicles shall be fitted with efficient, well-maintained mufflers that reduce equipment noise emission levels at the project site. Internal combustion powered equipment shall be equipped with properly operating noise suppression devices (e.g., mufflers, silencers, wraps) that meet or exceed manufacture

specifications. Mufflers and noise suppressors shall be properly maintained and tuned to ensure proper fit, function, and minimization of noise.

- Pumps that are not submerged and aboveground conveyor systems shall be located within acoustically treated enclosures.
- Portable and stationary site support equipment (such as generators, compressors, rock crushers, and cement mixers) shall be located as far as possible from nearby noise-sensitive receptors.
- Impact tools shall have the working area/impact area shrouded or shielded, with intake and exhaust ports on power equipment muffled or suppressed. This may necessitate the use of temporary or portable, application-specific noise shields or barriers.
- Construction equipment shall not be idled for extended periods of time (15 minutes or longer) in the immediate vicinity of noise-sensitive receptors.
- A disturbance coordinator shall be designated by the general contractor, which will post contact information in a conspicuous location near the entrance of the subject construction sites so that it is clearly visible to nearby receivers most likely to be disturbed. The coordinator shall manage complaints resulting from the construction noise. Reoccurring disturbances shall be evaluated by a qualified acoustical consultant retained by the project proponent to ensure compliance with applicable standards.

MM NOI-2: Prior to issuance of building permits for any vibration sensitive uses within 200 feet of the Union Pacific Railroad centerline, the applicant shall retain a qualified acoustical/vibration consultant to perform a site-specific groundborne noise and vibration assessment. The assessment shall be prepared in accordance with Federal Transit Administration and Caltrans guidelines and identify whether the proposed uses would be exposed to excessive vibration. No vibration sensitive uses shall be located within 100 feet of the railroad centerline unless it can be demonstrated that such uses would not be exposed to excessive vibration. The recommendations of the assessment shall be incorporated into the development plans.

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

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

MM NOI-4c Loading, unloading and delivery areas of commercial and industrial uses shall be located so that buildings shield nearby noise-sensitive land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise-sensitive uses. Loading dock activity

and delivery truck activity at the commercial uses developed within the Plan Area shall only occur between the hours of 7 a.m. and 10 p.m., in order to prevent evening and nighttime sleep disturbance at nearby noise-sensitive land uses.

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

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

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

Conclusion

The conclusions from the FEIR remain unchanged when considering the effect of implementation of the proposed project on noise. The implementation of MM NOI-2 and NOI-5a and 5b would ensure all vibration and noise levels are compliant with City of Fremont noise standards. Detailed building floor plans and elevations were not provided at the time of this analysis; however, preliminary calculations indicate that the implementation of MM NOI-5a and 5b through the following recommendations could be incorporated into the proposed project to reduce interior noise levels:

- Parcel 1: An adequate forced-air mechanical ventilation system would be required in each room to control interior noise and achieve the interior noise standards. Additionally, sound-rated windows and wall assemblies with a minimum STC rating of 31 would be required for the rooms facing South Grimmer Boulevard and for the rooms along the eastern and western façades that are within 130 feet of the centerline of South Grimmer Boulevard.

- Parcel 3A: Sound-rated windows and wall assemblies (STC 31 or greater) would be satisfactory for the apartments with direct line-of-sight to the UPRR and future BART tracks (eastern façade) in order to achieve 45 dBA L_{dn}, as well as meet the 50 dBA L_{max} standard for bedrooms and the 55 dBA L_{max} for other rooms. Along the southern façade, minimum STC ratings of 31 would be required to meet the interior noise standards at the multi-family residential land uses. Minimum

STC ratings of 28 to 31 would be required along the northern façade. For the apartments along the western façade, minimum STC ratings of 28 would be required to meet the interior requirements. Standard residential construction materials with an adequate forced-air mechanical ventilation system would be required for the apartments located on the interior of the parcel.

- Parcel 3B-1: Sound-rated windows and doors (STC 31 or greater) would be satisfactory for the townhomes adjacent to the South Grimmer Boulevard in order to achieve 45 dBA L_{dn}. For the townhomes located on the eastern and western boundaries of Parcel 3B-1, residential construction materials with a minimum STC rating of 28 would be required to meet the interior threshold. Standard residential construction with forced-air mechanical ventilation would be adequate for the townhomes on the rest of the parcel.

- Parcel 3B-2: For the townhomes located in the buildings adjacent to Old Warm Springs Boulevard, sound-rated windows and doors with a minimum STC rating of 28 would be required to meet the City's interior threshold. Standard residential construction materials with an adequate forced-air mechanical ventilation system would be required for the townhomes along the northern boundary nearest to Old Warm Springs Boulevard, and standard residential construction materials would be adequate for the rest of the parcel.

- Parcel 3B-3: Sound-rated windows and doors with a minimum STC rating of 26 to 28 would be required for the first row of townhomes on Parcel 3B-3. Standard residential construction materials with an adequate forced-air mechanical ventilation system would be required for the rest of the townhomes on the parcel.

- A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to issuance of building or grading permits and recommend building treatments to reduce interior noise levels at the hotel to 45 dBA L_{dn} or lower and ensure that the 50 dBA L_{max} standard for bedrooms and the 55 dBA L_{max} for other rooms is met, as well. At the proposed office buildings on Parcels 2 and 4, the consultant should ensure that the interior noise levels are at or below 50 dBA $L_{eq(1\text{-}hr)}$.

The above recommendations would be adequate to achieve the interior noise thresholds for each land use; however, these are preliminary recommendations only and would need to be examined in more detail once detailed layouts and elevations are available as part of the acoustical analysis required by MM NOI-5a prior to issuance of building or grading permits.

POPULATION AND HOUSING

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project?					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	**Less than significant impact**	**No**	**No**	**No**	**No**
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	**No impact**	**No**	**No**	**No**	**No**
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	**No impact**	**No**	**No**	**No**	**No**

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

Less than significant impact. The FEIR concluded that buildout of the WS/SF Community Plan would not induce either substantial direct or indirect population growth because it constitutes planned growth envisioned by the City of Fremont General Plan.

The proposed project would include 785 dwelling units, a hotel, restaurant, and a 250,000 square foot office building. All of these uses are contemplated by the WS/SF Community Plan for Planning Area 1 and 3 and, therefore, this represents planned growth. As such, the proposed project would not result in substantial direct or indirect population growth inducement.

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

b, c) Displacement of Persons or Housing. *Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

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

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

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

FEIR Mitigation Measures

None

Conclusion

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

PUBLIC SERVICES

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire protection?	**Less than significant impact**	**No**	**No**	**No**	**No**
b) Police protection?	**Less than significant impact**	**No**	**No**	**No**	**No**
c) Schools?	**Less than significant impact**	**No**	**No**	**No**	**No**
d) Parks?	**Less than significant impact**	**No**	**No**	**No**	**No**
e) Other public services?	**Less than significant impact**	**No**	**No**	**No**	**No**

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

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

The proposed project would include 785 dwelling units, and 325,000 square feet of commercial floor area. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area and, therefore, would not increase demand for fire protection beyond that disclosed in the FEIR. Additionally, the proposed project would be served with adequate emergency response times and the internal

street network would comply with Fire Code requirements for emergency access. This precludes the potential for new impacts associated with new or expanded fire protection facilities. As such, the conclusions set forth in the FEIR remain unchanged.

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

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

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

The proposed project would include 785 dwelling units, and 325,000 square feet of commercial floor area. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area and, therefore, would not increase demand for police protection beyond that disclosed in the FEIR. This precludes the potential for new impacts associated with new or expanded police protection facilities. As such, the conclusions set forth in the FEIR remain unchanged.

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

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

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

The proposed project would include 785 dwelling units, and 325,000 square feet of commercial floor area. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area and, therefore, would not increase demand for schools beyond that disclosed in the FEIR. This precludes the potential for new impacts associated with school facilities. As such, the conclusions set forth in the FEIR remain unchanged.

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

d, e) Parks and Other Public Facilities. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks? Other Public Services?*

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

The proposed project would include 785 dwelling units, and 325,000 square feet of commercial floor area. The project would include a combination of public and private open space that includes urban plazas and with a series of connections and recreational amenities. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for Planning Area 1 and 3 and, therefore, would not increase demand for parks and other public facilities beyond that disclosed in the FEIR. This precludes the potential for new impacts associated with new or expanded parks or other public facilities. As such, the conclusions set forth in the FEIR remain unchanged.

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

FEIR Mitigation Measures

None

Conclusion

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

RECREATION

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	**Less than significant impact**	**No**	**No**	**No**	**No**
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	**Less than significant impact**	**No**	**No**	**No**	**No**

a, b) Existing Neighborhood and Regional Parks and Recreational Facilities. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

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

The proposed project would include 785 dwelling units, and 325,000 square feet of commercial floor area. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for the project site's planning area and, therefore, would not increase demand for parks or recreational facilities beyond that disclosed in the FEIR. This precludes the potential for new impacts associated with new or expanded parks or recreational facilities. As such, the conclusions set forth in the FEIR remain unchanged.

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

FEIR Mitigation Measures

None

Conclusion

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

TRANSPORTATION

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project?					
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	**Significant unavoidable impact**	**No**	**No**	**No**	**No**
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	**Significant unavoidable impact**	**No**	**No**	**No**	**No**
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	**No impact**	**No**	**No**	**No**	**No**
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	**Less than significant impact.**	**No**	**No**	**No**	**No**
e) Result in inadequate emergency access?	**Less than significant impact.**	**No**	**No**	**No**	**No**
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	**Less than significant impact.**	**No**	**No**	**No**	**No**

The analysis in this section is supported by a CEQA Consistency Analysis prepared for the proposed Master Plan by Fehr & Peers, dated December 14, 2015, which provides supplemental intersection analysis to the WS/SF Community Plan EIR.

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

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

The proposed project would include 785 dwelling units and 325,000 square feet of commercial floor area within all of Planning Area 3 and a portion of Planning Area 1. The proposed units and commercial square footage in conjunction with other recently approved Master Plans within the Community Plan Area are within the Community Plan Project Targets analyzed in the EIR. To confirm that the proposed project would not result in significant new transportation impacts not previously identified in the Warm Springs/South Fremont EIR, Fehr & Peers prepared a CEQA Transportation Consistency Analysis for the proposed project, which provided a two-step analysis:

1) Analysis of Vehicle Trip Generation – the study analyzed trip generation resulting from the proposed project and also approved and pending development projects in comparison to vehicle trips estimated and analyzed in the DEIR and FEIR.

2) Analysis of Intersection Operations – the study also analyzed the proposed project site plan in conjunction with anticipated trips to determine whether there would be any additional impacts to intersection Level of Service (LOS) beyond what was analyzed in the EIR.

Trip Generation

WS/SF Community Plan Trip Generation

Trip generation estimates for the WS/SF Community Plan were originally developed in 2013 and included as part of the DEIR published in January 2014. Trip generation estimates for the WS/SF Community Plan EIR were developed according to the following steps:

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

Prior to certification of the WS/SF Community Plan FEIR in July 2014, trip generation estimates were developed for minor revisions to the original Community Plan land use plan using the same assumptions as the DEIR estimates. The revised trip generation estimates were adopted with the FEIR in July 2014.

Project Trip Generation

In order to be consistent with the WS/SF Community Plan, trip generation for the proposed project was conducted according to the same methodology used for the WS/SF Community Plan EIR. The project would include development of all of Area 3 and approximately six percent of Area 1. Table 3 below compares updated trip generation results for the project with trip generation results from the DEIR. Project trip generation is compared with the DEIR totals, since the July 2014 land use revisions process did not required updated intersection analysis results. Therefore, for purposes of evaluating if the proposed project would result in any new transportation impacts, a comparison with the DEIR trip generation results is appropriate.

Table 3 – Project Trip Generation Comparison

	Daily			AM Peak Hour			PM Peak Hour		
	In	**Out**	**Total**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Area 3 Original DEIR Trip Gen (2013)	2,578	2,578	5,156	226	284	510	240	277	517
Area 1 Original DEIR Trip Gen (2013)	1,380	1,380	2,760	242	48	290	56	230	286
6 % of Area 1 Original DEIR Trip Gen	83	83	166	15	3	17	3	14	17
Area 3 + 6% of Area 1 DEIR Trip Gen	2,661	2,661	5,322	241	287	527	243	291	534
Updated Project Trips	3,398	3,398	6,796	339	270	609	297	363	660
Difference between Project and DEIR Trip Generation	**737**	**737**	**1,474**	**99**	**-16**	**82**	**54**	**72**	**126**

The proposed project will generate 82 additional trips in the AM peak hour and 126 trips in the PM peak as compared to what was anticipated for those Planning Areas in the Community Plan; however, the Transportation Analysis also generated estimated trips for all approved and pending development projects in the Plan area and compared the total vehicle trip estimates to the total trip estimates evaluated in the EIR as shown in Table 4. The comparison shows that the trip generation estimates for the Project plus recent proposed developments is less than the trips analyzed in the FEIR. Therefore the project would not generate any potentially new significant impacts that were not analyzed in the original Warm Springs/South Fremont EIR.

Table 4 – Total FEIR Comparison for All Areas

	Daily Trips			AM Peak Hour Trips			PM Peak Hour Trips		
Scenario	**In**	**Out**	**Total**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Total FEIR trip gen (A)	27,621	27,621	55,243	4,177	1,838	6,015	1,820	4,142	5,962
Total updated development trips (B)	15,179	15,179	30,359	1,953	1,412	3,365	1,302	1,973	3,276
Difference (A-B)	12,442	12,442	24,884	2,224	426	2,650	518	2,169	2,686

Intersection Evaluation

The Transportation Analysis prepared by Fehr and Peers further analyzed proposed project site access in relation to the site access scheme contemplated in the Community Plan to determine whether any changes would affect operations at the following study intersections near the site:

- Unsignalized (side street stop controlled) intersection of Old Warm Springs Boulevard and new East/West Street;
- Fremont Boulevard and South Grimmer Boulevard;
- Old Warm Springs Boulevard and South Grimmer Boulevard, and
- South Grimmer Boulevard and new North/South Street).

The analysis used the same significance thresholds as the EIR, as described below. A significant project impact to a signalized intersection would occur if the project were to result in one of the following:

- Causes a signalized City of Fremont intersection to deteriorate from acceptable LOS D conditions or better to unacceptable LOS E or F conditions, or

- Causes a signalized City of Fremont intersection currently operating at LOS E or F conditions to increase in critical movement delay of four (4) seconds or more.

The following scenarios were evaluated for this analysis:

- **Background:** Existing traffic conditions from counts plus traffic from approved but not yet constructed and unoccupied developments in the area (from the EIR.)
- **Updated Background:** Background conditions from the EIR, reflective of the updated FEIR land use mix, plus traffic from recently proposed development projects in the area.
- **Updated Background plus Project:** Updated Background volumes plus traffic generated by the Project.

The study intersections were evaluated for the highest one-hour volume during the weekday morning and evening peak periods under the three analysis scenarios. Results of the LOS analysis are presented in Table 5 below. The Transportation Analysis found that all intersections studied operated at acceptable levels of service (LOS D or better). In comparison to the results from the Community Plan FEIR, there are no intersection impacts and therefore no *new* intersection impacts under Background plus Project

Conditions. As a result, the Projects' vehicular trip assumptions, when added to the roadway network, do not cause any new significant transportation impacts.

Table 5: Background and Background plus Project Intersection LOS

Analysis Results	Intersect. Control[1]	Peak Hour[2]	Background (EIR)		Updated Background		Updated Background + Project		
Intersection			LOS[4]	Delay	LOS	Delay	LOS	Delay	Δ Crit. Delay
1. South Grimmer Boulevard / Fremont Boulevard	Signal	AM PM	D C	40.4 28.6	D C	40.4 28.6	D D	49.9 41.4	18.1 22.6
2. South Grimmer Boulevard / North-South Street	Signal	AM PM	N/A	N/A	A A	4.0 1.3	B B	18.2 17.5	8.9 15.2
3. Old Warm Springs Boulevard and New East-West Street	SSSC[3]	AM PM	N/A	N/A	B A	2.7 9.8	B B	12.4 12.9	N/A N/A
4. South Grimmer Boulevard and Old Warm Springs Boulevard	Signal	AM PM	C B	22.0 13.9	C B	21.1 13.9	D C	54.6 23.2	44.8 13.9

Source: Fehr & Peers, 2015

1. Signal = Signalized; SSSC = Side-Street Stop-Controlled.
2. AM = morning peak hour, PM = afternoon peak hour.
3. Whole intersection weighted average control delay expressed in seconds per vehicle for signalized intersections. Total control delay for the worst movement is presented for side-street stop-controlled intersections.
4. LOS = Level of Service. LOS calculations conducted using the TRAFFIX level of service analysis software package, which applies the method described in the 2000 Highway Capacity Manual. LOS for signalized intersections is based on the average control delay expressed in seconds per vehicle. At two-way or side street stop-controlled intersections, the average control delay is calculated for each stopped movement, not for the intersection as a whole. For approaches composed of a single lane, the control delay is computed as the average of all movements in that lane.

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

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

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

The proposed project will generate 82 additional trips during the AM peak hour, and an additional 126 trips would be generated during the PM peak hour as compared to the Community Plan EIR. The trip generation estimates for the Project plus the two recently proposed developments in the Community Plan Area (Area 4, 5, and 9) are less than the total trips estimated and analyzed for impacts in the FEIR. As a result, the Project is within the FEIR envelope for vehicular trip generation approved under CEQA. Additionally, Therefore, the proposed project would not result in significant impacts related to congestion management plan roadways not previously identified in the FEIR and no further environmental review is necessary for this topic.

c) Air Traffic Patterns. *Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

No impact. Moffett Federal Airfield, located 7.5 miles to the southwest, is the closest airport to the Community Plan area. This distance precludes the possibility of the proposed project having the potential to change air traffic patterns.

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

d) Roadway Safety. *Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

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

The new public roadways would be consistent with the street typologies of the WS/SF Community Plan with the exception of the proposed new east-west street that was shown as a connection between Fremont Boulevard and Old Warm Springs Boulevard in the WS/SF Community Plan. The proposed east-west street in the Master Plan would connect Old Warm Springs Boulevard to a new north-south street but it would terminate east of Fremont Boulevard. The segment of the east-west Street through Parcel 2 (condominiums) known as “The Mews” is restricted to pedestrians and bicycles only, no vehicles would be allowed. The conceptual design for the proposed Mews was reviewed by City Transportation staff and Fehr & Peers, who determined the design would not create a hazard. All of roadways (with the exception of The Mews) would conform to the WS/SF Community Plan and City standards. Impacts would be less than significant.

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

e) Emergency Access. *Would the project result in inadequate emergency access?*

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

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

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

f) Public Transit, Bicycles, and Pedestrians. *Would the project conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

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

The proposed project would be within walking distance of the WS/SF BART station and the associated bus stops at this location. Additionally, all streets would provide sidewalks and, if appropriate, bicycle facilities. Impacts would be less than significant.

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

FEIR Mitigation Measures

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

1) A goal of reducing AM peak-hour and PM peak-hour trips by a minimum of 20 percent.
2) Annual review (or more frequently if needed) to determine that it reflects the needs and priorities of residents, employees, tenants, etc. Changes shall be made on an as-

needed basis in order to ensure that the TDM program can readily attain the 20 percent reduction goal.

3) Include but not be limited to the following measures:
   - Subsidized transit passes
   - Carsharing/Vanpool program
   - Guaranteed Ride Home via taxi vouchers or similar provisions
   - Preferential carpool parking
   - Parking cash-out programs

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

- Add a third eastbound left-turn lane.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

UTILITIES AND SERVICE SYSTEMS

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
Would the Project?					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	**Less than significant impact**	**No**	**No**	**No**	**No**
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	**Less than significant impact**	**No**	**No**	**No**	**No**
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	**Less than significant impact**	**No**	**No**	**No**	**No**
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**
g) Comply with federal, state, and local statutes and regulations related to solid waste?	**Less than significant impact after mitigation**	**No**	**No**	**No**	**No**

a) Wastewater Treatment Requirements. *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

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

The proposed project would include 785 dwelling units, and 325,000 square feet of commercial floor area. The population growth attributable to the proposed project would be consistent with the Community Plan buildout projections for Planning Area 1 and 3 and, therefore, would not increase wastewater generation beyond that disclosed in the FEIR. This precludes the potential for new impacts associated with wastewater treatment requirements. As such, the conclusions set forth in the FEIR remain unchanged.

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

b) New Water or Wastewater Treatment Facilities. *Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

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

The proposed project would include 785 dwelling units, and 325,000 square feet of commercial floor area. The population growth attributable to the proposed project would be consistent with the Community Plan buildout projections for Planning Area 1 and 3 and, therefore, would not alter any conclusions regarding water and wastewater infrastructure disclosed in the FEIR. This precludes the potential for new impacts associated with water and wastewater infrastructure requirements. As such, the conclusions set forth in the FEIR remain unchanged.

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

c) Storm Water Drainage Facilities. *Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

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

The proposed project would include 785 dwelling units, and 325,000 square feet of commercial floor area. The proposed project would introduce new impervious surfaces to a mostly pervious project site. Therefore, the proposed project would be subject to the provisions of Mitigation Measure HYD-2, which would serve to reduce impacts to a level of less than significant.

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

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

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

The proposed project would include 1785 dwelling units, and 325,000 square feet of commercial floor area. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for Planning Area 1 and 3 and, therefore, Mitigation Measure US-1 would apply to the proposed project and serve to reduce impacts to a level of less than significant. This precludes the potential for new impacts associated with water supply. As such, the conclusions set forth in the FEIR remain unchanged.

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

e) Adequate Wastewater Treatment Capacity. *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

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

The proposed project would include 785 dwelling units, and 325,000 square feet of commercial floor area. The proposed project would install a network of new wastewater collection infrastructure that would ultimately discharge effluent to the Union Sanitary District. The proposed project's wastewater generation are accounted for the in the overall WS/SF Community Plan's buildout wastewater numbers and, therefore, would yield the same conclusions as the FEIR. Impacts would be less than significant.

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

f) Landfill Capacity. *Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

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

The proposed project would include 785 dwelling units, and 325,000 square feet of commercial floor area. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for Planning Area 1 and 3, and, therefore, Mitigation Measures US-4a and US-4b would apply to the proposed project and serve to reduce impacts to a level of less than significant.

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

g) Solid Waste Statutes and Regulations. Would the project c*omply with federal, state, and local statutes and regulations related to solid waste?*

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

The proposed project would include 785 dwelling units, and 325,000 square feet of commercial floor area. The population growth attributable to the proposed project would be consistent with the WS/SF Community Plan buildout projections for Planning Area 4 and, therefore, Mitigation Measures US-4a and US-4b would apply to the proposed project and serve to reduce impacts to a level of less than significant.

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

FEIR Mitigation Measures

MM HYD-2 Prior to issuance of building permits for new development projects within the Community Plan area, the City of Fremont shall verify that the applicant has prepared a storm drainage and hydraulic study in accordance with City requirements. The storm drainage and hydraulic study shall quantify the increase in stormwater runoff peak flow rates and volumes resulting from the project, and identify the potential to exceed the conveyance and storage capacity of the local storm drainage system. The study shall incorporate the stormwater treatment controls and LID measures that will be designed

to capture and treat runoff. The analysis shall verify whether the existing drainage infrastructure is adequate to receive and convey runoff from a project implemented under the Community Plan. If the findings of the analysis reveal that implementation of a proposed project would create runoff beyond the capacity of the existing stormwater drainage systems, the project shall be required to upgrade undersized components or adopt a different form of stormwater runoff management. Prior to approval of a proposed project, the final design drainage plans shall be reviewed and approved by the City of Fremont Public Works Department and the Alameda County Flood Control and Water Conservation District (ACFCWC). Any project that involves work within the ACFCWC right-of-way or that requires construction, modification, or connection to ACFCWC facilities shall obtain a Flood Encroachment Permit and shall comply with ACFCWC standards and specifications.

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

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

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

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

and—for restaurants—tallow, subject to approval of the franchise waste provider and City of Fremont. Plans should include adequate and safe access for solid waste and recycling vehicles to access and collect materials.

Conclusion

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

MANDATORY FINDINGS OF SIGNIFICANCE

	Prior FEIR Determination	CEQA §15183(b) Criteria			
		Effect Peculiar to Project or Site?	New Significant Effect?	New Significant Off-site, Cumulative Impact?	New Information, More Severe Adverse Impact?
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	**Less than significant impact**	**No**	**No**	**No**	**No**
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	**Significant unavoidable impact**	**No**	**No**	**No**	**No**
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	**Less than significant impact**	**No**	**No**	**No**	**No**

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

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

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

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

c) Adverse Effects on Human Beings. *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

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

SECTION 5: PROJECT RELATED REFERENCES

A. Geotechnical Feasibility Assessment, ENGEO Inc., September 14, 2012

B. Environmental Noise and Vibration Assessment, Illingworth and Rodkin Inc., December 10, 2015

C. Modified Phase I Environmental Site Assessment, ENGEO Inc., July 17, 2014

D. Transportation Consistency Memorandum, Fehr and Peers, February 19, 2016

E. Air Quality Environmental Compliance Checklist, First Carbon Solutions, December 4, 2015

F. Tree Survey Report, Arbor Resources, May 8, 2015

G. Site Specific Hazardous Materials Risk Analysis Report, TRC, July 8, 2015

H. Archeological Surface and Subsurface Reconnaissance, Holman and Associates, Revised October 2015

I. Site Visit on October 28, 2015 – David Wage, Associate Planner and Robert (Bruce) Anderson, Historic Consultant