

Fremont Technology Business Center General Plan Amendment, Pacific Commons Planned District P-2000-214 Major Amendment, Development Agreements, Vesting Tentative Tract Map No. 8348, Preliminary Grading Plan Addendum and Initial Study

**City of Fremont
September 8, 2017**

ADDENDUM

Introduction

This document contains an Addendum based upon an Initial Study prepared to examine the environmental effects of the proposed Fremont Technology Business Center. This document has been prepared in accordance with the relevant provisions of the California Environmental Quality Act (CEQA) of 1970 (as amended) and the State CEQA Guidelines as implemented by the City of Fremont. According to Sections 15162 and 15164 of the State CEQA Guidelines, where changes are proposed in a project after its initial approval, an addendum can be used in compliance with CEQA to address the effects of a subsequent activity unless: (1) substantial changes are proposed involving significant environmental impacts that were not previously studied, (2) substantial changes in the circumstances under which the project will be undertaken will result in significant environmental impacts that were not previously studied, or (3) new information of substantial importance that could not have been known at the time of the previous EIR shows either that the project will have new significant environmental impacts that were not previously studied or that mitigation not previously considered, or previously deemed infeasible, and that the project proponent is unwilling to adopt, will substantially reduce environmental impacts.

Project Description

This environmental analysis has been prepared for the proposed project to develop the southerly 153 industrial acres of Pacific Commons with eleven industrial buildings totaling approximately 2.53 million square feet and two auto dealer sites of 100,000 total square feet, for a combined 2.63 million square feet on vacant land that has been prepared and maintained for development since its mass grading in 2003 in accordance with project approvals issued in 2000. In order to accomplish the project, a General Plan Amendment is required in order to redesignate 10 acres from Tech Industrial to Regional Commercial for use as auto dealer sites. In addition, a Planned District P-2000-214 Major Amendment is required in order to modify the development plan and site layout for this portion of Pacific Commons and to establish the project's development standards. In order to divide the property into individual saleable lots, dedicate right-of-way for an extension of Pacific Commons Boulevard, and modify easements, Vesting Tentative Tract Map No. 8348 is proposed. A Grading Permit with a Preliminary Grading Plan is required because the quantity of grading necessary to create buildable pads exceeds the 10,000 CY trigger for a Preliminary Grading Plan. Development Agreements are proposed for the east and west parcels, respectively, principally to create predictability in the timing of development review in exchange for certain public benefits.

Background

The City has previously certified supplemental environmental impact reports for the Pacific Commons PD in 1996, as amended in 2000. The 1996 SEIR approved largely industrial uses that included retail and campus-style R&D uses on 877 acres, and in 2000, the development envelope was decreased to 305 acres, generally increasing the density of the previously considered uses (retail/hotel and office/R&D, including warehousing and campus-style R&D) and orienting some taller buildings and common areas along the Pacific Commons Boulevard overlay. In 2001, a portion of the property was leased to Cisco with an option to purchase, dividing the overall

Pacific Commons Planned District (PD) into two areas: 153 acres controlled by Cisco and the remainder controlled by Catellus Development Corporation.

Since 2000, Catellus has revised the Pacific Commons PD on its acreage by converting its half of the Pacific Commons PD to retail use (reducing its square footage from the entitled amount) and eliminating the Pacific Commons Boulevard overlay through a series of Pacific Commons PD amendment considered under Addenda in 2002, 2003, an SEIR in 2010 and a Notice of Determination in 2014. In all cases, the impacts were considered less than the impacts analyzed in the 1996 SEIR, as amended by the 2000 SEIR (together, the "SEIR"). The Developer, which is the successor to Cisco, now proposes to modify the Pacific Commons PD on its planning areas by also eliminating the Pacific Commons Boulevard multi-story building overlay on its acreage, dedicating a portion of the site to automall retail, developing a tech campus style development with industrial warehouse/manufacturing with associated office space on the remainder of the site, and reducing the overall square footage from approximately 3.4 million square feet to 2.6 million square feet.

Prior CEQA Assessment

The Pacific Commons development was originally contemplated in the 1987 Santa Fe Pacific Realty Project General Plan Amendment Environmental Impact Report and 1988 SEIR (SCH #8721715), but in a radically different configuration which included a significant residential component. The entitlements which currently govern the Pacific Commons PD were approved in the 1996 SEIR as amended in the 2000 SEIR (SCH # 8721715 & 96052016). The 1996 SEIR analyzed approximately 877 net developable acres, including the Project site, for development of approximately 8.3 million square feet in a mix of largely industrial uses that included retail and campus-style R&D. The 2000 SEIR, among other amendments, reserved significant acreage as mitigation lands and open space/stormwater detention basin and reduced the developable area to approximately 305 acres for construction of approximately 7.1 million square feet of the previously considered retail and office/R&D uses, including a denser alignment of multi-story buildings and common areas along the Pacific Commons Boulevard overlay (1.2 million square feet of Auto Mall uses were developed between 1996 and 2000).

The 1996 SEIR concluded that the majority of potentially significant impacts related to development of the Pacific Commons Planned District would be less than significant with mitigation. However, significant and unavoidable impacts were identified with regard to traffic, air quality, and geology. The 2000 SEIR concluded that the project changes resulting from the reduced project footprint were previously adequately analyzed in the 1996 SEIR and relied on the 1996 SEIR for most findings, but performed new analyses focused on traffic, aesthetics, fire, police and emergency services, and recreation, concluding only that traffic impacts were significant and unavoidable.

Modifications Since the 1996 and 2000 Pacific Commons SEIRs

Subsequent amendments were made to the Pacific Commons PD for the Catellus portion of the site and analyzed using Addenda in 2002 and 2003, a SEIR in 2010 and a Notice of Determination in 2014. These amendments were specific to the Catellus planning areas, eliminating the Pacific Commons Boulevard overlay from those planning areas and approving full build out of a Major Retail District. Although these changes were specific to the Catellus areas, all documents reserved and analyzed 3.4 million square feet of office/R&D and 30,000 square feet of retail on the Cisco planning areas (the Project site).

Current Project CEQA Analysis and Addendum

The developers submitted an application to modify the project from that which was previously described and analyzed in the 1996 and 2000 SEIRs. As noted above, the Pacific Commons Planned District analyzed in the Pacific Commons SEIRs included development of the Project site as 3.4 million square feet of office/R&D, industrial, and retail uses with buildings ranging from two to twelve stories and interconnected commons along the Pacific Commons Boulevard overlay, and lower warehousing uses (up to three story buildings) around the

property edges. The Developer proposes to reduce the development of the Project site from that described above to construction of 2.53 million square feet of industrial uses in eleven warehouse and general industrial/advanced manufacturing buildings spread across the project site, each with associated office uses, and 100,000 square feet of Auto Mall use along Bunche Drive adjacent to existing auto dealers northward along Cushing, and between the majority of the Auto Mall and the newer Carmax dealer to the west along Christy. Consistent with City approvals of the Catellus planning areas, the remainder of the Pacific Commons Boulevard overlay would be eliminated and the open space would include a perimeter trail along the wildlife refuge, dedicated open space between buildings eight and nine, pocket parks, and stormwater facilities providing additional open space relief.

Standards for Subsequent Environmental Review

CEQA requires the City to prepare an EIR whenever it approves a discretionary project that may have a significant impact on the environment. When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following, per CEQA Guidelines Section 15162(a):

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Thus, a proposal found to be consistent with the prior approved project would not require additional environmental review unless: substantial changes are proposed to the Project or to the circumstances under which the Project is undertaken, or new information of substantial importance that was not previously known shows that (1) the Project would cause new significant effects not previously analyzed, (2) the Project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives previously found not to be feasible but actually feasible or considerably different from those analyzed in the Pacific Commons Planned District SEIR would substantially reduce one or more significant effects, but the Project proponents decline to adopt the mitigation measure or alternative, which would require major revisions to the previous EIR.

Summary of the Results and Conclusion

The City prepared the following Initial Study in connection with the proposed Fremont Technology Business Center General Plan Amendment, Planned District P-2000-214 Major Amendment, Development Agreement, and Preliminary Grading Plan. Based upon the Initial Study, the City prepared an addendum to the Pacific Commons SEIR. As concluded by the following Initial Study, the proposed Project would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Pursuant to Section 15164 of the CEQA Guidelines, with the minor technical amendments and clarifications discussed in this addendum, the previous EIR for the Pacific Commons Planned District would continue to adequately address the significant environmental impacts of the project. Addendums need not be circulated for public review, but are to be considered with the previous environmental documents available for review at the City Offices as specified below. Therefore, no further environmental review is necessary on this topic.

The Pacific Commons SEIRs are available at:

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

The General Plan is available on the City's website at:

<http://fremont.gov/generalplan>

In addition, the SEIRs are available on the City's website at:

<http://www.fremont.gov/ceqa>

City of Fremont Initial Study

1. **Project Title:** Fremont Technology Business Center
2. **Lead Agency Name and Address:** City of Fremont
Community Development Department
39550 Liberty Street, 1st Floor
Fremont, CA 94538
3. **Lead Agency Contact Person and Phone Number:** Joel Pullen, Senior Planner
Phone: (510) 494-4436
E-mail: jpullen@fremont.gov
4. **Project Location:** South of Bunche Drive and West of Christy Street, on the east and west of Cushing Parkway, north and east of the Don Edwards National Wildlife Refuge
(See *Figure 1: Vicinity Map* and *Figure 2: Site Aerial*)
5. **Project Sponsor's Name and Address:** Fremont Technology Business Center, LLC
9550 West Higgins Road, 200
Rosemont, IL 60018
Pacific Commons Owner, LP
19300 S Hamilton Avenue, 200
Gardena, CA 90248
6. **Existing General Plan Land Use Designation:** Tech Industrial
7. **Existing Zoning:** Planned District P-2000-214

8. **Existing Setting and Neighboring Land Uses:**

The proposed Fremont Technology Business Center (the "Project") would be located in the City of Fremont in the southern portion of the Pacific Commons Planned District south of Bunche Drive and west of Christy Street, on both sides of Cushing Parkway, and north and east of the Don Edwards National Wildlife Refuge and wetlands. **Figure 1** shows the Project site in relation to the Bay Area region, including surrounding communities.

The proposed project is situated within a vacant 153-acre portion of the Pacific Commons Planned District previously approved for 3.4 million square feet of office/R&D uses. Existing streets ring all edges of the site except for the south and west, which property lines border natural areas. To the north and east, the Fremont Auto Mall and other commercial and industrial uses lie across Bunche Drive and Christy Street. The project site is comprised of 5 unaddressed parcels, including APN 525-1326-035-00, which is 0.81 acres, APN 525-1326-036-00, which is 40.86 acres, APN 525-1326-048-00, which is 14.55 acres, APN 525-1326-049-00, which is 88.24 acres, and APN 525-1326-050-00, which is 8.45 acres. **Figure 2** shows the Project site in relation to its immediate surroundings.

The majority of the site's perimeter has been improved with public street infrastructure, and now-mature street trees and landscaping have been planted within easements on the edges of each parcel that borders a street. A series of curb returns were constructed on adjacent streets with the express purpose of

connecting those streets through the proposed project site. The topography of the site is generally flat, with a slight gradual downward slope to the southwest.

9. Description of Project:

This environmental analysis has been prepared for the proposed project to develop the southerly 153 industrial acres of Pacific Commons with ten industrial buildings totaling approximately 2.53 million square feet and two auto dealer sites of 100,000 total square feet, for a combined 2.63 million square feet on vacant land that has been prepared and maintained for development since it was mass graded in 2003. In order to accomplish the project, a General Plan Amendment is required in order to redesignate 10 acres from Tech Industrial to Regional Commercial for use as auto dealer sites. In addition, a Planned District P-2000-214 Major Amendment is required in order to modify the development plan and site layout for this portion of Pacific Commons and to establish the project’s development standards. In order to divide the property into individual saleable lots, dedicate right-of-way for an extension of Pacific Commons Boulevard, and modify easements, Vesting Tentative Tract Map No. 8348 is proposed. A Preliminary Grading Plan is required because the quantity of grading proposed exceeds the 10,000 CY trigger for a Preliminary Grading Plan. Development Agreements for the east and west parcels, respectively, are proposed in order to create predictability for the developer and to negotiate certain public benefits.

Approvals/Entitlements

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

- General Plan Amendment
- Planned District P-2000-214 Major Amendment
- Development Agreements
- Vesting Tentative Tract Map No. 8348
- Preliminary Grading Plan
- Tree Removal and Mitigation
- Design Review and Building Permits

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

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	A Notice of Preparation is being prepared for this project.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	An Environmental Impact Report is being prepared.

11. Other public agencies requiring approval: None.

12. Other Previous Environmental Review:

1. 1987 Santa Fe Pacific Realty Project GPA EIR and 1988 SEIR (SCH #8721715)
2. Pacific Commons 1996 SEIR (SCH # 8721715)
3. Pacific Commons 2000 SEIR (SCH # 8721715 and 96052016)

Insert Map (Caption Figure 2—Aerial Photo 2014)



Figure2: Aerial Photo

ENVIRONMENTAL CHECKLIST

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION BY THE CITY OF FREMONT:

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
X	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: 

Date: September 8, 2017

Printed Name: Joel Pullen, AICP

For: City of Fremont

Planning Manager Review: _____

I. AESTHETICS–

Would the project:

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
a.	Have a substantial adverse effect on a scenic vista?	LTS	No	No	No
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	LTS	No	No	No
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?	PSUM	No	No	No
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	LTS	No	No	No

Key:
 LTS=Less than Significant
 PSUM= Potentially Significant Unless Mitigated
 S/U=Significant and Unavoidable

Discussion/Conclusion/Mitigation

a) Would the project have a substantial adverse effect on a scenic vista?

The project site can be viewed distantly from I-880, the Auto Mall Parkway overpass, Cushing Parkway, and North Port Loop, in addition to being visible from the immediately adjacent streets. Existing development in the vicinity is characterized by one and two-story commercial and industrial structures, with the hills to the east and the baylands to the south and west. The SEIR did not identify any City visual resources at the Project Site, though I-880 was identified as a scenic route in the 1991 General Plan. The current General Plan does not identify I-880 as a scenic route.

The proposed Project would be located within a portion of Pacific Commons previously approved for 3.4 million square feet of industrial and 30,000 square feet of commercial development. Existing buildings within Pacific Commons and surrounding industrial developments include one to two-story high structures up to 40 feet tall, and the previous development plan for Pacific Commons allowed buildings up to 8 stories in the subject area. The proposed development would be characterized by large-format industrial buildings limited to 50 feet in height, which is consistent with (and significantly less than) the Pacific Commons Planned District’s previously approved heights, and within the typical range of heights of industrial buildings within nearby industrial areas.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new

significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact

Mitigation Required in SEIR: No formal mitigation, though a statement was included in the SEIR that staff would require Design Review and would consult with National Wildlife Refuge staff for landscape and lighting plans for development adjacent to the perimeter of the Preserve area.

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

There were no scenic resources formally identified in the SEIR. The project site includes no scenic resources (e.g., trees, rock outcropping, historic buildings) as it is currently vacant industrial land. Further, there are no “Landmark Trees” on-site as that term is defined in the City’s Tree Preservation Ordinance (TPO). Street trees proposed for removal as part of the Project in order to install driveways would be subject to requirements involving the planting of replacement trees or payment of in-lieu fees to mitigate the removal of trees that cannot be replaced on-site due to land area constraints, in accordance with the requirements of the TPO.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact

Mitigation Required in SEIR: No formal mitigation, though a statement was included in the SEIR that staff would require Design Review and would consult with National Wildlife Refuge staff for landscape and lighting plans for development adjacent to the perimeter of the Preserve area.

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

The proposed project would dramatically lower the building heights permitted on the project site and result in larger-format structures within the development area previously identified. The SEIR acknowledged that the placement of buildings of up to eight stories and 100 feet in height, as previously contemplated, would result in major changes to the existing visual character of the site, but that changes in visual character along the perimeter could be managed to some extent through the use of landscaping. Ultimately, the project-related changes were determined to not be regarded as a “substantial degradation” of the existing visual character of the area. The proposed

project maintains a lower profile of building typology that would improve distant views of the hills and baylands relative to the previously-approved project.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potential Significant Impact Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 6-14 (Remains applicable to the proposed project): Conceptual and detailed landscape plans shall be required at later stages in the development approval process. Project developers shall be required to comply with all regulations related to landscaping, signage, outdoor lighting, screening and site maintenance. Outdoor lighting fixtures to be used at the Project site shall be designed to minimize illumination of the night sky. Although the character of views at the Project site would be changed from rural to urban as a result of Project development, these measures would reduce the impact to a level of less than significant.

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

The proposed project, similar to the development contemplated in the SEIR, would place numerous large structures at the project site that would create a major new source of possible light and glare, which could be moderated by the application of design criteria. However, the light and glare of lower buildings as proposed would create a lesser impact relative to the previously-approved project.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Less than Significant Impact
Mitigation Required in SEIR:**

Mitigation 6-14 (Remains applicable to the proposed project): Conceptual and detailed landscape plans shall be required at later stages in the development approval process. Project developers shall be required to comply with all regulations related to landscaping, signage, outdoor lighting, screening and site maintenance. Outdoor lighting fixtures to be used at the Project site shall be designed to minimize illumination of the night sky. Although the character of

views at the Project site would be changed from rural to urban as a result of Project development, these measures would reduce the impact to a level of less than significant.

II. AGRICULTURE AND FOREST RESOURCES

Would the project:

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
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
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact	No	No	No
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?	No Impact	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
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

Discussion/Conclusion/Mitigation

a-e) Would the proposed project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract? Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? Would the proposed project result in the loss of forest land or conversion of forest land to non-forest use? Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

According to the California Department of Conservation’s 2016 Alameda County Farmland Map, the site is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The area adjacent to the Project site on the north and east has been developed with primarily commercial and industrial uses. Additionally, the adjacent site on the south and east sides of the site are wetland areas protected from development. No agricultural resource or forest resource impacts would result from the development of the Project.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact
Mitigation Required in SEIR: None

III. AIR QUALITY

Would the project:

		<i>Prior SEIR</i>	<i>CEQA Sections 15162(a) Criteria</i>		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
a.	Conflict with or obstruct implementation of any applicable air quality plan?	LTS	No	No	No
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	S/U	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)?	S/U	No	No	No
d.	Expose sensitive receptors to substantial pollutant concentrations?	LTS	No	No	No
e.	Create objectionable odors affecting a substantial number of people?	LTS	No	No	No

Background

The previous SEIR analyzed potential air quality impacts resulting from implementation and build out of the Pacific Commons Planned District, which included development of a larger project on the subject site.

An air quality and greenhouse gas (GHG) study was completed for the proposed Fremont Technology Business Center project in order to conduct site-specific impact analysis of air quality emissions and GHG from the proposed project and to assess whether the proposed project creates any new significant or more severe air quality or greenhouse gas impacts than considered for the prior entitled Cisco project.

Emissions from both the entitled Cisco project and the proposed project were modeled using the California Emissions Estimator Model version 2016.3.1 (CalEEMod) in order to assess whether the proposed Fremont Tech Business Center would result in a more adverse air quality and GHG impact than the prior entitled project at the site. In conducting this analysis, the study considered the overall project as well as the expected increase in the share of truck trips as a percentage of the overall traffic, based upon the Transportation Impact Analysis (TIA) separately prepared for the project.

Discussion/Conclusion/Mitigation

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

The air quality and GHG study determined that there would be no new or increased impacts from air quality or GHG emissions as a result of the proposed project. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact
Mitigation Required in SEIR: None

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

The SEIR determined that the previously-entitled project would have a significant adverse impact on regional air quality, and would contribute to the continuing ozone problem in the region. However, the air quality and GHG study for the proposed project determined that there would be no new or increased impacts from air quality or GHG emissions as a result of the proposed project. In fact, the study determined that all component parts of ozone would be decreased by the proposed project. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the

project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Significant and Unavoidable Impact
Mitigation Required in SEIR:**

Mitigation 6-10A (Remains applicable to the project site): Suspend earthmoving or other dust-producing activities during periods of high winds when dust control measures are unable to avoid visible dust plumes.

Mitigation 6-10B (Remains applicable to the project site): Provide equipment and staffing for watering of all exposed or disturbed soil surfaces sufficient to suppress dust plumes, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be utilized.

Mitigation 6-10C (Remains applicable to the project site): Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

Mitigation 6-10D (Remains applicable to the project site): Sweep construction area and adjacent streets of all mud and debris, since this material can be pulverized and later resuspended by vehicle traffic.

Mitigation 6-10E (Remains applicable to the project site): Limit the speed of all construction vehicles to 15 miles per hour while travelling on unpaved surfaces.

Mitigation 6-10F (Remains applicable to the project site): All inactive portions of the site shall be watered with an appropriate dust suppressant, covered or seeded.

The use of watering alone for dust control is estimated to reduce dust emissions by about 50 percent. The combined effect of the above measures, including the use of a dust suppressant, would have a control efficiency of 70 to 80 percent, which would reduce Project impacts to a level of less than significant. The monitoring of construction mitigation measures would be the responsibility of the City of Fremont

Mitigation 6-11A (Replaced by Equivalent Standardized City Code Requirements): The City of Fremont should require the Project applicant to develop a TDM (Transportation Demand Management) program for the proposed Project. An aggressive TDM program has the potential to reduce daily trips by approximately 10 to 25 percent, and air quality impacts associated with auto use would be reduced proportionally.

Mitigation 6-11B (Superseded by Standardized City Code Requirements): When a significant amount of development has been completed, the City of Fremont should require annual surveys documenting the effectiveness of the TDM program in reducing single-occupant commuting.

Since the previous project was approved, the City of Fremont adopted a TDM ordinance applicable citywide (Fremont Municipal Code Section 10.20.010 et seq.), including to the project site, that would duplicate these mitigations. Application of City Ordinances in conformance with State law would result in compliance with these previous mitigation measures. In addition, the applicant has agreed through the Development Agreement to contribute seed funding in the

amount of \$650,000 toward City efforts to improved transit options in the vicinity of the project, which exceeds the code standard aforementioned.

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

The air quality and GHG study for the proposed project determined that there would be no new or increased impacts from air quality or GHG emissions as a result of the proposed project. The proposed commercial and industrial land uses would be similar to those which would have been permitted under the previously-approved project, and would thus have a consistent profile with respect to hazardous materials usage and management in accordance with applicable regulations. The proposed project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact

Mitigation Required in SEIR: None

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

The air quality and GHG study for the proposed project determined that there would be no new or increased impacts from air quality or GHG emissions as a result of the proposed project. The proposed commercial and industrial land uses would be similar to those which would have been permitted under the previously-approved project, and would thus have a consistent profile with respect to creation of odors in accordance with applicable regulations. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact

Mitigation Required in SEIR: None

IV. BIOLOGICAL RESOURCES

Would the project:

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	PSUM	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, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	PSUM	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?	PSUM	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 native wildlife nursery sites?	No Impact	No	No	No
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact	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

Background

In accordance with prior project approvals, the prior project obtained all resource agency approvals, including U.S. Army Corp of Engineers (USACE) permit and associated Biology Opinion from the United State Fish and Wildlife Service (USF&WS), Mitigation Agreement with the California Department of Fish and Wildlife (CDF&W), and Waste Discharge Requirements from the Regional Water Quality Control Board (RWQCB). The biological terms of the USACE, USF&WS, CDF&W, and

RWQCB permits have been met and completed in full. The RWQCB continues to have jurisdiction over the drainage and stormwater requirements.

The site met all biological mitigation measures and completed site mass grading in 2003, and obtained interim stormwater drainage plan approval in 2007. The adjacent land that is now a portion of the Don Edwards National Wildlife Refuge was completed and donated to the federal government for that purpose in 2010, and the site has been regularly maintained for development, including maintenance of the California Tiger Salamander exclusion fencing at the boundary. There are no listed or special status species on site.

Discussion/Conclusion/Mitigation

a-c) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The site has been regularly maintained in planning for development, and the studies completed as part of the project proposed herein determined that the development site does not contain any of the habitat or species noted above, nor would development of an alternative project design on the site result in new or impacts related to biological species.

The biological resource evaluation prepared by a qualified biological consultant for the proposed project determined that the proposed project had already been fully mitigated with respect to potential impact on biological resources, and because the property no longer contains sensitive biological resources or any aquatic resources, none would be directly affected, and no additional biological or aquatic resource permit or mitigation should therefore be required. The current plan, similar to the previous approval, calls for a public perimeter trail adjacent to the wetland, with associated requirements for its design and use to prevent impacts to the adjacent wetland habitat. The continuing requirements for dust control, stormwater compliance, and preconstruction surveys and measures would protect the adjacent habitat areas.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potential Impact Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 6-1A (Remains applicable to the proposed project): Either prohibit dogs along the perimeter trail adjacent to the Preserve Area or require dogs to be leashed. If dogs are not prohibited along the perimeter trail adjacent to the Preserve Area, then dog walkers should be responsible for disposing of dog litter.

Mitigation 6-1B (Remains applicable to the proposed project): Request comments on the trail design, landscaping, lighting, and Preserve Area fencing from National Wildlife Refuge staff before final approval.

Mitigation 6-3 (Completed; inapplicable to proposed project): Implementation of Mitigation Measures 6-6 and 6-7 below will reduce to less than significant the impacts to non-native grassland associated with the loss of suitable burrowing owl and northern harrier habitat

Mitigation 6-4 (Completed; inapplicable to proposed project): Open Space (OS) Goal 2 of the Fremont General Plan states: "Recognition, protection, and enhancement of significant natural areas and wildlife habitats in the city, including Bay tidal, seasonal, and freshwater wetlands, and open meadows and fields." Objective OS 2.2 is the "[p]rotection and enhancement of wetlands within the city." Policy OS 2.2.1 states: "The City shall take an active role in protecting wetlands. There shall be no net loss of wetlands as a result of development in Fremont." Because Project site wetland resources do not represent significant natural areas, no net loss of wetland values is used in establishing appropriate mitigation for loss of wetland resources.

A detailed wetland mitigation plan as described in Appendix H shall be developed for City approval for all or a portion of the Stem parcel and/or the 56-acre Stevenson Boulevard property, or similar site located in proximity to the Project site, to compensate for the loss of wetland resources resulting from Project construction. Using a target of no net loss of wetland values, and based on the low to moderate value of the wetland resources on the Project site, and the relative ease of constructing seasonal wetlands such as those occurring on the Project site, mitigation wetlands could be of a lesser extent than those being filled by Project construction.

Based on the habitat evaluation of Project site wetland resources contained in Appendix E, the seasonal marsh (which for purposes of the evaluation and mitigation includes the non-tidal salt marsh) proposed for fill on the Project site (59 acres) has a value of 2.1, for a rating of 124; the wet meadow habitat (41.30 acres) has a value of 1.2, for a rating of 50. Accordingly, mitigation wetlands must rate a total of 174. Using the performance criteria set forth in Appendix E, it is anticipated that mitigation wetlands will have a value of 3; therefore, a minimum of 58 acres of seasonal wetlands meeting the performance criteria established in Appendix E (and in the subsequently approved detailed mitigation plan) must be created to mitigate for the fill of wetland resources on the Project site.

As stated in Appendix H, the mitigation wetlands will be monitored for five years. If any of the performance criteria are not met at the end of the five-year period, appropriate remedial measures shall be employed and the wetlands monitored for an additional three years. If the performance criteria are not met after the additional three-year monitoring period, the Project applicant shall propose supplemental mitigation (e.g., enhancement or refinement of the approved mitigation) to be approved by the City to achieve no net loss of wetland values.

Mitigation 6-5 (Completed; inapplicable to the proposed project): Surveys for the special status plant species potentially occurring on the Stem parcel (alkali milk-vetch, delta tule-pea, Hoover's button-celery, Congdon's tarplant, San Joaquin spearscale, and Contra Costa gold fields)

shall be performed by a qualified biologist during the appropriate period in any seasonal wetland proposed for fill on this parcel. If any of these plant species are found, mitigation based upon the individual species' horticultural requirements shall be developed by a qualified biologist and approved by the City. This mitigation plan may be incorporated into the wetland mitigation plan required in Mitigation Measure 6-4 above, and shall require, at a minimum, plant density and general distribution similar to existing conditions on the Project site for two successive years after implementation of the mitigation.

Mitigation 6-6 (Remains applicable to the proposed project): A survey for burrowing owls in accordance with CDFG guidelines shall be performed by a qualified biologist no more than six months but at least 45 days prior to commencement of any construction activities in areas of burrowing owl observances and in areas with mounds, berms or other suitable ground-nesting locations. Prior to construction, burrowing owl nesting sites impacted by development shall be relocated in accordance with CDFG guidelines, or as may otherwise be developed by a qualified biologist and approved by the City. Uplands on the wetland mitigation site(s) may be considered for the burrowing owl nesting site relocation. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist verifies that either: 1) the birds have not begun egg-laying and incubation; or 2) juveniles from the occupied burrows are foraging independently and capable of independent survival. The City shall approve any such request for nest disturbance during the nesting season.

In the alternative, surveys in conformance with applicable CDFG guidelines shall be performed during the breeding (February 1 - August 31) and wintering (generally December 1 - January 31 when wintering owls are most likely to be present) seasons to estimate burrowing owl populations on the Project site. If owl populations are confirmed, and avoidance is not practicable, the extent of impacts to the entire Project site shall be assessed and a comprehensive relocation and mitigation plan shall be developed by a qualified biologist and approved by the City.

Mitigation 6-7 (Remains applicable to the proposed project): A survey for northern harrier nesting sites shall be performed by a qualified biologist during the breeding season, June - July, prior to any grading or other ground disturbing activities during those months. If nesting sites are found, they shall not be disturbed during the breeding season and protective measures shall be developed by a qualified biologist and approved by the City. A mitigation plan prepared by a qualified biologist and approved by the City shall be developed for those nesting sites that will be disturbed by Project construction after the breeding season. This mitigation plan may be incorporated into the wetland mitigation plan required in Mitigation Measure 6-4 above, and shall provide at a minimum, for creation of the same number of nesting sites as are disturbed by Project construction. Performance standards shall be developed that require evidence of use by northern harriers of the newly created nesting sites over two succeeding seasons.

In the alternative, a survey of the entire Project site during the breeding season shall be performed by a qualified biologist. If northern harrier nesting sites are found, and avoidance is not practicable, the extent of impacts to the Project site shall be assessed and a comprehensive mitigation plan shall be developed by a qualified biologist and approved by the City.

Mitigations 6-6 and 6-7 remain applicable to the project site, though only as they are applicable to the development area, and not the wetland, because the wetland mitigations have been completed, and the site donated to the federal government. Preconstruction surveys are still required for the proposed development site as specified prior to development activity.

Mitigation 6-8 (Completed; inapplicable to the project site): A survey for California tiger salamander larvae shall be performed by a qualified biologist during the winter months when the seasonal wetlands are ponded on the Stem parcel if any of these areas are proposed for development. If larvae are found, a mitigation plan shall be developed by a qualified biologist and approved by the City. This mitigation plan may be incorporated into the wetland mitigation plan required in Mitigation Measure 6-4 above, and shall require, at a minimum, evidence of California tiger salamander densities and distribution in the created habitat similar to those found on the Project site for two successive years following implementation of the mitigation plan.

Mitigation 6-9 (Completed; inapplicable to the project site): Surveys for the vernal pool tadpole shrimp in accordance with protocols to be developed by the Project applicant (in consultation with a qualified biologist) and approved by the City, shall be performed by a qualified biologist on any area of the Stem parcel proposed for development which contains seasonal wetlands. If vernal pool tadpole shrimp are found, and avoidance is not practicable, a mitigation plan shall be developed by a qualified biologist and approved by the City. This mitigation plan may be incorporated into the wetland mitigation plan required in Mitigation Measure 6-4 above, and shall require, at a minimum, evidence of densities and distribution of vernal pool tadpole shrimp in the created habitat similar to those found on the Project site for two successive years following implementation of the mitigation plan.

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

The site is vacant and has been mass graded in accordance with prior project approvals and through completion of regulatory approvals. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact
Mitigation Required in SEIR: None

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

The project would comply with the City's Tree Preservation Ordinance. A total of twenty-one (21) street trees are recommended for removal and mitigation, primarily in order to allow for new driveways into the project site. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant

effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact
Mitigation Required in SEIR: None

- f) **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?**

The project is not within the boundaries of any local, regional, or state habitat conservation plan. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact
Mitigation Required in SEIR: None

V. CULTURAL RESOURCES

Would the project:

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances ?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	PSUM	No	No	No
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	PSUM	No	No	No
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	PSUM	No	No	No
d.	Disturb any human remains, including those interred outside of formal cemeteries?	PSUM	No	No	No

Discussion/Conclusion/Mitigation

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

The site is vacant and there are no historical structures on or adjacent to the site. In addition, the City has completed its tribal consultation and no tribal resources were identified and no consultation was requested. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potential Impact Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 6-16A (Remains applicable to the proposed project): In the event that significant cultural materials (e.g. human skeletal remains, habitation features, artifact concentrations, heat-affected rock or other features) are uncovered during excavation or earthmoving, all grading shall be halted until appropriate mitigation measures are defined.

Mitigation 6-16B (Remains applicable to the proposed project): If human remains are found, the County Coroner, Native American Heritage Commission, and representatives of local Native American groups shall be notified pursuant to State law. Further actions shall be coordinated with these agencies.

Mitigation 6-16C (Remains applicable to the proposed project): If any historic or cultural resources are discovered, the State Office of Historic Preservation shall be notified pursuant to State law. Identified cultural resources should be recorded on forms DPR 422 (archaeological sites) and/or DPR 523 (historic properties) or similar forms.

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

The site has been mass graded and no archaeological resources have been identified. The site would primarily receive fill, further reducing the chances of finding such resources. However, should any unexpected cultural or archaeological resources be found, the previous mitigation measures identified would continue to apply to the project similarly to the previous project.

**Potential Impact Identified in SEIR: Potential Impact Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 6-16A (Remains applicable to the proposed project): In the event that significant cultural materials (e.g. human skeletal remains, habitation features, artifact concentrations, heat-affected rock or other features) are uncovered during excavation or earthmoving, all grading shall be halted until appropriate mitigation measures are defined.

Mitigation 6-16B (Remains applicable to the proposed project): If human remains are found, the County Coroner, Native American Heritage Commission, and representatives of local Native American groups shall be notified pursuant to State law. Further actions shall be coordinated with these agencies.

Mitigation 6-16C (Remains applicable to the proposed project): If any historic or cultural resources are discovered, the State Office of Historic Preservation shall be notified pursuant to State law. Identified cultural resources should be recorded on forms DPR 422 (archaeological sites) and/or DPR 523 (historic properties) or similar forms.

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

No significant paleontological or unique geological features were identified in previous environmental review through the SEIRs, nor during mass grading of the site. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact

Mitigation Required in SEIR: None.

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

The site has been mass graded. No human remains have been located and none are anticipated to be found. However, previous mitigation provides a protocol for unexpected discoveries. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Potential Impact Unless Mitigated

Mitigation Required in SEIR:

Mitigation 6-16B (Remains applicable to the proposed project): If human remains are found, the County Coroner, Native American Heritage Commission, and representatives of local Native American groups shall be notified pursuant to State law. Further actions shall be coordinated with these agencies.

VI. GEOLOGY AND SOILS

Would the project:

		Prior SEIR	CEQA Sections 15162(a) Criteria		
			Substantial Changes to the Project?	Substantial Changes to Project Circumstances ?	New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?
ISSUES:					
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.	LTS	No	No	No
	ii) Strong seismic ground shaking?	S/U	No	No	No
	iii) Seismic-related ground failure, including liquefaction?	LTS	No	No	No
	iv) Inundation by seiche, tsunami or mudflow	LTS	No	No	No
	v) Landslides?	LTS	No	No	No
	vi) Flooding, including flooding as a result of the failure of a levee or dam	LTS	No	No	No
b.	Result in substantial soil erosion or the loss of topsoil?	PSUM	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 landslides, lateral spreading, subsidence, liquefaction or collapse?	PSUM	No	No	No
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?	PSUM	No	No	No
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact	No	No	No

Discussion/Conclusion/Mitigation

- a) **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? Refer to Division of Mines and Geology Special Publication 42.; ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Inundation by**

seiche, tsunami or mudflow? v) Landslides? vi) Flooding, including flooding as a result of the failure of a levee or dam?

Surface Fault Rupture

Diagram 10-3 – Earthquake Fault Zones and Liquefaction Hazard Area Map in the General Plan shows that the project area is not located within any earthquake fault or trace zone. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact

Mitigation Required in SEIR: None.

Seismic Ground Shaking

For seismic ground shaking, there is a long history in the greater Bay Area that includes Fremont. According to an earthquake shaking map produced by ABAG (Diagram 10-2 in the General Plan), the subject area in which the Project is proposed, similar to the City of Fremont as a whole, could be subject to violent shaking if rupture of the Hayward Fault were to occur. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Significant and Unavoidable Impact

Mitigation Required in SEIR:

Mitigation 6-15A (Superseded by Equivalent Standardized City Requirements): In accordance with Fremont General Plan Policy HS 2.1.1 (Ref. 20, page 10-47), site-specific soils, geologic and/or geotechnical engineering studies shall be conducted prior to development approval, since the Project site has been identified as having an "S4" groundshaking potential and portions of the Project site have been identified as having an "IA" liquefaction potential. Applicant-submitted geotechnical studies shall be reviewed by a qualified consulting geological engineer reporting to the City of Fremont, and development must conform with the recommendations of the City's consulting engineer.

Mitigation 6-15B (Superseded by Equivalent Standardized City Requirements): Facilities and structures shall be designed in compliance with seismic requirements of the current Uniform Building Code [*California Building Code with local amendments*] to minimize earthquake danger to building occupants. When implemented, these measures would reduce the identified impact to some extent, but it would remain potentially significant.

The City of Fremont's General Plan has been updated since the above Mitigation 6-15A was written, but similar requirements exist in current General Plan Policy 10-1.2, including the requirement for site-specific studies and peer-review. Also, the time that has passed between the original development approval and the present proposed entitlement has seen updates to the building code generally increasing building code requirements related to seismic safety, which would have the effect of generally making a project constructed today safer than a project constructed under the previous entitlement.

Seiche, Tsunami or Mudflow

The proposed Project is not located adjacent to any large body of water (and is sufficiently distant from the bay) that could overtop its banks during an earthquake. Therefore, it is not subject to inundations due to seiche or tsunami. The area is located in a very gently sloping portion of the City and potential landslides and mudflows would be considered a less than significant impact. The project is nearly flat and would not be subject to mudflows. Therefore, there would be *no impact* related to seiche, tsunami and mudflow.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact

Mitigation Required in SEIR: None

Levee or Dam Failure and Flooding

According to the General Plan, the majority of Fremont, including the project site, is located within a mapped dam inundation area. The General Plan EIR determined that: (a) the existing Association of Bay Area Governments (ABAG) Local Hazard Mitigation Plan, in conjunction with the federal and state laws in relation to dam safety, would minimize the risk of exposing people and structures to the failure of dams in the Project vicinity; and (b) the General Plan policies, together with other existing flood prevention strategies and policies, would reduce potential inundation hazards from dam and levee failure to existing and future development to a level considered *less than significant*.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact

Mitigation Required in SEIR: None

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

The project includes 100,000 cubic yards (cy) of cut and 400,000 cy of import in order to comply with drainage requirements and building code standards. Construction would comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit and applicable mitigation measures in order to prevent soil erosion.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potentially Significant Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 5-4A (Superseded by Equivalent Standardized City Requirements): Grading occurring on an area greater than five acres requires an erosion control plan. The Project grading plan shall include a City-approved drainage and erosion control plan in order to minimize the impacts from erosion and sedimentation during construction. This plan, at a minimum, shall incorporate: (1) restricting grading to the dry season; (2) protecting downstream storm drainage facilities from sedimentation; and (3) using silt fencing to retain sediment on the Project site.

Mitigation 5-4B (Completed; inapplicable to the proposed project): Upon completion of the proposed Project, Line N-1 shall be inspected for accumulated sediments. The Project applicant is responsible for the clearing of accumulated debris and sediment within these channels.

Mitigation 5-4C (Remains applicable to proposed project): The Project applicant shall apply for and obtain an NPDES Grading Permit from the Regional Water Quality Control Board through the City of Fremont. Taken together, these mitigation measures would reduce the impact to a level of less than significant.

The City now requires a Storm Water Pollution Prevention Permit (SWPPP) for grading exceeding one acre, which effectively accomplishes the goal of Mitigation Measure 5-4A to a higher standard than the mitigation required.

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

The final soil compaction for the project would be required to comply with building code standards in compliance with the recommendations of the peer-reviewed geotechnical study completed for the project. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is

undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potentially Significant Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 6-15A (Superseded by Equivalent Standardized City Requirements): In accordance with Fremont General Plan Policy HS 2.1. 1 (Ref. 20, page 10-47), site-specific soils, geologic and/or geotechnical engineering studies shall be conducted prior to development approval, since the Project site has been identified as having an "S4" groundshaking potential and portions of the Project site have been identified as having an "IA" liquefaction potential. Applicant-submitted geotechnical studies shall be reviewed by a qualified consulting geological engineer reporting to the City of Fremont, and development must conform with the recommendations of the City's consulting engineer.

Mitigation 6-15B (Superseded by Equivalent Standardized City Requirements): Facilities and structures shall be designed in compliance with seismic requirements of the current Uniform Building Code [*California Building Code with local amendments*] to minimize earthquake danger to building occupants. When implemented, these measures would reduce the identified impact to some extent, but it would remain potentially significant.

The City of Fremont's General Plan has been updated since the above Mitigation 6-15A was written, but similar requirements exist in current General Plan Policy 10-1.2, including the requirement for site-specific studies and peer-review. Also, the time that has passed between the original development approval and the present proposed entitlement has seen updates to the building code generally increasing building code requirements related to seismic safety, which would have the effect of generally making a project constructed today safer than a project constructed under the previous entitlement.

d) Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?

Expansive Soils

Development of the project would potentially entail development on expansive soil subject to shrinking and swelling in response to changes in moisture content. Expansive soils are a major cause of foundation-related property damage in California, and the 2010 California Building Code, adopted by the City of Fremont through Ordinance No. 23 – 2010, requires a preliminary soils report to identify and mitigate potential geologic and soil related constraints. Since development in the area would be required to comply with the California Building Code, potential impacts associated with expansive soils would be *less than significant*.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either

previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Potentially Significant Unless Mitigated
Mitigation Required in SEIR:

Mitigation 6-15A (Superseded by Equivalent Standardized City Requirements): In accordance with Fremont General Plan Policy HS 2.1.1 (Ref. 20, page 10-47), site-specific soils, geologic and/or geotechnical engineering studies shall be conducted prior to development approval, since the Project site has been identified as having an "S4" groundshaking potential and portions of the Project site have been identified as having an "IA" liquefaction potential. Applicant-submitted geotechnical studies shall be reviewed by a qualified consulting geological engineer reporting to the City of Fremont, and development must conform with the recommendations of the City's consulting engineer.

Mitigation 6-15B (Superseded by Equivalent Standardized City Requirements): Facilities and structures shall be designed in compliance with seismic requirements of the current Uniform Building Code [*California Building Code with local amendments*] to minimize earthquake danger to building occupants. When implemented, these measures would reduce the identified impact to some extent, but it would remain potentially significant.

The City of Fremont's General Plan has been updated since the above Mitigation 6-15A was written, but similar requirements exist in current General Plan Policy 10-1.2, including the requirement for site-specific studies and peer-review. Also, the time that has passed between the original development approval and the present proposed entitlement has seen updates to the building code generally increasing building code requirements related to seismic safety, which would have the effect of generally making a project constructed today safer than a project constructed under the previous entitlement.

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

Septic Tanks

The proposed Project would be required to be connected to the Union Sanitary District sewer facilities, rather than using septic tanks. Therefore, there would be *no impact*. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact
Mitigation Required in SEIR: None

VII. GREENHOUSE GAS EMISSIONS

Would the project:

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Not previously analyzed	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?	Not previously analyzed	No	No	No

Environmental Setting

The occurrence and implications of climate change and greenhouse gas emissions has been widely known since well before 1992, when the United Nations initiated its Framework Convention on Climate Change. The regulation of greenhouse gas emissions to reduce climate change impacts was extensively debated and analyzed throughout the early 1990s. The studies and analyses of these issues resulted in the adoption of the Kyoto Protocol in 1997. In the early and mid-2000s, greenhouse gases and climate change were extensively discussed and analyzed in California. In 2000, SB 1771 established the California Climate Action Registry for the recordation of greenhouse gas emissions to provide information about potential environmental impacts. In 2005, the Governor issued Executive Order # S-03-05 establishing greenhouse gas emission reduction targets in California. AB 32 was adopted in 2006, which directs the CARB to develop regulations and market mechanisms to reduce California's greenhouse gas emissions to 1990 levels by the year of 2020. SB 375, adopted in 2008, helps implement AB 32 by focusing on reducing land use and transportation contributions to greenhouse gasses by requiring a sustainable communities strategy (SCS) to reduce vehicle miles traveled through regional land use planning. Plan Bay Area, the applicable SCS, was adopted in July 2017. In 2010, BAAQMD issued its 2010 Thresholds updated in 2017, which included thresholds of significance for greenhouse gas emissions from land use projects. In October 2015, Senate Bill 50 established California's 2030 GHG reduction target, and in 2016, Senate Bill 32 required reduction to 40 percent below the 1990 levels by 2030.

Impacts and Mitigation Measures from Previous CEQA documents.

The issue of greenhouse gas emissions was not analyzed in the 1996 or 2000 SEIRs which reviewed development of the Property; however, air quality impacts were found to be significant and unavoidable.

Discussion:

- a) **Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**
- b) **Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

The determination of whether greenhouse gasses and climate change needs to be analyzed for this Proposed Project is governed by the law on supplemental or subsequent EIRs (Public Resources Code section 21166 and Guidelines, Sections 15162 and 15163). Greenhouse gas emissions and climate change are not required to be analyzed under those standards unless substantial changes to the project or circumstances would lead to new significant or a substantial increase in the severity of a previously identified impact, or unless it constitutes "new information of substantial importance, which was not known and could not have been known at the time the previous EIR was certified as complete" (CEQA Guidelines Sec. 15162(a)(3)). As discussed in the Environmental Setting, above, the impact of greenhouse gases on climate change was known at the time of the certification of the 1996 and 2000 SEIRs which reviewed development on the Property. Under CEQA standards, emission of greenhouse gas is not new information that requires analysis in a supplemental EIR or negative declaration.

Nonetheless, as noted in the Fremont Tech Business Center Air Quality and Greenhouse Gas Assessment, the greenhouse gas emissions from the Proposed Project were calculated for disclosure purposes. It was determined that such emissions would represent a reduction of greenhouse gas emissions from the previously entitled project of 38% or a net reduction of 15,335 MT CO₂e/year in greenhouse gas emissions.

Thus, no new or more significant impacts would result.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
a.	Create a significant hazard to the public or the environment through the routine transport, use, or	PSUM	No	No	No

		CEQA Sections 15162(a) Criteria			
		<i>Prior SEIR</i>	<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
	disposal of hazardous materials?				
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	PSUM	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?	No Impact	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?	LTS	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
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
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact	No	No	No
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are	No Impact	No	No	No

		CEQA Sections 15162(a) Criteria			
		<i>Prior SEIR</i>	<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
	adjacent to urbanized areas or where residences are intermixed with wildlands?				

Discussion/Conclusion/Mitigation

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

The proposed Project would likely result in an increase in the transporting, storing, using and/or disposing of hazardous materials in the area, but they would be similar to those existing in an Office/R&D/Industrial environment like that which was previously analyzed in the 2000 SEIR, and such uses are highly regulated.

In addition, the General Plan identifies goals, policies and actions designed to reduce the impact of businesses routinely using, storing, and transporting hazardous materials.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potential Significant Impact Unless Mitigated
 Mitigation Required in SEIR:**

Mitigation 5-6C (Remains applicable to the project): Impacts to water quality from potential spills of hazardous or toxic materials can be prevented by strict adherence to applicable regulations and guidelines. City of Fremont Ordinance 1946 is one such set of regulations which must be followed by all industries and businesses storing or handling hazardous or toxic materials.

c) 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?

Based upon the Phase I environmental site assessment provided, there are no known risks related to hazardous materials release due to construction. With any industrial project, as with the previously entitled project that was the subject of the 2000 SEIR, there is a risk of release of

hazardous materials associated with industrial processes. The City's current High Intensity Hazardous Materials Ordinance codified in Fremont Municipal Code Section 18.190.220 in 2005, and applicable to all properties within the City, incorporated enhanced protections into the zoning ordinance, and requires adequate measures to be put in place to control releases and minimize risk.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in the SEIR: Potentially Significant Impact Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 5-6C (Remains applicable to the proposed project): Impacts to water quality from potential spills of hazardous or toxic materials can be prevented by strict adherence to applicable regulations and guidelines. City of Fremont Ordinance 1946 is one such set of regulations which must be followed by all industries and businesses storing or handling hazardous or toxic materials.

Mitigation 6-1 (Remains applicable to the proposed project): In order to reduce exposure of construction personnel to contaminated groundwater, the following procedure shall be followed. All construction of utility trenches and/or structure foundations (around areas of known potential contamination) which encounter groundwater during construction shall be investigated. This includes testing the local groundwater for hazardous materials, including gasoline and related substances. If groundwater contamination is found, then appropriate cleanup procedures shall be followed under the regulatory auspices of the Regional Water Quality Control Board, the California Department of Toxic Substances Control (DTSC) and the City of Fremont. These measures will reduce the identified potential health and safety impacts associated with possible hazardous materials in groundwater at the Project site to levels of less than significant.

Mitigation 6-2 (Superseded by Equivalent Standardized City Requirements): The most effective way to limit any potentially significant environmental impact from hazardous/toxic materials would be to exclude those businesses that handle such materials from locating at the Project site. However, since businesses that use, transport and store hazardous/toxic materials already exist in the vicinity of the Project site, this alternative would not totally eliminate potential risks to future occupants on the site. Such restrictions may also have the effect of forcing certain otherwise desirable businesses to locate elsewhere, possibly in neighboring cities.

Short of these measures, impact minimization could include prohibition of certain materials (e.g., those that are extremely hazardous and/or toxic) or regulation of the quantities of materials transported, stored or utilized. Examples of extremely hazardous materials and/or toxic materials are listed in Figure 41 under the categories "Systemic Poisons Upon Exposure Above Permitted Exposure Levels" and "Animal and Human Carcinogens". At this stage in the review of the proposed Project, however, determinations cannot reasonably be made regarding types or quantities of materials that would be unacceptable for use, storage or transport at the Project site.

Some businesses may use extremely hazardous materials in quantities small enough to pose only a minimal risk. Others may use large quantities of a hazardous/toxic material, but may have adequate procedures to minimize the risk involved.

Accordingly, it is required by California law that businesses involved with the utilization of hazardous materials must be reviewed on a case-by-case basis through the permit procedures of the City's Hazardous Materials Ordinance No. 1946 under Chapter 12 of Title 3 of the Fremont Municipal Code. The Hazardous Materials Ordinance encompasses Chapter 6.95 of the California Health and Safety Code. The ordinance incorporates state and federal regulations, and imposes restrictions on activities that would involve the potential for hazardous materials release, contamination or other impact on future occupants of the Project site. The regulation of industrial hazardous materials usage in the City of Fremont is supervised by the Hazardous Materials Division of the Fremont Fire Department. Businesses using hazardous materials must go through a standard review procedure and mandates the preparation of a Hazardous Materials Management Plan (HMMP). The Hazardous Materials Division reviews the HMMP, notifies the City Planning Department, and issues appropriate permits. The Hazardous Materials Ordinance includes a provision where the City Planning Department Manager has the final decision on business permits involving the use of hazardous materials. These procedures determine whether a proposed business is an appropriate use for the site based on the nature of its operation, proximity to recreational and park areas, likelihood of an accidental spill or release of hazardous/toxic materials, and other factors. The permitting procedure could include a requirement for a focused environmental assessment of individual developments at the Project site, perhaps as part of the HMMP required by the Hazardous Materials Ordinance. As part of the environmental assessment, specific mitigation measures could be defined to offset the hazardous materials impacts of the proposed development.

If feasible, businesses and related traffic with the highest potentially significant environmental impact, including Light industry, R&D and possibly warehousing, shall be located away from recreational areas, parks and major drainages. As previously recommended in the City of Fremont Hazardous Materials Management Study, buffer zones between these operations and the recreational and park areas shall be included in the development. Buffer zones and locations of proposed hazardous materials operations would be determined by the City Planning Department Manager. In any event, all sections of the City of Fremont's Hazardous Materials Ordinance (No. 1946), contingency planning in particular, shall be strictly enforced. Further mitigation measures may stem from zoning, use and design criteria, and CC&R restrictions on the components of the approved Project.

Businesses that use hazardous/toxic materials shall be required to have spill and accidental release emergency response procedures. All spills and/or accidental releases shall be cleaned up immediately to reduce the possibility of being washed into local drainages and, ultimately, the sloughs and San Francisco Bay. Spill and release containment facilities or devices shall be required and shall meet the standards of the State's Department of Health Services.

The City of Fremont shall continue to increase public awareness and knowledge of potentially hazardous/toxic materials and their associated impacts. The future occupants and visitors at the Project site shall be made aware of the emergency procedures that would be required in the event of an accident involving such materials. The Fremont Fire Department currently provides to the public, free of charge, handouts and other forms of information dealing with the handling and disposal of hazardous and toxic materials. This practice shall be continued through the proposed on-site fire station.

The measures above will reduce the identified health and safety impacts associated with possible hazardous materials in Project soils, air and groundwater to levels of less than significant.

In 2005, the City adopted the "High Intensity Hazardous Materials Uses" Ordinance codified in FMC 18.190.220, which governs the use of hazardous materials throughout the City by requiring appropriate entitlements and associated environmental review when a use is established or expands when using specified hazardous materials. Using a combination of hazard type, quantity, and type of use, each user is directed through the appropriate zoning process in order to ensure safety. This ordinance duplicates the mitigation above.

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

The proposed Project is not located within one-quarter mile of a school. Therefore, the Project would not create impacts of emitting hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact.
Mitigation Required in SEIR: None

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

The project site is not listed on the California Environmental Protection Agency's Hazardous Waste and Substances Site List (Cortese List) and would not create a significant hazard to the public or the environment. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact
Mitigation Required in SEIR: None

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

There are no airports within two miles of the project site; therefore, there would be *no impact*. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in the SEIR: No Impact
Mitigation Required in SEIR: None

- g-h) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

The proposed Project would not interfere with an adopted emergency response plan or emergency evacuation plan, nor expose people or structures to a significant risk of loss, injury or death involving wildland fires. Buildings would be constructed using appropriate building and fire codes. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact.
Mitigation Required in SEIR: None

IX. HYDROLOGY AND WATER QUALITY-

Would the project:

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
a.	Violate any water quality standards or waste discharge requirements?	PSUM	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)?	LTS	No	No	No
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	PSUM	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?	PSUM	No	No	No
e.	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	PSUM	No	No	No
f.	Otherwise substantially degrade water quality?	PSUM	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?	No Impact	No	No	No
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	No Impact	No	No	No
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	LTS	No	No	No
j.	Inundation by seiche, tsunami, or mudflow?	LTS	No	No	No

Discussion/Conclusion/Mitigation

a, f) Would the project violate any water quality standards or waste discharge requirements? Or otherwise substantially degrade water quality?

The project would be subject to standardized current requirements with regard to erosion control during construction and stormwater management through compliance with the applicable NPDES permit. In addition, specific mitigations would continue to be applicable to the proposed project, which would comply with all applicable permits. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potentially Significant Impact Unless Mitigated
Mitigation Identified in SEIR:**

Mitigation 5-4A (Superseded by Equivalent Standardized City Requirements): Grading occurring on an area greater than five acres requires an erosion control plan. The Project grading plan shall include a City-approved drainage and erosion control plan in order to minimize the impacts from erosion and sedimentation during construction. This plan, at a minimum, shall incorporate: (1) restricting grading to the dry season; (2) protecting downstream storm drainage facilities from sedimentation; and (3) using silt fencing to retain sediment on the Project site.

Mitigation 5-4B (Completed; inapplicable to the proposed project): Upon completion of the proposed Project, Line N-1 shall be inspected for accumulated sediments. The Project applicant is responsible for the clearing of accumulated debris and sediment within these channels.

Mitigation 5-4C (Remains applicable to proposed project): The Project applicant shall apply for and obtain an NPDES Grading Permit from the Regional Water Quality Control Board through the City of Fremont. Taken together, these mitigation measures would reduce the impact to a level of less than significant.

The City now requires a Storm Water Pollution Prevention Permit (SWPPP) to control erosion for grading exceeding one acre, which effectively accomplishes the goal of Mitigation Measure 5-4A to a higher standard than the mitigation required.

Mitigation 5-6A (Remains applicable to proposed project): The Project applicant shall apply for and obtain an NPDES Permit. A comprehensive urban runoff control program will be needed to mitigate the non-point source water quality effects of the Project during construction. To achieve this, the Project applicant shall develop specific stormwater management plans for each major sub-area of the Project. At a minimum, the plan(s) shall: (1) identify the specific types and sources of stormwater pollutants; (2) determine the location and nature of potential impact; and (3) specify appropriate control measures to eliminate any potentially significant impacts to receiving water quality from stormwater runoff. Control measures may include "water quality" detention and retention basins, site development restrictions, subsurface disposal, grass-lined drainage ditches, street sweeping and other design or source control management practices, as appropriate, to mitigate potential water quality effects.

Mitigation 5-6B (Remains applicable to proposed project): Water quality control and protection measures during construction shall conform to the City's pollution prevention requirements for construction contracts, which may include the following:

- Performing major vehicle maintenance, repair jobs and equipment washing off-site;
- Maintaining all vehicles and heavy equipment and inspecting frequently for leaks;
- Designating one area of the construction site, well away from any streams or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance;
- Cleaning up spilled dry materials immediately. Do not "wash them away" with water, or bury them;
- Using only minimal water for dust control;
- Cleaning up liquid spills in paved or impermeable surfaces using "dry" cleanup methods (i.e., absorbent materials, cat litter and/or rags);
- Cleaning up spills on dirt areas by removing and properly disposing of contaminated soil;
- Reporting significant spills to the appropriate spill response agencies;
- Storing stockpiled materials, wastes, containers and dumpsters under a temporary roof or secured plastic sheeting;
- Properly storing containers of paints, chemicals, solvents and other hazardous materials in garages or sheds with double containment during rainy periods;
- Placing dumpsters under roofs or covering them with plastic sheeting at the end of each work day and during rainy weather;
- Washing out concrete mixers only in designated wash-out areas where the water will flow into settling ponds or onto stockpiles of aggregate base or sand. Whenever possible, recycling washout by pumping back into mixers for reuse. Never disposing of washout into the street, storm drains, drainage ditches or streams;
- Applying concrete, asphalt and seal coat during dry weather. Keeping contaminants from fresh concrete and asphalt out of the storm drains and creeks by scheduling paving jobs during periods of dry weather, allowing new pavement to cure before stormwater flows across it;
- Covering catch basins and manholes when applying seal coat, slurry seal, fog seal, etc.; and,
- Always parking pavers over drip pans or absorbent materials, since they tend to drip continuously.

Mitigation 5-6C (Remains applicable to the project): Impacts to water quality from potential spills of hazardous or toxic materials can be prevented by strict adherence to applicable regulations and guidelines. City of Fremont Ordinance 1946 is one such set of regulations which must be followed by all industries and businesses storing or handling hazardous or toxic materials.

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

The project does not include groundwater wells. Site design includes stormwater facilities that would recharge the aquifer while detaining water for treatment. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be

feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than significant impact
Mitigation Identified in SEIR: None.

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

The Project would be located in the same location as previously-planned development within Pacific Commons, and would drain to the west and then toward the existing regional stormwater management facility. The proposed Project would not alter the method of conveyance of surface drainage. The Project would collect and convey storm water in the manner contemplated by the SEIR. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Potential Significant Impact Unless Mitigated
Mitigation Required in SEIR:

Mitigation 5-2 (Remains applicable to the proposed project): On-site drainage improvements are required to collect runoff and convey it into Line N-1. All on-site drainage facilities must be designed to handle the runoff associated with the 15-year storm design as determined by the Alameda County Flood Control and Water Conservation District, and all drainage plans and calculations shall be submitted to the District for approval. The development of satisfactory drainage plans and the subsequent completion of the required on-site drainage improvements would reduce the impact to a level of less than significant.

Mitigation 5-4A (Superseded by Equivalent Standardized City Requirements): Grading occurring on an area greater than five acres requires an erosion control plan. The Project grading plan shall include a City-approved drainage and erosion control plan in order to minimize the impacts from erosion and sedimentation during construction. This plan, at a minimum, shall incorporate: (1) restricting grading to the dry season; (2) protecting downstream storm drainage facilities from sedimentation; and (3) using silt fencing to retain sediment on the Project site.

Line N-1 was filled as required by the permitting of the initial grading work for Pacific Commons, and is no longer relevant. The City approved a replacement drainage system, and the mitigation measure requires on-site drainage improvements to be collected and conveyed to that drainage system.

- 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?**

The site has been mass graded and the previous channel for drainage filled. The applicant has proposed a new permanent drainage plan that replaces on-site drainage facilities with new, but equivalent, facilities. The final drainage plan will be reviewed by the City for conformance with State NPDES Municipal Regional (MS4) Permit requirements and City Urban Runoff Standard Conditions of Approval, and City Development Design Requirements. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Potentially Significant Impact Unless Mitigated
Mitigation Required in SEIR:

Mitigation 5-2 (Remains applicable to the proposed project): On-site drainage improvements are required to collect runoff and convey it into Line N-1. All on-site drainage facilities must be designed to handle the runoff associated with the 15-year storm design as determined by the Alameda County Flood Control and Water Conservation District, and all drainage plans and calculations shall be submitted to the District for approval. The development of satisfactory drainage plans and the subsequent completion of the required on-site drainage improvements would reduce the impact to a level of less than significant.

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

The SEIR analyzed the construction of a storm water drainage and detention system with the previous project that is hydraulically sized to address all of the flow from the project site. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Potential Significant Impact Unless Mitigated
Mitigation Required in SEIR:

Mitigation 5-2 (Remains applicable to the proposed project): On-site drainage improvements are required to collect runoff and convey it into Line N-1. All on-site drainage facilities must be designed to handle the runoff associated with the 15-year storm design as determined by the

Alameda County Flood Control and Water Conservation District, and all drainage plans and calculations shall be submitted to the District for approval. The development of satisfactory drainage plans and the subsequent completion of the required on-site drainage improvements would reduce the impact to a level of less than significant.

Mitigation 5-4A (Superseded by Equivalent Standardized City Requirements): Grading occurring on an area greater than five acres requires an erosion control plan. The Project grading plan shall include a City-approved drainage and erosion control plan in order to minimize the impacts from erosion and sedimentation during construction. This plan, at a minimum, shall incorporate: (1) restricting grading to the dry season; (2) protecting downstream storm drainage facilities from sedimentation; and (3) using silt fencing to retain sediment on the Project site.

Mitigation 5-4B (Completed; inapplicable to the proposed project): Upon completion of the proposed Project, Line N-1 shall be inspected for accumulated sediments. The Project applicant is responsible for the clearing of accumulated debris and sediment within these channels.

Mitigation 5-4C (Remains applicable to proposed project): The Project applicant shall apply for and obtain an NPDES Grading Permit from the Regional Water Quality Control Board through the City of Fremont. Taken together, these mitigation measures would reduce the impact to a level of less than significant.

The City now requires a Storm Water Pollution Prevention Permit (SWPPP) for grading exceeding one acre, which effectively accomplishes the goal of Mitigation Measure 5-4A to a higher standard than the mitigation required. Also, Line N-1 was filled as required by the permitting of the initial grading work for Pacific Commons, and is no longer relevant. The City approved a replacement drainage system, and the mitigation measure (5-2) requires on-site drainage improvements to be collected and conveyed to that drainage system.

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

There is no housing in the project. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact
Mitigation Required in SEIR: None

- i, j) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Inundation by seiche, tsunami, or mudflow?**

The majority of Fremont is located within a mapped dam inundation area, however, the General Plan EIR determined that: a) the existing Association of Bay Area Governments (ABAG) Local Hazard Mitigation Plan, in conjunction with federal and state laws in relation to dam safety, would minimize the risk of exposing people and structure to dam failure in the project vicinity; and b) General Plan policies in conjunction with other existing flood prevention strategies and policies, would reduce potential hazards to from dam failure to less than significant.

The project site does not incorporate a new levee or dam, and lies outside of a flood zone. Thus, implementation of the project would not further expose people or structures to significant risk of flooding as a result of the failure of a levee or dam.

According to tsunami evacuation zone maps published by ABAG, the area would not be subject to inundation by tsunami. It is not located near enough to the bay, and the Project site is flat and would not be subject to mudflows.

The site is located outside of the mapped sea level rise area as shown on Diagram 10-7 of the current City of Fremont General Plan.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact
Mitigation Required in SEIR:

Mitigation 5-3 (Not applicable to the proposed project): The Project applicant shall comply with the following mitigations to address potential on-site flooding impacts.

Mitigation 5-5 (Not applicable to the proposed project): The design of the proposed business development shall be made based upon the knowledge that the south San Francisco Bay will likely experience a significant relative sea level rise during the life of the Project. This would reduce the impact to a level of less than significant.

At the time of approval of the overall project, portions of the site were within the 100-year flood zone and within the area of potential sea-level rise. The remaining portion of Pacific Commons proposed for development is no longer within either of those categories, and these mitigations are therefore inapplicable to the issues of flooding or sea level rise.

X. LAND USE AND PLANNING

Would the project:

		CEQA Sections 15162(a) Criteria			
		<i>Prior SEIR</i>	<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
a.	Physically divide an established community?	No Impact	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?	No Impact	No	No	No
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?	No Impact	No	No	No

Discussion/Conclusion/Mitigation

a-c) Would the project physically divide an established community? Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed Project would not result in physically dividing a community or conflicting with any applicable land use plan or policy. Additionally, there is no habitat conservation or community conservation plan that is adopted for the area. As noted in the SEIR, roadway modifications and other infrastructure improvements are proposed under the Planned District, such as new connections from the existing development and a new street connection on Cushing Parkway. However, none of these improvements would have the potential to separate one portion of Fremont from another.

The Project would have a beneficial effect under this topic by providing a new street and improvements for increased pedestrian, bicycle and vehicular access. The Project would implement a compatible street and trail design for the Pacific Commons Planned District.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those

analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact
Mitigation Required in SEIR: None

XI. MINERAL RESOURCES

Would the project:

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
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
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

Discussion/Conclusion/Mitigation

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

According to local and state mineral resources maps, there are no known mineral resources of importance to the state or region on the site or within the surrounding area. Therefore, no impact would result. The area does not represent a locally-important mineral resource recovery site. Implementation of a modified plan for the development site would not be expected to result in the loss of availability of any mineral resource recovery site.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact
Mitigation Required in SEIR: None

XII. NOISE

Would the project:

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
a.	New land uses implemented by the project would be exposed to noise levels above acceptable levels defined in the General Plan or the Zoning Ordinance.	PSUM	No	No	No
b.	New land uses implemented by the project would be exposed to excessive ground-borne vibration levels, as defined by the Federal Transit Agency, from passenger or freight trains.	No Impact	No	No	No
c.	Permanent noise level increases above existing levels, resulting from transportation sources such as increased traffic implemented by the Plan, would exceed 3 dBA Ldn in residential or other noise sensitive areas.	No Impact	No	No	No
d.	Permanent noise level increases above existing levels, resulting from new stationary noise sources implemented by the Plan, would exceed 3dBA Ldn in residential or other noise sensitive areas, or exceed daytime or nighttime noise thresholds appropriate for stationary sources.	No Impact	No	No	No
e.	Construction or demolition activities necessary to implement the Plan cause a substantial temporary increase in noise in residential or other noise sensitive areas.	PSUM	No	No	No
f.	Groundborne vibration generated by construction activities exceeds 0.50 inches/sec., ppv, for buildings structurally sound and designed to modern engineering standards, 0.2 inches/sec, ppv, for buildings that are found to be structurally sound but structural damage is a major concern, or 0.80 inches/sec, ppv, for historic buildings or buildings that are documented to be structurally weak.	LTS	No	No	No

Discussion/Conclusion/Mitigation

- a) **New land uses implemented by the project would be exposed to noise levels above acceptable levels defined in the General Plan or the Zoning Ordinance.**

The proposed Project would be located within a commercial and industrial area nearby major roadways, including I-880, Auto Mall Parkway, and Cushing Parkway. The primary source of

noise affecting the area is vehicular traffic along these roadways. The proposed uses would be compatible with the General Plan standards for the respective allowed noise levels.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potentially Significant Impact Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 6- 12 (Remains applicable to the Proposed Project): Commercial retail or industrial developments along Cushing (Street "C"), I-880 and Auto Mall Parkway east of Boyce Road shall be required to control interior noise levels in private offices within these buildings to an Leq of 45 dB recommended in the Noise Element of the Fremont General Plan. This indoor goal can typically be achieved with sound rated windows and/or wall construction. Implementation of this mitigation measure would reduce the impact to a level of less than significant.

Mitigation 6-13 (Remains applicable to the proposed project, as modified by City's new construction hours): Construction at the Project site shall be limited to 7:00 AM to 7:00 PM, Monday through Friday and 9:00 AM to 6:00 PM Saturday and Sunday, in accordance with City policy. However, if pile driving or extremely noisy activities would occur next to existing offices, these noisy tasks may have to be performed after hours to minimize impacts on existing uses. All construction equipment shall be required to be adequately muffled and maintained.

Noisy stationary equipment such as compressors shall be required to be located away from adjacent property lines of existing land uses and, if necessary, enclosed in noise-attenuating shrouds to minimize impacts. Implementation of these mitigation measures would reduce the impact to a level of less than significant.

The City of Fremont codified its construction hours in 2005. The City's standard construction hours account for differential hours depending upon current adjacent uses, with similar start and stop times and provision for exceptions when warranted to minimize impacts on existing uses.

- b) **New land uses implemented by the project would be exposed to excessive ground-borne vibration levels, as defined by the Federal Transit Agency, from passenger or freight trains.**

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact
Mitigation Required in SEIR: None

- c) **Permanent noise level increases above existing levels, resulting from transportation sources such as increased traffic implemented by the Plan, would exceed 3 dBA Ldn in residential or other noise sensitive areas.**

The proposed Project would not introduce new residential uses within the development. Furthermore, residential uses were not in the vicinity of the previous project analyzed under the 2000 SEIR, nor are there residential or other sensitive uses presently in the vicinity.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact.
Mitigation Required in SEIR: None

- d) **Permanent noise level increases above existing levels, resulting from new stationary noise sources implemented by the Plan, would exceed 3dBA Ldn in residential or other noise sensitive areas, or exceed daytime or nighttime noise thresholds appropriate for stationary sources.**

The proposed Project would not introduce new residential uses within the development. Furthermore, residential uses were not in the vicinity of the previous project analyzed under the 2000 SEIR, nor are there residential or other sensitive uses presently in the vicinity.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact.
Mitigation Required in SEIR: None

- e) **Construction or demolition activities necessary to implement the Plan cause a substantial temporary increase in noise in residential or other noise sensitive areas.**

The proposed Project would be located within a commercial and industrial area nearby major roadways, including I-880, Auto Mall Parkway, and Cushing Parkway. There are no sensitive

uses nearby the project site. The City maintains a construction hours ordinance, though the project mitigation is more restrictive than the ordinance. The City will enforce the applicable ordinance, which accounts for sensitive uses. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potential Significant Impact Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 6-13 (Remains applicable to the proposed project, as modified by City's new construction hours): Construction at the Project site shall be limited to 7:00 AM to 7:00 PM, Monday through Friday and 9:00 AM to 6:00 PM Saturday and Sunday, in accordance with City policy. However, if pile driving or extremely noisy activities would occur next to existing offices, these noisy tasks may have to be performed after hours to minimize impacts on existing uses. All construction equipment shall be required to be adequately muffled and maintained.

Noisy stationary equipment such as compressors shall be required to be located away from adjacent property lines of existing land uses and, if necessary, enclosed in noise-attenuating shrouds to minimize impacts. Implementation of these mitigation measures would reduce the impact to a level of less than significant.

The City of Fremont codified its construction hours in 2005. The City's standard construction hours account for differential hours depending upon current adjacent uses, with similar start and stop times and provision for exceptions when warranted to minimize impacts on existing uses.

- f) **Groundborne vibration generated by construction activities exceeds 0.50 inches/sec., ppv, for buildings structurally sound and designed to modern engineering standards, 0.2 inches/sec, ppv, for buildings that are found to be structurally sound but structural damage is a major concern, or 0.80 inches/sec, ppv, for historic buildings or buildings that are documented to be structurally weak.**

The closest buildings to the project site are commercial structures located to the north and east. No unusual construction equipment is required for development of the project site that would result in excessive vibration. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact

Mitigation Required in SEIR:

Mitigation 6-13 (Remains applicable to the proposed project, as modified by City's new construction hours): Construction at the Project site shall be limited to 7:00 AM to 7:00 PM, Monday through Friday and 9:00 AM to 6:00 PM Saturday and Sunday, in accordance with City policy. However, if pile driving or extremely noisy activities would occur next to existing offices, these noisy tasks may have to be performed after hours to minimize impacts on existing uses. All construction equipment shall be required to be adequately muffled and maintained.

Noisy stationary equipment such as compressors shall be required to be located away from adjacent property lines of existing land uses and, if necessary, enclosed in noise-attenuating shrouds to minimize impacts. Implementation of these mitigation measures would reduce the impact to a level of less than significant.

The City of Fremont codified its construction hours in 2005. The City's standard construction hours account for differential hours depending upon current adjacent uses, with similar start and stop times and provision for exceptions when warranted to minimize impacts on existing uses.

XIII. POPULATION AND HOUSING

Would the project:

		Prior SEIR	CEQA Sections 15162(a) Criteria		
			Substantial Changes to the Project?	Substantial Changes to Project Circumstances?	New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?
ISSUES:					
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)?	LTS	No	No	No
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	LTS	No	No	No
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	LTS	No	No	No

Discussion/Conclusion/Mitigation

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

The proposed Project would not include housing of any kind, and would not displace any housing or residents as the project site is developed only with commercial and industrial buildings. Therefore, *no impact* is anticipated as a result of this project.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact
Mitigation Required in SEIR: None

XIV. PUBLIC SERVICES

Would the project?

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
	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?	PSUM	No	No	No
b.	Police protection?	PSUM	No	No	No
c.	Schools?	No Impact	No	No	No
d.	Parks?	PSUM	No	No	No
e.	Other public facilities?	LTS	No	No	No

Discussion/Conclusion/Mitigation

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?

The proposed project would reduce the amount of development planned for the subject site from the existing approval of 3.4 million square feet of office and R&D and 30,000 square feet of commercial to 2.53 million square feet of industrial and 100,000 square feet of commercial (auto dealers). Fire Department firefighting and paramedic services were noted to be adequate for the previous project, and the proposed change to the development plan would not result in a greater draw on fire safety public services. Since the previous SEIR was completed, an additional fire station was constructed in the Bayside Business Park, which is intended to take pressure off of existing fire stations in the vicinity, improving response generally west of 880.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potential Significant Impact Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 5-12A (Completed; not applicable to the proposed project): A one-acre site for a fire station at the Project site has been designated by the Project applicant, and the proposed Development Agreement proposes to locate a fire station on this site as early as practicable in the development schedule.

Mitigation 5-12B (Remains applicable to the proposed project): The Project applicant shall comply with fire impact fees in effect at the time such fees are levied.

Mitigation 5-12C (Remains applicable to the proposed project): Development at the Project site shall comply with all standard City requirements for fire protection and suppression (e.g. Fire Department review of precise development plans; hydrant, fire flow, water pressure and sprinkler requirements).

b) Police Services?

The proposed project would reduce the amount of development planned for the subject site from the existing approval of 3.4 million square feet of office and R&D and 30,000 square feet of commercial to 2.53 million square feet of industrial and 100,000 square feet of commercial (auto dealers). Police Department services were noted to be adequate for the previous project, and the proposed change to the development plan would not result in a greater draw on police department public services

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Potential Significant Impact Unless Mitigated
Mitigation Required in SEIR:

Mitigation 5-13A (Remains applicable to the proposed project): Development plans for any portion of the Project site shall be reviewed by the Crime Prevention Division of the Police Department.

Mitigation 5-13B (Remains applicable to the proposed project): Operators of commercial facilities at the Project site should be encouraged to supplement Police Department services by providing private security guards and crime prevention equipment.

c) **Schools?**

The original 1987 project, which included residential development, and the 1996 SEIR (which did not include residential development, predated the 1998 passage of SB50, which established School Facility Fees. Under California law, the payment by a developer of all school impact fees associated with a proposed development effectively mitigates any impact that such development may have on the facilities of the local school district. All developers continue to be required to make such payments to the Fremont Unified School District prior to the City's issuance of any certificate of occupancy, in effect reducing all development-related impacts to local schools to a level of less than significant. However, the proposed Project would not include residential development and, therefore, would not generate new students that would potentially impact school district facilities.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact
Mitigation Required in SEIR: None

d) **Parks?**

The proposed project includes a perimeter trail as well as a linear park and pocket parks. The provision of such open space is consistent with the prior approvals and development of the perimeter trail is subject to Mitigation Measures included below that are intended to protect the

adjacent portion of the National Wildlife Refuge. The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Potentially significant impact unless mitigated
Mitigation Required in SEIR:

Mitigation 6-1A: Either prohibit dogs along the perimeter trail adjacent to the Preserve Area or require dogs to be leashed. If dogs are not prohibited along the perimeter trail adjacent to the Preserve Area, then dog walkers should be responsible for disposing of dog litter.

Mitigation 6-1B: Request comments on the trail design, landscaping, lighting, and Preserve Area fencing from National Wildlife Refuge staff before final approval.

e) **Other public facilities?**

The SEIR did not identify other public facilities that would be impacted by the demand for public facilities' services attributable to the project. The proposed project would reduce the intensity of development on the subject site, and therefore would not create an increased demand for support from public facilities.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact
Mitigation Required in SEIR: None

XV. RECREATION

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
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?	LTS	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?	LTS	No	No	No

¹ Less than Significant Impact

Discussion/Conclusion/Mitigation

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

The proposed project includes a perimeter trail, linear park, and pocket parks. These facilities provide amenities in the vicinity of the project in a way that would not increase the use of other recreational facilities offsite. The project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact
Mitigation Required in SEIR: None

XVI. TRANSPORTATION/TRAFFIC

Would the project:

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	S/U	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?	S/U	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
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LTS	No	No	No
e.	Result in inadequate emergency access?	PSUM	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?	PSUM	No	No	No

Background

A qualified transportation consultant prepared traffic impact analyses (TIA) for the proposed Fremont Tech Business Center. The proposed project site is currently vacant and is located among mixed industrial and commercial land uses. The project is located near the intersection of Cushing Parkway and Bunche Drive. Access to the project site is provided via multiple driveways on Bunche Drive, Cushing Parkway, Nobel Drive and Christy Street. The purpose of the TIA was to (a) conduct site-specific impact analysis at adjacent intersections and roadway segments, (b) evaluate the proposed project’s access, circulation, and

parking and (c) assess whether the proposed project creates any new significant or more severe significant traffic impacts than considered in prior traffic impact analyses under CEQA.

Impact Analysis

Potential traffic impacts from the proposed project were identified based upon established traffic operational thresholds of the City of Fremont. The TIA also included evaluations and recommendations concerning project site access and on-site circulation for vehicles, evaluation of onsite vehicle parking supply, and queuing analysis at the study intersections. To evaluate the impacts on the transportation infrastructure due to the addition of traffic from the proposed project, 11 study intersections were evaluated during the weekday a.m. and p.m. peak hours under six study scenarios.

Three freeway segments were evaluated during the weekday a.m. and p.m. peak hours under four study scenarios. The study intersections were evaluated under No Project and Plus Project scenarios for Existing, Background and Cumulative (Year 2035) Conditions. Freeway segments were analyzed under No Project and Plus Project scenarios for Years 2020 and 2040.

Project Trip Generation

The project is expected to generate approximately 1,108 weekday a.m. peak hour trips (915 inbound, 193 outbound) and 1,264 weekday p.m. peak hour trips (294 inbound, 970 outbound). This is about 34 percent of the previously entitled p.m. peak hour trips.

Existing Conditions

Under this scenario, all the intersections operate within City of Fremont standards of LOS D or better during the a.m. and p.m. peak hours.

Existing plus Project Conditions

Under this scenario, all the intersections operate within City of Fremont standards during the a.m. and p.m. peak hours. Based on the City of Fremont LOS impact criteria, the proposed project will have a *less than-significant* impact at the study intersections during both the a.m. and p.m. peak hours.

Background Conditions

Under this scenario, all the intersections operate within City of Fremont standards.

Background plus Project Conditions

Under this scenario, all the intersections operate within standards except the intersection of Christy Street and Auto Mall Parkway (Intersection 4). This intersection operates at LOS F in the p.m. peak hour. Optimizing traffic signal timing would improve traffic operations during the p.m. peak hour to LOS D, resulting in *less-than-significant* impact.

Cumulative (Year 2035) Conditions

Under this scenario, all the intersections operate within standards except the intersection of South Grimmer Boulevard and Auto Mall Parkway (Intersection 1). This intersection operates at LOS E with delay of 64.1 seconds in the p.m. peak hour.

Cumulative plus Project Conditions

Under this scenario, all the intersections operate within standards except the intersection of South Grimmer Boulevard and Auto Mall Parkway. This intersection operates at LOS E with delay of 67.6 seconds in the p.m. peak hour. The proposed project will contribute less than 4 seconds in delay at this intersection and, based on the City of Fremont LOS impact criteria, have a *less-than-significant* impact at the study intersections during both the a.m. and p.m. peak hours.

Freeway Segment Analysis

All freeway study segments evaluated in earlier studies, plus those segments that had been determined in earlier studies to have significant and unavoidable impacts, were evaluated. Even without the 10% reduction for implementing the City's transportation and demand management (TDM) strategies (see Table 6, below), all the freeway study segments operate at LOS E or better during the a.m. and p.m. peak hours under both 2020/2040 baseline and 2020/2040 plus Project conditions. Therefore, the proposed project would not result in any potentially significant impact to any of the freeway study segments under 2020/2040 plus Project Conditions or trigger the need for a separate Transportation Demand Management Program. The City's Trip Reduction and Transportation Demand Management Ordinance would apply (Fremont Municipal Code, Chapter 10.20).

Queuing Analysis

The proposed project *does not create a significant impact* on the expected left-turn or right-turn queues at the selected study intersection under the Existing plus Project Conditions.

Pedestrian, Bicycle and Transit Impacts

The proposed project does not conflict with existing and planned pedestrian or bicycle facilities. The transit service within the immediate vicinity of the project site operates well below capacity, and additional trips generated by the proposed project could be accommodated by existing bus services. Therefore the impacts, to pedestrian, bicycle and transit facilities are *less-than-significant*. However, to accommodate all users of the street system and provide a complete and connected pedestrian facility between the project site and adjacent neighborhoods, TJKM recommends Pacific Common Boulevard should be equipped with sidewalks. High visibility crosswalks should be provided at driveways. These improvements should meet City of Fremont standards and the design should meet ADA requirements.

Project Circulation and Parking

On-Site Circulation

Based on a review of the project site plan all the project driveways are properly sized, well-spaced, properly aligned with opposing driveways and provide adequate distance away from public intersections. This design will disperse project traffic to numerous access points and avoid creating heavy turning movements into the project site. This in turn will manage queuing associated with vehicles entering the project site and minimize queues spilling back into downstream public intersections. While the driveways are property sized and spaced, TJKM recommends the installation of stop control at all the project driveways with appropriate pavement delineation and signing to enhance traffic safety and operations at the driveways. TJKM further recommends that all circulation aisles and curb returns be sized so that all vehicles can safely negotiate the site. The site is also adequate for emergency vehicle access and circulation. These driveway features will be further reviewed at the design stage.

Comparison with Previous Environmental Studies

The Pacific Commons project business park was proposed and analyzed pursuant to CEQA in 1996, and consolidated into a smaller development area and further analyzed under CEQA in 2000, with the project site separately analyzed under CEQA in 2003. TJKM prepared the 1996 and 2000 traffic studies supporting the Supplemental EIRs for the Pacific Commons development, as well as a supplemental traffic study prepared on June 25, 2003, which supported an Addendum to the Supplemental EIR, revising the project and identifying the project site as the Cisco parcel. These studies comprehensively analyzed the full development associated with the full site including both the Catellus parcels and Cisco parcels. In the 2003 study, 3,368,000 square feet of Office/R&D and 30,000 square feet of retail were analyzed relative to the Cisco parcels. The study indicated that 3,730 p.m. trips would be generated by the Cisco holdings. These previous CEQA studies identified significant unavoidable impacts at the Grimmer

and Auto Mall Parkway intersection, concluding that improvements were not feasible due to insufficient right of way. As of 2000, significant unavoidable impacts were also identified at I-880 and I-680 southbound segments warranting a transportation demand management program. However, studies of the current project show that (1) the project no longer contributes a significant impact to the Grimmer and Auto Mall Parkway intersection and (2) the significant unavoidable impacts on I-880 and I-680 identified in 2000 are no longer present, indicating that justification for such a transportation demand management program no longer exists. The current project proposes additional changes in land use and project layout on the project site. However, based on a comparison of trip generation, the current project generates significantly fewer trips than previously analyzed, including 18,491 fewer daily trips, and approximately 2,500 each fewer AM Peak and PM Peak trips, respectively. No new significant adverse traffic impacts would result from the proposed project.

Discussion/Conclusion/Mitigation

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

Upon initial development of the Pacific Commons development, multiple traffic-related impacts were identified, many of which were not able to be mitigated, and they were accepted as significant and unavoidable, despite recommendations to improve some intersections and to solve some of the issues through a Transportation Demand Management (TDM) Program. As the below mitigations from the SEIR relate to that initial buildout, they are no longer applicable to this individual project within the larger development that has already been constructed. As it relates to the ongoing and operational requirements such as TDM, the developer still has an obligation to comply with mitigation measures as they relate to the proposed project area.

Since the imposition of the TDM mitigation above, however, the City has codified TDM requirements, and that code requirement would be enforced upon the proposed project. The proposed project is now disconnected from the remainder of the site, and the responsibility for a TDM, and any other mitigations, appropriately relates to their own project site rather than the original project site, which has multiple owners who are now each responsible for their own TDMs, as applicable. The City will enforce the now-codified TDM ordinance in order to achieve compliance with past TDM mitigations. In addition, the applicant is providing seed money in the amount of \$650,000 to the City in order to assist with the creation of transit options in the vicinity.

**Potential Impact Identified in SEIR: Significant and Unavoidable
Mitigation Required in SEIR:**

Mitigation 4-1 (Noted as infeasible; inapplicable to the proposed project): I-880 SB Off-Ramp/Stevenson Blvd. Additional intersection improvements beyond the expected improvements are not feasible. Therefore, the impact to peak hour operations at the I-880 SB Off-Ramp/Stevenson Boulevard intersection cannot be mitigated via geometric improvements. The impact to this intersection related to Project development is an unavoidable significant impact.

Mitigation 4-2 (Completed; inapplicable to the proposed project): Christy St/Auto Mall Parkway. Restriping the southbound approach to provide two exclusive left-turn lanes and one shared through, left-and right-turn lane would improve the intersection V/C ratio to 0.87 during the PM peak hour. This improvement would reduce impacts related to Project development to a

level of less than significant.

Mitigation 4-3 (Noted as infeasible; inapplicable to the proposed project): I-880 NB Ramps/Fremont Blvd. Additional improvements to this intersection are not feasible due to right-of-way constraints. The Project-related impact to this intersection is an unavoidable significant impact.

Mitigation 4-4 (Noted as infeasible; inapplicable to the proposed project): I-880 SB Ramps/Auto Mall Parkway. Additional improvements beyond the expected improvements are not feasible. Widening to provide a two-lane on-ramp from eastbound Auto Mall Parkway to southbound I-880 would improve the operation of the weaving maneuver on eastbound Auto Mall Parkway between Christy Street and the I-880 southbound on-ramp. However, this improvement would not improve the operation of the I-880 SB Ramps/Auto Mall Parkway intersection. The Project-related impact to this intersection is an unavoidable significant impact.

Mitigation 4-5 (Not completed; but inapplicable to the proposed project): Cherry St/Boyce Rd/Stevenson Blvd. Signalization and improvement of three of the intersection approaches would improve the AM peak hour V/C ratio to 0.84 (LOS D) and the PM peak hour V /C ratio to 0.85 (LOS D). The following improvements are required:

- Westbound Approach -- widen to provide two exclusive left-turn lanes; one exclusive through lane and one exclusive right-turn lane;
- Eastbound Approach -- restripe to provide one exclusive left-turn lane, one exclusive through lane, and one shared through and right-turn lane; and
- Northbound Approach -- widen the east leg and redesign southeast corner to provide a northbound free right turn lane.

Mitigation 4-6 (Noted as infeasible; inapplicable to the proposed project): Grimmer/Auto Mall Parkway. No additional capacity related improvements are feasible at this intersection due to right-of-way constraints. The Project-related impact to this intersection is an unavoidable significant impact.

Mitigation 4-7 (Completed; inapplicable to the proposed project): Boyce Rd/Auto Mall Parkway. The PM peak hour level of service can be improved to LOS D ($v/c=0.84$) by reconfiguring the southbound approach to provide two exclusive left-turn lanes, two exclusive through lanes and one free right-turn lane. To implement this improvement would require narrowing the median on the southbound approach. Due to the elimination of the Stevenson Boulevard extension from the study area road network, the lane requirements on the eastbound approach to Boyce Road/Auto Mall Parkway can be reduced from those presented in the previous Addendum 10 the EIR. At a minimum, the eastbound approach could provide one exclusive left-turn lane and one shared through and right turn lane, and would operate at LOS D during both peak hours ($v/c=0.85$ during the AM peak hour and 0.87 during the PM peak hour).

Mitigation 4-8 (Superseded by Equivalent Standardized City Requirements; TDM Ordinance is applicable to the proposed project): To mitigate regional impacts related to Project development, the City should consider requiring the developer to implement a Transportation Demand Management program to promote trip reduction measures and alternative modes of commute. Elements of the program and strategies that should be considered include the following:

- Establishment of a Transportation Management Associate for the Project area development with a TDM program manager to assist employers in the Project area (and surrounding areas) with the program;

- Transit user subsidies including 1) establishment of a shuttle service between the Project and BART or other transit service and 2) the bulk purchase of transit passes to underwrite the establishment of AC transit to the area;
- Implementation of a parking cash-out program. A parking cash-out program is an employer-funded program in which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. The City of Pleasanton has established a parking cash-out program for City employees. The ACCMA estimates that the program reduces employee commute traffic by five percent from previous non-monetary incentive-based programs and reduces parking utilization by an estimated three percent;
- Flex-time schedules;
- Telecommuting;
- Utilization of site design standards that would benefit transit, pedestrians and bicyclists;
- Preferential parking for carpools and vanpools;
- Rideshare matching programs such as the ride matching program offered by RIDES for Bay Area Commuters;
- Guaranteed Ride Home program (provides carpool and vanpool participants with a vehicle in an emergency or if they cannot leave at their usual time); and
- Funding for City monitoring of the programs.

In evaluating these potential measures, the practical effort and the cost to private and public entities should be addressed. It is not possible to precisely quantify the reduction in peak hour and daily traffic that will be achieved through a TDM program because the reduction in trips depends on the trip reduction measures implemented and the cooperation and support provided by employers. Therefore, reduction of impacts to the regional road network to less-than significant levels could not be assured, and impacts to the southbound 1-680 between Washington Boulevard and Auto Mall Parkway are considered unavoidable significant impacts.

Mitigation 4-9 (Superseded by Equivalent Standardized City Requirements; TDM Ordinance is applicable to the proposed project): The City should consider requiring the Project developer to implement a Transportation Demand Management program to promote trip reduction measures and alternative modes of commute to mitigate impacts to southbound I-880 between SR 84 and Thornton Road during the AM peak hour (as indicated in Mitigation 4-8). However, because it is not possible to assure that the necessary level of trip reduction will be achieved to reduce impacts to less-than-significant levels, impacts to southbound 1-880 between SR 84 and Thornton Road during the AM peak hour are considered unavoidable significant impacts.

Mitigation 4-10 (Superseded by Equivalent Standardized City Requirements; TDM Ordinance is applicable to the proposed project): The City should consider requiring the Project developer to implement a Transportation Demand Management program to promote trip reduction measures and alternative modes of commute to mitigate impacts to southbound 1-880 between Mowry Avenue and Stevenson Boulevard during the AM peak hour (as indicated in Mitigation 4-8). However, because it is not possible to assure that the necessary level of trip reduction will be achieved to reduce impacts to less-than-significant levels, impacts to southbound 1-880 between Mowry Avenue and Stevenson Boulevard during the AM peak hour are considered unavoidable significant impacts.

Mitigation 4-11 (Superseded by Equivalent Standardized City Requirements; TDM Ordinance is applicable to the proposed project): The City should consider requiring the Project developer to implement a Transportation Demand Management program to promote trip

reduction measures and alternative modes of commute to mitigate impacts to southbound 1-880 between Stevenson Boulevard and Auto Mall Parkway during the AM peak hour (as indicated in Mitigation 4-8). However, because it is not possible to assure that the necessary level of trip reduction will be achieved to reduce impacts to less-than-significant levels, impacts to southbound 1-880 between Stevenson Boulevard and Auto Mall Parkway the AM peak hour are considered unavoidable significant impacts.

Mitigation 4-12 (Superseded by Equivalent Standardized City Requirements; TDM Ordinance is applicable to the proposed project): The City should consider requiring the Project developer to implement a Transportation Demand Management program to promote trip reduction measures and alternative modes of commute to mitigate impacts to northbound 1-880 between Mowry Avenue and Thornton Avenue during the PM peak hour (as indicated in Mitigation 4-8). However, because it is not possible to assure that the necessary level of trip reduction will be achieved to reduce impacts to less-than-significant levels, impacts to northbound 1-880 between Mowry Avenue and Thornton Avenue during the PM peak hour are considered unavoidable significant impacts.

Mitigation 4-13 (Superseded by Equivalent Standardized City Requirements; TDM Ordinance is applicable to the proposed project): The City should consider requiring the Project developer to implement a Transportation Demand Management program to promote trip reduction measures and alternative modes of commute to mitigate impacts to northbound 1-880 between Thornton Avenue and SR 84 during the PM peak hour (as indicated in Mitigation 4-8). However, because it is not possible to assure that the necessary level of trip reduction will be achieved to reduce impacts to less-than-significant levels, impacts to northbound 1-880 between Thornton Avenue and SR 84 during the PM peak hour are considered unavoidable significant impacts.

Mitigation 4-14 (Completed; inapplicable to the proposed project): Additional analysis of traffic operations at the intersection of internal Project roadways should be performed to establish the ultimate design of these intersections. Because it may not be possible to thoroughly assess the long-term design requirements of in the internal Project roadways until additional information regarding the characteristics of the development and the location and size of buildings, sufficient right-of-way should be provided at the intersections of internal Project roadways to ensure that additional turning lanes can be provided in the future. If potential impacts are found to be significant, it should be possible to incorporate technical modifications in order to reduce these impacts to a level of less than significant. The analysis should include the evaluation of Streets "A" and "B" adjacent to the retail areas and Street "C" through the Auto Mall. The access requirements for existing Auto Mall development should be considered when the design of Street "C" is developed. Additional analysis of operations on Street "F" may be warranted when the precise uses being developed on the adjacent parcels are known. The additional analyses of Streets "A" and "B" adjacent to the retail areas and Street "C" through the Auto Mall should evaluate intersection/driveway spacing, travel lane requirements, traffic control requirements, left-turn lane requirements, queue lengths on the approaches of Streets "A", "B" and "C" to Auto Mall Parkway, and queuing on the approaches of the retail area exit driveways co Streets "A" and "B". Until these studies are completed, the ultimate design for Streets "A", "B" and "C" adjacent to the retail areas and the Auto Mall should not be established.

To promote efficient traffic flows on all Project roadways, the Project developer should work with the City of Fremont in the development of access management guidelines for the internal roadways. These guidelines should establish typical roadway cross-sections, minimum spacing between intersections and driveways, minimum spacing between median openings, where

relevant and conceptual access plans for individual parcels, including potential inter-parcel connections. Access management on Street "C" is particularly important given that this roadway will not only provide access to adjacent parcels, but serve as a major north-south arterial and will provide an alternative to I-880.

If the internal intersections, including intersections on Streets "A", "B" and "C" at the retail areas and Auto Mall, are designed to maintain LOS D operations, there will be no significant impacts.

- 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?**

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Significant and Unavoidable
Mitigation Required in SEIR: See Mitigations 4-1 through 4-14.

- c) **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?**

The proposed Project would not have an impact on air traffic patterns as there are no airports in close proximity to the Pacific Commons area. Therefore, this criterion is inapplicable and no impact would occur.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: No Impact
Mitigation Required in SEIR: None

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

The original project resulted in the street system that abuts the project site. One new street is proposed (the extension of Pacific Commons Boulevard) to connect Bunche Drive to Cushing Parkway in a similar way to that which was previously anticipated. The City traffic engineering

division has reviewed the street and driveway layouts, and determined that they do not create any hazards.

Compliance with General Plan Mobility Policy 3-3.6, Municipal Code Section 12.30.200 (Maintenance of landscaping along or in street right-of-way), and Municipal Code Chapter 17.25 (Standards and Dedications) would further ensure the proposed project results in a *less than significant* impact relative to design feature hazards, as contemplated by the SEIR.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact
Mitigation Required in SEIR: None

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

The SEIR did not identify inadequate emergency access, with the exception of emergency medical services west of 880. The proposed project does not substantially change the project's access method from surrounding streets in relation to sources of emergency services, and therefore, the Project would not result in inadequate emergency access.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Potential Significant Impact Unless Mitigated
Mitigation Required in SEIR:

Mitigation 5-14 (Completed; inapplicable to the proposed project): A one-acre site for a fire station at the Project site has been designated by the Project applicant. At least one paramedic would be assigned to the engine company at this station on a 24-hour basis, and firefighters and paramedics would generally be able to respond to medical emergencies at the Project site within five minutes or less. This would reduce the identified impact to a level of less than significant.

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

The SEIR identified a potential train station in a nearby portion of Pacific Commons, which could

provide public transit access to the project site. The SEIR did not note the proposed Warm Springs/South Fremont BART Station, as the environmental document for BART's extension was completed in 2003. Existing bicycle paths in the vicinity have been expanded since the original project was approved, and the proposed project would complete the perimeter multi-use trail. The applicant is providing a contribution to the City as part of the Development Agreement for the express purpose of improving transit options in the vicinity, which would improve transit options. The project would not conflict with provision of existing transit services. By condition of approval, the applicant would be required to install a bus stop within the project site if requested by AC Transit.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Potentially significant impact.

Mitigation Required in SEIR:

Mitigation 5-1 (Portion not struck out remains applicable to proposed project): The project developer shall assist AC Transit or other providers with the extension of transit service to the project site ~~and the future train station at Auto Mall Parkway.~~ Purchasing transit passes in bulk for distribution as a component of a TDM program is one means of assisting AC transit with a system expansion. Transit service to the project site should be provided on 30 minute headways or on headways consistent with the CMP transit performance standards and AC Transit service standards. Transit service to the Project site should include linkage with BART. The location of transit stops shall be coordinated with AC Transit and the City of Fremont as additional information concerning the location of buildings becomes known. The transit stops shall be clearly marked with route and schedule information. The level of transit assistance to be provided by the project developer shall be specified in the TDM program which is adopted for the project. ~~The project site includes land for a future train station at the westerly terminus of Auto Mall Parkway. The project developer shall cooperate with the City in its efforts to obtain rail transportation provider approval of a train station at the Auto Mall Parkway location.~~ Adequate support for public transit operations would reduce this project-related impact to a level of less than significant.

While the design of the remainder of Pacific Commons has already occurred, and bus stops have been provided in compliance with this mitigation, control of the remainder of the PD is outside of the subject property owner's control. The City referred the application to AC Transit, and is requiring a bus stop to be provided by entitlement condition, in support of this mitigation measure, in the proposed project area if requested by AC Transit as part of its ongoing planning for the network of bus stops in the area.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

		<i>Prior SEIR</i>	CEQA Sections 15162(a) Criteria		
			<i>Substantial Changes to the Project?</i>	<i>Substantial Changes to Project Circumstances?</i>	<i>New Information Shows (i) New or More Severe Significant Effects, or (ii) Feasible or Different Mitigation Measures or Alternatives Could Reduce Effects, But Are Declined?</i>
ISSUES:					
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	PSUM	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?	PSUM	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?	PSUM	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?	PSUM	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?	LTS	No	No	No
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	LTS	No	No	No
g.	Comply with federal, state, and local statutes and regulations related to solid waste?	LTS	No	No	No

Discussion/Conclusion/Mitigation

a,b,e) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? 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? Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The City of Fremont General Plan Update in 2011 determined that the Union Sanitary District's (USD's) facilities have the capacity to accommodate the level of development anticipated under the General Plan, including the previously-entitled development on the subject site. Since the original project was proposed, the site was annexed into USD's service area, and the current applicant has received a will-serve letter from USD for the proposed project.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potential Significant Impact Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 5-7A (Completed; inapplicable to the proposed project): Annexation will be required for the USD to serve this area. The annexation of the property requires the approval of the Board of Directors. All extensions of service area boundaries may be subject to CEQA review.

Mitigation 5-7B (Completed; inapplicable to the proposed project): The area outside the USD service area shown as commercial recreation/city parks in Figure 3 (page 9) will also require further study to determine how flows will be conveyed to the USD's facilities. Additional pump stations may be required.

Mitigation 5-7C (Remains applicable to the proposed project): Final plans for the sewer system extensions must be reviewed and approved by the USD.

Mitigation 5-7D (Remains applicable to the proposed project): Funding for all new wastewater collection facilities needed to serve the Project will be provided by the applicant.

Mitigation 5-8 (Remains applicable to the proposed project): Industries locating at the Project site will be required to comply with the USD Waste Source Control Program and, if necessary, obtain a Waste Discharge Permit from the USD Waste Source Control Division. An Industrial Waste Discharge Permit will be needed by any industries that could be categorized as potential dischargers of either prohibited wastes or toxic pollutants. Industries discharging prohibited or toxic wastes in excess of Federal, State or District standards will be required to pre-treat the waste before discharge to the USD collection system. The pre-treatment costs will be met by each industry. Industries will be required to monitor and test their own waste discharges, with additional periodic sampling being conducted by the USD Waste Source Control Division for verification. Industrial wastewater connection fees and annual charges will be based on the quantity and strength of wastewater to be generated.

Mitigation 5-9 (Remains applicable to the proposed project): The Project applicant shall follow appropriate construction guidelines requiring all sewer trunk lines and laterals to minimize the potential of infiltration and inflow of groundwater.

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?

Since the original and Supplemental EIR were certified, stormwater regulations were modified to require landscape-based treatment of water prior to sending it downstream through flood channels to the bay. However, the Pacific Commons project as previously proposed incorporated treatment

ponds downstream to serve the development, and required the filling and realignment of a portion of the N-1 flood control channel for preserve area restoration and storm water drainage purposes.

The proposed project site has been mass graded and an interim ditch drainage system has been permitted and is in place. As noted in the SEIRs, the site development would result in the modification of the existing drainage facilities with a new functional permanent drainage plan for the development. The project would import approximately 300,000 net cy of fill to provide required drainage and structural support, which is consistent with the previously-required drainage and geological mitigations identified in the Hydrology and Geology sections. The construction-related truck trips needed to accomplish this grading work would remain less than that which was previously analyzed, per the traffic analysis performed by TJKM traffic consultants.

The Pacific Commons Planned District project analyzed in the SEIR previously constructed a storm water drainage facility hydraulically sized to accommodate the subject property's runoff. In coordination with City of Fremont Environmental Services staff, it was determined that the previously-constructed facility can also provide sufficient landscape-based stormwater treatment for the entirety of the roof areas within the project. Additional stormwater is planned to be treated onsite in the project's landscaping. Therefore, the Project is anticipated to result in *less than significant* impacts to storm water drainage facilities.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potentially Significant Impact
Mitigation Required in SEIR:**

Mitigation 6-2 (Portion struck out was completed in prior project; remainder is applicable to the proposed project): ~~Prior to any modifications to Line N-1, the Project developer shall design the relocated N-1 line to ensure the long-term maintenance and safety of the modified drainage channel, and the overall effect of the proposed filling/realignment on flood control within the watershed to the satisfaction of the Alameda County Flood Control and Water Conservation (ACFC&WCD) and the City of Fremont. All on-site drainage facilities must be designed to handle the runoff associated with the 15-year storm design as determined by ACFC&WCD, and all drainage plans and calculations shall be submitted to the District for approval. The development of satisfactory drainage plans and the subsequent completion of the necessary on-site drainage improvements would reduce the potential impact to a level of less than significant.~~

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

Because the original project increased water consumption and inadequately planned for water supply infrastructure, the SEIR required certain mitigations, listed below, some of which are no

longer applicable due to the fact that the current proposal is the subject of an approved Water Supply Assessment (WSA) from the Alameda County Water District (ACWD). The previous development approval was not subject to a WSA from ACWD because it preceded the requirement for a WSA for new subdivision maps and large projects under state law. Because a new map is being sought for the proposed project, a WSA was completed and reviewed by the ACWD board on July 13, 2017. Consistent with prior SEIR analysis, the WSA determined that there was enough water supply to serve the domestic and fire service water for the development, and specified certain conditions of that approval, including compliance with the general assumptions of the WSA, and installation of Purple Pipe within the subdivision. The WSA analysis is consistent with the analysis and conclusions of the SEIR.

The proposed project will be designed to connect to existing potable and recycled water pipes in adjacent streets, and does not require significant additional infrastructure improvements to the larger water distribution system.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

**Potential Impact Identified in SEIR: Potential Significant Impact Unless Mitigated
Mitigation Required in SEIR:**

Mitigation 5-10A (Not applicable; WSA identifies sufficient available water): Any industries requiring improved quality or higher pressure will have to take appropriate measures such as filters or booster pumps.

Mitigation 5-10B (Remains applicable to the proposed project): The Project applicant shall provide the funding for all extensions to the water distribution system within the Project site.

Mitigation 5-10C (Remains applicable to the proposed project): Final plans for the water distribution system must be approved by the ACWD and the City of Fremont Fire Department.

Mitigation 5-11A (Remains applicable to the proposed project): The Project developer shall promote water conservation among the Project occupants. This could entail promoting the use of reclaimed wastewater or on-site recycling in occupant production processes.

Mitigation 5-11B (Remains applicable to the proposed project): All commercial landscape areas at the Project site shall use drought tolerant plantings.

Mitigation 5-11C (Remains applicable to the proposed project): Future industrial and commercial businesses at the Project site shall be required to institute water conservation measures. These measures may include the installation of low flow pumping fixtures, and industrial water conservation devices such as low flow dishwashers and other appliances.

Mitigation 5-11D (Not applicable to the project site): The possibility of using reclaimed wastewater for park turf grass irrigation shall be investigated.

The WSA includes required water conservation measures separately imposed by ACWD as a condition of service, many of which would be similar to the mitigations herein. In addition, the City's Landscape Development Requirements and Policies require drought-tolerant planting for all developments according to code requirements. Lastly, the California Building Code requires plumbing fixtures to meet standards in excess of those which were required when the SEIR was completed. While these mitigations remain applicable, conformance with now-current code requirements will in most cases result in compliance with them.

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

Due to the reduction in square footage, and based upon the City's sizing for waste handling requirements, the proposed project would create less waste than the previously-approved project, and therefore less impact on the City's waste stream. Nothing about the design or planned operation of the project includes abnormal solid waste disposal patterns that would conflict with applicable statutes and regulations related to solid waste relative to the project analyzed in the SEIR.

The proposed Project would be consistent with the SEIR and would not result in substantial changes in the project or to the circumstances under which the project is undertaken. In addition, no new information of substantial importance shows that (1) the project would cause new significant effects not previously analyzed, (2) the project would substantially increase the severity of previously identified effects, or (3) mitigation measures or alternatives either previously found not to be feasible but actually feasible or considerably different from those analyzed in the SEIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental review is necessary on this topic.

Potential Impact Identified in SEIR: Less than Significant Impact
Mitigation Required in SEIR: None

GENERAL SOURCE REFERENCES:

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

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2015 Housing Element)
5. Pacific Commons Planned District P-2000-214
6. Supplemental EIR (SEIR) of the Downtown Community Plan dated February 2012
7. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
8. City of Fremont General Plan (Safety Element)
9. City of Fremont General Plan (Mobility Element)
10. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
11. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
12. City of Fremont General Plan (Public Facilities Element)
13. City of Fremont General Plan (Community Character Element)
14. City of Fremont General Plan (Parks and Recreation Element)
15. City of Fremont General Plan (Community Plans Element)
16. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
17. RWQCB, Construction Storm water General Permit, September 2009
18. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
19. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
20. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
21. Department of Conservation Important Farmland Map 2012
22. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
23. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
24. CARB Scoping Plan December 2008
25. City of Fremont Greenhouse Gas Emissions Inventory 2005
26. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
27. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
28. City of Fremont Municipal Code Title 15, Building Regulations
29. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
30. Local Cultural Resource Maps (CHRIS)
31. Air Quality and Greenhouse Gas Study, Illingworth and Rodkin, August 30, 2017
32. Biological Resource Memo, Resource Balance, January 16, 2017
33. Biological Survey—Preconstruction, Huffman Broadway, May 15, 2017
34. Biological Resource memo, Resource Balance, July 18, 2017
35. Resource Agency Permits, 1999
36. Notice of Mitigation Completion, WRA Environmental Consultants, December 10, 2010
37. Mitigation Compliance Letter, U.S. Dept. of the Army, June 20, 2011
38. Wetland Restoration Construction Completion Letter, U.S. Fish and Wildlife Service, July 20, 2012
39. Final Completion Letter for Pacific Commons, Regional Water Quality Control Board, July 30, 2012
40. Report of Phase I Environmental Site Assessment and Additional Environmental Services, Pacific Commons, November 9, 2016.

41. Phase I Environmental Site Assessment and Soil Quality Evaluation, Fremont Integral Site, November 23, 2015.
42. Geotechnical Investigation, Fremont Technology Business Center, November 21, 2016
43. Geotechnical Investigation, Fremont Integral Site, December 23, 2015
44. Will-Serve Letter, Union Sanitary District, November 19, 2016
45. Water Supply Assessment Resolution No. 17-050, Alameda County Water District, July 27, 2017
46. Traffic Impact Assessment and Associated Analysis, Fremont Tech Business Center, TJKM Consultants, June 12, 2017.