CENTERVILLE PIONEER

INITIAL STUDY

November 14, 2017

City of Fremont
39550 Liberty Street
Fremont, CA 94537

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City of Fremont Initial Study

1. **Project**: Centerville Pioneer (City of Fremont File No.: PLN2017-00228)

2. **Lead Agency name and address:**
City of Fremont, Community Development Department – Planning Division
39550 Liberty Street, 1st Floor
Fremont, CA 94538

3. **Lead Agency contact person:**
Bill Roth, Associate Planner
Phone: (510) 494-4450
E-mail: broth@fremont.gov

4. **Project location:** 37218 Fremont Boulevard (fronting Bonde Way), Fremont, CA; APNs 501-1426-12-4**,** 501-1426-16-4 (see *Figure 1: Vicinity Map* and *Figure 2: Site Aerial*)

5. **Project Sponsor's name and address:**
Angelic Williams
Dutra Cerro Graden
7600 Dublin Boulevard, Suite 275
Dublin, CA 94568
Phone: (925) 236-9681
Email: awilliams@dcgrealestate.com

6. **General Plan Land Use Designation:** Open Space General (western/rear portion of project site, 1.27 acres, APN 501-1426-12-4), Town Center – Commercial (eastern/front portion of site, .18 acres, APN 501-1426-16-4), and Transit Oriented Overlay (TOD) designation.

7. **Zoning:** Open Space (western/rear portion of site, APN 501-1426-12-4), Town Center – Pedestrian (eastern/front portion of site, APN 501-1426-16-4), and TOD District.

8. **Description of project:**

The proposed project includes a General Plan Amendment to change the land use from Open Space General and Town Center – Commercial to Medium Density Residential (14.6 to 29.9 units per net acre), a rezoning from Open Space and Town Center – Pedestrian to Multifamily Residential R-3-23, a Tentative Tract Map 8391, Historical Architectural Review, Design Review, and a private street to facilitate construction of eight attached townhouses in two three-story buildings on a former church site comprising 0.4 net acres of an approximately 1.5-gross-acre site within the grounds of the Centerville Pioneer Cemetery in the Centerville Community Plan Area of the City of Fremont.

A General Plan Amendment to change the land use from Town Center – Commercial to Open Space General and rezoning from Town Center – Pedestrian to Open Space for approximately 0.08 acres of the eastern frontage of the Centerville Pioneer Cemetery that would not be included in the proposed residential project area would be done to facilitate retention of the Cemetery grounds as an historic resource.

The project site is located within the grounds of the historic Centerville Pioneer Cemetery, on vacant land that was previously occupied by a church, which was damaged by fire on May 12, 1993. Following environmental review and subject to approval by the City's Historical and Architectural Review Board, the remnants of the church were demolished (Initial Study and Negative Declaration for the Demolition of

the Centerville Presbyterian Church (SCH No. 93127067; City File Nos. H-94-3/EIA-94-36, approved March 8, 1994)).

The Centerville Pioneer Cemetery is listed on the Fremont register of historic resources and appears to be individually eligible for the National Register for its significant associations with the early settlement and settlers of Centerville, a town that was incorporated into the City of Fremont in 1956. Although the church building was demolished in 1994 and no longer exists, it is still listed on the Fremont Register of historic resources (Fremont Register). The former church building would be removed from the Fremont Register as part of this project. The cemetery grounds, including the church grounds, would remain on the Fremont Register. The 0.4-acre area project site is mostly paved and currently serves as a parking area. Two attached, modern-era wood-frame storage sheds, installed in 1998, would be removed, as would the existing paving, as part of the proposed project. The rest of the cemetery grounds include burial plots dating as far back as the mid 1800s, memorials consisting of stone tombstones and monuments, a storage building, several large trees, and gravel walkways and paths.

The site is an infill site, served by existing streets and infrastructure, located in the Centerville Priority Development Area, within 500 feet (by public sidewalk) to the platform of the Centerville Train Depot (see Figure 6) and within walking/biking distance of shops and dining options of the Centerville district. The Altamont Corridor Express (ACE) provides train service from San Jose to Stockton and points in between. There is also an Alameda County Transit (AC Transit) bus stop located approximately 400 feet from the project site, on Fremont Boulevard near the ACE Station (AC Transit Lines 99, 210 801).

With the proposed tract map, the church and cemetery grounds would be subdivided into four lots, including one for each of the two four-unit townhouse buildings, a lot for the new private street that would provide access to the garages of the eight units, and a lot for the cemetery. The residential development and private street would be located on 0.4 net acres and would have a residential density of approximately 20 dwelling units per acre (du/ac).

Grading and construction of the project, including the new residences, would be completed over an approximately 12 to 24-month period. The General Plan policies related to the proposed land use conversion from open space and mixed-use to residential are discussed in the “Land Use and Planning” section of this Initial Study.

Circulation and Parking

The public right of way (Bonde Way) that fronts the proposed project site is improved with sidewalk, street trees, and on-street parking. Similar improvements are located along Post Street, adjacent to the cemetery grounds. There is an existing curb cut and driveway on Bonde Way which will be replaced with a new driveway for the project.

Bonde Way is a two-lane collector street that feeds into Fremont Boulevard, a primary arterial. Per the General Plan, collector streets provide access and movement within residential, commercial, and industrial areas. Collector streets serve relatively short trips and collect trips from local streets and distribute them to the arterial network. Primary arterials are high capacity local facilities which meet the demand for longer, through trips within a community, with weekday traffic volume greater than 20,000 vehicles per day.

Grading

The site is relatively level, though some light grading would be necessary to create flat building pads. Based on elevations provided on Google Earth (2013), the elevation of the site is approximately 57 to 58 feet (World Geodetic System [WGS 84] datum). The site is bounded by Bonde Way to the east, Centerville Pioneer Cemetery to the north and west, and a fast food restaurant to the south. Minor grading and excavation to a depth of 2-feet and 6-feet would be necessary to connect utilities and sanitary sewer

for the proposed project with infrastructure under Bonde Way. An estimated 350 cubic yards of soil would be exported from the site to achieve planned rough grading elevations.

Tree Removal and Replacement
The removal of protected trees is subject to requirements involving the planting of replacement trees or the 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 mitigation requirements of the City's Tree Preservation Ordinance.

An arborist's report, dated January 5, 2017, was prepared for the property by Hort Science. Trees were assessed on December 21, 2016. The report provides an assessment of each tree's health, structure, suitability for preservation and protected status (Municipal Code Chapter 18.215) within and adjacent to the proposed project area and an evaluation of impacts to trees based on construction plans. The report identified four trees (one Holly oak, one Pecan, two Ginkgo) with a six-inch-or-greater diameter at breast height (DBH) on the site. Of these trees, one qualifies for protection under the City's Tree Preservation Ordinance. The Pecan and Gingko trees are fruit- or nut-bearing trees and, as such, are exempt from the Ordinance pursuant to Fremont Municipal Code Section 18.215.050. None of the trees on site are city-designated Landmark trees.

The Holly oak and the Pecan trees would both be preserved in their current locations while the Gingko trees would be removed to facilitate the development of the site. The proposed project would include the planting of approximately 11 new trees on the project site.

Landscaping
Landscaping for the individual lots would include non-invasive trees, shrubs, and grasses. The stormwater treatment bioretention areas would be planted with a mix of plants suitable for stormwater treatment areas.

9. Surrounding land uses and setting:

To the west of the proposed project site is an approximately 0.62-acre lot with a drive-through fast food restaurant and an approximately 6.71-acre lot with a mixed-use project that includes 185 apartments and 28,641 square feet of commercial space along Fremont Boulevard (Artist's Walk project). To the north of the project site, across Post Street is an approximately 2.02-acre lot with a self-storage facility. To the east of the project site are two single-family houses on a 0.41-acre lot.

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

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

11. Other public agencies requiring approval: Alameda County Water District, California Department of Transportation, Union Sanitary District

12. Other Previous Environmental Review: Fremont General Plan Update EIR (SCH No. 2010082060), Initial Study and Negative Declaration for the Demolition of the Centerville Presbyterian Church (SCH No. 93127067; City File Nos. H-94-3/EIA-94-36, approved March 8, 1994.

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	M	Cultural Resources	M	Geology / Soils
M	Hazards & Hazardous Material		Hydrology / Water Quality		Land Use / Planning
	Greenhouse Gas Emissions		Mineral Resources	M	Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic	M	Tribal Cultural Resources		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.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: 11/14/2017

Printed Name: Bill Roth For: City of Fremont

Planning Manager Review: Ingrid Rademaker

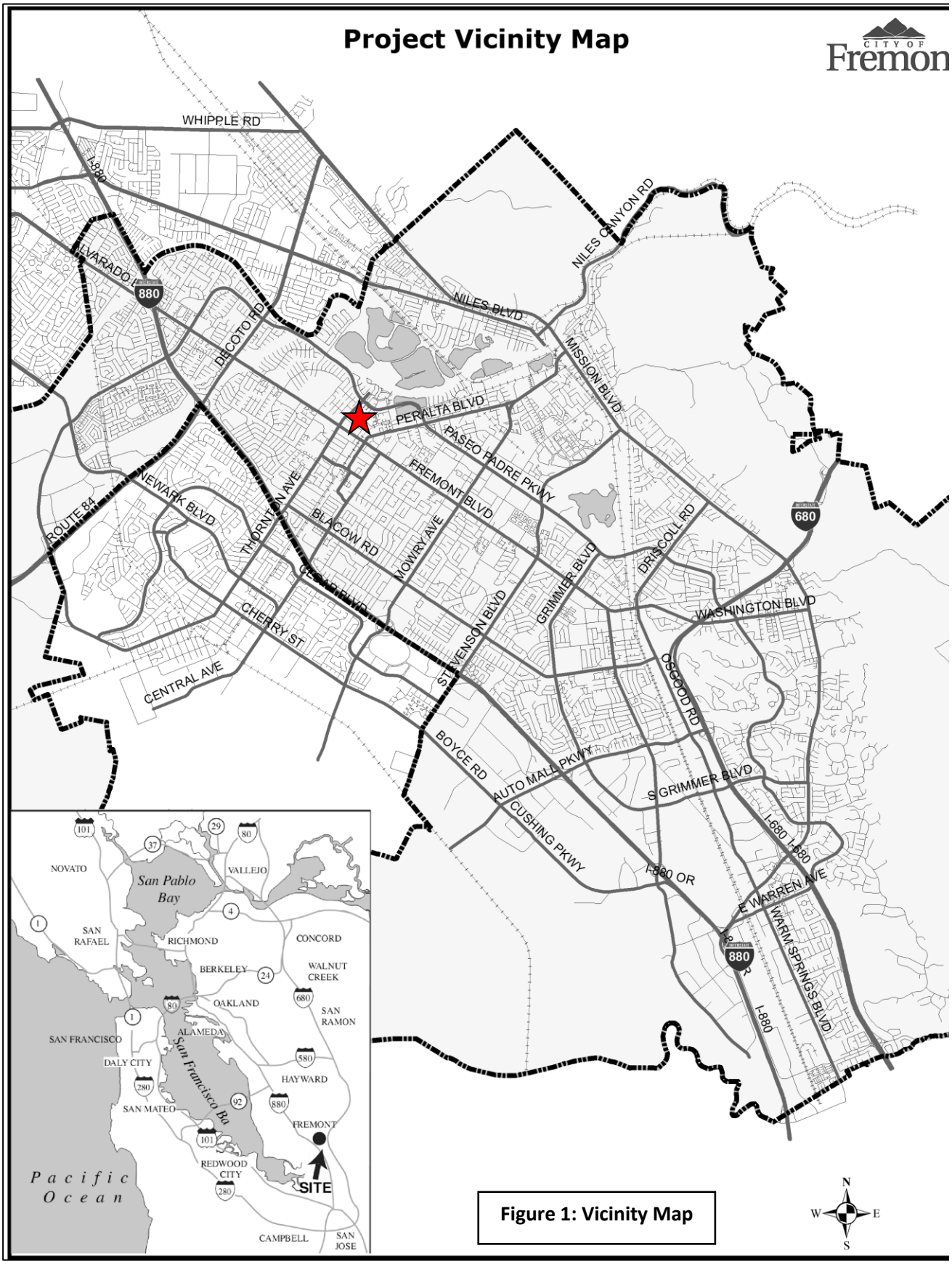


Figure 1: Vicinity Map

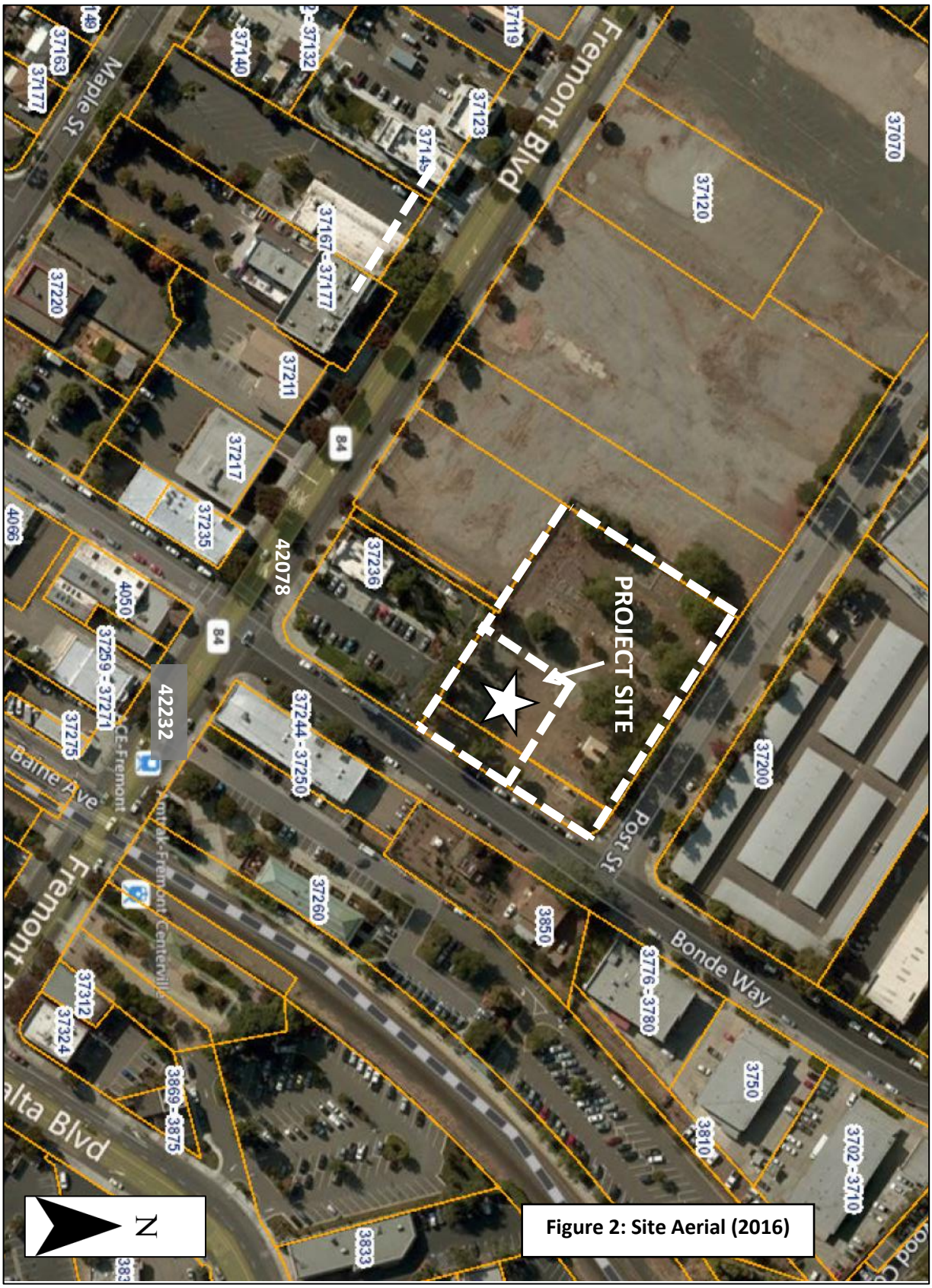


Figure 2: Site Aerial (2016)

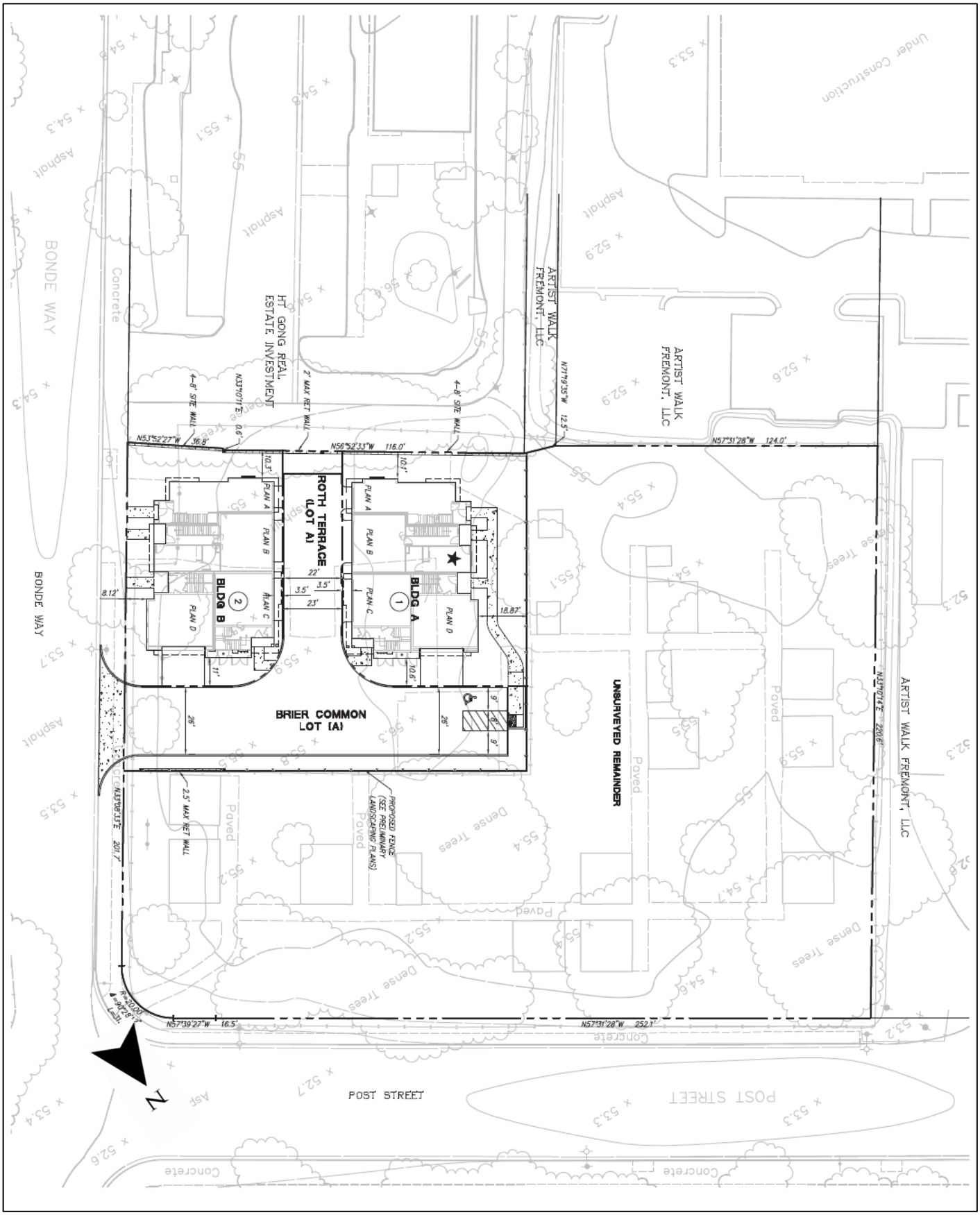


Figure 3: Site Plan

Figure 4a: Elevations

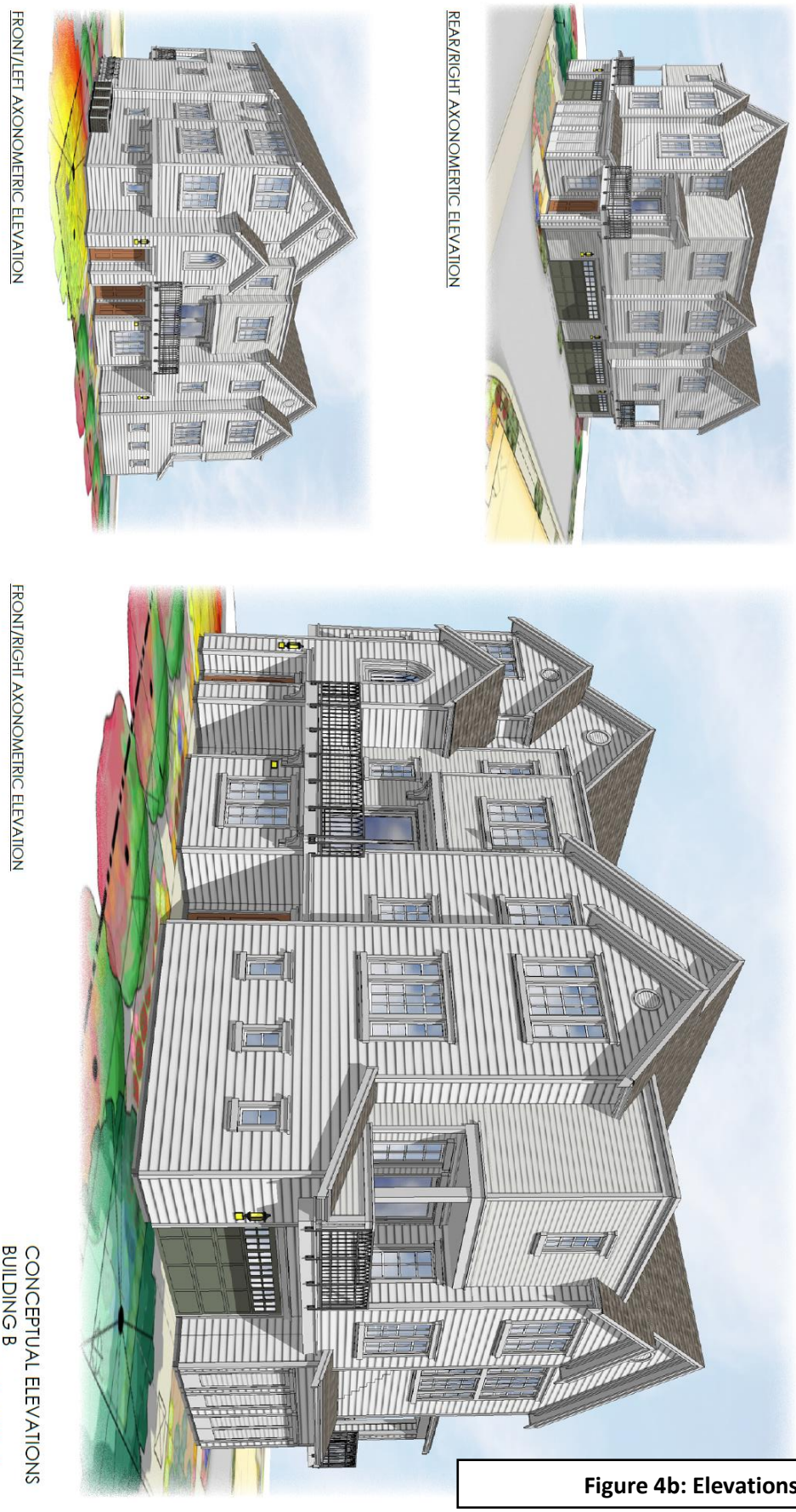


Figure 4b: Elevations

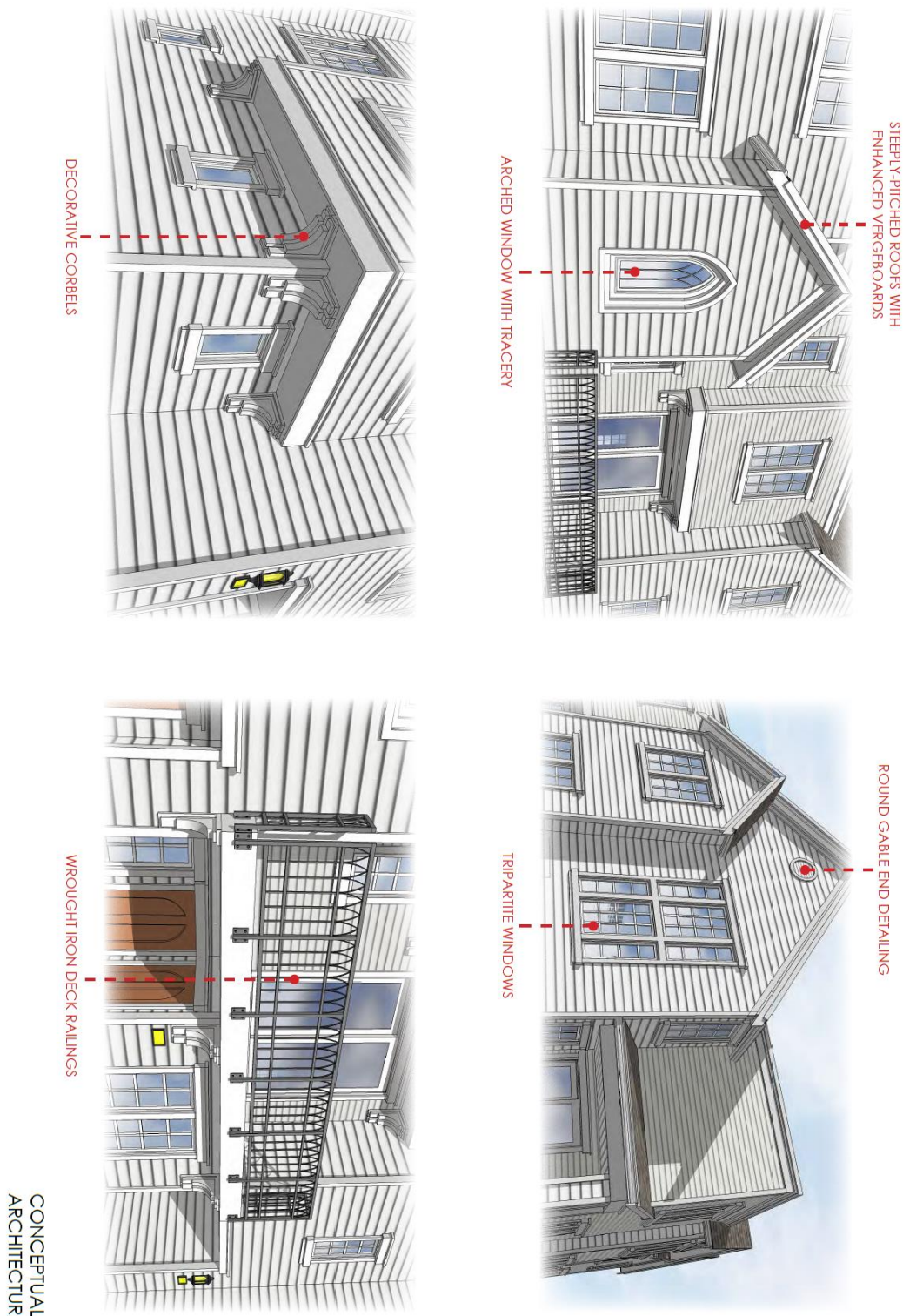
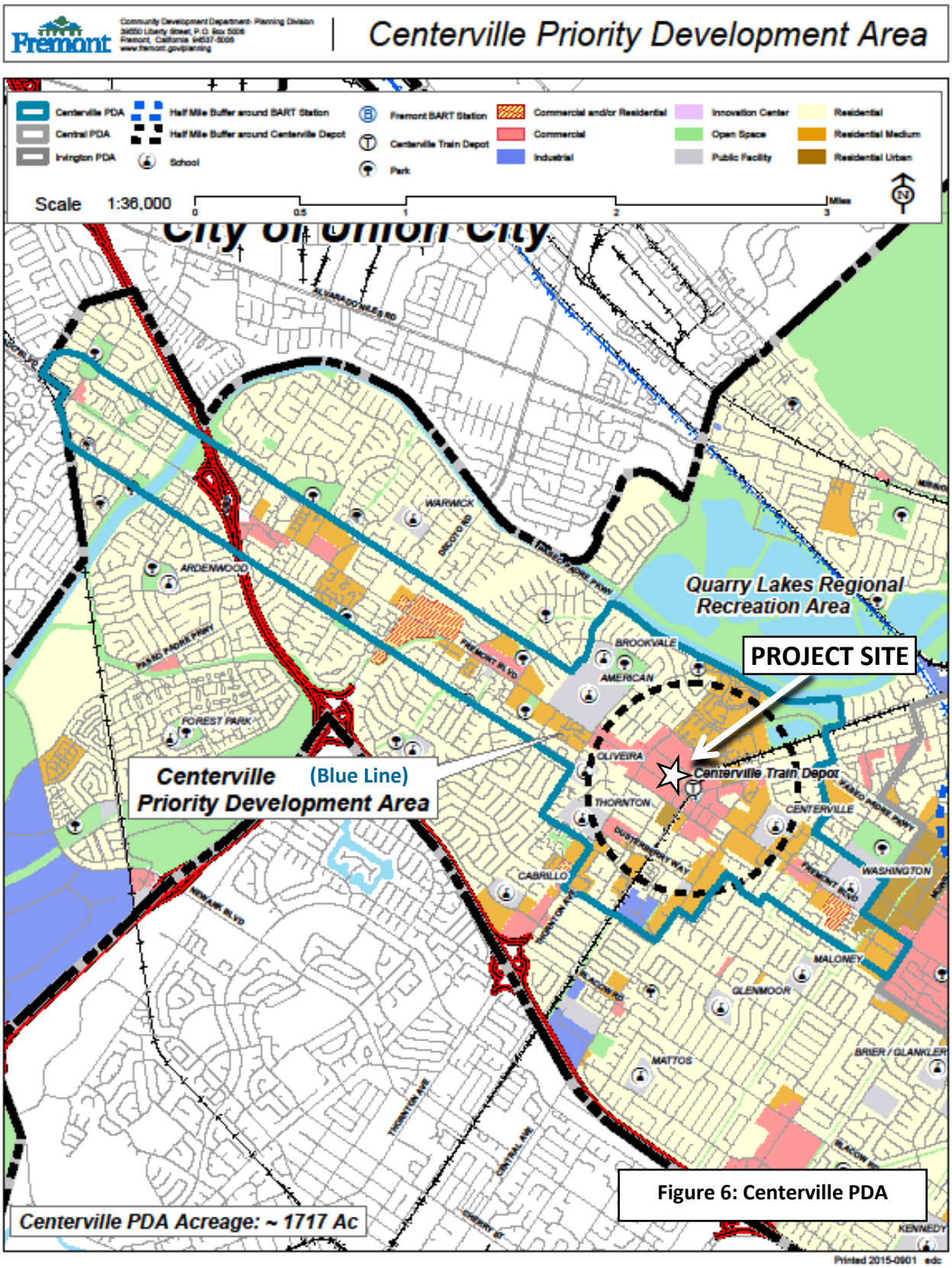


Figure 5: Architectural Detailing


Fremont
Centerville Priority Development Area
Centerville PDA
Central PDA
Irvington PDA
Half Mile Buffer around BART Station
Half Mile Buffer around Centerville Depot
School
Fremont BART Station
Centerville Train Depot
Park
Commercial and/or Residential
Commercial
Industrial
Innovation Center
Open Space
Public Facility
Residential
Residential Medium
Residential Urban
Scale 1:36,000
0 0.5 1 2 3 Miles
City of Union City
Quarry Lakes Regional Recreation Area
PROJECT SITE
Centerville (Blue Line) Priority Development Area
Centerville Train Depot
WARWICK
ARDENWOOD
FOREST PARK
BROOKVALE
AMERICAN
OLIVEIRA
THORNTON
CABRILLO
CENTERVILLE
WASHINGTON
MALONEY
GLENMOOR
MATTOS
BRIER / GLANKLER
KENNEDY
Centerville PDA Acreage: ~ 1717 Ac
Figure 6: Centerville PDA
Printed 2015-0901 edc

I. AESTHETICS

Regulatory Framework

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

- City of Fremont General Plan Community Character Element (adopted December 2011)
- City of Fremont General Plan Community Plans Element (adopted December 2011)
- City of Fremont Municipal Code, Title 18, Planning and Zoning

Environmental Checklist

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

Discussion/Conclusion/Mitigation

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

The proposed site is not located near a state scenic highway. The project would not damage scenic resources along a state scenic highway nor would it block or obscure any scenic vista. There are no scenic rock outcroppings as the site is located in an urban and developed area. None of the trees that would be removed with the proposed project are designated as City Landmark Trees. The approximately 0.4 acre project area is a vacant, former church site (church building demolished in 1994) located within the grounds of an historic cemetery, as is discussed in the Cultural Resources section of this Initial Study and analyzed in a Cultural Resources Study (LSA, July and November 2017) prepared for the project.

The proposed site layout has been designed to provide over 45 feet of open area between the proposed residential buildings and the boundary of the cemetery, such that the proposed buildings would encroach no closer to the cemetery grounds than did the church building before it was burned down in 1993. As such, the proposed project maintains views of the cemetery grounds and would not substantially damage any historic buildings. The Cultural Resources Study concluded

[1] General source references for this Initial Study are listed on pages 94-95.

the proposed project would not materially impair the historic cemetery and would be consistent with the Secretary of Interior Standards and Guidelines for the Preservation of Historic Resources as it would occur on an undeveloped portion of the site separate from the graveyard.

Potential Impact: Less than Significant Impact
Mitigation: None Required

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

The proposed project would involve the conversion of a portion of the Centerville-Pioneer cemetery grounds, where a church building was previously located until it burned down in 1993. The portion of the project area adjacent to where the church once stood has been partially paved and used for parking since 1974.

The two proposed residential buildings would be located at the southwestcorner of the site, adjacent to an existing fast food drive-through use. As previously stated, the new buildings would be no closer to the cemetery grounds to the northeast than was the church building that burned down in 1993. The new driveway for the proposed project would be located on the northeast side of the project site, to preserve a sense of openness adjacent to the cemetery. Direct views of the cemetery from Post Street and most of the site's Bonde Way frontage would remain unobstructed, as discussed in the Cultural Resources section of this Initial Study.

The existing structures on the project site are two attached, modern era wood-frame storage sheds. Beyond the project area, the rest of the cemetery grounds include small monuments and other burial markers.

The attached townhouse project would be consistent with General Plan policies that encourage development of underutilized infill sites and higher residential density near mass transit stations (discussed in the Land Use section of this Initial Study) and with the Secretary of Interior Standards for Rehabilitation, as discussed in the Cultural Resources section of this Initial Study. The proposed project density of approximately 20 dwelling units per acre (du/ac) would conform to the proposed General Plan land use designation of Medium Density Residential (14.6 to 29.9 units per net acre), which is described in the General Plan as follows, and for which an Environmental Impact Report was adopted (SCH No. 2010082060).

> <u>Medium Density Residential (14.6 to 29.9 units per net acre)</u>
> The Medium Density designation applies to garden apartments, condominiums, flats, townhouses, and low-rise multi-family complexes. Net densities in these areas generally range between 14.6 and 29.9 units per net acre, corresponding to site area allowances of 1,450 square feet per unit to 3,000 square feet per unit. These areas are multi-family in character, but retain some of the characteristics of suburban neighborhoods such as landscaped yards, off-street parking, common open space, and low building heights. Structures in these areas are generally less than four stories tall and have surface parking. Other compatible uses, such as schools, child care centers, parks, and religious facilities, may also locate in areas with this designation. Correlating zoning includes the R-3 district zones and the R-G zone.[2]

[2] City of Fremont. *Fremont General Plan Update*. December 2011. Chapter 2 - Land Use: Page 2-21.

Per the General Plan Community Character Element, the project site is located within a Town Center. Town Centers typically have a mixture of low to mid-rise buildings, generally 1-3 stories and a residential density range up to 30 dwelling units per acre and are described as follows: [3]

> The Town Centers are traditional commercial centers associated with the early development of Fremont's original townships. These centers are pedestrian oriented and within easy walking distance to serve the surrounding neighborhoods. They provide locations for people to shop, eat, socialize and take care of daily activities. Infill development opportunities may exist that would help add to the traditional fabric and character of these centers. Residential and office uses should be integrated to diversify the mix of uses and create job opportunities, respectively. Streetscape furnishings and pedestrian amenities are abundant and intended to reflect the town's history and cultural aspects of the area. [4]

The proposed project would include two three-story townhouse buildings (approximately 43 feet in height), providing residential units within easy walking distance to shops, restaurants, and mass transit (ACE Train and AC Transit Bus), consistent with the Town Center community character description.

Approximately 11 trees would be planted, including new trees along the perimeter, which would enhance the visual character of the site. For these reasons, the proposed project would not substantially degrade the existing character or quality of the site or the surrounding area.

The evaluation of project consistency with the Secretary of Interior Standards included in the Cultural Resources Study indicates that the project would not impinge on the spatial character of the site, that views across the site and circulation through the site would be only minimally changed, and that the design of the proposed residences would follow the aesthetic and architectural style of the former church building and therefore impacts would be less than significant. The project would provide open, planted fencing between the housing boundaries and cemetery to maintain the open views across the site. The Cultural Resources Study indicates the space that defines the grave-site portion of the cemetery would remain open with unimpeded views across the site, thus the historic character of the property would be retained and preserved.

Potential Impact: Less than Significant
Mitigation: None Required

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

Construction of the proposed project would result in new sources of light in an area where lighting levels have historically been low, but it would not adversely affect views in the area, which is already surrounded by development. Furthermore, the City's Zoning Ordinance requires that all exterior light sources be designed so as not to create significant glare on adjacent properties through the use of concealed source and/or downcast light fixtures. Compliance with the exterior lighting requirements of the Zoning Ordinance would result in the project's having no significant lighting or glare impacts on adjacent properties. The light and glare created by the

[3] City of Fremont. *Fremont General Plan Update*. December 2011. Chapter 4 – Community Character Place Types Manual: Page 7.
[4] City of Fremont. *Fremont General Plan Update*. December 2011. Chapter 4 – Community Character Place Types Manual: Page 7.

proposed project would be consistent with the levels of lighting and glare currently emitted by development east, west and south of the project, which are typical of a developed urban area.

Potential Impact: Less than Significant
Mitigation: None Required

II. AGRICULTURE AND FOREST RESOURCES

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

- City of Fremont General Plan Conservation Element
- California Department of Conservation, Alameda County Farmland Map-Access via URL: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/ala12.pdf

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 19, 20
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	1, 8, 19, 20

Discussion/Conclusion/Mitigation

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

According to the California Department of Conservation's 2012 Alameda County Farmland Map, the site is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

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

The project site and surrounding area is currently designated and zoned for open space and mixed residential and commercial uses, not agricultural uses, so the proposed residential project would not conflict with zoning for an agricultural use. As the project site and surrounding area does not include forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined in Public Resources Code section 4526), the proposed project would not result in the loss of forest land. The project site is not under Williamson Act contract and, therefore, no conflict would result. For these reasons, the proposed project would not result in significant impacts related to conflict with agricultural use, a Williamson Act contract, or conversion of forest land.

Potential Impact: No Impact
Mitigation: None Required

III. AIR QUALITY

Regulatory Framework

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

- City of Fremont General Plan Conservation Element (Air Quality Standards)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest monitoring stations to Fremont are in Hayward and San Jose. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NOx), and particulate matter (PM_{10} and $PM_{2.5}$). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs per day for ozone precursors. For TACs, the City of Fremont has established acceptable thresholds for new sources of increased cancer risk of 10 chances in a million as defined by BAAQMD for their individual TAC emissions. However, for sensitive receptors within developed in-fill areas of the City (such as the residential uses proposed by the project), the City uses the cumulative exposure threshold of 100 chances per million.[5]
- Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines, 2017

[5] City of Fremont. *Fremont* General Plan *Update EIR*. Chapter 4, Section E. Air Quality: Page 4-137.

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with or obstruct implementation of any applicable air quality plan?			X		1, 21, 22
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		1, 21, 22
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X		1, 21, 22
d.	Expose sensitive receptors to substantial pollutant concentrations?			X		1, 3, 6, 21, 22
e.	Create objectionable odors affecting a substantial number of people?			X		1, 3, 6

Discussion/Conclusion/Mitigation

a-d) Would the project conflict with or obstruct implementation of any applicable air quality plan? 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)? Would the project expose sensitive receptors to substantial pollutant concentrations?

In formulating its compliance strategies, Bay Area Air Quality Management District (BAAQMD) relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with a general plan in a manner consistent with that general plan, then it is also considered to be consistent with BAAQMD's *Clean Air Plan*. The proposed project, however, would require a General Plan Amendment (from Open Space General and Town Center – Commercial to Medium Density Residential) to allow the conversion of a portion of the cemetery grounds to a multi-family residential use, so additional analysis is provided herein.

The City uses screening criteria developed by the BAAQMD to conservatively determine whether a proposed project could result in potentially significant air quality impacts. The following table shows screening criteria for new apartment and townhouse developments for operational criteria pollutants, operational GHGs, and construction related emissions.

Table: Criteria Air Pollutants and Precursors and GHG Screening Level Sizes

Land Use	Operational Criteria Pollutant Screening Size	Operational GHG Screening Size	Construction Related Screening Size
Apartment, low-rise **or**	451 du (ROG)	78 du	240 du (ROG)

Condo/townhouse, general			
>>Proposed Project	*8 du*	*8 du*	*8 du*

As shown in the preceding table, the proposed eight-unit townhouse project would fall well below the screening level sizes for Operational Criteria Pollutants, Operational Greenhouse Gas Emissions (GHG), and Construction-Related Criteria Pollutants, per Table 3-1, *Criteria Air Pollutant and Precursor Screening Level Sizes*, in BAAQMD's 2017 CEQA Guidelines and it would not result in operational or construction related emissions that would impact local or regional air quality standards.

TACs

The California Air Resources Board (CARB) has identified that people in the following categories are most likely to be affected by air pollution: children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. The closest off-site sensitive receptors to the project site are the adjacent single-family residences across Bonde Way. It is assumed that the future resident population for the proposed project would include sensitive receptors.

For Toxic Air Contaminants (TACs), the City of Fremont has established acceptable thresholds for new sources and receptors of increased risk of 10 chances in one million as defined by BAAQMD for their individual TAC emissions. However, for sensitive receptors within developed in-fill areas, the City uses the cumulative exposure threshold of 100 chances per million (Fremont General Plan Update Final EIR. September 2011). The project is considered in-fill in an already developed area of the City and therefore the cumulative exposure threshold of 100 chances per million would apply.

As discussed in the General Plan EIR, in Fremont, there are basically three types of sources that would potentially expose sensitive receptors to TACs (General Plan EIR Page 4-131): roadways, rail lines, and stationary sources. Roadways are the most common source, where diesel trucks would be the greatest source of TACs, as further discussed below. Fremont includes rail lines that are also sources of diesel particulate matter (DPM) emissions associated with train movements. Fremont also includes numerous stationary sources that are permitted through BAAQMD that have mostly localized emissions; those nearest the proposed project are identified and discussed below.

Highway and Roadways

The Fremont General Plan identifies those areas of the City where existing sources of TACs would cause elevated health risks to sensitive receptors located nearby. The *Community Risk Overlays in Fremont* (Appendix C of the Fremont General Plan Final EIR*)* includes maps and data identifying the weighted lifetime cancer risk and elevated $PM_{2.5}$ concentrations associated with major highways and railways in the City. The *Community Risk Overlay* study area nearest the project site is the segment from Thornton Avenue to Decoto Avenue identified as Eastof I-880, which is located approximately 1.15 miles to the southwest of the proposed project site. That segment identifies a weighted lifetime cancer risk of approximately 6.9 in one million extending to 1000 feet beyond the edge of the roadway, which is below the increased cancer risk threshold of 100.0 in a million or greater for infill projects. The project site is located well beyond 1,000 feet from I-880.

$PM_{2.5}$ concentrations associated with that analyzed road segment would be 0.05 within 1000 feet beyond the edge of the roadway, which is well below the adopted significance threshold of an annual average $PM_{2.5}$ concentration of greater than 0.3 μg/m.

As shown in the City of Fremont *Traffic Counts Table 2010*, the segment of Fremont Boulevard between Thornton Avenue and Peralta Boulevard has an average two-way, 24-hour traffic count of 21,309 vehicles.[6] The City's vehicle traffic count was incorporated into the BAAQMD's Roadway Screening Analysis calculator to estimate cancer risk and $PM_{2.5}$ concentration along Fremont Boulevard in the vicinity of the project site. The results indicate a weighted lifetime cancer risk of approximately 6.86 per million, which is well below the increased cancer risk threshold of 100.0 in a million or greater for infill projects. The estimate for $PM_{2.5}$ annual average was .134 ug/m, which is below the adopted significance threshold of 0.3 ug/m." In summary, the results of the Community Risk Assessment for health risks from the nearest highway and roadway segments with regard to traffic volume indicate the project would not have a significant impact with regard to cancer risk from air particulates and $PM_{2.5}$ concentration.

As future sensitive receptors of the proposed project would not be exposed to health risks beyond City of Fremont standards from cumulative TACs generated by Fremont Boulevard, the impact would be less-than-significant. [Less than Significant Impact]

<u>Rail Lines</u>
To estimate the impact of railroad traffic along the rail line (Centerville) on cancer risk at the proposed project site, the results of refined dispersion modeling in the Fremont General Plan Update DEIR were used. Based on results of modeling the Centerville line near the project (identified as Segment 2: Centerville Rail Line South of the Peralta Station – 25 mph), the Weighted Lifetime Cancer Risk (chances in one million) would be less than 12.5 in one million beyond 200 feet west of the rail line.[7] As residences planned with the proposed project would be located beyond 250 feet west of the rail line (directly, as a crow flies), the excess cancer risk is predicted to be much less than 100 in one million that is the threshold for significance for an infill site, such as the site of the proposed project.

Operation of this eight-unit residential project is not considered a source of TAC emissions and, as a result, the project operation would not cause emissions that expose sensitive receptors to unhealthy air pollutant levels. The sum of impacts from cumulative sources (i.e., sources within 1,000 feet of the project, such as train and vehicle traffic) would be below the threshold of 100 in one million used by the City.

<u>Stationary Sources</u>
As discussed in the General Plan EIR, when siting new sensitive receptors, the BAAQMD CEQA Guidelines advise that lead agencies examine existing or future proposed sources of TAC and/or PM2.5 emissions that would adversely affect individuals within the planned project (General Plan EIR Page 4-136). Stationary sources of TACs can include gasoline dispensing stations and dry cleaners and without proper setbacks or mitigation measures, these sources could result in TAC levels that would be significant for new sensitive receptors. The California Air Resources Board (CARB) provides the following guidance regarding proper setbacks from gasoline stations and dry cleaning facilities:

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[6] City of Fremont, *Traffic Counts Table 2010*, available online: https://www.fremont.gov/869/Transportation-Data.

Accessed: April 25, 2017.
[7] City of Fremont. *Fremont* General Plan *Update EIR*. Appendix C Community Risk Overlays in Fremont: Page 19 of 49.

- ***Gasoline Stations.*** CARB found the cancer risks associated with relatively high volume stations to be about 10 in one million at a distance of 50 feet. Except for the largest gasoline stations, health risks near gasoline stations should be less than 10 in one million at distances beyond 50 feet.

- ***Dry Cleaning Facilities.*** Perchlorethylene (Perc) is the solvent used commonly in past dry cleaning operations. Perc is a TAC, because it has the potential to cause cancer. In 2005, CARB recommended setbacks of 300 feet between dry cleaning facilities that emit Perc and sensitive land uses. Since then, CARB has enacted new rules to substantially reduce Perc emissions and phase out the use of dry cleaning operations that produce these emissions. The Perc exposures would be reduced by 80 percent or more as a result of the new Air Toxic Control Measure amendments. As a result, siting of new sensitive receptors could be allowed within 100 feet of these operations.

Review of the area around the proposed project site using the BAAQMD Stationary Source Screening Analysis Tool (SSSAT) indicates there are no major stationary sources of TAC pollutants (such as refineries or power plants) within 1,000 feet of the project.[8] There is a gasoline station located approximately 1,000 feet to the west of the project site, at 37011 Fremont Boulevard (SSSAT #G7293). A radiator repair shop (Cat's Radiator) is located approximately 1,000 feet to the northeast of the project site, at 3710 Bonde Way (SSSAT #10517).

A search was also done using Geotracker, an online database system used by the state and regional environmental resources boards, and local agencies to track and archive compliance data from authorized or unauthorized discharges of waste to land, or unauthorized releases of hazardous substances from underground storage tanks. Per Geotracker, Center Square Cleaners (CL0600138427) at 37070 Fremont Boulevard is a cleanup program site, 500 feet to the northwest of the project site, with a Cleanup Status: Open – Site Assessment. Quality Cleaner (a dry cleaning establishment) is located approximately 1,000 feet to northwest of the proposed project site at 3607 Thornton Avenue (SL0600131804) and, per GeoTracker, has a Cleanup Status: Open – Assessment & Interim Remedial Action. Other sites near the project

As discussed, the proposed project site would not be located near a major stationary source of TAC pollutants, so potential sensitive receptors in the proposed development would not be exposed to significant levels of TAC from stationary sources, according to CARB's guidance regarding proper setbacks. As shown in the preceeding "Table: Annual Unmitigated Operational Emissions (tons per year)," the proposed project is not considered a source of TAC emissions and, as a result, the project operation would not cause emissions that expose sensitive receptors, as described below, to unhealthy air pollutant levels. (Less than Significant Impact)

<u>Construction</u>
Though the proposed project would fall below the Construction Criteria Pollutant Screening Sizes, per Table 3-1 Criteria Air Pollutants and Precursors and GHG Screening Level Sizes in BAAQMD's 2017 CEQA Guidelines, the proposed project would include construction activity over an approximately 12-24-month period and this activity would generate dust and equipment exhaust on a temporary basis. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are employed to reduce these emissions. An estimated 350 cubic yards of soil would be exported from the site to achieve

[8] Bay Area Air Quality Management, *Stationary Source Screening Analysis Tool (Alameda_2012, posted 06/13/12)*, available online: http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools. Accessed: April 25, 2017.

planned rough grading elevations, well below the 10,000 cubic yard threshold considered extensive material transport by BAAQMD.

Per FMC Section 18.218.010, all development projects that have the potential to adversely disturb or impact a) special-status species; b) cultural resources; and c) air quality due to construction activities such as grading, demolition, and tree and shrub removal, shall implement the adopted standard development requirements to address resource protection provided in FMC Section 18.218.050. This includes, FMC Section 18.218.050 (a), copied below. As a standard project requirement, the proposed project shall implement FMC Section 18.218.050(a), which incorporates BAAQMD Best Management Practices for project construction, and, therefore, would reduce potentially significant impacts to air quality during project construction to less than significant.

FMC Section 18.218.050 (a) Air Quality

(1) Construction Related Emissions. The following construction measures, as periodically amended by BAAQMD, are required for all proposed development projects to reduce construction-related fugitive dust and exhaust emissions:

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times daily.
b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
h. A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Potential Impact: Less than Significant
Mitigation: None Required

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

As an eight-unit residential development with adequate solid waste storage areas that comply with the City's solid waste management regulations, which include policies to reduce potential odor impacts from solid waste, the project would not create objectionable odors, once construction is completed; however, the proposed project would generate temporary odor from localized emissions of diesel exhaust during grading and construction activities due to equipment

and truck operations. These odors may be noticeable from time to time by nearby receptors; however, the odors would be temporary and would not affect a substantial number of people. Implementation of FMC Section 18.218.050 (a) Air Quality would further reduce potential impacts through reduced idling times for construction equipment. As such, the project would not create objectionable odors affecting a substantial number of people.

Potential Impact: Less than Significant
Mitigation: None required

IV. BIOLOGICAL RESOURCES

Regulatory Framework

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

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

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 8, A, B
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 8, A
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				X	1, 8, A

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
	means?					
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 8, A
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 3, 8, A
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X		1, 8

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?

Development of the project site will convert a vacant, infill area of an historic cemetery into an eight-unit, attached townhouse development. The portion of the cemetery grounds where the new development would be located was previously developed with a church until it burned down due to arson in 1993. The majority of the project site where construction would occur is paved and does not include suitable habitat for identified sensitive or special status species and is not of unique or significant value to such populations. The project site is not located near a body of water, waterway or stream and does not include riparian habitat. The project will not result in a fish or wildlife population dropping below self-sustaining levels, nor does it threaten to eliminate an animal community. The area surrounding the site is already developed with commercial and residential uses. Therefore, development of the site will not constitute a significant adverse environmental impact on wildlife resources. Sensitive natural communities such as riparian habitat are absent from the site. Therefore, there will be a no impacts to sensitive natural communities on the site and mitigation is not warranted for impacts to sensitive natural communities.

The existing trees on-site could potentially provide nesting habitat for some species of migratory and/or otherwise-protected birds or bats. Active bird nests are protected by the federal Migratory Bird Treaty Act and the California Department of Fish and Wildlife (CDFW). Breeding migratory birds could construct nests within the project area in trees or shrubs. A significant impact would consist of the mortality of adults or young (including abandonment of nest with eggs or young) and harassment of migratory birds during construction.

Per FMC Section 18.218.010, all development projects that have the potential to adversely disturb or impact a) special-status species; b) cultural resources; and c) air quality due to construction activities such as grading, demolition, and tree and shrub removal, shall implement the adopted standard development requirements to address resource protection provided in FMC Section 18.218.050. This includes, FMC Section 18.218.050 (b), copied below, which addresses biological resources. As a standard project requirement, the proposed project shall implement FMC Section 18.218.050(b), which incorporates measures that would ensure the project would avoid impacts toburrowing owls, nesting birds, and roosting bats, and, therefore, would not create a significant impact to biological resources.

FMC Section 18.218.050 (b) Biology, Special-Status Species.

(1) Burrowing owl. New development projects with the potential to impact burrowing owl habitat through grading, demolition, and/or new construction shall implement the following measures prior to grading or ground disturbing activities:
    a. Pre-construction surveys. Preconstruction surveys for burrowing owls shall be conducted prior to the initiation of all project activities within potential burrowing owl nesting and roosting habitat (i.e., agricultural habitat with burrows of California ground squirrels) to determine if suitable burrowing owl habitat is present. Surveys shall be conducted by a qualified biologist in conformance with the most recent requirements and guidelines of the California Department of Fish and Wildlife (CDFW). The biologist shall determine the number and timeframe (prior to construction) of surveys to be conducted.
    b. Implement buffer zones. Areas currently occupied by burrowing owls shall be avoided for the duration of residing on-site and/or the nesting period (February 1 through August 31). The biologist will recommend a suitable buffer zone distance for avoidance of nesting or roosting habitat.
    c. Passive relocation. If burrowing owls cannot be avoided by the proposed project, then additional measures, such as passive relocation during the non-breeding season, may be utilized to reduce any potential impacts. Measures for successful relocation shall be recommended by a qualified biologist in conformance with CDFW requirements and guidelines.
    d. Initiation of construction activities. When a qualified biologist is able to determine that burrowing owls are no longer occupying the site and passive relocation is deemed successful, construction activities may continue. The applicant shall submit the determination of the biologist to the Planning Manager for authorization to continue.

(2) Nesting birds. New development projects with the potential to impact nesting birds through tree or shrub removal shall implement the following measures prior to removal of any trees/shrubs, grading, or ground disturbing activities:
    a. Avoidance. Proposed projects shall avoid construction activities during the bird nesting season (February 1 through August 31).
    b. Pre-construction surveys. If construction activities are scheduled during the nesting season, a qualified biologist shall conduct a preconstruction survey to identify any

potential nesting activity. The biologist shall determine the number and timeframe (prior to construction) of surveys to be conducted.

c. Protective buffer zone(s). If the survey indicates the presence of nesting birds, protective buffer zones shall be established around the nests. The size of the buffer zone shall be recommended by the biologist in consultation with the CDFW depending on the species of nesting bird and level of potential disturbance.

d. Initiation of construction activities. The buffer zones shall remain in place until the young have fledged and are foraging independently. A qualified biologist shall monitor the nests closely until it is determined the nests are no longer active, at which time construction activities may commence within the buffer area.

(3) Roosting bats. New development with potential to impact special-status or roosting bat species through demolition of existing structures or removal of trees on-site shall conduct the following measures prior to demolition:

a. Pre-construction surveys. A qualified biologist shall conduct a preconstruction survey during seasonal periods of bat activity (mid-February through mid-October) to determine suitability of structure(s) or trees as bat roost habitat.

b. Protective buffer zone(s). If active bat roosts are found on-site, a suitable buffer from construction shall be established per the biologist. The biologist shall determine the species of bats present and the type of roost.

c. Mitigation and exclusion. If the bats are identified as common species, and the roost is not being used as a maternity roost or hibernation site, the bats may be evicted using methods developed by a qualified biologist. If special-status bat species are found present, or if the roost is determined to be a maternity roost or hibernation site for any species, then the qualified biologist shall develop a bat mitigation and exclusion plan to compensate for lost roost. The site shall not be disturbed until CDFW approves the mitigation plan.

The proposed project is an infill site, surrounded by urban development and, as such, does not constitute a movement corridor for native wildlife. Creeks and riparian habitat are absent from the project site. Site development will have little effect on home range and dispersal movements of native wildlife moving through the site. The site provides minimal, if any, suitable habitat. Therefore, this project will result in a less than significant effect on regional wildlife movements.

Potential Impact: Less than Significant
Mitigation: None Required.

e-f) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project will be required to conform to the City of Fremont's Tree Preservation Ordinance and Storm Water Management and Discharge Control Ordinance. The applicant will be responsible for ensuring the project conforms with the requirements of these two ordinances and applying for any necessary permits, including a tree removal permit.

An arborist's report, dated January 5, 2017, was prepared for the property by Hort Science. Trees were assessed on December 21, 2016. The report provides an assessment of each tree's health, structure, suitability for preservation and protected status (Municipal Code Chapter 18.215) within and adjacent to the proposed project area and an evaluation of impacts to trees based on construction plans. The report identified four trees (one Holly oak, one Pecan, two Ginkgo) with a six-inch-or-greater diameter at breast height (DBH) on the site. Of these trees, one qualifies for

protection under the City's Tree Preservation Ordinance. The Pecan and Gingko trees are fruit- or nut-bearing trees and, as such, are exempt from the Ordinance pursuant to Fremont Municipal Code Section 18.215.050. None of the trees on site are city-designated Landmark trees.

The Holly oak and the Pecan trees would both be preserved in their current locations while the Gingko trees would be removed to facilitate the development of the site. The proposed project would include the planting of approximately 11 new trees on the project site.

Adherence to the above Ordinance requirements would reduce potential impacts to less than significant. There are no draft or adopted Habitat Conservation Plans for the project area at this time.

Potential Impact: Less than Significant
Mitigation: None Required.

V. CULTURAL RESOURCES

This discussion is based in part on the following documents:

- *Department of Parks and Recreation Primary Record* (DPR), prepared by Ward Hill, dated December 10, 1993; Revised March, 1994.
- *Cultural Resources Study for the Centerville Pioneer Site Townhomes Project* (Cultural Resources Study), prepared by LSA, dated July 10, 2017.
- *Revised Cultural Resources Study for the Centerville Pioneer Site Townhomes Project* (Revised Cultural Study and Historic Report), prepared by LSA, dated November 2, 2017
    - *Appendix B, Design Review Consultation Report – Evaluation for Consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties* (Historic Report), prepared by Interactive Resources, dated October 30, 2017.
    - *Appendix C, Geophysical Survey*

<u>Regulatory Framework</u>
State and local regulations that pertain to the proposed project related to cultural resources include:

- City of Fremont General Plan Community Character Element (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning Chapter 18.175 Historic Resources

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X		1, 28, 29, A
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 11, 28, 29, B, C
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			1, 11, 28, 29
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X			1, 11, 28, 29, B, C

Discussion/Conclusion/Mitigation

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

A summary of the historical significance of the former church site and the cemetery is provided in the *Cultural Resources Study* and is cited below:

> The Centerville Presbyterian Church and Cemetery (P-01-008611) is listed in the California Inventory of Historic Resources (1976) and is a City of Fremont Primary Historical Resource. This resource consists of a parcel containing both the former church site (1855-1994) and Centerville Pioneer Cemetery (1858-present day). This resource was first recorded in 1974 and in 1988 was found to be significant for its association with early pioneer history in Centerville and for the New England Gothic architectural style of the associated church (Carey 1988). P-01-008611 qualifies as a historical resource under CEQA, as defined at PRC §21084.1
>
> Alameda Presbyterian Church, later known as the Centerville Presbyterian Church, acquired a 2.5-acre property, including the current project site, in 1855 and constructed a small brick Gothic Revival church. In 1868, an earthquake destroyed the church; in its place, the congregation constructed a wood frame building in the same Gothic style on the original surviving foundation. Centerville Presbyterian's congregation moved to a larger facility in 1956; in 1993, an arson-related fire destroyed the 1868 building with the exception of the steeple. In 1994, the steeple was removed and placed in storage and the structural remains of the church were demolished. Following the demolition of the Centerville Presbyterian Church, the property that includes the church site and

cemetery remained listed on the City of Fremont Historical Resource Inventory (Camp 1998; Carey 1988; Holmes n.d.).

As discussed in the *Cultural Resources Study*, archival and background research to identify cultural resources was conducted and a field review was done by an archaeologist on April 10, 2017. The records search did not identify any previously documented precontact or historic-period archaeological sites within the project site or the vicinity. One built-environment resource, the Centerville Presbyterian Church and Cemetery (P-01-008611), is located within and adjacent to the project site, though the church burned down in 1993 as previously noted. As the church building no longer exists it no longer qualifies for listing on the Fremont Register, therefore the church listing would be removed from the Fremont register of historic resources. Per the Historic Resource Ordinance FMC 18.175.120, *Criteria for Changes to the Fremont Register*, a resource may be removed due to changed circumstances or alteration in a manner substantially reducing the significance of the resource. The remainder of the cemetery grounds, however, would remain on the Fremont register of historic resources.

Based on the findings in the *Cultural Resources Study*, it was determined that field testing and the use of geophysical survey was needed to better ascertain the potential of buried cultural resources and remains at the project site. Additionally, it was determined that review of the project for compliance with the Secretary of Interior Standards for Treatment of Historic Properties was necessary to determine whether the project could have a significant impact to historic resources. The results of the geophysical survey and archaeological analysis and the historic review are provided in the *Revised Cultural Study and Historic Report* and discussed below.

<u>Historic Architecture</u>

Prior to demolition of the remains the historic Presbyterian church, an Initial Study/Negative Declaration was prepared, which recommended that future development on the site reflect the architectural style and features of the former church including New England gothic architecture. The City's historic consultant reviewed proposed project elevations and in the *Cultural Resources Study* provided recommendation as to how the proposed project could be designed to comply with the Secretary of Interior's Standards for the Treatment of Historic Properties with specific guidance as to how the project architecture could be designed to convey a link, or semblance thereof, to the historic site or the New England Gothic-style Centerville Presbyterian Church formerly located there. As such, the original project was been re-designed to implement those recommendations, including the following elements typical of New England Gothic-style architecture:

- Tripartite windows;
- Arched windows with tracery;
- Vertical elements such as pinnacles, steeples, or turrets;
- Trefoil or quatrefoil details;
- Decorative vergeboard in gables; and
- Steeply-pitched side or cross-gabled roofs.

The project was redesigned to incorporate these elements. The *Revised Cultural Study and Historic Report* includes a design review and historic impact evaluation of the currently proposed project plans, which was done by an historic architecture professional to assess the degree of the project design's conformity with the Secretary of the Interior's Standards for Rehabilitation and the prior 1994 Initial Study/Negative Declaration (IS/ND) for the church building demolition. A recommendation to flip the site layout of the project such that the proposed buildings would be located toward the southern corner of the project site and the open driveway and landscaped area be located adjacent to the remainder of the cemetery was subsequently implemented in the proposed site plan. The historic architectural review concluded that the proposed project would

not result in a material impairment to the historic resource and that the proposed design is consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties – Rehabilitation Treatment (Weeks and Grimmer 1995), as analyzed in detail in the *Revised Cultural Study and Historic Report*.

Cultural Resources

Based on the background information and field review, the *Cultural Resources Study* determined that the project site has the potential to contain intact archaeological deposits, as well as human remains in the form of unmarked graves associated with the cemetery. Because these deposits would be associated with the church and cemetery, the deposits would have archaeological value and would be a component of the primary historical resource or could qualify as a unique archaeological resource under Public Resources Code (PRC) Sections 21084.1 and 21083.2. As such, the *Cultural Resources Study* recommended a field review and geophysical survey to identify potential archaeological deposits and human remains. The results of the field review and the geophysical survey are provided in the *Revised Cultural Study and Historic Report* and the analysis is summarized below.

A field review of the project site was conducted on April 10, 2017, by the LSA Associates archaeologist. The archaeologist met with the Senior Pastor of Centerville Presbyterian Church to research background information regarding the land use history of the project site, receive a tour of the cemetery grounds, and learn information on landscaped features. All exposed soils were inspected for pre-contact cultural materials (e.g., stone tools and lithic debitage, ground stone), historic-period artifacts (e.g., metal, glass, ceramics), and soil discoloration that might indicate the presence of archaeological deposits. Approximately half of the project site was paved and not surveyed due to the lack of ground surface visibility.

No pre-contact archaeological materials or features were identified during the survey; however, fragments of possible historic period ceramics and glass were observed on the surface. These fragments, likely the result of periodic grading and filling around the church, indicate the possibility of subsurface historic-period deposits associated with the former Church. Three depressions were also observed near the cemetery entrance along Bonde Way. According to the Senior Pastor of Centerville Presbyterian Church, the three depressions were backfilled grave shafts remaining from the disinterment of individuals relocated to other plots within the cemetery grounds to accommodate development in 2002 (Senior Pastor of Centerville Presbyterian Church personal communication with LSA Associates archaeologist on April 10, 2017). Based on the background information and field review, it was concluded that the project site had the potential to contain intact human remains associated with previous burials, as well as historic-period archaeological deposits associated with the former church. Based on this conclusion, and to establish the baseline conditions of the affected environment for use during CEQA review, LSA recommended additional identification efforts to locate potentially sensitive cultural resources. Due to the sensitivity of such resources to ground disturbance, and to respect the wishes of the community and congregation, a non-invasive geophysical survey was done to identify possible subsurface features.

The geophysical survey indicated responses consistent with possible graves for some portion of the site. On October 9, 2017, the LSA Associates archaeologist met with the Senior Pastor of Centerville Presbyterian Church to review an archival cemetery ledger that listed the names and locations of the individuals who were exhumed and relocated. According to the cemetery ledger, the remains were already exhumed and the plots identified in the study are empty. Based on the correlation between the historical record and the results of the geophysical survey, it appears that the subsurface electromagnetic anomalies detected during the geophysical survey can be attributed to empty backfilled grave shafts.

With respect to archaeological resources, the *Revised Cultural Study and Historic Report* determined there is the possibility, based on the proximity of the cemetery and historical use as a church site, that unidentified subsurface historic-period archaeological deposits associated with the former church and unmarked graves may be present in the project site. Such deposits, if present, could be encountered during project ground disturbance. Because these deposits, if intact, would likely be associated with the church and cemetery, they could have archaeological value that could qualify these deposits as a historical resource that is archaeological in nature, or a unique archaeological resource (PRC §§21084.1 and 21083.2).

Potential Impact Cul-1: The project may create a significant impact to buried archaeological resources or human remains through project construction-period ground disturbance. The implementation of the Archaeological Monitoring and Evaluation Plan (AEMP) described in MM Cul-1 below; monitoring of subsurface ground disturbance; resource evaluation; and data recovery will recover scientifically consequential information that would otherwise be lost due to project implementation and will reduce potential impacts to archaeological deposits and/or human remains that potentially qualify as a historical or unique archaeological resource under PRC §§ 21084.1 and 21083.2. The *Revised Cultural Study and Historic Report* recommended the following mitigation measures to reduce the potential impact scenarios to less-than-significant. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Implementing the following measure would reduce Impact Cul-1 to a less than significant level:

MM Cul-1:

> Archaeological Monitoring and Evaluation Plan
> Due to the potential for encountering human remains and/or archaeological deposits, archaeological monitoring shall be conducted for construction-related ground disturbance to identify and avoid and/or substantially reduce the severity of potential impact scenarios. The monitoring shall be done in accordance with, and as directed by, an Archaeological Monitoring and Evaluation Plan (AMEP) prepared and implemented for the project. The purpose of the AMEP is to ensure that significant archaeological deposits discovered during construction are identified, evaluated, and appropriately treated through the use of a pre-established research design and field evaluation strategy, consistent with the requirements of CEQA Guidelines §15126.4(b)(3)(C). The AMEP shall be prepared and implemented by a qualified professional archaeologist and shall include review and input from the church administration and congregation to ensure that descendent/community concerns are adequately integrated into the plan.
>
> The AMEP shall include a construction monitoring component and an evaluation component. The monitoring component of the AMEP shall refine the archaeological sensitivity of the project site to: (1) identify areas that will be subject to monitoring; (2) define the frequency of monitoring; (3) identify those areas with little to no possibility of containing intact deposits or human remains.
> The evaluation component of the AMEP will guide fieldwork if archaeological deposits or human remains are identified during monitoring. The purpose of this component is to establish an evaluation process to shorten the time necessary to respond to and evaluate the significance of discoveries made during archaeological monitoring. The evaluation component shall contain a field study

and technical analysis work plan to guide the methods and procedures to be used during the significance evaluation. The treatment of human remains during the evaluation process shall be addressed, and procedures for the respectful treatment of such remains shall be developed through consultation with the applicant and the City prior to the final draft of the AMEP.

FMC Section 18.218.050 (c) Cultural Resources.

…

(2) Accidental discovery of cultural resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:

a. The project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.

b. The project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing buried cultural resources, including significant prehistoric archaeological resources. The briefing shall discuss any cultural resources, including archaeological objects, that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team.

c. In the event that any human remains or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064(e) and (f) requiring cessation of work, notification, and immediate evaluation shall be followed.

VI. GEOLOGY AND SOILS

This discussion is based in part on the following documents:

- *Geotechnical Feasibility Study* (Geotech Report), prepared by Cornerstone Earth Group, dated January 24, 2017.

Regulatory Framework

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

- City of Fremont General Plan Safety Element (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- California Building Code (2013)

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		1, 5, 6, D
	ii) Strong seismic ground shaking?		X			1, 5, 6, D
	iii) Seismic-related ground failure, including liquefaction?		X			1, 5, 6, D
	iv) Landslides?				X	1, 5, 6, D
b.	Result in substantial soil erosion or the loss of topsoil?				X	1, 5, 6, 8, D
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?		X			1, 5, 6, D
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?		X			1, 5, 6, D
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	N/A

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; ii) Strong Seismic Ground Shaking; iii) Seismic-related ground failure, including liquefaction; iv) Landslides?

The project site is not located within the Alquist-Priolo Earthquake Fault Zone (California Division of Mines and Geology). The Alquist-Priolo Earthquake Zoning Act restricts construction activity in known active and well defined fault zones likely to experience surface fault rupture. Because the site is not located within the designated Alquist-Priolo Earthquake Zone, and is not located on or immediately adjacent to an active fault, construction or operation of the proposed project would have a less than significant impact in relation fault rupture hazards.

The following conclusions related to geology and soils are provided in the *Geotech Report*.

1. Potential for Liquefaction-Induced Settlement: The site is not mapped within a California Seismic Hazard Zone for liquefaction (CGS, 2003) or a City of Fremont Liquefaction Hazard Area (City of Fremont, 2011); however, it is about 3,000 feet away from these areas. Additionally, the site is within a zone mapped as having a moderate liquefaction

potential by the Association of Bay Area Governments (ABAG). Liquefaction can result in ground failure (fissures, sand boils, etc.), foundation bearing failure, and settlement of the ground surface. Soil most susceptible to liquefaction is loose, noncohesive soil that is saturated and bedded with poor drainage, such as sand and silt layers bedded with a cohesive cap. Depending on the liquefiable layer thickness and depth, liquefaction-induced settlements can range from less than an inch to several inches and significantly larger, if surface rupture occurs. The potential for liquefaction should be evaluated further as part of the design-level geotechnical investigation.

2. Undocumented Fill: Areas of undocumented fill and loose surficial materials should be anticipated and planned for by the contractor. Demolition of existing improvements should be carefully coordinated between the demolition and grading contractors to prevent loosely backfilled excavation areas. Based on our understanding and the history of the site, significant depths of undocumented fill may be encountered below the existing ground surface. Undocumented fill within future improvement areas should be removed and replaced as engineered fill. We recommend the presence and lateral extent of undocumented fill be evaluated further during the design-level geotechnical investigation.

3. Redevelopment Considerations: The site is presently occupied by an existing asphalt concrete pavement area. Potential issues that are often associated with redeveloping sites include demolition of existing improvements and foundations, backfilling former depressed slab or sump areas, and abandonment of existing utilities. Careful coordination is usually required between the demolition and grading contractors to reduce the potential for deep excavations that are not properly backfilled or conflicts with future below-grade construction.

4. Soil Corrosion Potential: Based on our experience in the vicinity of the site, the site soil may be corrosive to buried concrete and metallic utilities. Laboratory testing of the near surface soil at the site is recommended to evaluate the potential for corrosion to buried concrete and metallic utilities. Preliminary soil corrosion screening can be performed during the design-level geotechnical investigation.

Potential Impact Geo-1: The project may expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death due to seismic activity and potential seismic related ground shaking including liquefaction. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Implementing the following measures would reduce Impact Geo-1 to a less than significant level:

MM Geo-1a. Geotechnical Plan Review

The project Geotechnical Consultant shall review all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements, and design parameters for foundations, and retaining walls). The consultant shall verify that their recommendations, including those regarding the need for further evaluation for potential liquefaction and the presence and lateral extent of undocumented fill as well as laboratory testing for corrosive soil, have been properly conducted and any necessary design measures are incorporated into the construction plans. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the City Engineer prior to issuance of building permits.

MM Geo-1b. Geotechnical Field Inspection
The project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project shall be summarized by the project Geotechnical Consultant in a letter and submitted to the City Building Official /City Engineer for review prior to final (as-built) project approval.

To further address and reduce impacts related to potential seismic activity and liquefaction, all grading, foundations, and structures for the proposed project would be required to be engineered and designed in conformance with applicable geotechnical and soil stability standards as required by the 2016 California Building Code (CBC). Conformance to the applicable 2016 CBC standards would reduce safety impacts to the structures, their occupants, and the adjacent properties to a less-than-significant level.

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

An erosion control plan will be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion or loss of topsoil during grading and construction activities. As such, impacts associated with geology and soils would be less-than-significant, with mitigation.

Potential Impact: Less than Significant
Mitigation: None 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 site is not located within a California Seismic Hazard Zone for landsliding (CGS, 2003) or a City of Fremont Landslide Hazard Area (City of Fremont, 2011). Due to the relatively flat topography, the potential for landsliding at the site may be considered low; however, as discussed in subsection a) above, the *Geotech Report* recommends that the potential for liquefaction be evaluated further as part of the design-level geotechnical investigation. As such, the project will implement mitigation measures MM Geo-1a. and MM Geo-1b (described in subsection a) above) to ensure the project will not have a significant impact with regard to unstable geologic units or soils.

Potential Impact: Less than Significant with Mitigation
Mitigation: MM Geo-1a. and MM Geo-1b (described in subsection a) above)

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

As discussed above in subsection a) and recommended in the *Geotech Report*, areas of undocumented fill and loose surficial materials should be anticipated and planned for this project. As such, the potential presence and lateral extent of undocumented fill shall be evaluated further during the design-level geotechnical investigation. Mitigation measures for the project (MM Geo-1a. and MM Geo-1b.) will ensure the impact would be less than significant.

Potential Impact: Less than Significant with Mitigation

Mitigation: MM Geo-1a. and MM Geo-1b (described in subsection a) above)

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?

The project does not require the ability to support new septic tanks or alternative wastewater disposal. New stormwater, wastewater and other utilities would be connected to existing utility infrastructure adjacent to the site. For this reason, no impacts would result in relation to septic tanks or alternative wastewater treatment.

Potential Impact: None
Mitigation: None Required.

VII. GREENHOUSE GAS EMISSIONS

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

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

Environmental Checklist

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

Discussion/Conclusion/Mitigation

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

Because of the broad context and setting of the potential impacts of contributing to global climate change, the assessment of project-level emissions looks at whether a project's emissions would significantly affect the ability of the State to reach its AB 32 goals. This is identified within the City's General Plan Conservation Chapter and certified Environmental Impact Report (EIR) as the context for reviewing project effects and global climate changes. The General Plan EIR established analysis considering the projected increase in emissions from new growth through the year 2020. As shown in the table below, the project attributes of the proposed residential project are below the operational screening criteria established by the BAAQMD as a conservative

estimate as to whether a project would exceed the 1,100 MT of CO2e/year threshold of significance for projects other than stationary sources.

Table: Criteria Air Pollutants and Precursors and GHG Screening Level Sizes

Land Use	Operational Criteria Pollutant Screening Size	Operational GHG Screening Size	Construction Related Screening Size
Condo/townhouse, general	451 du (ROG)	78 du	240 du (ROG)
>>Proposed Project	8 du	8 du	8 du

Project construction could generate GHG emissions resulting from construction equipment and grading and paving activities. However, no significant soil export is expected to occur that would involve extensive transport. As previously discussed in the Air Quality section of this Initial Study, an estimated 350 cubic yards of soil would be exported from the site to achieve planned rough grading elevations, which is well below the 10,000 cubic yard threshold considered extensive material transport by BAAQMD.

As previously discussed, per FMC Section 18.218.010, all development projects that have that have the potential to adversely disturb or impact a) special-status species; b) cultural resources; and c) air quality due to construction activities such as grading, demolition, and tree and shrub removal, shall implement the adopted standard development requirements to address resource protection provided in FMC Section 18.218.050. This includes, FMC Section 18.218.050 (a), discussed in the Air Quality section of this Initial Study. As a standard project requirement, the proposed project shall implement FMC Section 18.218.050(a)Air, which incorporates BAAQMD Best Management Practices for project construction, and, therefore, would reduce impacts to air quality from greenhouse gas emissions during project construction to less than signfiicant.

Implementation of development standard in FMC Section 18.218.050 (a) applicable to construction related emissions would reduce construction related impacts. Additionally, the project would also implement Best Management Practices, such as the recycling of construction materials in compliance with the City's waste diversion ordinance. The project would also be required to adhere to the City's Green Building Code, which includes mandatory measures for all building construction. These requirements would further reduce impacts related to GHG emissions to less than significant.

In 2012, the City of Fremont adopted the *Fremont Climate Action Plan (CAP)*, to address the major sources of GHG emissions to meet the emission reduction goal of 25 percent below Fremont's 2005 conditions by 2020 (City of Fremont, 2012). To meet this goal, the City adopted community-wide measures to reduce emissions in the sectors of land use and mobility, energy, solid waste, water, and municipal services and operations. By adhering to the requirements of the City's Green Building Code and measures for waste diversion, the proposed project would be consistent with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions.

Potential Impact: Less than Significant
Mitigation: None Required

VIII. HAZARDS AND HAZARDOUS MATERIALS

This discussion is based in part on the following documents:

- *Phase I – Environmental Site Assessment*, prepared by Cornerstone Earth Group, dated January 23, 2017.
- *Limited Soil Quality Evaluation*, prepared by Cornerstone Earth Group, dated April 10, 2017

Regulatory Framework

Hazardous waste generators and hazardous materials users in the City are required to comply with regulations enforced by several federal, state, and county agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

The routine management of hazardous materials in California is administered under the Unified Program. The Fremont Fire Department acts as the Certified Unified Program Agency (CUPA), an administrative agency that coordinates and enforces numerous local, State, and Federal hazardous materials management and environmental protection programs for hazardous material users city-wide, including:

- Hazardous Materials Business Plan Program
- Hazardous Waste Generator Program
- Underground Storage Tank Program
- California Accidental Release Program
- Tiered Permitting Program
- Aboveground Storage Tank Program

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

- City of Fremont General Plan Land Use and Safety Elements
- City of Fremont Fire Code
- Department of Toxic and Substances Control (DTSC) Hazardous Waste and Substances Site List

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 6, 7
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?		X			1, 6, 7, E, F
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or				X	1, 3, E, F

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
	waste within one-quarter mile of an existing or proposed school?					
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 18, E, F
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	30

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 project, an eight-unit attached townhouse residential subdivision, would not involve the routine transport, use, or disposal of hazardous materials and, as such, would not create a significant hazard to the public or the environment. Therefore, impacts would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required

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

The *Phase I – Environmental Site Assessment* identified the following Recognized Environmental Condition (REC):

> Soil adjacent to structures that are painted with lead-containing paint can become impacted with lead as a result of the weathering and/or peeling of painted surfaces. Soil near wood framed structures also can be impacted by pesticides

> historically used to control termites. There is a potential that residual lead and pesticide concentrations could remain in on-site soil resulting from the prior on-site structure.

Soil samples were collected and analyzed and the results are provided in the *Limited Soil Quality Evaluation.* The following conclusions were provided in the *Limited Soil Quality Evaluation*:

> Based on the analytical results, soil from the upper approximately 1 to 2 feet of soil appears to have lead at concentrations above its residential DTSC-SL and will likely require management prior to site development. Some of this soil may be considered a non-RCRA hazardous waste if disposed of off-site. Arsenic was also detected above its typical background concentration in the upper approximately 1 to 2 feet of soil, but to a lesser extent. We recommend developing a Soil Management Plan (SMP) that will provide guidelines for the appropriate handling and management of this soil. Additional sampling may be recommended to develop and/or implement the SMP. We recommend removal of the soil that exceeds residential screening levels or background levels (arsenic). If this soil will be consolidated beneath a cap, such as pavements or building foundations, we recommend engaging in oversight agency and obtaining their approval prior to implementation of the work.

Potential Impact Haz-1: The project may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: The following mitigation measures would implement the recommendations from the soil analysis and would reduce Impact Haz-1 to a less than significant level:

MM Haz-1a: A Soil Management Plan (SMP) shall be developed to provide guidelines for the appropriate handling and management of soil with known contaminants or Recognized Environmental Condition (REC) concentrations above the residential screening levels recommended in the California Department of Toxic Substances Control (DTSC) Office of Human and Ecological Risk (HERO) guidance document Human Health Risk Assessment Note 3 (2016).

Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or RECs at the subject property shall be implemented to the satisfaction of the Alameda County Water District (ACWD), City of Fremont Fire Department, California Department of Toxic Substance Control (DTSC), or other appropriate agency having jurisdiction, depending on the location (e.g., depth) and the type of REC found and the jurisdictional purview of the agencies. Completion of the remediation work and procurement of an appropriate closure document or written statement that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the satisfaction of the City of Fremont Community Development Department. Compliance with this mitigation may require the applicant or their agent to complete a Preliminary Endangerment Report, Voluntary Cleanup Agreement or other documentation as determined by the appropriate agency, and receive concurrence that the site's RECs have been resolved.

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?

Several schools are located within one-quarter mile of the project site, including Learn and Play Montessori School (37220 Maple Street), Harvest Christian Preschool (4360 Hansen Avenue), and Holy Spirit Preschool (3930 Parish Avenue). The proposed multifamily residential subdivision project would not be considered a hazardous materials facility and would not emit hazardous emissions or involve the handling of hazardous or acutely hazardous materials, substances, or waste. As such, the proposed project would not emit hazardous emission or handle hazardous materials within one-quarter mile of an existing or proposed school and no impact would result.

Potential Impact: No Impact
Mitigation: None Required

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

As discussed in the *Phase I – Environmental Site Assessment*, Cornerstone Earth Group reviewed the results of the state and federal environmental database searches and also reviewed information available in the California GeoTracker database. The site was not listed on any of the databases searched. The project site is not listed on DTSC's Hazardous Waste and Substances Site List (Cortese List) and would not create a significant hazard to the public or the environment. Thus, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

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

The project site is not located within an airport land use plan nor are there any public or private airports within City limits. Thus, no impact related to safety hazards for people residing or working in the area near the proposed site would result.

Potential Impact: No Impact
Mitigation: None Required

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?

As there are no private airstrips within the Fremont city limits, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

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

The City of Fremont's Disaster Management Operations Plan (DMOP) was developed in compliance with State requirements and also meets the requirements of the Federal Emergency

Management Agency (FEMA) as the City's local hazard mitigation plan. Fremont's DMOP provides policies and procedures for the evacuation, dispersal or relocation of people from hazardous areas during disasters to less threatened areas. The plan also describes the organization and responsibilities for conducting movement operations. The need for evacuation routes and the appropriate routes will vary for each type of disaster. There are no identified evacuation routes within proximity of the site. The proposed project design has been reviewed by the Fremont Fire Department to ensure adequate ingress and egress and incorporates additional design measures and would not impede emergency response purposes.

The proposed project would be located on an infill site and developed in conformance with the site's General Plan land use designation; therefore, it would not impair or interfere with the adopted emergency response or emergency evacuation plan and no impact would result.

Potential Impact: No Impact
Mitigation: None Required

h) 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?

As discussed in the GP EIR, General Plan implementation measures in combination with the application of the Wildland-Urban Interface Ordinance would reduce potential risks associated with wildland fires to a level considered less than significant.[9]

The project site is not located in a Fire Hazard Area and would not expose people or structures to significant risk involving wildland fires. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

IX. HYDROLOGY AND WATER QUALITY

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

- City of Fremont General Plan Conservation Element (Water Quality Standards)
- California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES), Order R2-2015-0049, NPDES Permit No. CAS612008 (NPDES C.3)
- Federal Clean Water Act 1987

Environmental Checklist

	Would the project:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Violate any water quality standards or waste discharge requirements?			X		1, 6, 8, 14, 15,

[9] City of Fremont. *Fremont General Plan Update EIR*. Chapter 4, Section I. Hazards and Hazardous Materials: Page 4-271.

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
						16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of 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)?				X	1, 6, 8, 14, 15, 16
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X	1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?				X	1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Discussion/Conclusion/Mitigation

a-b, f) Would the project violate any water quality standards or waste discharge requirements? Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Would the project otherwise substantially degrade water quality?

The existing site is partially covered with impervious surfaces, including buildings and paved parking area. The existing impervious area is approximately 7,800 square feet whereas the proposed project would have approximately 13,620 square feet of impervious surfaces, a total increase of approximately 5,820 square feet.

Construction

The SWRCB's statewide stormwater general permit for construction activity (Order 2009-009-DWQ as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) is applicable to all land-disturbing construction activities that would disturb 1 acre or more. Because disturbed areas within the project site would be greater than one acre, the project would obtain coverage under the NPDES Construction General Permit through the SWRCB

The proposed project would require grading, excavation, and vegetation removal, thereby resulting in the project site becoming vulnerable to erosion. Eroded soil is generally carried as sediment in surface runoff to be deposited in natural creek/river beds, canals, and adjacent waters, though there are no creek beds or waters adjacent to the site. The applicant will be required to develop an erosion control plan as a condition of approval. The applicant must also comply with standard erosion control measures that employ best management practices (BMPs) as required by section C.6 of the NPDES Municipal Regional Stormwater Permit and Fremont's Grading, Erosion and Control Municipal Code, Chapter 18.205. The goals of the SWPPP are to implement measures in disturbed areas to minimize non-stormwater discharges (i.e., discharge or accidental spills of fuels, oils, petroleum hydrocarbons, paints, solvents, cleaners, or other construction materials) and minimize stormwater discharges (i.e., transport of sediments) into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction, and implement permanent post-construction measures that would remain in service to protect water quality throughout the life of the project.

Potential erosion and transportation of soil particles would be managed through standard construction BMPs, such as installation of silt fences, which would substantially reduce potential sediment transport from the construction site. Other construction-related contaminants, such as oil and greases, would be managed through appropriate material handling and good housekeeping practices at the construction site. Other BMPs that would be implemented at the site include stabilized construction entrances and stormdrain inlet protection. The contractor would also be responsible to maintain these BMPs in good and effective condition.

The SWPPP shall identify and specify:

- The use of an effective combination of erosion and sediment control Best Management Practices and construction techniques accepted by the City at the time of construction, that would reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites;

- The implementation of approved local plans, non-stormwater management controls, permanent post-construction Best Management Practices, and inspection and maintenance responsibilities;
- The pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- The means of waste disposal;
- Personnel training requirements and procedures that would be used to ensure that workers are aware of permit requirements and proper installation methods for Best Management Practices specified in the SWPPP; and
- The appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

The project applicant would consider the full range of erosion control Best Management Practices and would consider any additional site-specific and seasonal conditions when selecting and implementing appropriate Best Management Practices. Best Management Practices may include, but are not limited to, such measures as:

- Identifying a construction schedule that restricts excavation and grading activities to the dry season (generally April 15 to October 15) to reduce erosion associated with intense rainfall and surface runoff.
- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include, but are not limited to, silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by intercepting and diverting runoff to a channel, thereby preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

Although unlikely, perched groundwater could be within a few feet of the excavation level, and construction dewatering may be required. If groundwater is encountered during construction, water would be removed from active work areas, treated where necessary (sediments would be allowed to settle), and disposed of in accordance with permit requirements.

Implementation of the above listed requirements and conditions would reduce impacts to downstream waters from erosion and polluted stormwater runoff to a less than significant level.

Operation

Because the project would create and replace in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulate the treatment of stormwater runoff on the site. Provision C.3 of the NPDES permit governs storm drain systems and regulates post-construction stormwater runoff. The provision requires new development and redevelopment projects to incorporate low impact development (LID) techniques and other appropriate source control and site design features to treat stormwater runoff from all on-site impervious surfaces on site before it is discharged into the public storm drain system. Consistent with the Municipal Regional Permit's

C.3 requirements, the storm drainage system would be designed with bioretention facilities that would treat all impervious surface runoff on site.

The project would be designed in compliance with C.3 requirements and construction would be done in conformance with the California State Water Board Construction General Permit and Best Management Practices provided in the CASQA Construction BMP Handbook and, as such, no water quality or groundwater impacts would result.

Potential Impact: Less Than Significant
Mitigation: None Required

c-e) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The proposed project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. Drainage from the project would be directed to bio-retention basins and landscape-based treatment areas located at the development and ultimately discharge into the public storm drain system via a new piped system that would be constructed on the site. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

g-j) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Inundation by seiche, tsunami, or mudflow?

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

Potential Impact: No Impact
Mitigation: None Required

X. LAND USE AND PLANNING

Regulatory Framework

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

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

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Physically divide an established community?				X	1, 2, 6, 8
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 2, 3, 6, 8, 14, 15, 16
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3, 6, 8, 14, 15, 16

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 multi-family residential project would not physically divide an established community in that it would be located in an area of the City surrounded by existing residential and commercial developments, near a major arterial roadway (Fremont Boulevard). Therefore, it would not introduce an incompatible land use to the area. The project does not propose to close any publicly accessible roadway that exists today. The project site is an infill site, and its development would not introduce a use or physical feature that would create a barrier, divide or separate adjacent uses, or impede movement or circulation through the neighborhood.

The proposed project would be consistent with policies and regulations in the Fremont General Plan and zoning ordinance intended to mitigate environmental effects.

Land Use Designation

The site's General Plan designation is Open Space General (western/rear portion of project site, APN 501-1426-12-4), and Town Center – Commercial (eastern/front portion of site, APN 501-1426-16-4). The site's Zoning designation is Open Space (western/rear portion of site, APN 501-1426-12-4), Town Center – Pedestrian (eastern/front portion of site, APN 501-1426-16-4).

The proposed project includes a General Plan Amendment to change the project area's Land Use designation from Open Space General and Town Center – Commercial to Medium Density Residential (14.6 to 29.9 units per net acre). The project site would also be rezoned from Open Space and Town Center – Pedestrian to Multi-family Residential R-3-23.

As part of the General Plan Amendment for the residential project, a small strip along the Bonde Way frontage of the cemetery will be changed from Town Center to General Open Space OS-G, to match to the OS-G Land Use designation on the majority of the cemetery grounds. This area is part of the cemetery grounds, is not proposed for development, and should also be under the OS-G Land Use designation (see General Open Space description below).

The Medium Density Residential (14.6 to 29.9 units per net acre) Land Use designation is described in the General Plan as follows:

> **Medium Density Residential (14.6 to 29.9 units per net acre)**
> The Medium Density designation applies to garden apartments, condominiums, flats, townhouses, and low-rise multi-family complexes. Net densities in these areas generally range between 14.6 and 29.9 units per net acre, corresponding to site area allowances of 1,450 square feet per unit to 3,000 square feet per unit. These areas are multi-family in character, but retain some of the characteristics of suburban neighborhoods such as landscaped yards, off-street parking, common open space, and low building heights. Structures in these areas are generally less than four stories tall and have surface parking. Other compatible uses, such as schools, child care centers, parks, and religious facilities, may also locate in areas with this designation. Correlating zoning includes the R-3 district zones and the R-G zone.

This land use designation is intended to accommodate multi-family residential neighborhoods characterized by apartments and townhomes, such as the proposed project. The proposed project would provide rental apartments, though a subdivision map has been submitted that would facilitate conversion to for-sale condominiums, should the property owner wish to do so in the future. Four of the eight apartments will be rented at Below Market Rate, as proposed by the applicant.

With the proposed tract map, the overall 1.5-acre cemetery grounds would be subdivided into four lots, including one for each of the two four-unit townhouse buildings, a lot for the new private street that would provide access to the garages of the eight townhouses, and an approximately 1.1-acre lot for the cemetery. The residential development and private street would be located on 0.4 net acres.

The project's proposed residential density of 20 dwelling units per acre (du/ac) would conform to the density of the proposed Land Use designation (Medium Density Residential (14.6 to 29.9 units per net acre)) and the proposed Zoning designation (Multi-family Residential R-3-23).

Historic Resource Ordinance

The proposed project has been designed to comply with the Secretary of Interior Standards for Historic Preservation, as discussed in the Cultural Resources section of this Initial Study. The

proposed buildings have been plotted to provide over 45 feet of horizontal separation between buildings and the cemetery grounds, to ensure the proposed buildings would encroach no closer to the cemetery than the mass of the old church once did a project and would not overwhelm the historic site. The proposed architecture of the new buildings has been designed to evoke the previous church design (New England Gothic) without falsely mimicking that historic structure. Due to these historical compatibility considerations, a larger project providing a density that would conform with the Town Center designation (i.e., Urban Residential 30+ du/ac) would not be possible at this location.

Consistency with General Plan Policies

The proposed project site has remained vacant and underutilized for nearly 25 years, since the church burned down in 1993. As discussed in the Cultural Resources section of this Initial Study, the 0.4-acre project site includes no burial plots and, as such, the current General Plan Open Space designation is no longer appropriate for the site. The project site is located in the Centerville Priority Development Area, identified as an opportunity area for growth and change, per General Plan Land Use Policy 2-2.1 (below). Redevelopment of this infill site that is no longer needed for the cemetery and is already served by infrastructure and public streets is proposed, in conformance with the following General Plan policies.

> **Land Use Policy 2-1.11: Infill Emphasis** – Focus new development on under-developed or "skipped-over" sites that are already served by infrastructure and public streets. Strongly discourage, and where appropriate prohibit, the conversion of open space or underdeveloped land on the fringes of Fremont to urban uses.
>
> **Land Use Policy 2-3.4: Infill Development** – Support infill development on vacant and underutilized land in Fremont's neighborhoods, particularly where there are vacant lots or parcels that create "gaps" in the urban fabric and disrupt the continuity of a neighborhood. Such development should respect the scale and form of surrounding properties.
>
> **Land Use Policy 2-3.8: Location of Higher Density Housing** – Generally locate new higher density housing in Priority Development Areas and the TOD Overlay where there is good access to transit, proximity to local-serving commercial uses, and proximity to collector or arterial streets. Conversely, the City should discourage the use of developable sites with these attributes for new low employee intensity or low value land uses.
>
> **Land Use Policy 2-2.1: Opportunity Areas for Growth and Change** – Guide new growth and development to specific areas as prescribed by Diagram 2-2 in the General Plan, and as further directed by more detailed planning studies. As prescribed by the text below, growth areas may include "primary" areas where land use changes are anticipated and encouraged and "secondary" growth areas where land use changes may be longer-term.
>
> The primary growth areas include City Center, the areas around the proposed Irvington and Warm Springs / South Fremont BART station areas, the area around the Centerville ACE station, and within 1,000 feet of the Fremont Boulevard corridor and other Urban Corridors identified in the Community Character Element. The areas surrounding transit stations have been formally recognized as "Priority Development Areas" (PDAs) by ABAG and may be eligible for incentives such as transportation funds and other programs that

> facilitate growth. The secondary growth areas include other commercially and industrially zoned lands in the city with the potential to create job and housing opportunities while contributing to the city's evolution into a more sustainable and pedestrian-oriented city. This includes, but is not limited to, the Mowry East shopping district (at Mowry and I-880), the Shinn Terminus (at the end of Shinn Street), the Fremont Boulevard / Decoto gateway, the Warm Springs commercial area at the Mission and Warm Springs Boulevard intersection, and the remainder of Pacific Commons.

By developing this vacant infill site, the project would locate new residential units in close proximity to the ACE Train Station, allowing for the residents of the new units to walk to the station (500 feet away by public sidewalks) and commute by rail rather than personal vehicle and to walk to existing shops and restaurants along Fremont Boulevard. Therefore, the project would be consistent with the following General Plan policies:

> **Community Character Policy 4-2.1: Complete Neighborhoods** – Encourage walkable, connected neighborhoods with multiple land uses and housing types, rather than self-contained residential subdivisions with a single housing type. Neighborhoods should accommodate safe walking and bicycling to daily necessities, services, and transit lines. This policy contributes to the City's sustainability efforts by encouraging neighborhoods where walking and bicycling are the preferred modes of travel for short trips. Providing goods and services within walking distance can reduce the number of auto trips a household makes, thereby curbing greenhouse gas emissions. Walkable neighborhoods can also contribute to public health, and can build a sense of community by encouraging interaction between neighbors.
>
> **Mobility Policy 3-2.3 Pedestrian Networks** – Integrate continuous pedestrian walkways in Fremont's City Center, Town Centers, residential neighborhoods, shopping centers, and school campuses. Place a priority on improving areas that are not connected by the City's pedestrian network, with the objective of making walking safer, more enjoyable, and more convenient.

The project would not conflict with any General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no impacts on land use planning would result from the project, and no mitigation is required.

There are no habitat conservation or natural community conservation plans in effect within the City of Fremont. Thus, the proposed project would not conflict with any such plan and no impact would result.

Potential Impact: Less than Significant Impact
Mitigation: None Required

XI. MINERAL RESOURCES

Regulatory Framework

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

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

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	1, 6, 8
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?				X	1, 6, 8

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 resource maps, there are no known mineral resources of importance to the state or region on the site or within the surrounding area.

The proposed project would not result in a loss of a known mineral resource that would be of value to the region and the residents of the state or 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 and no impact would result.

XII. NOISE

This discussion is based in part on the following documents:

- *Noise Impact Analysis: Centerville Pioneer Project*, prepared by LSA, dated July 25, 2017.

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

- City of Fremont General Plan Safety Element (Noise and Vibration Standards)
- City of Fremont Municipal Code
- California Building Code (2013)

Environmental Checklist

Would the project result in:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X			1, 3, 9, G
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X		1, 3, 9, G
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9, G
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9, G
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

Discussion/Conclusion/Mitigation

a-c) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Exposure of persons to a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

The applicable noise standards governing the project site include the City's Safety Element of the General Plan and the Municipal Code. A project will have a significant noise impact if it will substantially increase the ambient noise levels for adjoining areas or conflict with adopted environmental plans and goals of the community in which it is located.

As discussed in the *Noise Impact Analysis,* certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The project site is located within the Centerville Community Plan Area in the City of Fremont that is predominately developed with industrial, commercial, retail uses, and multi-family residential uses. The closest sensitive receptor includes the single-family residence located approximately 60 feet east of the proposed project. The next closest sensitive receptors are the multi-family residential units located approximately 600 feet northeast of the project site.

Applicable Noise Regulations

The City of Fremont General Plan Safety Element (adopted in 2011) outlines acceptable exterior and interior noise standards for residential development. The General Plan states that exterior noise levels should not exceed an Ldn of 60 dBA at backyards in single-family housing, however, where an outdoor Ldn of 60 dBA or lower cannot be achieved after the application of feasible mitigations, an Ldn of 65 dBA may be permitted at the discretion of the City Council. The General Plan states that interior noise levels should not exceed 45 dBA Ldn in new housing. Typical instantaneous noise levels should should not exceed 50 dBA in bedrooms during the nighttime or 55 dBA in any other rooms and bedrooms during the daytime.

FMC Section 18.50.040 excludes from its performance standards noise generated from temporary construction activities. However, construction activity is controlled via limitations on construction hours. FMC Chapter 18.160 limits weekday construction hours for activities within 500 feet of a noise-sensitive receptor to the weekday hours of 7:00a.m. and 7:00p.m. and the Saturday and holiday hours of 9:00a.m. to 6:00p.m.; Sunday construction is not allowed.

The proposed project would develop residential uses in an urbanized, developed area in the City of Fremont.As discussed in the *Noise Impact* Analysis, long-term or operational noise can be categorized as mobile source noise and stationary source noise. Mobile source noise would be attributable to the additional trips that would be a result of the propos ed project. Stationary source noise includes noise generated by the residential uses of the site, such as heating, ventilation, and air conditioning (HVAC) equipment. The *Noise Impact Analysis* determined that the estimated vehicle trips for the proposed project "would represent a small fraction of the overall roadway traffic volumes…and would not result in a perceptible increase in traffic noise levels at receptors in the project vicinity." The *Noise Impact Analysis* also determined that the project would not generate substantial stationary noise and would operate below the threshold for significant noise impacts for residential uses, as provided in the City's General Plan Safety Chapter.

To quantify the existing noise environment at the project site, a short-term 15-minute noise measurement was recorded on site between 3:03 p.m. and 3:18 p.m. on May 17, 2017 and a long-term noise measurement recorded a 24-hour measurement from May 17, 2017 to May 18, 2017. The *Noise Impact Analysis* found that "the dominant source of noise in the project vicinity is traffic noise on Bonde Way." As shown in Table D of the *Noise Impact Analysis*, the short-term noise monitoring on the project site measured 59.2 dBA Leq and the long-term noise monitoring measured 62.2 dBA Ldn.

Interior Noise Analysis

The *Noise Impact Analysis* determined that, with windows open, the proposed residential units would not meet the City's normally acceptable residential interior noise standard of 45 dBA Ldn (i.e., 62.2 dBA – 15 dBA = 47.2 dBA). However, based on the EPA's Protective Noise Levels, with a combination of walls, doors, and windows, standard construction for Northern California residential buildings (STC-24 to STC-28) would provide more than 25 dBA in exterior-to-interior noise reduction with windows closed and 15 dBA or more with windows open.

Therefore, the *Noise Impact Analysis* recommends that an alternate form of ventilation, such as an air-conditioning system, be provided for all units to ensure that windows can remain closed for a prolonged period of time. A ventilation system would reduce noise levels for residents with windows closed and would meet the City's normally acceptable interior noise level criterion of 45 dBA (i.e., 62.2 dBA – 25 dBA = 37.2 dBA).

Instantaneous Noise Analysis

As discussed in the *Noise Impact Analysis*, the long-term noise measurement indicated a maximum instantaneous noise level of 76.8 dBA Lmax during the daytime (7:00 a.m. to 10:00 p.m.) and a maximum instantaneous noise level of 70.1 dBA Lmax during the nighttime (10:00 p.m. to 7:00 a.m.). With windows and doors closed, maximum instantaneous daytime noise levels would be approximately 51.8 dBA Lmax (i.e., 76.8 – 25 = 51.8) while maximum instantaneous nighttime noise levels would be approximately 45.1 dBA Lmax (i.e. 70.1 – 25 = 45.1). These maximum instantaneous noise levels would not exceed the City's instantaneous noise level standards of 50 dBA in bedrooms at night and 55 dBA in other rooms and bedrooms during the daytime.

Exterior Noise Analysis

As previously stated, the long-term testing conducted for the *Noise Impact Analsyis* determined that noise levels on the project site are approximately 62.2 dBA Ldn. Per General Plan Policy 10-8.1, the outdoor noise goal is not applied to small decks associated with apartments and condominiums. Additionally, this noise level would be within the City's conditionally acceptable noise level of 65 dBA Ldn for residential land uses when noise reduction requirements and noise insulation features are included in the design to meet the interior noise standard and subject to City Council approval. Therefore, the project would meet the City's land use compatibility standards for exterior noise.

Exposure to Excessive Ground-borne Vibration

As discussed in the *Noise Impact Analysis*, common sources of ground-borne vibration and noise include trains and construction activities such as blasting, pile driving and operating heavy earthmoving equipment. Construction of the proposed project would involve grading, site preparation, and construction activities but would not involve the use of construction equipment that would result in substantial ground-borne vibration or groundborne noise on properties adjacent to the project site. No pile driving, blasting, or substantial grading activities are proposed. Furthermore, operation of the proposed project would not generate substantial ground-borne noise and vibration. As identified above, the City of Fremont has adopted the FTA's vibration impact assessment criteria for use in evaluating vibration impacts associated with development within 150 feet of rail lines. In addition, the General Plan Update EIR identifies that perceptible ground vibration levels are expected to occur at distances ranging from within about 50 to 150 feet from the tracks. The project site is located approximately 250 feet from the Centerville ACE train tracks. As discussed in the *Noise Impact Analysis*, at this distance, vibration would not be perceptible. Therefore, the project would not result in the exposure of persons to or generation of excessive ground-borne noise and vibration.

Potential Impact Noise-1: The project could result in exposure of persons to interior noise levels in excess of standards established in the local General Plan or Noise Ordinance. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: The following mitigation measure would reduce interior noise levels for residents of the proposed units and ensure the project would meet the City's normally acceptable interior noise level criterion, such that impacts from noise on the occupants of the proposed residential units would be reduced to a less-than-significant level:

> **MM Noise-1 (Ventilation)**:
> An alternate form of ventilation, such as an air-conditioning system, shall be provided for all units to ensure that windows can remain closed.

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

Development of the project would result in a temporary increase in noise levels during daytime hours, particularly from diesel-powered earth-moving equipment and other heavy construction machinery. All construction-related activities would be required to comply with the noise standards contained in the City of Fremont's Municipal Code for projects adjacent to/within residential neighborhoods, which would limit such activities to certain times of the day and week to reduce noise impacts on adjacent properties. These restrictions are:

> Monday-Friday, 7 a.m. to 7 p.m.
> Saturday and Holidays, 9 a.m. to 6 p.m.
> Sunday, no construction activity allowed

The above construction hours would ensure that potentially loud construction activities would occur during daylight hours when other short-term noise impacts from such sources as diesel-powered vehicles, leaf blowers, school playgrounds and other nearby construction work would typically occur.

As discussed in the *Noise Impact Analysis*, noise from the construction of the proposed project would result in a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. As such, the *Noise Impact Analysis* recommends implementation of construction best management practices that would reduce potential construction-period noise impacts for sensitive receptors near the project site.

Potential Impact Noise-2: During project construction, the project could result in exposure of persons to temporary noise levels in excess of standards established in the local general plan or noise ordinance. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: The following mitigation measure would reduce interior noise levels for residents of the proposed units and ensure the project would meet the City's normally acceptable interior noise level criterion, such that impacts from noise on the occupants of the proposed residential units would be reduced to a less-than-significant level:

> **MM Noise-2:**
> The following measures shall be implemented during project construction:
> 1. Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

2. Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
3. Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction.
4. Install temporary noise barriers.
5. Prohibit extended idling time of internal combustion engines.
6. As required per Fremont Municipal Code, all noise producing construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction activity shall be allowed on Sundays and holidays.

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

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

Potential Impact: No Impact
Mitigation: None Required

XIII. POPULATION AND HOUSING

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

- City of Fremont General Plan Land Use and Housing Elements (referencing City Housing Element, 2014)

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 4
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4

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?

As discussed in the Land Use section of this Initial Study the site's General Plan designation is currently Open Space General (western/rear portion of project site, APN 501-1426-12-4), and Town Center – Commercial (eastern/front portion of site, APN 501-1426-16-4). The proposed project includes a General Plan Amendment to change the site's Land Use designation to Medium Density Residential (14.6 to 29.9 units per net acre), to allow the proposed 20 du/ac apartment project. The portion of the site fronting Bonde Way is already designated for Town Center uses, which would include mixed use development at a residential density of at least 30 du/ac. The proposed project, however, would be developed at a lower density (20 du/ac) to ensure compatibility of mass and scale with the adjacent historic cemetery, as discussed in the Cultural Resources section of this Initial Study.

As discussed in the adopted Environmental Impact Report for the General Plan, implementation of the General Plan would not induce population growth, since new residential development under the General Plan would instead be intended to accommodate the City's portion of the region's anticipated population growth, and would not involve the extension of infrastructure or public services to undeveloped areas to support new residential development. While the proposed project would involve an amendment to the General Plan Land Use designation for the proposed site, as previously discussed, the proposed project is located on an infill site, served by existing public streets and utilities, and would not involve the extension of infrastructure or public services that would induce substantial population growth.

The General Plan EIR estimated 2.5 persons per household within the City's designated Priority Development Areas (PDAs), which is where this project would be located (see Figure 6: Centerville PDA). At 2.5 persons per household, the project could generate approximately 20 new persons, which would not be considered substantial growth in the Centerville PDA, where higher density, residential growth on underutilized infill sites was anticipated in the 2011 General Plan due to the proximity to transit and services. Vehicle and pedestrian traffic from the proposed project will access adjacent public streets (Bonde Way) via a proposed private street and pedestrian walkway to be constructed on the project site. Wastewater and other utilities for the proposed project would be connected to existing facilities adjoining Bonde Way. The proposed project would, along with other projects in the City, help to accommodate the City's portion of the region's anticipated population growth, and would not induce substantial population growth (less than significant impact).

The proposed project would not introduce an incompatible land use to the area, as it is a medium density residential project and would be adjacent to residential and commercial uses. The area along the site's frontage and along Fremont Boulevard is designated Town Center, which encourages housing and mixed-use development along with local services and retail. The density (approximately 20 dwelling units per acre) and characteristics of the proposed development are consistent and compatible with surrounding development, similar to the density of adjacent multifamily developments and would provide a transition between the single family community to the south and the commercial areas to the west and higher-density multifamily residential to the north.

No housing would be displaced with the proposed project, as the proposed project site is vacant with no housing. The project would not result in the displacement of a large population or require the construction of replacement housing elsewhere.

Potential Impact: No Impact
Mitigation: None Required

XIV. PUBLIC SERVICES

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

- City of Fremont General Plan Public Facilities and Safety Elements
- City of Fremont Municipal Code

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: • Fire protection? • Police protection? • Schools? • Parks? • Other public facilities?			X		1, 10

Discussion/Conclusion/Mitigation

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

On September 3, 1991, the Fremont City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. The concept of the impact fee program is to fund and sustain improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication and Park Facilities In-Lieu Fees, Capital Facilities Fees, and Fire Service Fees. The proposed

project would be required to pay all applicable development impact fees prior to issuance of a building permit, as a standard project requirement.

Fire and Police

As discussed in Section 13, *Population and Housing*, the project would result in approximately 20 new residents on the site. The associated increase in the demand for fire suppression, emergency medical services, or police services would not be substantial and would be typical of the demand from surrounding existing residential uses. Because the site is an infill site, nearby services and patrols are already in available. As the proposed project would conform to the General Plan, has been reviewed in coordination with the Fremont Fire and Police Departments, and would not require the provision of new or physically altered fire stations or the construction of a new police station or the expansion of the existing police station, impacts would be less than significant.

Schools

Under California law, the City can require payment by a developer of school impact fees associated with a proposed development to mitigate any impact that such development would have on the facilities of the local school district. Fremont Unified School District (FUSD) collects both Level I and Level II school impact fees for residential development. Proof of payment of all required school impact fees to FUSD must be provided before issuance of a building permit for the proposed project, as a standard project requirement. In conformance with the City's General Plan Public Facilities Policy 9-9.1: *Inform FUSD of Development Plans*, the City has coordinated with FUSD so that the District Board and staff are aware of development plans and can plan for facility needs accordingly. As such, the proposed project would have a less than significant impact on schools.

Parks

The City collects development impact fees for new parks based on the provision of five acres per 1,000 residents. Based on the estimated 20 new residents generated by the project, approximately 0.1 acres of parkland would be required to maintain the City's parkland standard. Impact fees may be used only for acquisition and development of parkland, not for maintenance or operation. The GP EIR found that, as long as the established standard of five acres of developed parkland per 1,000 Fremont residents is met during the operational life of the General Plan, existing parks and recreational facilities would not be expected to become overused or subject to premature deterioration as the local population grows, and implementation of the General Plan would have a less than significant impact on the operation of existing park and recreational facilities. The proposed infill project, which would be located in the Centerville Priority Development Area and would be consistent with General Plan policy, would be subject to payment of park impact fees, as a standard project requirement, and impacts would be less than significant.

Other Public Facilities

As discussed in the GP EIR, development anticipated under the General Plan would be expected to increase the number of residents and workers within Fremont, which could be expected to place an increase in demand on the public library system, an increase in use of existing community and senior centers, and expanded demand for child care.[10] However, these increased demands are unlikely to necessitate expansion of existing library facilities, community or senior centers, or child care facilities, or the construction of new facilities and centers (beyond the number of facilities already planned). Because the project would generate approximately only 20

[10] City of Fremont. *Fremont General Plan Update EIR*. Chapter 4, Section N. Public Service: Page 4-329.

new residents, the project would not result in a significant increase in demand for other facilities; and the impact would be considered less than significant.

The proposed project, which is located in the Centerville Priority Development Area, would be in conformance with General Plan policy that encourages the development of underutilized sites and the placement of higher density residential uses near mass transit. As discussed in the Population and Housing section of this Initial Study, growth on underutilized sites in Priority Development Areas, such as the project site, was anticipated in the 2011 General Plan. The proposed project would, along with other projects in the City, help to accommodate the City's portion of the region's anticipated population growth, and would not induce substantial population growth (less than significant impact).

Potential Impact: Less than Significant Impact
Mitigation: None Required

XV. RECREATION

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

- City of Fremont General Plan Parks and Recreation Element

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2, 3, 12
b.	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X		1

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?

As discussed in Section XIV Public Services, the General Plan provides policies which would guide the acquisition and development of parks and recreational facilities consistent with the Parks and Recreation Master Plan, with particular emphasis on meeting the standard of providing five acres of developed parkland per 1,000 Fremont residents, the development of civic parks, plazas and squares, and the development of linear parks. Additionally, the GP EIR found that, as long as the established standard of five acres of developed parkland per 1,000 Fremont residents is met during the operational life of the General Plan, existing parks and recreational facilities

would not be expected to become overused or subject to premature deterioration as the local population grows, and implementation of the General Plan would have a less than significant impact on the operation of existing park and recreational facilities.

The project would result in an increase of approximately 20 new residents. This limited population growth would not result in substantial increase in the use of existing parks and recreation facilities such that physical deterioration would be accelerated. As such the proposed project would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment nor would it result in the overuse or premature deterioration of parks and recreational facilities and impacts would be less than significant.

Potential Impact: Less than Significant Impact
Mitigation: None Required

XVI. TRANSPORTATION/TRAFFIC

Regulatory Framework

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

- City of Fremont General Plan Mobility Element

Environmental Setting

The project site fronts Bonde Way, a two-lane collector street that feeds Fremont Boulevard, a primary arterial. Per the General Plan, collector streets provide access and movement within residential, commercial, and industrial areas. Collector streets serve relatively short trips and collect trips from local streets and distribute them to the arterial network. Primary arterials are high capacity local facilities which meet the demand for longer, through trips within a community, with weekday traffic volume greater than 20,000 vehicles per day.

The proposed project site is located approximately 250 feet (500 feet by way of public streets) from the platform of the Altamont Corridor Express (ACE) Train Station at 37260 Fremont Boulevard. The ACE train system provides train service from San Jose to Stockton and points in between. There is also an Alameda County Transit (AC Transit) bus stop located approximately 400 feet from the project site, on Fremont Boulevard near the ACE Station (AC Transit Lines 99, 210 801).

The Fremont General Plan identifies within its Mobility Chapter Level of Service (LOS) as a measure indicating level of delay for signalized intersections. LOS D is the transportation operations threshold of significance for peak hour traffic impacts on minor arterials and collector streets in locations outside of the City Center, Town Centers, and Warm Springs/South Fremont BART Station. Level of Service D represents a moderate amount of vehicle delay during the peak hour of intersection operations. For locations within the City Center, Town Centers, and within PDA boundaries, peak hour LOS E or LOS F may be acceptable. For intersections operating at LOS E or F, an average delay increase of 4 seconds or more due to project traffic would be considered a significant impact. For regional (CMA network) arterials, peak hour levels of service for signalized intersections should generally be maintained at LOS E.

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
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?			X		1, 3, 7
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard			X		1, 3, 7

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
	standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?					
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 3, 7
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 3, 7
e.	Result in inadequate emergency access?				X	1, 6, 7
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?				X	1, 3, 7

Discussion/Conclusion/Mitigation

a-b) Would the project exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The proposed eight-unit residential project would include a short, internal private street to serve the two residential buildings and provide access to Bonde Way. Bonde Way connects to Fremont Boulevard at an non-signalized intersection approximately 200 feet to the southwest of the site. The segment of Fremont Boulevard connecting to Bonde Way currently carries an Average Daily Total Volume (ADTV) of vehicle traffic of 21,309 vehicles (GP Mobility Chapter, Diagram 3-2) and is a State Route (SR 84) under the jurisdiction of the California Department of Transportation (CalTrans). The signalized intersection nearest the project site is at Fremont Boulevard and Peralta Boulevard, approximately 725 feet to the southeast of the project site.

Standard practice exercised by the City of Fremont typically requires a detailed transportation impact analysis (TIA) for projects generating 100 vehicle trips or more during the weekday PM peak hour. This threshold is consistent with the threshold used by the ACTC for determining whether a land use project requires preparation of a TIA to evaluate potential impacts to regional roadways in the surrounding area that are designated as part of the CMP network.

City Transportation Staff has reviewed the proposed eight-unit residential project and estimates it would generate 46 new net weekday vehicle trips, 6 new net weekday AM (7-9) peak hour trips,

and 5 new net weekday PM (4-6) peak hour trips. Trip generation estimates are based on ITE Trip Generation Manual, 9th Edition, ITE #224 Rental Townhouse.

Because the project is estimated to generate less than 100 new PM peak hour trips a Traffic Impact Analysis (TIA) was not required for this project, per the Alameda County Congestion Management Program (CMP) guidelines. The proposed project would generate only 5 net new weekday PM peak trips, which is far below the City and ACTC thresholds for requiring a detailed TIA to determine potential transportation related impacts. Further, the development intensity of the project is consistent with existing and anticipated development under the General Plan for the area surrounding the project. Therefore, the project's impacts to intersection LOS would be less than significant.

The project would also be subject to the City of Fremont's traffic impact fee, which would be directed towards funding various intersection and roadway improvements identified in the General Plan and would further reduce any potential effects of the project on the circulation system.

Alternatives to Personal Vehicles

As discussed in the Land Use and Planning section of this Initial Study, the project site is located in the Centerville Priority Development Area, which is identified as an opportunity area for growth and change, per General Plan Land Use Policy 2-2.1. Redevelopment of this infill site, already served by infrastructure and public streets, would provide new housing in the transit-oriented district around the Centerville Train Depot, facilitating the use of alternatives to personal vehicle use for the residents of the new development. It is expected that residents of the project will have a lesser reliance on personal vehicles than would residents of a similar project without such mode of travel alternatives. Due to the site's location within the Centerville town center, residents will have the option to walk or ride a bike a short distance to shopping and restaurant destinations along Fremont Boulevard, reducing their dependence on private vehicles. The project site is also located within 500 feet, via public sidewalks, of the Centerville Train Depot, so residents could walk or ride a bike to the train station and then travel by rail to their places of employment rather than use a private vehicle. A HAWK beacon (High-Intensity Activated crossWalK beacon) improvement for the intersection of Bonde Way and Fremont Boulevard is currently under review by Caltrans, which will help to ensure pedestrian safety once implemented.[11] For these reasons and the project's small vehicle trip contribution relative to the existing traffic volume on Fremont Boulevard, the project represents a less than significant impact to the local roadway network and would not conflict with an applicable congestion management program.

The proposed project will not have any impacts on the pedestrian and bicycle facilities within the immediate vicinity of the project, as the project represents a minimal increase in traffic and the pedestrian network of public sidewalks would be maintained.

Potential Impact: Less than Significant
Mitigation: None Required

c-d) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

[11] A HAWK signal is a traffic control device used to stop road traffic and allow pedestrians to cross safely.

The proposed project would not have an impact on air traffic patterns as there are no airports in Fremont. The design of the proposed project, including driveway improvements, would be consistent with City development standards. Vehicular access to the project site would be provided via public streets that intersect with Bonde Way and would be designed to City standards for traffic safety and accessibility purposes.

Potential Impact: No Impact
Mitigation: None Required

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

Emergency vehicle access would be provided throughout the entire project over the proposed public street. No sharp curves or dangerous intersections would be created by the project, the new public street would be designed in accordance with the City's standard details. Furthermore, the proposal does not feature any other unusual design elements that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians.

The public streets include standard sidewalks on both sides of the street. The project would shift the site's driveway and replace sidewalk to maintain the pedestrian network. The project would not conflict with any plans, policies or programs supporting alternative transportation in that it would not obstruct or otherwise impact any transit stops or bicycle lanes.

Potential Impact: No Impact
Mitigation: None Required

XVII. TRIBAL CULTURAL RESOURCES

This discussion is based in part on the following documents:

- *Cultural Resources Study for the Centerville Pioneer Site Townhomes Project* (Cultural Resources Study), prepared by LSA, dated July 10, 2017.
- *Revised Cultural Resources Study for the Centerville Pioneer Site Townhomes Project* (Revised Cultural Study and Historic Report), prepared by LSA, dated November 2, 2017
    - *Appendix B, Design Review Consultation Report – Evaluation for Consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties* (Historic Report), prepared by Interactive Resources, dated October 30, 2017.
    - *Appendix C, Geophysical Survey*

Regulatory Framework

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

- City of Fremont General Plan Community Character Element (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning Chapter 18.175 Historic Resources

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:						
a	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or		X			1, 28, 29, B, C
b	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X			1, 28, 29, B, C

Discussion/Conclusion/Mitigation

Would the project Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section

5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Notice of the proposed project was sent to the local California Native American Tribes named on the Native American Contacts list for Alameda County provided by the NAHC (Native American Heritage Commission) on April 21, 2017, to allow early consultation. No requests for such consultation were received by the City and no tribal cultural resources have been identified on the proposed site. Thus, no impact would result.

As discussed in the *Revised Cultural Study and Historic Report*, on June 4, 2017, LSA requested that staff at the Native American Heritage Commission (NAHC) review the Sacred Lands File for any Native American cultural resources located in or near the project site. On June 14, 2017, LSA received a response from Frank Lienert, Associate Government Program Analyst at the NAHC, stating "A records search of the Native America Heritage Commission (NAHC) Sacred Lands File was completed for the area of potential effect (APE) referenced above with negative results however the area is sensitive for cultural resources [sic]."

As discussed in the Cultural Resources section of this Initial Study, the *Revised Cultural Study and Historic Report* determined there is the possibility, based on the proximity of the cemetery and historical use as a church site, that unidentified subsurface historic-period archaeological deposits associated with the former church and unmarked graves may be present in the project site. Such deposits, if present, could be encountered during project ground disturbance. If those deposits included tribal cultural resources, there could be the potential for impacts. However, implementation of MM Cul-1, described in the Cultural Resources section of this Initial Study, would ensure potential impacts would be less than significant

Potential Impact: Less than Significant with Mitigation
Mitigation: MM Cul-1 (see Cultural Resources section of this Initial Study)

Per FMC Section 18.218.010, all development projects that have the potential to adversely disturb or impact a) special-status species; b) cultural resources; and c) air quality due to construction activities such as grading, demolition, and tree and shrub removal, shall implement the adopted standard development requirements to address resource protection provided in FMC Section 18.218.050. This includes, FMC Section 18.218.050 (c), copied below, which addresses cultural resources. As a standard project requirement, the proposed project implements FMC Section 18.218.050(c), which incorporates measures that would ensure the project would avoid impacts to cultural resources, including Tribal Cultural Resources.

<u>FMC Section 18.218.050 (c) Cultural Resources.</u>

(1) Notification, affiliated California Native American tribes. Prior to preparation of an environmental assessment and within 14 days of determining that an application for a project is complete, the City shall provide formal notification to the designated contact or a tribal representative of traditionally and culturally affiliated California Native American tribes that have requested to receive such notice from the City. The written notification shall include a brief description of the proposed project and its location, project contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to AB 52

…

XVIII. UTILITIES AND SERVICE SYSTEMS

Environmental Setting

Water service to the project site would be provided by the Alameda County Water District (ACWD). Wastewater from the project site would be treated at the Alvarado Wastewater Treatment Plant (AWTP), which is operated by the Union Sanitary District (USD). The Alameda County Flood Control and Water Conservation District (ACFC) and the City of Fremont share responsibility for storm drainage within the City. The project site is located in Zone 6 of the ACFC watershed management zones. Water from creeks located in Zone 6 flows through a series of pipelines and channels that discharge into either Coyote Creek or Mowry Slough before ultimately continuing onto the San Francisco Bay.

Solid waste services in the City of Fremont are provided by Allied Waste Services (AWS) of Alameda County. AWS provides curbside pick-up of recyclables, organics, and garbage, and transports materials collected to the Fremont Recycling and Transfer Station, located at 41149 Boyce Road, for processing. The majority of the garbage is subsequently transferred to the Altamont Landfill, located approximately 32 miles northeast of the project site, for disposal; some garbage is also transferred to Newby Island Sanitary Landfill in San José for commercial disposal. The Altamont Landfill serves many municipalities in the Bay Area and is anticipated to have disposal capacity through the year 2045.

Regulatory Framework

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

- City of Fremont General Plan Public Facilities Element
- City of Fremont Municipal Code (Chapter 18)

Environmental Checklist

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		10
b	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		10
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate			X		10

Would the project:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
	capacity to serve the project's projected demand in addition to the provider's existing commitments?					
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		10, 24
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			X		10, 24

Discussion/Conclusion/Mitigation

a-g) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The proposed development would not generate a significant increase in wastewater or stormwater runoff levels that could exceed the capacity of the sewer and storm drain lines serving the project site. Stormwater treatment areas would be constructed along internal walkways and a retention basin in the northeastern portion of the proposed project site. Wastewater and other utilities would be connected to existing facilities adjoining Bonde Way.

Potential Impacts to Wastewater Treatment

The existing sewer mains and the Alvarado Wastewater Treatment Plant currently have sufficient capacity to serve the proposed project. As such, the proposed project would have a less than significant impact on wastewater treatment and would not require the construction or expansion of existing facilities. Review of the proposed project has been coordinated with Union Sanitary District. [Less Than Significant Impact]

Potential Impacts to Storm Drainage

As discussed in the Hydrology section of this Initial Study, the project would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces before it is discharged into the public storm drain system. The project would be designed in compliance with C.3 requirements and, as such, no impacts related to storm drainage would result. [Less Than Significant Impact]

Potential Impacts to Water Supply

The project site is currently developed as the site of a former church that was burned down in 1993. While the proposed eight-unit residential project would increase water demand for the site, the ACWD Demand Forecast included provisions in regard to water allocation for smart growth development and sites within the ABAG priority development area for the Centerville Priority Development Area. Even though the proposed project will require a General Plan Amendment, the ACWD Demand Forecast includes water demand assumptions for some intensification of land uses, beyond that provided in the City of Fremont General Plan. As the proposed project is considered a smart growth project, that would create infill residential development near transit, and the site is located in a designated Priority Development Area, the project's water demand has been included in ACWD's existing water demand forecast and water supply planning, as documented in Alameda County Water District Urban Water Management Plan 2010-2015. [Less Than Significant Impact]

Potential Impacts to Landfills and Solid Waste

The project would be served by the City's franchised waste hauler, in compliance with the applicable standards governing residential solid wastes and recyclables. The landfill facility that would receive the non-recyclable solid waste generated by the proposed project, the Altamont Landfill owned and operated by Waste Management of Alameda County, is anticipated to have capacity until the year 2045. The proposed development would comply with applicable local, state, and federal laws and policies regarding solid waste. As there is sufficient capacity at the local landfills to serve the project, the project would have a less than significant impact on solid waste facilities and services. [Less Than Significant Impact]

Potential Impact: Less than Significant
Mitigation: None Required

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

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

Discussion/Conclusion/Mitigation

The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This Initial Study has found that the proposed project would not have the potential to degrade the quality of the environment. Implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, would reduce all impacts the project may have to a less-than-significant level.

MITIGATION MEASURES

MM Cul-1:

Archaeological Monitoring and Evaluation Plan

Due to the potential for encountering human remains and/or archaeological deposits, archaeological monitoring shall be conducted for construction-related ground disturbance to identify and avoid and/or substantially reduce the severity of potential impact scenarios. The monitoring shall be done in accordance with, and as directed by, an Archaeological Monitoring and Evaluation Plan (AMEP) prepared and implemented for the project. The purpose of the AMEP is to ensure that significant archaeological deposits discovered during construction are identified, evaluated, and appropriately treated through the use of a pre-established research design and field evaluation strategy, consistent with the requirements of CEQA Guidelines §15126.4(b)(3)(C). The AMEP shall be prepared and implemented by a qualified professional archaeologist and shall include review and input from the church administration and congregation to ensure that descendent/community concerns are adequately integrated into the plan.

The AMEP shall include a construction monitoring component and an evaluation component. The monitoring component of the AMEP shall refine the archaeological sensitivity of the project site to: (1) identify areas that will be subject to monitoring; (2) define the frequency of monitoring; (3) identify those areas with little to no possibility of containing intact deposits or human remains.

The evaluation component of the AMEP will guide fieldwork if archaeological deposits or human remains are identified during monitoring. The purpose of this component is to establish an evaluation process to shorten the time necessary to respond to and evaluate the significance of discoveries made during archaeological monitoring. The evaluation component shall contain a field study and technical analysis work plan to guide the methods and procedures to be used during the significance evaluation. The treatment of human remains during the evaluation process shall be addressed, and procedures for the respectful treatment of such remains shall be developed through consultation with the applicant and the City prior to the final draft of the AMEP.

MM Geo-1a. Geotechnical Plan Review

The project Geotechnical Consultant shall review all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements, and design parameters for foundations, and retaining walls). The consultant shall verify that their recommendations, including those regarding the need for further evaluation for potential liquefaction and the presence and lateral extent of undocumented fill as well as laboratory testing for corrosive soil, have been properly conducted and any necessary design measures are incorporated into the construction plans. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the City Engineer prior to issuance of building permits.

MM Geo-1b. Geotechnical Field Inspection

The project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project shall be summarized by the project Geotechnical Consultant in a letter and submitted to the City Building Official /City Engineer for review prior to final (as-built) project approval.

All grading, foundations, and structures for the proposed project would be required to be engineered and designed in conformance with applicable geotechnical and soil stability standards as required by the 2016 California

Building Code (CBC). Conformance to the applicable 2016 CBC standards would reduce safety impacts to the structures, their occupants, and the adjacent properties to a less-than-significant level.

An erosion control plan will be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion or loss of topsoil during grading and construction activities. As such, impacts associated with geology and soils would be less-than-significant, with mitigation.

MM Haz-1a: A Soil Management Plan (SMP) shall be developed to provide guidelines for the appropriate handling and management of soil with known contaminants or Recognized Environmental Conditions (RECs) concentrations above the residential screening levels recommended in the California Department of Toxic Substances Control (DTSC) Office of Human and Ecological Risk (HERO) guidance document Human Health Risk Assessment Note 3 (2016).

Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or RECs at the subject property shall be implemented to the satisfaction of the Alameda County Water District (ACWD), City of Fremont Fire Department, California Department of Toxic Substance Control (DTSC), or other appropriate agency having jurisdiction, depending on the location (e.g., depth) and the type of REC found and the jurisdictional purview of the agencies. Completion of the remediation work and procurement of an appropriate closure document or written statement that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the satisfaction of the City of Fremont Community Development Department. Compliance with this mitigation may require the applicant or their agent to complete a Preliminary Endangerment Report, Voluntary Cleanup Agreement or other documentation as determined by the appropriate agency, and receive concurrence that the site's RECs have been resolved.

Any Risk Management Plan developed for the project involving work in coordination or under the oversight of ACWD shall be provided to ACWD for review and subject to ACWD approval.

MM Noise-1 (Ventilation):
An alternate form of ventilation, such as an air-conditioning system, shall be provided for all units to ensure that windows can remain closed.

MM Noise-2:
The following measures shall be implemented during project construction:

1. Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
2. Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
3. Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction.
4. Install temporary noise barriers.
5. Prohibit extended idling time of internal combustion engines.
6. As required per Fremont Municipal Code, all noise producing construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction activity shall be allowed on Sundays and holidays.

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 2014 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. California Regional Water Quality Control Board, National Pollutant Discharge Elimination System (NPDES) Municipal Permit, November 2015
15. California State Water Resources Control Board, Construction Stormwater General Permit, February 2011
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2012
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

LIST OF APPENDICES

Cultural Resources (CUL)

A. *Department of Parks and Recreation Primary Record* (DPR), prepared by Ward Hill, dated December 10, 1993; Revised March, 1994.
B. *Cultural Resources Study for the Centerville Pioneer Site Townhomes Project*, prepared by LSA, dated July 10, 2017.
C. *Revised Cultural Resources Study for the Centerville Pioneer Site Townhomes Project* (Revised Cultural Study and Historic Report), prepared by LSA, dated November 2, 2017
    a. *Design Review Consultation Report – Evaluation for Consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties* (Historic Report), prepared by Interactive Resources, dated October 30, 2017.

Geology and Soils (GEO)

D. *Geotechnical Feasibility Study* (Geotech Report), prepared by Cornerstone Earth Group, dated January 24, 2017.

Hazards and Hazardous Material (HAZ)

E. *Phase I – Environmental Site Assessment*, prepared by Cornerstone Earth Group, dated January 23, 20176.
F. *Limited Soil Quality Evaluation*, prepared by Cornerstone Earth Group, dated April 10, 2017

Noise (NOI)

G. *Noise Impact Analysis: Centerville Pioneer Project*, prepared by LSA, dated July 25, 2017.