
City of Fremont Initial Study

1. **Project:** Cindy Street Homes (PLN2017-00243)
2. **Lead Agency name and address (including e-mail address/fax no. as appropriate):**
City of Fremont Community Development Department
39550 Liberty Street, 1st Floor
Fremont, CA 94538
3. **Lead Agency contact person:**
Joel Pullen, Senior Planner
Phone: 510-494-4436
E-mail: jpullen@fremont.gov
4. **Project location:** 39009 Cindy Street, Fremont, CA 94538; APN: 501-0958-104-07 (See Project Vicinity Map)
5. **Project Sponsor's name and address:**
Kathy Anderson
Mowry Avenue, LLC
7600 Dublin Avenue, Suite 275
Dublin, CA 94568
6. **General Plan Land Use Designation:** Residential, Low 2.3 to 8.7 dwelling units per acre
7. **Zoning:** R-1-6, Single-family residential
8. **Description of Project:**

The applicant is proposing a Preliminary and Precise Planned District, Vesting Tentative Tract Map No. 8390, Private Street, and a Preliminary Grading Plan to allow the demolition of an existing 7,190-square-foot religious facility and one single-family house used as a parsonage on a 2.45-acre lot (net), and development of 21 new single-family houses at a density of 8.6 dwelling units per net acre. The proposed development is laid out with seven houses on Cindy Street, nine (eight net) houses on Serra Place, two houses on the Mowry Avenue frontage road, and three houses accessed via a new private street from the Mowry Avenue frontage road. The site, which is currently designated low-density residential, 2.3 to 8.7 dwelling units per acre, with a zoning of R-1-6, single-family residential, currently fronts on Mowry Avenue, where an existing frontage road would be extended across the frontage in order to match the existing established street framework. The subdivision would consist of three commonly-owned parcels, with two serving bio-retention functions and one serving for access to three units from the Mowry Avenue frontage road, and 21 single-family lots ranging from 4,006 to 6,422 square feet, with an average of 4,666 square feet.

The proposed architectural plans propose four different two-story floor plans ranging in size from 2,354 to 2,534 square feet (including garages), with four bedrooms each. There would be a total of ten different plan variations among the four floor plans. All 21 dwelling units would be provided with side-by-side two-car garages with additional on-site driveway parking for two cars. Each unit would be provided with a private backyard ranging in size from ±500 square feet to ±1500 square feet. Off-site improvements would include the construction of an extension of the Mowry Avenue frontage roadway with associated new curb, gutter, sidewalk and planter strip with street trees, new driveways and reconstructed accessible sidewalks and street trees along Cindy Street and Serra Place.
9. **Surrounding Land Uses and Setting:**

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place

to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The property was previously used for agricultural purposes, which ceased prior to establishment of the current religious facility in the mid-1960s.

The site is bounded by one and two-story single-family established residential neighborhoods with traditional front access driveways along the existing perimeter streets. Cindy Street and Serra Place are minor residential streets, and Mowry Avenue is a three-lane (each way) arterial with a frontage road. The proposed residential development would be accessed directly existing exterior streets with the exception of three units proposed to be accessed via a private vehicle access way connected to the extension of the Mowry Avenue frontage road between two proposed new homes.

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

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

11. Other Public Agencies Requiring Approval: The project may also require permits and/or approvals from the Alameda County Flood Control District (ACFCD), Alameda County Water District (ACWD), and Union Sanitary District (USD)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

PREVIOUS ENVIRONMENTAL ANALYSES: None

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

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	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: Joel E. Pullen

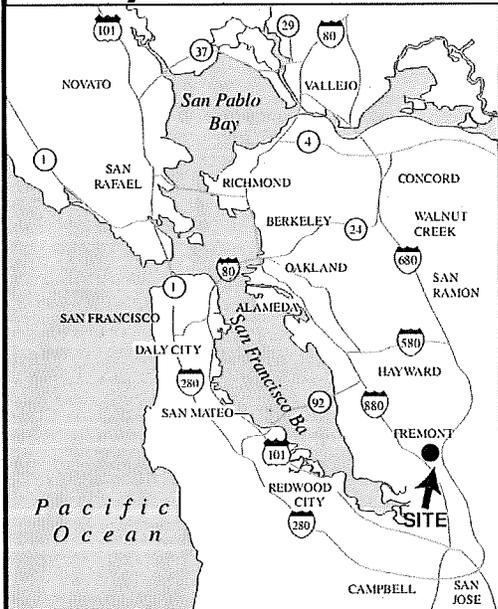
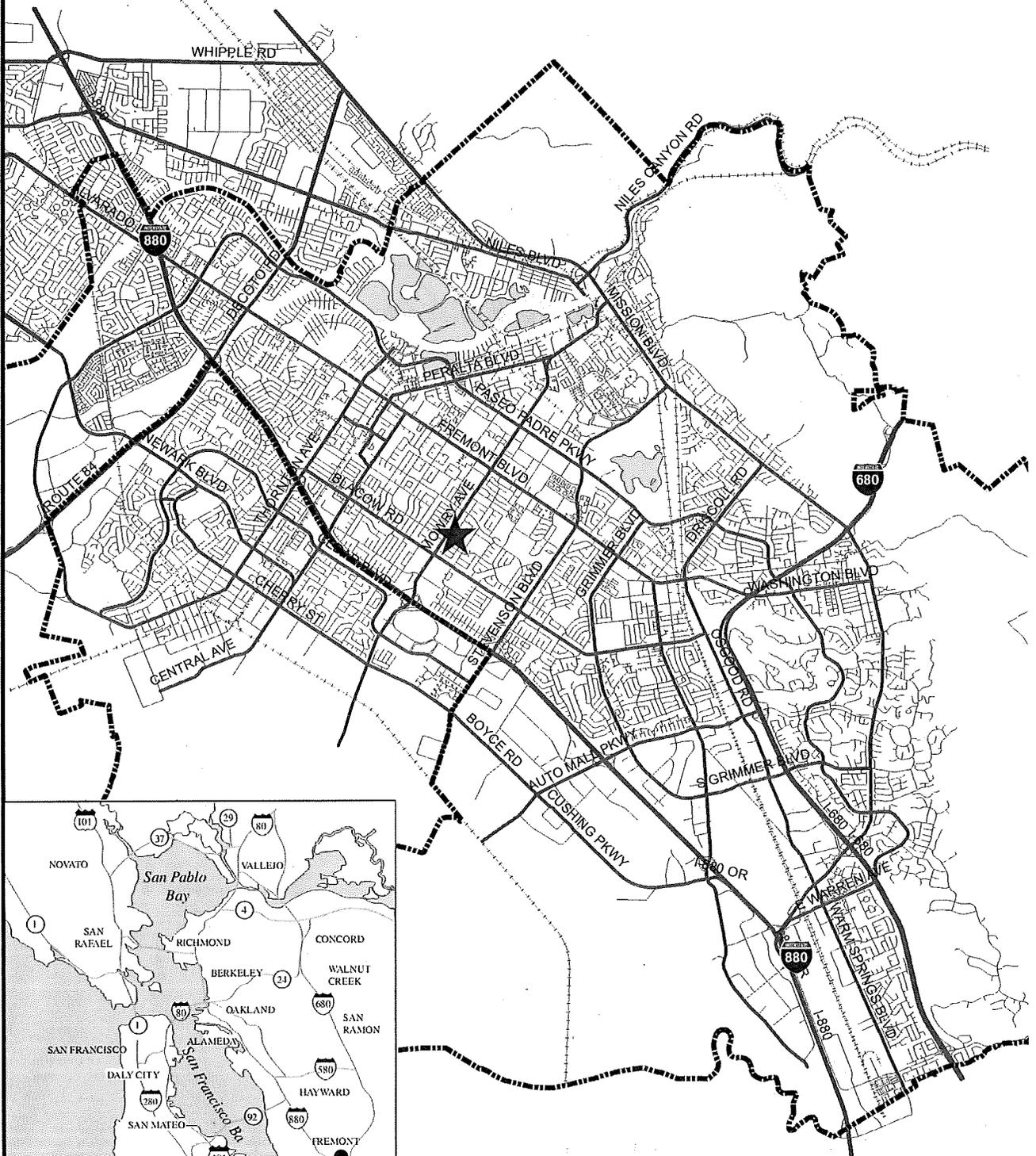
Date: January 30, 2018

Printed Name: Joel Pullen

For: City of Fremont

Principal Planner Review: Ingrid Rademaker

Project Vicinity Map



I. AESTHETICS - Would the project:

ISSUES:		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X	1, 8, 11
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 8, 11

Environmental Setting

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The site fronts Mowry Avenue, which is not a designated scenic corridor in the General Plan Community Character Element. The General Plan considers the East Bay hills as scenic views for neighborhoods and commercial centers, and Fremont residents have voted to protect these hills as open space on several occasions, confirming their value as a scenic resource. Views to the hills are not visible from the project site as a result of existing development and the distance to the hills.

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 Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012)

Discussion/Conclusion/Mitigation

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

The General Plan does not identify any scenic resources in the vicinity of the project site and there are no scenic highways in the area. There are no identified existing scenic vistas that would be impacted by the proposed development, which would feature two-story homes of similar height as the homes in the adjacent single-family neighborhoods. There are no scenic vistas from the site to the East Bay hills due to existing development and distance from the hills. There are existing trees on the site that would be removed as part of the project, but none of these trees have been identified as scenic resources nor as landmark trees with historical significance in a Tree Survey Report prepared for the site by HortScience on February 3, 2017. The applicant would be required to replace trees identified for removal in accordance with the 1:1 replacement requirement of the City’s Tree Preservation Ordinance to the satisfaction of the City Landscape Architect. As such, impacts from the construction of the project on a scenic vista or scenic resources would be less than significant and no mitigation is required.

Potential Impact: Less than Significant

Mitigation: None Required

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

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. Implementation of the proposed project would noticeably alter the existing character of the site. The area surrounding the site, however, is already developed with single-family residential houses. Thus the change from a religious facility and parsonage use to low-density single-family residential would be in keeping with the character of surrounding land uses. The nearest residential properties consist of one- and two-story single-family dwellings directly across the surrounding streets. As designed, the proposed homes would be similar in scale and height to those existing in the neighborhood. The project would provide all new front yard landscaping and street trees, which would enhance the visual quality of the neighborhood. As such, the project would not be out of character with the existing development in the area or significantly degrade the visual character of the site or its surroundings, or impact the privacy of neighboring residential properties. Therefore, no impacts would result and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required

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

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The surrounding area is urbanized and developed with single family residential, similar in intensity to what is proposed on the site. Mowry Avenue to the north is a major arterial, with existing streetlights. Although the proposed project would result in new sources of light in certain areas of the site where no lighting currently exists, new lighting levels would be similar in nature and intensity to the existing conditions in the vicinity. The City's Zoning Ordinance and Citywide Design Guidelines require 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 and Citywide Design Guidelines would ensure that the project would not create new source of substantial light and glare and impacts would be less than significant. As such, no mitigation is required.

Potential Impact: Less than Significant

Mitigation: None Required

II. AGRICULTURE AND FOREST RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Dept. of Conservation and Alameda County Important Farmland Map (2014) to assess impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's Inventory of Forest Land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and Forest Carbon Measurement Methodology provided in the Forest Protocols adopted by the California Air Resources Board.

Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 20
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code 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	N/A

Environmental Setting

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The property was previously used for agricultural purposes, which ceased prior to establishment of the current religious facility. The current church building was constructed in 1975, and modified in 1991. The current parsonage was construction in 1979.

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/2014/ala14.pdf>

Discussion/Conclusion/Mitigation

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

According to the California Department of Conservation’s 2014 Alameda County Farmland Map, the site is not designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. It is designated as “Urban and Built-Up Land.” Therefore, no impact to such lands would result from the project.

Potential Impact: No Impact
Mitigation: None Required

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

The project site has been developed with urban uses since the 1970s. The property was previously used for agricultural purposes, which ceased prior to establishment of the current religious facility.

As shown on the California Department of Conservation’s 2014 Alameda County Farmland Map, the site is classified as “urban and built-up land.” Furthermore, there are no agriculturally-zoned lands or existing Williamson Act contracts in the project area or for the site.

The project site and surrounding area are designated and zoned for residential uses, therefore no conflicts with zoning for forest land would result from the proposed project. In addition, the project would not result in the loss of forest or timberland or the conversion of forest land to non-forest use. Therefore, no agricultural resource or forest resource impacts would result from the development of the project, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

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

Environmental Setting

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site.

The site is bounded to the northeast by Mowry Avenue, a primary arterial, which has an average daily traffic volume (ADT) of 60,019 vehicles per day. The site is greater than 1,000 feet from any state highway or interstate.

Regulatory Framework

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

- City of Fremont General Plan Conservation Element (Air Quality)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest such monitoring station is located at 935 Piedmont Road in San Jose. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NO_x), and particulate matter (PM₁₀ 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.¹
- Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines, 2017

Discussion/Conclusion/Mitigation

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

In formulating its compliance strategies, BAAQMD relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with a general plan that has been deemed compliant with BAAQMD's *Clean Air Plan* and that project conforms to the General Plan, then it would also be considered consistent with the *Clean Air Plan*. The Draft Environmental Impact Report (EIR) prepared for the 2011 General Plan concluded that development projects consistent with the General Plan would not cause or contribute to a violation of the ambient air quality standard for carbon monoxide. The proposed project would conform to the General Plan Land Use Designation for the project site, and as such would be in conformance with applicable plans and would not result in a violation.

Consistency with the air quality plan is also determined through evaluation of project-related air quality impacts and demonstration that project-related emissions would not increase the frequency or severity of existing violations, or contribute to a new violation of the national ambient air quality standards. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance that are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on BAAQMD's ability to reach attainment (BAAQMD, 2017).

¹ City of Fremont. *Fremont General Plan Update EIR*. Chapter 4, Section E. Air Quality: Page 4-137.

Emissions that are above these thresholds have not been accommodated in the air quality plans and would not be consistent with the air quality plans. As discussed below in 3b, project-related construction and operational criteria pollutant emissions would not exceed BAAQMD significance thresholds. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan. The impact would be less than significant.

Potential Impact: Less than Significant

Mitigation: None Required

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

Criteria Air Pollutants

The BAAQMD has established air pollutant screening criteria for different land use types to provide conservative guidance as to whether a proposed project could result in potentially significant air quality impacts for Operational Criteria Pollutants, Operational Greenhouse Gas Emissions (GHG), and Construction-Related Criteria Pollutants. Projects that meet or fall below the screening criteria would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds of significance established by BAAQMD. Per Table 3-1, *Criteria Air Pollutant and Precursor Screening Level Sizes*, in BAAQMD's 2017 CEQA Guidelines, the proposed size of the project would be well below the screening level sizes for operational criteria pollutants, GHG and construction related screening sizes, as shown below. Therefore, impacts resulting from operational criteria pollutant, GHG, and construction related emissions would be less than significant.

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
Single family	325 du (ROG)	56 du	114 du (ROG)
>>Proposed Project	21 du	21 du	21 du

Construction Emissions: For construction-related emissions, BAAQMD's screening size for new single-family residential development is 114 total new units. Projects of this size or larger could have a potentially significant impact from criteria air pollutants as a result of their construction. Given that the proposed project, at 21 units, is substantially below this screening size level, construction activities associated with the project would not be expected to generate significant amounts of air pollutants that would exceed the average daily emissions significance threshold established by the BAAQMD for construction-related emissions.

Construction-Related Dust

The temporary effects of demolition, grading, and construction activities could cause airborne dust during construction of the project which could pose a nuisance to the adjacent businesses and residential neighborhoods if not managed through dust control methods. BAAQMD recommends that all projects, regardless of the level of average daily emissions, implement applicable best management practices (BMPs), including those listed as Basic Construction Measures in the BAAQMD CEQA Guidelines (BAAQMD, 2017). The City of Fremont has adopted standard development requirements (FMC Section 18.218.010) relating to resource protection including air quality impacts resulting from construction-related emissions, which are based on BAAQMD's Basic Construction Measures, and would reduce construction-related fugitive dust and exhaust emissions to a less than significant impact.

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:
1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
 5. All parking lots, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 8. A publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Based on the above analyses, the project would not conflict with or obstruct implementation of the applicable clean air plan, violate any air quality standard nor substantially contribute to an existing or projected air quality violation. Impacts would be less than significant.

Potential Impact: Less than Significant

Mitigation: None Required

- 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)?**

By its very nature, air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development within the BAAQMD, and this regional impact is cumulative rather than attributable to any one source. Per CEQA Guidelines Section 15064(h)(4), the existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable.

The SFBAAB is currently designated as a nonattainment area for state and national ozone standards and national particulate matter ambient air quality standards. Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project

does not exceed the identified significance thresholds, its emissions would not be cumulatively considerable, resulting in less-than-significant air quality impacts on the region's existing air quality conditions.

Based on the project-level analysis described above in Item 3b, the proposed project's construction and operational emissions would not exceed the thresholds of significance. Therefore, emissions associated with the proposed project would not be cumulatively considerable, and would result in a **less than significant** cumulative impact.

Potential Impact: Less than Significant

Mitigation: None Required

- d-e) **Would the project expose sensitive receptors to substantial pollutant concentrations?
Would the project create objectionable odors affecting a substantial number of people?**

Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (cancer risk). Diesel exhaust is a predominant TAC in urban areas and represents about two-thirds of the cancer risk from TACs. Particulate matter emitted from diesel-fueled engines (diesel particulate matter [DPM]) was found to comprise much of that risk. In order to evaluate TAC impacts on land uses involving sensitive populations such as housing developments or school campuses, a health risk assessment will typically evaluate all significant sources of TACs within 1,000 feet of the project site.

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. 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.

The project site is located greater than 1,000 feet from a state highway or interstate, but is adjacent to Mowry Avenue, a major arterial. The site is not proximate to other stationary sources of TACs.

The Conservation Element of the City's General Plan includes the following implementation measure:

Implementation 7-7.3.B: Limit New Residential Development in High Risk Areas

For infill development sites within existing neighborhoods, apply thresholds for review when new sensitive receptors are within areas exposed to health risk levels in excess of 100 additional incidents of cancer per million exposures. Infill development also includes conditional development of a mixed use and urban development nature within residential and commercial areas of Centers and Urban Corridors.

Review of the area around the proposed project site using the BAAQMD Stationary Source Screening Analysis Tool (SSSAT) indicates there are no stationary sources of TAC pollutants, including refineries or power plants; or dry cleaning and/or gas stations.

The nearest rail line is over a mile away from the project site (*General Plan EIR, Appendix C Community Risk Overlays*). At that distance, the cancer risk would be below the threshold of 10 incidents of cancer per million exposures and well below the 100 incidents per million exposures threshold for infill development sites, as outlined in the implementation measure above.

The project site is set back just over fifty feet from Mowry Avenue. At that distance, the cancer per million exposure risk would be 9.2, which would still be below the threshold of 100 incidents per million exposures for infill development (*General Plan EIR, Appendix C Community Risk Overlays*) as outlined in the implementation measure above.

There is a potential cancer risk and hazard associated with exposure to DPM and PM_{2.5} as a result of temporary construction-related activities such as demolition, site preparation and grading, and construction of the project. The use of diesel-powered heavy equipment during these activities could generate DPM at low levels. However, this would be of a temporary duration and would only occur while the project is under construction.

Objectionable Odors

Typical facilities that generate odors include wastewater treatment plants, sanitary landfills, composting facilities, petroleum refineries, and food processing facilities. The project would not be located in close proximity to any of these types of uses.

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

Potential Impact: Less than Significant

Mitigation: None Required

IV. BIOLOGICAL RESOURCES - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 8
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X	1, 8
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological				X	1, 8

	interruption, or other 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
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 3, 8, C
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, C

Environmental Setting

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The project site is located in an urbanized area fronting an arterial roadway and is surrounded by single-family residential neighborhoods.

There are 43 existing trees either on the project site or within the adjacent perimeter streets. A Tree Survey Report was prepared for the project by HortScience on February 3, 2017 which evaluated the condition of these trees.

Regulatory Framework

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

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

Discussion/Conclusion/Mitigation

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

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface

parking lot and a single-family home used as a parsonage currently exist on the project site. Because the is developed and paved portions of project site have been occupied for several decades by their current uses, the ground within the project site does not provide suitable habitat for candidate, sensitive or special-status species. However, the Tree Survey Report prepared for the site identifies 44 existing trees on or immediately adjacent to the project site, 41 of which would be removed, and 3 of which would be preserved. Migratory birds and/or raptors that are using any of these trees for nesting purposes during the nesting season, could be disturbed by project-related activities, such as tree removal, or while construction of the project takes place. The City's adopted standard development requirements for resource protection, outlined in detail in 2d below, would prevent bird nests from being adversely affected by the project. Furthermore, the site does not support riparian habitat given that it has previously been developed with a religious facility, parking lot, and parsonage, and there are no federally protected wetlands on-site. Thus, no impacts would result and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required.

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

There are 44 existing trees either on or immediately adjacent to the project site, all of which may provide suitable nesting habitat for some species of migratory birds and/or raptors. Of these 44 trees, 41 are proposed for removal and 3 are proposed for preservation. Construction activities adjacent to trees containing active bird or raptor nests, as well as removal of trees containing active nests could result in the abandonment of the nesting effort and, thus, pose a potentially significant impact on migratory birds. Active nests are protected by the federal Migratory Bird Treaty Act and the California Department of Fish and Wildlife. 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 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 to 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.

- (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. Preconstruction 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.

Because the above requirements apply to the proposed project, per FMC Section 18.218.05 (b), the impacts of project construction on nesting birds and roosting bats would be less than significant.

Potential Impact: Less than Significant

Mitigation: None

- 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?**

A total of 44 existing trees are proposed for removal from the project site. Based on their size/species, these trees are subject to protection under the City's Tree Preservation Ordinance (Fremont Municipal Code Chapter 18.215). This ordinance requires replacement at a 1:1 ratio with new, minimum 24-inch box size replacement trees to the satisfaction of the City Landscape Architect or payment of an in-lieu fee for each tree that is unable to be replaced on the site. The City's Landscape Architecture Division has reviewed the project plans, including the proposed tree removal and replacement plan, and has authorized the removal of the trees on the grounds that the trees are non-native, non-landmark, and/or are not suitable for preservation as part of a development application. The removed trees would be replaced at the required ratio with 37 new minimum 24-inch box trees, three 36-inch box trees, 16 24-inch box street trees, and 15 24-inch box front-yard trees. As such, impacts would be less than significant and no mitigation is required.

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

Potential Impact: Less than Significant
Mitigation: None Required

V. CULTURAL RESOURCES - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?				X	1, 28, 29, H
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 28, 29
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			1, 28, 29
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X			1, 28, 29
e.	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 the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:			X		
	i) 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			
	ii) 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X			

Environmental Setting

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The property was previously used for agricultural purposes, which ceased prior to establishment of the current religious facility. The site is developed with a religious facility with associated parking and a parsonage, with no native soils or undisturbed soils visible.

Records Search

A records search was conducted with the Northwest Information Center. No cultural or paleontological resources were identified onsite.

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 (Reformatted October 2012), Section 18.175 Historic Resources

Discussion/Conclusion/Mitigation

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

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The structures were built in the 1970s, are not potential historic resources as defined by the City of Fremont Historic Resources Ordinance, and staff determined that neither is of historic value.

As such, demolition of the existing buildings would not cause a substantial adverse change to any historical resources and no impact would result.

Potential Impact: No Impact

Mitigation: None Required.

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

The project site is not known to contain any archaeological or paleontological resources or human remains. However, there is a possibility that unrecorded resources exist on the site which could be unearthed during grading* activities or other site disturbance activities. Implementation of Mitigation Measures Cult-1 through Cult-3, below, would reduce any potential impacts to such resources to a less-than-significant level:

Potential Impact: Less than Significant with Mitigation Incorporated

Mitigation Measures Cult-1 through Cult-3: Although there is no indication that archaeological, cultural, paleontological, Native American, or historic-period resources or human remains are present on the site or in the immediate vicinity, there is always a possibility that unknown resources could be discovered during project construction. Implementing the following measures would reduce impacts to unknown cultural resources to a less-than-significant level:

Mitigation Measure Cult-1: Discovery of Archaeological Resources. The project proponent shall include a note on any plans that require ground disturbing excavation that there is potential for exposing buried cultural resources. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 200 feet of the find shall halt until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool making debris; culturally darkened soil (“midden”) containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.

Mitigation Measure Cult-2: Discovery of Any Human Remains. In the event of the discovery of any human remains, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission within 24 hours. The Commission shall attempt to identify the deceased or descendants of the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

If the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent fails to make a recommendation within 24 hours after notified, or the landowner or his authorized representative rejects the recommendation of the descendent, and mediation by the Commission fails to provide measures acceptable to the landowner, then the landowner shall re-inter, with appropriate dignity, the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Mitigation Measure Cult-3: Discovery of Paleontological Resources. The project proponent shall include a note on any plans that require ground disturbing excavation that there is potential for exposing buried cultural resources. In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 200 foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

- e) **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 the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**
- (i) **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**
 - ii) **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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

No tribal cultural resources that are listed or eligible for listing in the CRHR or local register of historical resources were identified during review of resource maps. However, these data are not

exhaustive and lack of mapped resources does not preclude the presence of tribal resources in the project site. Implementation of Mitigation Measures Cult-1, -2, and -3 listed above would reduce potential impacts to less than significant.

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, 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 project site. Thus, impacts would be less than significant with mitigation measures incorporated.

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation: See Mitigation Measures Cult-1, Cult-2 and Cult-3, above.

VI. GEOLOGY AND SOILS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		1, 5, 6, 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

Environmental Setting:

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The property was previously used for agricultural purposes, which ceased prior to establishment of the current religious facility.

The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. According to the most recent State Department of Conservation Geologic and Seismic Hazard Zones map, and the City's GIS, the project site, which is generally flat, is not located within an earthquake fault zone. However, as with any land in the San Francisco Bay Area, the project site could be subject to strong shaking during a major seismic event along one of the faults located in Northern California.

Regulatory Framework

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

- City of Fremont General Plan Safety Element (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- 2016 California Building Code

Discussion/Conclusion/Mitigation

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

The project site is located within an Alquist-Priolo Earthquake-Induced Liquefaction Zone as identified by the California Geological Survey, but is not located in either an Alquist-Priolo Earthquake Fault Trace Zone or an Earthquake-Induced Landslide zone.

According to a Geologic Hazards Study prepared for the project by Cornerstone Earth Group on June 17, 2016, the project was deemed to be feasible for the new development from a geotechnical standpoint. The study contains recommendations for the design and construction of the project that would address the potential for seismic settlement and soil corrosion, and the presence of undocumented fill and expansive soil. These recommendations include grading and compaction requirements, requirements related to the removal and replacement of fill, design criteria related to the incorporation of low impact development (LID) improvements such as bioswale design and infiltration material, and specific seismic design criteria for the building foundation. Incorporation of these recommended criteria into the design of the project would reduce potential impacts related to post-construction differential settling and seismic shaking to less than significant.

Furthermore, all proposed structures would be required to be designed in conformance with geotechnical and soil stability standards as required by the most recent version of the California Building Code (CBC). Conformance to the recommendations of the Geologic Hazards Study and all applicable CBC standards would reduce safety impacts to the dwelling units and their occupants from geological hazards to a less-than-significant level.

Construction of the project would involve demolition of existing structures and grading of the site. These activities have the potential to cause erosion and loss of topsoil. An erosion control plan would be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion during grading and construction activities. Because disturbance to the site would be greater than one acre, it would require coverage under the Statewide National Pollutant Discharge Elimination System (NPDES) General Construction Activities Stormwater Permit. To obtain coverage under the General Permit, submission of a Storm Water Pollution Prevention Plan (SWPPP) would be required, which requires

implementation of Best Management Practices required by the SWPPP to minimize erosion and topsoil loss. With implementation of Best Management practices required by the SWPPP under the NPDES Permit, the potential construction impacts related to erosion and topsoil loss would be less than significant.

As such, impacts associated with seismic ground-shaking, liquefaction, and soil expansion or erosion would be less than significant and no mitigation is required.

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 these reasons, there would be no impact in relation to septic tanks or alternative wastewater treatment systems.

Potential Impact: Less than Significant

Mitigation: None Required

VII. GREENHOUSE GAS EMISSIONS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 8, 21, 22, 23, G
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, G

Environmental Setting

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

GHG analysis uses carbon dioxide equivalents (CO₂e), measured in metric tons, to adjust for the different warming potential of a wide range of greenhouse gases, not just exclusively CO₂. The State 2005 GHG emission inventory was 479 million metrics tons of CO₂e. CARB projected that under business-as-usual conditions (no reduction effort) GHG emissions would grow to 596.4 million metric tons of CO₂e by the year 2020. According to the Scoping Plan, reducing GHG emissions to 1990 levels requires cutting approximately 30 percent from the business-as-usual emission levels projected for 2020, or about 15 percent from 2010 levels. The target amount for the 2020 goal is an emission level of no more than 427 million metric tons of CO₂e (the 1990 levels). On a per capita basis, this means reducing current annual emissions of 14 tons of CO₂e for every person in California down to about 10 tons per person by 2020. The City of Fremont GHG emission inventory estimate for 2010 was 1.99 million metric tons with a service population of jobs and residents of 304,489.

Regulatory Framework

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

- City of Fremont General Plan Sustainability and Conservation Elements

- State Assembly Bill (AB) 32
- California Green Building Code (Mandatory)

Discussion/Conclusion/Mitigation

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

The BAAQMD CEQA Air Quality Guidelines contain methodology and thresholds of significance for evaluating the potential impacts of GHG emissions from land use projects. BAAQMD thresholds were developed specifically for the Bay Area after considering the latest GHG inventory and the effects of AB 32 Scoping Plan measures that would reduce regional emissions. BAAQMD intends to achieve GHG reductions from new land use projects to close the gap between projected regional emissions with AB 32 Scoping Plan measures and AB 32 targets. BAAQMD suggests applying GHG efficiency thresholds to projects with operational emissions of 1,100 metric tons (MT) of CO₂e or greater per year. Projects that have emissions below 1,100 MT of CO₂e per year are considered to result in less than significant GHG emissions. Land use projects with emissions above the 1,100 MT per year per year threshold would then be subject to a GHG efficiency threshold of 4.6 MT of CO₂e per year per capita. Projects with emissions above this threshold would be considered to have an impact which, cumulatively, would be significant.

As shown in the table below, the attributes of the proposed residential project would be 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
Single family	325 du (ROG)	56 du	114 du (ROG)
>>Proposed Project	21 du	21 du	21 du

Project Construction

The project would generate GHG emissions during construction activities such as site preparation, grading, building construction, paving, and architectural coating from on-site heavy duty construction vehicle use, vehicles hauling materials to and from the project site, and construction worker trips. These emissions are temporary or short-term. No significant soil export is expected to occur that would involve extensive transport. Grading plans estimate approximately 1,450 cubic yards of soil would need to be cut and filled on-site to achieve planned rough grading elevations, which would be well below the 10,000 cubic yard threshold that would be considered extensive material transport.

Furthermore, implementation of the City's standard development requirement relating to air quality impacts resulting from construction-related emissions, which are based on BAAQMD's Basic Construction Measures, and implementation of Mitigation Measures AIR-1 would help to reduce construction-related impacts from GHG emissions. Therefore, the project would not generate GHG emissions at levels that would have a significant impact on the environment and

would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. Impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials?				X	1, 6, 7, E
b.	Create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials?		X			1, 6, 7, E
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	1, 3, F
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 18, E
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	N/A

Environmental Setting:

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. Like many properties in Fremont, the property was previously used for agricultural purposes, which ceased prior to establishment of the current religious facility.

The closest residential neighborhoods are located immediately adjacent to the site on multiple sides, and the Fremont Adult School is located approximately 600 feet to the southeast.

Regulatory Framework

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

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

Discussion/Conclusion/Mitigation

a-c) **Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the project 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? Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

The proposed project would not involve the routine transport, use or disposal of hazardous materials beyond those commonly used by households for cleaning and by professional landscaping services for landscape maintenance. Therefore, no impacts in this regard on the adjacent residential neighborhoods or the nearby Fremont Adult School would result from the project.

The site was used agriculturally prior to its development as a religious facility. In order to determine the presence of any hazardous materials within the site in levels that would preclude redevelopment of the site with residential uses, a Phase I Environmental Site Assessment (ESA) and a follow-up Phase II ESA were prepared by AEI Consultants in August and October 2016, respectively. Sampling detected levels of organochlorine pesticides (OCPs) below environmental screening levels (ESLs) established by the Regional Water Quality Control Board, with the exception of arsenic, levels of which exceeded ESLs, but were within naturally occurring levels commonly found in bay area soils. In order to ensure that arsenic levels were uniformly distributed throughout the site, the City requested additional testing for arsenic, and it was determined through the amended Phase II ESA on October 26, 2017 that a small location of higher arsenic levels existed in a portion of the site (approximately 30' by 30' wide by one foot deep), and that area was skewing the average levels. A mitigation was recommended requiring movement of the affected soil to a location underneath the proposed private vehicle access way or off-haul of the soil in order to prevent risk of exposure to arsenic.

Potential Impact: Less than Significant with Mitigation Incorporated:

Mitigation Measure Haz-1: A Soil Management Plan (SMP) shall be developed to provide guidelines for the appropriate handling and management of soil with known contaminants in excess of Environmental Screening Levels set by applicable agencies having jurisdiction depending upon type, amount, and location of contaminant.

Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants 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 upon the location (e.g. depth) and the type of contaminant 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 contaminants have been resolved.

Furthermore, due to the age the existing structures, the site could contain asbestos and lead-based paint which could cause a health hazard when the structures are demolished. Implementation of Mitigation Measure Haz-2 would reduce this impact to a less-than-significant level.

Potential Impact: Less than Significant with Mitigation Incorporated:

Mitigation Measure Haz-2: Prior to issuance of a demolition permit for the existing structures, testing for asbestos-containing materials and lead-based paint shall be conducted by a certified environmental professional. If asbestos-containing materials or lead-based paint are detected, then an asbestos operations and maintenance plan or lead-based paint management plan shall be developed for the structures by said professional and submitted to the Planning Manager for review and approval.

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

The project site is not listed on any hazardous materials site databases compiled pursuant to Government Code Section 65962.5.

Potential Impact: No Impact

Mitigation: None required.

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

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

Potential Impact: No Impact

Mitigation: None Required

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

The proposed project would not interfere with emergency response or evacuation plans and would be designed to meet all applicable federal, state and local fire safety codes. Emergency vehicle access would be provided on perimeter streets and on the new private vehicle access way, both of which would comply with City Fire Department and Public Works Department standards. Furthermore, the project is not located in an area susceptible to wildland fires. For these reasons, no significant impact to life safety would result from the project and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

IX. HYDROLOGY AND WATER QUALITY - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Violate any water quality standards or waste discharge requirements?			X		1, 6, 8, 14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 6, 8, 14, 15, 16
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X	1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?			X		1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Environmental Setting:

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. Like most properties in Fremont, the property was previously used for agricultural purposes, which cease prior to establishment of the current

religious facility.

Regulatory Framework

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

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

Discussion/Conclusion/Mitigation

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

Construction activities such as grading, vegetation removal, excavation, and backfilling, have the potential to affect surface water quality.

The proposed project would be required to comply with existing state, regional and local regulations that protect water quality. The project would connect to the existing public sanitary sewer, storm drain, and water lines in adjacent streets. The Alameda County Water District has confirmed that it is capable of meeting the project's water demands without significantly impacting the District's supplies or its distribution system.

Because the project would replace in excess of 10,000 square feet of existing impervious surface area with new impervious surface, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulates the treatment of stormwater runoff on the site. The project site currently contains 41,818 square feet of impervious surface consisting of pavement and building rooftops. The project as proposed would remove this impervious surface area and redevelop the site with 55,839 square feet of new impervious area, resulting in a net increase of 14,021 square feet of impervious area on the site. The applicant would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces in bio-retention planters before it is discharged into the public storm drain system. Compliance with the applicable C.3 requirements would ensure that no impacts to water quality would result from the project and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required

d-e) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-

site? Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The proposed project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. Drainage from the project would be directed into landscape-based treatment areas located throughout the development (see response to questions IX, a-c and f, above), where the flow volumes would be metered and ultimately discharged into the public storm drain system. Thus, no impact would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

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

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0461G, effective August 3, 2009. According to this FIRM, the project site is located within an Unshaded “X” zone and is, therefore, outside of the 100-year flood zone. The project site is also not situated within a Special Flood Hazard Area, but is within an area, similar to most of Fremont, that would be subject to inundation as a result of failure of a dam, levee, or reservoir. Finally, the project site is not located in close proximity to San Francisco Bay and would not be subject to inundation by seiche or tsunami. As such, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

X. LAND USE AND PLANNING - Would the project:

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

Environmental Setting

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The site is designated and zoned for

low-density residential development and is surrounded on three sides (south, east and west) with existing low-density residential subdivisions.

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
- Irvington Community Plan
- City of Fremont Zoning Ordinance

Discussion/Conclusion/Mitigation

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

The proposed project would not physically divide an established community as it would result in additional single-family residential units abutting existing single-family neighborhoods within the same General Plan Land Use Designation. The project does not propose to close any existing roadways. Existing residences nearby would be accessed by existing roadways in the vicinity.

In addition, the project would not conflict with General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect, but would instead provide development within the existing density planned in the General Plan. The project is consistent with the following goals and policies in the General Plan related to infill development and directing change for orderly growth and compatibility.

Land Use Element Goal 2.2: Directing Change

Growth and development that is orderly and efficient, leverages public investment, ensures the continued availability of infrastructure and public services, reduces adverse impacts on adjacent properties, and protects the natural environment.

Land Use Policy 2-2.5: Zoning and Subdivision Regulations

Use zoning and subdivision regulations to direct the city's growth, ensure sufficient opportunities for new development, improve Fremont's quality of life, create complete neighborhoods, reduce nuisances, achieve compatibility between adjacent properties and uses, address land use conflicts, and protect the health and safety of residents, visitors, and workers.

Finally, there are no habitat conservation or natural community conservation plans adopted for the site. Therefore, no impact would result.

Potential Impact: No Impact

Mitigation: None Required

XI. MINERAL RESOURCES - Would the project:

ISSUES:		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Environmental Setting

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The site is located in an urbanized area surrounded by existing residential subdivisions.

Regulatory Framework

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

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

Discussion/Conclusion/Mitigation

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

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

Potential Impact: No Impact

Mitigation: None Required

XII. NOISE - Would the project result in:

ISSUES:		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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, 6, 9, F
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X		1, 6, 9, F
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	1, 6, 9, F
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			1, 6, 9, F
e.	For a project located within an airport land use plan or, where				X	N/A

	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?					
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

Environmental Setting

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. There is one main noise source that affects the project site: roadway noise from vehicular traffic traveling along Mowry Avenue, which is designated as a primary arterial in the City’s General Plan. There are no railroad lines in the immediate vicinity. The nearest railroad line is over a mile away.

Regulatory Framework

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

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

In accordance with Fremont General Plan Policy 10-8.1, the maximum acceptable average outdoor noise level (or L_{dn}) in residential areas is an L_{dn} of 60 dBA. These levels would be applicable to private rear yards of new single-family homes. The maximum acceptable average indoor noise level for all new residential projects is an L_{dn} of 45 dBA, while the maximum instantaneous noise level from temporary sources such as train horns (or L_{max}) is 50 dBA in bedrooms during the night and 55 dBA in bedrooms and all other habitable rooms (such as living rooms, offices, kitchens, etc.) during the day.

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? Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Noise Analysis: The project site fronts along Mowry Avenue to the north. Due to the open nature of the northern edge of the site as it exists adjacent to Mowry Avenue, placing two new homes along Mowry would provide further shielding to the proposed new homes on the remainder of the site further south from the primary source of noise in the area—traffic noise on Mowry Avenue. With respect to the expected noise environment within the project itself, a noise analysis was completed by Saxelby Acoustics on July 20, 2017, to analyze current and future noise impacts from the adjacent roadway on the proposed project.

Exterior Noise Levels

In accordance with Fremont General Plan Policy 10-8.1, the maximum acceptable average outdoor noise level (or L_{dn}) in residential areas is an L_{dn} of 60 dBA. The Noise Assessment found

that all private outdoor yards would be less than or equal to 60dBA, which complies with the standard. No mitigation is required.

Potential Impact: Less than Significant

Mitigation: None required

Interior Noise Levels within Residences

Per General Plan Policy 10-8.1, the maximum interior L_{dn} threshold for new dwelling units is 45 dBA, with a maximum instantaneous noise level (or L_{max}) not to exceed 50 dba in bedrooms during the night and 55 dba in bedrooms and all other habitable rooms during the day. The Noise Assessment found that existing and projected noise levels from traffic along Mowry Avenue would exceed the maximum interior L_{dn} threshold in the proposed units along Mowry Avenue.

The Noise Impact Analysis determined that implementation of certain noise-reducing construction methods and materials would reduce interior noise levels of the impacted units to acceptable levels. The identified mitigation involves the use of special construction methods and high-quality, sound-rated construction materials for most of the exterior walls and window systems of each of the two dwelling units located directly facing the Mowry Avenue frontage road.

Potential Impact: Less than Significant with Mitigation Incorporated

Mitigation Measure Noise-1: To reduce interior noise within the interiors of the units to be built on lots 12 and 13, the second-floor facades shall include the following interior noise control measures:

- a) Glazing shall have a sound transmission class (STC) rating of 35.
- b) Exterior finish shall be three-coat stucco or system with equivalent weight per square foot.
- c) Interior gypsum at exterior walls shall be 5/8" Type X or Type C.
- d) Ceiling gypsum shall be 5/8" Type X or Type C.
- e) Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical insulation.
- f) As an alternative to the above-listed interior noise control measures, the applicant may provide a detailed analysis of interior noise-control measures once building plans become available. The analysis should be prepared by a qualified noise control engineer and shall outline the specific measures required to meet the City's 45dB Ldn interior noise level standards.

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

Construction of the project would result in a temporary increase in noise levels during daylight hours, particularly from diesel-powered earth-moving equipment and other heavy machinery needed to grade the site and construct the proposed buildings and private streets. Such impacts would be potentially significant, particularly for the existing residences immediately adjacent to the project site. However implementation of Mitigation Measure Noise-2, below, would reduce these temporary construction-related impacts to a less-than-significant level:

Potential Impact: Less-than-Significant with Mitigation Incorporated.

Mitigation Measure Noise-2: To reduce potential construction-related noise impacts from the development of the project, the following measures shall be implemented by the applicant/developer:

- a) The general contractor (and any subcontractors) shall locate stationary noise-generating equipment as far as possible from adjacent residences, and shall place such stationary noise sources so that emitted noise is directed away from the adjacent residences.
 - b) The general contractor (and any subcontractors) shall, the maximum extent practical, locate on-site equipment staging areas to maximize the distance between construction-related noise sources and the adjacent residences during all project construction.
 - c) Install temporary noise barriers.
 - d) Prohibit extended idling time of internal combustion engines.
 - e) The general contractor (and any subcontractors) shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints regarding construction-related noise. The disturbance coordinator would determine the cause of the noise complaints (i.e., starting up too early, a bad muffler, etc.) and establish reasonable measures necessary to correct the problem. The general contractor shall post a sign with a phone number and/or email address for the disturbance coordinator at the construction site in plain sight from the Mowry Avenue right-of-way.
 - f) The general contractor shall ensure that construction activities are limited to the weekday hours of 7:00 AM to 7:00 PM and the Saturday/Holiday hours of 9:00 AM to 6:00 PM, and ensure that no construction activities take place on Sunday.
- e-f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

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

Potential Impact: No Impact
Mitigation: None Required

XIII. POPULATION AND HOUSING - Would the project:

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

Existing Conditions

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The site is designated in the City’s General Plan and also zoned to accommodate low-density residential development. The site is surrounded

on three sides by existing residential subdivisions of similar density and housing types.

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, December 2014)

Discussion/Conclusion/Mitigation

a-c) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The proposed project would result in the construction of a maximum of 21 residential units. Construction of 21 new housing units could result in a population increase of 65 new residents (based on DOF’s 2017 estimate of 3.11 persons per dwelling units). This would represent a less than 0.1 percent increase growth (based on DOF’s population estimate of 229,324 as of January 2016). While the proposed project would result in population growth, the addition of 21 units would not result in a significant impact on public facilities. Furthermore, the project site is surrounded by existing single-family residential uses and would, therefore not require the extension of new infrastructure or services that could induce additional population growth in the area. The number of proposed dwelling units and density of the site would be consistent with growth anticipated in the Fremont General Plan, consistent with the existing land use designation.

The site currently contains one existing dwelling unit used as a parsonage associated with the religious facility. Therefore, the project would not displace any residents necessitating the construction of replacement housing elsewhere. As such, no impact would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

XIV. PUBLIC SERVICES:

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

Existing Conditions

The project site is located in an area that is designated in the General Plan predominantly for low density residential uses. The project site is located in a fully-developed area of the City of Fremont where all public services needed for the project are already in place.

Regulatory Framework

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

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

Discussion/Conclusion/Mitigation

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

Fire Protection: The Fremont Fire Department currently provides fire protection to the project site and would continue to do so in the future. The proposed project would develop 21 new dwelling units on the project site and add an estimated 65 persons to the City's population. Fire Station No. 1 is located at the corner of Mowry Avenue and Argonaut Way nearby within the City's response time goal. No new or expanded fire protection facilities would be required to serve the project.

Police Protection: The Fremont Police Department currently provides police protection to the project site and would continue to do so in the future. The proposed project would remove an existing religious facility and parsonage and develop 21 new dwelling units on the project site, which would add an estimated 65 persons to the City's population. This would be expected to yield a small increase in the number of calls for service but not enough to require new or expanded police protection facilities. Impacts would be less than significant.

Schools: The project site is within the Fremont Unified School District. The proposed project would develop 21 new dwelling units on the project site. Using a standard student generation rate of 0.7 student/single family dwelling unit, the proposed project would add 15 students to the Fremont Unified School District. Enrollment within the district was 34,852 in Academic Year 2015–2016; thus, the proposed project's estimated 15 students would represent an increase of less than 0.1 percent. This increase would not be significant enough to necessitate new or expanded school facilities.

Parks and Other Public Facilities: The proposed project would develop 21 new dwelling units on the project site, which would add an estimated 65 persons to the City's population. This would be expected to yield a small increase in demand for parks, libraries, or other public facilities, but not enough to require new or expanded facilities.

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

Fees, Park Dedication In-lieu and Park Facilities Fees, Capital Facilities Fees, and Fire Service Fees.

The proposed development is located in an area of the City where public facilities and services needed to serve the project are already in place.

The applicable Development Impact Fees that would be collected in the amounts required for each type of public service would be sufficient to continue to offset the project's impacts to those services. As such, no impacts to public facilities or services would result and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required

XV. RECREATION:

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

Existing Conditions

The City of Fremont maintains approximately 1,148 acres of parkland, spread over 53 parks, which provide recreational facilities and opportunities to the community. In addition, residents and community members also have access to park and trail systems maintained by other agencies including the East Bay Regional Parks District, the Don Edwards San Francisco Bay National Wildlife Refuge, the San Francisco Bay Trail, and other recreational facilities including five community centers, various sports facilities, a water park, and art gallery.

The project site is located in a single-family residential area of the City; there are no existing recreational facilities located on or adjacent to the site.

Regulatory Framework

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

- City of Fremont General Plan Parks and Recreation Element

Discussion/Conclusion/Mitigation

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

Construction of the proposed residential development could result in a slight increase in demand for and use of local and regional park and recreation facilities through the addition of 65 new

residents. This increased use and demand would not be enough to require new or expanded facilities.

The payment of the required Park Dedication In-Lieu and Park Facility fees for new residential development as described in Section XIV, Public Services, above, would offset the increased demand in accordance with applicable City ordinances and reduce the impacts to such facilities to a less-than-significant level.

Potential Impact: No Impact
Mitigation: None Required

XVI. TRANSPORTATION/TRAFFIC - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		1, 7
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X		1, 7
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 7
d.	Substantially increase hazards due to a design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses?				X	1, 7
e.	Result in inadequate emergency access?				X	1, 6, 7
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	1, 7

Existing Conditions

The project site is located on Mowry Avenue, Cindy Street, and Serra Place. The nearest major signalized intersections to the site are Blacow Road/Mowry Avenue, and Mowry Avenue/Logan Drive.

Regulatory Framework

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

- City of Fremont General Plan Mobility Element

Discussion/Conclusion/Mitigation

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

program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

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 hours. This threshold is consistent with the threshold used by Alameda County Transportation Commission (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. In the project vicinity, I-880 and State Route 84 are designated as CMP facilities.

The proposed development of 21 new single-family homes is estimated to generate 16 AM peak hour trips, 21 PM peak hour trips, and 200 total weekday vehicle trips (reference: Land Use Code ITE #210, Single Family Detached Housing from ITE Trip Generation Handbook, 9th Edition). Based on the estimated PM peak hour trips that would be generated by the project, it would fall well below the City and ACTC thresholds for projects for which a detailed TIA would be required to evaluate potential transportation related impacts. The development intensity of the project is consistent with the General Plan land use designation for the site and existing development in the surrounding residential community. Therefore, the project's impacts to intersection Level of Service (LOS) measures established in the General Plan and other performance measures would be less than significant.

The project would 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.

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)?**

The proposed project would not have an impact on air traffic patterns as there are no airports in Fremont or near the project site. The design of the proposed project, as well as all internal private streets, would be consistent with City development standards. The project would not increase hazards due to design because vehicular access to the site would be provided via City-standard driveway entrances to the site from several dispersed street frontages. Thus, no impacts would result and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required

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

Emergency vehicle access would be provided throughout the entire project on perimeter streets and on the new private vehicle access way. All improvements would be designed in accordance

with the City’s standards. 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 project would also not conflict with any plans, policies or programs supporting alternative transportation in that it would not obstruct or otherwise impact any transit stops or bicycle lanes. No impact would result and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

ISSUES:		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		10, agency notice
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		10, agency notice
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		10, agency notice
f.	Be served by a landfill with sufficient permitted capacity to 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

Existing Conditions

The project site consists of one parcel totaling 2.45 net acres located at 39009 Cindy Street, with access on three existing abutting streets—Mowry Avenue to the north, Cindy Street to the east, and Serra Place to the west. A 7,190-square-foot religious facility with an associated surface parking lot and a single-family home used as a parsonage currently exist on the project site. The site is designated in the City’s General Plan and also zoned to accommodate low-density residential development. The site is surrounded on three sides by existing residential subdivisions of similar density and housing types. The project is located in an urbanized area with existing utilities and service systems in place to serve the site.

Regulatory Framework

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

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

Discussion/Conclusion/Mitigation

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

The proposed project would connect to existing water, sewer and storm drain lines located in adjacent streets that already serve the area. The utility companies that would provide utility services to the proposed dwellings were notified of the project and did not indicate that it would generate an increase in wastewater or stormwater runoff levels that could exceed the capacity of the sewer and storm drain lines serving the property or require excessive amounts of water that could not be provided by the existing water mains that already serve the area. As such, the existing sewer, storm drain, and water lines serving the area need not be expanded to accommodate the proposed development and impacts to utilities would be less than significant.

Potential Impact: Less than Significant

Mitigation: None Required

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

The project would be served by the City's franchised waste hauler agreement with Republic Services in compliance with applicable standards for conventional residential waste products and recyclables. The agreement provides landfill capacity for anticipated growth within the City. The City's Environmental Services Division reviews proposals involving new development to ensure that the proposed use(s) would not generate unusually large volumes of solid waste that may not be able to be accommodated by the landfill space guaranteed the City under the franchise agreement. Because the City currently maintains a robust diversion rate for residential uses (including commingled recycling service and organics composting service for single-family and townhouse developments), the proposed project of 21 detached single-family dwellings would not result in significant volumes of solid waste that could not be accommodated by the landfill facility with which the City maintains its waste disposal agreement. As such, impacts would be less than significant and no mitigation is required.

Potential Impact: Less than Significant

Mitigation: None Required

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

ISSUES:		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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

Based on the analysis provided herein, the proposed project does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

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

MITIGATION MEASURES:

Mitigation Measure Cult-1: Discovery of Archaeological Resources. The applicant/developer shall include a note on any plans that require ground disturbing excavation that there is potential for exposing buried cultural resources. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 200 feet of the find shall halt until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool making debris; culturally darkened soil ("midden") containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.

Mitigation Measure Cult-2: Discovery of Any Human Remains. In the event of the discovery of any human remains, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission within 24 hours. The Commission shall attempt to identify the deceased or descendants of the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. If the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent fails to make a recommendation within 24 hours after notified, or the landowner or his authorized representative rejects the recommendation of the descendent, and mediation by the Commission fails to provide measures acceptable to the landowner, then the land owner shall re-inter, with appropriate dignity, the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Mitigation Measure Cult-3: Discovery of Paleontological Resources. The applicant/developer shall include a note on any plans that require ground disturbing excavation that there is potential for exposing buried cultural resources. In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 200 foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

Mitigation Measure Haz-1: A Soil Management Plan (SMP) shall be developed to provide guidelines for the appropriate handling and management of soil with known contaminants in excess of Environmental Screening Levels set by applicable agencies having jurisdiction depending upon type, amount, and location of contaminant.

Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants 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 upon the location (e.g. depth) and the type of contaminant 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 contaminants have been resolved.

Furthermore, due to the age the existing structures, the site could contain asbestos and lead-based paint which could cause a health hazard when the structures are demolished. Implementation of Mitigation Measure Haz-2 would reduce this impact to a less-than-significant level.

Mitigation Measure Haz-2: Prior to issuance of a demolition permit for the existing structure, testing for asbestos-containing materials and lead-based paint shall be conducted by a certified environmental professional. If asbestos-containing materials or lead-based paint are detected, then an asbestos operations and maintenance plan or lead-based paint management plan shall be developed for the structures by said professional and submitted to the Planning Manager for review and approval.

Mitigation Measure Noise-1: To reduce interior noise within the interiors of the units to be built on lots 12 and 13, the second-floor facades shall include the following interior noise control measures:

- a) Glazing shall have a sound transmission class (STC) rating of 35.
- b) Exterior finish shall be three-coat stucco or system with equivalent weight per square foot.
- c) Interior gypsum at exterior walls shall be 5/8" Type X or Type C.
- d) Ceiling gypsum shall be 5/8" Type X or Type C.
- e) Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical insulation.
- f) As an alternative to the above-listed interior noise control measures, the applicant may provide a detailed analysis of interior noise-control measures once building plans become available. The analysis should be prepared by a qualified noise control engineer and shall outline the specific measures required to meet the City's 45dB Ldn interior noise level standards.

Mitigation Measure Noise-2: To reduce potential construction-related noise impacts from the development of the project, the following measures shall be implemented by the applicant/developer:

- a) The general contractor (and any subcontractors) shall locate stationary noise-generating equipment as far as possible from adjacent residences, and shall place such stationary noise sources so that emitted noise is directed away from the adjacent residences.
- b) The general contractor (and any subcontractors) shall, the maximum extent practical, locate on-site equipment staging areas to maximize the distance between construction-related noise sources and the adjacent residences during all project construction.
- c) The general contractor (and any subcontractors) shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints regarding construction-related noise. The disturbance coordinator would determine the cause of the noise complaints (i.e., starting up too early, a bad muffler, etc.) and establish reasonable measures necessary to correct the problem. The general contractor shall post a sign with a phone number and/or email address for the disturbance coordinator at the construction site in plain sight from the Mowry Avenue right-of-way.
- d) The general contractor shall ensure that construction activities are limited to the weekday hours of 7:00 AM to 7:00 PM and the Saturday/Holiday hours of 9:00 AM to 6:00 PM, and ensure that no construction activities take place on Sunday.

GENERAL SOURCE REFERENCES:

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

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2015 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2014
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

PROJECT RELATED REFERENCES:

- A. Project plans prepared by William Hezmalhalch Architects and Mackay & Soms., et al., dated August 2017.
- B. Site reconnaissance visit by City Planning Division, January, 2018.
- C. Tree Survey Report prepared by HortScience dated February 3, 2017.
- D. Geotechnical Feasibility Study prepared by Cornerstone Earth Group, dated June 17, 2016 and Design-level Geotechnical Investigation, dated May 8, 2017.
- E. Phase 1 Environmental Site Assessment prepared by AEI Consultants dated August 26, 2016, and Phase II Environmental Site Assessment prepared by AEI Consultants dated October 7, 2016, and Addendums to Phase II ESA dated July 13, 2017, October 26, 2017, and January 25, 2018.
- F. Noise Impact Analysis prepared by Saxelby Consultants, dated July 20, 2017.
- G. Air Quality/GHG Modeling Analysis prepared by City staff, January 2018.