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## City of Fremont Initial Study

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1. **Project:** Villas of Mission (PLN2015-001149)
2. **Lead Agency name and address (including e-mail address/fax no. as appropriate):**  
City of Fremont Community Development Dept.  
39550 Liberty Street, 1<sup>st</sup> Floor  
Fremont, CA 94538
3. **Lead Agency contact person:**  
David Wage, Associate Planner  
Phone: (510) 494-4447  
E-mail: [dwage@fremont.gov](mailto:dwage@fremont.gov)
4. **Project location:** 36341 Mission Boulevard, Fremont, CA 94536 (APN(s): 507-0020-007-02)
5. **Project Sponsor's name and address:**  
Mohammed Shaiq  
39899 Balentine Dr. #328  
Newark, CA 94560
6. **General Plan Land Use Designation:** General Commercial
7. **Current Zoning:** General Commercial
8. **Description of project:**

The applicant proposes a General Plan Amendment to change the land use designation of a 0.79-acre site from General Commercial to Medium Density Residential (14.6 to 29.9 units per net acre), a Rezoning of the site from C-G (General Commercial) to R-3-18, Multifamily Residential, Vesting Tentative Tract Map No. 8220, and a Private Street entitlement for a new 13-unit residential townhouse development at 36341 Mission Boulevard. The property is a 0.79 acre (34,276 s.f.) parcel located on the north side of East Nursery Avenue, west of Mission Boulevard.

The proposed residential lots would range in size from 824-1,554 square feet, with the townhomes featuring two and three-story floor plans ranging in size from 1,735-2,047 square feet of living area. Ten of the units would be three stories tall, reaching a height of approximately 31 feet. The three units along the north property line would be two-stories and would vary in height between 25' and 29'3". Each of the units would have a private outdoor balcony and/or patio.

The proposed development would be accessed from a new driveway on Mission Boulevard. The project would include the installation of curb, gutter, sidewalk and street trees along the project site street frontage. The units along Mission Boulevard would have front doors and balconies that address the street. The six units at the north and south edges of the site (lots 1-3 and 11-13) would be front loaded with garages off the private street located on the front façade of the building and include a small private rear yard area. The remaining units (lots 4-10) would be rear loaded with the front door oriented towards Mission Boulevard or the internal landscaped paseo. Side-by-side two-car garages would be provided for each unit, with all the driveways located directly off the proposed private street. A total of seven guest parking spaces would be provided throughout the development.

A commonly-owned, landscaped open space with an outdoor kitchen/BBQ, seating and shade structure would be provided at the center of the site. Six existing trees would be removed. A mix of small, medium and large canopy trees, shrubs and ground cover would be planted throughout the development. An eight-

foot-tall sound wall would be installed along the north, south and west property lines to buffer noise from Mission Boulevard and Union Pacific Railroad right of way.

**9. Surrounding land uses and setting:**

The property is a single a 0.79 acre (34,276 s.f.) parcel located on north side of East Nursery Avenue, west of Mission Boulevard. There are no structures located on the property; however, there are six California Live Oak trees. Historical photographs indicate the site was periodically used for agricultural uses and has remained undeveloped since 1940. Surrounding land uses include the 41-unit Arroyo Park townhome development to the north and an automotive repair business located immediately to the south at 36389 Mission Boulevard. Single-family homes are located directly across Mission Boulevard to the east, while the Union Pacific railroad abuts the site to the west. There is multi-family residential development and undeveloped open space beyond the railroad tracks to the west.

The segment of Mission Boulevard fronting the project site consists of a four-lane arterial/state highway (State Highway Route 238) with two northbound lanes and two southbound lanes, bicycle lanes and a raised median. The frontage of the property is currently unimproved.

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

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

**10. Other public agencies requiring approval:** California State Department of Transportation (Caltrans), Alameda County Flood Control District (ACFCD), Alameda County Water District (ACWD), Union Sanitary District (USD)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**PREVIOUS ENVIRONMENTAL ANALYSES:** None.

**DETERMINATION BY THE CITY OF FREMONT:**

On the basis of this initial evaluation:

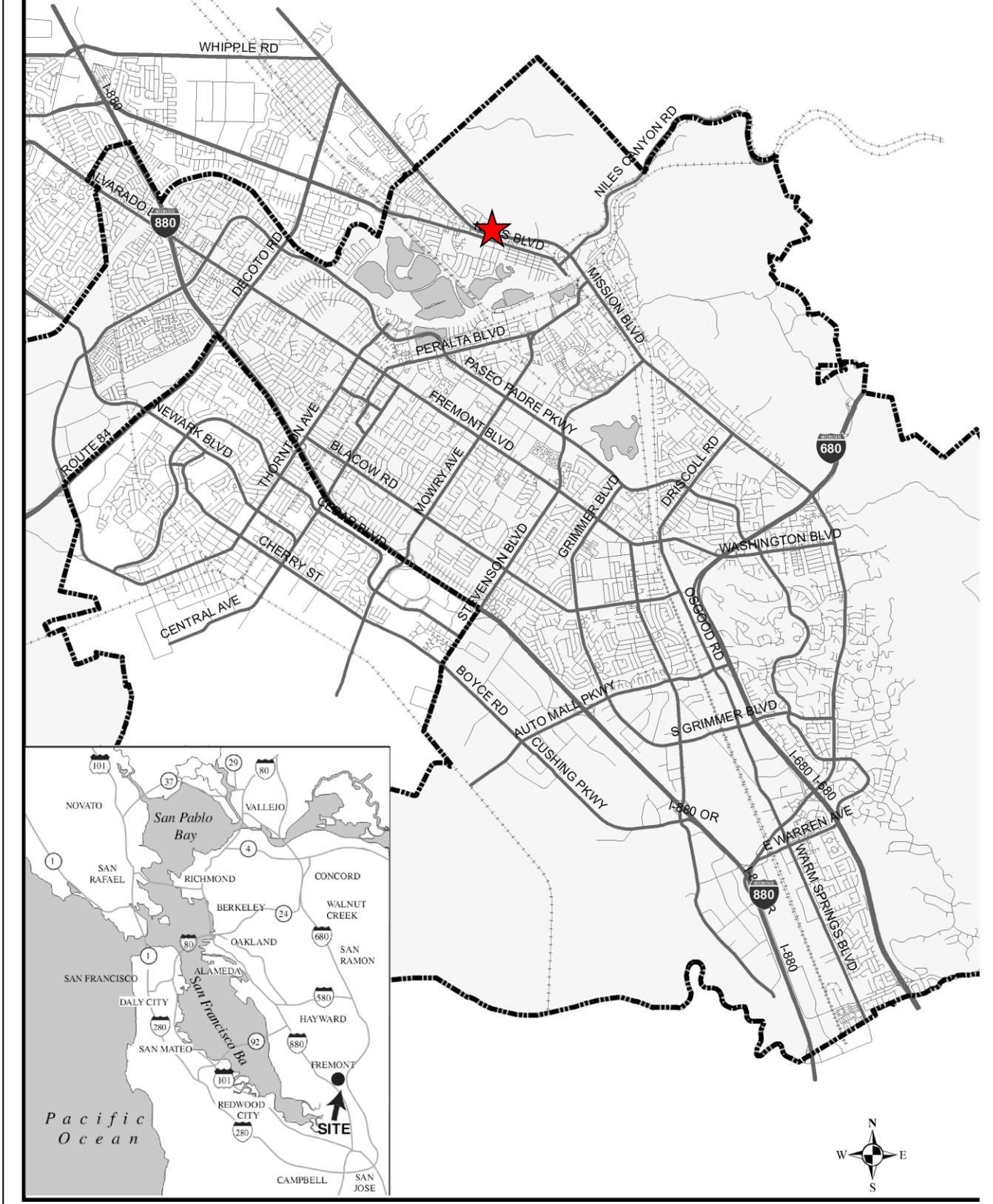
	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in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

Signature: *David Wage* Date: 3/8/18

Printed Name: David Wage For: City of Fremont

Planning Manager Review: *Ingrid Redemaker, Principal Planner*

# Project Vicinity Map



**I. AESTHETICS - Would the project:**

<b>ISSUES:</b>		<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.	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 is a single a 0.79 acre (34,276 square-feet) parcel located on the north side of East Nursery Avenue, west of Mission Boulevard. There are no structures on the property, which is also unpaved. There are six California live oak trees on the site that are proposed to be removed. There are no major visual features within the project area. The Community Character Element of the General Plan identifies Mission Boulevard as a scenic corridor. The project site has 210 feet of frontage along Mission Boulevard.

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

Mission Boulevard (State Route 238) is identified as a scenic route in the General Plan, and the Mission Hills to the east of the project site are one of the City’s primary scenic resources. The project would not significantly impact views of the Mission Hills from Mission Boulevard. A small number of existing homes located across the railroad tracks from the subject site to the west currently enjoy views of the Mission Hills foothills to the east. Construction of the proposed two-and-three-story buildings would obstruct a portion of these views, but the affected homes would still maintain some direct views of the hills over and around the rooftops of the new units. As such, the project would have a less-than-significant impact on scenic vistas. Furthermore, there are no rock outcroppings or historic structures on-site or adjacent, or other scenic resources that would be impacted as a result of the project. There are six trees along the north edge of the property that would be removed by the project, but these would be replaced, as required by the City’s tree preservation ordinance, with new trees and landscaping that would contribute and enhance the visual character of the site’s exterior appearance. Thus impacts to scenic resources would be less than significant.

**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 site itself doesn't have any visually distinctive characteristics as it is vacant and largely unmaintained . There are six California live oak trees that would be removed as part of the project. The views of the project site from roadways and nearby development will change as the project site is transformed to a developed residential use in the future; however a medium density residential project is consistent with the existing visual character of the project area. Surrounding development is generally two-stories, which would be visually consistent with the proposed project. The project will include landscaping in accordance with City Standards that would enhance the visual quality of the site. The proposed project would be compatible with the aesthetics of the surrounding development pattern and, therefore, would not substantially degrade the existing visual character or quality of the site or its surroundings. As such, impacts would be less than significant.

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

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

The project would allow the development of the site with residential units that would include building mounted and free-standing lighting. Exterior lighting would be diffused or concealed to prevent illumination onto adjoining properties. Prior to issuance of a building permit, the applicant would be required to submit a photometric plan to ensure compliance with the City's exterior lighting requirements. The project is located in an urbanized area that is surrounded by existing sources of light including Mission Boulevard and residential uses to the northwest. The light and glare created by the project would be consistent with levels of light currently emitted by surrounding development. As such, the project's impacts related to light or glare would be less than significant.

**Potential Impact:** Less than Significant

**II. AGRICULTURE AND FOREST RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (LESA, 1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 20

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
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 is undeveloped, containing redural vegetation. There are no agricultural uses or forest land on the property. The project site is surrounded by urban development.

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 Prime Farmland, Unique Farmland or Farmland of Statewide Importance. Therefore, no impact would result.

**Potential Impact:** No Impact

**Mitigation:** None Required

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

The project site does not contain any farmland/agricultural resources. The site is identified as “urban and built-up land” on the California Department of Conservation’s 2014 Alameda County Farmland Map and is zoned for commercial uses. Furthermore, there are no agriculturally-zoned lands or existing Williamson Act contracts affecting the subject property. The area adjacent to the site is also designated and zoned for residential and commercial uses. The proposed project would also not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no agricultural resource or forest resource impacts would result from the development of the project.

**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:

<b>ISSUES:</b>		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, D
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		1, 21, 22, D
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X		1, 21, 22, D
d.	Expose sensitive receptors to substantial pollutant concentrations?			X		1, 3, 6, 21, 22, D
e.	Create objectionable odors affecting a substantial number of people?			X		1, 3, 6

### Environmental Setting

The project site has frontage on State Route 238 (Mission Boulevard) and Union Pacific Railway is located immediately west of the project site, both of which are potential pollutant generators in the vicinity.

The project would develop the site with 13 townhomes units. Construction impacts associated with the parking lot and buildings would result in temporary changes to air quality, while the occupancy of the future residences would result in ongoing changes to air quality.

### Regulatory Framework

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

- City of Fremont General Plan Conservation Element (Air Quality)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest monitoring stations to Fremont are in Hayward and San Jose. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NOx), and particulate matter (PM10 and PM2.5). 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 infill areas for the City (such as the residential units proposed by the project), the City uses the cumulative exposure threshold of 100 chances per million (*Fremont General Plan EIR, page 4-137*).
- 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?**

The most recent Clean Air Plan is the *2017 Clean Air Plan: Spare the Air, Cool the Climate* that was adopted by BAAQMD in April 2017. Consistency with the air quality plan can be 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).

The proposed project would not conflict with the latest Clean Air planning efforts since the project would have emissions below the BAAQMD thresholds (see discussion below (b-c)), and (2) development of the project site would be considered urban "infill." Net emissions from the project would not exceed any of the significance thresholds and, thus, it would not conflict with the Plan and is not required to incorporate project-specific transportation control measures listed in the latest Clean Air Plan.

**Potential Impact:** Less than Significant Impact

**Mitigation:** None Required

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

The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter (PM<sub>2.5</sub>) under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for respirable particulates or particulate matter with a diameter of less than 10 micrometers (PM<sub>10</sub>) under the California Clean Air Act, but not the Federal act. The area has attained both State and Federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM<sub>10</sub>, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO<sub>x</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> and apply to both construction period and operational period impacts.

Due to the project size, construction exhaust and operational period emissions would be less than significant. In their 2011 update to the *CEQA Air Quality Guidelines*, BAAQMD identified the size of land use projects that could result in significant air pollutant emissions (see table below). For construction exhaust and evaporative ROG impacts, the condo/townhouse land use size was identified at 240 dwelling units. For operational impacts, the project size was identified at 451 dwelling units. Since the project proposes 13 townhouses and does not require extensive demolition or grading (e.g. greater than 10,000 cubic yards of soil import/export as noted in Guidelines), it is concluded that emissions would be below the BAAQMD significance thresholds for both construction exhaust and operational emissions and thus the project would not violate or contribute substantially to any quality standard nor would it result in a cumulative considerable increase in criteria pollutants.

Table 1: BAAQMD Screening Level Sizes

Land Use	Operational Criteria Pollutant Screening Size	Operational GHG Screening Size	Construction Related Screening Size
Condo/Townhouse, general	451 dwelling units (ROG)	78 dwelling units	240 dwelling units (ROG)

However, construction activities, particularly during site preparation and grading would temporarily generate fugitive dust in the form of PM<sub>10</sub> and PM<sub>2.5</sub>. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit dust or mud on local streets, which could be an additional source of airborne dust after it dries. Fugitive dust emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. Fugitive dust emissions would also depend on soil moisture, silt content of soil, wind speed, and the amount of equipment operating. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are employed to reduce these emissions. The proposed project would comply with the standard development requirements for resource protection (Fremont Municipal Code Chapter 18.218), including the following requirements relating to construction emissions, which are based on BAAQMD’s Basic Construction Measures, and would reduce construction-related fugitive dust emissions:

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

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

Because the above standard development requirements apply to the project per Chapter 18.218(a)(1) of the Fremont Municipal Code, emissions of fugitive PM10 and PM2.5 would be less than significant.

**Potential Impact:** Less than Significant Impact

**Mitigation:** None Required

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

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, as further discussed below. Fremont includes rail lines that are also sources of diesel particulate matter (DPM) emissions associated with train movements. Fremont also includes numerous stationary sources that are permitted through BAAQMD that have mostly localized emissions.

The project site is located less than 50 feet from the Union Pacific Railroad right-of-way. Future project residents would be exposed to DPM and PM<sub>2.5</sub> (fine particulate matter) from the emissions of locomotives traveling along the railroad right-of-way. 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.

The Air Quality Analysis prepared for the project by Illingworth and Rodkin, Inc. includes a cumulative screening level assessment that identified existing TAC emission sources located within the 1,000-foot radius of the project and their corresponding health impacts. The screening analysis applied a series of screening tools developed by the BAAQMD to provide conservative estimates of how much existing TAC sources would contribute to cancer risk, HI, and/or fine particulate matter (PM<sub>2.5</sub>) concentrations in a community.

Combined Community Risk Impacts

As discussed above, the project site is affected by two main sources of TACs, SR-238 and the Union Pacific Railway. Table 2 shows the cancer and non-cancer risks associated with each source affecting the project site. The sum of impacts from combined sources (i.e., all sources within 1,000 feet of the project) would be below the City of Fremont and BAAQMD risk thresholds of 100 additional incidents of cancer per million threshold. Therefore, the impact from combined community risk exposure to sensitive receptors would be considered *less than significant*.

**Table 2. Impacts from Combined Sources**

Source	Maximum Cancer Risk (per million)	Hazard Index	PM <sub>2.5</sub> concentration (µg/m <sup>3</sup> )
SR-238 traffic	7.3	<0.01	0.16
Railroad traffic	4.7	<0.01	0.02
<i>Combined Sources</i> <sup>1</sup>	12.0	<0.02	0.18
<b>Significance Thresholds Combined Sources</b>	<b>100</b>	<b>10.0</b>	<b>0.8</b>
<b>Significant?</b>	<b>No</b>	<b>No</b>	<b>No</b>

**Operational Impacts** Due to the project size, operational period GHG emissions and emissions from criteria pollutants would be less than significant. In their May 2011 update to the CEQA Air Quality Guidelines, BAAQMD identified screening criteria for the sizes of land use projects that could result in significant GHG and criteria pollutant emissions. For operational GHG impacts, the screening project size is identified at 78 condo/townhouse dwelling units, and for operational criteria pollutants it is identified at 451 condo/townhouse dwelling units (see table 1). Condo/townhouse development projects of smaller size would be expected to be below the thresholds and have less-than-significant impacts with respect to operational period emissions. Since the project proposes 13 townhouses, it is concluded that emissions would be below the BAAQMD significance threshold of 1,100 MT of CO<sub>2</sub>e annually as well as below the thresholds for criteria pollutants, therefore, this impact from exposure of sensitive receptors to substantial pollutants is considered less than significant.

**Construction Phase**

The Air Quality Analysis also estimated potential cancer risk and hazards associated with exposure to DPM and PM<sub>2.5</sub> 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 concentrations that could pose a short-term health risk to the surrounding community. The CalEEMod model provided total annual PM<sub>2.5</sub> exhaust emissions (assumed to be diesel particulate matter) for the off-road construction equipment and for exhaust emissions from on-road vehicles (haul trucks, vendor trucks and worker vehicles), with total emissions of 0.0503 tons (101 pounds). A dispersion model was used to predict the off-site DPM concentrations resulting from project construction at sensitive receptors so that lifetime cancer risks could be predicted. The closest off-site sensitive receptors are residences on Potel Terrace, across the street from the western boundary of the project site. Additional nearby residences are located across from the project site on SR-238 and at farther distances from the site. The project would not result in significant and unavoidable localized impacts associated with TACs or fugitive dust. Implementation of the standard development requirements for resource protection (Fremont Municipal Code Chapter 18.218), including the requirements relating to construction emissions, which are based on BAAQMD's Basic Construction Measures, would reduce exposure to sensitive receptor from construction-related fugitive dust emissions to less than significant levels.

**Potential Impact:** Less than Significant

**Mitigation:** None required

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

The proposed project would generate odor from localized emissions of diesel exhaust during grading and construction activities due to equipment and truck operations. These odors may be noticeable from time to time by nearby receptors; however, the odors would be temporary and would not affect a substantial number of people. Mitigation Measures Air-1 would further reduce potential impacts through reduced idling times for equipment. The project includes adequate solid waste storage area and is required to comply with the City's solid waste management regulations, which include policies to reduce potential odor impacts from solid waste. As such, the project would not create objectionable odors affecting a substantial number of people.

**Potential Impact:** Less than Significant

**Mitigation:** None required

**IV. BIOLOGICAL RESOURCES - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 8
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X	1, 8
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 8
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 8
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 3, 8, 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

Environmental Setting

The project site is an undeveloped 0.79 acre parcel. Historical records indicate the site was used for agricultural production; however it is not actively being farmed. The site has periodically been cleared of vegetation. The site is surrounded by urban development, including a commercial automotive garage to the south, multi-family residential development to the north, Mission Boulevard (238), which is a heavily traveled state route (I-238) to the east and the Union Pacific railroad tracks to the west, both of which would preclude use of the site as an open space corridor. There are six mature live oak trees on the site. A Tree Survey report was prepared by Ripley Design Group, dated June 27, 2017, which evaluated the condition of the 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
- Alameda County Flood Control District 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 a vacant property less than one acre in size. The site contains ruderal vegetation and is plowed periodically to control vegetation. Ruderal vegetation describes an assemblage of opportunistic and weedy species, typically non-native to California or considered invasive, which provide minimal habitat value and are not special status plant. There are six California live oak trees on the site that are proposed to be removed. A tree study was prepared by Ripley Design Group which indicates these trees are not sensitive or special status species.

**Special Status and Migratory Birds**

Migratory birds and/or raptors that are using any of the existing trees onsite 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, as outlined in detail below, would prevent bird nests and burrowing owls from being adversely affected by the project.

The property is not located near any streams, creeks, or other bodies of water nor does it contain bodies of water, riparian habitat, wetlands, or other sensitive natural communities identified in any local or regional plans that would be subject to state and/or federal regulations. The project site is not a federally protected wetland as defined by Section 404 of the Clean Water Act. Development of the project site would not conflict with an 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. Therefore, there would be no impact to riparian or other sensitive natural habitat resulting from construction of the project.

The proposed project would develop non-native grassland within the site, which currently provides limited potential foraging habitat for resident and migratory birds. Onsite annual grassland habitat is relatively small in size and largely composed of non-native species, generally understood to support a lower diversity of wildlife than native grassland communities. Loss of this resource for resident and migratory birds would not result in a significant impact due to the quantity of similar and higher quality annual grassland habitat within the project vicinity. The foothills within a quarter mile east of the project site provide expansive grasslands for foraging and nesting passerines and raptors away from the developed areas of the City. In addition, CDFW and USFWS regulate impacts to birds and their nests. However, with exceptions for a few special-status birds that do not occur on the project site, CDFW and USFWS do not regulate the loss of avian foraging habitat.

Removal of existing vegetation and trimming or removal of trees at the project site during construction could destroy active bird nests. In addition, an increase in noise and visual

disturbance associated with demolition activities and new construction could disrupt nesting efforts in the habitat surrounding the project site. The loss of an active nest would be considered a significant impact under CEQA. Moreover, disruption of nesting migratory or native birds is not permitted under the federal MBTA or the California Fish and Game Code, as it could constitute unauthorized take. The loss of any active nest by, for example, trimming or removing a tree or shrub containing a nest, must be avoided under federal and California law. The proposed project would comply with the City of Fremont standard development requirements for resource protection (Fremont Municipal Code Chapter 18.218), which includes the following requirements related to burrowing owls and nesting birds:

**Burrowing Owl.** *New development projects with the potential to impact burrowing owl habitat through grading, demolition, and/or new construction shall implement the following measures prior to grading or ground disturbing activities:*

- (A) *Preconstruction Surveys. Preconstruction surveys for burrowing owls shall be conducted prior to the initiation of all project activities within potential burrowing owl nesting and roosting habitat (i.e., agricultural habitat with burrows of California ground squirrels) to determine if suitable burrowing owl habitat is present. Surveys shall be conducted by a qualified biologist in conformance with the most recent requirements and guidelines of the California Department of Fish and Wildlife (CDFW). The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.*
- (B) *Implement Buffer Zones. Areas currently occupied by burrowing owls shall be avoided for the duration of residing on site and/or the nesting period (February 1st through August 31st). The biologist will recommend a suitable buffer zone distance for avoidance of nesting or roosting habitat.*
- (C) *Passive Relocation. If burrowing owls cannot be avoided by the proposed project, then additional measures, such as passive relocation during the nonbreeding season, may be utilized to reduce any potential impacts. Measures for successful relocation shall be recommended by a qualified biologist in conformance with CDFW requirements and guidelines.*
- (D) *Initiation of Construction Activities. When a qualified biologist is able to determine that burrowing owls are no longer occupying the site and passive relocation is deemed successful, construction activities may continue. The applicant shall submit the determination of the biologist to the planning manager for authorization to continue.*

**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 1st through August 31st).*
- (B) *Preconstruction 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 time frame (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.”*

Compliance with the City’s standard development requirements per Chapter 18.218 of the Fremont Municipal Code would prevent nesting birds from being adversely affected by project construction and impacts would be less than significant. Once constructed, operation of the proposed project would have no impact on nesting birds because nests are not expected to be destroyed or adversely affected by ordinary operational activities. Impacts of proposed project construction on nesting birds would be less than significant.

**Potential Impact:** Less than Significant

**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?**

Given the current condition of the site and surrounding built environment, the proposed project does not have the potential to significantly interfere with the movement of native resident or migratory avian and mammal species or impede use of wildlife nursery sites with site redevelopment. The project site is highly disturbed, is plowed periodically to control vegetation and is almost entirely surrounded by urban development and therefore provides low quality habitat for wildlife adapted to developed/ruderal or non-native grassland vegetation communities. Urban uses and infrastructure, including an existing railroad and State Route 238 (Mission Boulevard), surround the project site on three sides precluding the site from serving as an effective movement corridor. Therefore, no impact would occur.

**Potential Impact:** Less than Significant

**Mitigation:** None Required.

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

Six 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 subject to the planting of all new 24-inch box street trees throughout the proposed residential development on the

grounds that the trees are non-native and non-landmark, and they would be replaced with more than 15 new trees, all of which would be species on the City’s approved street tree list. As such, impacts would be less than significant and no mitigation is required.

Development of the project site would not conflict with an 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:**

<b>ISSUES:</b>		<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.	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, 11, 28, 29, H
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 11, 28, 29, H
d.	Disturb any human remains, including those interred outside of formal cemeteries?			X		1, 11, 28, 29, H

Environmental Setting

The project site is an undeveloped 0.79 acre parcel. Historical records indicate the site was used for agricultural production; however it is not actively being farmed. The site has periodically cleared of vegetation. The site is surrounded by urban development, including a commercial automotive garage to the south, multi-family residential development to the north, Mission Boulevard to the east and the Union Pacific railroad tracks to the west.

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?**

There are no structures located on the site and the site is not located within an historical overlay district. There are no resources on or adjacent to the site that are eligible for listing in the California Register of Historical Resources. Therefore, no impact would result.

**Potential Impact:** No Impact  
**Mitigation:** None Required

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

This section discusses archaeological resources, both as historical resources according to CEQA Guidelines Section 15064.5, as well as unique archaeological resources, as defined in Public Resources Code (PRC) Section 21083.2(g). A significant impact would occur if the project would cause a substantial adverse change to an archaeological resource through physical demolition, destruction, relocation, or alteration of the resource.

The applicant completed a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System on August 22, 2017 (File No. 17-0222). The review included the project site and a 0.25 mile radius. Previous surveys, studies, and site records were accessed. Records were also reviewed in the Historic Property Directory for Alameda County, which contains information on places of recognized historical significance including those evaluated for listing in the *National Register of Historic Places*, the *California Register of Historical Resources*, the *California Inventory of Historical Resources*, *California Historical Landmarks*, and *California Points of Historical Interest*. The purpose of the records search was to: (1) determine whether known cultural resources have been recorded within the project vicinity; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites; and (3) develop a context for the identification and preliminary evaluation of cultural resources.

Results of the records search indicate that no prehistoric or historic-era cultural resources have been previously recorded in the project site or project area; however there is a moderate potential of identifying Native American archeological resources and a high potential of identifying historic-period archeological resources in the project area.

On December 4, 2017, the cultural resources consultant, LSA Associates, sent an email to the NAHC requesting a review of the Sacred Lands File to determine the potential presence of Native American cultural resources that might be affected by the proposed project. The NAHC maintains this database and is the official State repository of Native American sacred site location records in California. Frank Lienert, NAHC Associate Governmental Program Analyst, responded to LSA via email on December 12, 2017, stating that a records search of the Sacred Lands File was completed and “had negative results.” The NAHC also provided a list of Native American tribes that may be eligible to consult with the City for this project, pursuant to the requirements of AB 52; a copy of this list was provided to the City. On December 18<sup>th</sup>, 2017, these Tribes were notified of the project and given the opportunity to request a consultation. No requests for a consultation were received.

On December 8, 2017, LSA Archaeologist Ryan Gross, M.A., RPA 41587912, conducted a pedestrian survey of the project site. No cultural resources were identified during the field survey. Based on the results of the records search, background research, and surface survey, no archaeological resources have been identified at the project site and the site was assessed as having a low potential for discovery of buried archaeological resources. As such, the proposed project is not anticipated to impact any archaeological resources pursuant to CEQA Guidelines Section 15064.5.

While unlikely, if any previously unrecorded archaeological resources are identified during project ground disturbing activities and were found to qualify as an historical resource per CEQA Guidelines Section 15064.5 or a unique archaeological resource, as defined in PRC Section 21083.2(g), any impacts to the resource resulting from the proposed project could be potentially significant. However, , the proposed project would comply with the City of Fremont standard development requirements for resource protection (Fremont Municipal Code Chapter 18.218), which includes the following requirements related to the accidental discovery of cultural resources:

*“Accidental Discovery of Cultural Resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:*

- (A) The project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.*
- (B) The project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing buried cultural resources, including significant prehistoric archaeological resources. The briefing shall discuss any cultural resources, including archaeological objects, that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team.*
- (C) In the event that any human remains or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064(e) and (f) requiring cessation of work, notification, and immediate evaluation shall be followed. (Ord. 27-2016 § 37, 12-6-16.)”*

These requirements would apply to the proposed project per Chapter 18.218.050(c)(2) of the Fremont Municipal Code and would minimize impacts related accidental discovery of cultural resources during construction. Impacts would, therefore, be less than significant.

**Potential Impact:** Less than Significant

**Mitigation:** None Required.

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

Geologic maps of the project site and relevant geological and paleontological literature were reviewed by a qualified geologist/paleontologist to determine which geologic units are present within the project site and whether fossils have been recovered within the project site or from those of similar geologic units elsewhere in the region. A search for known fossil localities was also conducted through the online collections database of the University of California Museum of Paleontology (UCMP) at the University of California, Berkeley, in order to determine the status and extent of previously recorded paleontological resources within the project site.

Geologic mapping by Dibblee and Minch (2005) indicates that the project area is underlain by young Quaternary alluvium, which is Holocene in age (less than 11,700 years ago). These

sediments were eroded from higher elevations, carried by flooding streams and debris flows, and deposited in streambeds and valleys at the base of the hills. Although Holocene deposits can contain remains of plants and animals, only those from the middle to early Holocene are considered scientifically important (Society of Vertebrate Paleontology 2010), and fossils from this time interval are not very common. Therefore, these Quaternary deposits are assigned a low paleontological sensitivity. These Holocene deposits overlie older Pleistocene deposits, which have produced scientifically important fossils elsewhere in the region, including large and small mammals, reptiles, fish, invertebrates, and plants (Jefferson 1991a, 1991b). There is a potential to find these types of fossils in Pleistocene deposits, which may be encountered at a depth of approximately 10 feet below ground surface. Therefore, the project site is assigned a low paleontological sensitivity from the surface to a depth of 10 feet and a high sensitivity below that depth.

A fossil locality search was conducted by LSA Geologist/Paleontologist Tara Redinger, B.A., on December 6, 2017. No known fossil localities are present within the project site; however, there are 74 localities recorded within Alameda County from older Quaternary deposits, including 75 specimens of invertebrates, six specimens of plants, and 1,225 specimens of vertebrates.

Based on the research and records review, paleontological resources are not expected to be uncovered during ground disturbing activities. In the unlikely event that paleontological resources are uncovered, the significance of the resource would be unknown until examined by a qualified paleontologist. This would be a potentially significant impact on paleontological resources. However, as discussed above, the project must comply with the standard development requirements for resource protection pursuant to Chapter 18.218.050(c)(2) of the Fremont Municipal Code, which would minimize impacts related to accidental discovery of paleontological resources. Impacts would, therefore, be less than significant.

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

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

Through a records search and background research, no recorded Native American sites or historic –period archaeological were identified for the site. No evidence of human remains were encountered at the project site during the pedestrian field survey. Therefore, the proposed project is not anticipated to impact human remains, including those interred outside of formal cemeteries.

While unlikely, if any previously unknown human remains were encountered during ground disturbing activities, any impacts to the human remains resulting from the project could be potentially significant. However, as discussed above, the project must comply with the standard development requirements pursuant to Chapter 18.218.050(c)(2) of the Fremont Municipal Code, which would minimize impacts related to accidental discovery of human remains. Impacts would, therefore, be less than significant.

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

**VI. GEOLOGY AND SOILS - Would the project:**

<b>ISSUES:</b>		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, F
	ii) Strong seismic ground shaking?			X		1, 5, 6, F
	iii) Seismic-related ground failure, including liquefaction?			X		1, 5, 6, F
	iv) Landslides?				X	1, 5, 6, F
b.	Result in substantial soil erosion or the loss of topsoil?			X		1, 5, 6, 8, F
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, F
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?				X	1, 5, 6, F
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:

According to the 2004 California State Geologic and Seismic Hazard Zones maps, the project site is located in an area susceptible to earthquake-induced liquefaction. Also, as with any new project constructed in the San Francisco Bay Area, the development could be subject to strong ground shaking during a major seismic event. However, the project site is not located in an Alquist-Priolo Earthquake Fault Zone nor are there known active faults located on the site. A geotechnical report was conducted for the project site on July 10, 2000 and subsequently updated for the proposed project in July 2015. These reports found no significant geological hazards within the property and concluded that the potential for liquefaction at the site is low.

Regulatory Framework

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

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

Discussion/Conclusion/Mitigation

**a-e) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving a major seismic event? Would the project result in substantial soil erosion or the loss of topsoil? Would the project be located on a geologic unit or soil that is unstable or would become unstable as a result of the**

**project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?**

- a.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?**

The project site is located in a seismically-active region of California that is part of the Coast Ranges geomorphic province. The closest active fault to the project site is the Hayward fault, which is located approximately 80 feet to the northeast and the Calaveras fault, which is located six miles to the northeast east (Geotechnical Engineering Inc., 2000). The Hayward fault and other regional active faults, including the Calaveras and San Andreas faults, pose the greatest threat of significant damage in the Bay Area according to the U.S. Geologic Survey (USGS) Working Group (USGS, 2015).

However, the project site is not located in an Alquist-Priolo Earthquake Fault Zone nor are there known active faults located on the site (Geotechnical Engineering Inc. 2000). The purpose of the Alquist-Priolo Earthquake Fault Zoning Act is to restrict construction of structures intended for human occupancy along traces of known faults. Because the project site is not located in an Alquist-Priolo Earthquake Fault Zone and is not located on or immediately adjacent to an active fault, the project would have a less-than-significant impact related to fault rupture hazards.

**Potential Impact:** Less than Significant

**Mitigation:** None Required.

- a.ii) **Strong seismic ground shaking?**

The Preliminary Geotechnical Investigation indicated that the Hayward Fault is located 80 feet from the project site (Geotechnical Engineering Inc. 2000). As such, the proposed project's structures could potentially be subject to strong ground shaking during a seismic event. The primary and secondary effects of groundshaking could damage structural foundations, distort or break wells or pipelines, and place people at risk of injury or death. The level of risk would be similar to those of any housing project in the local area.

The structural elements of the proposed project would be required to undergo appropriate design-level geotechnical evaluations prior to final design and construction. The Geotechnical Engineering Inc. 2000 and Wang Ting & Associates, Inc. 2015 investigations were preliminary geotechnical investigations; the final design-level geotechnical investigation would provide conclusions and recommendations based on the final design. The proposed project would be required to adhere to the seismic standards and regulatory requirements in the California Building Code (CBC) and local ordinances (Fremont Municipal Code standards). Ensuring that all buildings and structures are constructed in compliance with the law is the responsibility of the project engineers and building officials. The local building officials are typically with the local jurisdiction (i.e., the City of Fremont) and are responsible for inspections and ensuring CBC and local code compliance prior to approval of the building permit.

The CBC, promulgated in Title 24 of the California Code of Regulations, describes required standards for the construction, alteration, replacement, location, and demolition of buildings, structures, and appurtenances connected or attached to such buildings or structures throughout California. The standards include earthquake design requirements that determine the seismic design category and structural design requirements. While complete avoidance of any damage may not be feasible, incorporation of industry standard seismic design measures in accordance with current building requirements would ensure that potential impacts related to ground shaking would be less than significant. The impact would be less than significant.

**Potential Impact:** Less than Significant

**Mitigation:** None Required.

- a.iii) **Seismic-related ground failure, including liquefaction?** The Preliminary Geotechnical Investigation indicated the project site is located within a State-designated Liquefaction Hazard Zone (Geotechnical Engineering Inc. 2000 and Wang Ting & Associates, Inc. 2015). As such, the proposed project's structures could potentially be subject to seismic related ground failure such as liquefaction during a seismic event.

As discussed above for criterion a.ii), compliance with the CBC and Fremont Municipal Code (promulgated in Title 24 of the California Code of Regulations and Title 15 of the Fremont Municipal Code, respectively) standards would require the project applicant to prepare a design-level geotechnical investigation that would address the potential for seismic hazards to occur onsite and identify abatement measures to reduce potential significant effects of such an event to acceptable levels. This investigation would be required to include evaluating seismic-related ground failures such as liquefaction and provide recommendations to address such hazards. With compliance with the regulatory requirements and the implementation of geotechnical design recommendations, impacts relative to seismic-related ground failure would be reduced to a less-than-significant level.

**Potential Impact:** Less than Significant

**Mitigation:** None Required.

- a.iv) **Landslides?** The project site contains flat relief and is not near any slopes capable of failing during a seismic event. Therefore, the proposed project would not be adversely affected by potential impacts associated with landslides and no impact would occur.

**Potential Impact:** No Impact

**Mitigation:** None Required.

- b) **Result in substantial soil erosion or the loss of topsoil?**

The proposed construction activities would include grading and excavation. These ground disturbance activities could expose soils to the effects of erosion and loss of topsoil. The City of Fremont also requires the implementation of BMPs described in the C3 Technical Guidance Manual, provided through Alameda Countywide Clean Water Program, of which the City of Fremont is a member (Clean Water Program, 2015). These state and local requirements were

developed to ensure that stormwater is managed and erosion is controlled on construction sites. The BMPs would include, but would not be limited to, physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of infiltration swales, protection of stockpiled materials, and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. The C3 Technical Guidance Manual provides further details of specific BMPs, including measures for site design, source control, stormwater treatment, and hydromodification. The grading and building plans submitted by the applicant must demonstrate compliance prior to issuance of building permits. Through compliance with the regulations discussed above, impacts associated with soil erosion during construction would be less than significant for all project components.

The project site is located entirely within a previously-disturbed area. The proposed project includes landscape and stormwater management plans with project design features to prevent erosion and the loss of topsoil including routing all surface water (rainfall and landscaping runoff) into the curb-and-gutter system directed in bioretention systems, and then through a hydro modification vault to ensure sediment would not be discharged to offsite stormwater facilities. Therefore, with the implementation of the aforementioned project design features, the impact relative to erosion or loss of topsoil would be less than significant.

**Potential Impact:** Less than Significant

**Mitigation:** None Required.

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

As previously discussed in criterion a.iv), the site is not subject to landslides. As previously discussed in criterion a.iii), impacts from liquefaction would be less than significant through compliance with the CBC and Fremont Municipal Code standards. Lateral spreading is typically associated with and related to seismic related ground failure and areas in slopes. The project location would be located on flat terrain, not susceptible to slope movement. Finally, the proposed project does not include groundwater withdrawal that might cause subsidence and the ground surface would not be susceptible to collapse. In summary, with compliance with the CBC and Fremont Municipal Code standards, impacts would be less than significant.

**Potential Impact:** Less than Significant

**Mitigation:** None Required.

- d) **Be located on expansive soil, as defined in 24 CCR 1803.5.3 of the California Building Code, creating substantial risks to life or property?** The Preliminary Geotechnical Investigation included laboratory soil testing that indicated that the soils within the project site have very low expansion potential (Geotechnical Engineering Inc. 2000 and Wang Ting & Associates, Inc. 2015). As such, the proposed project would not be exposed to expansive soil hazards. Impacts would be less than significant.

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

The proposed project would be served with sanitary sewer service provided by Union Sanitary District; no septic systems or alternative wastewater disposal systems would be required for the project. No impact would occur and will not be further addressed in the EIR.

**Potential Impact:** No Impact  
**Mitigation:** None Required

**VII. GREENHOUSE GAS EMISSIONS - Would the project:**

<b>ISSUES:</b>		<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.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 8, 21, 22, 23
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X	1, 3, 8, 21, 22, 23

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 emissions 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 metric 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?**

Due to the broad context and setting of the potential impacts of contributing to global climate change, the assessment of project-level emissions looks at whether a project's emissions would significantly affect the ability of the State to reach its AB 32 goals. This is identified within the City's General Plan Conservation Element and certified EIR as the context for reviewing project effects and global climate changes. The Fremont General Plan EIR established analysis considering the projected increase in emissions from new growth through the year 2020. The proposed project to construct 13 units on 0.79 acres is below the BAAQMD screening level used for estimating the need to further analyze greenhouse gas emissions.

The BAAQMD CEQA Air Quality Guidelines contain methodology and thresholds of significance for evaluating the potential impacts of greenhouse gas (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 emissions of 1,100 metric tons (MT) of CO<sub>2</sub>e (carbon dioxide equivalency) or greater per year. Projects that have emissions below 1,100 MT of CO<sub>2</sub>e per year are considered to have less than significant GHG emissions. Land use projects with emissions above the 1,100 MT per year threshold would then be subject to a GHG efficiency threshold of 4.6 MT per year per capita. Projects with emissions above the threshold would be considered to have an impact, which, cumulatively, would be significant.

The BAAQMD also established screening criteria for the size of land use projects that could exceed the threshold for operational GHG emissions and therefore result in significant GHG emissions. The screening level size for townhomes is 78 dwelling units. Townhouse projects less than 78 units would be expected to generate emissions below the threshold of 1,100 MT of CO<sub>2</sub>e per year and therefore impacts would be less than significant. The proposed project to construct 13 units on 0.79 acres is well below the BAAQMD screening level used for estimating the need to further analyze greenhouse gas emissions.

Nonetheless, project CO<sub>2</sub>e emissions were modeled using CalEEMod Software Versions 2013.2.2 in the Air Quality and GHG Emissions Assessment prepared for the site by Illingworth and Rodkin (July 2015). The model estimated emissions 117.9 metric tons of CO<sub>2</sub>e per year, which is below the threshold of 1,100 metric tons per year. As such, the proposed project would not cause a cumulatively considerable projected increase in emissions and would not hinder or delay the ability of the State to reach the goal-levels set forth in the Scoping Plan. The project impact is less than significant.

Project construction could generate GHG emissions resulting from construction equipment and grading/paving activities. However, no significant soil import/export is expected to occur that would involve significant transport. An estimated 3,400 cubic yards of soil would be moved, which would be below the 10,000 cubic yard threshold considered extensive material transport by the BAAQMD. As discussed under Section 3, *Air Quality*, the project would be required to comply with standard development requirements for resource protection related to construction emissions, which would reduce impacts to air quality from GHG emissions during construction to less than significant.

In 2012, the City adopted the *Fremont Climate Action Plan (CAP)*, to address major sources of GHG emissions to meet the emission reduction goal of 25 percent below Fremont’s 2005 conditions by 2020. To meet this goal, the City adopted community-wide measures to reduce emissions in the sectors of land use and mobility, energy, solid waste, water, adopted and municipal services. Measures adopted include compliance with the 2016 California Green Building Code (CALGreen). By adhering to the requirements of the adopted Green Building Code and measures for waste diversion, the proposed project would be consistent with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions.

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

**VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 6, 7 G
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		1, 6, 7 G
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, G
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, G
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project 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:

This section is based in part on the Phase I assessment prepared for the project site by Farshad T. Vakili, P.E., dated September , 2014. The project site is a single a 0.79 acre (34,276 square-feet) parcel located on the north side of East Nursery Avenue, west of Mission Boulevard. There are no structures and only

six trees located on the property. The nearest surface waters to the site are Alameda Creek and related groundwater recharge ponds located approximately ½-mile to the northeast. Groundwater is encountered at 40-feet below ground surface. The property is adjacent to an Auto Shop at 36389 Mission Boulevard to the south, residential condominiums to the north, and the Union Pacific railroad tracks to the west and Mission Boulevard to the east. The nearest school to the site is Niles School, which is over a 1/2-mile from the project site.

#### 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?**

Construction of the proposed project would require the use of certain hazardous materials such as fuels, oils, solvents, and glues in limited quantities. If spilled, these hazardous materials could enter surface water, result in soil or groundwater contamination, or expose workers to hazardous materials. However, in consideration of the size of proposed construction, there is a low likelihood for any significant quantities of hazardous materials being necessary at the site. The construction contractors would be required to prepare and implement a Hazardous Materials Business Plan (HMBP) pursuant to California Health and Safety Code, Division 20, Chapter 6.95, that describes the location, type, quantity, and health risks of hazardous materials which are handled, used, stored, or disposed of, and that includes emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material. Through compliance with applicable regulatory requirements, impacts related to the use of hazardous materials used during construction would be less than significant.

The townhome uses would use typical quantities of common household hazardous materials such as cleaners, kitchen and restroom cleaners, and other maintenance materials. Landscaping maintenance may require the use of limited quantities of industry standard hazardous materials such as herbicides or pesticides but not in such a manner as to represent a significant threat to human health and the environment. Such materials are typically stored in cabinets onsite in accordance with all laws and regulations and with proper permits, where applicable. Overall, the project uses would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials. Through compliance with applicable regulatory requirements, impacts would be less than significant.

A Phase I Environmental Site Assessment (ESA) was conducted by Phase 1 Assessments.com in September 22, 2014. In addition to inspection of the property, the Assessment included record

review related to geologic conditions, potential hazardous materials, and historical uses of the site. The Phase 1 report cites historical photographs dating from 1939 through 2012, which show the property as vacant land used for agricultural purposes. The report states that there is no evidence discovered to indicate that soil, groundwater or surface water contamination that is potentially or likely to be present. In addition, there was also no direct evidence to indicate that soil, groundwater or surface water contamination is present or likely to be present as a result of operations of other businesses in the neighborhood. The report concludes that no further actions or investigation is required at the subject property. As such impacts related to the potential accidental release of hazardous materials into the environment would be less than significant.

The project site is located over a ½-mile from the nearest school (Niles School). As such, construction or operation of the project would have no impact with respect to emissions or handling of hazardous materials within a quarter mile of a school.

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

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

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

**Potential Impact:** No Impact  
**Mitigation:** None Required

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? 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 within City limits. Thus, no impact would result.

**Potential Impact:** No Impact  
**Mitigation:** None Required

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

The proposed project would not interfere with emergency response or evacuation plans and would be designed to meet all applicable federal, state and local fire safety codes. Emergency vehicle access would be provided throughout the subdivision in the form of a recorded Emergency Vehicle Access Easement (EVAE) benefiting the City’s Fire Department over the

entire length of the private street. Furthermore, the project site is not located in a Wildland-Urban Interface Fire Hazard Zone.

**Potential Impact:** No Impact

**Mitigation:** None Required

**IX. HYDROLOGY AND WATER QUALITY - Would the project:**

<b>ISSUES:</b>		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

Existing Conditions

The project site is undeveloped and unpaved with no known history of buildings or other structures existing on the site previously. Surface water runoff currently percolates into the ground surface at unpaved areas and/or enters storm drains. The project site is generally flat. Groundwater is encountered at 40-feet below ground surface. The project site is outside of the 100 year flood-plain. There are no large open bodies of water, streams or rivers located on or adjacent to the project site. The nearest surface

waters to the site are Alameda Creek and related groundwater recharge ponds located approximately ½-mile to the northeast. Quarry Lakes is located approximately one-half-mile to the south/southeast of the project site. The project is not susceptible to seiche activity. The project site is located more than seven miles from the Pacific Ocean, at an elevation of 62 feet above mean sea level (msl) along the western boundary, sloping upward to 72 msl feet near the northeast corner, and it is not susceptible to coastal hazards (tsunami, extreme high tides, or sea level rise) or is located in an area subject to mudflows. These conditions are not anticipated on site or in the vicinity of the project site. There is an existing well on the site that has been identified by ACWD. The well would need to be destroyed or brought into compliance with ACWD standards.

#### 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 National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, Order R2-2003-0021, National Pollution Discharge Elimination System Permit No. CAS00229831(NPDES C.3)
- Federal Clean Water Act 1987

#### Discussion/Conclusion/Mitigation

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

The proposed development would not violate any water quality standards, deplete groundwater supplies, substantially alter the existing drainage pattern nor substantially degrade water quality. The project would be required to connect to the existing public sanitary sewer and storm drain systems that serve the area, and would obtain its water from existing piped public water mains serving the site. The Alameda County Water District has confirmed that it is capable of meeting the project's water demands without significantly impacting its supplies or its distribution system. There is an existing well on the site that has been identified by ACWD. The well would need to be destroyed or brought into compliance with ACWD standards.

Because the project would create in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater NPDES Permit and the Alameda Countywide Clean Water Program, which regulate the treatment of stormwater runoff on the site. The project would create an additional ±24,080 square feet of impervious surface area. As such, it 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. These LID measures include source control, site design, and treatment measures to reduce the amount of stormwater runoff and improve the quality of stormwater runoff. Construction activities such as grading, vegetation removal, excavation, and backfilling could result in the project site becoming vulnerable to

erosion. Compliance with C.3 requirements would ensure that impacts to water quality would be less than significant. The City of Fremont requires the implementation of BMPs described in the C3 Technical Guidance Manual, provided through Alameda Countywide Clean Water Program, of which the City of Fremont is a member (Clean Water Program, 2015). These state and local requirements were developed to ensure that stormwater is managed and erosion is controlled on construction sites. The BMPs would include, but would not be limited to, physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of infiltration swales, protection of stockpiled materials, and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. The C3 Technical Guidance Manual provides further details of specific BMPs, including measures for site design, source control, stormwater treatment, and hydromodification. The grading and building plans submitted by the applicant must demonstrate compliance prior to issuance of building permits. Through compliance with the regulations discussed above, impacts associated with water quality and soil erosion during construction would be less than significant for all project components.

**Potential Impact:** Less than Significant Impact

**Mitigation:** None Required

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

The proposed project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. 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), and ultimately discharge into the public storm drain system via a new piped system that would be constructed on the site. Per Municipal Regional Stormwater Permit requirements, the project would be required to implement hydromodification to temporarily store and meter its runoff using the Bay Area Hydrology Model (BAHM) to size its storage capacity in order to accommodate 10 percent of a two-year storm event up to a 10-year storm event. Implementation of hydromodification using BAHM in accordance with the requirements of the Municipal Regional Stormwater Permit would ensure that the project would not exceed the capacity of the storm drainage system serving the area. Therefore, no impact would result.

**Potential Impact:** No Impact

**Mitigation:** None Required

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

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0455G, effective August 3, 2009. According to this FIRM, the project site is located within an Unshaded X zone and is, therefore, outside of the 100-year flood

zone. The project site is also not situated within a Special Flood Hazard Area or an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir. Furthermore, no housing is proposed as part of the project. As such, no impact would result.

**Potential Impact:** No Impact  
**Mitigation:** None Required

**X. LAND USE AND PLANNING - Would the project:**

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

Environmental Setting

The project site is undeveloped with limited vegetation. The current land use General Plan designation for the site is General Commercial. The project includes redesignating the site to Medium Density Residential to allow a residential townhouse development.

The following uses surround the project site:

- North: Multi-family residential
- South: Automotive repair shop
- East: Mission Boulevard (Single Family Residential on the east side of Mission Boulevard)
- West: Union Pacific Railroad (UPRR)

Regulatory Framework

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

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

Discussion/Conclusion/Mitigation

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

The project would result in the construction of a residential development with 13 units on the 0.79 acre site. The project would not include any new project features (i.e. berm, roadway, etc.) that would result in a barrier or physically divide an existing community. The existing railroad

right-of-way to the west of the project site is an existing barrier that separates the site from the area to the west.

Furthermore, the project would not physically divide an established community as it is an infill site. Redevelopment of the site with residential uses would generally be consistent with the land uses in the area and consistent with General Plan land use policies emphasizing and supporting infill development and higher density housing (LU 2-1.11, 2-3.4, and 2-3.8).

In addition, the project would not conflict with General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect. The project was analyzed in this initial study for conformance with General Plan Policies related to noise, traffic, air quality, cultural resources, etc. The analysis in this initial study demonstrates that the project is consistent with the City’s General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect. There is no habitat conservation or natural community conservation plan adopted for the site. Therefore, impacts would be less than significant.

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

**XI. MINERAL RESOURCES - Would the project:**

<b>ISSUES:</b>		<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 is undeveloped and there is no known history of significant mineral resources.

Regulatory Framework

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

- City of Fremont General Plan Conservation Elements
- 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 would result.

**Potential Impact:** No Impact  
**Mitigation:** None Required

**XII. NOISE** - Would the project result in:

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X			1, 9, E
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?		X			1,9, E
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	1,9, E
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			1, 9, 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 expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

Environmental Setting

The major noise sources affecting the project site are vehicular traffic noise from Mission Boulevard fronting the project to the east and rail traffic from the Union Pacific railroad tracks located immediately behind the project to the west. An environmental noise and vibration feasibility study was completed by Illingworth and Rodkin Inc. in March 2016. The purpose of the study is to determine the noise and vibration environments at the project site, compare the data with established thresholds, and propose mitigation measures as necessary. There is a pending project to complete improvements associated with a Quiet Zone that would reduce train horn noise in the vicinity of the project. The noise study analyzed the project with and without the Quiet Zone since the timing of the Villas of Mission project relative to the completion of the Quiet Zone project are uncertain.

Regulatory Framework

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

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

In accordance with Fremont General Plan Policy 10-8.1, the maximum acceptable outdoor noise level for outdoor areas in single-family and multi-family residential uses is an Ldn of 60 dB(A); however, the maximum conditionally acceptable outdoor noise level is an Ldn of 75dB(A). Railroad noise sources may create instances when the outdoor noise exposure can exceed 65 L<sub>dn</sub> up to 70 L<sub>dn</sub> for future development, recognizing that train noise is characterized by relatively few loud events. These levels would be applicable to common open space areas in multi-family developments, and are used to guide the design of developments. The maximum indoor noise level for new residential projects is an Ldn of 45 dB(A), while the maximum instantaneous noise level (or L<sub>max</sub>) from such temporary sources as train horns 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-d) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Exposure of persons to a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Under the project conditions, a total of 13 units are to be built on the currently vacant project site. The 13 units would be two and three-stories with a maximum height of approximately 30 feet. The future noise environment at the project site would continue to be dominated by vehicular traffic along Mission Boulevard and by train traffic along the UPRR tracks. Based on a review of the data contained in the City of Fremont's General Plan Update DEIR<sup>1</sup>, traffic noise levels in the area are anticipated to increase by 3 dBA  $L_{dn}$  by the year 2035 as a result of increased traffic volumes along Mission Boulevard. While the proposed project would add new private streets on the site, the number of trips generated per hour would represent an insignificant increase to nearby roadway traffic volumes and have little to no effect on the future noise environment. Therefore, the future exterior noise environment at LT-1 would range from 71 to 74 dBA  $L_{dn}$  at a distance of 60 feet from the centerline of Mission Boulevard.

Adjacent to the project site along the southern boundary are UPRR tracks. As trains approach the Nursery Avenue railroad crossing, a whistle is blasted as a safety precaution. However, the implementation of a Quiet Zone initiative at the Nursery Avenue has been proposed to reduce noise at the surrounding noise-sensitive receptors. As part of this initiative, the City would install necessary safety measures, such as medians and crossing arms, in order to eliminate the need for whistle blasts during train pass-bys. The noise impact analysis evaluated the noise environment at the project site, with and without the implementation of the proposed quiet zone. Since timing of implementation of the quiet zone design features is unknown at this time, the project will be required to adhere to mitigation measures recommended based on the analysis *without* quiet zone features in place. Railroad noise levels are assumed to remain the same in future years; so, the future noise environment at the property line of the project site, which is 45 feet from the UPRR tracks, would range from 71 to 73 dBA  $L_{dn}$ .

Exterior Noise

The City's exterior noise level goal of 60 dBA  $L_{dn}$  is normally applied where outdoor use is a major consideration (e.g., backyards in single-family developments and recreational areas in multi-family projects). The outdoor standard is not normally applied to small decks associated with apartments and condominiums, but these are evaluated on a case-by-case basis. The City of Fremont may conditionally allow an outdoor noise exposure of up to 70 dBA  $L_{dn}$  near train tracks, recognizing that train noise is characterized by relatively few loud events. Implementation of the quiet zone would only have an effect on the maximum instantaneous levels within dwelling units.

***Private Open Space***

Each of the units would have patio and balcony areas and the units at the south and north ends of the project site (Lots 1-3 and Lots 11-13) would have small private rear yard areas. However, these areas are not typically subject to the outdoor noise exposure threshold for multi-family

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<sup>1</sup> Draft Environmental Impact Report, Fremont DRAFT General Plan Update, Lamphier-Gregory, July 2011.

residential projects since their functionality for outdoor use is limited and not a “major consideration.” An eight-foot-tall concrete masonry unit (CMU) wall is planned as part of the proposed project. The wall would be located along the perimeter of the north, western, and southern boundaries. The CMU wall would provide some acoustical shielding to the project site, reducing noise levels in the year areas adjacent to the UPRR tracks and near Mission Boulevard to 65 dBA  $L_{dn}$  or less. Although the private rear yard areas are not typically required to meet the outdoor noise threshold, they would be within the “conditionally acceptable” 65 dBA  $L_{dn}$  threshold. The balconies of the units along Mission Boulevard and the UPRR tracks could be exposed to noise levels between 71 and 74 dBA  $L_{dn}$ , however, as previously described, balconies are not subject to the outdoor noise threshold.

### ***Common Open Space***

The proposed project includes a picnic area as a common outdoor use area for the residences. This area is located approximately 115 feet south of the centerline of Mission Boulevard and approximately 120 feet from the edge of the UPRR tracks. At the location of the trellis on the site plan, the proposed residences would provide shielding from both Mission Boulevard and the UPRR tracks, and the future exterior noise levels at the center of this outdoor use area would be below 60 dBA  $L_{dn}$ ; however, the eastern and western sides of the picnic area would have a direct line-of-sight to Mission Boulevard. The future exterior noise levels at the edges of the picnic area, assuming partial shielding from the proposed residences, would be approximately 63 to 66 dBA  $L_{dn}$ , which would exceed the City’s exterior noise threshold of 60 dBA  $L_{dn}$ . The following mitigation measures would reduce impacts from exterior noise on the occupants of the dwelling units to a less than significant level.

**Potential Impact:** Less than Significant with Mitigation Incorporated:

**Mitigation Measure Noise-1 (Common Area Wall):** To reduce noise levels at the picnic area by up to 6 dBA to meet the City’s 60 dBA  $L_{dn}$  threshold, the proposed barrier height would need to be six feet along two sides of the picnic area perimeter (adjacent buildings shield the other two sides). The proposed barrier would be continuous from grade to top, with no cracks or gaps, and have a minimum surface density of three lbs/ft<sup>2</sup> (e.g., one-inch thick marine-grade plywood, ½-inch laminated glass, concrete masonry units (CMU)).

### Interior Noise

Interior noise control measures would be necessary to reduce interior noise levels to 45 dBA  $L_{dn}$  or less and to meet the interior noise level goal of 50 dBA  $L_{max}$  in bedrooms and 55 dBA  $L_{max}$  in other rooms. Calculations were made with and without the quiet zone implementation.

The nearest building façade to Mission Boulevard would be located about 70 feet from the centerline of the roadway, and the future noise exposure at this façade is calculated to range from 70 to 73 dBA  $L_{dn}$ . The nearest building façade to the UPRR tracks would be located in the southeastern corner of the project site. At this location, the façade would be approximately 60 feet from the edge of the tracks. The building façade in the southwestern corner of the project site would be approximately 105 feet from the edge of the tracks. At these distances, the residences would be exposed to future unmitigated exterior noise levels ranging from 67 to 72 dBA  $L_{dn}$ . These day-night levels would be the same with and without the implementation of the quiet zone. Based on the maximum instantaneous levels measured at 35 feet from the edge of the tracks, the residences adjacent to the UPRR tracks, which would range from 60 to 105 feet from the edge of the tracks, would be exposed to unmitigated maximum instantaneous noise levels up to 111 dBA  $L_{max}$  without the implementation of the quiet zone. Under quiet zone conditions, there would no longer be whistle blasts as trains pass through the nearby crossing. Therefore, the facades of the

nearest residences to the tracks would be exposed to unmitigated maximum instantaneous noise levels up to 93 dBA  $L_{max}$ .

In buildings of typical construction, with the windows partially open, interior noise levels are generally 15 dBA lower than exterior noise levels. With the windows closed, standard residential construction typically provides about 20 to 25 decibels of noise reduction. For example, a unit exposed to exterior noise levels of 65 dBA  $L_{dn}$  would be 50 dBA  $L_{dn}$  inside with the windows partially open and would range from 40 to 45 dBA  $L_{dn}$  with the windows shut. Attaining the necessary noise reduction from exterior to interior spaces is possible with proper wall construction techniques, the selection of proper windows and doors, and the incorporation of a forced-air mechanical ventilation system to allow the occupant the option of controlling noise by closing the windows.

Projected interior noise levels for the residences adjacent to Mission Boulevard would potentially be as high as 58 dBA  $L_{dn}$ . Future interior noise levels at the residences adjacent to the UPRR tracks would potentially be as high as 57 dBA  $L_{dn}$ . These future interior noise levels would be on each floor, assuming no exterior mitigation measures are implemented, and for both scenarios with and without the quiet zone. The future maximum instantaneous noise levels projected on the interior of the residences adjacent to the UPRR tracks would be as high as 96 dBA  $L_{max}$  without the quiet zone and would be as high as 78 dBA  $L_{max}$  with the implementation of the quiet zone. The future interior day-night levels and maximum instantaneous levels exceed the thresholds established by the City for residential land uses and would require mitigation. The analysis determined that implementation of certain noise-reducing construction methods would reduce the noise levels to an acceptable level. The mitigation involves the use of special methods and sound-rated construction materials for most of the exterior walls and window/door systems of each unit in the subdivision. Figure 1 outlines the required STC ratings that would be necessary in order to reduce noise levels to acceptable levels. The applicable mitigation measures are based on the analysis without quiet zone implementation.

Figure 1 – Proposed STC Ratings



Furthermore, the analysis prescribes the provision of supplemental ventilation (e.g. air conditioning) for each unit to enable the occupants to keep their windows closed during warm weather in order to limit the amount of noise transmitted from outside into each unit. The following mitigation measures would reduce impacts from noise on the occupants of the dwelling units to a less than significant level.

**Potential Impact:** Less than Significant with Mitigation Incorporated:

**Mitigation Measure Noise-2 (Sound Rated Doors and Windows):** : High-performance sound-rated windows and doors would be required for all units to achieve the 45 dBA  $L_{dn}$  interior noise standard, as well as the instantaneous interior noise level goal of 50 dBA  $L_{max}$  in bedrooms and 55 dBA  $L_{max}$  in other rooms. Sound-rated glazing meeting the ratings specified in Figure 1 shall be provided in construction drawings. The rating design required in the construction drawings shall be based on the status of the quiet zone implementation. If the quiet zone has not been implemented at the time a building permit is submitted, the construction drawings shall include design features with STC ratings based on the “No Quiet Zone” noise levels. If the Quiet Zone has been implemented at the time a building permit is submitted, the construction drawings shall include design features with STC ratings based on the “With Quiet Zone” noise levels.

**Mitigation Measure Noise-3 (Forced Air Ventilation):** Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation for

all exterior facing rooms on the project site, so that windows could be kept closed at the occupant's discretion to control noise.

**Mitigation Measure Noise-4 (Review of Building Permit Plans):** During final design, the floor plans and building elevations shall be reviewed by a qualified acoustical specialist prior to issuance of a building permit and a letter shall be submitted to the building inspector along with the plans stipulating that the design incorporates the noise control treatments necessary to achieve acceptable interior noise levels.

Vibration Analysis:

The City of Fremont has adopted the U.S. Department of Transportation, Federal Transit Administration's (FTA) vibration impact assessment criteria<sup>2</sup> for use in evaluating vibration impacts associated with development within 150 feet of rail lines. The FTA vibration impact criteria are based on maximum overall levels for a single event. The impact criteria for ground-borne vibration are shown in Table 5. Note that there are criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day).

Groundborne vibration at the site results from existing railroad train pass by events which would expose future occupants of the project site to vibration. Vibration measurements were collected in 2014 approximately 110 feet from the UPRR tracks, representing the easternmost boundaries of the nearest residential units proposed by the project (Illingworth and Rodkin, 2014). Two passenger trains passed by during the three-hour monitoring period and indicated maximum vibration levels ranging from 72 to 74 VdB. This exposure level is below the Federal Transit Administration's threshold of 80 VdB for infrequent events. Therefore, vibration exposure impacts to future residents would be less than significant. The noise measurement data indicate that approximately nine to 17 trains per 24-hour day passed the site. This would place the level of train activity in the "infrequent events" category. The threshold is therefore 80 VdB. The maximum vibration level measured at the approximate location of the nearest proposed residential structure, 60 feet from the near track, was 77 VdB, which is below the 80 VdB threshold level. Persons at rest may perceive the vibration; however, vibration controls are not required. The potential impact is less than significant.

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include site preparation work, foundation work, and new building framing and finishing. The proposed project would not require pile driving, which can cause excessive vibration.

For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, which typically consist of buildings constructed since the 1990s. A conservative vibration limit of 0.2 in/sec PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern. For historical buildings or buildings that are documented to be structurally weakened, a conservative limit of 0.08 in/sec PPV is often used to provide the highest level of protection. While no historical buildings or buildings that are documented to be structurally weakened adjoin the project site, details regarding the residences surrounding the project site were not provided at the time of this study. For the purposes of this study, therefore,

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<sup>2</sup>U.S. Department of Transportation, Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006, FTA-VA-90-1003-06.

ground-borne vibration levels exceeding the conservative 0.2 in/sec PPV limit would have the potential to result in a significant vibration impact.

Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. The nearest residential land uses would be adjacent to the project site along the western boundary at Potel Common. The distance between the nearest residences and the shared property line is approximately 35 to 55 feet. At these distances, vibration levels would be expected to be 0.15 in/sec PPV or less, below the 0.2 in/sec PPV significance threshold. Additionally, residential land uses are also located opposite Mission Boulevard to the north and across the UPRR tracks. These residences are approximately 195 to 400 feet from the project site. At these distances, vibration levels would be expected to be below 0.1 in/sec PPV. This is a less-than-significant impact.

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

#### Construction Noise

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time. Policy 10-8.5 of the City's General Plan protects existing residential neighborhoods from construction noise exceeding acceptable levels, which would be 60 dBA  $L_{eq}$  for temporary construction noise. Therefore, where hourly average noise levels from construction activities exceeds 60 dBA  $L_{eq}$  and exceeds the ambient noise environment by at least 5 dBA  $L_{eq}$  at noise-sensitive uses in the project vicinity for a period exceeding one year, the impact would be considered significant.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. The highest maximum noise levels generated by project construction would typically range from about 90 to 95 dBA  $L_{max}$  at a distance of 50 feet from the noise source. Typical hourly average construction-generated noise levels for residential developments are about 81 to 88 dBA  $L_{eq}$  measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Hourly average construction noise levels associated with the erection of the residential units, such as hammer- and drilling-related noise, range from approximately 63 to 71 dBA at a distance of 50 feet. The noise levels associated with construction of the residential units would be substantially less than the noise levels associated with grading and pavement activities during project site preparation. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional 5 to 10 dBA noise reduction at distant receptors.

Although noise generated by project construction would be expected to exceed 60 dBA  $L_{eq}$  and exceed ambient noise levels at receptors surrounding the project site by more than 5 dBA  $L_{eq}$ , construction activities would occur in short-term durations. As specified in the City's General

Plan EIR, these elevated levels over short-term durations would be considered a potentially significant impact if construction exceeds one year. The following mitigation measures would reduce impacts from noise on the occupants of the dwelling units to a less than significant level.

**Potential Impact:** Less than Significant with Mitigation Incorporated:  
**Mitigation Measure Noise-5 (Construction Equipment):**

The General Plan Update EIR identifies modification, placement, and operation of construction equipment as a means for minimizing the impact on the existing sensitive receptors. Construction equipment should be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project should include the following best management practices described in the General Plan Update EIR to reduce noise from construction activities near sensitive land uses:

- Ensure that construction activities (including the loading and unloading of materials and truck movements) within 500 feet of one or more residences are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.
- Ensure that excavating, grading and filling activities (including warming of equipment motors) within 500 feet of one or more residences are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.
- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Contractors utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Site plan for large sites loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison

would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

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

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

**Potential Impact:** No Impact  
**Mitigation:** None Required

**XIII. POPULATION AND HOUSING - Would the project:**

<b>ISSUES:</b>		<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 is an undeveloped 0.79 acre site and contains no existing structures.

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 project proposes a General Plan land use change from General Commercial to Medium Density Residential. The proposed change would allow infill residential development to support the regional housing need, however, as an infill site it would not necessitate the extension of infrastructure or public services to undeveloped areas to support new residential development.

The proposed project would result in the construction of 13 residential units. While the proposed project would result in population growth, the addition of 13 units would not result in a significant impact on public facilities. The construction of 13 new residential units could result in a population increase of 41 new residents, based on 2017 Department of Finance (DOF) estimate of 3.11 persons per household. This would represent a less than 0.1 percent increase in growth (based on DOF’s 2016 population estimate for Fremont of 229,324).

The project would not introduce an incompatible land use to the area, as it is a medium density residential project and would be adjacent to the same land use designation and similar development to the north. Furthermore, the project is consistent with General Plan policies that encourage infill development and the development of underutilized land (Land Use Policies 2-1.11 and 2-3.4). As the site is currently vacant, the project would not result in the displacement of a substantial number of existing homes or people. Impacts would be less than significant.

**Potential Impact:** Less Than Significant  
**Mitigation:** None Required

**XIV. PUBLIC SERVICES:**

<i><b>ISSUES:</b></i>		<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 protection?			X		1, 10
	Police protection?			X		1, 10
	Schools?			X		1, 10
	Parks?			X		1, 10
	Other public facilities?			X		1, 10

Existing Conditions

The project site is located in a largely built-out residential area of the City where all of the public facilities, utilities and services needed to serve the project are already in place.

Regulatory Framework

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

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

Discussion/Conclusion/Mitigation

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

Fire and Police Protection: The Fremont Fire and Police Departments currently provide fire and police protection to the project site and would continue to do so in the future. The proposed project would develop 13 new dwelling units on the project site and add an estimated 41 persons to the City’s population. The associated increase in the demand for fire suppression, emergency medical services, or police protection services would not be substantial and would be typical of demand from surrounding uses. Because the site is an infill site, nearby services and patrols are already available. The closest Fire Station is located at the corner of Niles Boulevard and G Street, which is less than a mile from the project and within the City’s response time goal. The proposed project has been reviewed in coordination with the Fremont Fire and Police Departments, and would not require the provision of new or physically altered stations or facilities, therefore impacts would be less than significant.

Schools: The project site is within the Fremont Unified School District (FUSD). The proposed project would develop 13 new dwelling units on the project site. Using a standard student generation rate of 0.7 student/single family dwelling unit, the proposed project could add potentially seven students to the District. Enrollment within the district was 34,852 in Academic Year 2015–2016; thus, the proposed project’s estimated seven 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. As discussed below, FUSC collects Level III school impact fees, which would be collected before issuance of building permits for the project. Consistent with General Plan policy 9-9.1, the City has coordinated with the School District on project plans so the District can plan facility needs accordingly. As such the proposed project would have a less than significant impact on schools.

Parks and Other Public Facilities: The proposed project would develop 13 new dwelling units on the project site, which would add an estimated 41 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 and Park Facilities In-Lieu Fees, Capital Facilities Fees, and Fire Service Fees. Similarly, all new residential developments are required to pay School District fees to offset

any impacts they might have on existing and/or planned public educational facilities. Payment of the required Development Impact and School District fees by the applicant prior to the issuance of building permits for the proposed project would result in the project having a less than significant impact on public services, schools, or other public facilities.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

**XV. RECREATION:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
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 Quarry Lakes Regional Recreation Area is approximately one-half mile away.

Regulatory Framework

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

- City of Fremont General Plan Parks and Recreation Element

Discussion/Conclusion/Mitigation

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

The proposed project would result in an increase in the use of City parks, primarily Central Park. However, the project includes a total of 13 units which would not result in a significant increase in demand on any existing park or other recreational facilities. In accordance with the City's development standards for multi-family or small lot development, the project would provide open space and onsite amenities including a common picnic area. The project would also be required to pay park dedication and park facilities in-lieu fees to contribute to the maintenance of existing parks. Thus, no new or expanded recreation facilities would be required and a less than significant impact would result.

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

**XVI. TRANSPORTATION/TRAFFIC - Would the project:**

<b>ISSUES:</b>		<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 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	17
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	17
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 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 the south side of Mission Boulevard between Nursery Avenue and East Rancho Arroyo Parkway. The segment of Mission Boulevard adjacent to the project site currently carries an average PM peak hour volume of 2,819 vehicles. PM peak hour traffic generation is one of the primary factors in determining if significant traffic impacts would occur as a result of a proposed project, as this is typically the time when most roadways are at their busiest.

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, Mission Boulevard and State Route 84 are designated as CMP facilities.

City Transportation staff have reviewed the proposed development of 13 new townhomes, and estimated the project would generate 76 daily vehicle trips, 6 AM peak hour trips and 7 PM peak hour trips (reference: Land Use Codes #210, Single-Family Homes and #230, Condominium/Townhomes, ITE Trip Generation Handbook, 8<sup>th</sup> Edition, published by the Institute of Transportation Engineers). The segment of Mission Boulevard adjacent to the project site currently carries an average PM peak hour volume of 2,819 vehicles. PM peak hour traffic generation is one of the primary factors in determining if significant traffic impacts would occur as a result of a proposed project, as this is typically the time when most roadways are at their busiest.

The additional traffic generated by the project represents a less than one percent (0.02%) increase in total existing PM peak hour trips on Mission Boulevard. Because the project is estimated to generate less than 100 new PM peak hour trips, a Traffic Impact Analysis (TIA) was not required for this project, per the Alameda County Congestion Management Program (CMP) guidelines. The proposed project would generate only 7 net new weekday PM peak trips, which is far below the City and ACTC thresholds for requiring a detailed TIA to determine potential transportation impacts. As such, the project would not generate a significant amount of traffic or conflict with any applicable congestion management plans, and no mitigation is required.

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. The design of the proposed project, including driveway improvements, would be consistent with City development standards. Vehicular access to the project site would be provided via the new driveway on Mission Boulevard. A private street will provide onsite circulation and connect the project site with the residential development to the north (emergency access only), which has an existing driveway on Mission Boulevard. The new driveway onsite would be designed to meet City standards for traffic safety and accessibility purposes. Thus, no impacts would result.

**Potential Impact:** No Impact  
**Mitigation:** None Required

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

Emergency vehicle access would be provided throughout the entire project over the proposed private street in the form of a recorded emergency vehicle access easement (EVAE) benefiting the City’s Fire Department. No sharp curves or dangerous intersections would be created by the project, as both entry driveways along Mission Boulevard and all bends in the private street would be designed in accordance with the City’s standard details. Furthermore, the proposal does not feature any other unusual design elements that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians. The 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.

**Potential Impact:** No Impact  
**Mitigation:** None Required

**XVII. TRIBAL CULTURAL RESOURCES-** Would the project:

<b>ISSUES:</b>		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 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			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		

Existing Conditions

The project site is an undeveloped 0.79 acre parcel. Historical records indicate the site was used for agricultural production; however it is not actively being farmed. The site has periodically cleared of vegetation. The site is surrounded by urban development, including a commercial automotive garage to the south, multi-family residential development to the north, Mission Boulevard to the east and the Union Pacific railroad tracks to the west.

Regulatory Framework

State and Local regulations that pertain to the proposed project related to tribal resources include:

- City of Fremont General Plan Community Character Element (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning Chapter 18.175 Historic Resources
- Public Resources Code, Sections 5020.1(k), 5024.1(c), and ...pertaining to definitions of tribal cultural resources.

Discussion/Conclusion/Mitigation

The following discussion is based in part on the *Cultural and Paleontological Resources Study for the Villas of Mission, December 2017*, which was prepared by LSA Associates.

Tribal cultural resources are: 1) sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing in the California Register of Historical Resources (California Register), or local register of historical resources, as defined in PRC Section 5020.1(k); or, 2) a resource determined by the lead CEQA agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). For a cultural landscape to be considered a tribal cultural resource, it must be geographically defined in terms of the size and scope of the landscape (PRC Section 21074[b]). Also, an historical resource, as defined in PRC Section 21084.1, unique archaeological resource, as defined in PRC Section 21083.2(g), or non-unique archaeological resource, as defined in PRC Section 21083.2(h), may also be a tribal cultural resource.

**a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource?**

As described in *Section 5 Cultural Resources*, the proposed project would implement standard development requirements (Fremont Municipal Code Chapter 18.218), which include the City's notification of Native American tribes that might have knowledge of tribal cultural resources within the project site:

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

On December 4, 2017, LSA sent an email to the NAHC requesting a review of the Sacred Lands File to determine the potential presence of Native American cultural resources that might be affected by the proposed project. The NAHC maintains this database and is the official State repository of Native American sacred site location records in California. Frank Lienert, NAHC Associate Governmental Program Analyst, responded to LSA via email on December 12, 2017, stating that a records search of the Sacred Lands File was completed and “had negative results.” The NAHC also provided a list of Native American tribes that may be eligible to consult with the City for this project, pursuant to the requirements of AB 52; a copy of this list was provided to the City. On December 18, 2017, tribes were notified of the project and given the opportunity to request a consultation. No requests for a consultation were received.

Based on the results of correspondence with the NAHC and the NWIC records search, no known tribal cultural resources listed or determined eligible for listing in the California Register, or included in a local register of historical resources as defined in PRC Section 5020.1(k), pursuant to PRC Section 21074(a)(1), would be impacted by the project. In addition, the City of Fremont did not determine any resource that could potentially be affected by the project to be a tribal cultural resource significant pursuant to criteria set forth in PRC Section 5024.1(c). Therefore, the project would not impact any such resources.

If any previously unrecorded archaeological resource were identified during ground-disturbing construction activities and were found to qualify as a tribal cultural resource pursuant to PRC Section 21074(a)(1) (determined to be eligible for listing in the California Register or in a local register of historical resources), any impacts to the resource resulting from the project could be potentially significant. However, as described in *Section 5, Cultural Resources*, the proposed project would comply with the standard development requirements (Fremont Municipal Code Chapter 18.218), which includes the requirements related to the accidental discovery of cultural resources. Impacts related to accidental discovery would, therefore, be less than significant.

**XVIII. UTILITIES AND SERVICE SYSTEMS - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		10, agency notice
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		10, agency notice
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		10, agency notice
f.	Be served by a landfill with sufficient permitted capacity to 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 is currently vacant but is located in a developed area served by all municipal utilities. Water service to the project would be provided by the Alameda County Water District (ACWD). Wastewater from the project site would be treated at the Alvarado Wastewater Treatment Plant (AWTP), which is operated by Union Sanitary District (USD). The Alameda County Flood Control and Water Conservation District (ACFC) and the City of Fremont share responsibility for storm drainage within the

City. The project would need to connect to existing public and private utilities, including water, sewer, and storm drain facilities, via underground connections within the adjacent public right-of-way.

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

#### Regulatory Framework

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

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

#### 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?**

Based upon utility and water agency responses to plan review and engineering studies, all utilities necessary to serve the project, including natural gas, electricity, water, and sewer facilities exist in the area and could be connected without significant offsite improvements.

#### Storm Drainage

The project will include the construction of new stormwater facilities to handle and treat onsite stormwater run-off. As noted in the Hydrology section, The applicant is required to prepare improvements plans with a comprehensive drainage plan to ensure the construction of stormwater facilities meet all local, state and federal standards, including requirements of the Municipal Regional Permit (MRP) and Clean Water Program (CWP) for Alameda County. Because these facilities would be constructed in accordance with regional and County agency requirements, the construction of these facilities will not result in a significant environmental impact. Construction of new stormwater drainage facilities outside of the project site would not be required, thus impacts related to the expansion of facilities would be less than significant.

#### Water Supply

While the proposed project would increase water demand for the site, the ACWD Demand Forecast included provisions in regard to water allocation for smart growth and infill development. Even though the proposed project would require a General Plan amendment, the ACWD Demand Forecast includes water assumptions for some intensification of land uses beyond that provided in the City of Fremont General Plan. As noted in the Hydrology Section, the Alameda County Water District has confirmed that it is capable of meeting the project's water demands without significantly impacting its supplies or its distribution system.

Wastewater

The existing sewer mains and the Alvarado Wastewater Treatment Plan currently have sufficient capacity to serve the proposed project. Review of the project has been coordinated with the USD. As such, the proposed project would have a less than significant impact on wastewater treatment and would not require expansion of existing facilities.

**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, Republic Services, in compliance with the applicable standards governing residential solid wastes and recyclables. The landfill facility that would receive the non-recyclable solid waste generated by the proposed project, the Altamont Landfill owned and operated by Waste Management of Alameda County, currently has sufficient capacity to accommodate the volumes expected to be generated.

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

**XIX. MANDATORY FINDINGS OF SIGNIFICANCE:**

<b>ISSUES:</b>		<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

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

## **XX. MITIGATION MEASURES:**

**Mitigation Measure Noise-1 (Common Area Wall):** To reduce noise levels at the picnic area by up to 6 dBA to meet the City’s 60 dBA  $L_{dn}$  threshold, the proposed barrier height would need to be six feet along two sides of the picnic area perimeter (adjacent buildings shield the other two sides). The proposed barrier would be continuous from grade to top, with no cracks or gaps, and have a minimum surface density of three lbs/ft<sup>2</sup> (e.g., one-inch thick marine-grade plywood, ½-inch laminated glass, concrete masonry units (CMU)).

**Mitigation Measure Noise-2 (Sound Rated Doors and Windows):** High-performance sound-rated windows and doors would be required for all units to achieve the 45 dBA  $L_{dn}$  interior noise standard, as well as the instantaneous interior noise level goal of 50 dBA  $L_{max}$  in bedrooms and 55 dBA  $L_{max}$  in other rooms. Sound-rated glazing meeting the ratings specified in Figure 1 shall be provided in construction drawings. The rating design required in the construction drawings shall be based on the status of the quiet zone implementation. If the quiet zone has not been implemented at the time a building permit is submitted, the construction drawings shall include design features with STC ratings based on the “No Quiet Zone” noise levels. If the Quiet Zone has been implemented at the time a building permit is submitted, the construction drawings shall include design features with STC ratings based on the “With Quiet Zone” noise levels.

**Mitigation Measure Noise-3 (Forced Air Ventilation):** Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation for all exterior facing rooms on the project site, so that windows could be kept closed at the occupant’s discretion to control noise.

**Mitigation Measure Noise-4 (Review of Building Permit Plans):** During final design, the floor plans and building elevations shall be reviewed by a qualified acoustical specialist prior to issuance of a building permit and a letter shall be submitted to the building inspector along with the plans stipulating that the design incorporates the noise control treatments necessary to achieve acceptable interior noise levels.

**Mitigation Measure Noise-5 (Construction Equipment):** The General Plan Update EIR identifies modification, placement, and operation of construction equipment as a means for minimizing the impact on the existing sensitive receptors. Construction equipment should be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project should include the following best management practices described in the General Plan Update EIR to reduce noise from construction activities near sensitive land uses:

1. Ensure that construction activities (including the loading and unloading of materials and truck movements) within 500 feet of one or more residences are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.
2. Ensure that excavating, grading and filling activities (including warming of equipment motors) within 500 feet of one or more residences are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.
3. Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
4. Contractors utilize “quiet” models of air compressors and other stationary noise sources where technology exists.

5. Site plan for large sites loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
6. Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
7. Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
8. A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
9. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
10. Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

## **GENERAL SOURCE REFERENCES:**

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

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

**PROJECT RELATED REFERENCES:**

- A. Project Plans prepared by Fahed Habayeb Planning and Design, Ripley Design Group (Landscape), dated June 2017
- B. Site reconnaissance visit by City Planning Division, July 12, 2016
- C. Tree Survey prepared by Ripley Design Group, dated June 27, 2017
- D. Air Quality and GHG Emission Assessment conducted by Illingworth and Rodkin, dated July 9, 2015
- E. Noise and Vibration Study conducted by Illingworth and Rodkin, dated March 29, 2016
- F. Geotechnical Report prepared by Geotechnical Engineers Inc., dated July 10, 2000 and Supplemental Geotechnical Report prepared by Wayne ting and Associates Inc. Geotechnical Consultants, dated July 3, 2015
- G. Phase I Environmental Site Assessment conducted by Phase 1 Assessments.com, dated September 22, 2014
- H. Cultural and Paleontological Resources Study for the Villas of Mission Project in Fremont, LSA Associates Alameda County, California, dated December 20, 2017