

CHAPTER 4

Environmental Setting, Impacts, and Mitigation Measures

This chapter contains the analysis of the potential effects to environmental topics considered under CEQA from implementation of the Niles Gateway Mixed-Use Project. This chapter describes the existing setting, the potential impacts that could result from the construction and operation of the project. Finally, this chapter identifies mitigation measures necessary to reduce the potential impacts resulting from rezoning and development of the property.

The following provides an overview of the scope of the analysis included in this chapter and the methods for determining what impacts are significant.

A. Environmental Topics

This document is an EIR that evaluates potential impacts on environmental issue areas that the lead agency determined to be potentially significant (CEQA *Guidelines* Section 15063(c)(3)). After preparation of the Initial Study (see **Appendix A**), the City of Fremont determined that the EIR would further study the potentially significant impacts of the proposed project on aesthetics (visual character), and transportation and traffic.

B. CEQA Requirements

The California Environmental Quality Act (CEQA) and the CEQA *Guidelines* require that the environmental analysis for an Environmental Impact Report (EIR) must evaluate impacts associated with a project and identify mitigation measures for any potentially significant impacts. The CEQA *Guidelines* state:

- An EIR shall identify and focus on the significant environmental effects of the project. In assessing the impact of a project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the Notice of Preparation (NOP) is published, or where no NOP is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. (CEQA *Guidelines* Section 15126.2(a)).

- An EIR must discuss any inconsistencies between the project and applicable general plans and regional plans, including, without limitation, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, habitat conservation plans, natural community conservation plans and regional land use plans (CEQA *Guidelines* Section 15125(d)).
- An EIR must describe feasible measures that could minimize significant adverse impacts; such measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. Mitigation measures are not required for effects that are found to be less than significant (CEQA *Guidelines* Section 15126.4(a)).

C. Section Contents and Impact Terminology

Sections 4.A, *Aesthetics* and 4.B, *Transportation and Traffic* are organized as follows:

- **Environmental Setting:** This subsection presents a description of the existing physical environmental conditions in the vicinity of the project with respect to each resource topic at an appropriate level of detail to allow the reader to understand the impact analysis.
- **Regulatory Framework:** Identifies the laws, regulations, ordinances, plans, and policies that are relevant to each resource area.
- **Significance Criteria:** Provides the criteria used in this document to define the level at which an impact would be considered significant in accordance with CEQA. Significance criteria are based on the checklist presented in Appendix G; and regulatory standards of the City of Fremont and federal, State, and local agencies.
- **Analysis, Impacts, and Mitigation:** Each section lists impacts alpha-numerically and sequentially. An impact statement (always in bold text) precedes the discussion of each impact analysis and summarizes the potential for the project to have an impact. Impact statements use an alpha-numeric designation that corresponds to the environmental topic addressed (e.g., “4.A” for Section 4.A, *Aesthetics*). The topic designator is followed by a number that indicates the sequence in which the impact statement occurs within the section. For example, “Impact 4.A-1” is the first (i.e., “1”) aesthetics impact identified in the EIR. The impact statement culminates with the level of impact that exists prior to the consideration of mitigation measures, if any are required. The impact determination after the incorporation of mitigation measures is stated at the close of the impact analysis discussion.

The categories used to designate impact significance are:

- **No Impact**– No noticeable adverse effect on the environment would occur.
- **Less than Significant** – The impacts of the proposed project, either before or after implementation of standard conditions of approval and/or feasible mitigation measures, do not reach or exceed the defined Threshold/Criteria of Significance. Generally, no mitigation measure is required for a less than significant impact.
- **Significant** – The impact of the proposed project is expected to reach or exceed the defined Threshold/Criteria of Significance. Feasible mitigation measures and/or standard

conditions of approval may or may not be identified to reduce the significant impact to a less-than-significant level.

- **Less than Significant with Mitigation** – The impact of the proposed project is expected to reach or exceed the defined Threshold/Criteria of Significance. Feasible mitigation measures and/or standard conditions of approval are identified to reduce the significant impact to a less than significant level.
- **Significant and Unavoidable** – The impact of the proposed project reaches or exceeds the defined Threshold/Criteria of Significance. No feasible mitigation measures are available to reduce the significant impact to a less-than-significant level. In these cases, feasible mitigation measures are identified to reduce the significant impact to the maximum feasible extent, but the significant impact remains significant and unavoidable. Impacts are also classified as significant and unavoidable if a feasible mitigation measure is identified that would reduce the impact to a less-than-significant level, but the approval and/or implementation of the mitigation measure is not within the City’s or a project applicant’s sole control, in which case the analysis cannot presume implementation of the mitigation measure and the resulting less-than-significant impact. It is important to clarify that a significant and unavoidable impact is an impact classification that only applies *after* consideration of possible mitigation measures.

D. Environmental Baseline

Pursuant to CEQA *Guidelines* Section 15125(a), this EIR measures the physical impacts of the proposed project against a “baseline” of physical environmental conditions at and in the vicinity of the project site. The environmental “baseline” is the combined circumstances existing at the time the NOP of the EIR was published, which is January 23, 2018; unless otherwise specified, this is considered the “existing” condition for this EIR. The baseline condition relevant to the environmental topics are further discussed in each section of Chapter 4. Discussion of the baseline condition is detailed or restated in the Impacts Analysis to provide the most reader-friendly format and organization. The baseline also includes the policy and planning context for the proposed project, such as the existing design review policies and procedures that currently govern proposed development.

E. Cumulative Analysis

CEQA defines cumulative impacts as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The cumulative impacts analysis is intended to describe the “incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects.” “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (CEQA *Guidelines* Section 15355) The analysis of cumulative impacts is a two-phase process that first involves the determination of whether the project, together with other projects, would result in a significant impact. If there would be a significant cumulative impact of all projects, the EIR must determine whether the project’s incremental effect is cumulatively considerable, in which case, the project itself is deemed to have a significant cumulative effect. (CEQA *Guidelines* Section 15130).

Two approaches to a cumulative impact analysis are discussed in CEQA Guidelines Section 15130(b)(1): (a) the analysis can be based on a list of past, present, and probable future projects producing related or cumulative impacts, or (b) a summary of projections contained in a general plan or related planning document or in an adopted or certified environmental document that described or evaluated regional or area-wide conditions contributing to the cumulative impact can be used to determine cumulative impacts.

The context used for assessing cumulative impacts typically varies depending on the specific topic being analyzed to reflect the different geographic scope of different impact areas. The cumulative context for the aesthetics and transportation and traffic sections are described below, and the analyses for each area are described under their respective cumulative impact statements in Section 4.A, *Aesthetics*, and 4.B, *Transportation and Traffic*.

Aesthetics Cumulative Conditions

The cumulative analysis for aesthetics employs the list-based approach. The following factors were used to determine an appropriate list of projects to be considered in this cumulative analysis:

- ***Similar Environmental Impacts.*** A relevant project would contribute to effects on visual character affected by the proposed project. A relevant future project is defined as one that is “reasonably foreseeable,” such as a project that has approved funding or for which an application has been filed with the approving agency.
- ***Geographic Scope and Location.*** A relevant project is within the defined geographic scope for the cumulative effect.
- ***Timing and Duration of Implementation.*** The effects of relevant projects (e.g., short-term construction or demolition, or long-term operations) could coincide in terms of timing with the effects of the proposed project.

The City’s Development Activity Map and Table provide a snapshot of proposed development projects in the City. As of January 23, 2018 (the most current map available at the time of EIR preparation), 95 development projects were identified. Three are located within the Niles Historic Overlay District, as indicated in **Table 4-1**. The projects listed in Table 4-1 identify planned or proposed projects that may contribute to cumulative impacts on the visual character of the Niles Historic Overlay District.

**TABLE 4-1
LIST OF PROJECTS IN THE NILES HISTORIC OVERLAY DISTRICT**

Project	Location	Project Description
Chevron – Mission	38010 Mission Boulevard	New service station/carwash facility and 4,000 square feet of commercial development
Niles LUX Homes	111 E Street	3 single family detached units
Villas of Mission	36341 Mission Boulevard	13 townhouse units

SOURCE: City of Fremont, 2018

Transportation and Traffic Cumulative Conditions

For transportation and traffic, the cumulative analysis employs the projections approach and is intended to capture all of the intersections considered in the traffic analysis for the proposed project. The transportation analysis provides an evaluation of long-term conditions operation based on traffic volumes contained in the General Plan for year 2035.

The General Plan EIR Mitigation Monitoring Program identifies mitigation measures at Mission Boulevard (SR-238) / Mowry Avenue. For the purposes of identifying the potential impacts associated only with the proposed project, these General Plan EIR mitigation measures are assumed to be fully implemented by 2035, and are included in the Cumulative No-Project and Cumulative plus Project scenarios.

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